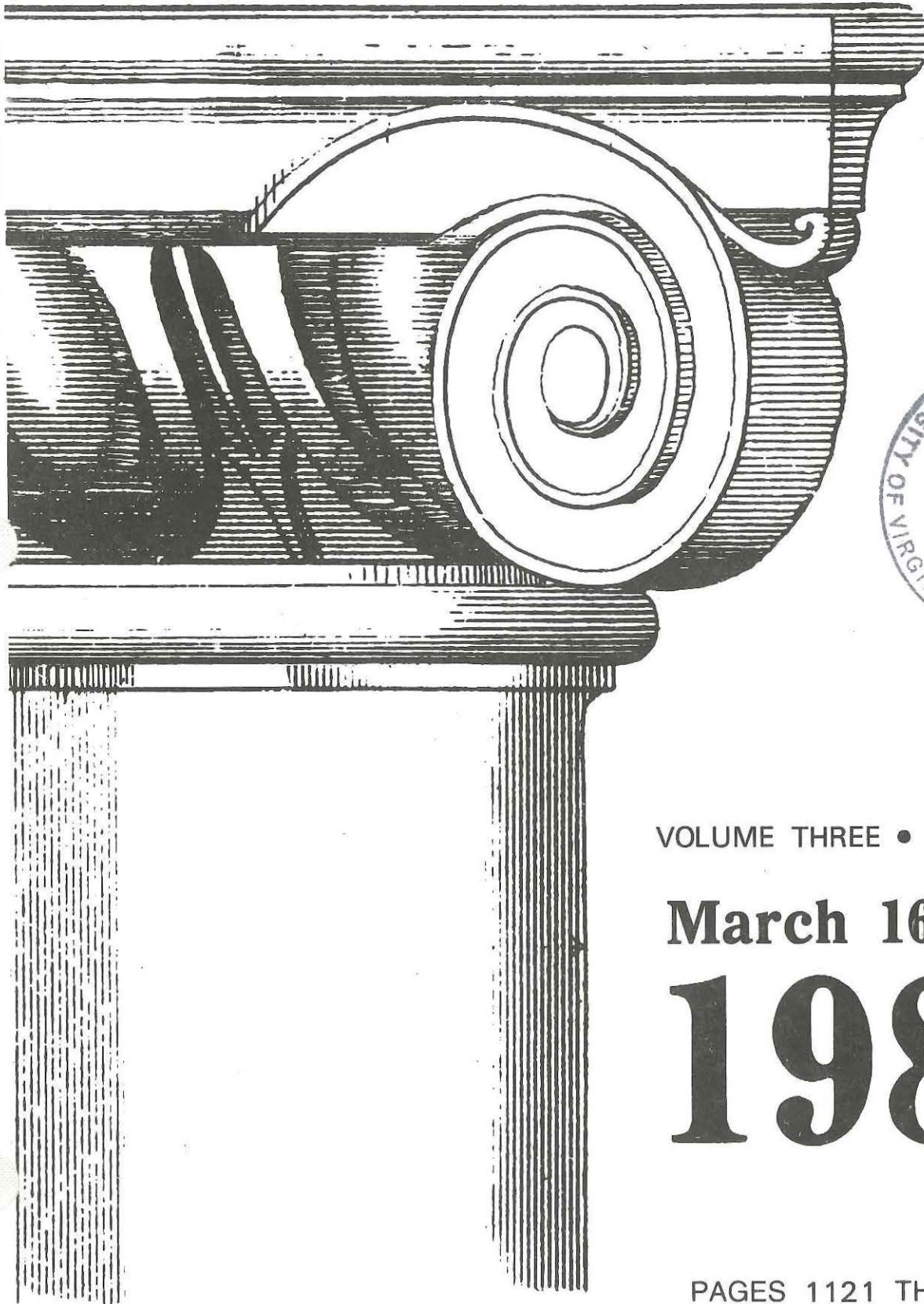


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# VIRGINIA REGISTER

OF REGULATIONS



VOLUME THREE • ISSUE TWELVE

March 16, 1987

# 1987

PAGES 1121 THROUGH 1184

# INFORMATION ABOUT THE VIRGINIA REGISTER OF REGULATIONS

## VIRGINIA REGISTER

The *Virginia Register* is an official state publication issued every other week throughout the year. Indexes are published quarterly, and the last index of the year is cumulative.

The *Virginia Register* has several functions. The full text of all regulations, both as proposed and as finally adopted or changed by amendment are required by law to be published in the *Virginia Register of Regulations*.

In addition, the *Virginia Register* is a source of other information about state government, including all Emergency Regulations issued by the Governor, and Executive Orders, the *Virginia Tax Bulletin* issued monthly by the Department of Taxation, and notices of all public hearings and open meetings of state agencies.

## ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

An agency wishing to adopt, amend, or repeal regulations must first publish in the *Virginia Register* a notice of proposed action; a basis, purpose, impact and summary statement; a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations.

Under the provisions of the Administrative Process Act, the Registrar has the right to publish a summary, rather than the full text, of a regulation which is considered to be too lengthy. In such case, the full text of the regulation will be available for public inspection at the office of the Registrar and at the office of the promulgating agency.

Following publication of the proposal in the *Virginia Register*, sixty days must elapse before the agency may take action on the proposal.

During this time, the Governor and the General Assembly will review the proposed regulations. The Governor will transmit his comments on the regulations to the Registrar and the agency and such comments will be published in the *Virginia Register*.

Upon receipt of the Governor's comment on a proposed regulation, the agency (i) may adopt the proposed regulation, if the Governor has no objection to the regulation; (ii) may modify and adopt the proposed regulation after considering and incorporating the Governor's suggestions, or (iii) may adopt the regulation without changes despite the Governor's recommendations for change.

The appropriate standing committee of each branch of the General Assembly may meet during the promulgation or final adoption process and file an objection with the *Virginia Registrar* and the promulgating agency. The objection will be published in the *Virginia Register*. Within twenty-one days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative Committee, and the Governor.

When final action is taken, the promulgating agency must again publish the text of the regulation, as adopted, highlighting and explaining any substantial changes in the final regulation. A thirty-day final adoption period will commence upon publication in the *Virginia Register*.

The Governor will review the final regulation during this time and if he objects, forward his objection to the Registrar and the agency. His objection will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation are substantial, he may suspend the regulatory process for thirty days and require the agency to solicit additional public comment on the substantial changes.

A regulation becomes effective at the conclusion of this thirty-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative

objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the twenty-one day extension period; or (ii) the Governor exercises his authority to suspend the regulatory process for solicitation of additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified which date shall be after the expiration of the period for which the Governor has suspended the regulatory process.

Proposed action on regulations may be withdrawn by the promulgating agency at any time before final action is taken.

## EMERGENCY REGULATIONS

If an agency determines that an emergency situation exists, it then requests the Governor to issue an emergency regulation. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited in time and cannot exceed a twelve-months duration. The emergency regulations will be published as quickly as possible in the *Virginia Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures (See "Adoption, Amendment, and Repeal of Regulations," above). If the agency does not choose to adopt the regulations, the emergency status ends when the prescribed time limit expires.

## STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 of Chapter 1.1:1 (§§ 9-6.14:6 through 9-6.14:9) of the Code of Virginia be examined carefully.

## CITATION TO THE VIRGINIA REGISTER

The *Virginia Register* is cited by volume, issue, page number, and date. 1:3 V.A.R. 75-77 November 12, 1984 refers to Volume 1, Issue 3, pages 75 through 77 of the *Virginia Register* issued on November 12, 1984.

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VIRGINIA REGISTER OF REGULATIONS

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# PROPOSED REGULATIONS

For information concerning Proposed Regulations, see information page.

## Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates proposed new text. Language which has been stricken indicates proposed text for deletion.

## STATEWIDE HEALTH COORDINATING COUNCIL

## Definitions.

**Title of Regulation:** VR 360-01-05. Standards for Evaluating Certificate of Public Need Applications to Establish or Expand Extracorporeal Shock Wave Lithotripsy Services.

**Statutory Authority:** § 32.1-120 of the Code of Virginia.

**Public Hearing Date:** May 15, 1987 - 1 p.m.  
(See Calendar of Events section for additional information)

### Summary:

*These regulations would revise the existing Virginia State Health Plan with respect to extracorporeal shock wave lithotripsy. They would provide specific minimum standards for Certificate of Public Need approval.*

VR 360-01-05. Standards for Evaluating Certificate of Public Need Applications to Establish or Expand Extracorporeal Shock Wave Lithotripsy Services.

### PART I. INTRODUCTION.

§ 1.1. *General criteria for evaluating all Certificate of Public Need applications are set forth in § 32.1-102.3 of the Code of Virginia. Section 32.1-102.3 provides that "any decision to issue or approve the issuance of a certificate shall be consistent with the most recent applicable provisions of the State Health Plan and the State Medical Facilities Plan." However, to be valid under Virginia's Administrative Process Act, specific provisions within the State Health Plan or State Medical Facilities Plan, which are to be used by the State Health Commissioner in determining public need for a proposed project by a medical care facility, shall be adopted as official regulations of state government, following procedures specified by the Administrative Process Act.*

*This regulation adds to the State Health Plan specific standards to be used by the State Health Commissioner to determine whether a public need exists for a proposed project to establish or expand extracorporeal shock wave lithotripsy services.*

### PART II. STANDARDS FOR EVALUATING CERTIFICATE OF PUBLIC NEED APPLICATIONS.

#### Article 1.

### § 2.1. Definitions.

*Unless the context clearly indicates otherwise, the following definitions shall be used in carrying out these regulations.*

*"Department" means the Virginia Department of Health.*

*"ESWL procedure" means the treatment of a patient, during a single visit, using ESWL.*

*"Extracorporeal shock wave lithotripsy (ESWL)" means the use of shock waves produced outside the body to fragment stones - typically those in the kidney or upper urinary tract - without requiring an incision.*

*"Physician" means a person licensed by the Virginia State Board of Medicine to practice medicine or osteopathy.*

*"Relevant report period" means the most recent 12-month period prior to the beginning of the application's review cycle, for which acceptable data are available to the department.*

*"Virginia-based" means owned by a Virginia corporation and approved to operate in Virginia.*

#### Article 2. Standards.

§ 2.2. *An application to establish a new or expand an existing ESWL service may be approved only if:*

- 1. The proposed site is at or within a hospital that is licensed by the department and that is experienced in the diagnosis and treatment of patients for whom the proposed ESWL service is medically indicated;*
- 2. The proposed service's physical relationship to the applicant's other facilities and services (such as recovery rooms and emergency rooms) is a logical and practical option with respect to patient transportation and staff activity patterns;*
- 3. The applicant provides written assurance that a physician trained in ESWL will be in attendance with the patient throughout each ESWL procedure; and*
- 4. The application contains the written policies and procedures that will be used for the acceptance of ESWL patients without regard to the expected source*

# Proposed Regulations

---

*of payment and for the granting of ESWL privileges to appropriately trained physicians and, in the opinion of the State Health Commissioner, those policies and procedures would pose no unreasonable barrier to patient or physician access.*

*§ 2.3. An application to establish a new ESWL service through acquisition of an additional ESWL machine may be approved only if the total number of ESWL procedures performed in Virginia during the relevant report period, divided by the number of ESWL machines approved to operate in Virginia, exceeds 1,750; however, an additional service site for an existing Virginia-based mobile ESWL machine may be approved regardless of recent Virginia utilization data if, in the opinion of the State Health Commissioner, geographic accessibility to ESWL services for Virginians would thereby be improved significantly.*

*§ 2.4. An application to expand an existing ESWL service may be approved only if the number of ESWL procedures performed by that service during the relevant report period, divided by that service's existing number of approved ESWL machines, exceeds 2,000 and the total number of ESWL procedures performed in Virginia during the relevant report period, divided by the number of ESWL machines approved to operate in Virginia, exceeds 1,750.*

# FINAL REGULATIONS

For information concerning Final Regulations, see information page.

## Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates new text. Language which has been stricken indicates text to be deleted. [Bracketed language] indicates a substantial change from the proposed text of the regulations.

## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

**Title of Regulation:** VR 115-03-01. Rules and Regulations Applicable to Controlled Atmosphere (CA) Apples.

**Statutory Authority:** 3.1-1001 of the Code of Virginia.

**Effective Date:** April 16, 1987

### Summary:

*The amendments to this regulation consist only of changes in style or form or corrections of technical errors, which are not subject to written or oral comment or public hearing, and the delegation to the Commissioner of Agriculture and Consumer Services the authority to prescribe fees, which is exempted from the public participation portion of the Administrative Process Act by reason of § 9-6.14:4.1C.1. Therefore, the amendments were not subject to written or oral comment or public hearing, in accordance with § 9-6.14:4.1C of the Administrative Process Act. The standards were signed by the Board of Agriculture and Consumer Services, and the board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of the amended regulation.*

VR 115-03-01. Rules and Regulations Applicable to Controlled Atmosphere (CA) Apples.

### Regulation 1:

#### § 1. Requirements for CA storage of apples.

*Apples shall not be identified as being from CA storage unless the following requirements have been met, as evidenced proven by inspection and certification by the Commissioner of Agriculture and Commerce Consumer Services.*

A. The time limit between the harvest of a lot or subplot of apples to be identified as Controlled Atmosphere and the sealing of the CA room in which they are stored shall not exceed 30 days ; , provided ; that ~~this~~ *the* fruit has been held under normal refrigeration during ~~such~~ *this* period.

B. ~~A total accumulation of not more than twenty days in which the atmosphere exceeds 5% oxygen shall be allowed following the initial sealing of the CA Storage room~~ *Following the initial sealing of the CA storage room, total accumulation of not more than 20 days shall be allowed in*

*which the atmosphere exceeds 5.0% oxygen .*

C. The period of storage in a sealed room with not more than 5.0% oxygen shall be a minimum of 90 days ; ( except in the case of the Jonathan variety , which may be removed after a minimum period of 60 days ) . The maximum period of storage in a sealed room ~~with not more than 5% oxygen~~ shall be 10 months, but in no case ~~shall the apples be kept later than August first of the year following the harvest.~~

D. The fruit temperature in the CA storage room shall be maintained without significant deviation in ~~a~~ *the* range of temperature normal for the variety.

### Regulation 2:

#### § 2. Daily records.

The registered owner or operator of a controlled atmosphere storage shall maintain , and make available for examination by the Commissioner , an accurate daily record for each room showing its utilized capacity, date and time of test or reading, percentage of oxygen, percentage of carbon dioxide, temperature, and relative humidity. The record shall begin on the date the filling of the room begins and shall show the daily cumulative quantity of fill by variety and lot identification , and ~~the~~ *the* dates of sealing and opening. ~~The facts as to~~ Any deviation from the required atmospheric conditions, including entry and resealing, shall be ~~entered on the record recorded~~ .

~~He~~ *The* owner or operator shall submit a written report to the Commissioner ; within 30 days after the room is filled, a ~~report in writing~~ showing the quantity , and the lot or subplot identity of ~~the~~ *the* apples held , and the date of sealing. If any apples other than samples are removed prior to the expiration of the minimum holding period or final opening, he shall notify the Commissioner in writing within three days, stating the quantity and identity of apples removed.

### Regulation 3:

#### § 3. Requirements for selling (CA) apples.

Any person selling ; ( or placing in transit for first shipment or delivery ) ; any apples identified as being from controlled atmosphere shall ~~furnish~~ *provide* an invoice showing ~~which shows~~ the assigned identification number , as required by § 3.1-993 of the Code of Virginia. Enforcement officials may investigate and examine records and invoices relating to any transactions in connection



# Final Regulations

here with these regulations in order to determine the identity of confirm that apples represented as meeting the have met these requirements for such identification .

## Regulation 4.

### § 4. Registration requirements.

A. The registration number or other identification required to be marked on closed master containers shall be in letters and figures at least one-fourth inch in height.

B. Sublot designation is permissible for additional identification purposes.

## Regulation 5.

§ 5. Any person who owns or operates a controlled atmosphere room , or storage building , located outside of Virginia or who engages at a place outside of this state in the business of packing or repacking apples which have been held in controlled atmosphere storage where business is local or outside Virginia and who intends to, or does, market in the State Commonwealth of Virginia apples so treated and represented as having been exposed to "controlled atmosphere" storage shall register with the Commissioner in the same manner as required of any person within this state Commonwealth . Provided, however, that where such person has registered with the proper authorities in the state of origin and has been assigned a comparable registration number or CA identification number under the authority of laws or regulations of such state, he may use that registration if that state has laws or regulations comparable to the CA provisions of Chapter 37 § 3.1-995 of the Code of Virginia and these rules and regulations promulgated thereunder .

## Regulation 6.

### Section 6.

The following fees are established for inspection: A minimum charge of \$0.00 for any certificate. A maximum charge of \$8.00 per-hour plus \$3.00 for each one-thousand (1,000) bushels or equivalent measurement. In addition, thereto, all necessary mileage shall be charged at the prevailing state rate plus other necessary expenses which will be accepted by the State Auditor's Office.

## Regulation 7.

### § 6. Inspection and certification fees.

The authority of the board contained in § 3.1-1001 of the Code of Virginia to prescribe fees for the inspection and certification of CA apples is delegated to the Commissioner.

\* \* \* \* \*

Title of Regulation: VR 115-03-02. Rules and Regulations

for Enforcement of the Grain Handlers Law.

Statutory Authority: § 3.1-348.3 of the Code of Virginia.

Effective Date: April 16, 1987

### Summary:

The amendments to this regulation consist only of changes in style or form or corrections of technical errors; therefore, the revision of these standards was not subject to written or oral comment or public hearing, in accordance with § 9-6.12:4.1C of the Administrative Process Act. The standards were signed by the Board of Agriculture and Consumer Services, and the board will receive, consider and respond to petitions by any interested persons with respect to reconsideration of the amended regulations.

VR 115-03-02. Rules and Regulations for Enforcement of the Grain Handlers Law.

### Regulations 1-

§ 1. Weighing devices and procedures employed to give accurate weight.

A. All weighing devices used by handlers shall be those approved under the Weights and Measures Law. The handlers shall give written notice to the Weights and Measures Section Bureau, Virginia Department of Agriculture and Immigration Consumer Services, of the installation of any new commercial weighing devices, or of the use of any commercial weighing devices subsequent to after reconditioning, overhaul, repair, or readjustment.

B. The balance condition of all vehicle and railway track weighing devices shall be determined before each weighing. The balance condition of hopper-type (nonautomatic) weighing devices shall be determined before and after each weighing. The balance condition of automatic weighing and dumping devices shall be determined daily prior to the commencement of weighing operations.

For the purpose stated in the preceding paragraph, balance condition shall means a visual determination that the weighing device is in zero balance condition.

C. Gross weight shall be determined by the weighing of the container (truck, trailer, railway car, etc.) after loading or before unloading. Tare weight shall be determined by weighing the container before loading or after unloading. Net weight of a lot of grain shall be determined by subtracting tare weight from gross weight, or by actual weighing of a lot of grain net .

D. Each handler shall be required to issue a weight ticket for each lot of grain that is commercially weighed. The form of such the weight ticket shall be approved by the Commissioner Virginia Department of Agriculture and

Consumer Services, and shall contain the following information:

1. Date of issuance;
2. Owner of grain;
3. Commodity identity;
4. Container identity;
5. Net weight;
6. Gross and tare weight (when applicable);
7. Signature of person actually weighing grain.

E. Unless otherwise agreed to ; at the time weighing, the handler ; or his agent, shall deliver a copy of the weight ticket to the person who:

1. Is delivering the grain to the handler for storage, or
2. Is selling the grain to the handler , or
3. Is buying the grain from the handler.

F. The handler shall be responsible to see for seeing that all grain is properly weighed , and that all an accurate statement of such the weight is placed entered upon the weight ticket.

## Regulation 2

§ 2. Grading equipment and procedures used to determine the values of grain.

A. The equipment, equipment procedures, and sampling procedures used to determine factors pertaining to value of grain shall be the equipment, equipment procedures and sampling procedures as those contained in the United States Department of Agriculture Instruction No. 918 (GR) 6, and titled as "Grain Inspection Manual Handbook" and any supplements and amendments. (Code of Federal Regulations - §§ 800.0 through 810.0 - Grain Section).

B. The commissioner or his duly authorized representative shall have the power to inspect and test , as often as deemed necessary, and to determine the accuracy and correctness of all equipment and procedures used to sample and grade grain purchased by handlers as often as he deems necessary .

C. The commissioner or his duly authorized representative shall approve and mark , or seal for use , such the equipment as he finds upon his inspection to be correct ; and shall reject and mark or tag as "condemned for repairs" such the equipment as he finds upon inspection to be incorrect.

## Regulation 3

§ 3. The keeping of samples by grain handlers.

A. Handlers, or anyone in their employment who determine grade factors for the purpose of establishing value of grain, shall identify and preserve the sample of each lot used to determine these factors for a period of twenty-four hours.

B. The samples shall be a minimum of one and one-half quarts ; and if moisture is a factor, shall be preserved in a moisture-proof container.

C. Samples shall be kept at the handler's place of business , and shall be inspected from time to time subject to inspection by the Commissioner or his duly authorized representative , at the handler's place of business or at a state inspection laboratory.

## Regulation 4

§ 4. Records kept by grain handler.

A. Each handler shall make a written record of each lot of grain weighed and graded by him. Unless otherwise agreed to , at the time of the transaction, the handler ; or his agent ; shall deliver a copy of the record to the person who:

1. Is delivering the grain to the handler for storage, or
2. Is selling the grain to the handler , or
3. Is buying the grain from the handler.

The record shall include:

1. Name and address of the person whom the grain was weighed or graded;
2. The date the grain was weighed and graded (if separate dates, each shall be stated);
3. Kind of grain;
4. Grade factors determined;
5. Net weight from weight ticket;
6. Specification of all discounts and deductions and how applied, and if no discount or deduction is given that fact shall be so stated;
7. The conversion from net weight to pricing unit;
8. Gross price per pricing unit;
9. Net price per pricing unit;

# Final Regulations

10. Total amount of sale.

B. The weight ticket ~~hereinbefore~~ referred to *above* shall be attached to and made a part of the record ~~herein~~ referred to .

C. The record shall be kept by the handler for one year , and *upon request shall be* made available to the commissioner or his ~~duly authorized~~ representative ~~upon request~~ during normal business hours.

BOARD OF AGRICULTURE AND IMMIGRATION  
Adopted: July 27, 1966

\* \* \* \* \*

Title of Regulation: VR 115-03-03. Rules and Regulations Relating to Grain Dealers Licensing and Bonding Law.

Statutory Authority: § 3.1-722.27 of the Code of Virginia.

Effective Date: April 16, 1987

Summary:

*The amendments to this regulation consist only of changes in style or form or corrections of technical errors; therefore, the revision of these standards was not subject to written or oral comment or public hearing, in accordance with § 9-6.14:4.1C of the Administrative Process Act. The standards were signed by the Board of Agriculture and Consumer Services, and the board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of the amended regulation.*

VR 115-03-03. Rules and Regulations Relating to Grain Dealers Licensing and Bonding Law.

Regulation 1

§ 1. Records kept by grain dealer.

A. Each dealer shall make a written record of each lot of grain at the time of obtaining title, possession or control of grain , and shall deliver a copy of the record to the producer. The record shall include:

1. Name and address of the producer;
2. The date of the transaction;
3. Kind of grain;
4. Grade factors determined;
5. Net weight from weight ticket;
6. Specifications of all discounts and deductions , and how applied ; ; and if no discount or deduction is

given , that fact shall be so stated;

7. The conversion from net weight to pricing unit;

8. Gross price per pricing unit;

9. New price per pricing unit;

10. Total amount of sale.

B. The records shall be kept by the dealer for one year , and *upon request shall be* made available to the commissioner or his ~~duly authorized~~ representative ~~upon request~~ during normal business hours.

## COMMISSION OF GAME AND INLAND FISHERIES

NOTE: The Commission of Game and Inland Fisheries is exempted from the Administrative Process Act (§ 9-6.14:4 of the Code of Virginia); however, it is required by § 9-6.14:22 to publish all proposed and final regulations. These regulations are numbered to conform to the new classification system established by the Virginia Code Commission.

Title of Regulation: VR 325-02-24. Waterfowl and Waterfowl Blinds.

Statutory Authority: §§ 29-125, 29-126 and 29-127 of the Code of Virginia.

Effective Dates:

- § 17, subsection A: July 1, 1987
- § 17, subsection B: July 1, 1988
- § 17, subsection C: July 1, 1989
- § 17, subsection D: July 1, 1990
- § 17, subsection E: July 1, 1991
- § 18: July 1, 1991.

Summary:

*Summaries are not provided since, in most instances, the summary would be as long or longer than the full text.*

VR 325-02-24. Waterfowl and Waterfowl Blinds.

§ 17. Steel [ ~~or other nontoxic~~ ] shot required for waterfowl hunting in certain areas effective 1987- [ 88 91 ].

*A. Effective with the 1987-88 waterfowl hunting season, it shall be unlawful to take or attempt to take ducks, geese, swans and coots while possessing shotshells loaded with shot other than steel shot [ ~~or other federally-approved nontoxic shot~~ ] in the counties of [ ~~Accomack,~~ ] Charles City, [ ~~Essex,~~ ] Gloucester, [ ~~Isle of Wight,~~ ] James City, [ ~~King and Queen,~~ King George, King William, Lancaster, Mathews, Middlesex, ] New Kent [ ; ~~Northampton, Northumberland, Richmond, Southampton,~~*

Surry, Westmoreland ] and York; and in the cities of Chesapeake, Hampton, Newport News, Norfolk, [ Portsmouth, ] Suffolk [ (area formerly constituting Nansemond County) ] and Virginia Beach [ ; and east of U.S. Route 195 in the counties of Caroline, Chesterfield, Fairfax, Greensville, Hanover, Henrico, Prince George, Prince William, Spotsylvania, Stafford and Sussex ].

[ B. Effective with the 1988-89 waterfowl hunting season, it shall be unlawful to take or attempt to take ducks, geese, swans or coots while possessing shotshells loaded with shot other than steel shot in the counties and cities included in subsection A of this section and in Accomack County.

C. Effective with the 1989-90 waterfowl hunting season, it shall be unlawful to take or attempt to take ducks, geese, swans or coots while possessing shotshells loaded with shot other than steel shot in the counties and cities included in subsections A and B of this section and in the counties of King William, Mathews, Middlesex, Northumberland and Westmoreland.

D. Effective with the 1990-91 waterfowl hunting season, it shall be unlawful to take or attempt to take ducks, geese, swans or coots while possessing shotshells loaded with shot other than steel shot in the counties and cities included in subsections A, B and C of this section and in the counties of Chesterfield, Essex, Henrico, King George, Lancaster, Louisa, Montgomery, Northampton, Powhatan, Richmond and Surry. ]

[ B. E. ] This section shall expire and be superseded by VR 325-02-24, § 18, effective July 1, [ 1990 1991 ].

§ 18. Steel [ ~~or other nontoxic~~ ] shot required for waterfowl hunting effective [ ~~1990-91~~ 1991-92 ].

Effective with the [ ~~1990-91~~ 1991-92 ] waterfowl hunting season, it shall be unlawful to take or attempt to take ducks, geese, swans and coots while possessing shotshells loaded with shot other than steel shot [ ~~or other federally approved nontoxic shot~~ ].

# EMERGENCY REGULATION

## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

**Title of Regulation:** VR 115-04-03. Rules and Regulations for the Enforcement of the Virginia Pesticide Law.

**Statutory Authority:** §§ 3.1-217 and 3.1-217.1 of the Code of Virginia.

**Effective Date:** March 31, 1987

### Preamble:

Pursuant to the authorization of the Governor for adoption of emergency regulations and the authority of §§ 3.1-217 and 3.1-217.1 of the Code of Virginia, the Board hereby adopts the following regulations to become effective on an emergency basis.

VR 115-04-03. Rules and Regulations for the Enforcement of the Virginia Pesticide Law.

### EMERGENCY REGULATION

Relating to Tributyltin (TBT) in Marine Antifoulant Paint.

29 Tributyltin in marine antifoulant paints.

#### A. Definitions.

"Acceptable release rate" means a measured release rate not to exceed 5.0 micrograms per square centimeter per day at steady state conditions as determined in accordance with a U.S. Environmental Protection Agency (EPA) testing procedure as outlined in the EPA data call-in notice of July 29, 1986, on tributyltin in antifoulant paints under the Federal Insecticide, Fungicide and Rodenticide Act, 7 USC, Section 136.

"TBT (Tributyltin) antifoulant paint" means any paint formulation containing any Tributyltin compounds having three normal butyl groups attached to a tin atom and with an anion such as chloride, fluoride or oxide.

"Vessel" means every description of watercraft, other than a seaplane, used or capable of being used as a means of transportation on the water, whether self-propelled or otherwise, and includes barges and tugs.

B. Effective March 31, 1987, the use of antifoulant paints containing TBT on vessels less than 25 meters (82.02 feet) in length is prohibited, except those with aluminum hulls.

C. Effective September 1, 1987, no vessel exceeding 25 meters (82.02 feet) in length shall be painted with an antifoulant paint containing TBT unless the paint meets the acceptable release rate as defined in this regulation.

D. Effective September 1, 1987, all antifoulant paints containing TBT currently registered with the Virginia Department of Agriculture and Consumer Services shall be

cancelled and no such products shall be re-registered or any new products registered unless the manufacturer or distributor certifies that the release rate specified herein is met based on test conducted in accordance with a U.S. Environmental Protection Agency (EPA) testing procedure as outlined in the EPA data call-in notice of July 29, 1986, on tributyltin in antifoulant paints under the Federal Insecticide, Fungicide and Rodenticide Act, 7 USC, Section 136.

E. Effective September 1, 1987, a person may distribute, sell or apply to any vessel a marine antifoulant paint containing tributyltin having an acceptable release rate, as defined in this regulation, if the paint is distributed or sold in an aerosol spray can in a quantity of sixteen ounces avoirdupois or less and is commonly referred to as outboard or lower unit paint.

F. Formulations containing TBT in concentrated form and labeled for mixing with paint by the user to produce an antifoulant boat paint are hereby prohibited from retail sale or private use.

G. Duration of Emergency Regulation - This regulation shall remain in effect until July 1, 1988, or until permanent regulations are adopted under the Administrative Process Act, whichever first occurs.

Submitted by: /s/ S. Mason Carbaugh, Commissioner  
Virginia Department of Agriculture and Consumer Services  
Date: February 26, 1987

Approved by: /s/ Richard M. Bagley, Secretary  
of Economic Development  
Date: February 26, 1987

Approved by: /s/ Gerald L. Baliles, Governor  
Commonwealth of Virginia  
Date: February 27, 1987

Filed by: /s/ Joan W. Smith  
Registrar of Regulations  
Date: February 27, 1987 - 11:42 a.m.

# STATE CORPORATION COMMISSION

STATE CORPORATION COMMISSION

Effective Date: May 1, 1987

AT RICHMOND, FEBRUARY 20, 1987

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS860320

Ex Parte: In the matter of adopting  
Rules Permitting Smoker/Nonsmoker  
Mortality Tables For Use in  
Determining Minimum Reserve Liabilities  
and Nonforfeiture Benefits.

## ORDER ADOPTING REGULATION

WHEREAS, pursuant to an order entered herein December 30, 1986, the Commission conducted a hearing in its Courtroom on January 29, 1987, for the purpose of considering comments of interested persons concerning the adoption of a regulation proposed by the Bureau of Insurance and entitled "Rules Permitting Smoker/Nonsmoker Mortality Tables For Use In Determining Minimum Reserve Liabilities and Nonforfeiture Benefits"; and

WHEREAS, the Commission has considered the proposed regulation, the comments of interested parties, the testimony adduced at the hearing and the law applicable in this matter,

THE COMMISSION is of the opinion, finds and ORDERS that the proposed regulation entitled "Rules Permitting Smoker/Nonsmoker Mortality Tables For Use In Determining Minimum Reserve Liabilities and Nonforfeiture Benefits", as amended, which is attached hereto and made a part hereof, should be, and it is hereby, ADOPTED, to be effective May 1, 1987.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to Francis A. Sutherland, Jr., Esquire, The Life Insurance Company of Virginia, 6610 West Broad Street, Richmond, Virginia 23230; J. Maurice Miller, Jr., Esquire, Mays and Valentine, P.O. Box 1122, Richmond, Virginia 23208; and the Bureau of Insurance in care of Deputy Commissioner Paul A. Synnott, Jr. who shall forthwith cause a copy of this order to be mailed to every life insurance company licensed to do business in this Commonwealth.

\* \* \*

INSURANCE REGULATION NO. 29

RULES PERMITTING SMOKER/NONSMOKER  
MORTALITY TABLES FOR USE IN  
DETERMINING MINIMUM RESERVE  
LIABILITIES AND NONFORFEITURE BENEFITS

### § 1. Authority.

This regulation is issued pursuant to the authority vested in the Commission under §§ 12.1-13, 38.2-223, 38.2-3117, 38.2-3130, and 38.2-3209 of the Code of Virginia, as amended.

### § 2. Purpose.

The purpose of this regulation is to permit the use of mortality tables that reflect differences in mortality between smokers and nonsmokers in determining minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits for plans of insurance with separate premium rates for smokers and nonsmokers.

### § 3. Definitions.

A. As used in this regulation, "1980 CSO Table, with or without Ten-Year Select Mortality Factor" means that mortality table, consisting of separate rates of mortality for male and female lives, developed by the Society of Actuaries Committee to Recommend New Mortality Tables for Valuation of Standard Individual Ordinary Life Insurance, incorporated in the 1980 NAIC Amendments to the Model Standard Valuation Law and Standard Nonforfeiture Law for Life Insurance, and referred to in those models as the Commissioners 1980 Standard Ordinary Mortality Table, with or without Ten-Year Select Mortality Factors. The same select factors will be used for both smokers and nonsmokers tables.

B. As used in this regulation, "1980 CET Table" means that mortality table consisting of separate rates of mortality for male and female lives, developed by the Society of Actuaries Committee to Recommend New Mortality Tables for Valuation of Standard Individual Ordinary Life Insurance, incorporated in the 1980 NAIC Amendments to the Model Standard Nonforfeiture Law for Life Insurance, and referred to in those models as the Commissioners 1980 Extended Term Insurance Table.

C. As used in this regulation, "1958 CSO Table" means that mortality table developed by the Society of Actuaries Special Committee on New Mortality Tables, incorporated in the NAIC Model Standard Nonforfeiture Law for Life Insurance, and referred to in that model as the Commissioners 1958 Standard Ordinary Mortality Table.

D. As used in this regulation, "1958 CET Table" means that mortality table developed by the Society of Actuaries Special Committee on New Mortality Tables, incorporated in the NAIC Model Standard Nonforfeiture Law for Life Insurance, and referred to in that model as the Commissioners 1958 Extended Term Insurance Table.

E. As used in this regulation, the phrase "smoker and nonsmoker mortality tables" refers to the mortality tables

# State Corporation Commission

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with separate rates of mortality for smokers and nonsmokers derived from the tables defined in A through D of this section which were developed by the Society of Actuaries Task Force on Smoker/Nonsmoker Mortality and the California Insurance Department staff and recommended by the NAIC Technical Staff Actuarial Group.

F. As used in this regulation, the phrase "composite mortality tables" refers to the mortality tables defined in A through D of this section as they were originally published with rates of mortality that do not distinguish between smokers and nonsmokers.

## § 4. Alternate tables.

A. For any policy of insurance delivered or issued for delivery in this Commonwealth after the operative date of § 38.2-3202 for that policy form and before January 1, 1989, at the option of the company and subject to the condition stated in § 5 of this regulation,

- (i) The 1958 CSO Smoker and Nonsmoker Mortality Tables may be substituted for the 1980 CSO Table, with or without Ten-Year Select Mortality Factors, and
- (ii) The 1958 CET Smoker and Nonsmoker Mortality Tables may be substituted for the 1980 CET Table

for use in determining minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits.

Provided that for any category of insurance issued on female lives with minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits determined using the 1958 CSO or 1958 CET Smoker and Nonsmoker Mortality Tables, such minimum values may be calculated according to an age not more than six years younger than the actual age of the insured.

Provided further that the substitution of the 1958 CSO or 1958 CET Smoker and Nonsmoker Mortality Tables is available only if made for each policy of insurance on a policy form delivered or issued for delivery on or after the operative date for that policy form and before a date not later than January 1, 1989.

B. For any policy of insurance delivered or issued for delivery in this Commonwealth after the operative date of § 38.2-3202 for that policy form, at the option of the company and subject to the conditions stated in § 5 of this regulation,

- (i) The 1980 CSO Smoker and Nonsmoker Mortality Tables, with or without Ten-Year Select Mortality Factors, may be substituted for the 1980 CSO Table, with or without Ten-Year Select Mortality Factors, and
- (ii) The 1980 CET Smoker and Nonsmoker Mortality

Tables may be substituted for the 1980 CET Table

for use in determining minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits.

## § 5. Conditions.

For each plan of insurance with separate rates for smokers and nonsmokers an insurer may

- (i) Use composite mortality tables to determine minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits.
- (ii) Use smoker and nonsmoker mortality tables to determine the valuation net premiums and additional minimum reserves, if any, required by law and use composite mortality tables to determine the basic minimum reserves, minimum cash surrender values and amounts of paid-up nonforfeiture benefits, or
- (iii) Use smoker and nonsmoker mortality tables to determine minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits.

## § 6. Prohibited provision.

No policy of insurance using mortality tables that reflect differences in mortality between smokers and nonsmokers for determining minimum reserve liabilities and nonforfeiture benefits shall be delivered or issued for delivery in this Commonwealth commencing 30 days from the effective date of this regulation, or approved for use in this Commonwealth on or after the effective date of this regulation, if such policy contains any provision permitting the insurer to adjust benefits or values beyond the contestable period in the policy based upon a misstatement made by the insured as to his or her status as a nonsmoker in the application for insurance.

## § 7. Separability.

If any provision of this regulation or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the regulation and the application of such provision to other persons or circumstances shall not be affected thereby.

## § 8. Effective date.

The effective date of this regulation is May 1, 1987.

\* \* \* \* \*

AT RICHMOND, FEBRUARY 19, 1987

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS870057

Ex Parte: In the matter of  
adopting Rules Governing Local  
Government Group Self-Insurance  
Pools.

## ORDER SETTING HEARING

WHEREAS, Virginia Code § 12.1-13 provides that the Commission shall have the power to promulgate rules and regulations in the enforcement and administration of all laws within its jurisdiction and Virginia Code § 15.1-503.4:6 provides that the Commission is authorized to issue such reasonable rules and regulations as may be necessary for the approval and monitoring of local government group self-insurance pools created pursuant to Chapter 11.1 of Title 15.1 of the Code of Virginia;

WHEREAS, the Bureau of Insurance has submitted to the Commission a proposed regulation entitled "Rules Governing Local Government Self-Insurance Pools" which sets forth standards for the approval and monitoring of local government self-insurance pools;

WHEREAS, said regulation concerns a subject appropriate for Commission regulation; and

WHEREAS, the Commission is of the opinion that notice of the proposed regulation should be published by the Bureau of Insurance in newspapers of general circulation within the Commonwealth and that a hearing should be held on the proposed regulation, at which hearing all persons in interest may appear and be heard,

### IT IS ORDERED:

(1) That the proposed regulation entitled "Rules Governing Local Government Group Self-Insurance Pools" be appended hereto and made a part hereof, filed and made a part of the record herein;

(2) That this matter be docketed and assigned Case No. INS870057, and that a hearing be held before the Commission's Hearing Examiner, who is hereby appointed to conduct a hearing on behalf of the Commission pursuant to the authority granted the Commission in Virginia Code § 12.1-31, in the Commission's Courtroom, Jefferson Building, 13th Floor, Bank and Governor Streets, Richmond, Virginia at 10:00 a.m. on March 26, 1987, for the purpose of considering the adoption of the proposed regulation, at which time and place all interested persons may appear and be heard with respect to the proposed regulation;

(3) That, in accordance with § 12.1-31 of the Code of Virginia, the Hearing Examiner hereinbefore appointed shall conduct all further proceedings in this matter on

behalf of the Commission, concluding with the filing of the Examiner's final report to the Commission. In the discharge of such duties, the Hearing Examiner shall exercise all the inquisitorial powers possessed by the Commission, including, but not limited to, the power to administer oaths, require the appearance of witnesses and parties and the production of documents, schedule and conduct pre-hearing conferences, admit or exclude evidence, grant or deny continuances, and rule on motions, matters of law and procedural questions. Any party objecting to any ruling of action of said Examiner shall make known its objection with reasonable certainty at the time of the ruling, and may argue such objections to the Commission as a part of its responses to the final report of said Examiner; provided, however, if any ruling by the Examiner denies further participation by any party in interest in a proceeding not thereby concluded, such party shall have the right to file a written motion with the Examiner for his immediate certification of such ruling to the Commission for its consideration. Pending resolution by the Commission of any ruling so certified, the Examiner shall retain procedural control of the proceeding;

(4) That the Hearing Examiner hereinbefore appointed shall cause the testimony taken at such hearing to be reduced to writing and promptly deliver his written findings together with the transcript of the hearing to the Commission for its consideration and judgment;

(5) That the Bureau of Insurance shall publish a notice of the time and place of such hearing, setting forth the substance of the proposed regulation and place or places where the aforesaid documents may be seen by any person in interest, in a newspaper of general circulation published in each of the following cities: Richmond, Norfolk, Newport News, Roanoke, Winchester, Lynchburg, Danville, Bristol, Fredericksburg and Alexandria once a week for two (2) consecutive weeks beginning not later than March 1, 1987, and that proof of such publication be made and filed herein, which notice shall be substantively as follows:

### NOTICE TO THE PUBLIC

Notice is hereby given to the public that the State Corporation Commission Bureau of Insurance has proposed to the State Corporation Commission regulations which would govern local government group self-insurance pools and which are scheduled to become effective on and after July 1, 1987.

The purpose of the regulations is to set forth rules, forms and procedural requirements that the Commission deems necessary for the approval and monitoring of insurance pools created pursuant to Local Government Group Self-Insurance Pools, Chapter 11.1 of Title 15.1 of the Code of Virginia.



# State Corporation Commission

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The Commission has determined that a public hearing should be held on the proposed regulations in Case No. INS870057 in its Courtroom, 13th Floor, Jefferson Building, Richmond, Virginia at 10:00 a.m. on March 26, 1987, at which time and place interested persons may appear and be heard.

## STATE CORPORATION COMMISSION BUREAU OF INSURANCE

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to David Berg, Assistant Administrator, Rail and Public Transportation, Department of Highways and Transportation, 1221 East Broad Street, Richmond, Virginia 23219; Robert W. Esenberg, Department of Finance, City of Virginia Beach, Municipal Center, Virginia Beach, Virginia 23456-9002; Tom Grasberger, Rasmussen Agency, Inc., P.O. Box 14719, Richmond, Virginia 23221; David Van Fossen, Alexandria Transit Company, P.O. Box 9790, Alexandria, Virginia 22304; Bill Willis, Hewitt, Coleman & Associates, Box K 174, Richmond, Virginia 23288; Luke Witt, Suite LL5, Old City Hall, Richmond, Virginia 23219; C.F. Hicks, Esquire, P.O. Box 708, Gloucester, Virginia 23061; Mr. Richard W. Hall-Sizemore, Virginia Association of Counties, Old City Hall, 10th and Broad Streets, Richmond, Virginia 23219; Mr. Randy Oliver, Richmond Redevelopment Housing Authority, P.O. Box 26887, Richmond, Virginia 23261; Mr. Ned Carr, Virginia School Board Association, 405 Emmet Street, Charlottesville, Virginia 22903; Mr. Larry Loving, Marsh & McLennan, P.O. Box 1857, Richmond, Virginia 23215; Mr. Will Barksdale, Central Regional Airport Commission, P.O. Box A-3, Richmond, Virginia 23231; Mr. Robert C. Vogt, CPCU, Market Service, Inc., P.O. 6614, Richmond, Virginia 23230; Michael J. Weiser, Esquire, 108 North Saint Asaph Street, Alexandria, Virginia 22314; Mr. Authur L. Collins, Southeastern Virginia Planning District Commission, 16 Koger Executive Center, Suite 100, Norfolk, Virginia 23502; Mr. Stuart TenHoor, Assistant City Attorney, Suite 1300, City Hall, Alexandria, Virginia 22314; Mr. Bruce Smythe, Johnson & Higgins, 8th and Main Building, Richmond, Virginia 23219; Mr. David Grubb, Special Deputy Commissioner, New Jersey State Department of Insurance, 201 East State Street, Trenton, New Jersey 08625; Mr. Bobby Gray, North Carolina Department of Insurance, P.O. Box 26387, Raleigh, North Carolina 27611; Mr. Rich Morgan, Alexander & Alexander, 701 East Byrd Street, Richmond, Virginia 23219; Mr. Bob Ludwig, McDonough & Caperton, P.O. Box 1551, Charleston, West Virginia 25326; Mr. Logan Forsyth, Frank B. Hall & Company of Virginia, P.O. Box 2571, Roanoke, Virginia 24010; Ms. Linda Loving, Independent Insurance Agents, 8600 Maryland Drive, Richmond, Virginia 23229; John W. Newby, CPCU ARM, President, Commercial Risk Consultants, P.O. Box 606, Hampton, Virginia 23669; Howard Dobbins, Esquire, Williams, Mullen, Christian & Dobbins, P.O. Box 1320, Richmond, Virginia 23210; Ms. Margie Nichols, Virginia Municipal League, 13 East Franklin Street, Richmond, Virginia 23219; J. Maurice Miller, Jr., Esquire, Mays and Valentine, P.O. Box 1122, Richmond, Virginia 23208; Ms. Sarah A. Finley, P.O. Box 1320, Richmond, Virginia 23210;

Warren O. Hart, W.O. Hart & Company, Inc., 2777 Summer Street, Stamford, Connecticut 06905; Byrd W. Davenport, Jr., Marsh & McLennan, P.O. Box 1857, Richmond, Virginia 23215; and the Bureau of Insurance in care of Deputy Commissioner Paul A. Synnott, Jr.

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## RULES GOVERNING LOCAL GOVERNMENT GROUP SELF-INSURANCE POOLS

### § 1. Authority.

This regulation is promulgated and adopted pursuant to and in accordance with the provisions of § 12.1-13 and § 15.1-503.4:6. (All citations to statutory provisions in this regulation refer to the Code of Virginia.)

This regulation shall become effective July 1, 1987.

### § 2. Purpose.

The purpose of this regulation is to set forth rules, forms and procedural requirements that the Commission deems necessary for the approval and monitoring of pools created pursuant to Local Government Group Self-Insurance Pools, Chapter 11.1 of Title 15.1.

### § 3. Definitions.

A. "Act" means Chapter 11.1 of Title 15.1 of the Code of Virginia.

B. "Actuary," for coverages other than group life, accident and health, means a person who is a member of the American Academy of Actuaries qualified in loss reserves and rate making according to professional guides, recommendations, interpretations, and opinions of the Academy, or a member of the Casualty Actuarial Society. For group life, accident and health coverages, "actuary" means a person who is a member of the American Academy of Actuaries qualified in group life, accident and health reserves or a fellow of the Society of Actuaries.

C. "Administrator" means the individual, partnership, corporation or other entity authorized to serve as a representative of a pool and its members in carrying out the policies of the board and managing the pool's activities.

D. "Commission" means the State Corporation Commission.

E. "Contribution" means the amount of payments required of each member in order to fund the pool's obligations under the Plan.

F. "Group self-insurance pool" or "pool" means a pool organized by two or more political subdivisions for the purpose of forming a group self-insurance pool to provide for joint or cooperative action relative to their financial

and administrative resources for the purpose of providing to the participating political subdivisions risk management and liability insurance coverage for pool members and employees of pool members for acts or omissions arising out of the scope of their employment, including any or all of the following:

1. Casualty insurance, including general and professional and public official liability coverage; but not including group self-insurers of liability under the Virginia Workers' Compensation Act;
2. Property insurance, including marine insurance and inland marine and transportation insurance coverage;
3. Group life, accident and health coverages including hospital, medical, surgical and dental benefits to the employees of member political subdivisions and their dependents;
4. Automobile insurance, including motor vehicle liability insurance coverage and collision and security for motor vehicles owned or operated, as required by Title 46.1 of the Code of Virginia, and protection against other liability and loss associated with the ownership and use of motor vehicles;
5. Surety and fidelity insurance coverage; and
6. Umbrella and excess insurance coverages.

G. "*Insolvent*" means (i) the condition of a pool that has liabilities in excess of assets or (ii) the inability of a pool to pay its obligations as they become due in the usual course of business.

H. "*Member*" means a political subdivision which has entered into a member agreement and thereby becomes a member in a group self-insurance pool.

I. "*Member agreement*" means the written agreement executed between each member and the pool which sets forth the conditions of membership in the pool, the obligations, if any, of each member to the other members and the terms, coverages, limits, and deductibles of the Plan.

J. "*Members' supervisory board*" or "*board*" means the governing authority of the pool selected by the members to be responsible for fixing contributions to the pool, maintaining reserves, levying and collecting assessments for deficiencies, disposing of surpluses, and administration of the pool in the event of termination or insolvency.

K. "*Plan*" means the plan of self-insurance offered by the pool to its members as specifically designated in the member agreement.

L. "*Political subdivision*" means any county, city, or town, school board, transportation district commission, or any other local governmental authority or local agency or

public service corporation owned, operated or controlled by a locality or local government authority, with power to enter into contractual undertakings.

M. "*Service agent*" means any individual, partnership, corporation or other entity that may provide any or all of the insurance services including, but not limited to, claims adjustment, safety engineering, compilation of statistics, the preparation of contribution payments, loss reports, and other required self-insurance reports, and the administration of a claims fund.

§ 4. Application for license as group self-insurance pool; requirements; approval; review.

A. Two or more political subdivisions may be licensed by the Commission as a group self-insurance pool for the purpose of entering into agreements to pool their liabilities under the Act. The application for a license shall be made on a form prescribed by the Commission and shall contain answers to all questions and shall be verified by the oath or affidavit of at least one member of the board of the pool, and the administrator.

B. The Commission may disapprove an application for the formation of a group self-insurance pool and may suspend or withdraw approval whenever it finds that applicant or pool:

1. Has refused to submit its books, papers, accounts, or affairs to the reasonable inspection of the Commission or its representative;
2. Has refused, or its officers or agents have refused, to furnish satisfactory evidence of its financial and business standing or solvency;
3. Is insolvent, or is in such condition that its further transaction of business in this Commonwealth is hazardous to its members and creditors in this Commonwealth, and to the public;
4. Has refused or neglected to pay a valid final judgment against it within 60 days after its rendition;
5. Has violated any law of this Commonwealth or has violated or exceeded the powers granted by its members;
6. Has failed to pay any fees, taxes or charges imposed in this Commonwealth within 60 days after they are due and payable, or within 60 days after final disposition of any legal contest with respect to liability therefore; or
7. Has been found insolvent by a court of any other state, or by the insurance commissioner or other proper officer or agency of any other state, and has been prohibited from doing business in such state.

C. If after review of the pool's application and other

# State Corporation Commission

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additional information required by this regulation, the Commission is satisfied that the pool's financial condition and method of operation are such that the pool may reasonably be expected to meet the obligations which it has undertaken, and has fully disclosed to its members or potential members the coverages and obligations of membership in the plan, then the Commission shall issue a license to the pool. The Commission shall act on the application as promptly as practical under the existing circumstances.

D. If the Commission rejects the pool's application, notice shall be served personally, or by certified or registered mail, upon all interested parties stating the reason for the rejection. The pool shall be provided an opportunity to introduce evidence and be heard in a hearing convened within a timely manner. Such hearing may be formal or informal.

## § 5. Application for license; additional requirements.

A. An application submitted by a pool shall be accompanied by the following items which shall be subject to the approval of the Commission.

1. A copy of the articles of incorporation, constitution, or other instrument which sets forth the powers of the pool.
2. A copy of the bylaws or the governing rules of the proposed pool which may be included as part of the documents provided pursuant to paragraph 1 above.
3. A copy of the forms used for the member agreement and power of attorney, if any.
4. A copy of a financial plan which sets forth in general terms:
  - a. The insurance coverages to be offered by the group self-insurance pool, applicable deductible levels, and the maximum liability which the pool will retain;
  - b. The amount of reserves to be set aside for the payment of claims;
  - c. The amount, if any, of specific excess insurance to be purchased by the pool; and
  - d. The amount, if any, of aggregate excess insurance coverage to be purchased and maintained.

Such items may be contained in other documents submitted to the Commission in lieu of inclusion in a financial plan.

5. A copy of a plan of management which provides for all of the following:
  - a. The means of establishing the governing authority

of the pool;

- b. The responsibility of the governing authority for fixing contributions to the pool, maintaining reserves, levying and collecting assessments for deficiencies, disposing of surpluses, and administration of the pool in the event of termination or insolvency;
- c. The basis upon which new members may be admitted to, and existing members may leave, the pool;
- d. The identification of reserves by exposure areas; and
- e. Such other provisions as are necessary or desirable for the operation of the pool.

Such items may be contained in other documents in lieu of inclusion in a plan of management.

6. Designation of the initial or interim board and the administrator, together with pertinent biographical information for each member of the board and for the administrator or the principal officers of the corporation serving as administrator. This information is to be submitted on a form prescribed by the Commission.

7. The address in this state where the books and records of the pool will be maintained at all times.

8. Information showing that the pool has, within its own organization or by contract with an approved service agent, ample facilities and competent personnel to service its program with respect to underwriting matters, compilation of statistics, loss prevention, safety engineering and claims adjusting. Copies of all executed service agreements shall be filed with the Commission.

9. A confirmation of a fidelity bond covering the administrator and its employees in a form and amount acceptable to the Commission.

10. A projection of administrative expenses for the first year of operation in an amount and as a percentage of the estimated annual contributions.

11. Proof of payment of contributions by members of at least \$250,000 into a designated depository.

B. An application submitted by a group self-insurance pool shall be accompanied by a composite listing of the estimated annual gross contributions to be developed by each organizing member of the pool individually and in the aggregate for the pool. The aggregate amount of annual contributions must be at least \$500,000 unless otherwise approved by the Commission.

C. Any subsequent revisions to items submitted under

the provisions of §§ 4 and 5 of this regulation shall be filed with and subject to approval by the Commission.

## § 6. Investments.

The board of a pool may, in its discretion, invest funds in any type of investments authorized by §§ 38.2-1415, 38.2-1418, 38.2-1419, 38.2-1421, and 38.2-1432. Investments may also include (i) investments allowed by § 2.1-327 (legal investments for public sinking funds) and § 2.1-328 (legal investments for other public funds), (ii) securities issued by states, other than Virginia, and their municipalities or political subdivisions rated A or better by Moody's Investors Services, Inc., or Standard and Poor's, Inc., (iii) revenue bonds rated Aa (AA) or better by Moody's Investors Services, Inc., or Standard and Poor's, Inc. that are bonds issued by municipalities or political subdivisions of the Commonwealth or any other state, (iv) securities issued by the Federal Home Loan Banks, and (v) securities issued by the Federal Intermediate Credit Banks. Other investments may be made subject to the approval of the Commission. All such investments shall be authorized or approved by the board in the manner contemplated by the provisions of § 38.2-1408.

## § 7. Filing of reports; examination by commission.

A. Each pool shall file annually with the Commission and with the members of the pool within 120 days after the end of the pool's fiscal year, audited financial statements for the most recently completed fiscal year certified by an independent certified public accountant. The financial statement shall be considered filed on the date the statement was sent by mail as shown by the postmark. If the pool fails to file such audited financial statements, the Commission may perform the audit and the pool shall reimburse the Commission for such cost.

1. The audited financial statement shall contain a report in detail of the pool's assets, outstanding liabilities, including the amount of claims paid to date and current reserves for losses, revenues and disbursements during the year, the investments of the pool's assets and all other information which the Commission may deem necessary to secure a full and accurate knowledge of the financial affairs and condition of the pool. The working papers of the certified public accountant and other records pertaining to the preparation of the audited financial statements may be reviewed by the Commission.

The audited financial statement shall be signed on behalf of the pool by two duly authorized officers or a duly authorized officer and the administrator.

3. The Commission shall also devise a uniform accounting system to be used by the pool.

4. In addition to the annual audited financial statement, the Commission may require any pool to file additional financial information, including interim

financial reports and additional reports, exhibits or statements considered necessary to secure complete information concerning the condition, solvency, experience, transactions or affairs of the pool. The Commission shall establish reasonable deadlines for filing these additional reports, exhibits or statements and may require verification as the Commission shall designate.

B. The pool must retain and have available for examination by the Commission:

1. All executed copies of the application of each political subdivision for membership in the pool; and

2. A certified copy of each political subdivision's resolution authorizing membership in the pool.

C. Any person who knowingly or willfully makes or files any false or fraudulent statement, report or other instrument shall be charged with a Class 5 felony. If convicted, such person shall be guilty of a Class 5 felony.

D. The Commission may examine the affairs, transactions, accounts, records, and assets of the pool as often as it deems necessary. The manner and frequency in which the examination of financial condition shall be conducted and the release of any reports of financial condition shall be as provided in Article 4 (§ 38.2-1317 et seq.) of Chapter 13 of Title 38.2

## § 8. Reserves.

A. Every pool shall calculate the amount reasonably determined to be sufficient to provide for the payment of every loss or claim whether reported or unreported, arising on or prior to the date of any annual or other statement and it shall maintain a reserve liability in an amount estimated in the aggregate to provide for the payment of all such losses or claims and any expenses related thereto.

B. Each pool shall maintain reserves equal to the unearned portion of the gross contribution or assessment, if any, on unexpired or unexpired risks.

C. Reserves for coverages based on life expectancy shall be computed according to tables of mortality and rates of interest prescribed in Title 38.2 of the Code of Virginia. The pool shall maintain an active life reserve for accident and health coverages which shall place a sound value on its liabilities under such risks and shall not be less in the aggregate than the pro rata gross unearned contributions for such coverages.

D. Every pool may receive credit for insurance or reinsurance recoverable from an insurance company licensed to transact such insurance in this Commonwealth, or any state of the United States or the District of Columbia and meeting the standards of solvency at least equal to those required in this Commonwealth. A pool may

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receive credit for insurance or reinsurance with any other insurer to the extent that funds are withheld as security for the payment of obligations thereunder if such funds are held subject to withdrawal by and are under the control of the pool. Such funds may include letters of credit subject to the approval of the Commission. Credit may be received for insurance or reinsurance recoverable on the basis of an agreement entered into with individual unincorporated underwriters having a trustee surplus of at least \$100,000,000.

E. Credit may be received for insurance or reinsurance when the contract is:

1. Not cancellable or terminable for any reason except upon not less than 60 days written notice sent by registered or certified mail to (i) the pool and (ii) the Commission;
2. Automatically renewable at the expiration of the policy period except upon 60 days written notice sent by registered or certified mail to (i) the pool, and (ii) the Commission.

F. No more than one pool, which shall be defined as the named insured, shall be covered by any contract or policy of excess liability insurance. Any contract of insurance or reinsurance shall be payable by the assuming insurer on the basis of the liability of the pool under the contract or contracts assumed without diminution because of the insolvency of the pool.

G. Copies of the complete contracts or policies of insurance or reinsurance, with all endorsements thereto entered into by the pool for the benefit of the pool, shall be filed with the Commission.

H. No pool shall expose itself to any loss on any one risk or hazard in an amount exceeding 10% of the aggregate annual contribution, unless authorized by the Commission.

## § 9. Responsibilities of members' supervisory board.

A. The members' supervisory board shall be responsible for holding and managing the assets of and directing the affairs of the pool and shall be elected in the manner prescribed by the pool's governing instruments. At least a majority of the board must be members of the pool, but a board member shall not be an owner, officer or employee of any service agent, its parent or any of its affiliated companies, under contract with the pool.

B. The board shall fix contributions to the pool and supervise the finances of the pool and the pool's operations to the extent necessary to assure conformity with law, this regulation, the member agreement, and the pool's governing instruments.

C. The board shall take all necessary precautions to safeguard the assets of the pool, including, but not limited

to, the following:

1. Doing all acts necessary to assure that each member continues to be able to fulfill the obligations of membership; and also reporting promptly to the Commission any grounds or change in circumstances which may affect the pool's ability to meet its obligations such as withdrawal of a member;

2. Designating an administrator to administer the affairs of the pool, to carry out the policies established by the board and to provide day to day management of the pool. The administrator shall furnish a fidelity bond in an amount sufficient to protect the pool against the misappropriation or misuse of any moneys or securities. Evidence of the bond shall be filed with the Commission, said bond being one of the conditions required for licensing of the pool. The administrator shall not be an owner, officer or employee of any service agent, its parent or any of its affiliated companies, any of which are under contract with the pool;

3. Retaining control of all moneys collected for the pool and the disbursement of such moneys by the pool. All assets of the pool shall remain in the custody of the board or the authorized administrator. However, a claims fund for payment of benefits due and other related expenses may be established for the use of any authorized service agent; and

4. Actively collecting delinquent accounts resulting from any past due contributions by members. Any member of a pool who fails to make the required contributions after due notice may be declared ineligible for the self-insurance privilege until this past due account, including cost of collection, has been paid or adequately provided for.

D. Neither the board nor the administrator shall use any of the moneys collected for any purpose unrelated to securing the members' liability or other rights and obligations under the member agreement and any administrative or other necessary expenses of the pool. Further, the board shall be prohibited from borrowing any moneys from the pool or in the name of the pool without advising the Commission of the nature and purpose of the loan and obtaining the Commission's approval.

E. The board may dispose of any surplus as provided in § 11 hereof.

F. The board shall assure that the office of the administrator of the pool and all pertinent records necessary to verify the accuracy and completeness of all reports submitted to the Commission are maintained within this Commonwealth.

G. The board may adopt its own rules and procedures as considered necessary for the operation of the pool provided these rules and procedures are not inconsistent

with the Act and this regulation.

H. The board may designate a service agent or agents.

## § 10. Contribution requirements.

A. For the purpose of funding the liability of a pool the members shall make contributions to the pool in the manner prescribed in the member agreement.

B. At the effective date of a pool's license, \$250,000 shall have been paid into a designated depository. The balance of the first year's contributions shall be paid no later than the end of the ninth month of the pool's fiscal year, either in quarterly or monthly installments at the discretion of the board. For each subsequent year of operation of the pool, the payment schedule shall provide for annual or periodic payments in intervals no more frequently than once a month, at the discretion of the board.

C. Each pool shall file with the Commission the basis for establishing the annual contributions of its members. Such contributions must be based on reasonable assumptions and certified by an actuary or other person satisfactory to the Commission as to the sufficiency of such contributions.

D. The total amount of each member's annual contribution to the pool shall be certified by the board to the governing body of each member at least one month prior to the beginning of the next fiscal year, if practical.

E. Each pool may levy upon its members an additional assessment whenever needed to supplement the pool's surplus to assure payment of its obligations. A member may be assessed for any fiscal year during which the member participated in the pool. Such assessment may be made after the end of the pool's fiscal year and after the member has discontinued membership in the pool.

1. The pool may assess each participating member an additional proportionate amount, as provided in the pool's member agreement or as provided in the pool's plan filed with the Commission to correct a deficit condition.

2. The board shall submit to the Commission a report of the causes of the pool's insufficiency, the assessments necessary to replenish it and the steps taken to prevent a recurrence of such circumstances.

## § 11. Distribution of surplus funds.

Any surplus accumulated within a pool's fiscal year, as determined from the annual audited financial statement, may be declared refundable by the board. No distribution of the surplus funds shall be made earlier than 12 months following the end of the pool's fiscal year for which a surplus was declared. Such distribution shall not be made until certified by an actuary and the plan has been filed

with the Commission.

Surplus accumulated within a pool's fiscal year shall be used exclusively for the benefit of those members belonging to the pool during that year. The accounting for each pool's fiscal year shall be separate for each year.

Notwithstanding the foregoing paragraph, the Commission may require, and shall permit upon application of the pool, that five percent, or such greater amount as the board may elect, of a pool's surplus accumulated within a fiscal year be allocated to a restricted surplus account at the end of that year. The restricted surplus is to be used at the direction of the pool's board subject to the approval of the Commission.

## § 12. Member agreement.

A. Every member of a group self-insurance pool shall execute a member agreement which shall set forth the rights, privileges and obligations of the member, and the terms, coverages, limits, and deductibles of the Plan. This agreement shall be subject to the approval of the Commission and shall provide for, in substance, the following:

1. Election by pool members of a governing authority for the pool, a majority of whom shall be elected or appointed officials of pool members;

2. A requirement that the members' supervisory board designate and appoint an administrator empowered to accept service of process on behalf of the pool and authorized to act for and bind the pool and members in all transactions relating to or arising out of the operation of the pool;

3. The right of substitution of the administrator and revocation of the power of attorney and rights thereunder;

4. A financial plan or plan of risk management which is further described in paragraph 4, subsection A of § 5 of this regulation;

5. A management plan which is further described in paragraph 5, subsection A of § 5 of this regulation;

6. A requirement that the pool, at the request of a member, provide without unreasonable delay, to any person designated by the member, proof of the coverages provided by the pool, including any insurance or reinsurance, applicable deductible levels and the maximum liability which the pool will retain;

7. For group life, accident and health coverages, a requirement that the pool provide to each covered pool member and to employees of pool members a certificate setting forth (i) the coverage, including any limitations, reductions and exclusions applicable to the coverage provided; (ii) to whom benefits are payable;

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and (iii) any family member or dependent's coverage.

Such member agreement may also contain such other provisions not inconsistent with law or this regulation.

B. The first page of the member agreement shall include a summary that shall disclose:

1. In regard to coverage

- a. The coverages provided;
- b. The period of the coverage;
- c. The amount of the deductible, if any, per claim or in the aggregate; and
- d. For each coverage, the maximum amount of coverage to be borne by the pool.

2. In regard to the contribution:

- a. The contribution and dates payments are due for the political subdivision to become a member of the pool;
- b. The basis upon which each member's contribution is determined; and
- c. Whether any additional assessments of the members may be made.

3. In regard to excess coverage of the pool:

- a. A description of the excess coverage for the pool as to its coverage per occurrence, coverage per occurrence per person, if appropriate, and in the aggregate for each coverage offered; and
- b. A statement that there is no excess coverage for the pool if the pool has not obtained such coverage.

4. The name of the proposed service agent.

C. The member agreement shall include a prominent disclosure notice that must be signed by a duly authorized officer of the political subdivision. The disclosure notice shall use the following or substantially similar language:

A local government group self-insurance pool is not protected by any Virginia insurance guaranty association against default due to insolvency. In the event of insolvency, members and persons filing claims against members may be unable to collect any amount owed to them by the pool regardless of the terms of the member agreement. In the event the pool is in a deficit position, a member may be liable for any and all unpaid claims against such member.

§ 13. Servicing of pool.

A. A service agent for a licensed group self-insurance pool shall apply for and shall be subject to the approval of the Commission before entering into a contract with a pool and shall satisfy to the Commission that it has adequate facilities and competent personnel to fulfill its obligations to the pool and this regulation.

B. A service agent shall maintain a resident agent in this Commonwealth and that agent shall be authorized to act for the service agent on any and all matters covered by the service agreement.

C. A service agent shall file with the Commission copies of all contracts entered into with the pool as they relate to the services to be performed. The service contract must state that the service agent agrees to handle all claims covered by the service agreement incurred during the contract period to their conclusion without additional compensation unless approval to transfer them is obtained from the Commission prior to such transfer.

D. The service agent shall furnish a fidelity bond covering its employees in an amount sufficient to protect all moneys placed in the claims fund.

E. Upon satisfactory compliance with the above provisions, a certificate of approval as a recognized and authorized service agent shall be issued to the applicant. Failure to comply with any of the foregoing rules or any order of the Commission within the time prescribed shall be considered justification for withdrawing the certificate of approval. The Commission shall give 10 days prior notice of such withdrawal. The notice shall be served personally, or by certified or registered mail, upon all interested parties setting forth the reasons for withdrawal, and providing the service agent an opportunity to introduce evidence and be heard. If, after a hearing, which may be formal or informal, the service agent's certificate of approval is revoked this revocation shall become effective 30 days after issuance of the Commission's order or within such shorter or longer period as the Commission may consider necessary to protect the interests of the pool, its members and their employees.

F. Each individual, partnership, corporation or other entity approved to act as a service agent for a pool may be required to file with the Commission an annual statement of financial condition within four months of the completion of its fiscal year.

G. The pool may through its own personnel provide the services performed by a service agent upon approval by the Commission.

§ 14. Handling of pool deficit.

If a group self-insurance pool is in a deficit condition, the pool shall promptly file with the Commission a financial plan to correct the deficit condition. If the plan is found to be unacceptable by the Commission and written notice, thereof, is given to the governing authority

of the pool, delinquency proceedings may be commenced and conducted by the Commission in accordance with the provisions of Chapter 15 of Title 38.2.

## § 15. Termination of pool members.

A. A member who fails to make timely contribution payments as provided by the board may be terminated after 10 days written notice has been given to the member and the Commission. A member can be terminated without cause after 30 days written notice has been given to the member.

B. The pool shall remain liable for all claims applicable to the period during which the political subdivision was a member of the pool, including the period required for termination of membership.

## § 16. Terms of license; voluntary dissolution of pool; merger of pools.

A. A pool's license shall remain in effect until terminated at the request of the board or revoked by the Commission pursuant to § 17 hereof.

B. Before a pool can voluntarily dissolve, it must present a plan of dissolution to the Commission for approval. Such a plan shall provide for the payment of all incurred losses and expenses of the fund and its members, including all incurred but not reported losses, as certified by an actuary, to the extent of the pool's assets. No assets of the pool may be used for any other purpose until payment of all such losses and expenses is provided for.

C. Subject to the approval of the Commission, a pool may merge with another local government group self-insurance pool if the resulting pool assumes in full all obligations of the merging pools. The Commission may hold a hearing on the merger and shall do so if any party, including a member of either pool, so requests.

## § 17. Revocation or suspension of self-insurance license.

A. The Commission may suspend or withdraw a pool's license as provided for in subsection B of § 4 of this regulation.

B. The Commission shall give 10 days prior notice to the pool of the proposed suspension or revocation. The notice shall be served personally, or by certified or registered mail, upon all interested parties and shall state the reasons for the proposed suspension or revocation and provide the pool with an opportunity to introduce evidence and be heard. If, after a hearing, which may be formal or informal, the pool's license is suspended or revoked, such action shall become effective 30 days after the Commission's order is issued.

C. Any suspension may be terminated by the Commission upon proof by the pool that the original reasons for suspension have been satisfactorily corrected,

and that the pool continues to meet all other requirements for a license.

## § 18. Application or unfair trade practices act; insurance information and privacy protection act.

A group self-insurance pool shall be subject to the provisions of Chapter 5, Unfair Trade Practices, and Chapter 6, Insurance Information and Privacy Protection, of Title 38.2.

## § 19. Penalties.

Penalties for failure to comply with this regulation may include (i) suspension or revocation of the pool's license as provided in § 17 of this regulation, or (ii) a monetary fine of not more than \$10,000, or (iii) both.

## § 20. Fees and assessments.

A. Every pool subject to the provisions of this regulation shall pay to the Commission for filing a license application a nonrefundable fee of \$500.

B. Chapter 4 of Title 38.2 as pertains to the maintenance assessments for the Bureau of Insurance shall apply to the operation of a pool.

## § 21. Severability.

If any provisions of this regulation, or the application of it to any person or circumstances, is held invalid, such invalidity shall not affect other provisions of this regulation which can be given effect without the invalid provision or application, and to that end the provisions of this regulation are severable.



# GOVERNOR

REGISTRAR'S NOTICE: Included in this issue are the Governor's Executive Orders No. 54 (85) (Revised) and Numbers 12 through 18 and 20 through 22. Executive Orders 23 through 26 were published in previous issues of the Virginia Register.

## EXECUTIVE ORDER NUMBER 54 (85) (REVISED)

### FEDERAL LIMIT ON PRIVATE ACTIVITY BONDS

By virtue of the authority vested in me as Governor by the Code of Virginia and Section 103 (n) of the Internal Revenue Code of 1954, as amended, and subject always to my continuing and ultimate responsibility and authority to act in such matters and to reserve powers, I hereby revise Executive Order Number 54 (85), issued by Governor Charles S. Robb on January 23, 1985.

### BACKGROUND

The Deficit Reduction Act of 1984 (the "Act"), which was adopted by the Congress of the United States and signed by the President, imposed restrictions on the issuance of industrial development bonds and student loan bonds. Among the restrictions on these bonds, which the Act designates as "private activity bonds," are limitations on the aggregate amount (termed therein as state ceilings) of "private activity bonds" issued in each state in any calendar year, commencing January 1, 1984, that may be regarded as exempt from Federal income taxation. These limitations are set forth in Section 621 of the Act which adds subsection (n) to Section 103 of the Internal Revenue Code of 1954 (the "Code").

For the Commonwealth of Virginia (the "State"), such state ceiling (the "State Ceiling") for 1985 and 1986 is \$150 multiplied by the most recent estimated resident population of the State last published by the Bureau of Census prior to the commencement of the calendar year, which estimated population, according to the United States Bureau of the Census, United States Department of Commerce News No. CB85-229, issued December 27, 1985, was 5,706,000 producing an estimated 1986 State Ceiling of \$855,900,000 or such amount as determined pursuant to Section 103 (n) (4) of the Code or any ruling of the United States Treasury.

Such "private activity bonds" are defined in Section 103 (n) of the Code as any obligation the interest on which is exempt from tax under Section 103 (a) of the Code, and which is either an industrial development bond or student loan bond. Excluded are:

- Obligations described in Section 103 (b) (4) (A) of the Code (multifamily residential rental property) and housing program obligations under Section 11 (b) of the United States Housing Act of 1937;
- Obligations described in Section 103 (b) (4) (C) or

(D) of the Code, but only if the property described in such subparagraphs is owned by or on behalf of a governmental unit and constitutes (a) convention or trade show facilities, or (b) airports, docks, wharves, mass commuting or storage and training facilities directly related to the foregoing; and

◦ Obligations issued to refund other obligations to the extent that the amount of such obligations does not exceed the amount of the refunded obligations (but in the case of student loan bonds, only if the maturity date of the refunding obligation does not exceed the later of 17 years from issuance or the maturity of the original obligation refunded).

Also excluded, by reason of the effective date provisions of Section 631 of the Act are:

- Obligations issued before June 19, 1984;
- Obligations issued before January 1, 1985, pursuant to an inducement resolution or other comparable preliminary approval before June 19, 1984; and
- Obligations referred to in Section 631 (d) (1), (2) or (3) of the Act; and

The Act provides for an allocation of the state ceiling in each state among the issuers of such bonds within the state but with provision that a state legislature may, by law enacted after the enactment of the Act, provide a different formula for allocating the state ceiling. In the interim prior to any such action by a state legislature, the governor of a state may proclaim a different formula for allocating the state ceiling. Legislation was passed by the 1986 Session of the Virginia General Assembly to allocate the state ceiling. That legislation will become effective on January 1, 1987.

In order to allocate the State Ceiling among all issuers of such bonds in a manner which will promote the public purposes and maximize the public benefits created by the issuance of such bonds, Governor Charles S. Robb issued Executive Order Number 54 (85).

However, on December 17, 1985, the United States House of Representatives passed House Resolution 3838 (H.R. 3838), which provided for a January 1, 1986 effective date for its provisions. Section 701 of H.R. 3838 (Section 145 of the proposed Internal Revenue Code of 1985) provides for a statewide volume cap on all "nonessential function bonds," as defined therein, of \$175 multiplied by the most recent estimated residential population of the Commonwealth last published by the Bureau of the Census prior to the commencement of the calendar year (the Commonwealth's Population). This includes \$25 per capita to be reserved for issuers of "qualified 501(c)(3) bonds," as defined therein (the \$150 net per capita multiplied by the Commonwealth's Population herein defined as the "Virginia Quota under H.R. 3838).

H.R. 3838 provides that, unless reallocated by the Governor, 50 percent of the Virginia Quota under H.R. 3838 is allocated to state issuers and 50 percent of the Virginia Quota under H.R. 3838 is allocated to local issuers. H.R. 3838 further provides that, unless reallocated to other issuers, not more than 50 percent of the quota allocated to any issuing authority shall be used for bonds other than Housing Related Bonds as described therein.

Other proposals to Congress may impose a quota system that affects the issuance of Private Activity bonds. This Executive Order provides for rules that will permit compliance with H.R. 3838 and other proposals, should the same be enacted into law, to maximize the public benefit created by the issuance of Private Activity bonds within the Commonwealth.

PURPOSE

The purpose of this Executive Order is to allocate Virginia's total bond issuing authority to those Issuing Authorities, both state and local, which are empowered to issue Private Activity Bonds. The following formula for the allocation of the remaining 1986 State Ceiling or Private Activity Bonds is in accordance with the Deficit Reduction Act of 1984 as signed into law by the President of the United States on July 18, 1984.

DEFINITIONS

As used herein, these definitions shall apply.

1. "Act" shall mean that public law signed by the President of the United States on July 18, 1984, known as the "Deficit Reduction Act of 1984."
2. "Allocation Administrator" shall mean the Virginia Department of Housing and Community Development.
3. "Basic Employment Projects" shall mean those facilities that bring new income into Virginia's economy, stimulate additional employment, and are the basis for further economic growth. Goods or services which are sold outside the boundaries of an area or are paid for with funds from outside an area are considered "exports." Export industries are considered to be the Commonwealth's basic employers. Examples of Basic Employment Projects are: manufacturing, mining, regional distribution or warehousing centers, research and development firms, corporate headquarters or regional offices, major tourist facilities, large-scale agricultural or fishing operations, and port-related activities.
4. "Code" shall mean the Internal Revenue Code of 1954, as amended together with the regulations and rulings issued pursuant thereto.
5. "Exempt Projects" for the purposes of the State Ceiling shall mean the following activities described in Section 103(b)(4) and 103(b)(5) of the Code which are

subject to the State Ceiling:

- (a) Sport facilities;
  - (b) Convention or trade show facilities;
  - (c) Airports, docks, wharves, mass commuting facilities, and parking facilities;
  - (d) Sewage and solid waste disposal facilities, and facilities for the local furnishing of electric energy or gas;
  - (e) Air or water facilities, including pollution control facilities;
  - (f) Certain facilities for the furnishing of water;
  - (g) Qualified mass commuting vehicles;
  - (h) Local district heating and cooling facilities;
  - (i) Industrial parks.
6. "Governing Body" shall mean the Board of Supervisors of each county and the Council of each city and of each town.
  7. "Issued" shall mean that the private activity bonds have been issued within the meaning of Section 103 of the Code.
  8. "Issuing Authority" shall mean any political subdivision, governmental unit, authority, or other entity of the Commonwealth which is empowered to issue Private Activity Bonds.
  9. "Local Allocation" shall mean that portion of the State Ceiling allocated to each locality in Virginia according to Item 1 under "Allocation of State Ceiling" in this Executive Order.
  10. "Localit(y)(ies)" shall mean the individual and collective cities and counties of the Commonwealth of Virginia.
  11. "Population" shall mean the most recent estimate of resident population for Virginia and the counties, cities, and towns published by the United States Bureau of the Census or the Tayloe Murphy Institute of the University of Virginia before January 1, 1986 for calendar year 1986.
  12. "Private Activity Bonds" shall mean those obligations issued by the Commonwealth and its Issuing Authorities which constitute Private Activity Bonds, as defined in Section 103 (n) of the Code, and which are not exempt from the State Ceiling.
  13. "State Allocation" shall mean that portion of the State Ceiling allocated to State Issuing Authorities or

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projects of state or regional interest as determined by the Governor.

14. "State Ceiling" shall mean the amount of Private Activity Bonds that the Commonwealth of Virginia may issue in 1986 under the provisions of the Act; except that for H.R. 3838 purposes, the State Ceiling shall mean \$75 multiplied by the State's population, equaling one-half of the Virginia Quota under H.R. 3838. This ceiling shall remain in effect pending passage of a tax reform act by Congress and deemed to be reallocated for H.R. 3838 purposes for non-Housing Related Bonds.

The \$75 per capita state ceiling for H.R. 3838 purposes shall not apply if (a) H.R. 3838 or other tax reform legislation is passed by Congress and signed by the President without amending the amount of Private Activity Bonds that may be issued in Virginia in 1986 under existing law, or (b) a subsequent executive order removes the exception.

15. "State Reserve" shall mean that portion of the State Ceiling, as determined pursuant to Item 3 under "Allocation of State Ceiling" in this Executive Order.

16. "Supporting Employment Projects" shall mean those facilities which primarily serve the local economy, such as retail and wholesale trade, contract construction, insurance, real estate, medical, and other services.

## ALLOCATION OF STATE CEILING

This Executive Order shall apply to all Private Activity Bonds issued by Issuing Authorities during the remainder of 1986. The procedures for allocation of the State Ceiling are as follows:

1. "Local Allocation." Each locality in Virginia is allocated \$75 per capita but not less than \$1 million of the State Ceiling. Any portion of the Local Allocation for which Private Activity Bonds have not been issued by August 29 shall revert to the State Reserve. There shall be no grant of extension of this deadline. The IDB Form 1 ("Local Allocation Project Information") shall be filed with the Allocation Administrator by August 29 to document all Local Allocation activity in the locality since January 1, 1986.

During the remainder of the calendar year, the State Ceiling shall be allocated from the State Reserve and the State Allocation to permit compliance with H.R. 3838 and other proposals, should the same be enacted into law. This will maximize the continued issuance of Private Activity Bonds within the Commonwealth. The estimated total of all Local Allocations for calendar year 1986 is \$439,540,000.

All Private Activity Bonds heretofore issued from the Local Allocation, the State Allocation, or the State

Reserve and with respect to which an IRS Form 8038 has been or is filed with the Allocation Administrator as required by this Executive Order or Executive Order 54 (85) and all such Private Activity Bonds issued on or after the effective date of this Executive Order and on or before August 29, 1986 and with respect to which (a) an IRS Form 8038 is filed with the Allocation Administrator, and (b) the Allocation Administrator has determined, taking into account the principal amount of such Bonds and all other Private Activity bonds with respect to which an IRS Form 8038 has been filed, that the State Ceiling, as defined above for H.R. 3838 purposes, has not to the best of his knowledge, been exceeded shall be treated for allocation purposes as bonds issued within the State Ceiling, as defined above for H.R. 3838 purposes. On and after August 29, 1986, the amounts awarded from the State Reserve and the State Allocation, in combination with the amounts previously issued from the Local Allocation, the State Allocation, or the State Reserve, plus amounts awarded from the State Allocation or the State Reserve which are still outstanding, shall not exceed the State Ceiling, as defined above for H.R. 3838 purposes.

The Local Allocation is only available for projects located within the boundaries of the locality but the bonds for such projects may be issued by an Issuing Authority empowered to do so.

Each governing body, by resolution or ordinance, may allocate or reallocate its Local Allocation to Issuing Authorities pursuant to such method as the governing body shall determine.

2. "State Allocation." For calendar year 1986, State Issuing Authorities and projects of state or regional interest, as determined by the Governor, are allocated from the State Ceiling a total of \$15 per capita multiplied by the population of Virginia. The estimated amount of the State Allocation for calendar year 1986 is \$85,590,000.

Each State Issuing Authority or project of state or regional interest shall be allocated, as prescribed by the Governor, a portion of the State Allocation. The Governor may transfer any portion of the State Allocation to the State Reserve.

3. "State Reserve." For calendar year 1986, the remainder of the State Ceiling, after deducting the Local Allocation and the State Allocation, shall be placed in a State Reserve for allocation pursuant to this Executive Order to localities or State Issuing Authorities. The amount of the initial State Reserve for calendar year 1986 is an estimated \$330,770,000.

## ALLOCATION OF THE STATE RESERVE

The primary purpose of the State Reserve is to assist in the economic development of the Commonwealth of

Virginia. It will be administered as an integral part of the state's economic development effort. The secondary purpose of the State Reserve is to assist political subdivisions, public utilities, and private enterprise in obtaining tax exempt financing for projects defined in (d), (e), and (f) under Exempt Projects.

A State Issuing Authority, with the approval of the Governor, or a governing body of any locality may file an application with the Allocation Administrator to request an allocation from the State Reserve. The State Issuing Authority or governing body must have allocated its entire State or Local Allocation prior to requesting an allocation from the State Reserve. To be considered valid, such application shall be accompanied by the following:

1. A full identification, as specified by the Allocation Administrator, of each project which has received an allocation from the Local Allocation or the State Allocation.
2. Copies of IRS Form 8038 for each project for which bonds have been issued from the Local Allocation or the State Allocation, unless such form(s) have been previously filed with the Allocation Administrator in accordance with Reporting Requirements, Item 2, of this Executive Order.
3. Copies of the following for each project for which an allocation is being requested from the State Reserve and for each project which has been assigned an allocation from the Local Allocation or the State Allocation but for which bonds have not been issued, unless such information has previously been submitted.

The assignment of points for the above ten criteria shall be calculated according to two methodologies. For criterion 1 "Project Type" (300 points), criterion 2 "Use of State or Local Allocation" (200 points), criterion 8 "Virginia Community Certification Program" (75 points), criterion 9 "Location in Urban Enterprise Zone" (75 points), and criterion 10 "Multi-Jurisdictional Basic Employment or Exempt Project" (100 points), the points specified for each will be awarded if the condition of the criteria are met. For example, if the project type is an Exempt Project, it will receive 150 points; if it is located in an urban enterprise zone, it will receive 75 points. These five criteria can provide a maximum of 750 points.

Points based on criterion 3 "Number of Jobs Created (Net) or Retained" (375 points), criterion 4 "Local Unemployment Rate" (225 points), criterion 5 "Wages per Employee (150 points), criterion 6 "Percent of Total Project to be Financed with Other Than Private Activity Bonds" (150 points), and criterion 7 "Increased Assessed Value of Real Property" (100 points), shall be assigned points according to a ranking process. Relevant information on each project or on the locality in which the project will be sited shall be ranked from highest to lowest for each criterion. The total points for each criterion will be segmented into point groups that have a

25 point differential. The highest point group shall receive the maximum points for each criterion. The Allocation Administrator shall assign the highest ranking project(s) to the highest point group. The remaining projects shall receive points according to the point group to which the project is assigned. The lowest point group for criteria 4 and 7 will be 25 points, for criteria 3, 5 and 6 it will be 0 points. If the project will not create any new jobs or retain any existing jobs, no points will be assigned to the project for criterion 3. Similarly, if no jobs are to be created or retained, no new wages will be paid, and therefore no points will be assigned to the project for criterion 5. These five criteria can yield a maximum of 1,000 points.

For all purposes of applications for and allocations from the State Reserve under this Executive Order, the minimum pro rata share allocated by the county to a town pursuant to Item 1 under "Allocation of State Ceiling" of this Executive Order shall not be taken into account unless the project under consideration is located within the town.

No project shall receive an allocation of more than \$10 million from the State Reserve prior to November 15 of each year.

Any project not receiving an allocation from the State Reserve in any period may reapply in a subsequent period by reaffirming by letter its prior request.

Allocations from the State Reserve made prior to September 12 shall be valid for ninety days provided, however, that allocations made on or after September 12 but before November 15 shall remain valid only through December 12. If bonds are not issued within the specified ninety days (or by December 12 for allocations awarded on or after September 12 but before November 15), the allocation shall revert to the State Reserve.

Allocations awarded to Basic and Supporting Employment Projects after November 14 but before December 12 shall revert to the State Reserve if the bonds are not issued by December 12.

Any bond issuing authority remaining in or accruing to the State Reserve after November 14 shall be awarded beginning on November 15 by the Allocation Administrator to projects having requests on file with the Allocation Administrator before November 1 in the following priority order:

1. Local government projects of the type which are defined in (d), (e), and (f) under Exempt Projects, provided the requesting governing body shall have allowed to revert to the State Reserve a portion of its Local Allocation equal to 10 percent of the project, or 10 percent of the Local Allocation, whichever is the lesser.
2. Exempt Projects of the Virginia Port Authority.

# Governor

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3. Public utility projects of the type which are defined in (d), (e), and (f) under Exempt Projects.
4. Private sector projects of the type which are defined in (d), (e), and (f) under Exempt Projects.
5. All other Exempt Projects.
6. All other projects ranked according to the State Reserve Point System.
7. Student loan bonds.

Notwithstanding the foregoing, in the event that the State Ceiling for H.R. 3838 purposes is no longer applicable and \$300,000,000 or more is remaining in the State Reserve after November 14, priority item 6 ("All other projects ranked according to the State Reserve Point System") shall be ranked as the first priority and awards shall be made beginning November 15 according to this new priority order by the Allocation Administrator to projects having requests on file with the Allocation Administrator before November 14. The objective shall be to ensure maximum utilization of the State Reserve for its primary purpose of assisting in the economic development of the Commonwealth.

If the amount in the State Reserve is insufficient to award allocations to all projects within one of the above priorities, project allocations within the priority shall be approved by the Governor.

Exempt Projects awarded allocations from the State Reserve after November 15 may be issued during that calendar year or the allocations may be carried forward to such future years if and as permitted by the Act.

## CARRYFORWARD OF PRIVATE ACTIVITY BOND ISSUING AUTHORITY FROM ONE CALENDAR YEAR TO THE NEXT

The Allocation Administrator has the responsibility and the authority to allocate the State Reserve and to execute all carryforward elections or otherwise make allocations for carryforward from one calendar year to another. The objective shall be to ensure maximum utilization of the State Ceiling.

## REPORTING REQUIREMENTS

1. The locality and State Issuing Authority shall submit all requests to the State Reserve in the form and manner prescribed by the Allocation Administrator.
2. Within five days of issue of any Private Activity Bonds, each Issuing Authority shall submit a copy of Internal Revenue Service Form 8038 to the Allocation Administrator.

## ADMINISTRATION

1. The Virginia Department of Housing and Community Development shall be the state administering agency for this Executive Order.

2. All other state agencies shall, upon request, provide assistance to the Virginia Department of Housing and Community Development for the purposes of this Executive Order.

This Executive Order supersedes and rescinds Executive Order 54 (85), Federal Limit on Private Activity Bonds, issued on January 23, 1985 by Governor Charles S. Robb.

This Executive Order shall become effective upon its signing and shall remain in full force and effect until January 1, 1987 unless amended or rescinded by further executive order or statute.

Given under my hand and under the Seal of the Commonwealth of Virginia this 14th day of July, 1986.

/s/ Gerald L. Baliles  
Governor

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## **EXECUTIVE ORDER NUMBER TWELVE (86)**

### **GOVERNOR'S ADVISORY BOARD OF ECONOMISTS**

By virtue of the authority vested in me as Governor by Section 2.1-393 of the Code of Virginia and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby continue the Governor's Advisory Board of Economists.

The general responsibility of the Board shall be to review and evaluate revenue estimates to be used in the formulation of the Governor's Budget and amendments thereto. The Board shall review and make recommendations regarding:

1. Economic assumptions and technical econometric methodology used to prepare the Governor's annual six-year estimates of anticipated general and nongeneral fund revenues;
2. Current and projected economic outlook for the Commonwealth and the nation;
3. Assumptions and methodologies used to project general fund and nongeneral fund revenues for the current and future biennia; and
4. Other related issues, at the request of the Governor.

The Board shall be comprised of no more than ten members appointed by the Governor and serving at his pleasure. The Governor or his designee shall serve as

chairman. Members of the Board shall be economists selected from both the public and private sectors and shall include those who teach and conduct research and practice economics.

This Executive Order supersedes and rescinds Executive Order Number 16 (82), issued July 13, 1982, by Governor Charles S. Robb.

This Executive Order shall become effective upon its signing and shall remain in full force and effect until June 30, 1990, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 16th day of June, 1986.

/s/ Gerald L. Ballies  
Governor

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**EXECUTIVE ORDER NUMBER THIRTEEN (86)**

**ESTABLISHMENT OF VIRGINIA COASTAL RESOURCES MANAGEMENT PROGRAM**

By virtue of the authority vested in me by the Constitution of Virginia and Sections 2.1-39.1 and 2.1-41.1 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish the Virginia Coastal Resources Management Program. I hereby direct all state agencies to carry out their legally established duties consistently with this program and in a manner which promotes coordination among those agencies in achieving its goals and objectives.

COASTAL RESOURCES POLICY

State agencies having responsibility for the Commonwealth's coastal resources shall promote the Program consistently with the following goals and objectives:

Prevention of Environmental Pollution and Protection of Public Health

1. To maintain, protect and improve the quality of coastal waters suitable for the propagation of aquatic life and recreation involving body contact.
2. To reduce non-point pollution, caused by inappropriate land uses and inadequate land management practices, in tidal streams, estuaries, embayments and coastal waters.
3. To reduce the potential for damage to coastal resources from toxic and other hazardous materials

through effective site selection and planning as well as improved containment and cleanup programs.

4. To prevent significant deterioration of air quality.
5. To protect the public health from contaminated seafood.

Prevention of Damage to Natural Resource Base

6. To protect ecologically significant tidal marshes from despoliation or destruction.
7. To minimize damage to the productivity and diversity of the marine environment resulting from alteration of subaqueous lands and aquatic vegetation.
8. To minimize damage to the productivity and diversity of the marine environment resulting from the disruption of finfish and shellfish population balances.
9. To reduce the adverse effects of sedimentation on productive marine systems.
10. To maintain areas of wildlife habitat and to preserve endangered species of fish and wildlife.

Protection of Public and Private Investment

11. To conserve coastal sand dune systems.
12. To reduce or prevent losses of property, tax base and public facilities caused by shorefront erosion.
13. To minimize dangers to life and property from coastal flooding and storms.

Promotion of Resources Development

14. To promote the wise use of coastal resources for the economic benefit and employment of the citizens of the Commonwealth.
15. To protect and maintain existing uses of estuarine waters for shellfish propagation and marketing.
16. To encourage provision of commercial and industrial access to coastal waters where essential to desired economic activities.
17. To coordinate the Commonwealth's planning processes for major projects so as to facilitate consideration of alternative locations for such facilities within the context of long-term development patterns and implications.
18. To improve or maintain productive fisheries.
19. To encourage exploration and production of outer continental shelf energy reserves.

# Governor

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20. To provide for the extraction of mineral resources in a manner consistent with proper environmental practices.

## Promotion of Public Recreation Opportunities

21. To provide and increase public recreational access to coastal waters and shorefront lands.

## Promotion of Efficient Government Operation

22. To provide a shoreline permitting procedure, administered at the local level wherever possible, which assures both adequate review and mitigation of probable impacts as well as timely response to applicants.

## Provision of Technical Assistance and Information

23. To provide state and local governing officials and private citizens with technical advice necessary to make wise decisions regarding uses of and impacts on coastal resources.

24. To conduct continuing education programs in Coastal Resources Management for local and state officials.

25. To maintain and improve base data, maps and photoimagery supportive of decision-makers' needs.

## ENFORCEMENT

The following agencies shall have primary responsibility for implementing the enforceable policies of the program:

Marine Resources Commission  
Commission of Game and Inland Fisheries  
Department of Conservation and Historic Resources  
State Water Control Board  
Department of Health  
State Air Pollution Control Board  
Council on the Environment

In addition, other agencies that conduct activities which may affect coastal resources shall conduct such activities in a manner consistent with and supportive of Virginia's Coastal Resources Management Program. For purposes of this Program, the Coastal Area shall mean Tidewater Virginia as defined in Section 62.1-13.2(d) of the Code of Virginia.

The Administrator of the Council on the Environment (COE) shall monitor all state actions which affect coastal resources. When, in the judgment of the COE Administrator, a state agency or regulatory board or commission is ready to act in a manner that appears to be inconsistent with the Program or has established a pattern of actions that appears to be inconsistent with the Program, the Administrator shall discuss the situations with the agency head to determine if a consistency

problem in fact exists.

If, after discussion, the agency head and the Administrator are in disagreement about the existence of a consistency problem, the Administrator will inform the Secretary of Natural Resources of the disagreement. The Secretary shall then determine if a state consistency problem exists.

If the agency head and Administrator agree that a consistency problem exists, the agency head shall attempt its resolution. If the agency head cannot resolve the problem, the Administrator shall advise the Secretary that a state consistency problem exists.

Upon notification of the existence of a consistency problem, the Secretary shall review the problem, determine how it would best be resolved, and effect such resolution within the Secretariat of Natural Resources or consult with other Cabinet offices to resolve consistency problems with agencies not within that Secretariat. If the Secretary is unable to resolve the problem, he shall report the problem to the Governor with recommendations for appropriate action. The Governor shall have ultimate responsibility for resolving any consistency problem which cannot be resolved by the agency head or by the Secretary.

Any person having authority to resolve consistency problems under the terms of this Executive Order shall resolve those problems in a manner which furthers the goals and objectives of the Program as set forth above and in accordance with existing state law, regulations and administrative procedures.

Any person having authority to resolve consistency problems under the terms of this Executive Order shall resolve those problems in a manner which furthers the goals and objectives of the Program as set forth above and in accordance with existing state law, regulations and administrative procedures.

## EFFECTIVE DATE

This Executive Order will become effective upon federal approval of the Program and will remain in full force and effect until June 30, 1990, unless superseded or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia on this 23rd day of June, 1986.

/s/ Gerald L. Baliles  
Governor

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EXECUTIVE ORDER NUMBER FOURTEEN (86)

**CONTINUING DECLARATION OF STATE OF EMERGENCY ARISING FROM FLOODING AND WIND DAMAGE IN EASTERN VIRGINIA**

By virtue of the authority vested in me as Governor by Section 44-146.17 of the Code of Virginia, and subject always to my continuing and ultimate authority and responsibility to act in such matters, and to reserve powers, I hereby supplement Executive Order Number 63 (85), Declaration of a State of Emergency for Flooding and Wind Damage in the Virginia Eastern Shore, Tidewater Region, and Inland Areas. The state of emergency declared in that Executive Order is hereby continued.

This Executive Order will become effective on July 1, 1986, and will remain in full force and effect until June 30, 1987, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 29th day of June, 1986.

/s/ Gerald L. Baliles  
Governor

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**EXECUTIVE ORDER NUMBER FIFTEEN (86)**

**CONTINUING DECLARATION OF STATE OF EMERGENCY ARISING FROM FLASH FLOODING AND MUDSLIDES THROUGHOUT THE COMMONWEALTH**

By virtue of the authority vested in me as Governor by Section 44-146.17 of the Code of Virginia, and subject always to my continuing and ultimate authority and responsibility to act in such matters, and to reserve powers, I hereby supplement Executive Order Number 65 (85), Declaration of a State of Emergency for Flash Flooding and Mudslides Occurring Throughout the Commonwealth of Virginia. The state of emergency declared in that Executive Order is hereby continued.

This Executive Order will become effective on July 1, 1986, and will remain in full force and effect until June 30, 1987, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 29th day of June, 1986.

/s/ Gerald L. Baliles  
Governor

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**EXECUTIVE ORDER NUMBER SIXTEEN (86)**

**CONTINUING DECLARATION OF STATE OF EMERGENCY ARISING FROM FLOODING IN SOUTHWESTERN VIRGINIA**

By virtue of the authority vested in me as Governor by Section 44-146.17 of the Code of Virginia, and subject always to my continuing and ultimate authority and responsibility to act in such matters, and to reserve powers, I hereby supplement Executive Order Number 59 (85). The state of emergency continued in that Executive Order is further continued. Executive Order Number 59 (85) had continued the declaration of a state of emergency due to flooding in Buchanan, Dickenson, and other affected southwest Virginia counties.

This Executive Order will become effective on July 1, 1986, and will remain in full force and effect until June 30, 1987, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 29th day of June, 1986.

/s/ Gerald L. Baliles  
Governor

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**EXECUTIVE ORDER NUMBER SEVENTEEN (86)**

**JUVENILE JUSTICE AND DELINQUENCY PREVENTION ADVISORY COMMISSION**

By virtue of the authority vested in me by Section 2.1-51.36 of the Code of Virginia, and subject to my continuing and ultimate responsibility and authority to act in such matters, I hereby continue the Virginia Juvenile Justice and Delinquency Prevention Advisory Commission, formerly titled the Virginia Juvenile Justice and Delinquency Prevention Advisory Council.

The Commission is classified as an advisory commission, as defined in Section 9-6.25 of the Code of Virginia.

The Commission shall have the general responsibility of advising the Criminal Justice Services Board, the Department of Criminal Justice Services, and other state agencies on matters related to the prevention and treatment of juvenile delinquency and the administration of juvenile justice in the Commonwealth. The Commission shall have the following specific duties and responsibilities:

1. To review the operation of the juvenile justice system in the Commonwealth, including facilities and programs, and to prepare appropriate reports;
2. To review statewide plans, conduct studies, and make recommendations on needs and priorities for the development and improvement of the juvenile justice



# Governor

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system in the Commonwealth; and

3. To advise on all matters related to the federal Juvenile Justice and Delinquency Prevention Act, and recommend such actions on behalf of the Commonwealth as may seem desirable to secure benefits of that or other federal programs for delinquency prevention or the administration of juvenile justice.

The Commission shall be comprised of not more than twenty-nine members appointed by the Governor and serving at his pleasure. The chairman of the Commission shall be appointed by the Governor. Commission members shall include representatives of state and local agencies providing services to children, juvenile and domestic relations district courts, private organizations, and citizens interested in juvenile justice, delinquency prevention and children's rights.

Funds necessary for the fulfillment of the Commission's responsibilities during the term of its existence shall be provided from federal funds available for this purpose appropriated to the Department of Criminal Justice Services. The Department's expenditures for this purpose shall not exceed \$11,250.

Such staff support as is necessary for the conduct of the Commission's business during the term of its existence shall be provided by the Department of Criminal Justice Services. An estimated 100 hours of staff support will be required to assist the Commission. Other state agencies shall cooperate with the Commission in the conduct of its responsibilities whenever requested to do so.

This Executive Order extends Executive Order Number 58 (85), Interdepartmental Licensure and Certification of Children's Residential Facilities, issued on July 23, 1985 by Governor Charles S. Robb, until January 2, 1987, unless superseded or rescinded by further executive order.

This Executive Order supersedes Executive Order Number 18 (82), Juvenile Justice and Delinquency Prevention Advisory Council, issued on September 20, 1982, by Governor Charles S. Robb.

This Executive Order shall become effective on July 1, 1986 and shall remain in full force and effect until June 30, 1987, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 26th day of June, 1986.

/s/ Gerald L. Baliles  
Governor

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**EXECUTIVE ORDER NUMBER EIGHTEEN (86)**

## EDUCATION BLOCK GRANTS ADVISORY COMMITTEE

By virtue of the authority vested in me as Governor by Section 2.1-393 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby reestablish the Education Block Grants Advisory Committee.

The Committee is classified as an advisory committee, as defined in Section 9-6.25 of the Code of Virginia.

The Committee shall be responsible for advising the State Board of Education on the allocation, use, and oversight of funds received under the federal Education Consolidation and Improvement Act, Pub. L. No. 97-35, 95 Stat. 464 (1981) (hereinafter referred to as "the Act") and similar legislation.

The Committee shall advise the State Board of Education on the following matters pertaining to the use of funds received under the Act:

1. The allocation of those funds which may be used exclusively by the Department of Education for its several activities;
2. The development of a formula for the allocation of funds to local education agencies; and
3. The planning, development, support, implementation, and evaluation of state programs which receive funds under the Act.

In examining these issues, the Committee shall consult with the Governor's Commission on Federal Funding of State Domestic Programs. The Committee also should advise the Secretary of Education on matters related to the use of these funds.

The Committee shall consist of twenty-seven members appointed by the Governor and serving at his pleasure. The membership of the Committee shall be representative of the general public of the Commonwealth, and of the following:

1. Public and private elementary and secondary school children;
2. Classroom teachers;
3. Parents of elementary and secondary school children;
4. Local board of education
5. Local and regional school administrators;
6. Institutions of higher education; and
7. The General Assembly

The Lieutenant Governor shall serve as Chairman of the Committee. The Chairmen of the House and Senate Education Committees shall serve as Vice Chairmen of the Education Block Grants Advisory Committee. Vacancies in the membership of the Committee shall be filled by appointment of the Governor.

Members of the Committee will serve without compensation and will not receive reimbursement for expenses incurred in the discharge of their official duties.

Such staff support as is necessary for the conduct of the Committee's business during the term of its existence shall be furnished by the Office of the Secretary of Education and the Department of Education. Such funding as is necessary for the term of the Committee's existence shall be provided from funds appropriated to the Secretary of Education and the Department of Education.

This Executive Order supersedes and rescinds Executive Order Number Eight (82), issued on April 20, 1982, by Governor Charles S. Robb.

This Executive Order will become effective upon its signing and will remain in full force and effect until June 30, 1990, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 26th day of June, 1986.

/s/ Gerald L. Baliles  
Governor

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**EXECUTIVE ORDER NUMBER TWENTY (86)**

**GOVERNOR'S ADVISORY COMMISSION ON SMALL BUSINESS**

By virtue of the authority vested in me as Governor by Section 2.1-51.36 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby create the Governor's Advisory Commission on Small Business.

The Commission is classified as an advisory commission, as defined in Section 9-6.25 of the Code of Virginia.

The long-term economic development of the Commonwealth and the growth of its labor force and tax base depends, in large measure, upon the continued growth of existing small businesses and the creation of new small businesses. In addition, small businesses play a vital part in the development and application of new goods and services.

The general responsibility of the Governor's Advisory

Commission on Small Business shall be to advise the Governor on actions that state government might take to encourage and enhance the growth and development of small businesses in the Commonwealth.

The Commission shall have the following specific responsibilities:

1. To recommend to the Governor initiatives which state government should undertake to support small business. This may include technical assistance, information and referral services, advice on financing mechanisms, procurement assistance, promotion of products and services for export, and the Commonwealth's taxation and regulatory policies;
2. To recommend and develop policies for the executive branch of state government to enhance the economic conditions for small business development;
3. To encourage and promote the exchange of information between small businesses and federal, state and local governments; and
4. To coordinate, in cooperation with the state Department of Economic Development and public and private entities, a Governor's Conference on Small Business.

The Commission shall be composed of 28 members appointed by the Governor and serving at his pleasure. The Governor shall appoint one member of the Commission to serve as its chairman. The Commission shall meet as needed at the call of the Chairman.

Each of Virginia's twenty-two planning districts shall be represented by one Commission member. The following state officials, or their designees, shall serve as ex officio, voting members:

- the Director of the Department of Economic Development,
- the Director of the Department of Minority Business Enterprise,
- the Director of the Department of Housing and Community Development,
- the chairman of the Senate Committee on Commerce and Labor,
- the chairman of the House Committee on Labor and Commerce, and
- the chairman of the House Subcommittee on Small Business.

By no later than October 1, 1986 the Commission shall recommend to the Governor executive and legislative initiatives to enhance small business development. Also, at

# Governor

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the Governor's request, the Commission shall recommend policy positions on matters that may impact small businesses in the Commonwealth. All reports and recommendations from the Commission to the Governor shall be transmitted first to the Secretary of Economic Development.

Members of the Commission shall serve without compensation. They shall not be reimbursed for expenses incurred in the discharge of their official duties.

Such funding as is necessary for the fulfillment of the Commission's responsibilities during the term of its existence shall be provided from funds appropriated to the Department of Economic Development or from such other sources, both private and public, authorized by Section 2.1-51.37 of the Code of Virginia.

Such staff and other support as is necessary for the conduct of the Commission's business during the term of its existence shall be provided by the Department of Economic Development or such other executive branch agencies as the Governor may from time to time designate.

This Executive Order supersedes Executive Order Number Nineteen (82), Creating the Governor's Advisory Committee on Small Business, issued on September 24, 1982, by Governor Charles S. Robb.

This Executive Order shall become effective on July 1, 1986 and shall remain in full force and effect until June 30, 1987, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 26th day of June 1986.

/s/ Gerald L. Baliles  
Governor

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## EXECUTIVE ORDER NUMBER TWENTY-ONE (86)

### PROVIDING FOR COOPERATION BETWEEN THE VIRGINIA NATIONAL GUARD AND THE VIRGINIA STATE POLICE IN THE SUPPRESSION OF DRUG TRAFFIC AND OTHER CRIMINAL ACTIVITIES WITHIN THE COMMONWEALTH

By virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by Sections 44-8 and 44-75 (B) of the Code of Virginia, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby authorize the Adjutant General of the Virginia Department of Military Affairs to employ the organized militia of the Commonwealth to assist the Department of State Police in

locating and eradicating illegally-grown marijuana and cannabis in the Commonwealth of Virginia and in suppressing drug smuggling and trafficking, and related forms of crime within the Commonwealth.

The role and function of the Virginia National Guard shall be consistent with the guidelines established in this Executive Order and current or future memoranda of understanding between the Department of Military Affairs and the Department of State Police.

The Adjutant General shall have the following responsibilities:

1. To ensure that all operations of the Virginia National Guard undertaken pursuant to this Executive Order are consistent with regulations of the Department of Defense and with all applicable federal and state laws;
2. To maintain the integrity of the established military chain of command for all operations of the Virginia National Guard;
3. To prevent deterioration or impairment of the military preparedness or normal training missions of the Virginia National Guard; and
4. To assure that any loan of equipment or conduct of any special mission is in accordance with state and federal regulations and Virginia National Guard procedures.

The Superintendent of State Police shall have the following responsibilities:

1. To request assistance from the Office of the Adjutant General;
2. To coordinate and utilize, to the fullest extent possible, the resources of the Virginia National Guard in suppressing drug smuggling, drug trafficking, and illegal marijuana cultivation in the Commonwealth;
3. To provide information and training to the Virginia National Guard concerning trends, patterns, methods, and procedures being used to smuggle, distribute, and produce illegal drugs in Virginia; and
4. To conduct follow-up investigations on criminal activities detected during the course of National Guard missions.

The Adjutant General and the Superintendent of State Police shall be jointly responsible for developing procedures, to be set out in a memorandum of understanding, to implement this Executive Order. At minimum, these procedures shall address the following subjects:

1. Loaning military equipment to the State Police,

under the conditions set forth in this Executive Order, as necessary to counter criminal activity;

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2. Cross-training State Police officers and members of the Virginia National Guard;

**EXECUTIVE ORDER NUMBER TWENTY-TWO (86)**

3. Exchanging information gathered during routine missions of the Virginia National Guard;

**ASSIGNING RESPONSIBILITY TO STATE OFFICIALS AND STATE AGENCIES FOR PARTICIPATION IN THE FEDERAL COMPREHENSIVE ENVIRONMENTAL RESPONSE AND LIABILITY ACT OF 1980 ("SUPERFUND" PROGRAM)**

4. Safeguarding the secrecy of information gathered during missions; and

5. Training State Police personnel in the operation, maintenance, and security of loaned military equipment.

By virtue of the authority vested in me by Section 2.1-39.1 of the Code of Virginia and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby assign responsibilities for the administration and coordination of state response actions under the federal Comprehensive Environmental Response and Liability Act of 1980 to the following executive branch agencies and officials:

Should service under this Executive Order result in the injury or death of any member of the National Guard, the following benefits will be provided to the member and his dependents or survivors:

(a) Workers' Compensation benefits provided to members of the National Guard by the Virginia Workers' Compensation Act; and, in addition,

◦ The Secretary of Transportation and Public Safety shall be responsible for entering into cooperative agreements with the federal Environmental Protection Agency (EPA) regarding the immediate removal of hazardous substances that threaten the public health, welfare, and environment. Under the direction of the Secretary of Transportation and Public Safety, the State Coordinator of the Department of Emergency Services shall be responsible for the development of the State Contingency Plan and other requisite documents and for the development of the State/EPA cooperative agreement for the Superfund Immediate Removal Program.

(b) The same benefit for injury, disability and/or death, or their equivalent, as would be provided by the federal government if the member were serving on federal active duty at the time of injury or death. Any such federal-type benefits due to a member and his dependents or survivors during any calendar month shall be reduced by any payments due under the Virginia Workers' Compensation Act during the same month. If and when the time period for payment of Workers' Compensation benefits has elapsed, the member and his dependents or survivors shall thereafter receive full federal-type benefits for as long as they would have received such benefits if the member were serving on federal active duty at the time of injury or death. Any federal-type benefits due shall be computed on the basis of military pay grade E-5 or the member's military pay grade at the time of injury or death, whichever produces the greater benefit amount. Pursuant to Section 44-14 of the Code of Virginia and subject to the concurrence of the Board of Military Affairs, I approve of such federal-type benefits as being manifestly for the benefit of the military service and direct that said federal-type benefits be funded.

◦ The Secretary of Natural Resources shall be responsible for entering into cooperative agreements with the Environmental Protection Agency regarding the expeditious planned removal of hazardous substances from the environment and remedial actions providing permanent resolution to the release of hazardous substances into the environment. Prior to signing any cooperative agreement, the Secretary of Natural Resources shall assure that the general provisions of the 1986-88 Appropriation Act (Chapter 643, 1986 Acts of Assembly), as applicable, are adhered to. Under the direction of the Secretary of Natural Resources, the Executive Director of the Department of Waste Management shall be responsible for the development and negotiation of the State/EPA cooperative agreements for the Superfund Planned Removal and Remedial Action Programs.

This Executive Order will become effective on July 1, 1986 and will remain in full force and effect until June 30, 1990, unless amended or rescinded by further executive order.

◦ The Secretary of Natural Resources and the Secretary of Transportation and Public Safety are authorized to develop memoranda of understanding which set forth the working relationships between the state agencies assigned coordinative responsibility by this Executive Order and those state agencies with statutory responsibilities that may impinge on these activities.

Given under my hand and under the Seal of the Commonwealth of Virginia this 30th day of June, 1986.

/s/ Gerald L. Baliles  
Governor

# Governor

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This Executive Order supersedes Executive Order Number Thirty-five (83), Assigning Responsibility to State Officials and State Agencies for Participation in the Federal Comprehensive Environmental Response and Liability Act of 1980 ("Superfund" Program), issued by Governor Charles S. Robb on April 5, 1983.

This Executive Order shall become effective on July 1, 1986 and shall remain in full force and effect until June 30, 1990, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 29th day of June, 1986.

/s/ Gerald L. Baliles  
Governor

\*\*\*\*\*

## GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.14:9.1 of the Code of Virginia)

### DEPARTMENT OF HEALTH

Title of Regulations: **VR 360-01-03. Standards for Evaluating Certificate of Public Need Applications to Establish or Expand Nursing Home Services.**

Office of the Governor

February 18, 1987

Mr. Raymond O. Perry  
Executive Director  
State Health Planning and Development Agency  
Department of Health  
109 Governor Street  
Richmond, Virginia 23219

Dear Mr. Perry:

I have reviewed the Standards for Evaluating Certificate of Public Need Applications to Establish or Expand Nursing Home Services (VR 360-01-03) under the procedures of Executive Order Number Five (86).

The regulations appear carefully drawn to ensure that persons in need of nursing home services have adequate access to those services; however, I would request that the Virginia Statewide Health Coordinating Council consider the possible relationship between these proposals and expenditures for Medicaid patients in need of nursing home services. It is my understanding that an increase in nursing home bed capacity may be necessary to ensure that Virginia is eligible for an extension of the federal

waiver for community-based care. Because of this consideration, I am requesting that the Council solicit comments from the Department of Medical Assistance Services to confirm that the added capacity under these regulations is sufficient to address the needs of Medicaid patients and to protect the Commonwealth's eligibility for the federal waiver.

/s/ Gerald L. Baliles

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### STATE WATER CONTROL BOARD

Title of Regulation: **Regulation No. 3.**

Governor's Comment:

I have no objection to the repeal of Water Board Regulation No. 3 since more effective mechanisms for local participation in the permitting process have made this regulation unnecessary. The Department should consider carefully, however, any public comments received on this revocation prior to its final adoption.

/s/ Gerald L. Baliles  
February 26, 1987

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Title of Regulation: **Regulation No. 7 - Industrial Waste Survey.**

Governor's Comment:

I have no objection to the proposed repeal of the Water Board's Regulation No. 7 since more effective mechanisms for gathering the necessary data about industrial discharges now exist. The Department should, however, carefully consider any public comments received on this revocation prior to final adoption.

/s/ Gerald L. Baliles  
February 26, 1987

\*\*\*\*\*

Title of Regulation: **Regulation No. 10 - Trash and Pumpout Services for Vessels at Anchor.**

Governor's Comment:

I have no objection to the proposed repeal of Water Board Regulation No. 10 since the condition addressed by the regulation no longer exists. The Department should, however, carefully consider any public comments received on this revocation prior to final adoption.

/s/ Gerald L. Baiiles  
February 26, 1987

\* \* \* \* \*

**Title of Regulation: Priority System for Construction Grant Recipients to Determine Whether a Supplemental State Grant Should be Provided to Help Relieve an Extraordinary Hardship in Local Funding.**

Governor's Comment:

I have no objection to the repeal of the priority system for construction grant recipients since it has been replaced by the Water Resources Revolving Fund allocation process. The Department, however, should consider carefully any public comments received concerning this revocation.

/s/ Gerald L. Baiiles  
February 26, 1987

\* \* \* \* \*

**Title of Regulation: Rappahannock Area Development Commission (RADCO) 208 Areawide Waste Treatment Management Plan and Potomac-Shenandoah River Basin 303 (e) Water Quality Management Plan.**

Governor's Comment:

I have no objection to the proposed amendments as presented. The Department should, however, consider carefully any public comments received regarding these amendments.

/s/ Gerald L. Baiiles  
February 26, 1987

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# GENERAL NOTICES/ERRATA

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<b>Symbol Key †</b>
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† Indicates entries since last publication of the Virginia Register
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## CRIMINAL JUSTICE SERVICES BOARD

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Criminal Justice Services Board intends to amend regulations entitled: **Rules Relating to Compulsory In-Service Training Standards for Jailors or Custodial Officers of Local Criminal Justice Agencies.** The purpose of the proposed regulations is to amend and update existing regulations governing in-service training for jailors or custodial officers of local criminal justice agencies.

Statutory Authority: § 9-170 of the Code of Virginia.

Written comments may be submitted until April 2, 1987, to L.T. Eckenrode, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219.

Other pertinent information: This is part of a routine periodic review.

**Contact:** Jay Malcan, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Criminal Justice Services Board intends to amend regulations entitled: **Rules Relating to Compulsory In-Service Training Standards for Law Enforcement Officers.** The purpose of the proposed regulation is to amend and update existing regulations governing in-service training for law enforcement officers.

Statutory Authority: § 9-170 of the Code of Virginia.

Written comments may be submitted until April 2, 1987, to L.T. Eckenrode, Division Director, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219.

Other pertinent information: This is part of a routine periodic review.

**Contact:** Jay Malcan, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Criminal Justice Services Board intends to amend regulations entitled: **Rules Relating to Compulsory In-Service Training Standards for Officers of the Department of Corrections, Division of Adult Services.** The purpose of the proposed regulations is to amend and update existing regulations governing in-service training for officers of the State Department of Corrections.

Statutory Authority: § 9-170 of the Code of Virginia.

Written comments may be submitted until April 2, 1987, to L.T. Eckenrode, Division Director, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219.

Other pertinent information: This is part of a routine periodic review.

**Contact:** Jay Malcan, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Criminal Justice Services Board intends to amend regulations entitled: **Rules Relating to Compulsory Minimum Training Standards for Correctional Officers of State Department of Corrections, Division of Institutional Services.** The purpose of the proposed regulations is to amend and update existing regulations governing the basic training of correctional officers of the State Department of Corrections.

Statutory Authority: § 9-170 of the Code of Virginia.

Written comments may be submitted until April 2, 1987, to L.T. Eckenrode, Division Director, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219.

Other pertinent information: This is part of a routine periodic review.

**Contact:** Jay Malcan, Executive Assistant, Department of

Criminal Justice Services, 805 E. Broad St., Richmond, Va.  
23219

**BOARD OF HOUSING AND COMMUNITY  
DEVELOPMENT**

**Notice of Intended Regulatory Action**

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **1984 Editions of the Uniform Statewide Building Code, Volumes I and II; Public Building Safety Regulations; Industrialized Building and Mobile Home Safety Regulations; LP Gas Regulations; and the Tradesmen Certification Standards.** The purpose of these amendments is to provide safety standards for the construction and maintenance of buildings and structures; provide safety standards for the handling and storage of LP Gas; and to provide standards for the certification of building related tradesmen.

Statutory Authority: Article 1 (§ 36.97 et seq.) of Chapter 6 of Title 36 of the Code of Virginia.

Written comments may be submitted until April 30, 1987.

**Contact:** Jack A. Proctor, CPCA Deputy Director, DBRS, Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4751

**Notice of Intended Regulatory Action**

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to promulgate regulations entitled: **(1) The Virginia Amusement Device Regulations and (2) The Virginia Statewide Fire Prevention Code.** The purpose of the proposed regulations is to (i) provide safety standards for the construction, maintenance, operation and inspection of amusement devices and to provide standards for the certification of amusement device inspectors; and (ii) provide safety standards to safeguard life and property from the hazards of fire or explosion.

Statutory Authority: (1) § 36-98.3 and (2) § 27-97 of the Code of Virginia.

Written comments may be submitted until April 30, 1987.

**Contact:** Jack A. Proctor, CPCA Deputy Director, DBRS, Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4751

**DEPARTMENT OF MEDICAL ASSISTANCE SERVICES  
(BOARD OF)**

**† Notice of Intended Regulatory Action**

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Medical Assistance Services intends to consider promulgating regulations entitled: **Mental Health Services.** The purpose of the proposed regulations is to establish the amount, duration and scope of outpatient mental health services.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Written comments may be submitted until March 31, 1987.

**Contact:** David Austin, Manager, Postpayment Review, HSR, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-5438

**DEPARTMENT OF REHABILITATIVE SERVICES  
(BOARD OF)**

**† Notice of Intended Regulatory Action**

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Rehabilitative Services intends to promulgate regulations entitled: **Provision of Independent Living Rehabilitation Services.** The purpose of the proposed regulations is to establish policies, procedures and requirements governing the provision of services to disabled persons.

Statutory Authority: § 51.01-5(7) of the Code of Virginia.

Written comments may be submitted until June 1, 1987, to David R. Ziskind, Deputy Commissioner, Department of Rehabilitative Services, P.O. Box 11045, Richmond, Virginia 23230.

**Contact:** James L. Hunter, Board Administrator, Department of Rehabilitative Services, P.O. Box 11045, Richmond, Va. 23230, telephone (804) 257-6446

**DEPARTMENT FOR THE VISUALLY HANDICAPPED**

**Notice of Intended Regulatory Action**

Notice is hereby given in accordance with this agency public participation guidelines that the Virginia Department for the Visually Handicapped intends to promulgate regulations regulations entitled: **1) Regulations Governing**



# General Notices/Errata

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**Rehabilitation Teaching; 2) Regulations Governing Independent Living; 3) Regulations Governing Intake and Social Services, 4) Regulations Governing Library Services for the Blind and Physically Handicapped.** The purpose of the proposed regulations is to establish policies, procedures and requirements governing the provision of services to blind and visually impaired persons in the areas of Rehabilitation Teaching, Independent Living and Intake and Social Services, and Library Services for the Blind and Physically Handicapped.

**Statutory Authority:** §§ 63.1-78 and 63.1-79 of the Code of Virginia.

Written comments may be submitted until March 31, 1987.

**Contact:** David H. Kennedy, Assistant Program Director, Virginia Department for the Visually Handicapped, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 264-3140

## GENERAL NOTICES

### NOTICE TO THE PUBLIC

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

**Title of Regulation:** VR 115-04-03. Rules and Regulations for the Enforcement of the Virginia Pesticide Law.

**Statutory Authority:** §§ 3.1-217 and 3.1-217.1 of the Code of Virginia.

**Effective Date:** March 16, 1987

#### **NOTICE FROM THE REGISTRAR OF REGULATIONS:**

Procedural changes in § 20 of the Rules and Regulations for the Enforcement of the Virginia Pesticide Law have been issued by the commissioner, with approval of the State Board of Agriculture and Consumer Services pursuant to authority granted under §§ 3.1-217 and 3.1-217.1 of the Code of Virginia and § 20 of the Rules and Regulations for the Enforcement of the Virginia Pesticide Law. The changes become effective March 16, 1987.

Sections 3.1-217 and 3.1-217.1 grant authority to the State Board of Agriculture and Consumer Services to adopt rules and regulations for the enforcement of the Virginia Pesticide Law.

The Rules and Regulations for the Enforcement of the Virginia Pesticide Law, including § 20, were amended and readopted February 26, 1986. The regulations grant the Commissioner of Agriculture and Consumer Services

permission to request the State Board of Agriculture and Consumer Services approval to employ certain regulatory procedures when the commissioner has evidence that the use of any highly hazardous pesticide product or substance will significantly affect the quality of the total environment or the health and safety of individual users, non-target species or a geographic area.

Section 9-6.14:4.1 of the Code of Virginia provides that certain actions taken by the agency are not subject to the Administrative Process Act. The Commissioner of Agriculture and Consumer Services will receive, consider and respond to requests by any seller affected by the requirement at any time with respect to reconsideration or revision of this decision.

#### **Summary:**

During the past 24 months, Furadan 15-G, an insecticide/nematicide known to be highly toxic to avian species, has been confirmed as the cause of death to two bald eagles. Also, it is highly suspected in the nonfatal poisoning of one bald eagle. The registered label indicates that the pesticide is toxic to fish, birds, and other wild life. Furadan 15-G, one of several granular carbofuran formulations, but the only formulation registered in Virginia, is commonly used on such crops as corn, sorghum, tobacco and peanuts. The product is labeled for incorporation into the soil at planting time.

Even though there are alternative chemicals, Furadan 15-G is used extensively in Virginia and is favored by farmers for its versatility and efficiency. Furadan 15-G is a restricted use pesticide and can be legally used only by, or under the supervision of, a licensed pesticide applicator. The Environmental Protection Agency (EPA) is currently conducting a special review of all granular carbofuran formulations. This study is not expected to be completed until late 1987.

By authority of §§ 3.1-217 and 3.1-217.1 of the Code of Virginia and § 20 of the Rules and Regulations for the Enforcement of the Virginia Pesticide Law, the Commissioner of Agriculture and Consumer Services hereby requires Virginia pesticide dealers or distributors who sell Furadan 15-G east of Interstate 95 to maintain certain records.

#### **Regulatory Procedure to Implement § 20 of the Rules and Regulations Under the Virginia Pesticide Law Relating to the Sale of Furadan 15-G**

By authority of §§ 3.1-217 and 3.1-217.1 of the Code of Virginia and § 20 of the Rules and Regulations for the Enforcement of the Virginia Pesticide Law, the commissioner may, with the approval of the Board of Agriculture and Consumer Services, employ one or more of the following regulatory procedures:

1. Registration of sellers and users.

2. Records and reports on quantities sold and used.
3. Sales and use permits.
4. Certification of compliance to approved label precautions.
5. Approved supervision of use.

Glen Tittermary - (804) 786-1258

Other:

Bruce Meador, State Government Savings Bond  
Chairman - (804) 786-8013  
Carol Duke, U.S. Treasury Savings Bond Manager -  
(804) 771-2271

The commissioner, with approval of the board, hereby implements procedure 2 to require recordkeeping on the sale of Furadan 15-G east of Interstate 95 in Virginia as follows:

Effective March 16, 1987, all pesticide dealers or distributors who sell Furadan 15-G in Virginia east of Interstate 95 shall comply with the following:

1. Maintain a ledger of sales (including the date sold, quantity, and intended use of the product as well as the name and address of the person to whom the sale was made) of Furadan 15-G.
2. Make such ledger available to the commissioner or his authorized agents for review and copying for the purpose of undertaking a significant monitoring effort to assure that the product is being used in accordance with label directions.

This procedure will remain in effect until revoked by the commissioner.

/s/ S. Mason Carbaugh, Commissioner  
February 25, 1987

## 1987 STATE GOVERNMENT SAVINGS BOND CAMPAIGN

April 16, 1987 through May 1, 1987

Contact: Representatives of the three branches of state government.

Executive:

Administration - Charles d'Evegnée (804) 786-3831  
Economic Development - Mary Nicely (804) 786-1536  
Education - Dr. Ann Williams (804) 225-2117  
Finance - Carol Milton - (804) 225-2360  
Human Resources - Bill Pega (804) 264-3106  
Natural Resources - Lee Bess (804) 786-2121  
Transportation and Public Safety - David Wheeler  
(804) 257-0554

Judicial:

Bill Capers - (804) 786-1258

Legislative:

## MARCH OF DIMES 1987 WALKAMERICA DAY

April 26, 1987 - 9 a.m.

Department of Motor Vehicles, 2201 West Broad Street,  
Richmond, Virginia

Contact: Bruce Meador, State Government Community  
Services Liaison, Department of Planning and Budget, P.O.  
Box 1422, Richmond, Va. 23211, telephone (804) 786-8013

## NOTICES TO STATE AGENCIES

RE: Forms for filing material on dates for publication in  
the Virginia Register of Regulations.

All agencies are required to use the appropriate forms  
when furnishing material and dates for publication in the  
Virginia Register of Regulations. The forms are supplied  
by the office of the Registrar of Regulations. If you do not  
have any forms or you need additional forms, please  
contact: Ann M. Brown, Deputy Registrar of Regulations,  
Virginia Code Commission, P.O. Box 3-AG, Richmond, Va.  
23208, telephone (804) 786-3591

FORMS:

PROPOSED (Transmittal Sheet) - RR01  
FINAL (Transmittal Sheet) - RR02  
NOTICE OF MEETING - RR03  
NOTICE OF INTENDED REGULATORY ACTION -  
RR04  
NOTICE OF COMMENT PERIOD - RR05  
AGENCY RESPONSE TO LEGISLATIVE  
OR GUBERNATORIAL OBJECTIONS - RR06

## ERRATA

### DEPARTMENT OF COMMERCE

Title of Regulation: VR 170-01-1. Board of Barber  
Examiners Regulations.

Issue: V.A.R 3:10, pp 963 - 967, February 16, 1987

## General Notices/Errata

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Correction to the final regulation is as follows:

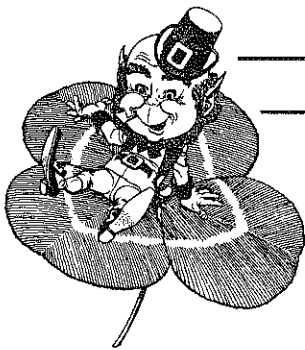
Page 965, Column 2, § 3.4, should read:

The board may (i) revoke, suspend, or refuse to renew the license of any barbershop, (ii) impose a fine as permitted by law, or (iii) both when there is a finding that: ~~(54-1.28.27)~~

~~3.4.1~~ 1. The owner or operator of the shop fails to comply with the sanitary requirements of barbershops provided for in any local ordinances; or ~~(54-83.27)~~

~~3.4.2~~ 2. The owner or operator allows a person who had not obtained a license or temporary permit to practice as a barber unless *the* person is duly indentured as an apprentice; ( ~~54-83.22:1~~)

# CALENDAR OF EVENTS



## Symbols Key

- † Indicates entries since last publication of the Virginia Register
- ☒ Location accessible to handicapped
- ☎ Telecommunications Device for Deaf (TDD)/Voice Designation

## NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the Virginia Register deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

..... VIRGINIA CODE COMMISSION

## EXECUTIVE

### STATE BOARD OF ACCOUNTANCY

† **March 16, 1987 - 10 a.m.** – Open Meeting  
Department of Commerce, Travelers Building, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) discuss request for proposal-CPA Examination Administration Services; (ii) sign certificates; (ii) review correspondence; and (iv) discuss new business.

**Contact:** Roberta L. Banning, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8505

### GOVERNOR'S ADVISORY BOARD ON AGING

**April 22, 1987 - 1 p.m.** – Open Meeting  
**April 23, 1987 - 9 a.m.** – Open Meeting  
Holiday Inn, Euclid Avenue, Bristol, Virginia

Quarterly meeting to discuss issues of concern to older Virginians. The theme of this meeting will be rural elderly.

**Contact:** Williams Peterson, Virginia Department for the

Aging, 101 N. 14th St., 18th Floor, Richmond, Va. 23219-2797, telephone (804) 225-3140

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (COMMISSIONER OF)

**April 17, 1987** - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to amend regulations entitled: **VR 115-03-05. Virginia Grade Standards for Breeder Swine.** These regulations provide official descriptions of requirements to be used by VDACS in determining the quality grade of breeder swine whenever official grading services are requested. The purpose of the proposed revision is to clarify wording and update the Virginia standards to more closely align them with recent changes in the related USDA Grade Standards for Slaughter Swine. The revisions are the result of conformity with the Governor's Regulatory Review Program.

Statutory Authority: § 3.1-338 of the Code of Virginia.

Written comments may be submitted until April 17, 1987, to S. Mason Carbaugh, Commissioner, Virginia Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, Virginia 23219.

**Contact:** H. Frank Graves, Chief, Bureau of Livestock Marketing Services, Division of Markets, Virginia Department of Agriculture and Consumer Services, Room 711, 1100 Bank St., Richmond, Va. 23219, telephone (804) 786-3935

### STATE AIR POLLUTION CONTROL BOARD

† **March 23, 1987 - 7:30 p.m.** – Open Meeting  
Russell County Courthouse, General District Courtroom, Main Street, Lebanon, Virginia. ☒

A meeting to receive comments regarding an application that has been received from Clinch Valley Limestone, Inc. to install and operate a 200 TPH hot mix asphalt plant in Russell County, Virginia.

**Contact:** Michael D. Overstreet, Regional Director, 121 Russell Rd., Abingdon, Va. 24210, telephone (703) 628-7841

# Calendar of Events

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**April 6, 1987 - 9 a.m. – RESCHEDULED TO  
April 3, 1987 - 9 a.m. – Open Meeting**  
Location to be announced.

A general meeting of the board.

**Contact:** Dick Stone, State Air Pollution Control Board,  
P.O. Box 10089, Richmond, Va. 23240, telephone (804)  
786-5478

## VIRGINIA ALCOHOLIC BEVERAGE CONTROL BOARD

**March 17, 1987 - 9:30 a.m. – Open Meeting  
March 31, 1987 - 9:30 a.m. – Open Meeting**  
2901 Hermitage Road, Richmond, Virginia. ☐

Receipt and discussion of reports on activities from  
staff members. Other matters not yet determined.

**Contact:** Robert N. Swinson, 2901 Hermitage Rd.,  
Richmond, Va. 23220, telephone (804) 257-0617

## COMMISSION FOR THE ARTS

† **April 6, 1987 - 6 p.m. – Public Hearing**  
Richmond Public Library, 101 East Franklin Street,  
Conference Room A, Richmond, Virginia. ☐

A public hearing on draft of agency plan for 1988-90.  
The plan includes goals and objectives for agency and  
guidelines for all funding programs for artists and arts  
organizations. For a copy of the draft of the plan  
contact the agency. Written comments on the plan will  
be accepted through May 1, 1987.

**Contact:** Commission for the Arts, James Monroe Bldg.,  
17th Floor, 101 N. 14th St., Richmond, Va. 23219,  
telephone (804) 225-3132

## VIRGINIA AUCTIONEERS BOARD

† **March 31, 1987 - 9 a.m. – Open Meeting**  
Department of Commerce, Travelers Building, Conference  
Room 1, 3600 West Broad Street, Richmond, Virginia. ☐

An open board meeting to conduct (i) review of  
complaints; (ii) discussion of revenue and  
expenditures; and (iii) discussion of auctioneers  
examination results.

**Contact:** Geralde W. Morgan, Executive Director, 3600 W.  
Broad St., 5th Floor, Richmond, Va. 23230-4917, telephone  
(804) 257-8508

† **April 9, 1987 - 10 a.m. – Open Meeting**

† **April 10, 1987 - 10 a.m. – Open Meeting**  
Department of Commerce, Travelers Building, Conference  
Room 1, 3600 West Broad Street, Richmond, Virginia. ☐

The board will meet to conduct a formal  
administrative hearing: Virginia Auctioneers Boards v.  
Valentine Auction and Storage Company.

† **April 16, 1987 - 1 p.m. – Open Meeting**  
Department of Social Services, Pembroke Office Park,  
Building IV, Suite 300, Conference Room A, Virginia  
Beach, Virginia

The board will meet to conduct a formal  
administrative hearing: Virginia Auctioneers Board v.  
Joseph L. Exum.

**Contact:** Sylvia W. Bryant, Hearings Coordinator,  
Department of Commerce, 3600 W. Broad St., Richmond,  
Va. 23230, telephone (804) 257-8524

## VIRGINIA BOARD OF EXAMINERS FOR AUDIOLOGY AND SPEECH PATHOLOGY

**April 22, 1987 - 10 a.m. – Public Hearing**  
Department of Commerce, Travelers Building, 3600 West  
Broad Street, 5th Floor, Conference Room 1, Richmond,  
Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1  
of the Code of Virginia that the Virginia Board of  
Examiners for Audiology and Speech Pathology intends  
to amend regulations entitled: **VR 115-01-2. State  
Board of Examiners for Audiology and Speech  
Pathology.** These regulations govern the licensure of  
audiologist and speech pathologists in the  
Commonwealth of Virginia. The proposed amendment  
to these regulations will reinstate the issuance of  
temporary permits.

Statutory Authority: § 54-1.28(5) of the Code of Virginia.

Written comments may be submitted until March 31, 1987.

**Contact:** Geralde W. Morgan, Assistant Director,  
Department of Commerce, 3600 W. Broad St., Richmond,  
Va. 23230, telephone (804) 257-8508

## BOARD OF BARBER EXAMINERS

† **March 23, 1987 - 9 a.m. – Open Meeting**  
Department of Commerce, Travelers Building, Fifth Floor,  
Conference Room 3, 3600 West Broad Street, Richmond,  
Virginia. ☐

A meeting to (i) review applications; (ii) review  
investigative reports of complaints and determine

disposition; and (iii) consider correspondence pertinent to the operation of the board.

**Contact:** Evelyn W. Brennan, Assistant Director, Board of Barber Examiners, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8509

## STATE BUILDING CODE TECHNICAL REVIEW BOARD

† **March 20, 1987 - 10 a.m.** – Open Meeting  
Fourth Street Office Building, 2nd Floor Conference Room, 205 North Fourth Street, Richmond, Virginia. ☒  
(Interpreter for deaf provided if requested)

A meeting to (i) consider requests for interpretation of the Virginia Uniform Statewide Building Code; (ii) consider appeals from the rulings of local appeal boards regarding application of the Virginia Uniform Statewide Building Code, and (iii) to approve minutes of previous meeting.

**Contact:** Jack A. Proctor, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4751

## BOARD OF COMMERCE

† **April 2, 1987 - 10:30 a.m.** – Open Meeting  
Department of Commerce, Travelers Building, Conference Room 1, 3600 West Broad Street, Richmond, Virginia. ☒

A regularly scheduled board meeting to consider legislative report on Board of Commerce studies of accountancy, private investigators, real estate appraisers and interior designers; and old business.

**Contact:** Catherine M. Walker, Policy Analyst, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8564

## DEPARTMENT OF COMMERCE

† **April 15, 1987 - 10 a.m.** – Open Meeting  
Department of Social Services, Pembroke Office Park, Building IV, Suite 300, Conference Room A, Virginia Beach, Virginia.

The board will meet to conduct a formal administrative hearing: Department of Commerce v. Harold Mullins.

**Contact:** Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8524

## STATE BOARD FOR COMMUNITY COLLEGES

† **March 18, 1987 - 1 p.m.** – Open Meeting  
James Monroe Building, 15th Floor, Board Room, 101 North 14th Street, Richmond, Virginia. ☒

A working session.

† **March 18, 1987 - 3 p.m.** – Open Meeting  
James Monroe Building, 15th Floor, Board Room, 101 North 14th Street, Richmond, Virginia. ☒

The State Board Committees (Audit, Facilities, Personnel, Curriculum and Program, Budget and Finance) will meet. No agenda is available at this time.

† **March 19, 1987 - 9 a.m.** – Open Meeting  
James Monroe Building, 15th Floor, Board Room, 101 North 14th Street, Richmond, Virginia. ☒

A regular board meeting.

**Contact:** Joy Graham, James Monroe Bldg., 15th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2117

## DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

### Falls of the James Advisory Committee

† **April 24, 1987 - 12 Noon**  
Richmond City Hall, 3rd Floor Conference Room, 9th and Broad Streets, Richmond, Virginia. ☒

A regular meeting to discuss general business and issues affecting the portion of the James River that runs through the City of Richmond.

**Contact:** Richard G. Gibbons, Virginia Division of Parks and Recreation, Washington Bldg., Room 1201, Richmond, Va. 23219, telephone (804) 786-4132

### Virginia Soil and Water Conservation Board

**March 19, 1987 - 9 a.m.** – Open Meeting  
Farm Credit Office, 6526 Mechanicsville Turnpike, Mechanicsville, Virginia

A regular bimonthly business meeting.

**Contact:** Donald L. Wells, 203 Governor St., Suite 206, Richmond, Va. 23219, telephone (804) 786-2064

# Calendar of Events

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## STATE BOARD OF CONTRACTORS

† April 22, 1987 - 10 a.m. — Open Meeting  
Prince William Circuit Court, 9311 Lee Avenue, Manassas,  
Virginia

The board will meet to conduct a formal administrative hearing: State Board for Contractors v. Donald W. Jolly.

Contact: Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8524

## BOARD OF CORRECTIONS

† April 15, 1987 - 10 a.m. — Open Meeting  
† May 13, 1987 - 10 a.m. — Open Meeting  
† June 17, 1987 - 10 a.m. — Open Meeting  
Department of Corrections, 4615 West Broad Street,  
Richmond, Virginia. ☐

A regular monthly meeting to consider such matters as may be presented.

Contact: Vivian Toler, Secretary to the Board, 4615 W. Broad St., P.O. Box 26963, Richmond, Va. 23261, telephone (804) 257-6274

## VIRGINIA BOARD OF COSMETOLOGY

† March 30, 1987 - 9 a.m. — Open Meeting  
Department of Commerce, Travelers Building, Fifth Floor, Conference Room 3, 3600 West Broad Street, Richmond, Virginia. ☐

A meeting to (i) review applications, (ii) review investigative reports of complaints and determine disposition, and (iii) address general correspondence pertinent to the operation of the board.

Contact: Evelyn W. Brennan, Assistant Director, Virginia Board of Cosmetology, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8509

## CRIMINAL JUSTICE SERVICES BOARD

April 1, 1987 - 9 a.m. — Public Hearing  
General Assembly Building, House Room C, Capitol Square,  
Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Criminal Justice Services Board intends to amend regulations entitled: **VR 240-01-11. Rules Relating to Compulsory**

**Minimum Training Standards for Noncustodial Employees of the Department of Corrections.** The above regulation amends existing training standards for noncustodial employees of the Department of Corrections.

Statutory Authority: § 9-170 of the Code of Virginia.

Written comments may be submitted until March 19, 1987, to L. T. Eckenrode, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219.

Contact: Jay Malcan, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000

\* \* \* \* \*

April 1, 1987 - 9 a.m. — Public Hearing  
General Assembly Building, House Room C, Capitol Square,  
Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-16.14:7.1 of the Code of Virginia that the Criminal Justice Services Board intends to amend regulations entitled: **VR 240-01-4. Rules Relating to Compulsory Minimum Training Standards for Jailors or Custodial Officers/Courthouse and Courtroom Security Officers/Deputy Sheriffs Designated to Serve Process.** The regulations amend existing training standards for the above Officers and Deputy Sheriffs.

Statutory Authority: § 9-170 of the Code of Virginia.

Written comments may be submitted until March 19, 1987, to L. T. Eckenrode, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219.

Contact: Jay Malcan, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000

April 1, 1987 - 11 a.m. — Open Meeting  
General Assembly Building, House Room C, Capitol Square,  
Richmond, Virginia. ☐

A meeting to consider matters related to the board's responsibilities for criminal justice training and improvement of the criminal justice system.

## Committee on Training

April 1, 1987 - 9 a.m. — Open Meeting  
General Assembly Building, House Room C, Capitol Square,  
Richmond, Virginia. ☐

A meeting to discuss matters related to training for criminal justice personnel.

Contact: Jay Malcan, Executive Assistant, Department of

Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000

**VIRGINIA BOARD OF DENTISTRY**

**April 2, 1987 - 8 a.m. - Open Meeting**  
**April 3, 1987 - 8 a.m. - Open Meeting**  
Omni Hotel, 235 West Main Street, Charlottesville, Virginia. ☐

A meeting to (i) consider disciplinary actions; (ii) review bids for examination services; (iii) review budget for 1988-90 biennium; and (iv) elect Board of Dentistry officers.

**May 8, 1987 - 9 a.m. - Open Meeting**  
Martha Washington Hotel, Abingdon, Virginia

A meeting to consider comments and adoption of proposed board regulations.

**Reciprocity Committee**

† **April 2, 1987 - 5 p.m. - Open meeting**  
Omni Hotel, 235 West Main Street, Charlottesville, Virginia. ☐

A general meeting.

**Contact:** N. Taylor Feldman, Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9906

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**April 10, 1986 - Public hearing was held on this date.**

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Board of Dentistry intends to propose new regulations and repeal existing regulations entitled: **VR 255-01-1. Virginia Board of Dentistry Regulations.**

Statutory Authority: § 54-163 of the Code of Virginia.

Written comments may be submitted until April 17, 1987.

Other pertinent information: The board may conduct another public hearing on these proposed regulations if the comments are substantive and present new issues.

**Contact:** Nancy T. Feldman, Executive Director, Virginia Board of Dentistry, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9906

**STATE BOARD OF EDUCATION**

**March 19, 1987 - 9 a.m. - Open Meeting**  
**March 20, 1987 - 9 a.m. - Open Meeting**  
**April 22, 1987 - 9 a.m. - Open Meeting**  
**April 23, 1987 - 9 a.m. - Open Meeting**  
**April 24, 1987 - 9 a.m. - Open Meeting**  
James Monroe Building, 1st Floor, Conference Rooms C and D, 101 North 14th Street, Richmond, Virginia. ☐

The State Board of Education will hold its regularly monthly meeting. Business will be conducted according to items listed on the agenda. The agenda is available upon request. The public is reminded that the Board of Vocational Education may convene, if required.

**Contact:** Margaret N. Roberts, James Monroe Bldg., 25th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2540

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**April 17, 1987 - 3 p.m. - Public Hearing**  
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Education intends to repeal existing vocational education regulations and adopt new regulations entitled: **VR 270-01-0011. Vocational Education Regulations.** These regulations govern the operation and administration of secondary vocational education programs in the public schools of Virginia.

Statutory Authority: § 22.1-16 of the Code of Virginia.

Written comments may be submitted until April 17, 1987.

**Contact:** Dewey T. Oakley, Jr., Administrative Director, Vocational Education, Virginia Department of Education, P.O. Box 6-Q, Richmond, Va. 23216-2060, telephone (804) 225-2073

**VIRGINIA EMPLOYMENT COMMISSION**

**April 23, 1987 - 10 a.m. - Public Hearing**  
Virginia Employment Commission Administrative Office Courtroom, 703 East Main Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Employment Commission intends to repeal regulations entitled: **Rules and Regulations Affecting Unemployment Compensation XV - Governmental Subrogation.** The regulation proposed for repeal concerns the rights of governmental entities to recoup overpayments of unemployment compensation to claimants who formerly worked for them.



# Calendar of Events

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Statutory Authority: § 60.2.111 of the Code of Virginia.

Written comments may be submitted until April 18, 1987.

Other pertinent information: Text of existing and proposed regulations available upon request.

**Contact:** Joseph L. Hayes, Employment Commission Appeals Administrative Chief, Virginia Employment Commission, P.O. Box 1358, Richmond, Va. 23211, telephone (804) 786-7554

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**April 23, 1987 - 10 a.m. – Public Hearing**  
Virginia Employment Commission Administrative Office Courtroom, 703 East Main Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Employment Commission intends to repeal regulations entitled: **Rules and Regulations Affecting Unemployment Compensation VII - Notices**. The regulation proposed for repeal concerns the posting of notices concerning unemployment compensation by employers.

Statutory Authority: § 60.2-111 of the Code of Virginia.

Written comments may be submitted until April 18, 1987.

Other pertinent information: Text of existing and proposed regulations available upon request.

**Contact:** Joseph L. Hayes, Employment Commission Appeals Administrative Chief, Virginia Employment Commission, P.O. Box 1358, Richmond, Va. 23211, telephone (804) 786-7554

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**April 23, 1987 - 10 a.m. – Public Hearing**  
Virginia Employment Commission Administrative Office Courtroom, 703 East Main Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Employment Commission intends to amend regulations entitled: **VR 300-01-1. Definitions of General Provisions (Virginia Employment Commission Regulations and General Rules)**. The proposed regulation revises an existing one defining terms and providing for the development and review of regulations.

Statutory Authority: § 60.2-111 of the Code of Virginia.

Written comments may be submitted until April 18, 1987.

Other pertinent information: Text of existing and proposed regulations available upon request.

**Contact:** Joseph L. Hayes, Employment Commission

Appeals Administrative Chief, Virginia Employment Commission, P.O. Box 1358, Richmond, Va. 23211, telephone (804) 786-7554

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**April 23, 1987 - 10 a.m. – Public Hearing**  
Virginia Employment Commission Administrative Office Courtroom, 703 East Main Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Employment Commission intends to amend regulations entitled: **VR 300-01-2. Unemployment Taxes (Virginia Employment Commission Regulations and General Rules)**. The proposed regulation combines and revises six existing regulations relating to the collection of unemployment taxes, maintenance of records, submission of reports, combination of employer accounts, and coverage of work performed in more than one state.

Statutory Authority: § 60.2-111 of the Code of Virginia.

Written comments may be submitted until April 18, 1987.

Other pertinent information: Text of existing and proposed regulations available upon request.

**Contact:** Joseph L. Hayes, Employment Commission Appeals Administrative Chief, Virginia Employment Commission, P.O. Box 1358, Richmond, Va. 23211, telephone (804) 786-7554

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**April 23, 1987 - 10 a.m. – Public Hearing**  
Virginia Employment Commission Administrative Office Courtroom, 703 East Main Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Employment Commission intends to amend regulations entitled: **VR 300-01-3. Benefits (Virginia Employment Commission Regulations and General Rules)**. The proposed regulation combines and revises five existing regulations concerning total and partial unemployment compensation benefits, interstate claims, combined wage claims, and miscellaneous benefit provisions.

Statutory Authority: § 60.2-111 of the Code of Virginia.

Written comments may be submitted until April 18, 1987.

Other pertinent information: Text of existing and proposed regulations available upon request.

**Contact:** Joseph L. Hayes, Employment Commission Appeals Administrative Chief, Virginia Employment Commission, P.O. Box 1358, Richmond, Va. 23211, telephone (804) 786-7554

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**April 23, 1987 - 10 a.m. – Public Hearing**  
Virginia Employment Commission Administrative Office  
Courtroom, 703 East Main Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Employment Commission intends to amend regulations entitled: **VR 300-01-4. Adjudication (Virginia Employment Commission Regulations and General Rules)**. The proposed regulation revises an existing regulation concerning appeals from determinations on claims for unemployment compensation, including the conduct of administrative hearings.

Statutory Authority: § 60.2-111 of the Code of Virginia.

Written comments may be submitted until April 18, 1987.

Other pertinent information: Text of existing and proposed regulations available upon request.

**Contact:** Joseph L. Hayes, Employment Commission Appeals Administrative Chief, Virginia Employment Commission, P.O. Box 1358, Richmond, Va. 23211, telephone (804) 786-7554

## VIRGINIA FARMER'S MARKET BOARD

† **March 30, 1987 - 9:30 a.m. – Open Meeting**  
Washington Building, 2nd Floor, Board Room, 1100 Bank Street, Richmond, Virginia

A business meeting will be conducted to discuss business consultants for determining the most feasible locations for farmers' markets. Also, the board will address the types of staff support needed in filling their two available positions.

**Contact:** R. Duke Burruss, P.O. Box 1163, Richmond, Va. 23209, telephone (804) 786-3549

## VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† **March 23, 1987 - 9 a.m. – Open Meeting**  
Virginia Department of Health Regulatory Boards, Koger Center, Surry Building, Conference Room 2, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A board meeting for final review of proposed regulations and impact statement.

**Contact:** Mark L. Forberg, Executive Secretary, Virginia Board of Funeral Directors and Embalmers, Department of Health Regulatory Boards, 1601 Rolling Hills Dr.,

Richmond, Va. 23229-5005, telephone (804) 662-9907

## COMMISSION OF GAME AND INLAND FISHERIES

† **March 18, 1987 - 1 p.m. – Open Meeting**  
Game Commission Offices, 4010 West Broad Street, Richmond, Virginia. ☒

The law-enforcement committee of the commission will meet to discuss law-enforcement matters.

† **March 18, 1987 - 3 p.m. – Open Meeting**

Game Commission Offices, 4010 West Broad Street, Richmond, Virginia. ☒

The land committee of the commission will meet to discuss land matters relative to boat ramps.

**March 19, 1987 - 9:30 a.m. – Public Hearing**  
**March 20, 1987 - 9:30 a.m. – Public Hearing**  
Hyatt Richmond (at Brookfield), 6624 West Broad Street, Richmond, Virginia. ☒

The commission will consider recommendations and proposals from the staff and public relative to changes in the hunting and trapping regulations of the commission, for the 1987 and 1988 hunting seasons. This will involve season dates, bag limits, etc. on various species of game animals and game birds.

**Contact:** Mrs. Norma G. Adams, 4010 W. Broad St., Richmond, Va. 23230, telephone (804) 257-1000

## DEPARTMENT OF GENERAL SERVICES

### Art and Architectural Review Board

† **April 3, 1987 - 10 a.m. – Open Meeting**  
Virginia Museum of Fine Arts, Main Conference Room, Boulevard and Grove Avenue, Richmond, Virginia. ☒

The board will advise the director of the Department of General Services and the Governor on architecture of state facilities to be constructed and works of art to be accepted or acquired by the Commonwealth.

**Contact:** M. Stanley Krause, AIA, AICP, Rancorn, Wildman & Krause, Architects and City Planning Consultants, P.O. Box 1817, Newport News, Va. 23601, telephone (804) 867-8030

# Calendar of Events

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## Division of Consolidated Laboratory Services

### Advisory Board

† **April 3, 1987 - 9:30 a.m.** – Open Meeting  
James Monroe Building, Conference Room D, 101 North  
14th Street, Richmond, Virginia. ☒

The advisory board will discuss issues, concerns and programs that impact the Division of Consolidated Laboratory Services and its user agencies.

**Contact:** Dr. A. W. Tiedemann, Jr., Division of Consolidated Laboratory Services, 1 N. 14th St., Richmond, Va. 23219, telephone (804) 786-7905

### State Insurance Advisory Board

**March 20, 1987 - 9:30 a.m.** – Open Meeting  
Department of General Services, 9th Street Office Building,  
Conference Room of the Director of the Department of  
General Services, Room 209, Richmond, Virginia. ☒

A quarterly meeting of the State Insurance Advisory Board.

**Contact:** Charles F. Scott, Department of General Services, Division of Risk Management, 9th Floor, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 225-4619

## GEORGE MASON UNIVERSITY

### Board of Visitors

† **March 16, 1987 - 6 p.m.** – Open Meeting  
George Mason University, Student Union II, Rivanna Lane,  
Fairfax, Virginia. ☒

The standing committees of student affairs and land use will hear committee reports.

† **March 17, 1987 - 2:30 p.m.** – Open Meeting  
George Mason University, Metro Campus, 3401 North  
Fairfax Drive, Arlington, Virginia. ☒

A regularly scheduled meeting of the GMU Board of Visitors to (i) review recommendations of faculty appointments; (ii) receive reports of the standing committees; and (iii) act on those recommendations presented by the administrators of George Mason University. An agenda will be available four days prior to the board meeting for those individuals and organizations who request it.

Standing Committees - Faculty and Academic Standards, Finance and Resource Development and

EEO and Affirmative Action will meet prior to the board meeting beginning at 9:30 a.m. on March 17.

**Contact:** Mrs. Ann Wingblade, Office of the President, George Mason University, 4400 University Dr., Fairfax, Va. 22030, telephone (703) 323-2041

## DEPARTMENT OF HEALTH

### Commission on Medical Care Facilities

**April 13, 1987 - 10 a.m.** – Open Meeting  
James Monroe Building, Conference Room B, 101 North  
14th Street, Richmond, Virginia. ☒

By Executive Order Thirty-One (86) Governor Baliles created an Advisory Commission with two responsibilities: (i) to examine the effectiveness of the Certificate of Public Need Program in controlling medical care costs while making good quality, accessible health care available to all Virginians; and (ii) if this examination demonstrates that the Commonwealth's existing health planning process no longer effectively meets these objectives, the commission shall assess alternatives and recommend revisions to the existing Certificate of Public Need Process.

**Contact:** E. George Stone, State Health Department, James Madison Bldg., Room 1010, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-6970

### Home Health Agency Advisory Committee

† **April 9, 1987 - 10 a.m.** – Open Meeting  
James Madison Building, Room 1022, 109 Governor Street,  
Richmond, Virginia. ☒

This is the first meeting of this advisory group which has been appointed to develop regulations under § 32.1-167.7 of the Code of Virginia.

**Contact:** Esten Shomo, Assistant Director, Acute Care Services, Division of Licensure and Certification, Department of Health, James Madison Bldg., 10th Floor, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-2081

## VIRGINIA STATEWIDE HEALTH COORDINATING COUNCIL

† **March 18, 1987 - 9 a.m.** – Open Meeting  
The Holiday Inn 1776, Route 60 Bypass Road,  
Williamsburg, Virginia. ☒

A regular business meeting.

Contact: Raymond O. Perry, M.P.H., Virginia Department of Health, James Madison Bldg., Room 1010, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-6970

\* \* \* \* \*

† May 15, 1987 - 1 p.m. - Public Hearing  
James Madison Building, Main Floor, Conference Room,  
109 Governor Street, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Statewide Health Coordinating Council intends to amend regulations entitled: VR 360-01-05. Virginia State Health Plan 1980-94. These regulations are standards for evaluating certificate of public applications to establish or expand extracorporeal shock wave lithotripsy services.

## STATEMENT

Subject. Substance. Issues. Basis and Purpose: The purpose of these regulations is to contain the cost of health care in Virginia by promoting an efficient, effective distribution of extracorporeal shock wave lithotripsy (ESWL) services consistent with the population's need for reasonable access to such services. These issues are not addressed within the current Virginia State Health Plan with respect to ESWL.

The proposed regulations would establish minimum annual service volumes that must be reached among all approved lithotripters prior to approving the acquisition of an additional lithotripter, and would require that the ESWL services be located logically with respect to the applicant's other medical care services. These requirements would address the issues of efficiency of operation.

Patient safety and service effectiveness would be addressed through requirements that the ESWL service be at a hospital and that a physician trained in ESWL would be in attendance throughout each procedure. Access to the service would be addressed by requiring the applicant's relevant policies and procedures to pose no unreasonable barriers to either physicians or patients. Patient access would be further addressed by allowing the approval of an additional site for an existing Virginia-based mobile lithotripter regardless of existing units' annual service volume.

Statutory Authority: § 32.1-120 of the Code of Virginia.

Written comments may be submitted until May 15, 1987.

Contact: John P. English, Health Planning Consultant, 1010 Madison Bldg., 109 Governor St., Richmond, Va. 23219, telephone (804) 786-4891

## COUNCIL ON HEALTH REGULATORY BOARDS

### Administration and Budget Committee

April 9, 1987 - 1 p.m. - Open Meeting  
Department of Health Regulatory Boards, Koger Center,  
Surry Building, 1601 Rolling Hills Drive, Richmond,  
Virginia. ☒

The committee will discuss preparation of the 1988-90 biennial budget of the Department of Health Regulatory Boards.

Contact: Richard D. Morrison, Policy Analyst, Department of Health Regulatory Boards, Surry Bldg., 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 662-9918

## VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

March 25, 1987 - 9:30 a.m. - Open Meeting  
Johnston-Willis Hospital, 1401 Johnston-Willis Drive,  
Richmond, Virginia. ☒

A monthly business meeting of the council for the purpose of addressing financial, policy or technical matters which may have arisen since the last meeting.

Contact: Ann Y. McGee, Director, 9th Floor, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-6371

## BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

### Amusement Device Technical Advisory Committee

March 26, 1987 - 8:30 a.m. - RESCHEDULED TO  
April 2, 1987 - 9 a.m. - Open Meeting  
Kings Dominion, Caprice Conference Room, Doswell,  
Virginia. ☒ (Report to gate security for directions)

A meeting to develop recommended regulations pertaining to the construction, maintenance, operation and inspection of amusement devices for consideration by the Board of Housing and Community Development.

### Division of Building Regulatory Services

April 13, 1987 - 10 a.m. - Open Meeting  
Prince William County Board of Supervisors' Chambers, 1  
County Complex Court, Prince William, Virginia. ☒

April 14, 1987 - 10 a.m. - Open Meeting  
Buena Vista Circuit Court Room, City Hall, 2039 Sycamore

# Calendar of Events

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Street, Buena Vista, Virginia. ☒

**April 15, 1987 - 10 a.m. - Open Meeting**  
Smyth County Court House, Board of Supervisors' Room,  
Main Street, Marion, Virginia. ☒

**April 16, 1987 - 10 a.m. - Open Meeting**  
Human Services Building, Auditorium, 5249 Olde Town  
Road (Route 658), James City County, Virginia. ☒

A meeting to solicit public input for amendments to the 1984 Editions of the Uniform Statewide Building Code, Volumes I and II; Public Building Safety Regulations; Industrialized Building and Mobile Home Safety Regulations; LP Gas Regulations; and the Tradesmen Certification Standards; and for promulgating the Amusement Device Regulations and the Statewide Fire Prevention Code.

**Contact:** Jack A. Proctor, CPCA, Deputy Director, Division of Building Regulatory Services, Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219-1747, telephone (804) 786-4751

## VIRGINIA HOUSING DEVELOPMENT AUTHORITY

**March 17, 1987 - 9 a.m. - Open Meeting**  
† **March 26, 1987 - 10 a.m. - Open Meeting**  
13 South 13th Street, Richmond, Virginia. ☒

A regular monthly meeting of the Board of Commissioners to (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month; (iv) consider and, if appropriate, approve the Procedures, Instructions and Guidelines for Allocation of Low Income Housing Tax Credits; and (v) consider such other matters and take such other actions as they may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

**Contact:** J. Judson McKellar, Jr., General Counsel, 13 South 13th St., Richmond, Va. 23219, telephone (804) 782-1986

## DEPARTMENT OF LABOR AND INDUSTRY

### Safety and Health Codes Board

† **March 23, 1987 - 10 a.m. - Open Meeting**  
State Capitol, House Room 4, Richmond, Virginia. ☒

The board will meet to (i) consider a hazardous waste

operation and emergency response standard, 1910.120; (ii) consider a proposed field sanitation standard, 1928.110; (iii) consider a proposed confined space standard, 1910.146; and (iv) consider any other pertinent business.

**Contact:** Jay W. Withrow, Occupational Safety and Health Services Director, Department of Labor and Industry, P.O. Box 12064, Richmond, Va. 23241, telephone (804) 786-4300

\* \* \* \* \*

**April 13, 1987 - 7 p.m. - Public Hearing**  
Pulaski Armory, 140 First Street, Pulaski, Virginia

**April 14, 1987 - 7 p.m. - Public Hearing**  
Central Virginia Community College, Amherst Classroom Building, Room 2123, Lynchburg, Virginia

**April 15, 1987 - 7 p.m. - Public Hearing**  
Gar-Field Senior High School, Auditorium, 14000 Smoketown Road, Dale City, Virginia

**April 16, 1987 - 7 p.m. - Public Hearing**  
Christopher Newport College, Administration Building, John Anderson Auditorium, Room A-105, 50 Shoe Lane, Newport News, Virginia

**April 20, 1987 - 7 p.m. - Public Hearing**  
State Capitol, House Room 4, 9th and Grace Streets, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Apprenticeship Council intends to adopt regulations entitled: **VR 425-01-27. Regulations Governing the Administration of Apprenticeship Program in the Commonwealth of Virginia, Biennial Program Sponsor Evaluation (XI)**. The proposed program sponsor evaluation procedure is intended to improve the quality control capabilities of the Virginia Apprenticeship Council and the Division of Apprenticeship Training by establishing an evaluation system which will provide sufficient program information to recognize outstanding programs and to aid in the identification and correction of deficiencies in sponsors' apprenticeship programs.

Statutory Authority: § 40.1-118 of the Code of Virginia.

Written comments may be submitted until April 1, 1987, to Commissioner Carol A. Amato, Department of Labor and Industry, P.O. Box 12064, Richmond, Virginia 23241.

**Contact:** Robert S. Baumgardner, Director of Apprenticeship, Department of Labor and Industry, P.O. Box 12064, Richmond, Va. 23241, telephone (804) 786-2381 or (804) 786-3075

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**April 13, 1987 - 7 p.m. – Public Hearing**  
Pulaski Armory, 140 First Street, NW, Pulaski, Virginia

**April 14, 1987 - 7 p.m. – Public Hearing**  
Central Virginia Community College, Amherst Classroom Building, Room 2123, Lynchburg, Virginia

**April 15, 1987 - 7 p.m. – Public Hearing**  
Gar-Field Senior High School, Auditorium, 14000 Smoketown Road, Dale City, Virginia

**April 16, 1987 - 7 p.m. – Public Hearing**  
Christopher Newport College, Administration Building, John Anderson Auditorium, Room A-105, 50 Shoe Lane, Newport News, Virginia

**April 20, 1987 - 7 p.m. – Public Hearing**  
State Capitol, House Room 4, 9th and Grace Streets, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Apprenticeship Council intends to amend regulations entitled: **VR 425-01-28. Regulations Governing the Administration of Apprenticeship Programs in the Commonwealth of Virginia, Standards of Apprenticeship Programs: Numeric Ratio of Apprentices to Journeymen (IV.B.14).** These regulations propose to amend the ratio of apprentices to journeymen from 1:3 to 1:1 in order to meet the present and future skilled manpower needs.

Statutory Authority: § 40.1-118 of the Code of Virginia.

Written comments may be submitted until April 1, 1987, to Commissioner Carol Amato, Department of Labor and Industry, P.O. Box 12064, Richmond, Virginia 23241.

**Contact:** Robert S. Baumgardner, Director of Apprenticeship, Department of Labor and Industry, P.O. Box 12064, Richmond, Va. 23214, telephone (804) 786-2381 or (804) 786-3075

## VIRGINIA STATE LIBRARY BOARD

**March 17, 1987 - 11 a.m. – Open Meeting**  
Virginia State Library, Supreme Court Room, 3rd Floor, 11th Street at Capitol Square, Richmond, Virginia. ☐

A regular meeting to discuss administrative matters.

### Archives and Records Committee

† **March 17, 1987 - 10 a.m. – Open Meeting**  
Virginia State Library, Conference Room A, 11th Street at Capitol Square, Richmond, Virginia. ☐

A meeting to discuss Archives and Records Committee

matters.

### Automated Systems and Networking Committee

**March 17, 1987 - 9:30 a.m. – Open Meeting**  
Virginia State Library, Conference Room B, 3rd Floor, 11th Street at Capitol Square, Richmond, Virginia. ☐

To discuss Automated Systems and Networking Committee matters.

**Contact:** Jean K. Reynolds, Virginia State Library, 11th St. at Capitol Square, Richmond, Va. 23219, telephone (804) 786-2332

## COMMISSION ON LOCAL GOVERNMENT

**March 23, 1987 - 4 p.m. – Open Meeting**  
Martha Washington Inn, 150 West Main Street, Abingdon, Virginia

A regular meeting of the Commission on Local Government to consider such matters as may be presented.

**March 24, 1987 - 11 a.m. – Open Meeting**  
Lebanon Middle School, 131 West Main Street, Lebanon, Virginia

Oral presentations regarding the Town of Lebanon's annexation action.

**March 24, 1987 - 7:30 p.m. – Public Hearing**  
Lebanon Middle School, 131 West Main Street, Lebanon, Virginia

Public hearing regarding the Town of Lebanon's annexation action.

**March 25, 1987 - 9 a.m. - Open Meeting**  
Lebanon Middle School, 131 West Main Street, Richmond, Virginia

Oral presentations regarding the Town of Lebanon's annexation action. (Continuation of oral presentations by the Town of Lebanon if needed)

**April 1, 1987 - 11 a.m. – Open Meeting**  
Roanoke County Courthouse, Courtroom No. 4, East Main Street, Salem, Virginia

Oral presentations regarding Akers, et. al. vs. Roanoke County and the City of Salem annexation issues.

**April 1, 1987 - 7:30 p.m. – Public Hearing**  
Roanoke County Courthouse, Courtroom No. 4, East Main Street, Salem, Virginia

# Calendar of Events

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A public hearing regarding Akers, et. al. vs. Roanoke County and the City of Salem annexation issues.

**April 2, 1987 - 9 a.m.** – Open Meeting  
Roanoke County Courthouse, Courtroom No. 4, East Main Street, Salem, Virginia

Oral presentations regarding Akers, et. al. vs. Roanoke County and the City of Salem annexation issues. (Continuation of oral presentations as needed.)

**Contact:** Barbara Bingham, Ninth Street Office Bldg., Room 901, Richmond, Va. 23219, telephone (804) 786-6508

## LONG-TERM CARE COUNCIL

**April 9, 1987 - 2 p.m.** – Open Meeting  
James Monroe Building, Conference Room B, 101 North 14th Street, Richmond, Virginia. ☒

The council will discuss issues relating to the development and coordination of long-term care services in Virginia.

### Local Long-Term Care Coordinating Committees

**May 12, 1987 - 9:30 a.m.** – Open Meeting  
Ramada Inn, 7104 Studley Road, Manassas, Virginia. ☒

**May 13, 1987 - 9:30 a.m.** – Open Meeting  
Sheraton Inn (Coliseum), 1215 West Mercury Boulevard, Hampton, Virginia. ☒

**May 14, 1987 - 9:30 a.m.** – Open Meeting  
Holiday Inn (Crossroads), 2000 Staples Mill Road, Richmond, Virginia. ☒

**May 15, 1987 - 9:30 a.m.** – Open Meeting  
Western State Hospital, Staunton, Virginia. ☒

**May 21, 1987 - 9:30 a.m.** – Open Meeting  
The Hardware Company Restaurant, Abingdon, Virginia. ☒

Mutual discussion and information-sharing concerning the activities and concerns of both the council and local coordinating committees.

**Contact:** Catherine P. Saunders, Virginia Department for the Aging, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2912

## MARINE RESOURCES COMMISSION

† **May 5, 1987 - 9:30 a.m.** – Open Meeting  
Newport News City Council Chamber, 2400 Washington Avenue, Newport News, Virginia

The Marine Resources Commission meets on the first Tuesday of each month to hear and decide cases on fishing licensing; oyster ground leasing; environmental permits in wetlands, bottomlands, coastal sand dunes, and beaches. It hears and decides appeals made on local wetlands board decisions.

Fishery Management and Conservation measures are discussed by the commission. The commission is empowered to exercise general regulatory power within 15 days, and is empowered to take specialized marine life harvesting and conservation measures within five days.

**Contact:** Virginia S. Chappell, Secretary to the Commission, Marine Resources Commission, P.O. Box 756, Newport News, Va. 23607, telephone (804) 247-2208

## GOVERNOR'S ADVISORY BOARD ON MEDICARE AND MEDICAID

† **March 24, 1987 - 2 p.m.** – Open Meeting  
Richmond Marriott Hotel, 500 East Broad Street, Richmond, Virginia. ☒

A meeting to discuss (i) Method of Evidencing Eligibility for Homeless State Plan Amendment; (ii) legislative budget updates; (iii) Indigent Health Care Study update; and (iv) report from subcommittees.

**Contact:** Jacqueline Fritz, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-7933,

## BOARD OF MEDICAL ASSISTANCE SERVICES

**April 3, 1987** - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medical Assistance Services intends to amend regulations entitled: **VR 460-03-2.6152. Definition of Home Ownership.** This regulation amends the State Plan for Medical Assistance and establishes the definition of home ownership (contiguous property) to be used in determining eligibility for Medicaid.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Written comments may be submitted until April 3, 1987.

Other pertinent information: For a copy of the regulation, contact Victoria P. Simmons, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219, telephone (804) 786-7933.

**Contact:** Ann E. Cook, Director, Medical Social Services, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 225-4220

† **March 20, 1987 - 6 p.m.** - Open Meeting  
Sheraton Tysons Corner Hotel, 8661 Leesburg Pike, Tysons Corner, Virginia. ☒

The committee will meet to consider recommendations of the finance committee.

## VIRGINIA STATE BOARD OF MEDICINE

**March 19, 1987 - 8:30 a.m.** - Open Meeting  
**March 20, 1987 - 8:30 a.m.** - Open Meeting  
**March 21, 1987 - 8:30 a.m.** - Open Meeting  
**March 22, 1987 - 8:30 a.m.** - Open Meeting

The board will meet (i) to review reports; (ii) to interview licensees and make decisions on discipline matters before the board on Thursday, Friday and Saturday morning; and (iii) at 1:30 p.m., Saturday, March 21, 1987, and on Sunday, March 22, 1987, the full board will meet in open session to conduct general board business.

### Credentials Committee

† **March 19, 1987 - 5 p.m.** - Open Meeting  
Sheraton Tysons Corner Hotel, 8661 Leesburg Pike, Tysons Corner, Virginia. ☒

The committee will meet to (i) conduct general business; (ii) interview, and (iii) review medical credentials of applicants applying for licensure in Virginia, in open and executive session.

### Finance Committee

† **March 19, 1987 - 8 p.m.** - Open Meeting  
Sheraton Tysons Corner Hotel, 8661 Leesburg Pike, Tysons Corner, Virginia. ☒

The committee will meet to discuss additional fees and proposed fee changes.

### Informal Conference Committee

† **April 10, 1987 - 11 a.m.** - Open Meeting  
Holiday Inn 1776, U.S. Route 60 Bypass, Williamsburg, Virginia. ☒

The committee will inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine in Virginia. The committee will meet in open and closed sessions pursuant to subsection (A) (6) of § 2.1-344 of the Code of Virginia - executive and closed meetings.

### Legislative Committee

## Advisory Board on Physical Therapy

† **March 20, 1987 - 9 a.m.** - Open Meeting  
† **March 21, 1987 - 9 a.m.** - Open Meeting

The advisory board will meet to conduct general board business and respond to correspondence, and may reconvene on Saturday, March 21, 1987.

† **May 7, 1987 - 9 a.m.** - Open Meeting  
† **May 8, 1987 - 9 a.m.** - Open Meeting

The advisory board will meet to conduct general board business and respond to correspondence. This will be a two day work session for the board. They will also discuss other items which may come before the advisory board.

## Podiatry Examination Committee

**March 28, 1987 - 9 a.m.** - RESCHEDULED TO  
**March 27, 1987 - 9 a.m.** - Open Meeting  
Springfield Hilton Hotel, 6550 Loisdale Road, Springfield, Virginia. ☒

The committee will meet to develop examination questions for the board's podiatry examination.

**Contact:** Eugenia K. Dorson, Regulatory Board Administrator, Surry Bldg., 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 662-9925

## STATE MENTAL HEALTH AND MENTAL RETARDATION BOARD

**March 25, 1987 - 10 a.m.** - Open Meeting  
Prince William Community Services Board, Manassas, Virginia. ☒

A regular monthly meeting. The agenda will be published on March 18 and may be obtained by calling Jane Helfrich.

**Contact:** Jane V. Helfrich, State Mental Health and Mental Retardation Board Secretary, Department of Mental Health and Mental Retardation, P.O. Box 1797, Richmond, Va. 23214, (804) 786-3921



# Calendar of Events

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## DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION; UNIVERSITY OF VIRGINIA INSTITUTE OF LAW, PSYCHIATRY AND PUBLIC POLICY

### Division of Continuing Education and Office of Continuing Medical Education

May 28, 1987 - Open Meeting

May 29, 1987 - Open Meeting

Conference Center, Colonial Williamsburg Lodge, Williamsburg, Virginia. ☒

Tenth Annual Symposium on Mental Health and the Law, entitled: "Professional Liability in the Mental Health, Mental Retardation and Substance Abuse Professions."

An annual symposium addressing issues related to mental health and the law. Ten hours in Category 1 CME, 1 CEU and 10 CLE credits applied for.

Contact: Lynn Daidone, Administrator, Institute of Law, Psychiatry and Public Policy, Blue Ridge Hospital, Box 100, Charlottesville, Va. 22901, telephone (804) 924-5435

## DEPARTMENT OF MOTOR VEHICLES

† April 20, 1987 - 7 p.m. - Open Meeting  
Virginia Department of Transportation, Auditorium, 870 Bonham Road, Bristol, Virginia. ☒

† April 21, 1987 - 1 p.m. - Open Meeting  
Virginia Department of Transportation, Auditorium, 731 Harrison Avenue, Salem, Virginia. ☒

† April 22, 1987 - 8:30 a.m. - Open Meeting  
Virginia Department of Transportation, Auditorium, Commerce Road, Staunton, Virginia

† April 30, 1987 - 7 p.m. - Open Meeting  
Department of Motor Vehicles, Dale City Branch Office, Exam Room, 14008 Smoketown Road, Woodbridge, Virginia. ☒

† May 4, 1987 - 7 p.m. - Open Meeting  
Department of Motor Vehicles, Military Circle Branch Office, 5745 Poplar Hall Drive, Norfolk, Virginia. ☒

† May 5, 1987 - 1 p.m. - Open Meeting  
South Hill Municipal Building, Town Council Meeting Room, 117 West Atlantic Street, South Hill, Virginia

† May 6, 1987 - 1 p.m. - Open Meeting  
Department of Motor Vehicles Headquarters Building, Agecroft Room, 2300 West Broad Street, Richmond, Virginia. ☒

In accordance with § 9-6.14:25 of the Code of Virginia

and Executive Order Number Twenty-Six (86), the Department of Motor Vehicles is conducting a comprehensive review of its regulations and associated forms. As part of this review process, public meetings will be held throughout the Commonwealth for the purpose of soliciting comments and suggestions related to the below listed regulations.

1. Accident prevention courses for older drivers.
2. Evidence required to permit registration or reregistration of vehicles for which proof of tax payment and of State Corporation Commission registration is required.
3. International registration plan.
4. Overload permit regulations.
5. Privacy Protection Act Rules and Regulations.
6. Public participation guidelines.
7. Rules and regulations for Motorcycle Rider Safety Training Center Program.
8. Virginia Driver Improvement Act rules and regulations.
9. Virginia Motor Vehicle Rental Tax rules and regulations.

Contact: Bruce Gould, Room 319, P. O. Box 27412, Richmond, Va. 23269, telephone (804) 257-0453

## VIRGINIA STATE BOARD OF NURSING

March 23, 1987 - 1:30 p.m. - Public Hearing  
Holiday Inn West, 6531 West Broad Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia State Board of Nursing intends to adopt, amend or repeal regulations entitled: **VR 495-01-1. Board of Nursing Regulations.**

Statutory Authority: § 54-367.11 of the Code of Virginia.

Written comments may be submitted until April 6, 1987.

Other pertinent information: The proposed regulations were developed as a part of the comprehensive review of regulations initiated by Governor Charles S. Robb.

Contact: Corinne F. Dorsey, Executive Director, Virginia State Board of Nursing, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9909

\* \* \* \* \*

† March 23, 1987 - 9 a.m. - Open Meeting  
† March 24, 1987 - 9 a.m. - Open Meeting  
† March 25, 1987 - 9 a.m. - Open Meeting  
Department of Health Regulatory Boards, Koger Center, Surry Building, 1601 Rolling Hills Drive, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A regular meeting of the Virginia State Board of Nursing to consider matters related to (i) nursing education programs; (ii) discipline of licensees; (iii) licensing by examination and endorsement; and (iv) other matters under jurisdiction of the board. On March 23, 1987, at 1:30 p.m., the board will convene at the Holiday Inn, 6531 West Broad Street, Richmond, for the purpose of conducting a public hearing on proposed regulations as published in The Virginia Register on February 2, 1987.

## Informal Conference Committee

† April 14, 1987 - 8:30 a.m. - Open Meeting  
Department of Health Regulatory Boards, Koger Center, Surry Building, Conference Room 2, 1601 Rolling Hills Drive, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The committee will inquire into allegations that certain licensees may have violated laws and regulations governing the practice of nursing in Virginia.

Contact: Corinne F. Dorsey, Executive Director, Virginia State Board of Nursing, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9909

## STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

March 19, 1987 - 9 a.m. - Open Meeting  
Department of Commerce, Travelers Building, Conference Room 2, 3600 West Broad Street, Richmond, Virginia. ☒

An open board meeting to (i) conduct examinations; (ii) conduct regulatory review; (iii) discuss state written examinations; and (iv) sign certificates.

Contact: Geralde W. Morgan, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8508

## OLD DOMINION UNIVERSITY

### Board of Visitors

† April 2, 1987 - (Time to be announced) - Open Meeting  
Old Dominion University, Webb University Center, Norfolk, Virginia. ☒

A regular meeting of the Board of Visitors to handle affairs of the university. (Specific times included in agenda distributed two weeks prior to meeting.)

## Board of Visitors Building and Grounds Committee

† April 9, 1987 - 9 a.m. - Open Meeting  
Old Dominion University Campus, Norfolk, Virginia. ☒

A special meeting of the Old Dominion University Buildings and Grounds Committee to discuss the development of campus facilities.

Contact: Gordon A. McDougall, Executive Secretary, Old Dominion University, Board of Visitors Office, Norfolk, Va. 23508, telephone (804) 440-3072

## VIRGINIA OUTDOORS FOUNDATION

† March 23, 1987 - 10:30 a.m. - Open Meeting  
State Capitol, House Room 1, Richmond, Virginia. ☒

A general business meeting.

Contact: Tyson B. Van Auken, Executive Director, 221 Governor St., Richmond, Va. 23219, telephone (804) 786-5539

## STATE BOARD OF PHARMACY

March 17, 1987 - 9 a.m. - Open Meeting  
Howard Johnson Hotel, 3201 North Boulevard, Richmond, Virginia. ☒

A board meeting concerning routine business and regulation proposals.

Contact: J. B. Carson, Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 786-0182

## BOARD OF COMMISSIONERS TO EXAMINE PILOTS

April 15, 1987 - 10 a.m. - Open Meeting  
Hasler and Company, 212 Tazewell Street, Norfolk, Virginia

The board will meet to conduct routine business at its regular quarterly meeting.

Contact: David E. Dick, 3600 W. Broad St., Richmond, Va., 23230, telephone (804) 257-8515 or William L. Taylor, 3327 Shore Dr., Virginia Beach, Va., 23451, telephone (804) 496-0995

## POLYGRAPH EXAMINERS ADVISORY BOARD

March 25, 1987 - 9 a.m. - Open Meeting  
Department of Commerce, Travelers Building, 5th Floor,

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3600 West Broad Street, Richmond, Virginia. ☒

The board will meet for the purpose of administering the polygraph examiner licensing examination to eligible licensed examiner interns.

**Contact:** Iva B. Frizzel, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8515/257-8563

## VIRGINIA BOARD OF PSYCHOLOGY

**March 19, 1987 - 9 a.m. – Open Meeting**  
Department of Health Regulatory Boards, Koger Center, Surry Building, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting to (i) conduct general board business; (ii) respond to correspondence addressed to the board; and (iii) review applications for the licensing examination on April 10, 1987.

**Contact:** Phyllis Henderson, 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 662-9913

## VIRGINIA REAL ESTATE BOARD

### NOTE CHANGE IN TIME

**March 18, 1987 - 8:30a.m. – Open Meeting**  
Department of Commerce, Travelers Building, 5th Floor, 3600 West Broad Street, Richmond, Virginia. ☒

A regular business meeting of the board. The agenda will consist of (i) investigative cases (files) to be considered; (ii) files to be reconsidered; and (iii) matters relating to fair housing, property registration and licensing issues (e.g., reinstatement, eligibility requests).

The board will also consider possible adoption of the proposed regulations.

**Contact:** Florence R. Brassier, Assistant Director Real Estate, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8552

## BOARD OF REHABILITATIVE SERVICES

† **March 27, 1987 - 9:30 a.m. – Open Meeting**  
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☒

A regularly scheduled meeting to (i) consider revisions to the proposed vocational rehabilitation regulations; (ii) consider recommended priorities and new initiatives for the board and department; and (iii)

conduct the business of the Department of Rehabilitative Services.

## Evaluation and Analysis Committee

† **March 26, 1987 - 1 p.m. – Open Meeting**  
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☒

A meeting to (i) discuss and evaluate policies; (ii) develop proposed board priorities and initiatives for consideration by the board; and (iii) develop recommendations for presentation to the Board of Rehabilitative Services at its regular meeting.

## Finance Committee

† **March 26, 1987 - 3 p.m. – Open Meeting**  
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☒

A meeting to (i) review financial reports; (ii) review grants and contracts entered into by the Department of Rehabilitative Services; and (iii) discuss other budgetary matters.

## Program Committee

† **March 26, 1987 - 9 a.m. – Open Meeting**  
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☒

A meeting to review, discuss and consider information and recommendations on proposed vocational rehabilitation regulations received from January 1987 public hearings and to consider other comments received through the public comment period, written and verbal, toward development of regulations and adoption by the Board of Rehabilitative Services.

**Contact:** Jim Hunter, Department of Rehabilitative Services, 4901 Fitzhugh Ave., Richmond, Va. 23220, telephone (804) 257-6446 (Toll-free number 1-800-553-5019)

## BOARD OF SOCIAL SERVICES

† **March 18, 1987 - 2 p.m. – Open meeting**  
† **March 19, 1987 - 8 a.m. – Open Meeting**  
Arlington County Board of Supervisor's Room, 1400 North Courthouse Road, Arlington, Virginia. ☒

A work session and formal business meeting.

**Contact:** Phyllis Sisk, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229, telephone (804) 281-9236

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

April 3, 1987 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to adopt regulations entitled: VR 615-01-17. Deprivation Requirement in the Aid to Dependent Children (ADC) Program. The proposed regulation will simplify the process of establishing deprivation on the basis of continued absence.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until April 3, 1987, to I. Guy Lusk, Director, Division of Benefit Programs, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Other pertinent information: Developed pursuant to 45 CFR, § 233.90(c)(1)(iii)

Contact: Carolyn C. Ellis, Supervisor, Economic Assistance Unit, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046

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April 3, 1987 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to amend regulations entitled: VR 615-01-18. Entitlement Date in the Aid to Dependent Children (ADC) and General Relief (GR) Programs. An amendment to begin entitlement for ADC and GR with the date of application.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until April 3, 1987, to I. Guy Lusk, Director, Division of Benefit Programs, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Other pertinent information: Developed pursuant to 45 CFR § 206.10(1)(6)(i)(C)

Contact: Carolyn C. Ellis, Supervisor, Economic Assistance Unit, Division of Benefit Programs, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046

DEPARTMENT OF TAXATION

April 6, 1987 - 10 a.m. - Public Hearing  
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1

of the Code of Virginia that the Department of Taxation intends to amend regulations entitled: VR 630-10-112. Welfare Assistance Redeemable in Goods (Retail Sales and Use Tax). This regulation references the exemption for purchases with food stamps and WIC drafts enacted by the 1986 Session of the General Assembly and explains how food dealers may account for such exempt sales.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until March 20, 1987.

Contact: Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P. O. Box 6-L, Richmond, Va. 23281, telephone (804) 257-8010

COMMONWEALTH TRANSPORTATION BOARD

March 19, 1987 - 10 a.m. - Open Meeting

April 16, 1987 - 10 a.m. - Open Meeting

Department of Transportation, Board Room, 3rd Floor, 1401 East Broad Street, Richmond, Virginia. ☐

A monthly meeting of the Commonwealth Transportation Board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval.

Contact: Albert W. Coates, Jr., Assistant Commissioner, Department of Transportation, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-9950

DEPARTMENT OF TRANSPORTATION

March 23, 1987 - 10 a.m. - Public Hearing

Fredericksburg District Office, Deacon Road (Secondary Route 607, 0.4 mile west of Route 218), Fredericksburg, Virginia. ☐ (Interpreter for deaf provided if requested)

March 25, 1987 - 10 a.m. - Public Hearing

Suffolk District Office, 1700 North Main Street (Route 460), Suffolk, Virginia. ☐ (Interpreter for deaf provided if requested)

March 27, 1987 - 10 a.m. - Public Hearing

Richmond District Office, Pine Forest Drive (off Route 1, one mile north of Colonial Heights), Richmond, Virginia. ☐ (Interpreter for deaf provided if requested)

March 30, 1987 - 10 a.m. - Public Hearing

Lynchburg District Office, Route 501 (0.26 mile south of the intersection of Routes 460 and 501, south of Lynchburg); Lynchburg, Virginia. ☐ (Interpreter for deaf provided if requested)

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**March 30, 1987 - 2:30 p.m. – Public Hearing**  
Staunton District Office, Commerce Road (Route 11 Bypass, north of Staunton), Staunton, Virginia. ☒ (Interpreter for deaf provided if requested)

**April 2, 1987 - 10 a.m. – Public Hearing**  
Culpeper District Office, Route 15 (0.5 mile south of Route 3), Culpeper, Virginia. ☒ (Interpreter for deaf provided if requested)

**April 3, 1987 - 10 a.m. – Public Hearing**  
Salem District Office, Harrison Avenue (north of Main Street and east of Virginia 311), Salem, Virginia. ☒ (Interpreter for deaf provided if requested)

**April 9, 1987 - 10 a.m. – Public Hearing**  
Holiday Inn at Fair Oaks, 11787 Lee Jackson Highway, Fairfax, Virginia. 5 (Interpreter for deaf provided if requested)

**April 13, 1987 - 1 p.m. – Public Hearing**  
Virginia High School, Long Crescent Drive, Bristol, Virginia. ☒ (Interpreter for deaf provided if requested)

A public hearing to receive comments on highway allocations for the coming year and on updating the six-year improvement program for the interstate, primary, and urban systems.

**Contact:** Albert W. Coates, Jr., Assistant Commissioner, Department of Transportation, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-9950

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† **March 31, 1987 - 10 a.m. – Public Hearing**  
Department of Transportation, Central Office Auditorium, 1221 East Broad Street, Richmond, Virginia. ☒

† **April 2, 1987 - 2 p.m. – Public Hearing**  
Department of Transportation, Salem District Office Auditorium, 731 Harrison Avenue, Salem, Virginia

A meeting to discuss the Department of Transportation's proposed change in the fees charged for travel service signs on interstate highways. Although these fees are exempt from the Administrative Process Act, the Department of Transportation will hold public hearings to discuss the changes. The new fees will be a standard amount for each direction of travel on the interstate rather than the cost of the actual signs.

Written comments may be submitted until April 4, 1987, to W. C. Nelson, Jr., Department of Transportation, 1401 East Broad Street, Richmond, Virginia. 23219.

**Contact:** Mark T. Hodges, Senior Traffic Engineer, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-6777

## THE GOVERNOR'S COMMISSION ON TRANSPORTATION FOR THE TWENTY-FIRST CENTURY - PHASE II

† **March 30, 1987 - 10 a.m. – Public Hearing**  
Northern Virginia Community College, Annandale Campus, Science Building, 8333 Little River Turnpike, Annandale, Virginia

† **March 31, 1987 - 10 a.m. – Public Hearing**  
Norfolk State University, Brown Hall Auditorium, 2401 Corprew Avenue, Norfolk, Virginia

† **April 3, 1987 - 10 a.m. – Public Hearing**  
Virginia Western Community College, Business Science Building Auditorium, 3095 Colonial Avenue, Roanoke, Virginia

By the authority granted by Governor Gerald L. Baliles under Executive Order Number 6 § 2.1-51.36 of the Code of Virginia. The commission will solicit participation and perceive testimony of interested parties, organizations, state and regional elected officials, and local government officials for the purpose of:

- examining innovative financing techniques which could be made available to local governments for meeting intra and interjurisdictional transportation needs.

- determining if local units of government should be granted additional authority for controlling local transportation networks.

- exploring ways for improving cooperation between the new Virginia Department of Transportation and local governments within the Commonwealth.

Individuals who wish to testify are requested to sign up in the lobby area of the public hearing site on the specified date of the hearing. If interested parties are unable to attend the public hearing written comments may be submitted until April 3, 1987, to Dr. Gary T. Johnson, Research Director, The Governor's Commission on Transportation, P.O. Box 1475, Richmond, Virginia 23219.

**Contact:** Jewel Paige, Staff Assistant to the Commission, Governor's Commission on Transportation for the Twenty-First Century, 10th Floor, Ninth Street Office Bldg., Richmond, Va. 23219, telephone (804) 786-2405/786-2437

## VIRGINIA COUNCIL ON VOCATIONAL EDUCATION

† **April 1, 1987 - 8:30 a.m. – Open Meeting**

† **April 1, 1987 - 7 p.m. – Open Meeting**

† **April 2, 1987 - 8:30 a.m. – Open Meeting**  
Wytheville Community College, Wytheville, Virginia.

April 1 (Open)

8:30 a.m. - Visits to vocational education programs in Carroll County, Smyth County, and Wythe County Public Schools and at the Wytheville Community College.

7 p.m. - Public meeting on vocational education, Wytheville Community College, Bland Hall, Room 104.

April 2 (Open)

8:30 a.m. - A meeting to (i) discuss business; (ii) receive reports from the executive committee, the Virginia Department of Education, the Virginia Community College System, and the Governor's Job Training Coordinating Council; (iii) receive update on the survey on vocational education for handicapped students; and (iv) develop the 1988-90 state plan for vocational education.

Contact: George S. Orr, Jr., Executive Director, Virginia Council on Vocational Education, P.O. Box U, Blacksburg, Va. 24060, telephone (703) 961-6945

## VIRGINIA WASTE MANAGEMENT BOARD

† March 20, 1987 - 10 a.m. - Open Meeting  
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. ☐

This meeting will take the place of the board's February 17, 1987 meeting.

Contact: Cheryl Cashman, James Monroe Bldg., 11th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2667

## DEPARTMENT OF WASTE MANAGEMENT (BOARD OF)

March 31, 1987 - 10 a.m. - Public Hearing  
James Monroe Building, Conference Room D, 101 North 14th Street, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Waste Management intends to adopt regulations entitled: **VR 672-20-1. Financial Assurance Regulations for Solid Waste Facilities.** These regulations establish the financial assurance requirements for privately owned or operated nonhazardous solid waste disposal facilities.

Statutory Authority: § 10-265 of the Code of Virginia.

Written comments may be submitted until April 30, 1987.

Contact: Cheryl Cashman, Public Information Officer, Department of Waste Management, James Monroe Bldg., 11th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2667

## STATE WATER CONTROL BOARD

March 23, 1987 - 9 a.m. - Open Meeting

March 24, 1987 - 9 a.m. - Open Meeting

General Assembly Building, Senate Room B, Capitol Square, Richmond, Virginia. ☐

A regular quarterly meeting.

Contact: Doneva A. Dalton, State Water Control Board, 2111 N. Hamilton St., Richmond, Va. 23230, telephone (804) 257-6829

## THE COLLEGE OF WILLIAM AND MARY

### Board of Visitors

March 26, 1987 - 3 p.m. - Open Meeting

March 27, 1987 - 8 a.m. - Open Meeting

March 28, 1987 - 8 a.m. - Open Meeting

Campus Center, Jamestown Road, Williamsburg, Virginia

A regularly scheduled meeting of the Board of Visitors of the College of William and Mary to (i) review the budgets and fees of the college and Richard Bland College; (ii) receive reports from several committees of the board; and (iii) act on those resolutions that are presented by the administrations of William and Mary and Richard Bland Colleges.

An informational release will be available four days prior to the board meeting for those individuals and organizations who request it.

April 24, 1987 - 3 p.m. - Open Meeting

April 25, 1987 - 8 a.m. - Open Meeting

April 26, 1987 - 8 a.m. - Open Meeting

Campus Center, Jamestown Road, Williamsburg, Virginia

A regularly scheduled meeting of the Board of Visitors of the College of William and Mary to (i) approve the budgets and fees of the college and Richard Bland College; (ii) receive reports from several committees of the board; and (iii) act on those resolutions that are presented by the administrations of William and Mary and Richard Bland Colleges.

An informational release will be available four days prior to the board meeting for those individuals and organizations who request it.

# Calendar of Events

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**Contact:** The College of William and Mary, Office of University Relations, James Blair Hall, Room 308, Williamsburg, Va. 23185, telephone (804) 253-4226

## LEGISLATIVE

(No interim meetings set)

## CHRONOLOGICAL LIST

### OPEN MEETINGS

#### March 16

- † Accountancy, State Board of
- † George Mason University
  - Board of Visitors

#### March 17

- Alcoholic Beverage Control Board, Virginia
- † George Mason University
  - Board of Visitors
- Housing Development Authority, Virginia
- Library Board, Virginia State
- Library Board, Virginia State
  - † Archives and Records Committee
  - Automated Systems and Networking Committee
- Pharmacy, State Board of

#### March 18

- † Community Colleges, State Board for
- † Game and Inland Fisheries, Commission of
- † Health Coordinating Council, Virginia Statewide
- Pharmacy, State Board of
- Real Estate Board, Virginia
- † Social Services, State Board of

#### March 19

- † Community Colleges, State Board for
- Conservation and Historic Resources, Department of
  - Virginia Soil and Water Conservation Board
- Education, State Board of
- Medicine, Virginia State Board of
- † Medicine, Virginia State Board of
  - Credentials Committee
  - Finance Committee
- Nursing Home Administrators, State Board of
- Examiners for
- Psychology, Virginia Board of
- † Social Services, State Board of
- Transportation Board, Commonwealth

#### March 20

- † Building Code Technical Review Board, State

- Education, State Board of
- General Services, Department of
  - State Insurance Advisory Board
- Medicine, Virginia State Board of
- † Medicine, Virginia State Board of
  - Legislative Committee
  - Physical Therapy Advisory Board
- † Waste Management Board, Virginia

#### March 21

- Medicine, Virginia State Board of
- † Medicine, Virginia State Board of
  - Advisory Board on Physical Therapy

#### March 22

- Medicine, Virginia State Board of

#### March 23

- † Air Pollution Control Board, State
- † Barber Examiners, Board of
- † Funeral Directors and Embalmers, Virginia Board of
- † Labor and Industry, Department of
  - Safety and Health Codes Board
- Local Government, Commission on
- † Nursing, Virginia State Board of
- † Outdoors Foundation, Virginia
- Water Control Board, State

#### March 24

- Local Government, Commission on
- † Medicare and Medicaid, Governor's Advisory Board on
- † Nursing, Virginia State Board of
- Water Control Board, State

#### March 25

- Health Services Cost Review Council, Virginia
- Local Government, Commission on
- Mental Health and Mental Retardation Board
- † Nursing, Virginia State Board of
- Polygraph Examiners Advisory Board

#### March 26

- † Housing Development Authority, Virginia
- † Rehabilitative Services, Board of
  - Evaluation and Analysis Committee
  - Finance Committee
  - Program Committee
- William and Mary, The College of
  - Board of Visitors

#### March 27

- Medicine, Virginia State Board of Medicine
  - Podiatry Examination Committee
- † Rehabilitative Services, Board of
- William and Mary, The College of
  - Board of Visitors

#### March 28

- William and Mary, The College of
  - Board of Visitors

## March 30

- † Cosmetology, Virginia Board of
- † Farmer's Market Board, Virginia

## March 31

- Alcoholic Beverage Control Board, Virginia
- † Auctioneers Board, Virginia

## April 1

- Criminal Justice Services Board
- Criminal Justice Services Board
  - Committee on Training
- Local Government, Commission on
- † Vocational Education, Virginia Council on

## April 2

- † Commerce, Board of
- Dentistry, Virginia Board of
- † Dentistry, Virginia Board of
  - Reciprocity Committee
- Housing and Community Development, Board of
  - Amusement Device Technical Advisory Committee
- Local Government, Commission on
- † Old Dominion University
  - Board of Visitors
- † Vocational Education, Virginia Council on

## April 3

- Air Pollution Control Board, State
- Dentistry, Virginia Board of
- † General Services, Department of
  - Art and Architectural Review Board
  - Division of Consolidated Laboratory Services Advisory Board

## April 9

- † Auctioneers Board, Virginia
- Health Regulatory Boards, Council on
  - Administration and Budget Committee
- † Health, Department of
  - Home Health Agency Advisory Committee
- Long-Term Care Council
- † Old Dominion University
  - Board of Visitors Building and Grounds Committee

## April 10

- † Auctioneers Board, Virginia
- † Medicine, Virginia State Board of
  - Informal Conference Committee

## April 13

- Health, Department of
  - Commission on Medical Care Facilities
- † Home Health Agency Advisory Committee
- Housing and Community Development, Department of
  - Division of Building Regulatory Services

## April 14

- Housing and Community Development, Department of
  - Division of Building Regulatory Services
- † Nursing, Virginia State Board of

## April 15

- Housing and Community Development, Department of
  - Division of Building Regulatory Services
- † Commerce, Department of
- † Corrections, Board of

## April 16

- † Auctioneers Board, Virginia
- Government Savings Bond Campaign, State
- Housing and Community Development, Department of
  - Division of Building Regulatory Services
- Pilots, Board of Commissioners to Examine
- Transportation Board, Commonwealth

## April 17

- Government Savings Bond Campaign, State

## April 18

- Government Savings Bond Campaign, State

## April 19

- Government Savings Bond Campaign, State

## April 20

- Government Savings Bond Campaign, State
- † Motor Vehicles, Department of

## April 21

- Government Savings Bond Campaign, State
- † Motor Vehicles, Department of

## April 22

- Aging, Governor's Advisory Board
- † Contractors, State Board of
- Education, State Board of
- Government Savings Bond Campaign, State
- † Motor Vehicles, Department of

## April 23

- Aging, Governor's Advisory Board
- Education, State Board of
- Government Savings Bond Campaign, State

## April 24

- † Conservation and Historic Resources, Department of
  - Falls of the James Advisory Committee
- Education, State Board of
- Government Savings Bond Campaign, State
- William and Mary, The College of
  - Board of Visitors

## April 25

- Government Savings Bond Campaign, State
- William and Mary, The College of
  - Board of Visitors

## April 26

- Government Savings Bond Campaign, State
- WalkAmerica Day at DMV
- William and Mary, The College of
  - Board of Visitors



# Calendar of Events

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- April 27**  
Government Savings Bond Campaign, State
- April 28**  
Government Savings Bond Campaign, State
- April 29**  
Government Savings Bond Campaign, State
- April 30**  
Government Savings Bond Campaign, State  
† Motor Vehicles, Department of
- May 1**  
Government Savings Bond Campaign, State
- May 4**  
† Motor Vehicles, Department of
- May 5**  
† Marine Resources Commission  
† Motor Vehicles, Department of
- May 6**  
† Motor Vehicles, Department of
- May 7**  
† Medicine, Virginia State Board of  
- Physical Therapy Advisory Board
- May 8**  
Dentistry, Virginia Board of  
† Medicine, Virginia State Board of  
- Physical Therapy Advisory Board
- May 12**  
Long-Term Care Council  
- Local Long-Term Care Coordinating Committees
- May 13**  
† Corrections, Board of  
Long-Term Care Council  
- Local Long-Term Care Coordinating Committees
- May 14**  
Long-Term Care Council  
- Local Long-Term Care Coordinating Committees
- May 15**  
Long-Term Care Council  
- Local Long-Term Care Coordinating Committees
- May 21**  
Long-Term Care Council  
- Local Long-Term Care Coordinating Committees
- May 28**  
Mental Health and Mental Retardation, Department of;  
University of Virginia Institute of Law, Psychiatry and  
Public Policy  
- Division of Continuing Education and Office of

Continuing Medical Education

- May 29**  
Mental Health and Mental Retardation, Department of;  
University of Virginia Institute of Law, Psychiatry and  
Public Policy  
- Division of Continuing Education and Office of  
Continuing Medical Education

- June 17**  
† Corrections, Board of

## PUBLIC HEARINGS

- March 19**  
Game and Inland Fisheries, Commission on
- March 20**  
Game and Inland Fisheries, Commission on
- March 23**  
Nursing, Virginia State Board of  
Transportation, Department of
- March 24**  
Local Government, Commission on
- March 25**  
Transportation, Department of
- March 27**  
Transportation, Department of
- March 30**  
Transportation, Department of  
† Transportation for the Twenty-First Century - Phase  
II, The Governor's Commission on
- March 31**  
† Transportation, Department of  
† Transportation for the Twenty-First Century - Phase  
II, The Governor's Commission on  
Waste Management, Department of
- April 1**  
Criminal Justice Services Board  
Local Government, Commission on
- April 2**  
Transportation, Department of
- April 3**  
Transportation, Department of  
† Transportation for the Twenty-First Century - Phase  
II, The Governor's Commission on
- April 6**  
† Arts, Commission for the  
Taxation, Department of

**April 9**

Transportation, Department of

**April 13**

Labor and Industry, Department of  
- Apprenticeship Council  
Transportation, Department of

**April 14**

Labor and Industry, Department of  
- Apprenticeship Council

**April 15**

Labor and Industry, Department of  
- Apprenticeship Council

**April 16**

Labor and Industry, Department of  
- Apprenticeship Council

**April 17**

Education, State Board of

**April 20**

Labor and Industry, Department of  
- Apprenticeship Council

**April 22**

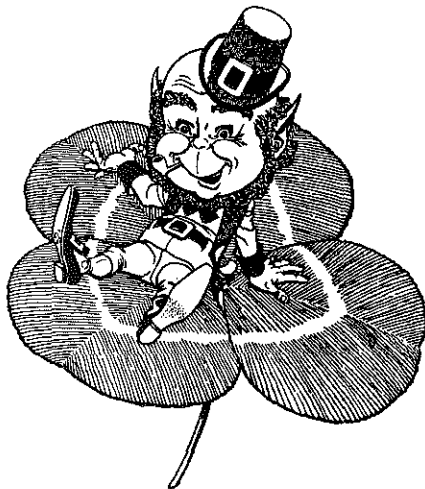
Audiology and Speech Pathology, Virginia Board of  
Examiners for

**April 23**

Employment Commission, Virginia

**May 15**

† Health Coordinating Council, Virginia Statewide



# Calendar of Events

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