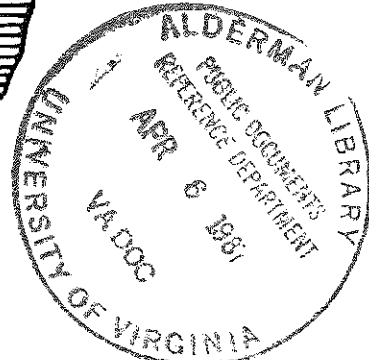
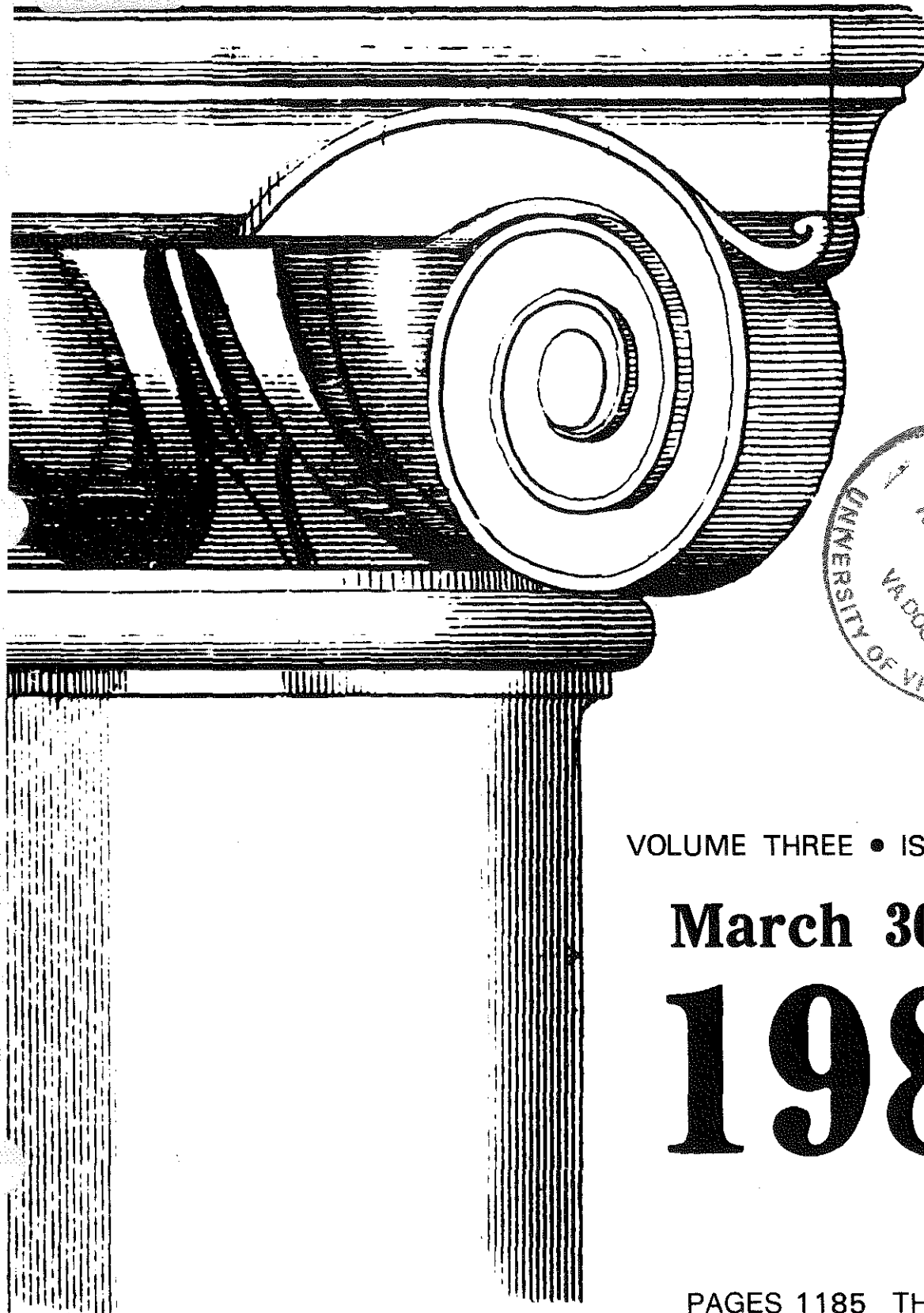


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# THE VIRGINIA REGISTER

OF REGULATIONS

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VOLUME THREE • ISSUE THIRTEEN

March 30, 1987

# 1987

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# 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

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**Staff of the Virginia Register:** Joan W. Smith, *Registrar of Regulations*; Ann M. Brown, *Deputy Registrar of Regulations*.

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Oct. 21	Nov. 9
Nov. 4	Nov. 23
Nov. 18	Dec. 7
Dec. 2	Dec. 21
Dec. 16	Jan. 4, 1988

---

# TABLE OF CONTENTS

---

## PROPOSED REGULATIONS

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

Health Requirements Governing the Admission of  
Livestock, Poultry, Companion Animals, and Other  
Animals or Birds into Virginia. (VR 115-02-12) ..... 1187

Rules and Regulations for the Registration of  
Poultry Dealers. (VR 115-02-15) ..... 1193

### DEPARTMENT OF REHABILITATIVE SERVICES (BOARD OF)

Provision of Independent Living Rehabilitation  
Services (VR 595-02-1) ..... 1196

## FINAL REGULATIONS

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

Rules and Regulation for the Enforcement of the  
Virginia Gasoline and Motor Fuels Law. (VR  
115-04-12) ..... 1203

### MARINE RESOURCES COMMISSION

Pertaining to the Culling of Oysters. (VR  
450-01-0035) ..... 1205

Pertaining to Containerized Relaying of Shellfish.  
(VR 450-01-0042) ..... 1207

Closed Public Oyster Season. (VR 450-01-8701) ..... 1208

Opening Season for Relaying, James River Seed  
Area. (VR 450-01-8702) ..... 1208

## EMERGENCY REGULATIONS

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

Rules and Regulations for the Enforcement of the  
Virginia Pesticide Law. (VR 115-04-03) ..... 1210

## STATE CORPORATION COMMISSION

### FINAL REGULATION

Rules Governing Surplus Lines Insurance.  
(INS860118) ..... 1212

## GOVERNOR

### GOVERNOR'S COMMENTS

### DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Standards and Regulations for Licensed Homes for  
Adults. (VR 615-22-02) ..... 1232

Health Care Coverage. (VR 615-70-5) ..... 1232

### VIRGINIA BOARD OF VETERINARY MEDICINE

Regulations Governing the Practice of Veterinary  
Medicine. (VR 645-01-1) ..... 1233

### STATE WATER CONTROL BOARD

Water Resources Policy. (VR 680-11-03) ..... 1233

## GENERAL NOTICES/ERRATA

### NOTICES OF INTENDED REGULATORY ACTION

Notices of Intent ..... 1234

### GENERAL NOTICES

### VIRGINIA ALCOHOLIC BEVERAGE CONTROL BOARD

Public Participation Guidelines for Adoption or  
Amendment of Regulations. .... 1237

### SAVINGS BONDS

The 1987 State Government Savings Bond Campaign 1237

### MARCH OF DIMES

March of Dimes WalkAmerica Day ..... 1238

# Table of Contents

---

## NOTICE TO STATE AGENCIES

Forms for filing material on date for publication in  
the Virginia Register of Regulations ..... 1238

## ERRATA

### **MARINE RESOURCES COMMISSION**

Pertaining to Crab Catch Limits. (VR 450-01-0041) .... 1238

## **CALENDAR OF EVENTS**

### EXECUTIVE

Open Meetings and Public Hearings ..... 1239

### LEGISLATIVE

Open Meetings and Public Hearings ..... 1258

### CHRONOLOGICAL LIST

Open Meetings ..... 1258

Public Hearings ..... 1261

# 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.

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

**Title of Regulation:** VR 115-02-12. Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds into Virginia.

**Statutory Authority:** §§ 3.1-726 and 3.1-730 of the Code of Virginia.

**Public Hearing Date:** September 28, 1987  
(See Calendar of Events section for additional information)

### Summary:

The Virginia Board of Agriculture and Consumer Services proposes to amend regulation VR 115-02-12 - Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds into Virginia - to include a new section setting health requirements for South American camelids of the genus *lama* (including llamas, alpacas, guanacos, and vicunas) entering Virginia. These measures would require that such animals entering Virginia from another state or from a territory be tested within 30 days prior to entry for the diseases brucellosis and tuberculosis, which have a significant, adverse impact upon Virginia cattle, and also for bluetongue. Bluetongue is a serious disease, often fatal, of sheep and goats.

VR 115-02-12. Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds into Virginia.

### § 1. Definitions.

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

"Dogs" means all domestic and wild members of the dog family (Canidae).

"Hatching eggs" means chicken eggs and turkey eggs which are, or which are intended to be, used for hatching purposes.

"Horses" means all horse-like animals, embracing all members of the equine species including ponies, the asinine species, and burros. It also includes the hybrid offspring of the equine and asinine species by whatever

name they may be known, such as mules, hinnies, and donkeys.

"Monkeys" means all monkeys and other primates, such as lemurs, marmosets, chimpanzees, and other apes.

"Poultry" means chickens and turkeys of all varieties and of all ages.

"Psittacine birds" means parrots, cockatoos, parakeets, and budgerigars.

### § 2. Official health certificates.

A. No livestock, other animals, poultry, or other birds, of any species, that are affected with or that have been exposed to any infectious or contagious disease shall be imported into Virginia except by special approval by the State Veterinarian.

B. All livestock, other animals, poultry, or other birds imported into Virginia, except for immediate slaughter, shall be accompanied by an official health certificate, which shall be attached to the waybill or shall be in the possession of the person in charge of such animals or birds, and a copy of such health certificate shall be forwarded promptly to the State Veterinarian of the Commonwealth of Virginia.

C. An official health certificate shall be a written record meeting the requirements of the Commonwealth of Virginia, executed on an approved form of state of origin. It shall contain the names and exact addresses of the consignor and consignee and the exact destination of the animals or birds covered. It shall indicate the health status of the animals or birds, and include the dates and results of all required tests.

1. After physical examination of the animals or birds and completion of all required tests, the official health certificate shall be issued within 30 days before the date of their entry, unless a different time limit is set elsewhere in this regulation. The certificate shall be issued by a licensed, graduate, accredited veterinarian approved by the livestock health official of the state of origin; a veterinarian in the employ of the state of origin; or a veterinarian in the employ of the Veterinary Services Division, Animal and Plant Health Inspection Services, United States Department of Agriculture; or such other veterinarian as may be approved by the State Veterinarian.

2. All copies of the official health certificate, including the original, shall be legible, and shall bear the

# Proposed Regulations

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endorsement of the livestock health official of the state of origin.

D. The requirements for the importation of livestock, other animals, poultry and other birds for exhibition purposes shall be the same as the requirements governing the admission of such animals and birds for breeding purposes, unless specific exceptions are made hereinafter.

## § 3. Entry by permit only.

A. When the State Veterinarian is informed of any unusual or serious outbreak of disease among livestock or poultry in any other state which, in his opinion, constitutes a threat to livestock or poultry in Virginia, he shall by proclamation prohibit the entrance of any livestock or poultry which originate either directly or indirectly from such state. He may also prohibit the entrance of any "products" as defined in the meat or poultry inspection regulations of the United States Department of Agriculture, or in the Virginia Meat and Poultry Products Inspection Act, the Virginia Milk and Cream Law, or any other applicable or related Virginia statutes and regulations, except by special written permit.

B. All requests for special permits ~~must~~ shall be directed to the State Veterinarian in writing or by wire, and ~~must~~ shall give such information as he may require.

C. Under such special permit, all livestock, poultry, or products thereof entering Virginia ~~must~~ shall be consigned to a definite legal resident of Virginia.

## § 4. Common carriers, trucks.

A. Owners and operators of common carriers, trucks, or other conveyances are forbidden to move any livestock or poultry into Virginia except in compliance with the provisions set forth in this regulation.

B. All railway cars, trucks, and other conveyances used for transportation of livestock or poultry ~~must~~ shall be kept in a sanitary condition. The State Veterinarian may require the cleaning and disinfecting of any such conveyance at any time to prevent the spread of infectious or contagious diseases.

## § 5. Cattle.

### A. Tuberculosis.

1. Cattle for dairy or breeding purposes may enter the Commonwealth of Virginia if they are accompanied by a certificate and signed by the State Veterinarian of the state of origin stating that the cattle originate directly from certified tuberculosis-free areas or from accredited or negative-tested herds.

2. Cattle for dairy or breeding purposes originating from areas or herds other than as specified in paragraph 1 of subsection A 1 of this section must

have been found negative to an individual official test for tuberculosis within 60 days prior to entry.

3. Cattle originating directly or indirectly from herds quarantined or subject to quarantine under State-Federal Uniform Methods and Rules (Code of Federal Regulations, Title 9, Chapter I, Parts 1 to 199) for the eradication of tuberculosis are not eligible for entry, except for immediate slaughter under special permit issued by the State Veterinarian.

### B. Brucellosis.

#### 1. Permit.

a. Cattle for dairy or breeding purposes that originate from Class B (herd infection rate less than 1.5%) or Class C (herd infection rate more than 1.5%) states may enter the Commonwealth of Virginia, provided that they are accompanied by a prior permit issued by the State Veterinarian.

b. Permits may be obtained by the Virginia purchaser or consignee by contacting the State Veterinarian's Office.

c. Permits expire 15 days after date of issuance.

d. The following information ~~must~~ shall be furnished before permits are issued: area or state status, herd status, individual status, vaccination status, name and address of consignor and consignee, and any other information the State Veterinarian may require.

#### 2. Brucellosis testing.

When individual testing is required on female cattle, those of the dairy breeds under 20 months of age and those of the beef breeds under 24 months of age are exempt from such testing, provided that they have been officially calftuberculin vaccinated in the state of origin against brucellosis and that fact has been certified by the State Veterinarian of the state of origin. Nonvaccinates (male or female) are exempt from testing if under eight months of age.

#### 3. Classification of states.

Cattle for dairy or breeding purposes which originate directly from officially classified states may enter Virginia, provided that they are accompanied by an official health certificate and also meet the following requirements:

a. Class: Free states.

(1) No herd status

(2) No individual test

(3) No permit.

b. Class: A states.

- (1) Negative herd status, or
- (2) Individual tested within 30 days
- (3) No permit.

c. Class: B states.

- (1) Originate from negative herd or certified herd, and
- (2) Individual tested within 30 days, and
- (3) Permit, and
- (4) Quarantine and retest 45 to 120 days post-movement.

d. Class: C states.

- (1) Originate from certified herd, and
- (2) Individual tested within 30 days, and
- (3) Permit, and
- (4) Quarantine and retest 45 to 120 days post-movement.

4. Brucellosis calfhood vaccination requirements for female bovine animals entering Virginia.

All female bovine animals four months of age or older which enter Virginia for any purpose other than immediate slaughter shall have been officially calfhood vaccinated for brucellosis by a licensed, accredited veterinarian.

a. Recording.

The vaccination status of each animal shall be recorded on the interstate health certificate of the state of origin or on a copy of the vaccination record, to be attached to the health certificate.

b. Exceptions.

These vaccination requirements shall not apply to:

- (1) Female bovine animals originating from a brucellosis certified free herd, or from brucellosis class free states;
- (2) Female bovine animals entering Virginia for purposes of shows, fairs or exhibitions;
- (3) Spayed female bovine animals;
- (4) Unvaccinated feeder female bovine animals

brought to Virginia if negative to a brucellosis test performed not more than 30 days prior to importation into Virginia, not originating from a Class B or Class C state and not originating from a quarantined herd; or

(5) Female bovine animals originating from a Class A state and destined for sale through a Virginia livestock auction market. The animals must have originated from a county that has been free of bovine brucellosis for at least one year and that brucellosis free county ~~must~~ shall be at least 50 miles from the border of any county that has had brucellosis infection within the past 12 months. The aforementioned ~~must~~ shall be certified by the state veterinarian of the state in which the affected county is located.

C. Scabies.

No cattle affected with or exposed to scabies shall be imported into Virginia for any purpose.

D. Feeder cattle.

Cattle intended for feeding purposes shall be qualified for entry into the Commonwealth under exactly the same conditions as cattle for dairy or breeding purposes. Steers and spayed heifers shall be exempt from any previously stated test requirements.

§ 6. Sheep.

A. Scabies.

Sheep intended for feeding or breeding purposes may enter the Commonwealth of Virginia only if they originate directly from a state officially designated scabies-free by the United States Department of Agriculture.

B. Slaughter.

Sheep imported into Virginia for immediate slaughter shall be consigned directly to a recognized stockyard or to a slaughtering establishment that is approved and inspected by the United States Department of Agriculture or by the Virginia Department of Agriculture and Consumer Services.

§ 7. Swine.

A. Brucellosis.

Swine over four months of age intended for breeding purposes shall originate from an officially validated brucellosis-free herd, or from a herd in which all breeding swine over four months of age were negative to an official test for brucellosis conducted in a state or federal laboratory within 12 months prior to date of entry, or which individually have been negative to an official test for brucellosis conducted in a state or federal laboratory



# Proposed Regulations

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within 30 days prior to entry. The official health certificate accompanying these swine shall indicate the official herd status or the negative test.

## B. Pseudorabies.

1. No swine of any age intended for breeding or feeding purposes shall be imported into Virginia from herds in which there has been an incidence of pseudorabies within the past 12 months.

2. No swine for breeding or feeding purposes which has been exposed to pseudorabies within the past 12 months shall be imported into Virginia.

3. Swine of any age intended for breeding purposes shall be negative to a test approved by the State Veterinarian for pseudorabies conducted within 30 days prior to entry into Virginia. The official health certificate shall indicate such negative test. Breeding swine may originate from herds that have been classified as Pseudorabies Qualified Negative herds and identified as being from such origin. Pseudorabies Qualified Negative herds are those herds in which 25% of the herd have exhibited negative test results in successive quarters (80-105 days) until the entire herd is tested. The test shall not be duplicated on previously tested swine.

## § 8. Horses.

A. Horses may enter the Commonwealth of Virginia provided that they are accompanied by an official health certificate giving an accurate description of each animal, with a copy forwarded to and received by the State Veterinarian prior to the arrival of such animals at a destination in the Commonwealth of Virginia.

B. The State Veterinarian may by proclamation prohibit or restrict the entry of any horses into Virginia which, in his opinion, presents a disease threat to Virginia horses or other animals. The proclamation shall be only for the duration of the potential threat, and shall be officially withdrawn when it has served its purpose.

C. An interstate health certificate on all horses that are imported into Virginia shall indicate that they have been officially tested and found negative for equine infectious anemia within the past 12 months. When horses are imported into Virginia, a copy of the official interstate health certificate shall be promptly mailed to the State Veterinarian. Horses that originate from infected premises in other states are not eligible for entry into Virginia unless a written permit is obtained from the State Veterinarian. Horses may be shipped into Virginia for research purposes or for immediate slaughter to approved slaughter establishments after first obtaining a permit from the State Veterinarian. Such horses shall be satisfactorily identified and the origin and destination clearly stated on the permit.

D. No male horse (stallion) or mare over 731 days of age, which either originates in or has passed through a country where the disease contagious equine metritis is known to exist, may enter the Commonwealth of Virginia except by special permit issued by the State Veterinarian. Those male horses or mares which are issued a special entry permit immediately will be placed under quarantine until the State Veterinarian is satisfied that they pose no danger to the Commonwealth of Virginia's equine population.

## § 9. Poultry.

### A. Pullorum-typhoid.

Hatching eggs and poultry shall not be imported into the Commonwealth of Virginia unless such eggs or poultry originate exclusively from flocks participating in the National Poultry Improvement Plan (NPIP) or the National Turkey Improvement Plan (NTIP) (Code of Federal Regulations, Title 9, Chapter I, Parts 1 to 199). These programs shall be under the supervision of the official state agency of NPIP or NTIP, the livestock health official, or other authorized government agency of the state of origin certifying them to be free of Pullorum-typhoid.

### B. Mycoplasma Gallisepticum.

Hatching eggs and poultry shall not be imported into the Commonwealth of Virginia unless such eggs or poultry originate from flocks that are designated free of Mycoplasma Gallisepticum by the livestock health official of the state of origin. Each importer of hatching eggs or poultry into Virginia shall secure from the State Veterinarian an approval number, after having provided evidence that the flocks of origin are free of Mycoplasma Gallisepticum. This approval number shall appear on shipping labels or containers of each lot shipped into Virginia.

### C. Approval numbers.

1. Each shipper of hatching eggs or poultry shall first secure an approval number from the State Veterinarian. This approval number ~~must~~ shall appear on each shipping label or on each container of hatching eggs or poultry shipped into Virginia.

2. Applications for approval numbers ~~must~~ shall be made on forms provided by the State Veterinarian. Each application shall require the following information on each flock from which the hatching eggs or poultry originate:

- a. The name and address of each flockowner;
- b. The species (i.e., chickens or turkeys) and the number of birds in each flock;
- c. The date of the most recent Pullorum-typhoid

test;

d. The total number, or the percentage, of positive reactions to the most recent Pullorum-typhoid test;

e. The Pullorum-typhoid status attained; and

f. Such additional information as the State Veterinarian may require.

3. Such applications, when completed, ~~must~~ shall be forwarded to the official state agency, the state livestock health official, or other competent and recognized authority of the state of origin for verification, approval and signature; and then forwarded to the State Veterinarian for final approval. Hatching eggs or poultry shall not be shipped into Virginia until final approval has been granted and the approval number is received.

#### D. Exceptions.

This regulation shall not apply to hatching eggs or poultry passing directly through the Commonwealth of Virginia in interstate commerce, nor to poultry imported into the Commonwealth of Virginia for immediate slaughter and consigned directly to a poultry processing establishment that is approved and inspected by the United States Department of Agriculture or by the Virginia Department of Agriculture and Consumer Services.

#### § 10. Goats.

##### A. General.

Goats imported into the Commonwealth of Virginia for any purpose shall comply with the applicable provisions of §§ 2, 3, and 4 of these rules and regulations.

##### B. Tuberculosis.

1. Goats for dairy or breeding purposes may enter the Commonwealth of Virginia if they originate directly from a herd in which all animals were negative to a test for tuberculosis approved by the State Veterinarian within 12 months prior to entry; or

2. Goats for dairy or breeding purposes may enter the Commonwealth of Virginia if they are individually tested and found to be negative to a test for tuberculosis approved by the State Veterinarian within 30 days prior to entry.

##### C. Brucellosis.

1. Goats for dairy or breeding purposes may enter the Commonwealth of Virginia if they originate directly from a herd in which all animals were negative to a test for brucellosis approved by the State Veterinarian within 12 months prior to entry; or

2. Goats for dairy or breeding purposes may enter the Commonwealth of Virginia if they are individually tested and found to be negative to a test for brucellosis approved by the State Veterinarian within 30 days prior to entry.

##### D. Caseous lymphadenitis.

Goats for dairy or breeding purposes may enter the Commonwealth of Virginia if they are free of clinical symptoms of caseous lymphadenitis. "Clinical symptoms", with reference to caseous lymphadenitis, is used to define abscesses of the lymph nodes, whether they are draining or not.

#### § 11. Dogs.

##### A. General.

Dogs to be transported into the Commonwealth shall be accompanied by an official health certificate issued by an accredited veterinarian of the state of origin, certifying that the issuing veterinarian has personally examined the animal or animals within 10 days prior to issuance of such certificate and date of shipment; and that this professional physical examination indicated that the animal or animals were in apparent good health at that time.

##### B. Rabies.

In addition to the requirements of ~~paragraph subsection~~ A of this section the official health certificate covering any dogs to be transported or moved into the Commonwealth of Virginia shall state that they did not originate in an area under quarantine for rabies; that such dogs have not been exposed to rabies; that they have been vaccinated against rabies not more than one year (inactivated virus) and not more than three years (attenuated virus) prior to shipment.

##### C. Exceptions.

1. The requirement for rabies vaccination specified in ~~paragraph subsection~~ B of this section shall not apply to puppies less than four months of age.

2. None of the provisions, requirements, or restrictions of this section shall apply to:

a. Any dog passing directly through the Commonwealth of Virginia in interstate commerce; or

b. Any dog consigned directly to a laboratory or institution authorized by law to conduct research, teaching, or clinical studies within the Commonwealth of Virginia; or

c. Any dog brought into the Commonwealth of Virginia by a person who intends to reside in Virginia.

# Proposed Regulations

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## § 12. Monkeys.

### A. General.

Monkeys to be transported into the Commonwealth of Virginia shall be accompanied by an official health certificate issued by an accredited veterinarian of the state of origin, certifying that the issuing veterinarian personally has examined the monkey(s) within 10 days prior to the issuance of such certificate; and that the professional physical examination indicated that the monkey(s) were in apparent good health at the time. In addition to this general statement, a separate statement shall be included attesting to the fact that the veterinarian has carefully examined the oral mucosa of the monkey(s) and has found no evidence of disease lesions or inflammatory processes.

### B. Tuberculosis.

1. Monkeys transported into the Commonwealth of Virginia shall successfully have passed a tuberculin test performed by an accredited veterinarian within 30 days prior to date of shipment. Certification of this fact, including the kind and amount of tuberculin used, the date and hour of injection, and the date and hour that no response of any kind or degree was observed, shall appear upon the face of the health certificate.

2. Monkeys that have been associated with, or that originate in, a monkey colony where there have been other monkeys showing response to the tuberculin test shall not be eligible for entry into Virginia unless and until all monkeys in the group or colony shall have passed two consecutive negative tuberculin tests not less than 30 days apart.

### C. Exceptions.

The provisions, requirements, or restrictions of this section shall not apply to any monkey(s) passing directly through the Commonwealth of Virginia in interstate commerce, nor to any monkey(s) consigned to a laboratory or institution authorized by law to conduct research, teaching, or clinical studies within the Commonwealth of Virginia.

## § 13. Psittacine birds.

### A. Isolation.

Psittacine birds transported into Virginia shall be confined immediately by their owner, custodian, or agent, to an enclosure in absolute isolation from other birds, animals, and persons, except for the absolute minimum contact necessary for their care. This confinement shall continue for a minimum of 15 days. During this time, the birds shall experience continuous and uninterrupted feeding with either a mash-type feed, or a feed containing dehulled millet seed, containing 0.5 milligrams of

chlortetracycline per gram of feed or seed. An accredited veterinarian, specifically authorized for direct supervision of such quarantine, shall notify the State Veterinarian in writing when the birds have completed their isolation period.

### B. Approval numbers.

1. Each shipper of psittacine birds into the Commonwealth of Virginia shall first secure an approval number from the State Veterinarian of Virginia. This official approval number, along with the words "Virginia Department of Agriculture and Consumer Services Approved", or equivalent, shall appear prominently on each shipping label or on each package or container used for transporting these birds into Virginia.

2. Applications for approval numbers ~~must~~ shall be made on forms provided by the State Veterinarian. The State Veterinarian shall designate the duration of such approval. Applications shall require the following information:

a. The legal name and address of each applicant. If an applicant has more than one address or premises intended as a source of psittacine birds to be shipped into Virginia, a separate application ~~must~~ shall be filed and a separate approval number secured for each such address or premises;

b. The usual or average number of birds maintained at any given time at each address or premise;

c. A statement, signed by a local or state professional livestock health official or public health authority, attesting to the fact that all psittacine birds leaving the address or premises specified on each application have been subjected to the same or fully equivalent restrictions as to isolation and treatment as are specified in subsection A of § 13; and

d. Any additional information the State Veterinarian may require.

3. Applications for approval numbers ~~must~~ shall be forwarded to the State Veterinarian for approval. Approval numbers ~~must~~ shall be received by the shipper before shipment is made into the Commonwealth of Virginia.

### C. Exceptions.

1. The requirements for isolation and treatment with chlortetracycline as shown in subsection A of § 13 shall not apply to psittacine birds which have been issued an official approval number. An approval number and legend as specified in *paragraph 1* of subsection B ~~of~~ of § 13 ~~must~~ shall appear on each shipping label or container used for shipments into

# Proposed Regulations

Virginia. Shipments made without approval, or prior to the issuance of approval, will be subjected to the same restrictions of confinement and treatment as birds from nonapproved sources.

2. The provisions of this section shall not apply to any psittacine birds passing directly through the Commonwealth of Virginia in interstate commerce; nor to psittacine birds brought into the Commonwealth of Virginia by a person who intends to make his residence in Virginia; nor to any psittacine birds consigned directly to a laboratory or institution authorized by law to conduct research, teaching, or clinical studies within the Commonwealth of Virginia.

## § 14. Llamas.

All South American camelids of the genus *Lama* (including, (including, but not limited to llamas, alpacas, guanacos, and vicunas) four months of age and older imported into Virginia from another state or territory shall:

1. Be individually identified by an ear tattoo, and the tattoo number shall be recorded on the health certificate of the state or territory of origin; and
2. Be negative to approved tests for:
  - a. Brucellosis;
  - b. Tuberculosis; and
  - c. Bluetongue.

Such tests shall be performed not more than 30 days prior to importation.

\* \* \* \* \*

**Title of Regulation:** VR 115-02-15. Rules and Regulations for the Registration of Poultry Dealers.

**Statutory Authority:** §§ 3.1-726, 3.1-735, and 3.1-736 of the Code of Virginia

**Public Hearing Date:** September 28, 1987 - 2 p.m.  
(See Calendar of Events Section for additional information)

### Summary:

The Department of Agriculture and Consumer Services hereby proposes a regulation requiring the registration of poultry dealers and their agents doing business in Virginia and requiring that they keep records of their transactions, as a means of tracing poultry disease to its source, and thus as a means of enhancing the department's capability to curtail and eradicate poultry disease.

The proposed regulation also requires that poultry dealers and their agents maintain a regimen of sanitation in order to reduce the risk of spreading poultry disease from one premises to another.

VR 115-02-15. Rules and Regulations for the Registration of Poultry Dealers.

## § 1. Definitions.

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

"Agent" means any person, firm, association, partnership, or corporation buying, receiving, soliciting, or negotiating the sale of poultry for or on behalf of any poultry dealer.

"Approved disinfectant" means any chemical approved by the United States Department of Agriculture as a disinfectant when used according to direction for the purpose specified.

"Biosecurity" means a regimen of cleaning poultry-related equipment and the disinfection of such equipment with an approved disinfectant to prevent the spread of avian influenza and other infectious and contagious poultry diseases.

"Dealer" or "poultry dealer" means any person who engages in the business of buying and selling, exchanging, or bartering eggs or live poultry in the Commonwealth of Virginia for his own account or that of another person.

"Poultry" means all domestic birds, including but not limited to chickens, ducks, and turkeys, as well as all native and exotic wild birds, including those wild birds indigenous to the Commonwealth.

## § 2. Exceptions.

Nothing in this regulation shall apply to:

1. Any entity, including persons, companies, or hatcheries, that sells fertile eggs or poultry which it has produced or has contracted to raise or sell;
2. Eggs sold to grocery stores for table use or to other vendors handling table eggs; and
3. Bird fanciers buying, selling, or trading birds or fertile eggs strictly as a hobby.

## § 3. Dealer registration.

Every poultry dealer and every agent of every poultry dealer doing business in Virginia shall be registered with the State Veterinarian; application for registration shall be made on forms provided by the State Veterinarian. Initial registration shall be made no later than January 8, 1988; each poultry dealer shall renew his registration no later

# Proposed Regulations

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than January 8 of each even-numbered year thereafter. Registration cards will be issued to all poultry dealers and their agents. Dealers and their agents shall have the cards in their possession while engaged in the business of dealing in poultry.

## § 4. Records requirement.

All registered poultry dealers and their agents shall maintain a record of all poultry that they purchase or sell.

## § 5. Contents of records.

The records required by § 4 of this regulation shall include the following information, which shall be recorded daily for each transaction of that day:

1. The date of the transaction;
2. The kind of poultry in each lot purchased or sold, with the number of each kind specified;
3. The name and address of the seller, and in addition, if different, the name and address of the producer;
4. The name and address of the purchaser, and in addition, if different, the name and address of the ultimate purchaser;
5. The date and result of any test conducted on each lot of poultry or a copy of an official test record; and
6. The kind of birds (e.g. layers, market turkeys, turkey breeders, broilers, broiler breeders, ducks, geese, guinea hens).

§ 6. The records required in §§ 4 and 5 of these regulations shall be kept in the possession of the poultry dealer or his agent for a period of two years after the date of each transaction.

## § 7. Inspection of records.

Every poultry dealer or his agent shall, during all reasonable hours, permit the State Veterinarian or his representative to have access to and to copy any and all records maintained pursuant to these regulations.

## § 8. Biosecurity.

1. Every poultry dealer and his agents and employees shall institute biosecurity measures in all business dealings (including live haul and egg pick-up) involving visits to farms.
2. Every poultry dealer and his agents and employees shall assure that coops, cages, vehicles, and loading equipment carried onto premises where poultry is raised, be cleaned and disinfected daily with an approved disinfectant. In addition, every poultry dealer

and his agents and employees shall wear freshly laundered outer garments daily. Boots shall be disinfected prior to entering any premises where poultry is raised.

3. During an outbreak of avian influenza or other infectious or contagious poultry disease, other reasonable biosecurity measures may be instituted, as prescribed by the State Veterinarian, which may include more rigorous and more frequent cleaning and disinfection.

## § 9. Out-of-state poultry.

Poultry dealers importing poultry into Virginia shall comply with the health requirements governing the admission of poultry into Virginia, § 9 of Regulation VR 115-02-12 "Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds Into Virginia," as well as the requirements of these present regulations. The dealer shall deliver a copy of the official health certificate to the final purchaser.

## § 10. Denial, suspension, or cancellation of registration.

The State Veterinarian may, after due notice and opportunity for hearing to the individual or firm involved, deny an application for registration, or suspend or cancel the registration as a poultry dealer of any poultry dealer or his agent when the State Veterinarian has determined any of the following:

1. That the poultry dealer or his agent has violated state or federal statutes or regulations governing the interstate or intrastate movement, shipment, or transportation of poultry;
2. That the poultry dealer or his agent has made false or misleading statements in his application for registration;
3. That the poultry dealer or his agent has sold poultry that he knew or should have known was sick or exposed to infectious or contagious disease;
4. That the poultry dealer or his agent has knowingly made false or misleading entries in the records required by these regulations; or
5. That the poultry dealer or his agent has failed to comply with any provision of these regulations.

## Forms to be implemented:

Form VDACS - 03213, Application for Registration as a Dealer in Cattle or Poultry

## Forms to be eliminated:

Form VDACS - 03213, Application Cattle Dealer or

**Agent Registration**

APPLICATION

FOR REGISTRATION AS A DEALER IN CATTLE OR POULTRY

BUREAU OF VETERINARY SERVICES

I hereby wish to make application to be registered by the Virginia State Veterinarian as a dealer in:

Cattle \_\_\_\_\_ Poultry \_\_\_\_\_  
(check only one)

Business Address: \_\_\_\_\_ Home Address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Telephone ( ) \_\_\_\_\_ Telephone ( ) \_\_\_\_\_

Address at which records will be kept: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Format of records (for example: card file, notebook) \_\_\_\_\_

Employer's name and address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Names and Addresses \_\_\_\_\_

of agents employed \_\_\_\_\_

by you: \_\_\_\_\_

In signing this application, I certify that all entries are true and correct to the best of my knowledge, and I certify that I have read requirements of regulation authorizing the State Veterinarian or his representative to have access to and to copy any and all records of my dealership required by regulation:

Date \_\_\_\_\_ Signature \_\_\_\_\_

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For Office Use Only

Date application received: \_\_\_\_\_ Date approved: \_\_\_\_\_

Date application rejected: \_\_\_\_\_

Reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Date card mailed: \_\_\_\_\_ Card Number \_\_\_\_\_

VDACS--03213

# Proposed Regulations

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## DEPARTMENT OF REHABILITATIVE SERVICES (BOARD OF)

**Title of Regulation:** VR 595-02-1. Provision of Independent Living Rehabilitation Services.

**Statutory Authority:** § 51.01-5.722 of the Code of Virginia.

**Public Hearing Date:** April 22, 1987 - 3 p.m. & 7 p.m.  
(See Calendar of Events section for additional information)

### Summary:

These proposed regulations state the department policies under which the independent living rehabilitation program shall be carried out. The regulations set forth criteria for eligibility for services; order of selection for services; the kinds and duration of services; the conditions under which persons may receive services; provisions for development of the Individualized Independent Living Plan; rights and responsibilities of persons receiving services including their right to appeal department decisions affecting them and responsibility to pay certain costs of services; and provisions regarding establishment and operation of independent living centers.

VR 595-02-1. Provision of Independent Living Rehabilitation Services.

### § 1. Definitions: Independent living.

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise.

"Center for independent living (CIL)" means a community based, nonprofit, usually nonresidential program which is controlled by the disabled consumer it serves, provides directly or coordinates indirectly through referral those services which assist severely disabled individuals to increase personal self-determination and to minimize unnecessary dependency upon others.

"Developmental disability" means a disability attributable to mental retardation, cerebral palsy, epilepsy or another neurological condition of an individual, which disability originates before such individual attains age 18, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individual.

"Habilitation" is the term used to refer to the education, training and care required by developmentally disabled individuals to reach their maximum potential.

"Independent living" means control over one's life based on the choice of acceptable options that minimize reliance on others in making decisions and performing every day activities. This includes managing one's affairs, participating in day to day life in community, fulfilling

range of social roles, making decisions that lead to self-determination, and the minimalization of physical and psychological dependency on others.

"Individualized independent living plan (IILP)" means a written rehabilitation plan developed jointly by the department (or CIL) and the severely disabled individual, and signed by both parties. The IILP indicates the goals established, the services to be provided, and the anticipated duration of the service program and each component service. The IILP is reviewed as often as necessary, but at least on an annual basis, to determine whether services should be continued, modified, discontinued, or whether the individual should be referred to a program of vocational rehabilitation services.

"Severely disabled individual" means an individual whose ability to function independently in family or community, or whose ability to engage or continue in employment is so limited by the severity of his physical or mental disability that independent living rehabilitation services are required in order to achieve a greater level of independence in functioning in family or community or engaging or continuing in employment. Independent living rehabilitation services needed by a severely disabled individual generally are appreciably more costly and of appreciably greater duration than vocational rehabilitation services that might be provided under 34 CFR Part 361.

### § 2. Eligibility for independent living services.

A. Eligibility requirements shall be applied without regard to sex, race, creed, color, or national origin. No group or individuals shall be excluded or found ineligible solely on the basis of the type of disability. No upper or lower age limit shall be applied which shall in and of itself result in a determination of ineligibility. No residence requirement shall be imposed which excludes from services any individual who is presently in the Commonwealth.

B. An evaluation by the Department of Rehabilitative Services (DRS) or its designee is required of each severely disabled person who applies for independent living services. The evaluation is limited to that information necessary to determine whether the individual is eligible to be provided independent living services, and to determine which independent living services are needed.

C. All applicants for independent living services shall be apprised of the services of the Client Assistance Program within the Department for the Rights of the Disabled.

### § 3. Basic eligibility criteria.

The following set forth criteria for basic eligibility:

1. The presence of a severe physical or mental disability;

2. The presence of a severe limitation in ability to function independently in family or community, or to engage or continue in employment; and

3. A reasonable expectation that independent living rehabilitation services will significantly assist the individual to improve his ability to function independently in family or community, or to engage or continue in employment.

#### § 4. Certification of eligibility.

A. Before or at the same time as acceptance of a severely disabled individual for independent living rehabilitation services, there shall be a certification that the individual has met the basic requirements specified in § 2 of these regulations.

B. The certification is approved, dated and signed by a department staff person.

#### § 5. Ineligibility.

##### A. Certification of ineligibility.

When it is determined that independent living services cannot be expected to assist an individual to engage or continue in employment, or to function more independently in family or community, a certification of ineligibility shall be signed and dated by the department's designee. A copy shall be promptly provided to the individual.

Such determination shall be made only after full consultation with the individual or as appropriate, his parents, guardian or other representative, or after giving a clear opportunity for this consultation. The department shall ensure notification in writing of the action taken and inform the individual of his rights and the means by which he may express and seek remedy for any dissatisfaction, with such notification including the procedures for administrative reviews and fair hearings. The individual shall be provided a detailed explanation of the availability of the resources within the Client Assistant Program, Department for the Rights of the Disabled, and when appropriate referral shall be made to other agencies and facilities, including when appropriate, the vocational rehabilitation program.

##### B. Review of ineligibility determination.

When the department has certified the ineligibility of an applicant for independent living services because of a determination that these services cannot be expected to assist the individual to engage or continue employment or to function more independently in family or community, the individual's current status will be reviewed within 12 months. This review need not be conducted in situations where the individual has refused it, the individual is no longer in the Commonwealth, or the individual's whereabouts are unknown.

#### § 6. Order for selection for services.

In the event independent living rehabilitation services cannot be provided to all eligible persons who apply, an order of selection is implemented:

**PRIORITY I.** Persons eligible and presently receiving services under an IILP.

**PRIORITY II.** Severely disabled persons who are institutionalized, have been institutionalized in the past, or are at a risk of becoming institutionalized.

**PRIORITY III.** Persons whose impairments are so severe that they do not presently have the potential for employment, but whose ability to live and function independently within their family setting or communities may be improved by the services.

**PRIORITY IV.** Persons who need independent living services in order to engage in or maintain employment.

#### § 7. The individualized independent living plan (IILP).

##### A. General requirements.

1. The IILP shall be initiated and periodically updated for individually provided independent living rehabilitation services.

2. Independent living services shall be provided in accordance with the IILP, which shall be developed jointly with the individual or his parents, guardian, CIL or other representative, and approved by the department's designee.

3. A copy of the IILP and any amendments shall be provided to the severely disabled individual, or his parents, guardian or other representative.

4. The IILP shall be initiated after certification of eligibility for independent living services.

##### B. IILP review.

The IILP shall be reviewed as often as necessary, but at least on an annual basis. Each severely disabled individual, or his parents, guardian, or other representative shall be given an opportunity to review the IILP and, if necessary, jointly modify the IILP and agree by signature to its terms.

##### C. Determination on ineligibility under IILP.

If services are to be terminated under an IILP for any reason, the following conditions and procedures shall be met and carried out:

1. The decision shall be made only with the full participation of the severely disabled individual, or his



# Proposed Regulations

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parents, guardian, or other representative, unless the individual has refused to participate, the individual is no longer residing in the Commonwealth, or his whereabouts are unknown. When the full participation of the individual or a representative of the individual has been secured in making the decision, the reviews of the individual shall be recorded in the IILP.

2. The rationale for the ineligibility decision shall be recorded as an amendment to the IILP certifying that the provision of independent living services has demonstrated that the individual is not capable of functioning more independently in family or community, or engaging or continuing in employment. A certification of ineligibility is then executed; and

3. There shall be a periodic review at least annually of the ineligibility decision in which the individual is given the opportunity for full consideration in the reconsideration of the decision, except in situations where a periodic review would be precluded because the individual has refused services or has refused a periodic review or the individual is no longer residing in the Commonwealth, or his whereabouts are unknown. The first review of the ineligibility decision shall be initiated by the department or its designee. Any subsequent reviews shall be undertaken at the request of the individual.

#### *D. Coordination with vocational rehabilitation, development disabilities and education programs.*

The development of the IILP and the provision of these services will be coordinated with the individualized written rehabilitation plan for vocational rehabilitation services, if there is such a program. This will also be coordinated with any individualized written habilitation program for the individual prepared under the Developmental Disabilities Assistance and Bill of Rights Act, or with any individualized education program for the individual.

#### *§ 8. Scope of independent living rehabilitation services for individuals.*

The following independent living rehabilitation services shall be provided if deemed necessary to the independence of the individual:

1. Counseling services, including psychological counseling, psychotherapeutic counseling, advocacy services and related services;

2. Housing incidental to the provision of any independent living rehabilitation service, and including appropriate accommodations to, and modifications of, any space utilized to serve severely disabled individuals;

3. Physical and mental restoration services, including:

a. Physical and mental medical rehabilitation

services;

b. Dentistry services;

c. Nursing services;

d. Therapeutic treatment, such as physical therapy, occupational therapy, speech language and hearing therapy, therapeutic recreation, drama therapy, music therapy, dance therapy and art therapy.

e. Health maintenance;

f. Eyeglasses and visual services; and

g. Prosthetic, orthotic and other assistive appliances and devices.

4. Attendant care;

5. Transportation;

6. Interpreter services for deaf individuals, including tactile interpretation for deaf blind individuals;

7. Reading services, rehabilitation teaching services, and orientation and mobility services for blind individuals;

8. Recreation activities;

9. Services to members of a severely disabled individual's family when necessary for improving the individual's ability to live and function more independently, or the individual's ability to engage or continue in employment;

10. Vocational and other training services, including personal and vocational adjustment when necessary for improving a severely disabled individual's ability to live and function more independently, or his ability to engage or continue in employment;

11. Job placement services;

12. Referral services;

13. Telecommunications, sensory and other technological aids and devices;

14. Services for children of preschool age including physical therapy development of language and communication skills, and child development services;

15. Any other vocational rehabilitation services available under the State Plan for Vocational Rehabilitation Services are appropriate to the independent living rehabilitation needs of a severely disabled individual, and

16. Any appropriate preventive services necessary to

decrease the future needs of a severely disabled individual assisted under the program for similar services.

**§ 9. Participation by the disabled individuals in the cost of independent living rehabilitation services.**

A. An economic need test is established because of the limited resources of the department.

B. An economic need test will be utilized to determine the extent of client participation in the cost of independent living rehabilitation services. Services exempt from consideration for financial participation will be diagnostic and evaluation, counseling, guidance and referral, job placement, on-the-job training and unpaid work experience. Also excluded from financial participation will be services necessary to assist in the diagnostic and evaluation process such as transportation, maintenance and interpreter service for the deaf.

C. Groups exempt are:

1. Recipients of General Relief.
2. Recipients of Aid to Families with Dependent Children by the client or family in which the client is dependent.
3. Supplemental Security Income (SSI).
4. Social Security Disability Income (SSDI).

D. The Department of Rehabilitative Services will make an assessment of similar benefits available to pay for independent living rehabilitation services. The Department of Rehabilitative Services will not pay program costs which could otherwise be provided by similar benefits unless it is documented that the delay in securing such benefits would be detrimental to the rehabilitation program.

E. Income and resources of the family are to be used when the client is a part of the family unit. The client is a part of the parent or legal guardian family unit upon occurrence of either:

1. Residence with the parent/legal guardian;
2. Dependency of support evidenced on the last federal income tax return of the parent/legal guardian regardless of residency; or
3. When temporarily absent from the home due to illness, school, vacation or military leave.

The family unit may include persons in residence with the parent/legal guardian, other than the client, who were declared as a dependent on the last federal income tax return of the parent/legal guardian.

F. The financial need test will consider the following income:

1. Annual taxable income (gross income).
2. Annual nontaxable income such as social security, retirement benefits, workmen's compensation, veteran's benefits, etc.
3. Total cash assets, including checking and savings accounts, certificates, stocks and bonds, etc.

The financial need test will provide for the following allowances and exclusions:

a. The gross income will be adjusted by the percentage indicated in the table below:

Gross Income	Allowance
Under \$10,000	15%
\$10,000 to 14,999	20%
\$15,000 to 24,999	25%
\$25,000 to 34,999	30%
Over \$34,999	35%

b. Income will be excluded from consideration based upon family size using the table below:

Size of Family	Income Exclusion
1	\$10,608
2	13,143
3	15,678
4	18,213
5	20,748
6	23,283
7	25,818
8	28,353

For each additional dependent, add \$2,535.

The table above is based upon the federal low income for a family of four. It will be reviewed annually.

c. Excluded from income will be estimated client cost specifically related to the client's disability and not covered by similar benefits.

d. Excluded from cash assets is \$5,000.

e. Individual retirement account shall be excluded from income considerations.

Determination of the annual client financial contribution results from an examination of (i) the number of persons in the family unit; (ii) annual taxable income minus allowances; (iii) annual nontaxable income; (iv) cash assets minus exclusions and; (v) exceptional exclusions based on client cost specifically related to client's disability.

# Proposed Regulations

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The financial resources to be considered will be tabulated using the method noted herein. The positive balance (resources exceeding exclusions) will be determined to be available for participation in the rehabilitation program.

## § 10. Consideration of similar benefits.

Consideration shall be given, in all cases, to any similar benefits available to a disabled individual, or to members of a disabled individual's family, under any program to meet, in whole or in part, the cost of any independent living rehabilitation services, except the following:

1. Evaluation;
2. Counseling, guidance, and referral;
3. Vocational and other training services, including personal and vocational adjustment training, books, tools, and other training materials, which are not provided in institutions of higher education;
4. Placement;
5. Post employment services consisting of the services listed in § 12 of the department's Vocational Rehabilitation Regulations;
6. Physical and mental restoration services and maintenance, which would significantly delay the provision of services to the individual; and
7. When services are not adequate and would interfere with achieving the rehabilitation objective of the individual.

## § 11. Appeal procedures.

Appeal procedures for independent living services adhere to the department's appeal procedures, as set forth in § 18 of the department's Vocational Rehabilitation Regulations.

## § 12. Protection, use and release of personal information.

Independent living services will adhere to the department's protection, use, and release of personal information, as set forth in § 19 of the department's Vocational Rehabilitation Regulations.

## § 13. Grants or contracts for independent living centers.

Grants or contracts may be awarded to any county, city or combination thereof, or any local public or private nonprofit agency, organization or facility. The criteria contained herein shall be followed in the establishment and operation of Centers for Independent Living (CILs).

## § 14. Approval of grants or contracts for independent living centers.

No applicant shall be eligible for a grant to establish independent living services or to develop independent living centers unless its plan and budget have been approved (i) by the governing body or bodies of each political subdivision of which it is an agency or by the governing board, if any, of the private nonprofit agency, organization or facility, making such application and (ii) by the Department of Rehabilitative Services.

## § 15. Governing board of centers for independent living.

A. Each center shall be governed by a board, consisting of no less than seven persons, established for the sole purpose of operating a center for independent living. This governing board shall be established prior to the submission of a grant proposal to fund such a CIL. Only the board established for the purpose of operating a CIL is eligible to receive grants and contracts from the department.

B. The governing board shall contain a majority number of persons with disabilities who shall provide a cross-disability representation.

## § 16. Staff.

A. CIL staff shall include as large a proportion of persons with disabilities as is practicable.

B. CILs shall be staffed by persons skilled or trained to assist individuals with disabilities, achieve social and economic independence.

C. CILs shall meet all relevant licensure, certification, bonding, and insurance requirements of the Department of Rehabilitative Services.

## § 17. Eligibility for those persons served by centers for independent living.

A. Eligibility requirements shall be applied without regard to gender, race, age, creed, types of disability, color or national origin. No residence requirement, durational or other shall be imposed which excludes from services any individual who is present in the Commonwealth.

### B. Basic eligibility criteria.

A person may be eligible to become a participant in an independent living center when there is the presence of a severe disability, there is a stated need or request for services and receipt of services can reasonably be expected to benefit the person's independence in the family, community or work.

### C. Certification of eligibility.

For independent living services, before or at the time the person is accepted for services, the CIL center staff shall document eligibility.

## § 18. Ineligibility.

When it is determined by CIL staff that independent living services cannot be expected to assist an individual to function more independently in family or community, or to engage or continue in employment, and after consultation with the individual, a certification of ineligibility shall be developed by CIL staff, approved and dated by the Department of Rehabilitative Services' designee and notification promptly provided to the applicant. The notification shall state the reason for the decision and offer opportunity for consultation by the applicant or their designee. The person shall be notified in writing of their rights and the means by which they may seek remedy, including administrative review and fair hearing. The applicant shall be provided a detailed explanation of the availability of the services of the Client Assistance Program, Department for the Rights of the Disabled.

## § 19. Order of selection for those served by centers for independent living.

If funding prohibits provision of services in centers for independent living to all eligible applicants, an order of selection will be implemented.

**PRIORITY I.** Persons eligible and presently receiving services under an IILP.

**PRIORITY II.** Severely disabled persons who are institutionalized, have been institutionalized in the past, or are at a risk of becoming institutionalized.

**PRIORITY III.** Severely disabled persons whose ability to live and function independently within their family setting or communities may be improved by the services, but who do not have the potential for employment.

**PRIORITY IV.** Persons who need independent living services in order to engage in or maintain employment.

## § 20. Scope of services for center for independent living.

Services provided through grants or contracts with independent living centers may include:

1. Intake counseling to determine the individual's need for specific independent living services;
2. Peer counseling;
3. Independent living skills counseling and training, including equipment maintenance, job seeking skills, counseling related to therapy needs and programs, and special programs for persons with hearing disabilities;
4. Advocacy for persons with disabilities;

5. Counseling and advocacy services regarding legal and economic rights and benefits for the individual and their families;

6. Education and training necessary for living in the community and participating in community activities;

7. Referral and counseling services regarding attendant care;

8. Attendant care and the training of such personnel to provide such care;

9. Housing and transportation referral;

10. Surveys, directories and other activities to identify appropriate housing, accessible transportation and other support services;

11. Individual and group social and recreational activities;

12. Health maintenance programs;

13. Job development;

14. Community group living arrangements;

15. Other programs designed to provide resources, training, counseling services, or other assistance of substantial benefit, including but not limited to systems advocacy, community education, and technical assistance which do not conflict with federal or state laws and which promote the independence productivity and quality of life of person with disabilities.

## § 21. Participation by individuals in cost of services.

A. Each public or private agency awarded a grant or contract in accordance with § 51.01.23 of the Code of Virginia, shall institute a reimbursement system to maximize the collection of fees from persons receiving services.

### B. Groups exempt are:

1. Recipients of General Relief.
2. Recipients of Aid to Families with Dependent Children by the client or family in which the client is dependent.
3. Supplemental Security Income (SSI).
4. Social Security Disability Income (SSDI).

C. The department's economic need test shall be used to determine the individual's participation in the cost of services received in the CILs. Services to individuals exempt from consideration for financial participation, shall be evaluation, intake, peer counseling, advocacy,

# Proposed Regulations

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information and referral, independent living skills training, interpreter services for the deaf and job development.

Services which require an economic need test are: (i) equipment maintenance; (ii) education and training necessary for living in the community; (iii) attendant care and training of such personnel to provide such care; (iv) individual and group social and recreational activities; (v) health maintenance programs; and (vi) community group living arrangements.

## § 22. Appeal procedures.

When a participant is dissatisfied with any action concerning the furnishing of or denial of independent living services by a CIL, they may file a request for an administrative review and a redetermination of that action. The participant shall be informed of the availability of the Client Assistance Program, Department for the Rights of the Disabled.

### A. Reconsideration step.

When a participant is dissatisfied with an action taken by a CIL, the participant shall present the disagreement verbally or in writing for the reconsideration. This can be presented either to the person who took the initial action or to the person's immediate supervisor. The initial action shall be reviewed and the participant shall be informed in writing within seven working days of the results of the redetermination.

### B. Administrative review.

1. Any participant who has been unable to satisfactorily resolve the issues at the reconsideration step may obtain an administrative review from the executive director of the CIL, unless the director was involved in the reconsideration step. The chair of the governing board shall then designate a representative.

2. The request for the administrative review shall be made in writing within 30 days after the participant has been notified of the reconsideration decision. The request shall contain a description of the issues presented for review, the action being requested, and any other appropriate information.

3. The administrative review shall be conducted within 10 working days.

4. The review person shall give the participant the opportunity to present their dispute verbally, if so desired.

5. The review person shall determine whether the initial action was in accordance with the rights of the participant, and consistent with the CIL's policies, practices and regulations.

6. The review persons shall make a decision in writing

within five working days from the review.

C. Fair hearing: the Department of Rehabilitative Services procedure as set forth in subsection D of § 18 of the department's Vocational Rehabilitation Regulations.

The CILs will adhere to the department's regulations as set forth in § 19 of the Virginia Rehabilitative Regulations.

## § 24. Cooperative agreements.

No services funded by the department to the CILs shall be provided to:

1. Persons whose primary impairment is mental illness, mental retardation or substance abuse, except by cooperative agreement with the local community service board established pursuant to § 37.1.19.4 (et seq.) of the Code of Virginia, when the board is currently offering the same services; or

2. Public school aged persons, except by cooperative agreement with that person's school.

# 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 115-04-12. Rules and Regulations for the Enforcement of the Virginia Gasoline and Motor Fuels Law.

**Statutory Authority:** §§ 59.1-153 and 59.1-156 of the Code of Virginia.

**Effective Date:** August 6, 1986

**REGISTRAR'S NOTICE:** The final Rules and Regulations for the Enforcement of the Virginia Gasoline and Motor Fuel Law (VR 115-04-12) are being republished at the request of the Department of Agriculture and Consumer Services, with several nonsubstance changes.

Summary:

*Four specifications included in the 1969 regulations were deleted. "Pour Point", "Viscosity", "Carbon Residue" and "Ash" specifications for diesel fuel have historically been found to present no problems in Virginia. Two requirements were added to the regulations. Motor fuel registrants must include on their application for registration and post on all retail dispensing devices the percentage of ethanol or methanol in the fuel if it is 1.0% or more of the mixture. Twelve specifications included in the 1969 regulations have been updated and adopted by reference to reflect the American Society of Testing and Materials (ASTM) current regional requirements. A mid-point maximum distillation specification has been added to insure good warm-up and acceleration properties in gasoline which will be effective January 1, 1987. The phrase "Or Dry Method For Oxygenated Fuels" was added to the ASTM method D-323 for determining Reid Vapor Pressure.*

VR 115-04-12. Rules and Regulations for the Enforcement of the Virginia Gasoline and Motor Fuels Law.

§ 1. Definitions.

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

"*Commissioner*" means the Commissioner of the Virginia Department of Agriculture and Consumer Services.

"*Diesel fuel*" means, except as provided in subsection C of § 3 of these regulations, liquids used or intended for

use for power purposes in automotive internal combustion compression ignition engines.

"*Gasoline*" means, except as provided in subsection C of § 3 of these regulations, liquids used or intended for use as carburants for power purposes in automotive internal combustion spark ignition engines.

"*Virginia Gasoline Law*" or "*Law*" means Chapter 12 (§ 59.1-149 et seq.) of Title 59.1 of the Code of Virginia.

§ 2. Specifications for gasoline and diesel fuel.

A. Gasoline.

Gasoline shall meet the requirements of the following specifications when tested in compliance with the latest version of the American Society for Testing and Materials (ASTM) Methods of Tests specified below, with the exception of the test for water and sediment.

Test	ASTM Method
1. Distillation. ....	D86
a. Percent evaporated during months of:	
January, February, November, and December at 50°C (122°F) Minimum .....	10%
March, April, and October at 55°C (131°F) Minimum .....	10%
May, June, July, August, and September at 60°C (140°F) Minimum .....	10%
b. Percent evaporated during months of:	
January, February, November, and December at 110°C (230°F) Minimum .....	50%
March, April, and October at 113°C (235°F) Minimum .....	50%
May, June, July, August, and September at 116°C (240°F) Minimum .....	50%

# Final Regulations

c. Percent evaporated at 185°C (365°F)  
Minimum ..... 90%

End point, maximum 225°C (437°F)

Residue, percent maximum ..... 2%

2. Reid vapor pressure at 100°F, PSI ..... D323  
or Division of  
Consolidated  
Laboratories  
dry method for  
oxygenated  
fuels

Maximum during the months of  
November, December, January,  
and February ..... 15.0

Maximum during the months of  
March, April,  
and October ..... 13.5

Maximum during the months of  
May, June, July, August, and  
September ..... 11.5

3. Undissolved water  
and sediment, percent by  
volume, maximum ..... 0.01%  
VDACS  
Method of Test

4. Existent gum, mg.  
per 100 ml., maximum ..... 5 D381

5. The octane number ..... D2699  
shall not be more than one  
octane number below the octane ..... and D2700  
number filed in connection  
with registration.

6. Gasoline labeled as ..... Lead: D3237  
"unleaded", "no lead" or "lead free" ..... Phos: D3231  
shall not contain more than  
0.05 grams lead per gallon  
and not more than 0.005 grams  
of phosphorus per gallon.

## B. Diesel fuel.

Diesel fuel shall meet the requirements of the following specifications when tested in compliance with the latest version of the American Society for Testing and Materials Methods of Tests specified below.

Test	ASTM Method
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1. Flash point, deg. F minimum ..... D93

(If registered and labeled as #1 Diesel) 100°F  
(If registered and labeled as #2 Diesel) 125°F

2. Water and sediment,  
percent by volume, maximum ..... 0.05 % D1796

3. Sulfur, percent by ..... 0.5 % D2622(D129 shall  
weight maximum ..... be the referee method)

4. Cetane number, minimum ..... 40 D613

5. 90 percent distillation .....  
point, deg. F maximum ..... 640°F D86

6. Corrosion - ASTM copper ..... No. 3 D130  
strip scale, maximum ..... 3 hrs. at 50°C

## § 3. Labeling.

### A. Gasoline.

Every dispensing device used in the retail sale of gasoline shall be plainly and conspicuously labeled with the brand name or trade name of the gasoline, and if the product contains 1.0% or more of ethanol or methanol, a label identifying the kind of alcohol and the percentage of each shall be posted in letters not less than one inch in height.

### B. Diesel fuel.

Every dispensing device used in the retail of diesel fuel shall be plainly and conspicuously labeled, in letters not less than one inch in height, with the words "diesel fuel". The device shall also be labeled with the brand name or trade name of the diesel fuel. When the word "diesel" appears in letters at least one inch high as part of the brand name or trade name on the dispenser, this labeling shall be considered sufficient compliance with the requirements of this provision.

### C. Power fuels for nonhighway use.

Every dispensing device or container used in the retail sale of gasoline (as defined in § 59.1-149 of Chapter 12 of Title 59.1 of the Code of Virginia) and intended for nonhighway use shall be plainly and conspicuously labeled, in letters not less than one inch in height, "aviation gasoline", "marine gasoline", "marine diesel fuel" or another term approved by the commissioner which clearly identifies the product.

## § 4. Registration of gasoline and diesel fuel.

A. Before selling or offering for sale any gasoline or diesel fuel in this Commonwealth, these products shall be registered with the Virginia Department of Agriculture and Consumer Services. The following information shall be included on forms provided by the commissioner:

1. The name and address of the registrant.

2. The brand name or trade name under which the gasoline or diesel fuel will be offered for sale.

3. The octane number of each gasoline as determined by the latest version of ASTM Research Method D2699 and ASTM Motor Method D2700, and expressed as an average of the two methods (R+M)/2.

4. A statement that the gasoline or diesel fuel will comply with the requirements of the Virginia Gasoline Law and the specifications, rules, and regulations adopted under §§ 59.1-153 and 59.1-156 of the Code of Virginia.

5. The percentage and kinds of alcohol included in the gasoline.

B. If any of the information required under subsection A above ceases to be factual and no longer applicable to any product, the registrant shall, prior to the sale or distribution of that product, file a new registration which shall supersede all previous registration.

## § 5. Gasoline and diesel fuel condemned.

When a sample of gasoline or diesel fuel has been drawn by an inspector and found not to conform with the requirements of the Virginia Gasoline Law, and the specifications, rules and regulations adopted under §§ 59.1-153 and 59.1-156 of the Code of Virginia, a stop sale, use or removal order shall be issued. The fill cap, pump, delivery line, or any other means of withdrawing the contents of the affected container may be sealed by an inspector. The contents shall not be removed except under the following conditions:

### A. Age or staleness.

The commissioner may grant permission to the owner to blend aged or stale gasoline or diesel fuel with the fuel of sufficient quality to bring it up to standard. If a second sampling shows that the gasoline or diesel fuel meets the requirements, the commissioner shall release it for sale in Virginia .

### B. Adulteration.

If the gasoline or diesel fuel does not meet the requirements of the Virginia Gasoline Law and the specifications, rules and regulations due to adulteration by substituting other materials, including gasoline or diesel fuel of a lower quality, the commissioner shall notify the registrant or his local representative and request his cooperation in determining the source of the adulteration.

The said gasoline or diesel fuel may be released by the commissioner to be returned to the manufacturer, producer, or refiner, or to be disposed of in a manner approved by the commissioner. Prior to its release, the commissioner shall be given an affidavit stating that the gasoline or diesel fuel will not be distributed for sale,

offered for sale or sold in Virginia for use as a fuel in internal combustion engines, and also stating the disposition of the gasoline or diesel fuel.

§ 6. Publication of information filed in connection with registration and results of tests of official samples.

From time to time, the commissioner shall publish in a bulletin of the Department of Agriculture and Consumer Services the names of registrants, the brands, names or trade names of gasoline and diesel fuel registered, the octane number as filed in connection with the registration of gasoline, the results of tests of official samples found to be in violation, and other data which may be useful to consumers of gasoline and diesel fuel.

Procedures used in sample preparation and analysis for enforcement of these regulations are available from:

American Society for Testing and Materials  
1916 Race Street  
Philadelphia, Pennsylvania 19103

## MARINE RESOURCES COMMISSION

NOTE: Effective July 1, 1984, the Marine Resources Commission was exempted from the Administrative Process Act for the purposes of promulgating regulations. However, they are required to publish the full text of final regulations.

Title of Regulation: VR 450-01-0035. Pertaining to the Culling of Oysters.

Statutory Authority: §§ 28.1-23, 28.1-85 and 28.1-127 of the Code of Virginia.

Effective Date: March 9, 1987

### Preamble:

*This regulation establishes a minimum size limit, shell culling requirements, and inspection procedures for oysters taken from public oyster beds, rocks, and shoals.*

VR 450-01-0035. Pertaining to the Culling of Oysters.

§ 1. Authority, prior regulations, effective date.

A. This regulation is promulgated pursuant to the authority contained in §§ 28.1-23 , 28.1-85 and 28.1-127 of the Code of Virginia.

B. This regulation amends previous regulation VR 450-01-0035 which was promulgated by the Marine Resources Commission and made effective October 4, 1985 29, 1986 .



# Final Regulations

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C. The effective date of this regulation is ~~October 29,~~ ~~1986~~ **March 9, 1987**.

D. *Those provisions of this regulation concerning a minimum size limit for market oysters taken from the James River seed area shall terminate on June 1, 1987.*

## § 2. Purpose.

The purpose of this regulation is to establish culling requirements (minimum size limit) and inspection procedures which will provide protection for the public oyster beds, rocks, and shoals in Virginia's tidal waters.

## § 3. Definitions.

A. Clean cull areas: All natural public oyster beds, rocks, or shoals in the tidal water of Virginia, except those designated by the Marine Resources Commission as seed areas, shall be considered clean cull areas.

B. Seed areas: All natural public oyster beds, rocks, or shoals designated for the harvest of seed oysters, as follows:

1. Seaside of Eastern Shore - All of the public oyster grounds on the eastern side of Accomac and Northhampton counties on Virginia's Eastern Shore.

2. James River - All of the public oyster grounds in the James River and its tributaries above a line drawn from Cooper's Creek in Isle of Wight County on the south side of the James River to a line in a northeasterly direction across the James River to the Newport News municipal water tank located on Warwick Boulevard between 59th Street and 60th Street in the City of Newport News, excluding the clean cull area at the Southwest corner of Jail Island as described in VMRC Order 82-8.

C. Oysters in the James River seed area will be defined as follows for the purposes of this regulation (see related cull standards § 6.c).

1. Market oysters, also known as clean culls or pick outs, ~~generally must equal or exceed~~ 2.5 inches in length, are not intended to be replanted in other waters, will not exceed 600 count of live oysters per bushel, and will exceed \$6.00 per bushel in dockside value.

2. Soup-sized seed oysters, generally between 1.5 and 2.5 inches in length, are intended for replanting in other waters, will not exceed 600 count of live oysters per bushel, and will have a dockside value between \$3.00 and \$5.00 per bushel.

Small seed oysters, generally less than 1.5 inches in length, are intended for replanting in other waters, will exceed 600 count of live oysters per bushel, and will have a dockside value of less than \$3.00 per

bushel.

## § 4. Minimum ("cull") size.

All oysters taken from clean cull areas shall be culled on their natural beds, rocks, or shoals as taken and shall not be less than three inches in length. All undersized oysters and shells shall be returned immediately to their natural beds, rocks, or shoals. When small oysters are adhering so closely to the shell of the marketable oysters as to render removal impossible without destroying the young oyster, then it shall not be necessary to remove it.

*B. In the James River seed area, it shall be unlawful for any person, firm, or corporation to offer for sale or purchase oysters for direct market taken from said area whose shells measure less than two and one-half inches in length.*

## § 5. Culling requirements.

A. All oysters taken from natural public oyster beds, rocks, or shoals shall be placed on the culling board and culled by hand to the inside open part of the boat in a loose pile; however, when oysters are taken by hand and held in baskets or other containers they shall be culled as taken and transferred from the container to the inside open part of the boat in a loose pile and subject to inspection by any Marine Resources Commission law-enforcement officer.

B. If oysters from leased grounds and oysters from public grounds are mixed in the same cargo on a boat or motor vehicle, the entire cargo shall be subject to inspection under this regulation.

C. It shall be unlawful for any harvester/catcher to store oysters taken from public grounds on any boat in any type of container and all oysters taken from said areas shall be sold or purchased only in the regular oyster one-half bushel or one bushel measure as described in § 28.1-136 of the Code of Virginia.

## § 6. Inspection procedures.

In the inspection of oysters the law-enforcement officer shall, with a shovel, take at least one bushel of oysters at random, provided that the entire bushel shall be taken at one place in the open pile of oysters.

A. In the clean cull areas, if as much as one four-quart measure of undersized oysters and shells are found per bushel inspected it shall constitute a violation of this regulation.

B. In the seed areas, except the James River seed area, if as much as one six-quart measure of shells are found per bushel inspected it shall constitute a violation of this regulation.

C. In the James River seed area, if as much as one

six-quart measure of shells is found per bushel of clean cull or soup-sized seed oysters, or if as much as one 10-quart measure of shell is found per bushel of small seed oysters, it shall constitute a violation of this regulation. (See § 3 C for definitions of clean cull, soup-sized seed, and small seed oysters for the James River.)

§ 7. Penalty.

As set forth in § 28.1-23 of the Code of Virginia, any person, firm, or corporation violating any provision of this regulation shall be guilty of a Class 1 misdemeanor.

/s/ William A. Pruitt  
Commissioner

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Title of Regulation: VR 450-01-0042. Pertaining to Containerized Relaying of Shellfish.

Statutory Authority: §§ 28.1-23 and 28.1-180 of the Code of Virginia.

Effective Date: April 1, 1987.

Preamble:

*This regulation establishes the procedures for the containerized relaying of hard clams from polluted waters. Required specifications for cage construction, loading and and deployment, and harvesting are described.*

VR 450-01-0042. Pertaining to Containerized Relaying of Shellfish.

§ 1. Authority, prior regulation, effective date.

A. This regulation is promulgated pursuant to the authority contained in §§ 28.1-23 and 28.1-180 of the Code of Virginia.

B. No prior regulations pertain to the containerized relaying of shellfish.

C. The effective date of this regulation is April 1, 1987.

§ 2. General provisions.

Shellfish to be relayed within containers or cages shall be limited to the hard clam, Mercenaria mercenaria.

B. Any person, firm or corporation wishing to use containers for relaying shall petition the Marine Resources Commission demonstrating their ability to handle containers, describing the area where containers will be deployed and providing a description of the containers to be used.

C. Permission to use containers shall be determined on a case-by-case basis and also shall require approval from the Virginia Department of Health.

D. Any person, firm or corporation wishing to use containers for relaying shall meet the criteria set forth in § 28.1-179 of the Code of Virginia and Part I, National Shellfish Sanitation Program Manual of Operations and "Shellfish Shipper with Wet Storage" requirements as outlined in Part II, National Shellfish Sanitation Manual.

§ 3. Container construction.

A. Container size shall not exceed four feet by four feet by one foot.

B. Containers shall not be solid-walled, but shall be constructed of a mesh material of sufficient size not to restrict water flow.

1. Mesh size shall not be less than one inch measured diagonally across the longest axis of square, rectangular, or diamond shaped mesh nor less than one inch diameter for circular mesh.

2. Construction material shall be nontoxic and not retard shellfish pumping rates.

3. Containers shall be maintained in such a manner that fouling does not accumulate to such a degree that water flow through the container is impeded.

C. Container height (excluding any legs or skids) shall be no greater than 12 inches. The container shall be marked permanently on the inside surface supporting the shellfish at the six inch level (measured from the bottom) around the entire circumference of the cage in such manner as to be clearly visible.

D. Each container shall be fitted with skids or legs to hold the container off-bottom and constructed in a manner that will not restrict water flow under the container.

1. Skids shall be no smaller than four inches by four inches; legs shall be no shorter than four inches.

2. Skids or legs may be larger to assure that container does not rest on-bottom, but cannot be so large as to place the container at a depth that could constitute a hazard to navigation.

E. Access to each container shall be designed so that it can be secured with a standard VMRC seal and so that the container cannot be opened without breaking the seal.

§ 4. Loading and deployment.

A. Areas where containers are to be relayed shall be clearly marked and easily identified as required in § 28.1-179 (6).

# Final Regulations

B. Loading of containers and their deployment shall be conducted under VMRC supervision.

C. Containers shall be deployed in such a manner and spacing so that different lots are separated and easily identified.

1. Spacing between adjacent groups of containers shall be a minimum of 25 feet.

2. Individual containers shall be no closer than six feet to any other container within the group.

D. The volume of clams loaded into any one container shall not exceed a six inch depth measured from the bottom of the container, excluding skids or legs.

E. Each container deployed shall be sealed with a VMRC standard seal and the seal number recorded.

## § 5. Harvest.

A. All containers shall remain in the relaying area for a minimum of 15 days with water temperature above 50°F to assure effective cleansing through active pumping.

B. Requests to harvest specific containers shall be made in the same manner as on-bottom relaying with the inclusion on the request form of the VMRC seal numbers to be released for harvest.

C. Upon reharvesting release, the seal on each container to be harvested shall not be broken by anyone except a VMRC Marine Patrol Officer.

/s/ William A. Pruitt  
Commissioner

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Title of Regulation: VR 450-01-8701. Closed Public Oyster Season.

Statutory Authority: §§ 28.1-82 and 28.1-85 of the Code of Virginia.

Effective Date: April 1, 1987

### Preamble:

The following Order of the Marine Resources Commission closes all public oyster rocks, grounds and shoals within certain designated areas of the Commonwealth in order to promote and protect the oyster fishery.

VR 450-01-8701. Closed Public Oyster Season.

### § 1. Authority, effective date.

A. This Order is promulgated pursuant to the authority

contained §§ 28.1-82 and 28.1-85 of the Code of Virginia.

B. The effective date of this Order is April 1, 1987.

### § 2. Purpose.

The purpose of this Order is to close all public oyster grounds, rocks, and shoals in the "clean cull" areas of the Commonwealth and all public oyster grounds, rocks, and shoals on the Seaside of Eastern Shore to the taking of oysters in order to protect and promote the growth of the oysters.

### § 3. Designated areas.

The following areas in the Commonwealth, where public oyster rocks, grounds, and shoals are located are closed to the taking of oysters.

A. Seaside of Eastern Shore,

B. All "clean cull" areas of the Commonwealth.

### § 4. Expiration date.

This Order shall terminate on October 1, 1987.

/s/ William A. Pruitt  
Commissioner

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Title of Regulation: VR 450-01-8702. Opening Season for Relaying, James River Seed Area.

Statutory Authority: § 28.1-179 of the Code of Virginia.

Effective Date: April 1, 1987

### Preamble:

This Order of the Marine Resources Commission establishes April 1, 1987, as the opening date of the season for the removal and relaying of shellfish from the public grounds located within the James River "Seed Area", under special permits as provided in § 28.1-179 of the Code of Virginia.

VR 450-01-8702. Open Season for Relaying, James River Seed Area.

### § 1. Authority, effective date.

A. This Order is promulgated pursuant to authority contained in § 28.1-179 of the Code of Virginia.

B. The effective date of this Order is April 1, 1987.

### § 2. Definition.

For the purposes of this Order the James River Seed

*Area is that area in the James River above a line drawn from Cooper's Creek in Isle of Wight County in the south side of the James River to the Newport News Municipal water tank located in Warwick Boulevard between 59th and 60th Streets in the City of Newport News.*

*§ 3. Opening date.*

*The season for the removal and relaying of shellfish from condemned public grounds located in the James River Seed Area shall be April 1, 1987.*

*§ 4. Expiration date.*

*This Order shall terminate on August 15, 1987.*

*/s/ William A. Pruitt  
Commissioner*

# EMERGENCY REGULATION

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

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 through June 30, 1988

### 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.

### Summary:

The State Board of Agriculture and Consumer Services has determined that it is necessary to adopt emergency regulations to restrict the sale and use of marine antifoulant paints containing Tributyltin (TBT) compound. TBT is a compound used in antifoulant paints to prevent and control the formation and growth of barnacles and other marine organisms on the hulls of boats.

The State Board of Agriculture and Consumer Services is authorized by the Virginia Pesticide Law to prescribe regulations to restrict or prohibit the sale and use of any pesticide which persists in the environment or because of toxicity or inordinate hazard to man, animal or plant may be contrary to the public interest.

A recent evidential hearing conducted by the Virginia Department of Agriculture and Consumer Services produced testimony and evidence of the toxicity to oysters and other commercial seafoods. It was the conclusion and recommendation of the hearing officer, with the assistance of a scientific advisor, that emergency action be taken by the Board of Agriculture and Consumer Services to ban certain uses of TBT and to restrict other uses of paints having a release rate of not more than 5.0 micrograms per square centimeter per day as determined by a U.S. Environmental Protection Agency (EPA) testing procedure. These procedures are 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.

### Basis of Emergency:

Scientific evidence is becoming increasingly clear that indicates TBT is highly toxic to oysters and other shell fish in parts per trillion (pptr) concentrations. The Virginia Institute of Marine Science has recently

confirmed the toxicity of TBT to oysters.

Since the seed oyster beds of the James River are a major contributor to the private and public oyster industry in Virginia, such concentrations are a major concern to the health of the seafood industry.

The dockside value of Virginia shellfish is approximately 50 million dollars, and the total seafood value (finfish, crabs, clams, and oysters) is approximately 442 million dollars. Damage to any segment of the Virginia seafood industry could have an economic impact in the tens of millions of dollars.

TBT concentrations have been detected in areas of high boating activity which, when compared with laboratory toxicity tests, strongly suggests that nontarget organisms are being affected in these areas. Concentrations as high as 672 pptr were detected in one Virginia marina in August, 1986.

### Nature of Emergency:

Beginning with the effective date, the emergency regulations will prohibit the sale and use of marine antifoulant paints containing tributyltin (TBT) compound on vessels less than 25 meters (82.02 feet) in length except those with aluminum hulls.

After September 1, 1987, no vessel exceeding 25 meters nor any aluminum hull vessel, may be painted with marine antifoulant paints containing TBT unless the paint meets the acceptable release rate as defined in the regulations.

The board may propose regulations including this restricted use of tributyltin under the Administrative Process Act on or before July 1, 1988. The emergency regulations shall be effective for a period March 31, 1987 through June 30, 1988, or until they are superceded by identical or revised regulations adopted under nonemergency provisions of the Administrative Process Act.

The State Board of Agriculture and Consumer Services will receive, consider, and respond to petitions by any interested persons at any time for the reconsideration or revision of these emergency regulations which were developed with the approval of the Governor in accordance with §§ 3.1-217 and 3.1-217.1 of the Code of Virginia and § 9-6.14:4.1 of the Code of Virginia.

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

## FINAL REGULATION

STATE CORPORATION COMMISSION

AT RICHMOND, MARCH 9, 1987

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS860118

Ex Parte: In the matter of  
adopting Rules Governing Surplus  
Lines Insurance.

### ORDER ADOPTING REGULATION

WHEREAS, pursuant to an order entered herein June 2, 1986, the Commission conducted a hearing in its Courtroom on July 9, 1986, for the purpose of considering comments of interested persons concerning the adoption of a regulation proposed by the Bureau of Insurance and entitled "Rules Governing Surplus Lines Insurance"; 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 Governing Surplus Lines Insurance", 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 J. Maurice Miller, Jr., Esquire, Mays & Valentine, P.O. Box 1122, Richmond, Virginia 23208; Paul M. Shuford, Esquire, 605 Mutual Building, Richmond, Virginia 23219; 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 surplus lines broker licensed to do business in this Commonwealth.

\* \* \*

### Rules Governing Surplus Lines Insurance

#### § 1. Authority.

This regulation is issued under the authority of §§ 38.2-223 and 38.2-4813. (All citations to statutory provisions in this regulation refer to the Code of Virginia.)

#### § 2. Purpose.

The purpose of this regulation is to set forth rules, forms and procedures consistent with the Surplus Lines Insurance Law (§§ 38.2-4800 through 38.2-4815) and the

Insurance Information and Privacy Protection Law (§§ 38.2-600, 38.2-602, 38.2-608, 38.2-609, 38.2-610, 38.2-611, and 38.2-612) to carry out the provisions of these laws.

#### § 3. Applicability.

This regulation applies to all persons procuring surplus lines insurance coverage on risks resident, located or to be performed in Virginia, to all surplus lines policies issued for delivery in Virginia and to any other evidence of surplus lines insurance coverage issued for delivery in Virginia.

#### § 4. Definitions.

As used in this regulation:

(A) "Admitted insurer" means an insurer licensed by the Commission to do an insurance business in this Commonwealth.

(B) "Authorized to write the insurance coverage sought" means that the admitted insurer is licensed for that class of insurance in this Commonwealth and has complied with the applicable provisions of Title 38.2 of the Code of Virginia concerning the filing of rules, rates and policy forms providing the insurance coverage sought, unless such insurance coverage has been exempted from filing by Commission order.

(C) "Class of insurance" means the classes enumerated in §§ 38.2-109 through 38.2-121 and §§ 38.2-124 through 38.2-134.

(D) "Commercial insured" means an insured (i) who procures the insurance of any risk or risks by use of the services of a full-time employee acting as an insurance manager or buyer, (ii) whose aggregate annual premiums for insurance on all risks total at least \$75,000 or (iii) who has at least 25 full-time employees.

(E) "Diligent effort" means:

(1) for business that is originated by a surplus lines broker, a good faith search for insurance among admitted insurers resulting in declinations of coverage by three unaffiliated admitted insurers licensed and authorized in this Commonwealth to write the insurance coverage sought, whether or not the surplus lines broker is an agent of any of the declining insurers; and

(2) for business that is referred from a licensed property and casualty insurance agent, declinations or rejections of coverage by three insurers licensed in this Commonwealth to write the class of insurance, whether or not the surplus lines broker is an agent of any of the declining insurers.

(F) "Eligible surplus lines insurer" means a nonadmitted insurer approved by the Commission pursuant to subsection

B of § 38.2-4811.

(G) "Nonadmitted insurer" means an insurer not licensed to do an insurance business in this Commonwealth. "Nonadmitted insurer" includes insurance exchanges authorized under the laws of a state.

(H) "Procure" means to bind or cause to be bound insurance coverage (orally or in writing) or to issue or cause to be issued an insurance policy, whichever comes first.

(I) "Surplus lines broker" means a person licensed under this regulation to procure insurance on risks resident, located or to be performed in this Commonwealth from eligible surplus lines insurers.

(J) "Surplus lines insurance" means any insurance in this Commonwealth of risks resident, located or to be performed in this Commonwealth, permitted to be procured by or through a surplus lines broker from an eligible surplus lines insurer. Surplus lines insurance does not include reinsurance, insurance obtained directly from a nonadmitted insurer by the insured upon his own life or property, life insurance, credit life, industrial life, variable life, annuities, variable annuities, credit accident and sickness, credit insurance, title insurance, contracts of insurance on vessels or craft, their cargo, freight, marine builder's risk, maritime protection and indemnity, ship repairer's legal liability, tower's liability or other risks commonly insured under ocean marine insurance, and insurance of the rolling stock and operating properties of railroads used in interstate commerce or of any liability or other risks incidental to the ownership, maintenance or operation of such railroads.

(K) "Unaffiliated" means admitted insurers who are not part of a group of insurers under common ownership or control.

## § 5. Surplus lines brokers; license required.

No person shall act as a surplus lines broker unless duly licensed by the Commission. No person may be licensed as a surplus lines broker unless the person is currently licensed as a property and casualty insurance agent in Virginia.

## § 6. Application for surplus lines brokers' licenses.

Any applicant for a new or renewal surplus lines broker's license shall file with the Commission an application on Form SLB-1 (Appendix 1). The applicant shall submit with the application the license fee required by § 38.2-4802.

## § 7. Term of license.

Every license issued under this regulation shall expire on the 15th day of March next following its date of issuance. No such license shall be renewed unless the

licensee files an application for renewal on Form SLB-1 with the fee required under § 38.2-4802. No such new or renewal license shall be issued unless the assessment prescribed by §§ 38.2-400 and 38.2-403, the taxes prescribed by § 38.2-4809, and any penalties imposed pursuant to Titles 38.2 or 58.1 have been paid to the Commission.

## § 8. Applicants to file bond with Commission.

The applicant shall file a surety bond with the Commission on Form SLB-2 (Appendix 2) in the amount prescribed by § 38.2-4804 prior to the issuance of a surplus lines broker's license. The applicant shall file with the bond the appropriate acknowledgement of principal on Form SLB-2a (Appendix 3) if an individual or partnership, or on Form SLB-2b (Appendix 4) if a corporation.

## § 9. Suspension, revocation, and refusal of license.

The Commission may refuse to issue a surplus lines broker's license or may suspend or revoke the license of any surplus lines broker under § 38.2-1831 for any one or more of the following reasons:

- (1) Failure to allow the Commission to examine the broker's records and accounts as required by this regulation and Chapter 48;
- (2) Failure to make and file monthly reports as required by this regulation and Chapter 48;
- (3) Failure to make and file the annual report required by this regulation and Chapter 48;
- (4) Failure to pay when due the surplus lines premium tax, assessment, or penalty required by this regulation and Chapter 48;
- (5) Failure to meet the qualifications for issuance of a surplus lines broker's license required by this regulation and Chapter 48;
- (6) Violation of any provision of the Surplus Lines Insurance Law or this regulation; or
- (7) Any other cause for which a property and casualty agent's license may be revoked, suspended, or refused.

## § 10. Affidavit that insurance is unprocurable from licensed insurers.

(A) When a surplus lines broker procures insurance coverage from an eligible surplus lines insurer, the surplus lines broker procuring the insurance shall execute Form SLB-5a (Appendix 5) for an individual affidavit of Form SLB-5b and SLB-5b (Supplement) (Appendix 6) for a combined affidavit, stating that the surplus lines broker was unable, after "diligent effort," as defined in this regulation and subsection A of § 38.2-4806, to procure the insurance requested from companies licensed in Virginia



# State Corporation Commission

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in a form and at a premium acceptable to the insured.

(B) The affidavits required under this section shall be filed with and received by the Commission within the period specified in subsection A of § 38.2-4806.

(C) If the insurance transaction involves insurance primarily for personal, family, or household needs rather than business or professional needs, the surplus lines broker must comply with the provisions of Chapter 6, Title 38.2 by giving the prospective insured the required adverse underwriting decision notice Form VA-6024, as required by § 38.2-610. A copy of the executed adverse underwriting decision notice must be attached to the individual affidavit, or, in the case of combined affidavits, to each applicable SLB-5b (Supplement).

## § 11. Commercial insured waiver of diligent effort.

A commercial insured as defined in this regulation may waive the requirement of a diligent effort being made by the surplus lines broker among companies licensed and authorized to write the class of insurance sought. The licensed surplus lines broker shall have the commercial insured sign the waiver notice required under subsection C of § 38.2-4806 as prescribed in Form SLB-12 (Appendix 13). The signed waiver required under this section shall be attached to the affidavit forwarded to the Commission as prescribed in § 10 of this regulation. A copy of each signed waiver shall be retained by the surplus lines broker for the time period specified in § 15.

## § 12. Changes requiring refiling of affidavit.

If, after delivery of any policy or other written evidence of insurance, there is any change in the identity of the insurer(s), or in the proportion of the risk assumed by any insurer, or if there is any material change in coverage, the surplus lines broker shall promptly issue and deliver to the insured an appropriate substitute for, or endorsement of the original document, accurately showing the current status of the coverage and the insurers responsible thereunder. The affidavit required under § 10 of this regulation shall be refilled to reflect any changes listed in the preceding sentence. Such refiling may be accomplished by the filing of a copy of the original affidavit with such changes noted thereon or attached thereto.

## § 13. Notice to insured.

The license surplus lines broker shall provide the notice to the insured required under subsection B of § 38.2-4806 as prescribed in Form SLB-9 (Appendix 10). The notice shall be given prior to the placement of the insurance; however, if coverage must be placed and become effective within 24 hours after referral of the business to the surplus lines broker, the notice may be given promptly following such placement. An additional copy of the notice shall be affixed to the policy by stamp, sticker, or other means on all policies procured pursuant to this regulation.

When a property and casualty agent refers coverage to a surplus lines broker, it is the responsibility of the surplus lines broker to assure that this requirement is satisfied.

## § 14. Surplus lines brokers, referrals, compensation.

A surplus lines broker may not accept surplus lines business from any person other than an applicant for insurance or a licensed property and casualty insurance agent and the surplus lines broker may not compensate any person other than a licensed property and casualty insurance agent for such business. No person other than an applicant for insurance or a licensed property and casualty insurance agent shall place surplus lines business with a surplus lines broker licensed under this regulation and Chapter 48 of Title 38.2 and no person other than a licensed property and casualty agent may accept compensation for such business. The surplus lines broker placing or procuring the insurance is responsible for compliance with the provisions of this regulation.

## § 15. Records of surplus lines broker.

Each surplus lines broker shall keep in his office the records required under § 38.2-4807. The record of each policy, other than the records required by subsection A of § 38.1-4807, shall be made available for inspection by the Commission with 24 hours of a request therefor.

The records required by § 38.2-4807 shall be subject to examination without notice by the Commission pursuant to § 38.2-1809 and shall be available during normal business hours. Such records shall be retained for a period of not less than five years following termination of the policy.

## § 16. Surplus lines broker to file monthly report.

Every licensed surplus lines broker shall file with the Commission a report on Form SLB-7a (Appendix 7) for the business conducted during the previous month. This report shall be filed with and received by the Commission not more than 30 days after the end of the calendar month in which any such insurance has been procured by the surplus lines broker. However, a surplus lines broker may file the combined affidavit set forth in § 10 of this regulation in lieu of Form SLB-7a.

## § 17. Surplus lines broker to file annual report.

On or before the first day of March of each year every licensed surplus lines broker shall file with the Commission a report as required by § 38.2-4807 on Form SLB-8 (Appendix 8) for the business conducted during the previous calendar year. The report prescribed in this section shall be verified and notarized. In lieu of filing Form SLB-8, Part 1, a broker may file legible photocopies of the previously filed monthly reports for the calendar year.

§ 18. Surplus lines broker to file gross premium tax report and remit taxes and assessments due.

(A) Every licensed surplus lines broker whose annual premium tax liability can reasonably be expected to exceed \$1,500 shall file with the Commission the quarterly gross premium tax report on Form SLB-10 (Appendix 11) no later than 30 days after the end of each calendar quarter. Form SLB-10 shall be verified and notarized. The licensed surplus lines broker shall also file Form SLB-11, Parts 1, 2, 3, and 4 (Appendix 12) at the same time that Form SLB-10 is filed. In lieu of filing Form SLB-11, Part 1, a broker may file legible photocopies of the previously filed monthly reports for the quarter. Every licensed surplus lines broker shall remit to the Commission the full amount of gross premium tax due as calculated on Form SLB-10 when this report is filed. Such remittance shall be made payable to the Treasurer of Virginia.

(B) On or before the first day of March of each year every surplus lines broker that was licensed for any portion of the preceding calendar year shall file with the Commission the gross premium tax and assessment report on Form SLB-7 (Appendix 9). The report prescribed in this section shall be verified and notarized. Enclosed with the SLB-7 report, every licensed surplus lines broker shall remit to the Commission the full amount of gross premium tax and assessment due as calculated on Form SLB-7. Such remittance shall be made payable to the Treasurer of Virginia.

(C) If a payment is made in an amount later found to be in error, the Commission shall, if an additional amount is due, notify the surplus lines broker of the additional amount and the surplus lines broker shall pay such amount within 14 days of the date of the notice. Failure to pay the full amount of gross premium tax and assessment due on or before the first day of March shall be punishable under §§ 38.2-4814, 38.2-403 or 58.1-2507. In addition, any person licensed or required to be licensed under this regulation who willfully fails or refuses to pay the full amount of the tax or assessment required by this regulation, either by himself or through his agents or employees, or who makes a false or fraudulent return with intent to evade the tax or assessment levied, or who makes a false or fraudulent claim for refund shall be guilty of a Class 1 misdemeanor. If any person licensed or required to be licensed under Chapter 48 charges and collects from the insured the taxes and assessments required by this regulation and Chapter 48, such person shall be a fiduciary to this Commonwealth for any taxes and assessments owed to this Commonwealth under this regulation and Chapter 48. If an overpayment is made, the surplus lines broker may petition the Commission for a refund of such overpayment pursuant to the provisions of § 58.1-2030.

## § 19. Eligible surplus lines insurers.

A surplus lines broker shall not procure insurance from a nonadmitted insurer unless that insurer has prior approval of the Commission to issue surplus lines insurance.

## § 20. Withdrawal of eligibility, surplus lines insurer.

The grounds on which the Commission may declare an eligible surplus lines insurer ineligible include, but are not limited to, the following:

- (A) The insurer is in unsound financial condition;
- (B) The insurer no longer qualifies under subsection B of § 38.2-4811;
- (C) The insurer has willfully violated the laws of this Commonwealth;
- (D) The insurer does not make reasonably prompt payment of just losses and claims in this Commonwealth or elsewhere; or
- (E) The insurer fails to provide the Commission with any reasonable information requested.

The Commission shall promptly mail notice of all such declarations to each surplus lines broker licensed in this Commonwealth.

## § 21. Actions against surplus lines insurer - service of process.

(A) Pursuant to Article 1 (§§ 38.2-800 et seq.) of Chapter 8 of Title 38.2, a surplus lines insurer may be sued upon any cause of action arising in this Commonwealth under any surplus lines insurance contract made by it or arising under any evidence of insurance issued or delivered by the surplus lines broker. Any such policy or other evidence of insurance, issued by or on behalf of an eligible surplus lines insurer shall contain a provision stating the substance of this section and stating that service of process may be effectuated pursuant to Article 1 (§ 38.2-800 et seq.) of Chapter 8 of Title 38.2.

(B) Each surplus lines insurer issuing a surplus lines insurance policy shall be deemed thereby to have subjected itself to this regulation.

(C) The provisions of this section are in addition to any other methods provided by law for service of process upon insurers.

## § 22. Penalties.

Any violation of this regulation shall be punished as provided for in § 38.2-4814 and any other applicable law of this Commonwealth, except that any violation of § 10(C) of this regulation shall be punished as provided for in §§ 38.2-218 and 38.2-1831 and any other applicable law of this Commonwealth.

## § 23. Severability.

The powers granted and the duties imposed in this regulation shall be construed to be independent and

# State Corporation Commission

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severable. If any one or more sections, subsections, sentences, or parts of any of this regulation shall be adjudged unconstitutional or invalid, such adjudication shall not affect, impair or invalidate the remaining provisions of this regulation, but shall be confined in its operation to the specific provisions so held unconstitutional or invalid.

## § 24. Effective date.

This regulation shall take effect on May 1, 1987. Surplus lines broker's licenses issued prior to May 1, 1987, and expiring on March 15, 1988, shall be deemed valid on the effective date of this regulation.

Appendix 1

VIRGINIA  
FORM SLB-1  
(REV. 5/87)

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION  
BUREAU OF INSURANCE  
Richmond, Virginia

APPLICATION FOR LICENSE  
AS SURPLUS LINES BROKER

VIRGINIA  
FORM SLB-1  
(continued)

TO: STATE CORPORATION COMMISSION, BUREAU OF INSURANCE, RICHMOND, VIRGINIA

The undersigned applicant who is currently licensed as a Property & Casualty Agent in the Commonwealth of Virginia hereby applies for a license as a Surplus Lines Broker under the provisions of Chapter 48, Title 38.2 of the Code of Virginia and the Commission's Rules Governing Surplus Lines Insurance (Regulation 25), for the term expiring on the 15th day of March next succeeding the license issue date.

Remittance of (\$50.00) (\$25.00) is submitted herewith to cover the required license fee. (If license application is filed on or before September 15, the license fee is \$50.00; if filed after September 15, the license fee is \$25.00).

The applicant submits the following statements and answers in support of this application:

- Name of Applicant \_\_\_\_\_ IRS # \_\_\_\_\_  
Tel No. ( ) \_\_\_\_\_
- Business Address \_\_\_\_\_ (Street Number) ( ) Individual  
\_\_\_\_\_ ( ) Partnership  
\_\_\_\_\_ ( ) Corporation

\_\_\_\_\_  
(Town or City) (State) (Zip Code)

- Residence Address (if applicant is an INDIVIDUAL)

\_\_\_\_\_  
(Street Number) (Town or City) (State) (Zip Code)

- Active Members (if applicant is a PARTNERSHIP or a CORPORATION)

NOTE: Individuals to act for partnership or corporation in the transaction of insurance under authority of license applied for - limited to partners, officers, directors, or employees of applicant, each of whom is individually licensed as a Property and Casualty Insurance Agent as defined in Section 38.2-1800 of the Code of Virginia.

NAME	SS#	TITLE	RESIDENCE ADDRESS

- The submission of this application signifies the applicant's understanding and agreement to abide by the requirements outlined in Chapter 48, Title 38.2 of the Code of Virginia and Regulation 25 regarding insurance transacted under the authority granted by the applicant's licensure as a surplus lines broker.

The applicant hereby declares that the foregoing answers are true and correct; and that the requirements outlined in Chapter 48, Title 38.2 of the Code of Virginia and Regulation 25 are fully understood and will be fully complied with.

\_\_\_\_\_  
(Signature of Applicant, if an individual)  
(Print name of applicant, if a partnership or corporation)

By \_\_\_\_\_  
(Officer or Partner)

Title \_\_\_\_\_

Appendix 2

VIRGINIA  
FORM SLB-1  
(continued)

STATE OF VIRGINIA )  
County (City) of \_\_\_\_\_ ) To-Wit:

This day \_\_\_\_\_ personally appeared  
(Name of individual Surplus Lines Broker)

before me in the County (City) aforesaid, and verified that the foregoing answers and  
declarations given in this application are true and correct.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

\_\_\_\_\_  
(Notary Public)

My commision expires \_\_\_\_\_.

STATE OF VIRGINIA )  
County (City) of \_\_\_\_\_ ) To-Wit:

This day \_\_\_\_\_ of  
(Name of authorized individual)

\_\_\_\_\_  
(Name of Corporation or Partnership)

personally appeared before me in the County (City) aforesaid, and verified that the  
foregoing answers and declarations given in this application are true and correct.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

\_\_\_\_\_  
(Notary Public)

My commision expires \_\_\_\_\_.

VIRGINIA  
FORM SLB-2  
(REV. 5/87)

BOND FOR SURPLUS LINES INSURANCE BROKER  
(To comply with Section 38.2-4804 of the Code of Virginia)

KNOW ALL MEN BY THESE PRESENTS, That \_\_\_\_\_ of  
\_\_\_\_\_ as Principal, and the  
\_\_\_\_\_ Company, a corporation organized and existing  
under the laws of the State of \_\_\_\_\_, and authorized to do business in the Commonwealth of  
Virginia, as Surety, are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the penal  
sum of TWENTY-FIVE THOUSAND DOLLARS (\$25,000) for the payment of which, well and truly to be  
made, we, and each of us, bind ourselves, our heirs, successors and assigns, jointly and severally, firmly  
by these presents.

SIGNED, SEALED, AND DATED THIS \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

THE CONDITION OF THE OBLIGATION IS SUCH THAT:

WHEREAS, the said Principal has applied to the State Corporation Commission of the  
Commonwealth of Virginia for a license to act as a Surplus Lines Broker pursuant to Chapter 48, Title  
38.2 of the Code of Virginia and, in accordance with Section 38.2-4804 thereof, is required to give a  
corporate surety bond unto the COMMONWEALTH OF VIRGINIA in the penal sum of TWENTY-FIVE  
THOUSAND DOLLARS (\$25,000);

NOW THEREFORE, the condition of this obligation is such that if the said Principal shall conduct  
business under said license in accordance with the provisions of the laws and regulations of the  
Commonwealth of Virginia pertaining to Surplus Lines Brokers, and, further, shall promptly remit the  
taxes and assessments provided by such laws and regulations, then this obligation shall be null and void;  
otherwise, to remain in full force and effect;

PROVIDED, this bond shall cover the acts of the Principal during the period beginning on the date  
such license becomes effective and ending on the fifteenth day of March next succeeding; and in no  
event shall the Surety's aggregate liability hereunder for all losses exceed the penal sum of TWENTY-  
FIVE THOUSAND DOLLARS (\$25,000);

PROVIDED FURTHER, the Surety may be released from liability for future breaches of the  
conditions of this bond only after thirty days have elapsed from the giving of written notice to the State  
Corporation Commission of the Commonwealth of Virginia of its desire to be so released;

IN WITNESS WHEREOF, the said Principal has caused these presents to be signed and the said  
Surety has caused these presents to be signed by its duly authorized officer or Attorney-in-Fact and its  
corporate seal affixed on the day and year first written above.

\_\_\_\_\_  
(Principal)

BY \_\_\_\_\_  
(If Principal is Partnership or Corporation)

TITLE \_\_\_\_\_

\_\_\_\_\_  
(Surety)

BY \_\_\_\_\_  
(Officer or Attorney-in-Fact)

(SEAL OF SURETY)

Appendix 3

VIRGINIA  
FORM SLB-2a  
(REV. 5/87)

ACKNOWLEDGMENT OF PRINCIPAL  
(INDIVIDUAL OR PARTNERSHIP)

STATE OF VIRGINIA  
CITY (COUNTY) OF \_\_\_\_\_, to wit:

I, \_\_\_\_\_, a Notary Public in and for the City (County) aforesaid, in the State of Virginia, do certify that \_\_\_\_\_ whose name or names is or are signed to Virginia Form SLB-2 bearing date on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, personally appeared before me and acknowledged the same.

My term of office expires on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Notary Public

AFFIDAVIT AND ACKNOWLEDGMENT OF SURETY

STATE OF VIRGINIA  
CITY (COUNTY) OF \_\_\_\_\_, to wit:

I, \_\_\_\_\_, a Notary Public in and for the City (County) aforesaid, in the State of Virginia, do certify that \_\_\_\_\_ personally appeared before me and made oath that he is \_\_\_\_\_ of the \_\_\_\_\_; that he is duly authorized to execute the foregoing bond by virtue of a certain power of attorney of said company, dated \_\_\_\_\_ and recorded in the Clerk's office of the \_\_\_\_\_ in Deed Book No. \_\_\_\_\_, page \_\_\_\_\_; that said power of attorney has not been revoked; that the said company has complied with all the requirements of law regulating the admission of such companies to transact business in the State of Virginia; that the said company holds a license authorizing it to do business in the State of Virginia; that it has a surplus to policyholders of \$ \_\_\_\_\_; that the penalty of the foregoing bond is not in excess of ten per centum of said sum; that the said company is not by said bond incurring in the aggregate on behalf or on account of the principal named in said bond a liability for an amount larger than one-tenth of its surplus to policyholders; that the said company is solvent and fully able to meet promptly all of its obligations, and the said \_\_\_\_\_ thereupon, in the name and on behalf of the said company, acknowledging the foregoing writing as its act and deed.

My term of office expires on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Notary Public

Appendix 4

VIRGINIA  
FORM SLB-2b  
(REV. 5/87)

ACKNOWLEDGMENT OF PRINCIPAL  
(CORPORATIONS ONLY)

STATE OF VIRGINIA  
CITY (COUNTY) OF \_\_\_\_\_, to wit:

I, \_\_\_\_\_, a Notary Public in and for the City (County) aforesaid, in the State of Virginia, do certify that \_\_\_\_\_ appeared before me personally on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ and, being duly sworn by me, deposed and stated that he resides in \_\_\_\_\_; that he is the \_\_\_\_\_ of the \_\_\_\_\_, the corporation described in and which executed Virginia Form SLB-2; and that he signed his name thereto by like order.

I further certify that my term of office expires on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
(Notary Public)

AFFIDAVIT AND ACKNOWLEDGMENT OF SURETY

STATE OF VIRGINIA  
CITY (COUNTY) OF \_\_\_\_\_, to wit:

I, \_\_\_\_\_, a Notary Public in and for the City (County) aforesaid, in the State of Virginia, do certify that \_\_\_\_\_ personally appeared before me and made oath that he is \_\_\_\_\_ of the \_\_\_\_\_; that he is duly authorized to execute the foregoing bond by virtue of a certain power of attorney of said company, dated \_\_\_\_\_ and recorded in the Clerk's office of the \_\_\_\_\_ in Deed Book No. \_\_\_\_\_, page \_\_\_\_\_; that said power of attorney has not been revoked; that the said company has complied with all the requirements of law regulating the admission of such companies to transact business in the State of Virginia; that the said company holds a license authorizing it to do business in the State of Virginia; that it has a surplus to policyholders of \$ \_\_\_\_\_; that the penalty of the foregoing bond is not in excess of ten per centum of said sum; that the said company is not by said bond incurring in the aggregate on behalf or on account of the principal named in said bond a liability for an amount larger than one-tenth of its surplus to policyholders; that the said company is solvent and fully able to meet promptly all of its obligations, and the said \_\_\_\_\_ thereupon, in the name and on behalf of the said company, acknowledging the foregoing writing as its act and deed.

My term of office expires on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Notary Public

Appendix 5

VIRGINIA FORM SLB-5a INDIVIDUAL AFFIDAVIT BY SURPLUS LINES BROKER TRANSACTION NO. \_\_\_\_\_  
 (ED. 5/87) Re: INSURANCE ON VIRGINIA RISK PLACED WITH AN UNLICENSED INSURER

STATE OF \_\_\_\_\_, CITY/COUNTY OF \_\_\_\_\_;

I, \_\_\_\_\_, being duly sworn, affirm:

1. THAT I, a duly licensed Surplus Lines Broker or an individual authorized under the license issued to \_\_\_\_\_ under Chapter 48, Title 38.2 of the Code of Virginia, was engaged by the insured named below or through \_\_\_\_\_ (Lic. No. \_\_\_\_\_) a Property and Casualty Agent duly licensed in Virginia acting in behalf of the named insured, to obtain insurance against certain risks.

NAME AND ADDRESS OF INSURED	DESCRIPTION OF RISK AND LOCATION	CLASS OF INSURANCE	AMOUNT

2. Check the statement below which applies to this transaction. Only one of the three options listed will be applicable.

- A. The commercial insured named above, as defined in Chapter 48, Title 38.2 and Section 4 of Regulation 25, has waived the requirement of a diligent effort and a copy of the signed waiver (SLB-12) is attached; or
- B. THAT I, for business that is referred from a licensed property and casualty insurance agent, after making a diligent effort, found that the insurance requested could not be procured from insurers licensed in Virginia in a form and at a premium acceptable to the insured, and

THAT the following three insurers are among those licensed to write the class of insurance desired in Virginia but which specifically declined to issue or rejected the coverage desired (List three insurers):

NAME OF ADMITTED INSURERS DECLINING COVERAGE	COMPANY REPRESENTATIVE* (Name, Title, Location)	DATE DECISION GIVEN

\*Individual Named Must Have The Authority To Accept The Risk

- C. OR, THAT I, for business that was originated by me, after making a diligent effort, found that the insurance requested could not be procured from insurers licensed in Virginia in a form and at a premium acceptable to the insured, and

VIRGINIA FORM SLB-5a (continued)

THAT the following three unaffiliated insurers are among those licensed to write the insurance coverage sought in Virginia and said insurers have complied with the applicable provisions of Title 38.2 of the Code of Virginia concerning the filing of rules, rates, and policy forms for the insurance coverage sought, but which specifically declined to issue or rejected the coverage desired (List three insurers):

NAME OF UNAFFILIATED ADMITTED INSURERS DECLINING COVERAGE	COMPANY REPRESENTATIVE* (Name, Title, Location)	DATE DECISION GIVEN

\*Individual Named Must Have The Authority To Accept The Risk

3. THAT the insurance set forth above has been effected with the following unlicensed insurer(s):

NAME OF UNLICENSED INSURER(S)	POLICY NO. AND DATE PROCURED	EFFECTIVE DATE AND TERM OF POLICY	PREMIUM

4. THAT I, if the transaction involves insurance primarily for personal, family, or household needs rather than business or professional needs, have complied with the provisions of Chapter 6, Title 38.2 and Section 10 of Regulation 25 by giving the prospective insured the required adverse underwriting decision notice Form VA-6024, a copy of which is attached to this affidavit.
5. THAT the insured has been given the notice required by § 38.2-4806.B., Chapter 48, Title 38.2 and Section 13 of Regulation 25.

\_\_\_\_\_  
 (Surplus Lines Broker)

By \_\_\_\_\_  
 (Authorized individual if licensee is a Corporation or Partnership)

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
 (Notary Public)

My commission expires \_\_\_\_\_.

Appendix 6

VIRGINIA  
FORM SLB-5b  
Page 1  
(ED. 5/87)

TRANSACTION NOS. \_\_\_\_\_

COMBINED AFFIDAVIT BY SURPLUS LINES BROKER  
Re:  
INSURANCE ON VIRGINIA RISKS PLACED WITH UNLICENSED INSURERS

STATE OF \_\_\_\_\_ CITY/COUNTY OF \_\_\_\_\_ :

I, \_\_\_\_\_, being duly sworn, affirm:

1. THAT I, a duly licensed Surplus Lines Broker or an individual authorized under the license issued to \_\_\_\_\_ under Chapter 48, Title 38.2 of the Code of Virginia, was engaged by the insureds named herein or Property and Casualty Agents duly licensed in this Commonwealth acting on behalf of the insureds named herein to obtain insurance against certain risks during the month of \_\_\_\_\_, 19\_\_.
2. THAT I, if the transaction involves insurance primarily for personal, family, or household needs rather than business or professional needs, have complied with the provisions of Chapter 6, Title 38.2 and Section 10 of Regulation 25 by giving the prospective insured the required adverse underwriting decision notice Form VA-6024, a copy of which is attached to the applicable SLB-5b (Supplement(s)).
3. THAT each insured named herein has been given the notice required by subsection B of § 38.2-4806, Chapter 48, Title 38.2 and Section 13 of Regulation 25.
4. THAT the gross premiums written during the month of \_\_\_\_\_, 19\_\_ are \$ \_\_\_\_\_ and the amount of the tax (2.75%) applicable thereto is \$ \_\_\_\_\_.
5. THAT the insurance described herein has been effected with the unlicensed insurers named herein.

\_\_\_\_\_  
(Surplus Lines Broker)

By \_\_\_\_\_  
(Authorized individual if licensee  
is a Corporation or Partnership)

SUBSCRIBED AND SWORN TO before me  
this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_.

\_\_\_\_\_  
(Notary Public)

My commission expires \_\_\_\_\_.

(See Reverse Side For Instructions)

INSTRUCTIONS:

1. This Combined Affidavit is to be used to record policies effective in a particular month. For example, a policy with a July 31st effective date would be reported on the July SLB-5b and the SLB-5b (Supplement) due August 30th.
2. If no policies were effective during a given month, the Monthly Premium Report (SLB-7a) must be filed for that month, indicating "no policies written effective during report month".
3. Gross premium (all premium, dues, fees, and assessments, but excluding premium taxes, etc., charged to the policyholder) shown on the Combined Affidavit (SLB-5b (Supplement)) must agree with the gross premium shown in Item 4 on the reverse side. Any differences, discrepancies, endorsements, audits, etc. changing premium on the Combined Affidavit filed are to be reported on the Additional Premium Report (SLB-8, Part 2), or Return Premium Report (SLB-8, Part 3).  
  
Item 4 on the reverse is verification of the premiums shown on the Combined Affidavit (SLB-5b (Supplement(s))).
4. When a policy has been written on a deposit or installment basis, a photocopy of the previously filed Combined Affidavit (SLB-5b (Supplement)) in question must be filed.
5. A revised Combined Affidavit (SLB-5b, Page 1) for a prior month must be submitted in the event that Combined Affidavit (SLB-5b (Supplement(s))) filed during the current effective month were effective during a prior month. For example, if several Combined Affidavit (SLB-5b (Supplements)) effective in February were filed with the Bureau in May, then a revised Combined Affidavit (SLB-5b, Page 1) for February must be submitted.



VIRGINIA  
FORM SLB-5b  
(Supplement)

Surplus Lines Broker \_\_\_\_\_  
Transaction No. \_\_\_\_\_

Page \_\_\_\_\_ of \_\_\_\_\_  
Month \_\_\_\_\_ Year \_\_\_\_\_

VIRGINIA  
FORM SLB-5b  
(Supplement)  
(continued)

**COMBINED AFFIDAVIT BY SURPLUS LINES BROKER**  
Re:  
**INSURANCE ON VIRGINIA RISKS PLACED WITH UNLICENSED INSURERS**

NAME AND ADDRESS OF INSURED	DESCRIPTION OF RISK AND LOCATION	CLASS OF INSURANCE	AMOUNT

1. Name of Property and Casualty Agent duly licensed in Virginia acting on behalf of the insured if applicable: \_\_\_\_\_ (Lic. No. \_\_\_\_\_).

2. Check the statement below which applies to this transaction. Only one of the three options listed will be applicable.

- A. The commercial insured named above, as defined in Chapter 48, Title 38.2 and Section 4 of Regulation 25, has waived the requirement of a diligent effort and a copy of the signed waiver (SLB-12) is attached; or
- B. THAT I, for business that is referred from a licensed property and casualty insurance agent, after making a diligent effort, found that the insurance requested could not be procured from insurers licensed in Virginia in a form and at a premium acceptable to the insured, and

THAT the following three insurers are among those licensed to write the class of insurance desired in Virginia but which specifically declined to issue or rejected the coverage desired (List three insurers):

NAME OF ADMITTED INSURERS DECLINING COVERAGE	COMPANY REPRESENTATIVE* (Name, Title, Location)	DATE DECISION GIVEN

\*Individual Named Must Have The Authority To Accept The Risk

- C. OR, THAT I, for business that was originated by me, after making a diligent effort, found that the insurance requested could not be procured from insurers licensed in Virginia in a form and at a premium acceptable to the insured, and

THAT the following three unaffiliated insurers are among those licensed to write the insurance coverage sought in Virginia and said insurers have complied with the applicable provisions of Title 38.2 of the Code of Virginia concerning the filing of rules, rates, and policy forms for the insurance coverage sought, but which specifically declined to issue or rejected the coverage desired (List three insurers):

NAME OF UNAFFILIATED ADMITTED INSURERS DECLINING COVERAGE	COMPANY REPRESENTATIVE* (Name, Title, Location)	DATE DECISION GIVEN

\*Individual Named Must Have The Authority To Accept The Risk

3. Complete the following:

NAME OF UNLICENSED INSURER(S)	POLICY NO. AND DATE PROCURED	EFFECTIVE DATE AND TERM OF POLICY	PREMIUM

USE ONE PAGE FOR EACH POLICY OF SURPLUS LINES INSURANCE PROCURED.

# State Corporation Commission

**GROSS PREMIUMS - SURPLUS LINES POLICY**

Broker's Name \_\_\_\_\_

Page \_\_\_\_\_  
of \_\_\_\_\_

IRS or Soc. Sec. No. \_\_\_\_\_  
Month \_\_\_\_\_ Year \_\_\_\_\_

NAME OF INSURED	NAME OF UNLICENSED COMPANY	POLICY NUMBER	POLICY DATES (FROM - TO)	PREMIUM	COMMENTS

APPENDIX /

	Page Total	Total Including This Page
	\$ _____	\$ _____
	Tax (2.75%) \$ _____	\$ _____

**VIRGINIA FORM SLB-7a (Rev. 5/87)**  
(See Reverse Side For Instructions)

1. Monthly Premium Report (SLB-7a) is to be filed in addition to affidavit(s) (SLB-5a). The Monthly report is used to record policies effective in a particular month. For example, a policy with a July 31st effective date would be reported on the July SLB-7a report, due August 30th.
2. Report must be filed whether any policies were effected or not. If no policies were effective during the month, file report, indicating "no policies written effective during report month".
3. Gross premium (all premiums, dues, fees, and assessments, but excluding premium taxes, etc., charged to the policyholder) shown on the affidavit (SLB-5a) must agree with premiums shown on the Monthly Report (SLB-7a). Any differences, discrepancies, endorsements, audits, etc. changing premium on the affidavit filed are to be reported on the Additional Premium Report (SLB-8, Part 2), or Return Premium Report (SLB-8, Part 3).  
  
The monthly report is verification of the gross premiums shown on the affidavits.
4. When a policy has been written on a deposit or installment basis, report installments on monthly report, with notation "installment" in COMMENTS column, and include photocopy of previously filed affidavit.
5. A revised Monthly Premium Report for a prior month must be submitted in the event that affidavits filed during the current effective month were effective during a prior month. For example, if several affidavits effective in February were filed with the Bureau in May, then a revised Monthly Premium Report for February must be submitted.
6. Copies of Monthly Premium Reports (SLB-7a) must be reproduced for brokers' use. The Bureau does not maintain a supply of these forms.

GROSS PREMIUMS - SURPLUS LINES POLICY

Broker's Name \_\_\_\_\_

Page \_\_\_\_\_  
of \_\_\_\_\_

IRS or Soc. Sec. No. \_\_\_\_\_

Year Ending \_\_\_\_\_

NAME OF INSURED	NAME OF UNLICENSED COMPANY	POLICY NUMBER	POLICY DATES (FROM - TO)	PREMIUM	COMMENTS

Page Total

Total Including This Page

\$ \_\_\_\_\_

\$ \_\_\_\_\_

VIRGINIA FORM SLB-6  
PART 1  
(Rev. 5/87)

VIRGINIA  
FORM SLB - 8  
PART 3  
(REV. 5/87)

RETURN PREMIUMS (by Endorsements, Audits, Cancellations) - SURPLUS LINES POLICIES  
For Year Ending December 31, 19\_\_\_

PAGE \_\_\_\_\_

\_\_\_\_\_  
Broker's Name

(Show RETURN premiums resulting from endorsement to, or audit, or cancellation of policies previously reported for tax purposes.)

POLICY NO.	INSURANCE COMPANY	NAME OF INSURED AND ADDRESS	ENDORSEMENT, AUDIT OR CANCELLATION ?	EFFECTIVE DATE	RETURN PREMIUM

TOTAL .....

VIRGINIA  
FORM SLB - 8  
PART 2  
(REV. 5/87)

ADDITIONAL PREMIUMS (by Endorsement & Audits) - SURPLUS LINES POLICIES  
For Year Ending December 31, 19\_\_\_

PAGE \_\_\_\_\_

\_\_\_\_\_  
Broker's Name

(Show ADDITIONAL premiums resulting from endorsement to or audit of policies previously reported for tax purposes.)

POLICY NO.	INSURANCE COMPANY	NAME OF INSURED AND ADDRESS	ENDORSEMENT OR AUDIT ?	EFFECTIVE DATE	ADDITIONAL PREMIUM

TOTAL .....

VIRGINIA  
FORM SLB - 8  
PART 4  
(REV. 5/87)

STATE OF VIRGINIA To-Wit:  
County (City) of \_\_\_\_\_

This day \_\_\_\_\_ (Name) \_\_\_\_\_ (Title)

of \_\_\_\_\_  
personally appeared before me in the County (City) aforesaid, and verified that the foregoing report is correct.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
(Notary Public)

My commission expires \_\_\_\_\_.

VIRGINIA  
FORM SLB-7  
(REV. 5/87)

Appendix 9

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION  
BUREAU OF INSURANCE  
Richmond, Virginia 23209

**SURPLUS LINES BROKERS**  
**ANNUAL GROSS PREMIUMS TAX REPORT**  
Year ended December 31, 19\_\_.

\_\_\_\_\_  
(Surplus Lines Broker)

\_\_\_\_\_  
(Address)

TO: STATE CORPORATION COMMISSION, BUREAU OF INSURANCE, Richmond, Virginia

In compliance with §§ 38.2-4807 and 38.2-4809 of the Code of Virginia, following is a report of ALL GROSS PREMIUMS, ASSESSMENTS, DUES AND FEES charged on contracts of insurance effected in unlicensed insurers on Virginia risks by the undersigned. This report also includes details of all additional and return premiums on such business.

1. GROSS PREMIUMS (SLB-8, Part 1, attached, or Monthly Reports attached)	\$ _____
2. ADDITIONAL PREMIUMS (See Form SLB-8, Part 2, attached)	\$ _____
3. Less: RETURN PREMIUMS (See Form SLB-8, Part 3, attached)	\$ _____
4. BALANCE (Taxable Premium Income)	\$ _____
5. Premium Tax (2 3/4% of BALANCE, Line 4)	\$ _____
6. Assessment for Maintenance of Bureau of Insurance (based upon Taxable Premium (Line 4) at _____ % subject to minimum of \$ _____)	\$ _____
7. TOTAL AMOUNT DUE (Lines 5 & 6)	\$ _____
8. Less: QUARTERLY AMOUNT(S) PREVIOUSLY PAID (if any)	\$ _____
9. BALANCE DUE AND CHECK MADE PAYABLE TO THE TREASURER OF VIRGINIA ATTACHED	\$ _____
10. RETURN DUE IF LINE 8 IS GREATER THAN LINE 7	\$ _____

\_\_\_\_\_  
(Date)

By \_\_\_\_\_

\_\_\_\_\_  
(Title)

- 2 -

STATE OF VIRGINIA )  
County (City) of \_\_\_\_\_ ) To-Wit:

This day \_\_\_\_\_ (Name) \_\_\_\_\_ (Title)

of \_\_\_\_\_

personally appeared before me in the County (City) aforesaid, and verified that the foregoing report is correct.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

\_\_\_\_\_  
(Notary Public)

My commision expires \_\_\_\_\_.

Appendix 10

VIRGINIA  
FORM SLE-9  
(REV. 5/87)

DATE \_\_\_\_\_

Applicant/Insured \_\_\_\_\_

Name of Non-Admitted Insurer  
(if available) \_\_\_\_\_

Policy No. \_\_\_\_\_

NOTICE TO INSURED

THE INSURANCE POLICY THAT YOU HAVE APPLIED FOR HAS BEEN PLACED WITH OR IS BEING OBTAINED FROM AN INSURER APPROVED BY THE STATE CORPORATION COMMISSION FOR ESUANCE OF SURPLUS LINES INSURANCE IN THIS COMMONWEALTH, BUT NOT LICENSED OR REGULATED BY THE STATE CORPORATION COMMISSION OF THE COMMONWEALTH OF VIRGINIA. THEREFORE YOU, THE POLICYHOLDER, AND PERSONS FILING A CLAIM AGAINST YOU ARE NOT PROTECTED UNDER THE VIRGINIA PROPERTY AND CASUALTY INSURANCE GUARANTY ASSOCIATION ACT (§§ 38.2-1600 et seq.) AGAINST DEFAULT OF THE COMPANY DUE TO INSOLVENCY. IN THE EVENT OF INSURANCE COMPANY INSOLVENCY YOU MAY BE UNABLE TO COLLECT ANY AMOUNT OWED TO YOU BY THE COMPANY REGARDLESS OF THE TERMS OF THIS INSURANCE POLICY, AND YOU MAY HAVE TO PAY FOR ANY CLAIMS MADE AGAINST YOU.

\_\_\_\_\_  
(Name of Surplus Lines Broker)

\_\_\_\_\_  
(License Number)

\_\_\_\_\_  
(Broker's Mailing Address)

VIRGINIA  
FORM SLB-10  
(5/87)

Appendix 11

- 2 -

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION  
BUREAU OF INSURANCE  
Richmond, Virginia 23209

**SURPLUS LINES BROKERS**  
**QUARTERLY GROSS PREMIUMS TAX REPORT**  
Quarter ended \_\_\_\_\_, 19 \_\_\_\_\_.

\_\_\_\_\_  
(Surplus Lines Broker)

\_\_\_\_\_  
(Address)

TO: STATE CORPORATION COMMISSION, BUREAU OF INSURANCE, Richmond, Virginia

In compliance with § 38.2-4809 of the Code of Virginia, following is a report of ALL GROSS PREMIUMS, ASSESSMENTS, DUES AND FEES charged on contracts of insurance effected in unlicensed insurers on Virginia risks by the undersigned. This report also includes details of all additional and return premiums on such business.

1. GROSS PREMIUMS (SLB-11, Part 1, <u>attached</u> or Monthly Reports <u>attached</u> )	\$ _____
2. ADDITIONAL PREMIUMS (See Form SLB-11, Part 2, <u>attached</u> )	\$ _____
3. Less: RETURN PREMIUMS (See Form SLB-11, Part 3, <u>attached</u> )	\$ _____
4. BALANCE (Taxable Premium Income)	\$ _____
5. Premium Tax (2 3/4% of BALANCE, Line 4)	\$ _____
<b>TOTAL AMOUNT DUE AND CHECK MADE PAYABLE TO THE TREASURER OF VIRGINIA ATTACHED (Line 5)</b>	<b>\$ _____</b>

\_\_\_\_\_  
(Date)

By \_\_\_\_\_  
\_\_\_\_\_  
(Title)

(over)

STATE OF VIRGINIA )  
County (City) of \_\_\_\_\_ ) To-Wit:

This day \_\_\_\_\_ (Name) \_\_\_\_\_ (Title)  
of \_\_\_\_\_

personally appeared before me in the County (City) aforesaid, and verified that the foregoing report is correct.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

\_\_\_\_\_  
(Notary Public)

My commission expires \_\_\_\_\_.

# State Corporation Commission

**GROSS PREMIUMS - SURPLUS LINES POLICY**

Broker's Name \_\_\_\_\_

Page \_\_\_\_\_  
of \_\_\_\_\_

IRS or Soc. Sec. No. \_\_\_\_\_

Quarter Ending \_\_\_\_\_

NAME OF INSURED	NAME OF UNLICENSED COMPANY	POLICY NUMBER	POLICY DATES (FROM - TO)	PREMIUM	COMMENTS

Page Total	Total Including This Page
\$ _____	\$ _____

**VIRGINIA FORM SLB-11  
PART 1  
(5/87)**



# State Corporation Commission

VIRGINIA  
FORM SLB - 11  
PART 2  
(5/87)

## ADDITIONAL PREMIUMS (by Endorsement & Audits) - SURPLUS LINES POLICIES

Quarter Ending \_\_\_\_\_, \_\_\_\_

PAGE \_\_\_\_\_

\_\_\_\_\_  
Broker's Name

(Show ADDITIONAL premiums resulting from endorsement to or audit of policies previously reported for tax purposes.)

POLICY NO.	INSURANCE COMPANY	NAME OF INSURED AND ADDRESS	ENDORSEMENT OR AUDIT ?	EFFECTIVE DATE	ADDITIONAL PREMIUM

TOTAL .....

VIRGINIA  
FORM SLB - 11  
PART 3  
(5/87)

## RETURN PREMIUMS (by Endorsements, Audits, Cancellations) - SURPLUS LINES POLICIES

Quarter Ending \_\_\_\_\_, \_\_\_\_

PAGE \_\_\_\_\_

\_\_\_\_\_  
Broker's Name

(Show RETURN premiums resulting from endorsement to, or audit, or cancellation of policies previously reported for tax purposes.)

POLICY NO.	INSURANCE COMPANY	NAME OF INSURED AND ADDRESS	ENDORSEMENT, AUDIT OR CANCELLATION ?	EFFECTIVE DATE	RETURN PREMIUM

TOTAL .....

VIRGINIA  
FORM SLB - 11  
PART 4  
(5/87)

STATE OF VIRGINIA To-Wit:  
County (City) of \_\_\_\_\_

This day \_\_\_\_\_  
(Name) (Title)

of \_\_\_\_\_  
personally appeared before me in the County (City) aforesaid, and verified that the foregoing report is correct.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
(Notary Public)

My commission expires \_\_\_\_\_.

Appendix 13

VIRGINIA  
FORM SLB-12  
(5/87)

COMMERCIAL INSURED WAIVER

I, the commercial insured named below, hereby waive the requirement of a diligent search by the surplus lines broker among companies licensed and authorized to write the class of insurance sought prior to placing my coverage with an unlicensed insurer be waived.

For the purpose of this waiver, a commercial insured is an insured (i) who procures the insurance of any risk or risks by use of the services of a full-time employee acting as an insurance manager or buyer, (ii) whose aggregate annual premiums for insurance on all risks total at least \$75,000 or (iii) who has at least twenty-five full-time employees.

\_\_\_\_\_  
Commercial Insured

\_\_\_\_\_  
Authorized Individual's  
Signature-Commercial Insured

\_\_\_\_\_  
Date of Waiver

\_\_\_\_\_  
Name of Surplus Lines Broker

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# GOVERNOR

---

## GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

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

### DEPARTMENT OF SOCIAL SERVICES

Title of Regulation: VR 615-22-02. Standards and Regulations for Licensed Homes for Adults.

Office of the Governor

February 24, 1987

Mr. William L. Lukhard  
Commissioner  
Department of Social Services  
8007 Discovery Drive  
Richmond, Virginia 23229-8699

Dear Mr. Lukhard:

I have reviewed the amendments to Standards and Regulations for Licensed Homes for Adults (VR 615-22-02) under the procedures of Executive Order Number Five (86).

The proposed regulations as originally submitted by the Council represent an admirable attempt to comply with recent changes in state law and ensure the safety of adult home residents. Several aspects of the proposals do raise concerns, however, about the impact of the new administrative requirements on the regulated facilities and about the Council's authority to promulgate regulations relating to fire safety.

I am requesting that the Council continue to explore alternatives to the proposed record-keeping requirements for the administration of medication to adult home residents. Based on the background materials submitted with these proposals, it appears that this requirement may be the most practical solution to the need to ensure the safety of these residents; however, this aspect of the regulation may also have a significant impact on the administrative duties in adult homes. In addition, the proposed regulations contain no provision to ensure that the entries are made in the record at the time the medication is administered.

The Council may wish to solicit comments from the Department of Health and the Department of Health Regulatory Boards to determine whether the proposed record-keeping requirement is the most effective and least burdensome alternative for protecting the well-being of the nursing home residents. The Council may also wish to consider implementing a training requirement similar to that proposed to familiarize adult home personnel with the statutory mandate for reporting suspected instances of abuse, neglect or exploitation.

With regard to the fire safety proposals, the Attorney General's office has indicated that the Council may not have clear authority over this area. Based on this opinion, I am asking that the Council delay further action on this aspect of these regulations until the Council's authority is clearly established.

/s/ Gerald L. Baliles

\* \* \* \* \*

Title of the Regulation: VR 615-70-5. Health Care Coverage.

Office of the Governor

February 26, 1987

Mr. William L. Lukhard  
Commissioner  
Virginia Department of Social Services  
8007 Discovery Drive  
Richmond, Virginia 23288

Dear Mr. Lukhard:

I have reviewed the regulations for Health Care Coverage (VR 615-70-5) under the procedures of Executive Order Number Five (86).

The regulations appear carefully drawn to ensure Virginia's compliance with federal regulations governing the provision of health insurance coverage for dependent children covered by court or administrative support orders. There is a concern, however, that these proposals may not be broad enough to encompass all of those situations in which a responsible party should be required to provide health insurance coverage for those children.

The regulations as submitted reflect an intent to prohibit the enforcement of a health insurance coverage requirement in those instances where enforcement would pose a financial hardship on the responsible party (e.g. the party cannot obtain such insurance at a "reasonable cost"). "Reasonable cost" is defined in the regulations to include only employment related health insurance. If these provisions are interpreted literally, a responsible party who is unemployed could not be compelled to provide coverage for a child, even though that party may have sufficient income from other sources or adequate assets on hand to enable him or her to purchase health insurance. It appears that the proposed regulations could be drafted more broadly to enable the Division of Child Support Enforcement to enforce health care coverage obligations in these instances, thereby maximizing the benefits of this program.

I would also urge the Department to consider carefully the additional cost of administering the provisions of these regulations. Although implementation of these proposals is federally mandated, the Department should review the

availability of funds and personnel to ensure the smooth and efficient operation of this proposed system for monitoring and enforcing health care coverage.

/s/ Gerald L. Baliles

**VIRGINIA BOARD OF VETERINARY MEDICINE**

**Title of Regulation: VR 645-01-1. Regulations Governing the Practice of Veterinary Medicine.**

Office of the Governor

March 3, 1987

Ms. Moria C. Lux  
Executive Director  
Virginia Board of Veterinary Medicine  
1601 Rolling Hills Drive  
Richmond, Virginia 23229

Dear Ms. Lux:

I have reviewed the Regulations Governing the Practice of Veterinary Medicine under the procedures of Executive Order Number Five (86).

The regulations appear carefully drawn to provide increased protection for the public health and safety through the promulgation of more specific standards of conduct for practicing veterinarians and their certified assistants. Because of the positive impact and policy considerations addressed by these regulations, I have no objections to these proposals as presented.

/s/ Gerald L. Baliles

**STATE WATER CONTROL BOARD**

**Title of Regulation: VR 680-11-03. Water Resources Policy.**

Governor's Comment:

I have no objections to the editorial changes in the Virginia Water Resources Policy as proposed by the State Water Control Board. However, the Board should consider very carefully the comments made by the public, especially on those changes which are more than merely editorial.

/s/ Gerald L. Baliles  
March 2, 1987

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# GENERAL NOTICES/ERRATA

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**Symbol Key †**

† Indicates entries since last publication of the Virginia Register

257-8508 (toll-free 1-800-552-3016)

## VIRGINIA ALCOHOLIC BEVERAGE CONTROL BOARD

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Alcoholic Beverage Control Board intends to consider promulgating, amending or repealing regulations pursuant to § 5.1 of the Public Participation Guidelines. The board intends to solicit petitions from any group or individual concerning the adoption, amendment or repeal of its regulations. The purpose is to receive information from industry, the general public and licensees of the board concerning adopting, amending or repealing the board's regulations.

Statutory Authority: §§ 4-11, 4-69, 4-69.2, 4-72.1, 4-98.14, 4-103 and 9-6.14:1 et seq., of the Code of Virginia.

Written comments may be submitted until April 30, 1987.

Other pertinent information: A public meeting will be held on June 25, 1987, at 10 a.m. in the 1st Floor Hearing Room, 2901 Hermitage Road, Richmond, Virginia, to receive comments from the public (see notice attached).

Contact: Robert N. Swinson, Acting Secretary to the Board, P.O. Box 27491, Richmond, Va. 23261, telephone (804) 257-0617

## DEPARTMENT OF COMMERCE (BOARD OF)

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Commerce intends to consider amending regulations entitled: **State Board of Examiners for Nursing Home Administrators**. The board intends to consider proposals to revise regulations with special consideration applied to (i) implementation of a requirement for continuing education and (ii) establishment of a fee for approval of preceptors.

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

Written comments may be submitted until May 1, 1987.

Contact: Geralde W. Morgan, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804)

## 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

## 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 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

### 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

# General Notices/Errata

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## 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 OF TAXATION

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-10-17. Brackets for Collection of the Tax (Retail**

**Sales and Use Tax); VR 630-10-31. Dealer's Returns and Payment of the Tax (Retail Sales and Use Tax); VR 630-10-106. Transitional Provision (Retail Sales and Use Tax); VR 630-10-110. Vending Machine Sales (Retail Sales and Use Tax).** The purpose of the proposed amendments is to formally adopt under the Administrative Process Act regulations implementing the January 1, 1987, sales and use tax increase. These regulations were adopted on an emergency basis on November 30, 1986.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until April 20, 1987.

Contact: Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

## COMMONWEALTH TRANSPORTATION BOARD

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Commonwealth Transportation Board intends to consider amending three separate sets of regulations now in use into a single regulation entitled: **Hazardous Materials Transportation Regulations at Tunnel, Ferry and Bridge Facilities Throughout the Commonwealth of Virginia**. The purpose of the proposed amendments is to provide new rules and regulations including operating requirements for the transportation of hazardous materials through tunnels, on bridges and on ferries in form and content consistent with the Commonwealth's regulations and in conformance with the federal Department of Transportation regulations, as identified in the Code of Federal Regulations (Title 49).

Statutory Authority: §§ 33.1-12 and 33.1-13 of the Code of Virginia.

Written comments may be submitted until July 13, 1987.

Contact: John I. Butner, Engineering Programs Supervisor, Department of Transportation, Traffic Engineering Division, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-2878

## DEPARTMENT FOR THE VISUALLY HANDICAPPED

### Notice of Intended Regulatory Action

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

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

#### VIRGINIA ALCOHOLIC BEVERAGE CONTROL BOARD

A. Pursuant to the Virginia Alcoholic Beverage Control Board's "Public Participation Guidelines for Adoption or Amendment of Regulations" (VR 125-01-1, Part V of the Regulations of the Virginia Alcoholic Beverage Control Board), the board will conduct a public meeting on June 25, 1987, at 10 a.m. in the Hearing Room, 1st Floor, A.B.C. Board, Main Offices, 2901 Hermitage Road, Richmond, Virginia, to receive comments and suggestions concerning the adoption, amendment or repeal of board regulations. Any group or individual may file with the board a written petition for the adoption, amendment or repeal of any regulation. Any such petition shall contain the following information if available.

1. Name of petitioner.
2. Petitioner's mailing address and telephone number.
3. Recommended adoption, amendment or repeal of specific regulation(s).
4. Why is change needed? What problem is it meant to address?
5. What is the anticipated effect of not making the change?
6. Estimated costs or saving, or both to regulated entities, the public, or others incurred by this change as compared to current regulations.
7. Who is affected by recommended change? How affected?
8. Supporting documents.

The board may also consider any other request for regulatory change at its discretion. All petitions or requests for regulatory change should be submitted to the board no later than April 30, 1987.

B. The board will also be appointing an Ad Hoc Committee consisting of persons on its general mailing list who will be affected by or interested in the adoption, amendment or repeal of board regulations. This committee will study requests for regulatory changes, make recommendations, and suggest actual draft language for a regulation, if it concludes a regulation is necessary. Anyone interested in serving on such committee should notify the undersigned by April 30, 1987.

C. Applicable laws or regulations (authority to adopt regulations): §§ 4-11, 4-69, 4-69.2, 4-72.1, 4-98.14, 4-103 and 9-6.14:1 et seq., Virginia Code; VR 125-01-1, Part V, board regulations.

D. Entities affected: (1) All licensees (manufacturers, wholesalers, importers, retailers) and (2) the general public.

E. For further information contact the undersigned at the above address or by phone (804) 257-0617.

Robert N. Swinson  
Acting Secretary

#### 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:

Glen Tittermary - (804) 786-1258

Other:



# General Notices/Errata

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

Effective date should be March 15, 1987. In section 1  
of this regulation, add C. to read: The effective date  
of this regulation is March 15, 1987.

## 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

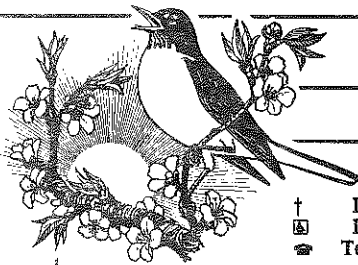
### MARINE RESOURCES COMMISSION

Title of Regulation: VR 450-01-0041. Pertaining to Crab  
Catch Limits.

Issue 3:10, p 981, February 16, 1987

Correction to the final regulation is as follows:

# 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

### 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

A 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 (BOARD OF)

† September 28, 1987 - 2 p.m. - Public Hearing  
Washington Building, Board Room, 2nd Floor, 1100 Bank Street, Richmond, Virginia. ☒

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 adopt regulations entitled: **VR 115-02-15. Rules and Regulations for the Registration of Poultry Dealers.** The proposed regulations would require that poultry

dealers doing business in Virginia keep records of their transactions as a means of tracing poultry disease to its source. They also would require that poultry dealers maintain a regimen of sanitation in their dealings.

## STATEMENT

Avian disease is a serious threat to Virginia's poultry industry. The proposed regulation would provide the means of tracing the disease to its source early, and hence reducing the harm done. The burdens imposed on poultry dealers would be slight, while affording some protection to their businesses.

Statutory Authority: §§ 3.1-726, 3.1-735 and 3.1-736 of the Code of Virginia.

Written comments may be submitted until June 30, 1987.

Contact: A. J. Roth, D.V.M., Chief, Bureau of Veterinary Services, Division of Animal Health, Virginia Department of Agriculture and Consumer Services, Suite 600, 1100 Bank St., Richmond, Va. 23219, telephone (804) 786-2483

\* \* \* \* \*

† September 28, 1987 - 3 p.m. - Public Hearing  
Washington Building, Board Room, 2nd Floor, 1100 Bank Street, Richmond, Virginia. ☒

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 115-02-12. Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals and Other Animals or Birds Into Virginia.** The proposed amendment to the above-referenced regulation would set health requirements for the admission of South American camelids of the genus *Lama* into Virginia.

## STATEMENT

The regulation would require animals to be tested for and found to be negative to tests for brucellosis, tuberculosis, and bluetongue, diseases which could have a serious impact on Virginia's livestock.

Statutory Authority: § 3.1-726 of the Code of Virginia.

Written comments may be submitted until June 29, 1987.

Contact: A. J. Roth, D.V.M., Chief, Bureau of Veterinary

# Calendar of Events

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Services, Division of Animal Health, Virginia Department of Agriculture and Consumer Services, Suite 600, 1100 Bank St., Richmond, Va. 23219, telephone (804) 786-2483

## 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

**April 6, 1987 - CANCELLED**

**April 3, 1987 - RESCHEDULED TO**

**† April 21, 1987 - 9 a.m. - Open Meeting**

General Assembly Building, Senate Room A, Capitol Square, Richmond, Virginia. ☒

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

## Region III - Moneta

**† April 6, 1987 - 7 p.m. - Open Meeting**  
Staunton River High School Auditorium, Moneta, Virginia. ☒

A meeting to allow public comment on a request for a permit from Shenandoah Quarries to construct and operate a stone processing plant on State Route 753 in Bedford County.

**Contact:** Thomas L. Henderson, State Air Pollution Control Board, 7701-03 Timberlake Rd., Lynchburg, Va. 24502, telephone (804) 528-6641

## VIRGINIA ALCOHOLIC BEVERAGE CONTROL BOARD

**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

## STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED ARCHITECTS

### State Board of Architects

**† April 3, 1987 - 9 a.m. - Open Meeting**  
Department of Commerce, Travelers Building, 5th Floor, 3600 West Broad Street, Richmond, Virginia. ☒

The board will meet to (i) approve minutes of December 5, 1986; (ii) discuss investigative cases; (iii) review applications; and (iv) discuss correspondence.

**Contact:** Joan L. White, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8506

## 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 - 11 a.m. - Open Meeting**  
Department of Commerce, Travelers Building, Conference Room 2, 3600 West Broad Street, Richmond, Virginia. ☐

An open board meeting to consider (i) adoption of proposed regulations; (ii) discussion of revenue and expenditures; (iii) election of officers; and (iv) signing of certificates.

Contact: Geralde W. Morgan, Assistant Director,

Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8508

\* \* \* \* \*

**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

## VIRGINIA AVIATION BOARD

† **April 6, 1987 - 10 a.m. - Open Meeting**  
Norfolk International Airport, Airport Managers Conference Room, Norfolk, Virginia. ☐

A meeting to discuss aviation matters affecting Virginia.

Contact: Kenneth A. Rowe, Director, Department of Aviation, 4508 S. Laburnum Ave., P.O. Box 7716, Richmond, Va. 23231, telephone (804) 786-6284

## VIRGINIA CAVE BOARD

† **May 16, 1987 - 1 p.m. - Open Meeting**  
Longwood College, Board Room, 163 Ruffner Hall, Farmville, Virginia. ☐

A regular business session of 11-member board to consider problems relating to the conservation and preservation of caves. All board meetings are open to the interested public.

Contact: Evelyn Bradshaw, Chairman, 1732 Byron St., Alexandria, Va. 22303, telephone (703) 765-0069 or (202) 483-3721

# Calendar of Events

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## INTERDEPARTMENTAL LICENSURE AND CERTIFICATION OF CHILDREN'S RESIDENTIAL FACILITIES

### Coordinating Committee

† April 10, 1987 - 8 a.m. - Open Meeting  
Department of Social Services, 8007 Discovery Drive,  
Richmond, Virginia. ☒

A meeting to consider (i) Annual Administrative Plan;  
and (ii) proposed revision to Core Standards.

Contact: John J. Allen, Jr., Office of the Coordinator, 8007  
Discovery Dr., Richmond, Va. 23229-8699, telephone (804)  
281-9025

## GOVERNOR'S CORPORATE ADVISORY COMMISSION ON EMPLOYERS' INITIATIVES FOR CHILD DAY CARE

† April 9, 1987 - 2 p.m. - Open Meeting  
General Assembly Building, House Appropriations Room,  
9th Floor, Capitol Square, Richmond, Virginia. ☒

The commission will meet to discuss issues and  
matters pertaining to the enhancement of Virginia's  
child care services. The commission will consider (i)  
incentives to encourage commitments from  
corporations and large businesses to consider child  
care as an option for employee benefits, (ii) the  
development of a plan to engage employers in child  
care initiatives, (iii) the role of state government in  
promoting corporate involvement in the expansion and  
strengthening of quality child day care services, and  
(iv) the most appropriate ways to encourage private  
sector leadership in day care initiatives in local  
communities.

Contact: Martha Norris Gilbert, Department for Children,  
805 E. Broad St., Richmond, Va. 23219, telephone (804)  
786-5991

## 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

† May 20, 1987 - 3 p.m. - Open Meeting  
Location to be announced

The regularly scheduled meeting of the State Board  
Committees (Audit, Facilities, Personnel, Curriculum  
and Program, Budget and Finance) will meet. (No  
agenda is available.)

† May 21, 1987 - 9 p.m. - Open Meeting  
Location to be announced.

A general board meeting. No agenda is available.

Contact: Joy Graham, James Monroe Bldg., 15th Floor, 101  
N. 14th St., Richmond, Va. 23219, telephone (804) 225-2126

## DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

### Falls of the James Advisory Committee

April 24, 1987 - 12 Noon - Open Meeting  
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 Historic Landmarks Board and The State Review Board of the Division of Historic Landmarks

† April 21, 1987 - 10:30 a.m. - Open Meeting  
Rousse City Hall, Council Chambers, Winchester, Virginia

A joint meeting of the State Review Board and Virginia Historic Landmarks Board to consider the addition of the following properties to the Virginia Landmarks Register and their nomination to the National Register of Historic Places:

- Culpeper Historic District, Culpeper County;
- Hexagon House, Winchester;
- Marshall Canal-Tunnel Historic District, Botetourt County;
- Monte Vista, Frederick County;
- Rockbridge Alum Springs, Rockbridge County;
- Tankersley Tavern, Rockbridge County.

Contact: Margaret T. Peters, Public Information Officer, 221 Governor St., Richmond, Va. 23219, telephone (804) 786-3143

**Rappahannock River Advisory Committee**

† April 9, 1987 - 7:30 p.m. - Open Meeting  
C. M. Bradley Elementary School, Library, Warrenton, Virginia. ☐

A meeting to discuss business and issues affecting the scenic portion of the Rappahannock River.

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

**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

**STATE 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

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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**

# Calendar of Events

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

\* \* \* \* \*

**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

**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. - RESCHEDULED TO  
† April 22, 1987 - 4 p.m. - Public Hearing  
James Monroe Building, 101 North 14th Street, Conference  
Room E, 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

STATE BOARD OF ELECTIONS

† May 20, 1987 - 10 a.m. - Open Meeting  
Ninth Street Office Building, Room 101, 9th and Grace  
Streets, Richmond, Virginia. ☒

A meeting to review (i) agency budget and (ii) voting equipment submissions for approval.

† June 23, 1987 - 10 a.m. - Open Meeting  
Ninth Street Office Building, Room 101, 9th and Grace  
Streets, Richmond, Virginia. ☒

Canvass June 9, 1987, Primary Election and hear oral presentations from voting machine vendors.

Contact: M. Debra Mitterer, Ninth Street Office Bldg., Room 101, Richmond, Va. 23219, telephone (804) 786-6551

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.

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



# Calendar of Events

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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 to 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

\* \* \* \* \*

**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

## COUNCIL ON THE ENVIRONMENT

**† April 9, 1987 - 10 a.m. - Open Meeting**  
Municipal Center, School Administration Building, School Board Room, 2512 George Mason Drive, Virginia Beach, Virginia. ☒

A quarterly meeting of the council. Various issues will be covered including (i) the state's comments on the EMPRESS project; (ii) Virginia's Natural Heritage Program; (iii) 1987 environmental legislation; (iv) coastal resources management program grants; (v) the state rivers policy; and (vi) state assumption of the federal underground injection program.

Citizens will be given an opportunity to present comments and concerns on environmental issues to the council during the citizens' forum portion of the agenda.

**Contact:** Hannah Crew, Council on the Environment, Ninth Street Office Bldg., Room 903, Richmond, Va. 23219, telephone (804) 786-4500

## FAMILY AND CHILDREN'S TRUST FUND

### Board of Trustees

† April 11, 1987 - 10 a.m. - Open Meeting  
Hilton Hotel, Williamsburg, Virginia

A general business meeting.

Contact: Margaret J. Friendenberg, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9217

## 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

## 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

### 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

## DEPARTMENT OF HEALTH

† June 4, 1987 - 9 a.m. - Open Meeting  
Ramada Inn, Duffield, Virginia. ☐

The State Board of Health will have a working session from 9 a.m. to noon. The regular business meeting of the board will begin at 1 p.m. The agenda will be available two weeks in advance of the meeting.

Contact: Sally Camp, James Madison Bldg., Room 400, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-3561

### 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,

# Calendar of Events

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Department of Health, James Madison Bldg., 10th Floor, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-2081

Contact: Grace I. Lessner, James Monroe Bldg., 9th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2638

## STATEWIDE HEALTH COORDINATING COUNCIL

**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.

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

## STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

**† April 1, 1987 - 9 a.m. - Open Meeting**  
Radford University, Radford, Virginia

A monthly council meeting. The agenda is available on request.

## 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.

**† May 7, 1987 - 8:30 a.m. - Open Meeting**  
Fourth Street Office Building, 205 North 4th Street, Richmond, Virginia. ☒

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.

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

### 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 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

DEPARTMENT OF LABOR AND INDUSTRY

Apprenticeship Council

† April 30, 1987 - 9 a.m. - Open Meeting  
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☐

A regular quarterly meeting. The council will hear public comments and then conduct the remainder of the meeting.

If anyone wishes to address council during the public comment session, please send a written request to: Richard H. Webb, Chairman, Virginia Apprenticeship Council, Department of Labor and Industry, P.O. Box 12064, Richmond, Virginia 23241.

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

\* \* \* \* \*

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.

# Calendar of Events

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**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

## STATE BOARD FOR THE CERTIFICATION OF LIBRARIANS

† **April 13, 1987 - 10:30 a.m. – CANCELLED**  
Department of Commerce, Travelers Building, Conference Room 1, 3600 West Broad Street, Richmond, Virginia. ☒

An open board meeting to conduct (i) regulatory review; (ii) discussion of revenue and expenditures; and (iii) signing of certificates.

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

## THE LIBRARY BOARD

† **May 2, 1987 - 9:30 a.m. – Open Meeting**  
Roanoke Public Library, Steve Brody Room, 706 South Jefferson Street, Roanoke, Virginia. ☒

A regular meeting to discuss administrative matters.

### Automated Systems and Networking Committee

† **April 20, 1987 - 10:30 a.m. – Open Meeting**  
Virginia State Library, Conference Room B, 11th Street at Capitol Square, Richmond, Virginia. ☒

A meeting 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

**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

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

## LONGWOOD COLLEGE

### Board of Visitors

† April 9, 1987 - 10 a.m. - Open Meeting  
† April 10, 1987 - 10 a.m. - Open Meeting  
Longwood College, Virginia/Prince Edward Rooms,  
Farmville, Virginia. ☒

A meeting to carry out responsibilities as the governing board of the institution.

Contact: Dr. Janet C. Greenwood, President, Longwood College, Farmville, Va. 23901, telephone (804) 392-9211 (SCATS 265-4211)

## 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

## 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

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

† April 16, 1987 - 10 a.m. - Open Meeting  
Department of Medical Assistance Services, 13th Floor, 600 East Broad Street, Richmond, Virginia. ☒

A meeting to discuss (i) Technical State Plan amendment, method of evidencing eligibility for homeless; (ii) budget and legislation update; (iii) Outpatient Psychiatric Services Study; (iv) State Plan Review and Indigent Health Care Study updates; and (v) other business pertinent to the board.

Contact: Jacqueline M. Fritz, Department of Medical Assistance Services, Suite 1300, 600 E. Broad St., Richmond, Va. 23219, telephone (804) 786-7933

## VIRGINIA STATE BOARD OF MEDICINE

† May 5, 1987 - 9 a.m. - Public Hearing  
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. ☒

Notice is hereby given that the Board of Medicine will hold a public hearing to receive oral or written comments on § 54-317 (12) of the Code of Virginia regarding physicians selling medicine, drugs, eyeglasses, medical appliances, or devices.

Contact: Hilary H. Conner, M.D., Executive Director, Surry Bldg., 2nd Floor, 1601 Rolling Hills Dr., Richmond, Va. 23219-5005, telephone (804) 662-9925

## 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

# Calendar of Events

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the Code of Virginia - executive and closed meetings.

† April 17, 1987 - 10:30 a.m. - Open Meeting  
Department of Health Regulatory Boards, Koger Center,  
Surry Building, 2nd Floor, Board Room 2, 1601 Rolling  
Hills Drive, Richmond, Virginia. ☒

The Informal Conference Committee composed of three members of the Virginia Board 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.

† May 7, 1987 - 12:30 p.m. - Open Meeting  
Sheraton Patriot Inn, 3032 Richmond Road (off Route 60),  
Williamsburg, Virginia. ☒

A meeting to 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.

## Advisory Board on Physical Therapy

May 7, 1987 - 9 a.m. - Open Meeting  
May 8, 1987 - 9 a.m. - Open Meeting  
Department of Health Regulatory Boards, Koger Center,  
2nd Floor Surry Building, 1601 Rolling Hills Drive,  
Richmond, Virginia. ☒

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.

Contact: Eugenia K. Dorson, Regulatory Board  
Administrator, Surry Bldg., 1601 Rolling Hills Dr.,  
Richmond, Va. 23229-5005, telephone (804) 662-9925

## DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

### State Human Rights Committee

† April 3, 1987 - 9 a.m. - Open Meeting  
James Madison Building, 13th Floor, Conference Room, 109  
Governor Street, Richmond, Virginia. ☒

A regular meeting of the committee to discuss business relating to human rights issues. Agenda items will be listed prior to meeting.

Contact: Elsie D. Little, A.C.S.W., P.O. Box 1797,  
Richmond, Va., telephone (804) 786-3988

## 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

## NORFOLK STATE UNIVERSITY

### Board of Visitors

† **May 16, 1987 - 10 a.m. - Open Meeting**  
Harrison B. Wilson Administration Building, Board Room,  
Norfolk State University, Norfolk, Virginia

The purpose of the meeting is to discuss various issues pertaining to the university. The agenda should be available at least five working days prior to the meeting.

**Contact:** Gerald D. Tyler, Norfolk State University, Wilson Hall-S340, 2401 Corprew Ave., Norfolk, Va. 23504, telephone (804) 623-8373

## VIRGINIA STATE BOARD OF NURSING

### 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.

† **April 23, 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)

A meeting to inquire into allegations that certain licensees may have violated laws and regulations governing the practice of nursing in Virginia.

**Contact:** Corinne F. Dorsey, R.N., Executive Director,  
Virginia State Board of Nursing, 1601 Rolling Hills Dr.,  
Richmond, Va. 23229, telephone (804) 662-9909

## 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



# Calendar of Events

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## STATE BOARD OF PHARMACY

† April 28, 1987 - 9 a.m. - Open Meeting  
† April 29, 1987 - 9 a.m. - Open Meeting  
Department of Health Regulatory Boards, Koger Center,  
Surry Building, Conference Room 1, 1601 Rolling Hills  
Drive, Richmond, Virginia. ☒

On April 28 board business and formulation of board  
regulation proposals; April 29 Pharmacy Jurisprudence  
Examination Committee meeting.

Contact: J. B. Carson, Executive Director, 1601 Rolling  
Hills Dr., Richmond, Va. 23229, telephone (804) 662-9921

## 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

## VIRGINIA BOARD OF PROFESSIONAL COUNSELORS

† April 15, 1987 - 10 a.m. - Open Meeting  
James Monroe Building, Rooms C, D, and E, 101 North  
14th Street, Richmond, Virginia. ☒

Credentials review at 10 a.m. and Oral Examiners  
Workshop at 1 p.m.

† April 16, 1987 - 9 a.m. - Open Meeting  
Koger Center, Surry Building, 1601 Rolling Hills Drive,  
Richmond, Virginia. ☒

A meeting to (i) conduct general board business; (ii)  
make policies; (iii) respond to board correspondence;  
and (iv) review credentials.

Contact: Joyce D. Williams, 1601 Rolling Hills Dr.,  
Richmond, Va. 23229-5005, telephone (804) 662-9912

## BOARD OF REHABILITATIVE SERVICES

† April 3, 1987 - 10 a.m. - Closed Meeting  
Woodrow Wilson Rehabilitation Center, Fishersville,  
Virginia. ☒

A one day workshop retreat in which no public

business will be discussed. The workshop will be  
conducted by professionals who will focus on  
organization effectiveness, communication skills, and  
decision-making techniques.

Contact: James L. Hunter, Department of Rehabilitative  
Services, 4901 Fitzhugh Ave., Richmond, Va. 23230,  
telephone (804) 257-6446 (toll-free number 1-800-553-5019)

\* \* \* \* \*

† April 22, 1987 - 3 p.m. - Public Hearing  
† April 22, 1987 - 7 p.m. - Public Hearing  
Holiday Inn Crossroads, 2000 Staples Mill Road, Richmond,  
Virginia. ☒

Notice is hereby given in accordance with § 9-5.14:7.1  
of the Code of Virginia that the Board of  
Rehabilitative Services intends to adopt regulations  
entitled: VR 595-02-1. **Provision of Independent Living  
Rehabilitation Services.** These regulations will govern  
the determination of eligibility criteria and all  
independent living rehabilitation services provided to  
persons who are determined eligible to receive such  
services.

## STATEMENT

Subject: This regulation sets forth the basis for the  
provision of independent living rehabilitation services to  
those persons eligible to receive them.

Substance: The proposed regulations define who shall be  
eligible for independent living rehabilitation services; the  
order of selection for services; the kind and amount of  
services they may receive; the conditions under which  
they may receive them, and their rights and  
responsibilities which include their right to appeal  
department decisions affecting them.

Issues: The intent of this regulation is to establish criteria  
for referrals and applicants, eligibility, evaluation of  
potential, order of selection for services, scope of services,  
agency and client financial participation, appeal  
procedures, confidentiality of information, and review of  
extended services.

Basis and purpose: This regulation is issued under  
authority granted by the federal Rehabilitation Act of 1973  
as amended; federal Independent Living Rehabilitation  
Regulations; and § 51.01-5.7 of the Code of Virginia which  
requires the Board of Rehabilitative Services to make,  
adopt, and promulgate such rules and regulations as may  
be necessary to carry out the provisions of the laws of the  
Commonwealth administered by the commissioner of the  
department

Statutory Authority: § 51.01-5.7 of the Code of Virginia.

Written comments may be submitted until June 1, 1987, to  
David R. Ziskind, P.O. 11045, Richmond, Virginia 23230.

Contact: James L. Hunter, Department of Rehabilitative Services, 4901 Fitzhugh Ave., Richmond, Va. 23220, telephone (804) 257-6446 (toll-free number 1-800-553-5019)

**VIRGINIA RESOURCES AUTHORITY**

† April 14, 1987 - 10 a.m. - Open Meeting  
The Authority Board Room, Suite 305, Mutual Building, 909 East Main Street, Richmond, Virginia

The board will meet to (i) approve the minutes of the March 10, 1987, meeting; (ii) review the authority's operations for the prior month; and (iii) consider other matters and take 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: Shockley D. Gardner, Jr., Executive Director, P.O. Box 1300, Richmond, Va. 23210, telephone (804) 644-3100

**BOARD FOR RIGHTS OF THE DISABLED**

† April 22, 1987 - 1 p.m. - Open Meeting  
Pavilion Tower Hotel, 1900 Pavilion Drive, Virginia Beach, Virginia. ☒

A quarterly meeting of the board to review (i) committee activities; (ii) future systems advocacy initiatives; and (iii) annual awards.

Contact: Jim Rothrock, Department for Rights of the Disabled, James Monroe Building, 17th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2042 (toll-free 1-800-552-3962)

**DEPARTMENT FOR RIGHTS OF THE DISABLED**

**Protection and Advocacy Board for Those Labeled Mentally Ill**

† April 16, 1987 - 10 a.m. - Open Meeting  
James Monroe Building, 16th Floor, Conference Room, 101 North 14th Street, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A bimonthly meeting to continue organization and development of new Virginia Protection and Advocacy Board as established by P.L. 99-319.

Contact: Barbara Hoban, Department for Rights of the Disabled, James Monroe Bldg., 17th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2042 (toll-free 1-800-552-3962)

**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

\* \* \* \* \*

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

# Calendar of Events

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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

**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 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)

**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

\* \* \* \* \*

**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

## GOVERNOR'S COMMISSION ON TRANSPORTATION IN 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 in the Twenty-First Century, 10th Floor, Ninth Street Office Bldg., Richmond, Va. 23219, telephone (804) 786-2405/786-2437

## VIRGINIA BOARD OF VETERINARY MEDICINE

† April 8, 1987 - 1 p.m. - Open Meeting  
† April 9, 1987 - 9 a.m. - Open Meeting  
Department of Health Regulatory Boards, Koger Center, Surry Building, Conference Room 1, 1601 Rolling Hills Drive, Richmond, Virginia. ☐

A general board business meeting.

**Contact:** Moria C. Lux, Executive Director, Virginia Board of Veterinary Medicine, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9915

## VIRGINIA-ISRAEL COMMISSION

### Full Commission

† April 22, 1987 - 1 p.m. - Open Meeting  
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. ☐

A general discussion of the progress of the commission's work.

**Contact:** Richard A. Arenstein, State Capitol, Richmond, Va. 23219, telephone (804) 786-2211

## 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

## 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**

# Calendar of Events

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**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

## THE COLLEGE OF WILLIAM AND MARY

### Board of Visitors

**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.

**Contact:** The College of William and Mary, Office of University Relations, James Blair Hall, Room 308, Williamsburg, Va. 23185, telephone (804) 253-4226

## LEGISLATIVE

### VIRGINIA STATE CRIME COMMISSION

† **April 13, 1987 - 10 a.m. - Open Meeting**  
General Assembly Building, Conference Room, 6th Floor, Capitol Square, Richmond, Virginia. ☐

The purpose of the meeting will be for commission members to (i) review and approve the 1986 annual report for publication and distribution; (ii) review 1987 legislative actions; (iii) review two studies mandates by HJR 225 and SJR 174; and (iv) discuss any other concerns of the members.

**Contact:** Robert E. Colvin, Executive Director, Virginia State Crime Commission, P.O. Box 3-AG, Richmond, Va. 23208 or General Assembly Bldg., 2nd Floor, Room 230, Richmond, Va. 23219, telephone (804) 225-4534

## COMMISSION ON VETERANS' AFFAIRS

† **April 4, 1987 - 10 a.m. - Public Hearing**  
Patrick Henry Community College, Gymnasium, Collinsville, Virginia. ☐

† **May 2, 1987 - 10 a.m. - Public Hearing**  
Clinch Valley College, Main Lecture Hall, Wise, Virginia. ☐

† **June 6, 1987 - 10 a.m. - Public Hearing**  
Virginia Military Institute, Nickols Engineering Hall, Room 507, Lexington, Virginia. ☐

The commission will conduct a public hearing, taking testimony from individual veterans, representatives of veterans' organizations, and the general public on any matters concerning Virginia's veterans.

**Contact:** Alan Wambold, Research Associate, Division of Legislative Services, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

## CHRONOLOGICAL LIST

### OPEN MEETINGS

**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

† Higher Education for Virginia, State Council of  
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

† Architects, Professional Engineers, Land Surveyors  
and Certified Landscape Architects, State Board of  
- Board of Architects  
Dentistry, Virginia Board of  
General Services, Department of  
- Art and Architectural Review Board  
- Division of Consolidated Laboratory Services  
Advisory Board  
† Mental Health and Mental Retardation, Department  
of  
- State Human Rights Committee  
† Rehabilitative Services, Board of (closed meeting)

## April 4

† Veterans' Affairs, Commission on

## April 6

† Air Pollution Control Board, State  
- Region III - Moneta  
† Aviation Board, Virginia

## April 8

† Veterinary Medicine, Virginia Board of

## April 9

Auctioneers Board, Virginia  
† Child Day Care, Governor's Corporate Advisory  
commission on Employers' Initiatives for  
† Conservation and Historic Resources, Department of  
- Rappahannock River Advisory Committee  
† Environment, Council on the  
Health Regulatory Boards, Council on  
- Administration and Budget Committee  
Health, Department of  
- Home Health Agency Advisory Committee  
Long-Term Care Council  
† Longwood College  
- Board of Visitors  
Old Dominion University  
- Board of Visitors Building and Grounds Committee  
† Veterinary Medicine, Virginia Board of

## April 10

Auctioneers Board, Virginia  
† Children's Residential Facilities, Interdepartmental  
Licensure and Certification of  
- Coordinating Committee  
† Longwood College  
- Board of Visitors  
Medicine, Virginia State Board of  
- Informal Conference Committee

## April 11

† Family and Children's Trust Fund

- Board of Trustees

## April 13

† Crime Commission, Virginia State  
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  
† Resources Authority, Virginia

## April 15

Housing and Community Development, Department of  
- Division of Building Regulatory Services  
Commerce, Department of  
Corrections, State Board of  
† Professional Counselors, Virginia Board of

## April 16

Auctioneers Board, Virginia  
Government Savings Bond Campaign, State  
Housing and Community Development, Department of  
- Division of Building Regulatory Services  
† Medical Assistance Services, Department of  
Pilots, Board of Commissioners to Examine  
† Professional Counselors, Virginia Board of  
† Rights of the Disabled, Department for  
- Protection and Advocacy Board for those Labeled  
Mentally Ill  
Transportation Board, Commonwealth

## April 17

Government Savings Bond Campaign, State  
† Medicine, Virginia State Board of  
- Informal Conference Committee

## April 18

Government Savings Bond Campaign, State

## April 19

Government Savings Bond Campaign, State

## April 20

Government Savings Bond Campaign, State  
† Library Board, The  
- Automated Systems and Networking Committee  
Motor Vehicles, Department of

## April 21

† Air Pollution Control Board, State  
† Conservation and Historic Resources, Department of  
- Virginia Historic Landmarks Board and the State  
Review Board of the Division of Historic Landmarks  
Government Savings Bond Campaign, State  
Motor Vehicles, Department of

# Calendar of Events

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## April 22

Aging, Governor's Advisory Board  
† Audiology and Speech Pathology, State Board of Examiners for  
Contractors, State Board of  
Education, State Board of  
Government Savings Bond Campaign, State  
Motor Vehicles, Department of  
† Rights of the Disabled, Board for  
† Virginia-Israel Commission  
- Full Commission

## April 23

Aging, Governor's Advisory Board  
Education, State Board of  
Government Savings Bond Campaign, State  
† Nursing, Virginia State Board of  
- Informal Conference Committee

## 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

## April 27

Government Savings Bond Campaign, State

## April 28

Government Savings Bond Campaign, State  
† Pharmacy, Virginia Board of

## April 29

Government Savings Bond Campaign, State  
† Pharmacy, Virginia Board of

## April 30

Government Savings Bond Campaign, State  
† Labor and Industry, Department of  
- Apprenticeship Council  
Motor Vehicles, Department of

## May 1

Government Savings Bond Campaign, State

## May 2

† Library Board, The  
† Veterans' Affairs, Commission on

## May 4

Motor Vehicles, Department of

## May 5

Marine Resources Commission  
† Medicine, Virginia State Board of  
Motor Vehicles, Department of

## May 6

Motor Vehicles, Department of

## May 7

Housing and Community Development, Board of  
- Amusement Device Technical Advisory Committee  
Medicine, Virginia State Board of  
- † Informal Conference Committee  
- 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, State 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 16

† Cave Board, Virginia  
† Norfolk State University  
- Board of Visitors

## May 20

† Community Colleges, State Board for  
† Elections, State Board of

## May 21

† Community Colleges, State Board for  
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 4**  
† Health, State Board of

**June 6**  
† Veterans' Affairs, Commission on

**June 17**  
Corrections, State Board of

**June 23**  
† Elections, State Board of

## PUBLIC HEARINGS

**March 30**  
Transportation, Department of  
Transportation in the Twenty-First Century - Phase II,  
Governor's Commission on

**March 31**  
Transportation, Department of  
Transportation in the Twenty-First Century - Phase II,  
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 in the Twenty-First Century - Phase II,  
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

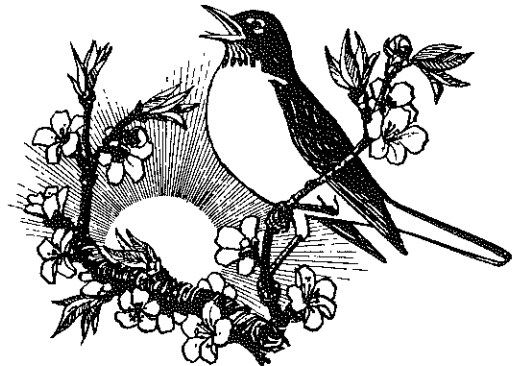
**April 20**  
Labor and Industry, Department of  
- Apprenticeship Council

**April 22**  
Audiology and Speech Pathology, Virginia Board of  
Examiners for  
† Education, State Board of  
† Rehabilitative Services, Department of

**April 23**  
Employment Commission, Virginia

**May 15**  
Health Coordinating Council, Statewide

**September 28**  
† Agriculture and Consumer Services, Department of





**Calendar of Events**

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