

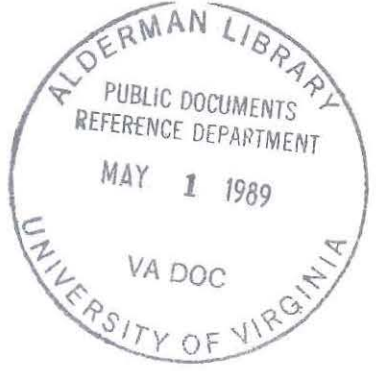
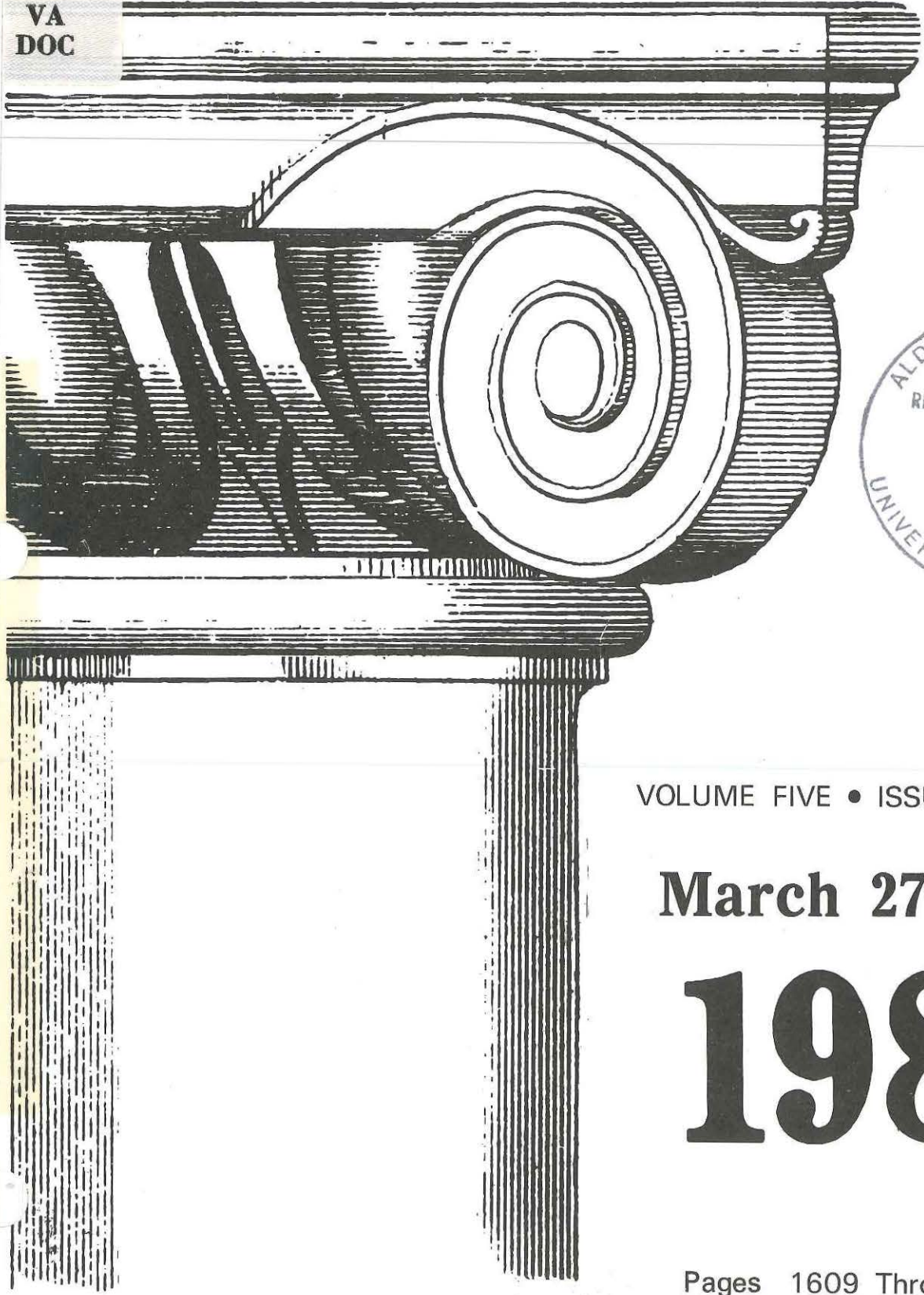
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THE VIRGINIA REGISTER

OF REGULATIONS

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VOLUME FIVE • ISSUE THIRTEEN

March 27, 1989

1989

Pages 1609 Through 1708

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 periodically 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.

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VIRGINIA REGISTER OF REGULATIONS

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PROPOSED REGULATIONS

For information concerning Proposed Regulations, see information page.

Symbol Key

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

DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

§ 2.1. Notice of intent.

~~Title of Regulation: VR 245-01-01. Public Participation Guidelines.~~

Statutory Authority: § 63.1-85.4 of the Code of Virginia.

Public Hearing Date: April 3, 1989 - 7 p.m.
(See Calendar of Events section
for additional information)

Summary:

The Public Participation Guidelines are steps the Virginia Department for the Deaf and Hard-of-Hearing must take when developing or changing regulations. These steps include asking interested persons to submit their input and distributing notices of public hearings.

VR 245-01-01. Public Participation Guidelines.

PART I. POLICY.

§ 1.1. *The department will seek public participation from interested parties prior to formation and during the drafting, promulgation and final adoption process of regulations.*

§ 1.2. Purpose.

Section 9-6.14:7.1 of the Code of Virginia requires each agency to formulate and promulgate public participation guidelines as regulations subject to the Administrative Process Act. The intent of the public participation guidelines is to establish written procedures to solicit input from "interested parties" prior to formation and drafting of the proposed regulations and during the formation, promulgation and final adoption process of the regulations.

This process will be applicable to the development of all regulations as defined by § 9-6.14:4 F of the Administrative Process Act:

"Rule" or "regulation" means any statement of general application, having the force of law, affecting the rights or conduct of any person, promulgated by an agency in accordance with the authority conferred on it by applicable basic laws.

PART II. GUIDELINES.

When the department deems it necessary to develop a regulation or make substantial change to regulations, a notice of intent will be published in The Virginia Register, General Notices section. This notice will invite those interested in providing input to notify the department of their interest. Various agencies and associations will be notified and requested to advise their constituency through newsletters, etc. In addition to this notice, known interested parties will be advised, through a special mailing, of the agency's desire to develop a regulation and will be invited to assist the department in developing the regulations or in providing information on how the regulations may affect the consumer.

The notice of intent will include:

- 1. Subject of the proposed regulation.*
- 2. Identification of the entities that will be affected.*
- 3. Timetable for reaching a decision, if available.*
- 4. Name, address and telephone number of staff person to be contacted for further information.*

§ 2.2. Formation of ad hoc advisory committees.

Whenever appropriate, as determined by the nature and scope of the regulation and the change(s) under consideration, an ad hoc advisory committee may be established by the director to include selected individuals who responded to the notice of intent, newsletter or special mailing and representatives of relevant associations or disciplines.

Committee members will be oriented to the department and program issues, constraints, entities to be affected, program options and time limitations. The committee will discuss the issues and make recommendations which will be considered in the drafting and adoption of regulations. Once the regulations have been developed the committee will review them and continue to participate during the promulgation process.

§ 2.3. Orientation/training.

The department will develop orientation/training materials to be used with members of the ad hoc advisory committee(s) which will include:

- 1. The responsibility/authority of the department.*

Proposed Regulations

2. Orientation to issues related to the proposed regulations; and

3. Method of promulgating regulations.

PART III. BASIS FOR POLICY.

§ 3.1. Chapter 5, Acts of Assembly of 1984, made amendments to the Administrative Process Act, § 9-6.14:1 et seq. of the Code of Virginia, which included statutory requirements for participation guidelines. These guidelines must be effective before other regulations can be adopted.

* * * * *

Title of Regulation: VR 245-02-01. Regulations Governing Eligibility Standards and Application Procedures for the Distribution of Telecommunications Equipment.

Statutory Authority: § 63.1-85.4 of the Code of Virginia.

Public Hearing Dates:

Region 1: April 13, 1989 - 7 p.m.

Region 2: April 14, 1989 - 7 p.m.

Region 3: April 21, 1989 - 7 p.m.

Region 4: April 15, 1989 - 7 p.m.

Region 5: April 20, 1989 - 7 p.m.

Region 6: April 24, 1989 - 7 p.m.

Region 7: April 17, 1989 - 7 p.m.

(See Calendar of Events section for additional information)

Summary:

These regulations will be used to screen hearing-impaired and speech-impaired applicants for the Telecommunications Assistance Program (TAP) and to determine the applicant's contribution (payment) toward the purchase of telephone equipment.

Under TAP, approved applicants will receive coupons, varying in amount, which are redeemable in the purchase of telephone equipment from approved vendors. The equipment available through TAP includes: regular and large-print telecommunication devices for the deaf (TDDs); braille TDDs (for use by deaf/blind individuals); audible and visual ring signalers; and amplified receivers (for the hearing impaired) and amplified transmitters (for the speech impaired).

VR 245-01-02. Regulations Governing Eligibility Standards and Application Procedures for the Distribution of Telecommunications Equipment.

PART I. DEFINITIONS.

§ 1.1. Definitions.

The words and terms used in these regulations have the following meanings unless the context indicates otherwise:

"Amplified handset" means a mechanical device that amplifies either incoming sounds for hearing-impaired persons or outgoing sounds for speech-impaired persons.

"Applicant" means a person who applies for telecommunications equipment.

"Application" means the TAP Application (VDDHH-TDD-1).

"Audiologist" means a person who has a Master's or Doctoral degree in audiology and a Certificate of Clinical Competence from the American Speech/Language/Hearing Association.

"Braille TDD" means an electrical device for use with a telephone that utilizes a keyboard, an acoustic coupler, a visual display and a braille display to transmit and receive messages.

"Completion date" means the date all supporting documentation for the application is received by the department.

"Coordinator" means the Coordinator for Statewide Telecommunications Programs for the Deaf of the Virginia Department for the Deaf and Hard-of-Hearing.

"Coupon" means a voucher which may be used by the recipient as credit toward the purchase of approved telecommunications equipment from a contracted vendor.

"Deaf" means a hearing loss that requires use of a telecommunications device for the deaf to communicate effectively on the telephone.

"Deaf-blind" means a hearing loss and a visual impairment that requires use of a braille TDD to communicate effectively on the telephone.

"Department" means the Virginia Department for the Deaf and Hard-of-Hearing.

"Director" means the Director of the Virginia Department for the Deaf and Hard-of-Hearing.

"Family" means the applicant, their dependents and any person legally required to support the applicant, including spouses.

"Gross income" means the income, total cash receipts before taxes from all sources of the applicant, their dependents and any person legally required to support the applicant including spouses.

"Household" means a unit whose members share a common living arrangement or a telephone line, or both.

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"Minor" means a person less than 18 years of age whose parents are legally responsible for his support.

"Outreach specialist" means a person hired by the department to provide outreach services and to assist the department in carrying out activities related to the Telecommunications Assistance Program on either a regional or local level.

~~"Physician" means a person who has a medical degree and a license to practice medicine in any one of the United States.~~

"Program" or "TAP Program" means Telecommunications Assistance Program for distributing telecommunications equipment to deaf, severely hearing-impaired, deaf-blind and speech-impaired persons who meet eligibility requirements through an application process.

"Public assistance" means and includes aid to dependent children; auxiliary grants to the aged, blind and disabled; medical assistance; food stamps; general relief; fuel assistance; and social services.

"Recipient" means a person who receives telecommunications equipment or a coupon valid toward the purchase of the equipment.

"Ring signal device" means a mechanical device that alerts a deaf, severely hearing-impaired or deaf-blind person of an incoming call.

"Severely hearing-impaired" means a hearing loss that requires use of either a Telecommunications Device for the Deaf or an amplified telephone handset to communicate effectively on the telephone.

"Speech-impaired" means a loss of verbal communication ability which prohibits normal usage of a standard telephone handset.

"Speech-language pathologist" means a person who has a Master's degree or otherwise meets the qualifications in Speech/Language Pathology and a Certificate of Clinical Competence issued by the American Speech/Language/Hearing Association.

"Telecommunications devices for the deaf" (hereinafter called TDD) means an electrical device for use with a telephone that utilizes a keyboard, acoustic coupler and display screen to transmit and receive messages.

"Telecommunications equipment" means any mechanical adaptation for a telephone needed by a deaf, a hearing-impaired or a speech-impaired person in order to use the telephone, including amplified handsets, ring signaling devices, braille TDDs, and TDDs.

PART II GENERAL INFORMATION.

§ 2.1. Authority for regulations.

Section 63.1-85.4 of the Code of Virginia establishes the powers and duties of the department. Subdivision 8 authorizes the department to "operate a program of telecommunications assistance and services to persons with hearing and speech impairments, including the distribution of telecommunications devices for the deaf and support of message relay services, through grants, contracts and other means, including a sliding fee scale where appropriate." Subdivision 9 permits the department to "make, adopt and promulgate such regulations, consistent with this chapter, as may be necessary to carry out the purpose and intent of this chapter and other laws of the Commonwealth administered by the Director of the Department. Such regulations shall be binding on all officers, agents, and employees engaged in implementing the provisions of this chapter."

§ 2.2. Purpose for regulations.

The department has promulgated these regulations to establish eligibility requirements for participation in the TAP program.

§ 2.3. Administration of regulations.

These regulations are administered by the Director of the Virginia Department for the Deaf and Hard-of-Hearing.

§ 2.4. Recipients of service.

These regulations shall apply to all persons seeking telecommunications equipment provided by the department.

§ 2.5. Effective date of regulations.

These regulations will be effective 30 days from the date that the final regulations are published in The Virginia Register of Regulations.

§ 2.6. Powers and procedures of regulations not exclusive.

The department reserves the right to authorize any procedure necessary for the enforcement of the provisions set forth herein under the provisions of § 63.1-85.4 of the Code of Virginia.

PART III PARTICIPATION OF APPLICANT.

§ 3.1. Eligibility requirements.

Upon request for telecommunications equipment by an individual, the department will require information as to the family size, financial status, and other related data as described on the application. It is the applicant's responsibility to furnish the department with the correct financial data in order to be appropriately classified according to income level and to determine applicable charges for telecommunications equipment. Applicants

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eligible to participate in the program shall meet the following requirements:

1. The applicant must be certified as deaf, severely hearing-impaired, deaf-blind, or speech-impaired by a licensed physician, audiologist, speech-language pathologist, vocational rehabilitation counselor employed by the Department of Rehabilitative Services or the Department for the Visually Handicapped, a Virginia School for the Deaf and Blind representative, or other appropriate agency or government representative.
2. The applicant shall reside in the Commonwealth of Virginia.
3. The applicant must produce evidence that telephone service is in his home.
4. An applicant shall reside in a household in which no member has been a program recipient of the same kind of telecommunication equipment in the last four years.
5. An applicant shall submit a complete application.

§ 3.2. Charges for equipment.

Eligible applicants shall be granted program participation based on a first-come, first-served basis and the availability of program funds. The participation of applicants shall be by coupon. (See Part V.)

A. Cost of the program to applicant.

If the applicant's monthly gross income is such that a partial or full charge for telecommunications equipment is determined to be required, an explanation of the charges shall be provided to the recipient.

1. Applicants whose individual or family gross income is obtained solely from any one or combination of public assistance (as defined in Part I of these regulations), earnings of minor children or gifts, shall not be required to participate in the cost of any telecommunications equipment distributed to the applicant.
2. Applicants whose monthly gross income is less than or equal to the Economic Needs Guidelines found in § 3.2 A 3 of these regulations shall not be required to participate in the cost of any telecommunications equipment distributed to the applicant.
3. All other applicants are required to participate in the cost of any telecommunications equipment distributed to the applicant. The portion paid by the applicant, to the vendor, is equal to the amount their family's monthly gross income exceeds the following Economic Needs Guidelines, but not to exceed the approved equipment's total price.

	<u>Monthly Gross Income</u>	<u>Annual Gross Income</u>
Family of 1	\$1,210	\$14,520
Family of 2	1,583	18,996
Family of 3	1,995	23,940
Family of 4	2,327	27,924
Family of 5	2,699	32,388
Family of 6	3,072	36,864

a. Applicants whose monthly gross income exceeds the guidelines by more than the equipment's total purchase price (where the applicant's portion is the total purchase price) will be issued a coupon with a valid amount of \$0. The approved applicant may use this coupon to purchase the approved equipment at the state-contract price.

b. If an applicant is paying monthly installments toward a debt(s), then the amount of one monthly installment will be subtracted from the applicant's expected contribution before the valid amount of the coupon is determined, only when:

1. The debt(s) is rendered for nonpreventative medical or dental services; and
2. The debt(s) is rendered to or for the applicant or individuals whom the applicant is legally responsible to support or is legally supported by.

§ 3.3. Type of equipment.

Depending upon the type of sensory loss, the applicant must choose the type(s) of equipment requested. The equipment available through the program includes: TDDs, braille TDDs, amplified handsets and ring signal devices.

PART IV. APPLICATION PROCEDURES.

§ 4.1. The application may be obtained from the department or the department's outreach specialists or other authorized distribution centers. Completed applications shall be forwarded to:

Virginia Department for the Deaf and Hard-of-Hearing
ATTN: TAP Program
101 N. 14th St., 7th Floor
Richmond, VA 23219-3678

§ 4.2. Processing applications.

A. Approval of applications.

If an applicant satisfies all eligibility requirements as defined in § 3.1 of these regulations, the coordinator shall

approve the application, except as follows.

1. Original application.

- a. When the applicant has already been issued a coupon which is still valid towards the purchase of telecommunications equipment under this program.
- b. When the applicant has received a device from the TAP Program within the preceding four years.

2. Replacement request.

- a. A device previously issued by the department has been subjected to abuse, misuse or unauthorized repair by the recipient.
- b. The recipient fails to provide a police report of a stolen device.
- c. The recipient is found negligent in the police report, such as doors to the house or car left unlocked or unattended.
- d. The recipient has lost the device.
- e. The recipient has sold the device.
- f. The recipient refuses to cooperate with the police investigation or in the prosecution of the suspect, including the refusal to testify in court against said persons.

§ 4.3. Notice of action on approved or denied applications.

The recipient will be notified of a decision regarding an original application within 30 days of the completion date.

PART V. COUPON SYSTEM.

§ 5.1. Original issuance of coupon for purchase of telecommunications equipment will be processed as follows:

1. The TAP Program Coordinator shall issue coupons varying in amount, but not exceeding the equipment's contracted price, for the purchase of approved equipment to persons determined to be eligible for the program. The coordinator will attach a list of contracted vendors who sell the approved telecommunications equipment.
2. The coupon entitles the recipient to the approved equipment at the state-contract rate.
3. The recipient will present or send the coupon to the vendor to make a purchase of approved equipment within 30 days of the coupon's issuance date. (This date is found on the line "Recipient must

redeem by.")

4. The coupon will have the signature and signature date of the recipient. The signature date indicates the order date for approved equipment by the recipient.

5. The vendor will complete their section, including signature and date, documenting the corresponding serial numbers for all approved equipment. The serial number for all equipment is required for reimbursement.

6. Within 30 days of the order date, the vendor will forward the coupon to the Virginia Department for the Deaf and Hard-of-Hearing (VDDHH). An invoice for payment must accompany the coupon for reimbursement. When submitting the coupon and invoice for payment, the vendor is required to provide proof of delivery to the recipient. This proof must include the recipient's signature indicating receipt of the approved equipment.

7. Payment reimbursed from VDDHH to the vendor shall not exceed the valid amount, found in the upper right-hand corner, of the coupon.

8. The difference between the equipment's state-contracted price under the program and the value of the coupon will be collected by the vendor from the recipient.

9. Upon receipt of the authorized coupon, accompanying invoice, and confirmation of satisfactory delivery of the equipment, VDDHH will process an accounting voucher for the valid amount. The agency accounting voucher will be processed with an appropriate due date in accordance with the terms and conditions set forth in the Commonwealth's Prompt Payment Act.

§ 5.2. Ownership.

All telecommunications devices are the property of the recipient.

§ 5.3. Liability.

Recipients are responsible for any repairs to or loss of a device issued in the program.



TELECOMMUNICATION ASSISTANCE PROGRAM (TAP)
eligibility application for telecommunication equipment for hearing impaired and speech impaired people.

FOR OFFICE USE ONLY

PLEASE PRINT OR TYPE

1. NAME OF PERSON WHO WILL USE THIS EQUIPMENT:

Last First MI

2. BIRTHDATE: / / 3. APPLICATION: ORIGINAL RENEWAL

4. HOME ADDRESS:

Number Street Name Apt. #
City State Zip

5. MAILING ADDRESS (if Different):

Number Street Name Apt. #
City State Zip

6. HOW LONG HAVE YOU LIVED IN VIRGINIA? SINCE / / month year

7. CITY/COUNTY YOU LIVE IN? (Circle)

8. DO YOU NOW HAVE A TELEPHONE IN YOUR HOME?
 YES NO
9. DO YOU NEED TRAINING TO USE THESE MACHINES? YES NO

9. NAME OF PERSON TELEPHONE IS LISTED UNDER:
Last First MI

11. FAMILY MONTHLY INCOME (per month only): \$ / / mo.

13. MARRIED SINGLE DIVORCED WIDOWED

12. FAMILY SOURCE OF INCOME: (Use Instruction Codes)

13A. SPOUSE NAME:
Last First MI

14. HOW MANY DEPENDENTS? (FAMILY SIZE—include yourself)

15. APPLICANT CERTIFICATION:

I CERTIFY:

- The information on this application is true.
- I live in Virginia.
- I am hearing-impaired and/or speech-impaired.
- There is telephone service in my home now or I will get telephone service as soon as your office lets me know that I will get the machine that I ask for.

I UNDERSTAND:

- If any information on this application is not true I will have to give all equipment back to VDDHH.
- I accept responsibility for the machines.
- I accept responsibility for all repair and maintenance costs.
- I accept responsibility for all of my telephone bills.

SIGN HERE:

If the person who will use this equipment is a minor, a parent or legal guardian must sign here.

Soc. Sec. # / / Date: / /

Soc. Sec. # / / Date: / /

16. THE EQUIPMENT BOX — CHECK (✓) THE CORRECT GROUP

<input type="checkbox"/> DEAF (Only Check One Box) <input type="checkbox"/> TDD & Visual Ring <input type="checkbox"/> TDD Only <input type="checkbox"/> Visual Ring Signal Only	<input type="checkbox"/> SEVERELY HEARING-IMPAIRED (Check One Box in Each Group) <input type="checkbox"/> TDD <input type="checkbox"/> Volume Control Telephone for the hearing-impaired.	<input type="checkbox"/> SPEECH-IMPAIRED (Only Check One) <input type="checkbox"/> TDD Only <input type="checkbox"/> Volume Control Telephone for speech-impaired only.
--	--	--

17. PROFESSIONAL CERTIFICATION (mark the appropriate category):

- a doctor (licensed physician) a Va. School for the Deaf Rep. a DRS or DVH Rep. other appropriate agency Rep.
 an audiologist a speech/language pathologist (before using this category contact VDDHH)

I Certify That this applicant meets the definition of "Deaf," "Severely Hearing-Impaired," or "Speech Impaired" given on the reverse side of this application. (Please see back of this form for a definition of each impairment and a description of each device)

Name of Certifying Person: / / State Lic. # (if applicable):

Name of Agency: / / State Lic. # (if applicable):

Address: / / Day Phone Number: / /

Signature: / / Date: / /

Applicants for this program shall be afforded equal opportunity without regard to race, color, religion, national origin, political affiliation, handicap, sex or age.

Mail Completed Application TO: VDDHH/101 N. 14th St., 7th Floor, Richmond, VA 23219-3678 VDDHH Office: 1-800-552-7917 (V/TDD)

INFORMATION AND INSTRUCTIONS

ELIGIBILITY:

Applicants for this program must meet the following eligibility requirements:

- Be certified by a qualified professional as meeting one of the following criteria. For equipment assignment, applicants may be certified in only one category.

a. **DEAF**... means a hearing loss that requires use of a TDD to communicate effectively on the telephone.

b. **SEVERELY HEARING-IMPAIRED**... means a hearing loss that requires use of either a TDD or an amplified receiver to communicate effectively on the telephone.

c. **SPEECH-IMPAIRED**... means a loss of verbal communication ability which prohibits normal usage of a telephone.

- Be an established resident of Virginia.
- Complete TAP Application.
- Have telephone service in their residence or agree to get such service upon eligibility approval.
- No one else in the same household has received the same equipment from TAP in the last four years.

CERTIFICATION:

- APPLICANT CERTIFICATION:** Applicant must provide all personal information on upper portion of the application (white area), and sign and date the applicant certification statement. If applicant is less than 18 years of age a parent or legal guardian must also sign.
- PROFESSIONAL CERTIFICATION:** A designated professional must complete the bottom portion of the application (gray area) in consideration of the eligibility requirements and recommended equipment. If you do not fit into a category call VDDHH before certifying applications.

ADDITIONAL INFORMATION:

Equipment will be purchased by qualified applicant by using the VDDHH Coupon.

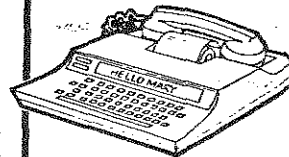
Virginia Department for the Deaf and Hard of Hearing (VDDHH)
101 N. 14th Street, 7th Floor
Richmond, VA 23219-3678
Telephone: 1-800-552-7917 (V/TDD)

EQUIPMENT:

Applicants may qualify for one or more of the types of equipment described below.

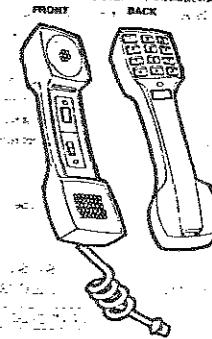
COULD ANY OF THESE MACHINES HELP YOU?

TDD-Telecommunication Device for the Deaf



A TDD is a machine that looks like a small typewriter. To use it you put your telephone handset on the TDD (see picture). Then you type what you want to say. The person you are talking to must also have a TDD. That person will see the words you type on his TDD. He can use his machine to type to you. You will see what he types on your TDD.

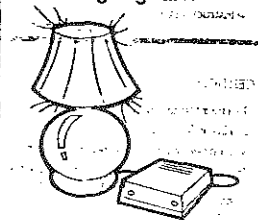
Volume Control Telephone



A Volume Control Telephone lets you change how loud your voice sounds or how loud the person you are talking to must also have a TDD. That person will see the words you type on his TDD. He can use his machine to type to you. You will see what he types on your TDD.

- FOR HEARING IMPAIRED PEOPLE**—This telephone makes the person you are talking to sound louder.
- FOR SPEECH IMPAIRED PEOPLE**—This telephone makes your voice sound louder.

Ring Signaler



A Ring Signaler is a machine that helps you know when someone is calling you on the telephone. There are 2 kinds of Ring Signalers.

1. A machine that will turn a light on and off when someone is trying to call you on the telephone.



2. A machine that makes a very loud ring when someone is trying to call you on the telephone.

A Ring Signaler can be used with a TDD or a Volume Control Telephone.

* * * * *

Title of Regulation: VR 245-03-01. Regulations Governing Interpreter Services for the Hearing Impaired.

Statutory Authority: § 63.1-85.4 of the Code of Virginia.

Public Hearing Dates:

- Region 1: April 13, 1989 - 7 p.m.
 - Region 2: April 14, 1989 - 7 p.m.
 - Region 3: April 21, 1989 - 7 p.m.
 - Region 4: April 15, 1989 - 7 p.m.
 - Region 5: April 20, 1989 - 7 p.m.
 - Region 6: April 24, 1989 - 7 p.m.
 - Region 7: April 17, 1989 - 7 p.m.
- (See Calendar of Events section for additional information)

Summary:

These regulations specify the qualifications needed for an interpreter to be listed in a directory of qualified interpreters for the hearing impaired and includes the provision of state screenings as one form of qualification.

VR 245-03-01. Regulations Governing Interpreter Services for the Hearing Impaired.

**PART I.
DEFINITIONS.**

§ 1.1. Definitions.

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

"ASL" (American Sign Language) means the manual language predominantly used by members of the deaf community.

"Assessment team" refers to the group of individuals who serve on the panel for Virginia Quality Assurance Screenings.

"Candidate" refers to any person who has applied to take the Virginia Quality Assurance Screening.

"Certified interpreter" refers to an advanced level interpreter who holds valid certification issued by the Registry of Interpreters for the Deaf, Inc., or a cued speech interpreter certified by the National Cued Speech Association.

"Closed screening" means a screening which may be offered to a group who has requested a screening for eight candidates within that group. Candidates on the waiting list to be screened may not be notified of closed screenings.

"Code of ethics" means the guidelines for interpreters as established by the national Registry of Interpreters for the Deaf, Inc.

"Consumer" refers to any hearing or hearing-impaired recipient of interpreter services.

"Coordinator" refers to the Coordinator of Interpreter Services in the Department for the Deaf and Hard-of-Hearing.

"Cued speech" means the phonetically-based hand supplement to speechreading which is independent to all sign language modalities.

"Department" means the Virginia Department for the Deaf and Hard-of-Hearing.

"Director" refers to the Director of the Virginia Department for the Deaf and Hard-of-Hearing.

"Directory" means the listing of qualified interpreters for the hearing impaired as compiled by the department.

"Expressive" means to convey a spoken message into a visual equivalent.

"Freelance" means to contract independently without long-term contractual commitments to any one employer.

"Hearing" refers to any person who is able to comprehend conversational speech and can speak intelligibly.

"Hearing-impaired" refers to any person who is unable to comprehend conversational speech without the aid of an assistive device, such as a hearing aid, audible loop, or interpreter.

"Interpret" means to accurately convey messages without personal interjection between two or more parties using two languages.

"Interpreter" refers to any person who intermediates for the purpose of communication between two or more parties using different languages or different forms of the same language and refers to sign language, oral, and cued speech interpreters and transliterators. When the term is used to specifically identify an interpreter who interprets using ASL, this text will so indicate.

"Interpreting (ASL)" means the specific process of interpreting ASL vocabulary, structure, and components and does not include oral, cued speech, or other forms of interpreting using an English-based structure. The term is used specifically herein when discussing components of the VQAS assessment process.

"MLS" (Minimal Language Skills) means a communication model, which may include informal gestures and home-signs, characterized by limited, or

Proposed Regulations

minimal, expressions based on a recognized language.

"Oral" means a communication mode which is dependent upon lipreading.

"Panel" refers to the people selected to serve on an assessment team of the quality assurance screening.

"Panelist" refers to any person who has satisfied the requirements for serving as a member of the assessment team for quality assurance screenings.

"QAS" (Quality Assurance Screening) means the process of assessing candidates to determine a level of interpreting competency. Standards established for the QAS are based on those originally set forth by the national Registry of Interpreters for the Deaf, Inc.

"Qualified interpreter" refers to an interpreter who currently holds valid national certification or a state screening/evaluation level.

"Receptive" means to convey a visual message into a spoken equivalent.

"RID" (Registry of Interpreters for the Deaf, Inc.) means the national governing body of the interpreting profession.

"Screening" means the Virginia Quality Assurance Screening.

"Screening level" means the level of competency awarded to an interpreter who has successfully satisfied the minimum standards established for VQAS.

"Service provider" refers to the person requesting interpreter services who may or may not also be the consumer.

"Transliterate" means to accurately convey messages without personal interjection between two or more parties using different forms of the same language, such as written or spoken English and a manually-coded form of English.

"VQAS" means Virginia Quality Assurance Screening.

PART II. GENERAL INFORMATION.

§ 2.1. Authority for regulations.

Section 63.1-85.4:1 of the Code of Virginia establishes the responsibility of a statewide interpreter service as follows: "The department is authorized to establish, maintain, and coordinate a statewide interpreter service to provide courts, state and local legislative bodies and agencies, both public and private, and hearing-impaired persons who request the same with qualified interpreters for the hearing impaired out of such funds as may be appropriated for these purposes. Those courts and state

and local agencies which have funds designated to employ qualified interpreters shall pay for the actual cost of such interpreter. The department is further authorized to establish and maintain lists of qualified interpreters for the hearing impaired to be available to the courts and state and local legislative bodies and agencies, both public and private, and to hearing-impaired persons." Section 63.1-85.4 authorizes the department to make, adopt and promulgate such regulations, consistent with Chapter 5.1 (§ 63.1-85.1:1 et seq.) of Title 63.1 of the Code of Virginia, as may be necessary to carry out the purpose and intent of this chapter and other laws of the Commonwealth as administered by the director of the department.

§ 2.2. Purpose of regulations.

The department has promulgated these regulations to establish consistency and fairness in the provision of the directory of qualified interpreters for the hearing impaired.

§ 2.3. Administration of regulations.

These regulations are administered by the director of the department.

§ 2.4. Recipients of services.

These regulations shall apply specifically to persons who are interested in being listed in the directory.

§ 2.5. Effective date of regulations.

These regulations will be effective 30 days from the date final regulations are published in The Virginia Register of Regulations.

§ 2.6. Application of the Administrative Process Act.

The provisions of the Administrative Process Act govern the adoption of these regulations and any subsequent amendments.

§ 2.7. Powers and procedures of regulations not exclusive.

The department reserves the right to authorize any procedure necessary for the enforcement of the provisions set forth herein under the provisions of § 63.1-85.4:1 of the Code of Virginia.

PART III. ADMINISTRATION OF INTERPRETER SERVICES.

§ 3.1. Qualifications of interpreter eligibility.

A. The department will provide, upon request, information about the different levels of qualifications and the various modes of communication. Hearing-impaired consumers may use any of the following communication modalities:

1. ASL;

Proposed Regulations

2. Manually-coded forms of English;
3. Oral;
4. Cued Speech; or
5. MLS.

B. The department will also:

1. Compile a directory of qualified interpreters;
2. Distribute the directory upon request;
3. Refer only qualified interpreters to consumers and service providers; and
4. Assist consumers and service providers in selecting an appropriate interpreter when requested.

C. The department may:

1. Assign interpreters when requested by a consumer or service provider; and
2. Compensate interpreters from available funds appropriated for that purpose.

§ 3.2. Directory of qualified interpreters.

A. A qualified interpreter listed in the directory holds at least one of the following credentials:

1. RID certification;
2. VQAS screening level;
3. Certification issued by the National Cued Speech Association; or
4. A screening level or recognized evaluation from another state when:

- a. The credentials meet the minimum requirements of VQAS;*
- b. The credentials are valid and current in the state issued.*

NOTE: Notwithstanding subdivision 4 of this subsection, the interpreter must receive a VQAS screening level or national certification within one year from the date listed in the directory.

B. Before an interpreter will be listed in the directory, the department will:

1. Verify the validity of all credentials;
2. Ensure that all credentials are current; and

3. Obtain a written request from the interpreter to be listed in the directory as a qualified interpreter.

§ 3.3. Appeal procedure.

If an interpreter desires to contest the department's decision to exclude that interpreter's request to be listed as a qualified interpreter, that interpreter must file a written appeal with the director within 30 days of the determination. The director, or designee, shall provide an informal conference with that interpreter within 30 days from the date received.

PART IV. VIRGINIA QUALITY ASSURANCE SCREENINGS (VQAS).

In order to maintain the referenced directory and ensure the maintenance of quality interpreter services, the department will administer Virginia Quality Assurance Screenings in accordance with the provisions specified in this part.

§ 4.1. Notification of intent to be screened.

Candidates interested in being screened should contact:

*Coordinator of Interpreter Services
Virginia Department for the Deaf and Hard-of-Hearing
James Monroe Building, 7th Floor
101 North 14th Street
Richmond, Virginia 23219-3678
(804) 225-2570 in Richmond
(800) 552-7917 Toll-free Statewide*

All requests to be screened will be acknowledged by the coordinator, or designee, in writing within 30 days of receipt of the request.

§ 4.2. Scheduling of screenings.

The department may offer a screening whenever eight or more candidates are waiting to be screened but screenings may be cancelled when fewer than six candidates apply to be screened as scheduled. A minimum of two screenings per year will be offered in geographical regions most conducive to the accessibility of candidates and panelists.

§ 4.3. Notifying and scheduling of candidates.

Candidates will be notified by mail of the next scheduled screening at least 10 days prior to the scheduled date. Closed screenings may be offered upon request to groups who satisfy the requirements established by the department for offering a screening (§ 4.2).

Candidates must complete and return a form requesting to be screened. The coordinator will be responsible for scheduling and confirming requests in the order received. Candidates whose requests are received after the

Proposed Regulations

screening schedule has been filled shall be retained as alternates and may be contacted in the event of a cancellation.

§ 4.4. VQAS assessment process.

A. Assessment team.

1. A screening panel shall consist of at least three but no more than five panelists with at least one hearing and one hearing-impaired panelist.

2. Hearing panelists shall be certified interpreters who have successfully completed VQAS assessment team training as administered by the department.

3. Hearing-impaired panelists shall be fluent in both ASL and English and shall have successfully completed VQAS assessment team training as administered by the department.

4. Employees of the department may not serve as panelists.

B. Screening components.

Each screening is comprised of three major categories:

1. Part I - Code of Ethics: (General knowledge and application). May be administered prior to the other two categories - orally (in front of a live panel, on videotape, or both) or in writing (in the presence of a monitor).

2. Part II - Interpreting (ASL): (Expressive and receptive abilities using ASL vocabulary, structure, and components). May be administered in front of a live panel, on videotape, or both.

3. Part III - Transliterating: (Expressive and receptive abilities using a form of manually-coded English). May be administered in front of a live panel, on videotape, or both.

C. Awarding of screening levels.

Each panelist will independently assess a candidate's performance and assign a raw score for the required competencies within each category (Parts I, II, and III). Raw scores will be totaled for each part, converted to percentages, and averaged with the other panelists' scores. Depending on the results, a candidate may:

1. Not receive any level at this time;
2. Receive a level for Interpreting (ASL) only;
3. Receive a level for Transliterating only; or
4. Receive a level for both Interpreting (ASL) and Transliterating.

D. Criteria for screening levels.

A screening level of I, II or III will be awarded to candidates who satisfy the minimum requirements for a level. These minimum requirements are:

1. Screening Level III:

a. Interpreting (ASL) - 80% Part I - Code of Ethics and 80% Part II - Interpreting (ASL)

b. Transliterating - 80% Part I - Code of Ethics and 80% Part III - Transliterating

2. Screening Level II:

a. Interpreting (ASL) - 75% Part I - Code of Ethics and 65% Part II - Interpreting (ASL)

b. Transliterating - 75% Part I - Code of Ethics and 65% Part III - Transliterating

3. Screening Level I:

a. Interpreting (ASL) - 70% Part I - Code of Ethics and 50% Part II - Interpreting (ASL)

b. Transliterating - 70% Part I - Code of Ethics and 50% Part III - Transliterating

E. The department will notify candidates in writing of the status of their screening within 90 days of the screening date.

§ 4.5. Validity period.

A screening level shall remain valid for three years.

§ 4.6. Appeal procedure.

If a candidate desires to contest the panel's decision, the candidate must file an appeal with the director within 30 days of the date of the adverse decision. The director, or designee, shall provide for an informal conference with the candidate within 30 days. The only remedy which the director may award is the opportunity to retake the screening at the next scheduled date.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

REGISTRAR'S NOTICE: The following regulation is exempted from the Administrative Process Act under the provisions of § 9-6.14:4 B 4 of the Code of Virginia, which excludes agency action relating to grants of state or federal funds or property.
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Title of Regulation: VR 394-01-105. SHARE-Expansion Loan and SHARE-Expansion Grant Programs.

Proposed Regulations

Statutory Authority: Chapter 9 (§ 36-141 et seq.) of Title 36 of the Code of Virginia.

Public Hearing Date: N/A

(Written comments may be submitted until March 31, 1989. See Calendar of Events section for additional information.)

Summary:

Responding to critical housing problems facing the Commonwealth, as documented in the 1987 Annual Report of the Virginia Housing Study Commission, the Governor and the General Assembly established the Virginia Housing Partnership Loan Fund. The purpose of the fund is to increase the availability of decent and affordable housing for low and moderate income Virginia residents through the provision of grants and low interest loans. The SHARE-Expansion Loan Program and the SHARE-Expansion Grant Program provide loans and grants for the acquisition or expansion of emergency shelters, transitional facilities, or single room occupancy (SRO) units. Program sponsors may apply to either or both programs.

The proposed program guidelines for the SHARE-Expansion Loan and SHARE-Expansion Grant Programs provide the basic technical and administrative framework for distributing program funds throughout the Commonwealth.

VR 394-01-105. SHARE-Expansion Loan and SHARE-Expansion Grant Programs.

**PART I.
GENERAL.**

§ 1.1. Definitions.

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

"Acquisition" means the purchase of real property (building, structures, land).

"Application" is the request, on behalf of the applicant to the State, for a loan or grant fund reservation under the SHARE-Expansion Loan and Grant Programs.

"Appraised value" is the value of the building and land as determined by a certified appraiser for marketing purposes.

"Assessed value" is the value of the building and land as determined by the real estate assessment office of the local government for tax purposes. The applicable assessed value shall be that which is in effect as of the application date.

"DHCD" means the Department of Housing and

Community Development.

"Emergency shelter" means a building or facility operated on a nonprofit and nondiscriminatory basis, which provides free temporary accommodations and related human services for homeless persons, wherein the typical stay is less than 30 days.

"Energy grant" means a grant which may be awarded to finance certain energy-related improvements within the SHARE-Expansion Loan Program.

"Energy-related improvements" means physical improvements to structures which are being rehabilitated which contribute to fuel cost savings and overall less energy consumption, and which have been so designated by the department. They may include installation or replacement of storm doors and windows; caulking and weatherstripping; roof, floor and wall repair as associated with insulation improvements; and furnace repair.

"Expansion" means increasing the number of beds provided by the sponsor through rehabilitation, addition of new space to an existing building, through the acquisition of an existing building, or through construction. The addition or rehabilitation of nonresidential space which is essential to the operation of the facility is also permitted, but only in conjunction with an increase in beds.

"Facility" means either an emergency shelter, transitional shelter, or single room occupancy housing.

"Fund" means the Virginia Housing Partnership Fund.

"Grant" means a grant made under SHARE-Expansion Grant Program.

"Grant agreement" means the agreement between DHCD and the project sponsor pertaining to the terms and conditions provided within the SHARE-Expansion Grant Program.

"Grantee" means a grant recipient under the SHARE-Expansion Program.

"Homeless" means persons or families who are without housing or who are in imminent danger of being without housing.

"Loan" means a loan made under SHARE-Expansion Loan Program.

"Loan agreement" means the agreement between DHCD and the project sponsor pertaining to the terms and conditions provided in the SHARE-Expansion Loan Program.

"Locality" means a city or county.

"Project sponsor" is a nonprofit, incorporated organization or governmental entity. Examples of project

Proposed Regulations

sponsors include, but are not limited to, cities, counties, towns, redevelopment and housing authorities, area agencies on aging, independent nonprofit housing organizations and others.

"Program" means the SHARE-Expansion Loan and SHARE-Expansion Grant Programs.

"Rehabilitation" means substantial physical improvements/repairs to a facility which will secure it structurally, correct building, health or fire safety code related defects, increase energy efficiency and assure safe and sanitary operation.

"State" means the Department of Housing and Community Development or such other entity as DHCD shall designate to act on its behalf.

"Single room occupancy housing" means permanent residential facilities for the homeless, consisting of a single room housing unit with either private or shared bath facilities with the optional provision of kitchen facilities, and in which rents may be charged to occupants.

"Transitional housing" means residential facilities for the homeless designed to meet their longer-term housing and human services needs, wherein the typical stay is over 30 days and less than two years, and in which rents may be charged to occupants.

"VHDA" means Virginia Housing Development Authority.

PART II. ELIGIBILITY.

§ 2.1. Eligible applicants.

To be eligible applicants must be:

1. Nonprofit organizations incorporated under the laws of the Commonwealth of Virginia; or
2. Governmental entities, including redevelopment and housing authorities.

§ 2.2. Eligibility requirements.

To be eligible applicants:

1. Must be providing for expansion of number of beds, not just rehabilitation;
2. Must match SHARE funds for non-Virginia Housing Partnership Funds on a one-for-one basis. The department reserves the right to reduce the match for SRO's in order to meet the goals and objectives of the program; and
3. Must operate on year-round basis.

§ 2.3. Eligible activities.

To be eligible activities must be related to:

1. Acquisition, new construction, rehabilitation, and furnishings which will result in an increase in the number of beds provided.
2. Energy-related improvements are encouraged.

NOTE: Luxury improvements are prohibited.

§ 2.4. Operational requirements.

To be eligible applicants:

1. Must operate facility for the homeless.
2. Must practice nondiscrimination in all programs and services including, but not limited to the delivery of services, opportunities or benefits based on race, national origin, color, or religion;
3. Must not require participation in a religious, sectarian, or philosophical service, rite, meeting or ritual as a condition for receiving shelter or related services;
4. Must not require a fee or donation as a condition for receiving emergency shelter or related services (transitional and SRO housing are excluded);
5. Must operate a facility that is in compliance with applicable state and local health, building and fire safety codes, or agree to make necessary improvements/repairs for such code compliance on such schedule as the department shall determine.

PART III. DISTRIBUTION OF FUNDS.

§ 3.1. Distribution of funds.

A. Funding priority.

There are no set asides although the department shall endeavor to fund at least one emergency shelter, one transitional facility, and one single room occupancy facility.

B. Competitive ranking.

All applications will be ranked competitively by the department within the areas of cost effectiveness, administrative capacity, leveraging, project readiness, unmet needs, and the provision of support services. There are no geographic set asides of funds; however, the department shall seek to achieve an equitable geographic distribution of funds.

Further explanation of selection criteria is as follows:

Proposed Regulations

Cost effectiveness. The number of additional persons sheltered or housed versus dollars expended.

Administrative capacity. The ability of the applicant to carry out the proposed activities.

Leveraging. Preference is given to projects with local match over 50%.

Project readiness. Firmness of the match funds, the availability or readiness of the site, application for use permits, and other appropriate factors which indicate that the project will move forward in a timely fashion if funded.

Unmet need. Needs assessment of area based on what is or is not currently available in the geographic area the project will serve.

Provision of support services. For emergency shelters and transitional housing, the degree to which local human services are or will be provided to assist homeless persons in making a transition to permanent accommodations. For SRO projects, the amount and type, if any, of support services that will be provided.

In addition, bonus points will be given to all projects that include a SHARE-Expansion Loan request as part or all of the project.

C. Maximum amount for each application.

The maximum amount available for each loan or grant application, or both, is as follows:

- 1. Loan or grant, or both, to shelter or transitional facility - \$125,000.*
- 2. Loan or grant, or both, to SRO - \$500,000.*

PART IV.

LOAN AND GRANT TERMS AND CONDITIONS.

§ 4.1. Loan and grant terms and conditions.

A. Loans will have a 0% interest rate for a term of up to 15 years. Energy-related improvements may be eligible for an energy grant. Loan recipients will sign a loan agreement, note, and deed of trust with the state.

B. Grants must be repaid to the state, if during the first five years after the closing of the grant(s), the facility is used for some purpose other than that stated in the grant or loan agreement, unless approved by the state.

C. All loans and grants exceeding \$10,000 total will be secured by a lien on the property. This lien may be subordinate to any primary financing on the project. Title insurance will be required unless waived by the department for loans or grants, or both, over \$10,000.

D. Loan and grant applications will be analyzed by DHCD staff on two financial criteria:

- 1. The project sponsor's track record and potential for raising the funds needed for loan amortization will be analyzed.*
- 2. The loan or grant amount plus any existing debt may not exceed 100% of the after-rehab property value. After-rehab property value may be estimated by the local tax assessor based on the current tax assessed value and the work write-up, cost estimates, and design plans for the rehabilitation, or it may be estimated by an appraiser using the current market appraisal and the related plans for rehabilitation.*

E. The Virginia Housing Development Authority will disburse funds and collect payments for loans.

F. The project sponsor must own the property or have a lease for use of the building. If the project sponsor is leasing the property, that lease must be for a period of not less than 10 years, unless otherwise approved by the state.

G. A loan or grant may be assumed provided the new borrower continues to comply with the requirements of the loan or grant agreement, and approval is given by DHCD.

H. SHARE-Expansion Loans may not be prepaid unless authorized by the state.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

REGISTRAR'S NOTICE: Due to its length, the regulation entitled "Eligibility Conditions and Requirements" filed by the Department of Medical Assistance Services is not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, a summary is being published in lieu of full text. Also, the page containing the proposed amendments is set out below. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and the Department of Medical Assistance Services.

Title of Regulation: VR 460-02-2.6100. Eligibility Conditions and Requirements: State Plan for Medical Assistance Relating to Continued Eligibility for Pregnant Women.

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

Public Hearing Date: N/A

(Written comments may be submitted until May 25, 1989. See Calendar of Events section for additional information.)

Summary:

Proposed Regulations

This proposed regulation intends to provide continuous eligibility for pregnant women, once their Medicaid eligibility is established, without regard for changes in their family income for the duration of their pregnancies.

May 11, 1989. See Calendar of Events section for additional information.)

Revision: HCFA-PM-87-4 (BERC) ATTACHMENT 2.6-A
MARCH 1987 Page 8
OMB No.: 0938-0193

Summary:

Section 63.1-25 of the Code of Virginia delegates authority to the State Board of Social Services to promulgate rules and regulations necessary for operation of public assistance programs in Virginia. The proposed regulations will replace existing regulations and permit continuation of the Aid to Dependent Children - Unemployed Parent Demonstration (ADC-UP Demo) Project through June 30, 1990, or until the \$2.5 million appropriated for the biennium has been expended, whichever occurs first. This program provides financial assistance to needy two-parent unemployed families in the most economically depressed areas of Virginia. The ADC-UP Demo Project's eligibility criteria are based upon the federal requirements of the Aid to Families with Dependent Children - Unemployed Parent (AFCD-UP) Program found at 45 CFR § 233.100. However, several requirements have been modified to make the project more responsive to unemployed families in Virginia. Except for a minor rewording to clarify the regulation's intent, the regulation set forth herein relative to ADC-UP Demo is identical to emergency regulation VR 615-01-15 published August 1, 1988, in Volume 4, Issue 22 of the Virginia Register of Regulations.

Citation	Condition or Requirement
	... The disregards of the State supplementary payment program, as follows:
	... The disregards of the SSI program, except for the following restrictions applied under the provision of § 1902(f) of the Act.
1902(1)(3)(E) of the Act, P.L. 99-509 (§ 9401(b))	e. For pregnant women and infants or children covered under the provisions of § 1902(a)(10)(A)(ii)(IX) of the Act - (1) In determining countable income, the following disregards and exemptions are those in the State's approved AFDC plan; or those in the State's approved title IV-E plan, as appropriate.
1902(e)(6) of the Act, P.L. 99-509 (§ 9401(d))	XX (2) The agency continues to treat women as being eligible under the provisions of § 1902(a)(10)(A)(ii)(IX) of the Act, without regard to any changes in family income until the end of the 60-day period beginning on the last day of pregnancy.

VR 615-01-15. Aid to Dependent Children - Unemployed Parent Demonstration (ADC-UP Demo) Project.

PART I. DEFINITIONS.

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

"Exempt resources" means the home in which the assistance unit lives and its contents; one motor vehicle with an equity value of \$1,500 or less; income producing farm and business equipment; cash and other assets, the total of which does not exceed the established resource maximum of \$1,000; one burial plot per assistance unit member; and burial funds or funeral arrangements, or both, with an equity value of \$1,500 or less per assistance unit member.

"Principal wage earner" means the parent in the home who earned the greater amount of income in the 24-month period, the last month of which immediately precedes the month in which an application is filed for assistance.

"Resource" means real and personal property, both liquid and nonliquid, including cash, bank accounts, the cash value of bank accounts, the cash value of life insurance, trust funds, stocks, bonds, mutual funds, or any

CERTIFIED:

/s/ Bruce U. Kozloski, Director
Department of Medical Assistance Services
Date: March 4, 1989

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

Title of Regulation: VR 615-01-15. Aid to Dependent Children - Unemployed Parent Demonstration (ADC-UP Demo) Project.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Public Hearing Date: N/A
(Written comments may be submitted until

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other financial instruments, which the assistance unit has the right, authority, or power to liquidate.

"Sibling" means two or more children with at least one natural parent in common.

"Standard of assistance" means the dollar amount, based on the family size, which has been established to cover predetermined monthly maintenance needs. The standard of assistance represents payment levels at 90% of the standard of need.

"Unemployed" means gross wages from employment do not exceed 185% of the state's standard of need.

PART II. HOUSEHOLD COMPOSITION.

§ 2.1. Aid to Dependent Children - Unemployed Parent Demonstration (ADC-UP Demo) Project is limited to those families with a child under 18, or under 19 if enrolled in a full-time secondary, vocational, or technical school and is expected to graduate before reaching the age of 19, who would be eligible for assistance through the Aid to Dependent Children Program except that he is not deprived due to the continued absence, death, or incapacity of at least one parent, as long as the principal wage earner:

1. Has been unemployed for 30 days prior to receipt of assistance; and
2. Has not without good cause, within such 30-day period prior to receipt of assistance, refused a bona fide offer of employment or training; and
3. Has an attachment to the work force as evidenced by six or more quarters of work within any 28-calendar-quarter period ending within one year prior to application for assistance, or within such one-year period, received unemployment compensation under an unemployment compensation law of a state or of the United States or would have "qualified" for unemployment compensation under the state's unemployment compensation law if he had filed application for same, or he performed work not covered by such law, which if it had been covered, would (together with any covered work he had performed) have made him eligible to receive such benefits upon filing an application; or
4. Is the head of a young family with an insufficient work history or an individual who has been unable to accumulate the required number of work quarters due to illness.

§ 2.2. Any sibling of a child who is deprived based on the unemployment of a parent, who is himself deprived based on the continued absence or death of a parent and who is financially ineligible for assistance through the Aid to Dependent Children (ADC) Program, will be included in

the ADC-UP Demo Project assistance unit.

PART III. FINANCIAL ELIGIBILITY.

§ 3.1. The family's total income must be below the Aid to Dependent Children Program's Standard of Assistance for the appropriate family size. Income disregards used in the Aid to Dependent Children (ADC) Program are also applicable.

PART IV. EMPLOYMENT SERVICES.

§ 4.1. In order for the family to be eligible for assistance, the principal wage earner must participate in a program of employment services which will consist of the following components:

1. Job search.
2. Work experience.
3. Education/training.

PART V. RESOURCES.

§ 5.1. The total nonexempt resources of the family cannot exceed \$1,000.

§ 5.2. The family will be ineligible for assistance if they improperly transfer or improperly dispose of their legal or equitable interest in nonexempt resources within two years from the date of application.

PART VI. APPLICATION PROCESS.

§ 6.1. The application must be acted upon as quickly as possible; however, in all instances a determination regarding eligibility must be made within 45 days from the date the signed application is received in the agency.

PART VII. ENTITLEMENT.

§ 7.1. Entitlement to assistance is limited to twelve months during the period beginning July 1, 1988, and ending June 30, 1990, unless the principal wage earner is participating in an education or training activity in conjunction with the family's participation in a program of employment services. Such families will have their eligibility extended for the duration of their education or training or until the expiration of the ADC-UP Demo Project, whichever occurs first.

PART VIII. MEDICAL ASSISTANCE.

§ 8.1. Recipients of assistance through the Aid to

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Dependent Children - Unemployed Parent Demonstration (ADC-UP Demo) Project will not automatically be eligible for medical assistance through the Medicaid Program.

PART IX. LOCAL PARTICIPATION.

§ 9.1. Participation in the project will be limited to the 11 localities which were experiencing double-digit unemployment in 1987 based on Virginia Employment Commission "Preliminary County/City Annual Average Unemployment Rates - 1987."

* * * * *

Title of Regulation: VR 615-45-2. Child Protective Services Client Appeals.

Statutory Authority: §§ 63.1-25 and 63.1-248.6:1 of the Code of Virginia.

Public Hearing Date: N/A

(Written comments may be submitted until May 25, 1989. See Calendar of Events section for additional information.)

Summary:

This regulation establishes the procedures under which individuals who are found or suspected to have abused/neglected children can request that the report made by the local department of social services be amended. It recognizes the need to provide a structure through which such individuals can exercise their constitutionally assigned due process rights when such findings are made against them.

VR 615-45-2. Child Protective Services Client Appeals.

PART I. DEFINITIONS.

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

"Alleged abuser" means any person who is the subject of a complaint and is suspected of or is found to have committed the abuse or neglect of a child pursuant to § 63.1-248 et. seq. of the Code of Virginia.

"Child protective services" means the identification, receipt and immediate investigation of complaints and reports of child abuse and neglect for children under 18 years of age. It also includes documenting, arranging for, and providing social casework and other services for the child, his family, and the alleged abuser.

"Complaint" means a valid report of suspected child abuse/neglect which must be investigated by the local department of social services.

"Final disposition" means the determination of founded, reason to suspect, or unfounded made on each complaint by the investigating worker.

"Founded" means that a review of the facts shows clear and convincing evidence that child abuse or neglect has occurred.

"Reason to suspect" means that a review of the facts shows no clear and convincing evidence that abuse or neglect has occurred. However, the situation gives the worker reason to believe that abuse or neglect has occurred.

"Unfounded" means that a review of the facts shows no reason to believe that abuse or neglect has occurred.

PART II. POLICY.

§ 2.1. Appeal process.

Appeal is the process by which the alleged abuser may request amendment of the record in cases where the investigation has resulted in a "founded" or "reason to suspect" disposition.

A. Final disposition.

The investigating agency shall notify the alleged abuser of its disposition of the investigation in writing, to be mailed to the alleged abuser by certified mail, return receipt requested. The notice shall state the finding as "founded" or "reason to suspect" and outline the rights of appeal and the right to review the case record pursuant to the Virginia Privacy Protection Act of 1976 (§ 2.1-377 et seq. of the Code of Virginia).

B. Local conference.

1. A request to amend the record must be made in writing to the local director within 30 days of receipt of the agency notice by the alleged abuser. The local department shall stamp the date of receipt on the request. The local department shall also notify the Child Protective Services Information System that an appeal is pending.

2. The local director or his designee shall arrange a convenient time for an informal conference with the appellant. Participants in the conference will include the appellant and, if the appellant chooses, his authorized representative, and the worker who made the disposition on the case. The local director or his designee shall preside during conference; a designee must be a staff member to whom the worker who made the disposition is subordinate.

3. Prior to the informal conference, the appellant shall have the opportunity to review the case record pursuant to the Virginia Privacy Protection Act of

1976.

4. During the informal conference, the appellant may submit any additional documentation or arguments that he deems relevant to the disposition. Such documentation shall become part of the case record.

5. The presiding employee shall issue a written decision as a result of the informal conference within 30 days of receipt of the written request from the appellant. The written decision shall prescribe:

- a. What action will be taken on the request for amendment, and
- b. What further appeal rights exist.

The written decision shall be mailed to the appellant by certified mail, return receipt requested.

C. Administrative hearing.

1. The appellant may request in writing that the commissioner provide an administrative hearing to review the request for amendment:

- a. If the local department fails to render a decision within 30 days of a request by an appellant; or
- b. Within 30 days of the receipt of an unfavorable written decision of the informal conference.

2. The Commissioner shall appoint a hearing officer to conduct an administrative hearing to review the request for amendment of the case record.

3. Hearing officer's powers and responsibilities.

- a. The hearing officer shall set a convenient time for the parties involved to conduct the hearing. The hearing officer may reschedule the hearing upon good cause, such as illness.
- b. The hearing officer has no subpoena power nor authority to administer oaths or affirmations.
- c. The hearing officer may accept all relevant evidence submitted during the hearing, and shall not be bound by strict rules of evidence.
- d. Either party may have the hearing recorded by a court reporter. In the absence of a court reporter, the hearing officer shall make or cause to be made an audio recording of the entire hearing, a copy of which shall be available to either party.
- e. The hearing officer may defer his decision for a specified period after conclusion of the hearing in order for either party to present additional evidence.

f. The hearing officer may examine any witness and give the appellant and the local department an opportunity to examine any witness.

4. Hearing procedure.

a. All persons present shall be identified on the record. The appellant may be accompanied by an authorized representative.

b. The hearing officer shall explain the purpose of the hearing and the procedures that will be followed. The hearing officer shall state that the appellant must prove by a preponderance of the evidence that the case record should be amended because it contains information which is irrelevant or inaccurate.

c. The local department will submit a copy of all material in the local agency's case record which contains information and documentation used to make the determination of "founded" or "reason to suspect" in the case being appealed, which shall be accepted into evidence by the hearing officer.

d. The appellant will state his objections to the disposition reached by the local department and summarize the evidence supporting his conclusion. The appellant may submit any further relevant evidence not previously submitted to the local department.

5. Hearing decision.

a. The hearing officer shall render a written decision which shall be mailed to the appellant by certified mail, return receipt requested. A copy of the decision shall be mailed to the local department by first class mail.

b. The decision of the hearing officer shall outline:

- (1) Findings of fact;
- (2) Final disposition of the case;
- (3) Expungement or amendment of any information in the record; and
- (4) Right to judicial review.

D. Final action.

Upon receipt of the hearing officer's decision, the local department shall amend the record and the Child Protective Services Information System report in accordance with the decision.

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COMMISSION ON THE VIRGINIA ALCOHOL SAFETY ACTION PROGRAM (VASAP)

REGISTRAR'S NOTICE: Due to its length, the proposed Policy and Procedure Manual filed by the Commission on the Virginia Alcohol Safety Action Program is not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, a summary is being published in lieu of the full text. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and at the Commission on the Virginia Alcohol Safety Action Program.

Title of Regulation: VR 647-01-2. Policy and Procedure Manual.

Statutory Authority: § 18.2-271.2 of the Code of Virginia.

Public Hearing Date: June 13, 1989 - (time to be announced)

(See Calendar of Events section for additional information)

Summary:

The Commission on VASAP Policy and Procedure Manual, which incorporates Case Management and Certification Requirements manuals, was adopted on an emergency basis effective July 1, 1988, by action of the Governor. The manual establishes rules and guidelines for 26 local ASAP's for which the Commission is given oversight responsibility and sets forth minimum standards and criteria for the operation of each local program. The manual also establishes procedures under which each program is certified.

Since July 1, 1988, the commission has proposed several changes in its Policy and Procedure Manual pertaining to the certification of local programs, submission of audit results and criteria for approval and funding of local program deficits.

Those programs and groups directly affected by these proposed changes have received a copy of the manual. Additionally, a public hearing has tentatively been scheduled for June 13, 1989. The time and location will be announced at a later date.

Anyone interested in receiving a copy of the Policy and Procedure Manual may obtain a copy by calling (804) 786-5895 (ask for Kim Morris) or by writing:

*Commission on VASAP
Attn: Kim Morris
1001 East Broad Street
Suite 245, Box 28
Richmond, Virginia 23219*

Purpose of Manual:

This manual, promulgated under the authority of § 18.2-271.1 of the Code of Virginia, establishes records, maintains and updates policies and procedures for the Virginia Alcohol Safety Action Program (VASAP) for local Alcohol Safety Action Programs (ASAPs).

The manual is a part of a Policy and Procedure notebook which includes several appendices organized in five sections:

Section I: Standards for Implementation

Section II: Required Forms

Section III: Information for users

Section IV: Statutes and Attorney Generals' Opinions

Section V: Other Agency Rules

"Required Forms" and "Standards for Implementation" are considered to be standards. They are not substantive in nature but merely prescribe the forms and procedures to be used in complying with the substantive standards found in the manual. The required forms and standards will be promulgated and amended without the formal hearing process described in § 9-6.14:7 of the Virginia Administrative Process Act.

The "Statutes and Attorney Generals' Opinions" in Section IV and the "Other Agency Rules" in Section V of the Appendix are not regulations, but due to their importance in promulgating, amending and complying with these standards and criteria, they are included in this manual notebook to aid the user of the manual.

The mission of the Commission on VASAP in conjunction with the 26 local ASAP programs is to ultimately reduce threats to transportation safety caused by the use of alcohol and other drugs. The Commission on VASAP additionally has the mandate of coordinating and overseeing statewide efforts to this end.

The Commission on VASAP shall be empowered to establish and assure the maintenance of minimum standards and criteria for program operations and performance, accounting, auditing, public information and administrative procedures for the various local alcohol safety action programs, driver alcohol rehabilitation programs and other alcohol rehabilitation programs, and shall be responsible for overseeing the administration of the statewide VASAP system. The Commission shall also oversee program plans, operations, and performance and a system for allocating funds to cover deficits which may occur in the budgets of local programs.

Definition of ASAP:

ASAP is a criminal justice program that uses community and state services to reduce the problem of driving under the influence of alcohol or drugs, or both. ASAP identifies and provides offenders convicted of driving under the influence (DUI) appropriate services, consisting of driver awareness training (DAT), alcohol and drug education or counseling pursuant to a court order, or upon leave of the court. Such programs serve a probation education function through offender monitoring and follow-up.

The term "ASAP" as used in this manual includes all programs described in § 18.2-271.1(a-d) of the Code of Virginia.

History of VASAP: Justification:

Extensive research for decades has revealed that a major contribution to the problem of vehicle crashes are drivers under the influence of alcohol/drugs. In 1966, Congress enacted the Highway Safety Act which addressed the dimensions of the alcohol/drug and highway safety problem and directed the U.S. Department of Transportation to pursue programs designed to reduce this problem. As part of this direction the department established 35 pilot Alcohol Safety Action Projects across the nation.

One chosen site was Fairfax County, Virginia. Evaluation of the Fairfax ASAP activities and results therefrom, revealed a reduction in A/R crashes. It was found the number of DUI arrests increased nearly 3000%, from 130 arrests per year to about 3,500 per year. Further, the average time required for a police officer to process a DUI offender was reduced from about three hours to slightly over one hour. The rate of single and multi-vehicle injury crashes was only one-third that of a non-ASAP control area during the high drinking and driving hours (8:00 p.m. to 4:00 a.m.).

Program Implementation:

Following preliminary success in Fairfax County, the Virginia General Assembly passed § 18.2-271.1, the Virginia Alcohol Safety Action Program statute, effective March 24, 1975. The statute authorized the Highway Safety Division to establish driver education programs and alcohol education and rehabilitation programs in connection with highway safety. It also authorized the division to establish standards and criteria for the implementation of such programs and to establish criteria for the modalities of administration of such programs, as well as public information, accounting procedures and allocation of funds. Early projects were predominantly supported by funds from the U.S. Department of Transportation, but a major goal for each local ASAP was to become self-supporting through a defendant (now offender) fee established by legislation and assessed by the courts. The statute also permitted judges to place offenders

they deemed appropriate into an ASAP.

ASAP Countermeasures:

ASAP responds to the problems of alcohol/drug-related transportation incidents through six countermeasure areas: (i) enforcement; (ii) adjudication; (iii) case management; (iv) Commission education/treatment; (v) public information, education and prevention; and (vi) evaluation. Each countermeasure is oriented specifically to the problem of drinking and driving and attempts to prevent DUI behavior or reeducate those who are convicted of DUI. The specific directives of each countermeasure are as follows: (i) **Enforcement:** To increase the number of motorists arrested and convicted for driving under the influence, reduce the blood alcohol content (BAC) and improve the accuracy of reporting of alcohol/drug involvement in transportation crashes. (ii) **Adjudication:** To enhance the adjudication of DUI offenders and maintain a consistent rate of DUI referrals; to decrease recidivism among offenders previously involved in VASAP. (iii) **Case Management:** To establish and maintain a standard classification procedure for offenders; establish standard methods of reporting offender status to referring courts and the Commission on VASAP designee; and, implement and maintain an offender tracking system (VADD). (Reference Case Management Manual). (iv) **Education/Counseling:** To implement and maintain a standard curriculum for education, as well as resources for referral to properly licensed and certified facilities or properly licensed private practitioners for evaluation/treatment counseling. (v) **Public Information, Education and Prevention:** To prevent and reduce incidents of DUI and to increase public knowledge of VASAP and the alcohol/drug problem in transportation safety. (Reference Public Information and Education Manual). (vi) **Evaluation:** To utilize the VASAP Commission certification manual to conduct evaluations of program operations every three years. To develop a system for evaluating the impact of the VASAP system on the DUI/DUID problem.

Goals and Objectives:

Program goal:

To improve transportation safety by decreasing the incidents of driving under the influence of alcohol or drugs, or both, and thereby achieve a reduction in alcohol/drug-related transportation crashes.

Program objectives:

1. Establish and maintain a general deterrence to driving under the influence among the general motoring public.
2. Establish and maintain a specific deterrence to future incidents of Driving Under the Influence among

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those arrested and convicted of DUI.

Strategies:

1. To increase the identification, apprehension and conviction of offenders driving under the influence of alcohol or drugs, or both.
2. To increase the successful adjudication of offenders and the appropriate diversion of referrals to Alcohol Safety Action programs.
3. To ensure appropriate probationary control of offenders.
4. To ensure delivery of appropriate education or counseling services for offenders.
5. To provide statewide offender tracking services for all programs
6. To increase public awareness of the civil and legal consequences of DUI arrest. To increase public perception of transportation crash risk. To increase public activities and interest in reduction of DUI incidents.
7. To assess and maintain the effectiveness and self-supporting status of both the Commission and local Alcohol Safety Action Programs.

Organization and Administration: Legislative Authority:

The Virginia Alcohol Safety Action Program, authorized under § 18.2-271.1 of the Code of Virginia provides services to persons convicted of a violation of § 18.2-266 of the Code of Virginia, or a similar offense for driving under the influence of alcohol or while under the influence of any narcotic drug or any self-administered drug. This is a criminal offense categorized as a misdemeanor, subject to fine, loss of driving privilege or jail sentence. (§§ 18.2-266 through 18.2-273 of the Code of Virginia covers various aspects of this offense including presumptive, per se levels, chemical testing and reporting systems).

The Code of Virginia authorizes the Commission on VASAP to establish and assure maintenance of minimum standards and criteria for program operations and performance, accounting, auditing, public information and administrative procedures for various local Alcohol Safety Action Programs, driver alcohol treatment and rehabilitation programs or driver alcohol education programs in connection with highway safety. It is the responsibility of the Commission on VASAP to oversee program plans, operations and performance, and a system for allocating funds to cover deficits which may occur in local programs. (Refer to § 18.2-271.2 of the Code of Virginia).

Organizational Structure: Organization:

The Commission on the Virginia Alcohol Safety Action Program (Commission on VASAP or Commission for the purpose of brevity) through the Executive Director is responsible for the administration of the state and local Alcohol Safety Action Programs.

The professional staff shall consist of a Executive Director, Police Education/Training Coordinator, Public Information and Education Coordinator, Data Production Supervisor, Case Management Coordinator and three full time clerical staff members. Each individual has responsibilities for areas of program operations and countermeasures as assigned by the Executive Director. Each of the above shall be full time and directly accountable to the Executive Director, who is responsible to the Commission on VASAP. Duties of these persons shall be solely limited as resource and staff personnel as assigned by the Commission on VASAP.

Local Organization:

Local programs are organized under the local administration of political subdivisions or the Joint Exercise of Powers Statute.

Local programs shall consist of at least a director, one or more case managers and clerical support.

STATE WATER CONTROL BOARD

REGISTRAR'S NOTICE: Due to its length, the proposed Upper James River Basin Water Quality Management Plan filed by the State Water Control Board is not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, a summary is being published in lieu of the full text. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and at the State Water Control Board.

Title of Regulation: VR 680-16-03. Upper James River Basin Water Quality Management Plan (Jackson River Subarea).

Statutory Authority: § 62.1-44.15(3a) of the Code of Virginia.

Public Hearing Date: May 2, 1989 - 7 p.m.
(See Calendar of Events section for additional information)

Summary:

Water quality management plans provide a management tool to assist the Commonwealth, units of local government, industrial firms and agricultural interests in achieving and maintaining applicable water quality goals. This proposal will amend the

Upper James River Basin Water Quality Management Plan by updating the Jackson River Subarea. The updated subarea plan reflects current National Pollutant Discharge Elimination System (NPDES) final permit limits and wasteload allocations as defined by federal regulations. Water quality problems in the Jackson River Subarea are identified and remedial actions to alleviate these problems are outlined so that desired water quality objectives can be met. The Plan includes chapters entitled: Introduction, Water Quality Evaluation, Point Sources, Nonpoint Sources, Coordination with Other Planning, Ground Water Strategy, and Management and Implementation of the Plan. Following these chapters is a presentation of specific actions to be taken by the State Water Control Board in implementing the Plan.

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.

BOARD FOR PROFESSIONAL SOIL SCIENTISTS

Title of Regulation: VR 627-01-01. Public Participation Guidelines.

Statutory Authority: § 54.1-201 and Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia.

Effective Date: June 1, 1989

Summary:

The public participation guidelines establish the procedure whereby persons and organizations may be placed on a mailing list to receive regulatory information concerning the Board for Professional Soil Scientists. These guidelines also establish the steps necessary to promulgate regulations in accordance with the Administrative Process Act. The final regulation was adopted without change.

VR 627-01-01. Public Participation Guidelines.

§ 1. Mailing list.

The Board of Professional Soil Scientists (the agency) will maintain a list of persons and organizations who will be mailed the following documents as they become available:

1. "Notice of intended regulatory action" to promulgate or repeal regulations.
2. "Notice of comment period" and public hearing, the subject of which is proposed or existing regulations.
3. Notice that final regulation has been adopted.

Failure of these persons and organizations to receive the documents for any reason shall not affect the validity of any regulations otherwise properly adopted under the Administrative Process Act.

§ 2. Being placed on list; deletion.

Any person wishing to be placed on the mailing list may do so by writing the agency. In addition, the agency may, in its discretion, add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formation or promulgation of regulations. Persons on the list will be provided all information stated in § 1. Individuals and organizations may be periodically requested to indicate their desire to continue to receive documents or be deleted from the list.

When mail is returned as undeliverable, individuals and organizations will be deleted from the list.

§ 3. Notice of intent.

At least 30 days prior to publication of the "Notice of comment period" and the filing of proposed regulations as required by § 9-6.14:7.1 of the Code of Virginia, the agency will publish a "Notice of intended regulatory action." This notice will contain a brief and concise statement of the possible regulation or the problem the regulation would address and invite any person to provide written comment on the subject matter. Such notice shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register.

§ 4. Petition for rulemaking.

Any person may petition the agency to adopt, amend, or delete any regulation. Any petition received shall appear on the next agenda of the agency. The agency shall have sole authority to dispose of the petition.

§ 5. "Notice of comment period" and of public hearing.

The agency shall file a "Notice of comment period" and its proposed regulations with the Registrar as required by § 9-6.14:7.1. Such notice shall establish the date of the public hearing (information proceeding) and shall afford interested persons the opportunity to submit written data, views and arguments regarding the proposed regulations by a specified date. Interested persons may make their public submissions in writing, orally at the public hearing or both.

§ 6. Applicability.

Sections 1 through 5 shall apply to all regulations promulgated except emergency regulations adopted in accordance with § 9-6.14:9 of the Code of Virginia.

* * * * *

Title of Regulation: VR 627-02-01. Board for Professional Soil Scientists Regulations.

Statutory Authority: § 54.1-201 and Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia.

Effective Date: June 1, 1989

Summary:

The final regulations are new regulations which

establish the requirements for certification of professional soil scientists. The regulations set out education, experience and examination criteria, in order to implement §§ 54.1-2200 through 54.1-2208 of the Code of Virginia. Minor changes were made to the proposed regulations for purposes of clarification.

VR 627-02-01. Board for Professional Soil Scientists Regulations.

PART I. GENERAL.

§ 1.1. Definitions.

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

"Board" means the Board for Professional Soil Scientists as established by Chapter 22, Title 54.1 of the Code of Virginia.

"Field study" means the investigation of a site to secure soils information by means of landscape analysis, soil borings, excavations or test pits which are located on a base map or other documents (e.g., aerial photographs, topographic maps, scaled site plans, subdivision plans, or narrative description of the location).

"Practice of soil evaluation" means the evaluation of soil by accepted principles and methods including, but not limited to, observation, investigation, and consultation on measured, observed and inferred soils and their properties; analysis of the effects of these properties on the use and management of various kinds of soil; and preparation of soil descriptions, maps, reports and interpretive drawings.

"Soil" means the groups of natural bodies occupying the unconsolidated portion of the earth's surface which are capable of supporting plant life and have properties caused by the combined effects, as modified by topography and time, of climate and living organisms upon parent materials.

"Soil evaluation" means plotting soil boundaries, describing and evaluating the kinds of soil and predicting their suitability for and response to various uses.

"Soil map" means a map showing distribution of soil types or other soil mapping units in relation to the prominent landforms and cultural features of the earth surface.

"Soil science" means the science dealing with the physical, chemical, mineralogical, and biological properties of soils as natural bodies.

"Soil scientist" means a person having special knowledge of soil science and the methods and principals of soil evaluation as acquired by education and experience in the

formation, description and mapping of soils.

"Soil survey" means a systematic field investigation of the survey area that provides a soil evaluation and a system of uniform definitions of soil characteristics for all the different kinds of soil found within the study area, all of which are incorporated into a soil report which includes a soil map.

§ 1.2. Procedural requirements.

A. Each applicant is responsible for obtaining a current application package. All correspondence and requests for applications should be directed to:

Assistant Director
Board for Professional Soil Scientists
Department of Commerce
3600 West Broad Street
Richmond, Virginia 23230
(804) 367-8514
1-800-552-3016

B. Fully documented applications must be submitted with the appropriate fee(s) by applicants seeking consideration for certification no later than 120 days prior to the scheduled examination. The date the completely documented application and fees are received in the board's office shall determine if the application meets the deadline set by the board. Incomplete applications will be returned to the applicant.

C. Applicants who have been found ineligible for any reason, may request further consideration by submitting in writing evidence of additional qualifications, training or experience. No additional fee will be required provided the requirements for certification are met within a period of three years from the date the original application is received by the Department of Commerce.

D. Members of the board may not serve as personal references, but they may be listed as persons who have supervised the work of the applicant.

E. The board may make further inquiries and investigations with respect to the qualifications of the applicant and all references, etc. to confirm or amplify information supplied.

F. Failure of an applicant to comply with a written request from the board for additional evidence or information within 60 days of receiving such notice, except in such instances where the board has determined ineligibility for a clearly specified period of time, may be sufficient and just cause for disapproving the application.

G. For the purpose of determining eligibility or requirements for examination or qualification for practice, a board may require a personal interview with the applicant.

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H. Notice of examination.

Each candidate will be sent a written notice of the time and place of any examination for which the candidate is eligible. Each candidate shall promptly notify the board as to whether the candidate intends to appear for the examination and pay the examination fee as instructed. Failure to so notify the board may result in loss of eligibility for that particular examination. Each examination fee shall be applied to the next scheduled examination and shall be forfeited for failure to notify the board or for failure to appear.

[I. A candidate who has not appeared for an examination after the first written notice regardless of the reason, will not be sent another examination notice until a written request to be rescheduled for examination is submitted.

J. An applicant who does not appear for an examination within two years of acceptance will be ineligible to sit for the examination. Should the applicant later want to sit for the exam, a new application and fee will be required.]

§ 1.3. Determining qualifications of applicants.

In determining the qualifications of an applicant for certification as a professional soil scientist, a majority vote of the [soil scientist] board members [who are soil scientists] shall be required.

§ 1.4. Fees.

A. The following nonrefundable fees are required and shall not be prorated:

1. The application fee for certification shall be \$125.
2. The fee for renewal of certification shall be \$175.
3. The fee for taking the examination or reexamination for certification shall be \$75.
4. The penalty fee for late renewal or reinstatement shall be \$200.

B. Deadline for applications and examination fees.

Fully documented, completed applications must be submitted with the proper application fee and received in the board's office no later than 120 days prior to the next scheduled exam. Examination and reexamination fees must be received in the board's office no later than 45 days prior to the next scheduled examination.

§ 1.5. Applicability of certification program.

The Certification Program for Professional Soil Scientists set forth in Chapter 22 of Title 54.1 of the Code of Virginia and these regulations is voluntary and shall not be construed to prohibit:

1. The practice of soil evaluation by individuals who are not certified soil scientists as defined in this regulation;
2. The work of an employee or a subordinate of a certified soil scientist or of an individual who is practicing soil evaluation without being certified; or
3. The practice of any profession or occupation which is regulated by another regulatory board within the Department of Commerce.

PART II. ENTRY.

§ 2.1. Qualifications for certification.

Applicants for certification shall meet the education, eligibility, experience and examination requirements specified in Chapter 22 of Title 54.1 of the Code of Virginia.

§ 2.2. Qualifications for examination.

An applicant shall satisfy one of the following criteria in order to qualify for the examination:

1. Hold a bachelor's degree from an accredited institution of higher education in a soils curriculum which has been approved by the board and have at least four years of experience in soil evaluation, the quality of which demonstrates to the board that the applicant is competent to practice as a professional soil scientist; or
2. Hold a bachelor's degree in one of the natural sciences and have at least five years of experience in soil evaluation, the quality of which demonstrates to the board that the applicant is competent to practice as a professional soil scientist; or
3. Have a record of at least eight years of experience in soil evaluation, the quality of which demonstrates to the board that the applicant is competent to practice as a soil scientist; or
4. Have at least four years of experience in soil science research or as a teacher of soils curriculum in an accredited institution of higher education which offers an approved four-year program in soils and at least two years of soil evaluation experience, the quality of which demonstrates to the board that the applicant is competent to practice as a soil scientist.

§ 2.3. Qualifying experience in soil evaluation.

A. An applicant must demonstrate at least one half of the required experience in one or all of the following areas:

1. Soil mapping. Compiling of soil maps as a part of a

soil survey with a formal mapping legend under the direct guidance of an experienced party leader. Acceptable maps shall be maps in a published report, a report scheduled to be published or of a publishable quality; or

2. Soil evaluation. Conducting soil evaluation usually from existing soil data for a specific land use, such as septic tank drain fields, sanitary landfill sites, forestry production, or individual farm mapping for agriculture production. The experience shall be supervised by an individual with a minimum of a year's more experience than the applicant. The finished product shall have been submitted to a government agency (e.g., Health Department, Environmental Protection Agency, Environmental Impact Studies, Water Control Board, local planning commission); or

3. Field studies. Conducting detailed field studies which have been done under the supervision of an individual with a minimum of a year's more experience than the applicant. The field study shall have resulted in a soil evaluation report that was accepted by the client or agency.

B. The remaining required experience may be fulfilled in one or more of the following areas:

1. Consulting (public/private). Assembling or compiling soil information either with existing data or field studies, and evaluating data for a specific land use. The work may be either independently done or done under supervision. The written report shall have been submitted to the client or agency.

2. Soil mapping, soil evaluation, or field studies, as described above, which have been done independently or under supervision.

3. Education. Each year of full-time undergraduate study in a soils curriculum or related natural science may count as one-half year of experience up to a maximum of two years. Each year of full-time graduate study in a soils curriculum may count as one year of experience up to a maximum of two years. With a passing grade, 32 semester credit hours or 48 quarter credit hours is considered to be one year. No credit used as education credit may also be used as experience credit.

§ 2.4. Certification by reciprocity.

Any person certified, registered or licensed as a soil scientist in any jurisdiction of the United States may be granted a Virginia certificate without written examination, provided that:

1. The applicant meets all the other requirements for certification in Virginia; and
2. The applicant holds an unexpired certificate or its

equivalent issued to him on the basis of equivalent requirements for certification in Virginia, including a comparable examination, by a regulatory body of another state, territory or possession of the United States and is not the subject of any disciplinary proceeding before such regulatory body which could result in the suspension or revocation of his certificate, and such other regulatory body recognizes the certificates issued by this board.

§ 2.5. Examination.

A board-approved examination shall be administered at least once a year, at a time designated by the board.

B. An applicant must meet all eligibility requirements as of the date the application is filed with the board.

C. A candidate who is unable to take the examination at the time scheduled must notify the board in writing prior to the date of the examination; such a candidate will be rescheduled for the next examination without additional fee. Failure to so notify the board will result in forfeiture of the examination or reexamination fee.

D. A candidate who has not appeared for an examination after the first written notice regardless of reasons, will not be sent another examination notice until the candidate submits a written request to be rescheduled.

E. A candidate who does not appear for an examination within two years of approval will be ineligible to sit for an examination. Individuals wishing to sit for an examination will be required to submit a new application with fee in accordance with these regulations.

F. Candidates will be notified of passing or failing the examination. No scores will be reported to candidates. Only the board and its staff shall have access to examination papers, scores and answer sheets.

G. Upon payment of the reexamination fee, a candidate who is unsuccessful in passing an examination will be allowed to retake any examination(s) given within two years of the date of notification of initial unsuccessful examination results. After the two-year period has elapsed, an applicant will be required to submit a new application with fee in accordance with these regulations in order to take an examination.

PART III. RENEWAL OF CERTIFICATE.

§ 3.1. Expiration.

Certificates issued by the board shall expire on June 30 of each odd-numbered year following the date of issuance. Certificate holders shall be notified by mail of the fee and the procedure for renewal at least 45 days before the date the certificate expires. Certificate holders must submit the renewal notice and appropriate fee before the certificate

Final Regulations

expires.

§ 3.2. Renewal.

A. If the renewal fee is not received by the board within 30 calendar days following the expiration date noted on the certificate, a penalty fee of \$200 shall be required in addition to the regular renewal fee. No certificate may be renewed more than six months following the date of expiration.

B. Failure to receive written notice from the Department of Commerce does not relieve the certificate holder from the requirement to renew the certificate. If the certificate holder fails to receive the renewal notice, the certificate holder may submit a copy of the certificate with the required fee in lieu of the renewal notice.

C. The date a fee is received by the Department of Commerce or its agent will be used to determine whether a penalty fee or the requirement for reinstatement or reapplication is applicable.

D. Suspended certificates are not renewable until reinstated by the board.

[E.] A revoked certificate cannot be renewed.

§ 3.3. Reinstatement.

A. If the certificate holder fails to renew the certificate within six months following his expiration date, the certificate holder will be required to apply for certificate reinstatement. The applicant will be required to show the board that he meets the eligibility standards for certification as a professional soil scientist. The board may also require reexamination. The application fee for reinstatement shall be an amount equal to the regular renewal fee plus the \$200 penalty fee.

B. After 36 months from the date of expiration, the applicant must apply as a new applicant, meet all current education and experience requirements and pass the current examination.

§ 3.4. Reissuance of certificate.

An individual whose certificate has been revoked must file a new application and obtain approval of the board to regain certification. Reexamination shall be required.

PART IV. STANDARDS OF PRACTICE AND CONDUCT.

§ 4.1. Professional conduct.

A certified professional soil scientist:

1. Shall not submit any false statements, make any misrepresentations or fail to disclose any facts requested concerning any application for certification.

2. Shall not engage in any fraud or deceit or misrepresentation in advertising, in soliciting or in providing professional services.

3. Shall not knowingly sign, stamp, or seal any plans, drawings, blueprints, surveys, reports, specifications, maps or other documents not prepared or reviewed and approved by the certificate holder.

4. Shall not knowingly represent a client or employer on a project on which he represents or has represented another client or employer without making full disclosure thereof.

5. Shall express a professional opinion only when it is founded on adequate knowledge of established facts at issue and based on a background of technical competence in the subject matter.

6. Shall not knowingly misrepresent factual information in expressing a professional opinion.

7. Shall immediately notify the client or employer and the appropriate regulatory agency if his professional judgment is overruled and not adhered to in the circumstances of a [~~major~~ substantial] threat to the public health, safety, or welfare.

8. Shall exercise reasonable care when rendering professional services and shall apply the technical knowledge, skill and terminology ordinarily applied by practicing soil scientists.

§ 4.2. Grounds for suspensions, revocation, denial of application, renewal or other disciplinary action.

A. The board has the power to fine any certificate holder or to revoke or suspend any certificate at any time after a hearing conducted pursuant to the Administrative Process Act, § 9-6.14:1 et seq. of the Code of Virginia, when the person is found to have:

1. Committed fraud or deceit in obtaining or attempting to obtain certification.

2. Committed any violation, or cooperated with others in violating § 4.1. of the Standards of Practice and Conduct, or any other regulations of the board, or governing statutes of the board.

3. Performed any act in the practice of his profession likely to deceive, defraud or harm the public.

4. Committed any act of gross negligence, incompetence, or misconduct in the practice of soil science.

5. Been convicted of a felony under the terms specified in § 54.1-204 of the Code of Virginia.

B. The board may, in its discretion, refuse to grant,

renew or reinstate a certificate of any person for any of the reasons specified in subsection A of this section.

COMMONWEALTH OF VIRGINIA
 BOARD FOR PROFESSIONAL SOIL SCIENTISTS
 APPLICATION FOR CERTIFICATION AS A
 VIRGINIA CERTIFIED PROFESSIONAL SOIL SCIENTIST

VIRGINIA BOARD FOR PROFESSIONAL SOIL SCIENTISTS

APPLICANT CHECK-OFF FORM

INSTRUCTIONS

1. All applicants must have a thorough knowledge of the Rules and Regulations of the Board.
2. Forms shall be typewritten or printed legibly in their entirety except for signatures. The applicant shall assume full responsibility for filing all required documentation, references, and verifications.
3. RECIPROCALITY: If you are registered or certified in another jurisdiction, list all states in Item 1 (DOC Form SS-2). List all states in Item 2 in which you took a written examination. Have DOC Form SS-3 completed by each state in which you are registered. You should enclose a stamped, addressed envelope with the DOC Form SS-3 for return directly to this board.
4. EDUCATION: Your degree(s) must be verified by each school attended (DOC Form SS-4). A transcript of all college courses for which credit is sought must also be submitted.
5. REFERENCES: One copy of DOC Form SS-5 shall be supplied to each of the references listed in Item 5 (DOC Form SS-2). All references must be professional associates or acquaintances. One reference must be from an eligible or certified soil scientist. All references must have known the applicant for at least one year. All completed references must be returned to the applicant in a sealed envelope signed by the person supplying the reference, or may be returned directly to the Board. References must be submitted to the Board in the original sealed envelope. Persons verifying experience in Item C (DOC Form SS-2) ~~cannot~~ also supply personal references.
6. TRAINING AND EXPERIENCE RECORD: Under Item C (DOC Form SS-2) record all training and experience. USE SEPARATE SHEETS IF NECESSARY. Qualifying experience must meet the requirements of §2.3 of the Regulations. List your experience in chronological order with the most recent engagement first. Make concise and explicit statements giving a description of your tasks, duties and nature of work performed for each period of employment. The total time employed in Column (2) must be broken down into the categories in Column (3). Total time in Column (2) must equal total time in Column (3). Each period of employment must be verified by a signature in Column (4). This includes periods of self employment which may be verified by an associate or client.
7. FEES: Each application must be accompanied by an application fee. Exam fees should not be sent at this time. Checks must be made payable to the Treasurer of Virginia and returned in the enclosed envelope. All fees are nonrefundable.
8. All supplementary papers accompanying the application must be identified with the applicant's name.
9. EXAMINATION: Enclosed in this application package is an examination schedule. Completed applications must be received in this office at least 120 days prior to this exam. You will be notified within 60 days as to whether you have been approved for the exam. Should you have further questions, please call the Board office at (804) 367-8514.

APPLICATIONS NOT COMPLETED IN ACCORDANCE WITH THESE INSTRUCTIONS
 WILL BE PROMPTLY RETURNED TO THE APPLICANT

Effective: 6-1-89

DOC Form SS-1

Dear Applicant:

Please review your application and qualifications prior to making application, since your application fee is non-refundable. The following check-off sheet is provided for your convenience (not to be returned to the Board) as your application package cannot be reviewed by the Board without the appropriate information.

Prior to mailing my application package to the Board, I have made certain that the following items were complete and appropriate:

- _____ 1. Application fee of \$125.00 made payable to the Treasurer of Virginia.
- _____ 2. Completed and notarized application form.
- _____ 3. Verification of my registration if registered in another State.
- _____ 4. DOC Form SS-4 and transcripts reflecting all college course work and verification of my degree.
- _____ 5. All experience listed under Item C of the application verified.
- _____ 6. One reference from an eligible or certified soil scientist and two references from other professional associates or acquaintances.

Effective: 6-1-89

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMERCE
POST OFFICE BOX 11066
RICHMOND, VIRGINIA 23230-1066

For Official Use Only

Lic. Number _____
Date _____
Code _____

APPLICATION FOR CERTIFICATION AS A
VIRGINIA CERTIFIED PROFESSIONAL SOIL SCIENTIST

A. GENERAL INFORMATION

NAME IN FULL: _____ SSN: _____

FIRM NAME: _____

BUSINESS ADDRESS: STREET: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE NUMBER: _____

STREET: _____

RESIDENCE ADDRESS: CITY: _____ STATE: _____ ZIP: _____

PHONE NUMBER: _____

ADDRESS FOR CORRESPONDENCE RESIDENCE BUSINESS

CITIZENSHIP: BIRTH NATURALIZED

BIRTHDATE: _____ PLACE: _____

B. EDUCATION: (List in chronological order the name and location of institution, beyond high school, time attended, year of graduation.)

NAME OF INSTITUTION	YEARS ATTENDED	DEGREE RECEIVED	GRADUATE WORK COMPLETED	MAJOR

NOTE: Applicant must use this form, a resume cannot be substituted.

Effective: 6-1-89

DOC Form SS-2

C. TRAINING AND EXPERIENCE: Record your professional practice in sequence, starting with your most recent position. Attach an additional sheet if needed.

(1) NAME AND ADDRESS OF EMPLOYER. POSITION TITLE & BRIEF JOB DESCRIPTION	(2) DATE MONTH/YEAR		(3) TIME SPENT YEARS AND MONTHS					(4) SIGNATURE OF THE PERSON OR SUPERVISOR. INCLUDE TYPEWRITTEN NAME, ADDRESS, PHONE NUMBER.
	FROM	TO	Detailed Soil Mapping	Soil Evaluation	Field Study	Consulting		

- 1. Are you currently registered/certified/licensed as a soil scientist in any other jurisdiction? (yes or no) _____
If yes, what state? _____
- 2. In which state(s) was your registration/certification/license granted on the basis of a written examination? _____
(Please have the state involved submit a verification of certification.)
- 3. Has any state denied you registration/certification/license, revoked or declined same? _____
If yes, please explain on a separate sheet.
- 4. Have you ever been convicted of a felony or misdemeanor? (other than traffic infractions) (yes or no) _____ If yes, please explain on a separate sheet.
- 5. REFERENCES. At least one reference must be from an eligible soil scientist or certified soil scientist. A total of three references are required.

NAME, ADDRESS AND PHONE NUMBER	CURRENTLY CERTIFIED	
	yes	no
A. _____	<input type="checkbox"/>	<input type="checkbox"/>
B. _____	<input type="checkbox"/>	<input type="checkbox"/>
C. _____	<input type="checkbox"/>	<input type="checkbox"/>

6. Name exactly as you want it to appear on your certificate:

D. AFFIDAVIT

State of _____ County or City of _____

The undersigned being duly sworn says that he is the person who executed this application, that the statements herein contained are true, that he has not withheld or suppressed any information that might affect this application, and that he has read and understands this affidavit.

Signature of Applicant: _____

Subscribed and sworn to before me this _____ day of _____, 19 _____

Signature of Notary Public: _____

My commission expires: _____

E. BOARD MEMBER REVIEW

REASONS FOR REJECTION OF CERTIFICATION BY RECIPROCITY

Board Member Initials and Date	Reason(s) for Rejection
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

APPROVED FOR RECIPROCITY WITH _____ Board initials & dates _____

REASONS FOR REJECTION FOR EXAMINATION:

Board Member Initials and Date	Reason(s) for Rejection
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

APPROVED FOR EXAMINATION Board initials and dates _____

EXAMINATION RESULTS:

DATE	I.D. NUMBER	CUT OFF	PASSED	FAILED
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

VIRGINIA BOARD FOR PROFESSIONAL SOIL SCIENTISTS

DEPARTMENT OF COMMERCE
3600 WEST BROAD STREET
RICHMOND, VIRGINIA 23230

VERIFICATION OF REGISTRATION

(The applicant should complete this portion.)

TO: _____

Please provide verification on the following individual:

Applicant's Name _____ Soc. Sec. No. _____
Applicant's Address _____

This portion should be completed by the State Board listed.

I. The above named person was registered as:

	<u>Certificate No.</u>	<u>Date License Issued</u>	<u>Expiration Date</u>
Soil Scientist	_____	_____	_____

II. Minimum Requirements were:

- A. _____ Years of education, _____ years of experience.
- B. _____ Written Examination

Please specify:

- 1. Name of examination _____
- 2. Date of examination _____
- 3. Number of hours _____
- 4. Score _____
- 5. Cut-off score _____
Cut-off score based on _____ Group Data
_____ National Data or Other (specify) _____

- C. _____ Oral Examination. _____ Hours.
- D. _____ Reciprocity with _____
- E. _____ Other: Please give details below: _____
- F. Is the applicant in good standing? _____

III. By: _____ (BOARD SEAL)
Title: _____
Date: _____

Effective: 6-1-89

DOC Form SS-3

APPLICANT: Enclose a stamped, addressed envelope for return directly to the Virginia Board.

VIRGINIA BOARD FOR PROFESSIONAL SOIL SCIENTISTS

VERIFICATION OF DEGREE GRANTED

(Applicant shall complete the upper portion of this form.)

Name in full _____
Residence Address _____
Business Address _____
Birth Date _____ Social Security Number _____
College or University Attended _____
Applicant's Signature _____

(After completion of above, applicant shall send this form to the college or university from which he/she obtained a degree. Please request that the following certificate be completed and that a transcript and this form be returned directly to the applicant.)

C E R T I F I C A T E

I hereby certify that the above named applicant has been graduated from this institution with a degree of:

_____ Major _____
on _____

Signature _____

Official Position _____

Institution _____

Date _____

(College Seal)

Effective: 6-1-89

DOC Form SS-4

VIRGINIA BOARD FOR PROFESSIONAL SOIL SCIENTISTS

DEPARTMENT OF COMMERCE
 3600 WEST BROAD STREET
 RICHMOND, VIRGINIA 23230-1066

(To be completed by applicant):

Name: _____
 Last First Middle
 Address: _____

To the Referencer:

As an eligible or certified soil scientist or other professional associate, you have been named as a reference on the application of the individual listed above. The Board for Professional Soil Scientists requests that you provide frank answers to the following questions with regard to the character of the applicant in order that the Board might better assess his/her qualifications.

Please return the completed form to the applicant in a sealed envelope with your signature on the outside in order that he/she may include it with the application to the Board, or you may return it directly to the Board at the above address.

1. Applicant's Name _____ Approx. Age _____
2. Your business/personal relationship to the applicant _____
3. Number of years you have known him/her _____
4. Are you aware of anything that the Board should be aware of which may make the applicant ineligible for certification? _____ If yes, explain on the back of this page.
5. How long has he/she been engaged in soil science work? _____
6. In your professional opinion, has this applicant demonstrated competence and knowledge in the soil science profession? _____ Please explain _____
7. Your comments and recommendations _____

Signature _____ Occupation _____
 Name _____ Reg. No. _____
 Address _____ State _____ Expire Date _____
 Date _____ (SEAL)

Effective: 6-1-89

DOC Form SS-5

DEPARTMENT OF HEALTH (STATE BOARD OF)

REGISTRAR'S NOTICE: This regulation is excluded from Article 2 of the Administrative Process Act in accordance with § 9-6.14:4.1 C.6 of the Code of Virginia, which excludes from Article 2 Department of Health orders condemning or closing any shellfish, finfish, or crustacea growing area and the shellfish, finfish or crustacea located thereon pursuant to Chapter 7 (§ 28.1-175 et seq.) of Title 28.1. The Department of Health will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

NOTICE: Due to the length, the Notices and Descriptions of Shellfish Area Condemnations filed by the Department of Health are not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, a summary, in lieu of full text, explaining the adopted amendments is being published. The full text of the regulations is available for public inspection at the office of the Registrar of Regulations and the Department of Health.

Title of Regulation: VR 355-19-02. Notices and Descriptions of Shellfish Area Condemnations.

Statutory Authority: §§ 28.1-177 and 32.1-20 of the Code of Virginia.

Effective Date: April 27, 1989

Summary:

These regulations define portions of Virginia shellfish waters which do not conform to the standards for approved shellfish growing areas as set by the National Shellfish Sanitation Program of which Virginia is a participant. A list of the shellfish condemnation areas follows. Numbered notices giving a description of each area and maps showing the boundaries of each area (except there is no map for condemnation Number 147, Virginia Potomac River Tributaries upstream of Mathias Point) are available for inspection at the office the Registrar of Regulations and the Department of Health.

The results of monthly bacteriological seawater sampling and regularly scheduled shoreline sanitary surveys will be evaluated to assure that these areas are properly classified as condemned or approved.

VR 355-19-02. Notices and Descriptions of Shellfish Area Condemnations.

No. Name

- 1 Monroe Creek, Monroe Bay and Mattox Creek
- 2 Cockrell Creek
- 3 York River: Timberneck Creek
- 4 Upper York River
- 5 Put In Creek
- 6 York River and Wormley Creek
- 7 Hampton Roads
- 8 Nansemond River

- 11 Chesapeake Bay, Opposite Cape Charles
- 12 Oyster Harbor
- 13 Onancock Creek
- 14 Parting Creek
- 15 Chesapeake Bay at Entrance to Hampton Roads
- 17 Little Creek
- 18 Streeter Creek
- 19 Hoffler Creek
- 21 Back River
- 22 Dividing Creek
- 24 Dymmer Creek
- 25 Lynnhaven, Broad and Linkhorn Bays and Tributaries
- 26 Horn Harbor
- 28 Yeocomico River
- 32 Little Mosquito Creek
- 34 Warwick River
- 35 York River: Queen Creek
- 36 Upper Machodoc Creek
- 38 Broad Creek - Middlesex County
- 39 York River at Cheatham Annex
- 40 York River at Naval Weapons Station
- 41 Carter Creek
- 42 Urbanna Creek
- 43 Occohannock Creek
- 46 Nansemond River: Bennett Creek
- 48 Warehouse Creek
- 51 Rappahannock River: Below Urbanna
- 53 Rappahannock River, Adjoining Windmill Point
- 54 Thornton Creek, Southwest Branch, Severn River
- 57 Indian Creek
- 58 Eastern Branch of Corrotoman River
- 60 Chesapeake Bay-Adjoining Little Creek
- 61 Stutts Creek
- 64 Pagan River and Jones Creek
- 67 James River - Opposite Tribell Shoal Channel
- 69 Upper James River
- 70 Farnham Creek
- 71 Totuskey and Richardson Creeks
- 72 York River - Fox Creek
- 73 York River: Ware Creek
- 74 Rudee Inlet
- 76 Upper Piankatank River
- 77 Nansemond River: Knotts Creek
- 78 York River: Aberdeen Creek
- 79 York River: Carter Creek
- 80 Chuckatuck Creek
- 81 Perrin River
- 82 Nomin Creek
- 83 Lower Machodoc Creek
- 84 Jackson Creek
- 85 Davis Creek
- 86 Tangier Island
- 87 York River: Skimino Creek
- 88 Rosier Creek
- 89 Great Wicomico River
- 90 Rappahannock River: Parrotts Creek
- 94 Rappahannock River: Greenvale Creek
- 96 Ware River
- 97 Swans Gut Creek
- 98 Parker Creek
- 99 Queens Creek - Milford Haven
- 103 Rappahannock River: Mill Creek
- 104 Rappahannock River: Sturgeon Creek
- 105 Little Wicomico River
- 107 York River - North Shore, Carter Creek
- 108 York River: Cedarbush Creek
- 109 Rappahannock River: Bush Park Creek
- 110 Nassawadox Creek
- 112 Chesconessex Creek
- 114 Rappahannock River: Paynes Creek
- 115 York River: Jones Creek
- 118 Starling Creek
- 119 Pungoteague Creek
- 120 Lancaster and Mulberry Creeks
- 123 Mill Creek
- 126 Piankatank River: Wilton Creek

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127	Lagrange Creek
128	Poropotank River and Adams Creek
129	Piankatank River: Healy Creek
132	Western Branch of Corrotoman River
133	Tabbs Creek
134	York River: King & Felgates Creeks
135	Assawoman, Hog, and Little Cat Creeks
136	Jacobus and Mattawoman Creeks
137	Poquoson River
138	Hunting and Deep Creeks
139	Cherrystone Inlet: Kings Creek
140	Potomac River: Presely Creek
141	Potomac River: Cod Creek
142	Potomac River: Hull Creek
144	Potomac River: Jackson Creek
145	Coan River and The Glebe
146	Potomac River: Popes Creek
147	Virginia Potomac River Tributaries Upstream of Mathias Point
151	Back Creek - York County
153	Greenbackville Harbor
157	North River: Back Creek
158	Back River: Long and Grunland Creeks
159	Bonum Creek
160	Nandua Creek
161	Potomac River: Hack Creek
162	Atlantic Ocean
163	South Thimble Island, Chesapeake Bay Bridge - Tunnel
164	Kings and Ballards Marsh Creeks
165	Cabin Point Creek
166	York River: Taskinas Creek
167	Messongo Creek
168	Potomac River: Cubitt Creek

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

Title of Regulation: VR 615-01-24. Relocation Assistance - General Relief Program.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Effective Date: July 1, 1989

Summary:

This regulation allows a local department of social services to expand assistance provided under an approved General Relief Plan to include a relocation component. The regulation specifies eligibility requirements for the component, including a requirement that was added because of comments received on the proposed regulation; items covered by relocation assistance, provisions regarding maximum payment; and the types of assistance units agencies may select. As with all General Relief components, the locality may decide whether to provide the assistance but must follow the state regulations regarding eligibility if the component is selected.

VR 615-01-24. Relocation Assistance - General Relief Program.

§ 1. Definitions.

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

"Aid to Dependent Children (ADC)" means the program administered by the Virginia Department of Social Services that provides support to a relative for eligible children.

"Agency" means the local department of social services.

"Assistance unit" means the individual or group of individuals whose income and resources are considered in determining eligibility for a component.

"Component" means a specific type of assistance provided under the General Relief Program.

"General Relief Plan" means the Plan completed by a local department of social services which identifies the components provided under General Relief in the locality.

"General Relief Program" means a state (62.5%) and local (37.5%) funded program that assists individuals who do not qualify for aid in a federal category (ADC or SSI).

"Local-only" means the state does not reimburse this portion of the money spent by an agency for an assistance unit.

"Locality" means the area served by a local department of social services.

"Reimbursable maximum" means the highest amount an assistance unit can receive per month for which the state/local match is available.

"Supplemental Security Income (SSI)" means a federal program that assists eligible aged, disabled, and blind individuals.

§ 2. Relocation assistance component.

As part of the General Relief Program this component will provide assistance to eligible assistance units for relocation.

A. Eligibility requirements.

To be eligible for assistance:

1. The applicant and each member of the assistance unit shall be residing in the locality where assistance is being requested and the component shall be part of the agency's approved General Relief Plan;

2. The assistance unit shall need and be unable to obtain through other resources the item(s) for which assistance is sought;

3. The need for the item(s) shall be the result of a

change in circumstances over which the assistance unit had no control;

4. Each individual included in the assistance unit shall be ineligible for aid in a federal category (ADC or SSI);

5. Each individual included in the assistance unit shall be a citizen of the United States, an alien lawfully admitted for [a] permanent residence, or an alien permanently residing in the U.S. under color of law;

6. A member of the assistance unit shall have a job or a job offer and the job site shall be located more than a two-hour round trip from the present residence of the assistance unit by reasonably available public or private transportation, exclusive of time necessary to transport children to and from a child care facility, unless normal round trip commuting time in the area is more than two hours, in which case the round trip commuting time shall not exceed the generally accepted standards; [and]

7. Income from the job shall be sufficient to preclude eligibility for public assistance [; and]

[8. The assistance unit shall document that arrangement for housing in the new locality has been made.]

B. Covered items.

The following list of items that may be covered by relocation assistance can be expanded by the agency. Covered items will be specified in the General Relief Plan and include:

1. Moving expenses for the assistance unit and belongings of the unit;
2. The first month's rent; and
3. Deposits for utilities and rental housing.

C. Maximum payments.

An agency providing the component will specify in its General Relief Plan the maximum assistance that will be provided per assistance unit and may elect to use local-only funds to supplement the \$500 reimbursable maximum.

D. Eligible assistance units.

An agency providing the component will specify in its General Relief Plan the types of eligible assistance units. The types are:

1. Assistance units with parents and minor children;

2. Assistance units with a parent and minor children;

3. Assistance units with a married couple and no children; and

4. Assistance units with one individual.

EMERGENCY REGULATIONS

DEPARTMENT OF HEALTH (STATE BOARD OF)

Title of Regulation: VR 355-19-02. Notice and Description of Shellfish Area Condemnation Number 1A, Monroe Bay and Mattox Creek.

Statutory Authority: §§ 28.1-177 and 32.1-20 of the Code of Virginia.

Effective Dates: February 24, 1989 to May 1, 1989

Summary:

Request: An emergency shellfish closure is required on Monroe Bay and Mattox Creek as a result of sewage entering the areas from a broken force main near the Colonial Beach Sewage Treatment Plant. National Shellfish Sanitation Program requirements do not permit the classification of shellfish growing areas as approved if they are contaminated with sewage.

Background: On April 8, 1988, a judge in Newport News General District Court dismissed two cases where watermen were charged with illegally harvesting shellfish in a condemned shellfish area in the James River. Since then 14 other cases have been dismissed. The basis for the dismissals was that the condemnation notices are regulations but were not issued according to the provisions of the Administrative Process Act (APA). Consequently, all of the current shellfish condemnations have subsequently been brought under the APA as emergency regulations effective for one year. At the 1988 General Assembly veto session, Virginia Department of Health (VDH) condemnation orders were added to § 9-6.14:4.1, Exemptions and Exclusions, which removed the public hearing requirement. However, a paragraph was also added by the General Assembly which stated that the effective date of regulations adopted under this subsection shall be effective thirty days after publication in the Virginia Register. The result of this requirement is that VDH may no longer change the classification of shellfish growing areas in an expeditious manner. This becomes critical in the case of catastrophic events where public health is at immediate risk and the thirty day waiting period is unacceptable.

Recommendation: The Code of Virginia allows the State Health Commissioner to declare a shellfish growing area to be condemned for the direct marketing of shellfish on an emergency basis. If this closure is not imposed, there is a very real possibility of contaminated shellfish getting on the market and causing an epidemic. Therefore, we are recommending to the Governor that this area be condemned for the direct marketing of shellfish.

/s/ C.M.G. Buttery, M.D., M.P.H.
State Health Commissioner
Date: February 23, 1989

Concur:

/s/ Eva S. Teig
Secretary of Health and Human Resources
Date: February 23, 1989

Approved:

/s/ Gerald L. Baliles, Governor
Date: February 24, 1989

Filed:

/s/ Joan W. Smith
Registrar of Regulations
Date: February 24, 1989 - 3:31 p.m.

EMERGENCY REGULATION

Notice and Description of Shellfish Area Condemnation Number 1A, Monroe Bay and Mattox Creek.

Pursuant to §§ 28.1-178, 32.1-13, 32.1-20 and 9-6.14:4.1 C5 of the Code of Virginia, an emergency closure on Monroe Bay and Mattox Creek is hereby established. It shall be unlawful for any person, firm, or corporation to take shellfish from this area for any purpose except by permit granted by the Marine Resources Commission, as provided in § 28.1-179 of the Code of Virginia. The boundaries of this area are shown on map titled "Monroe Creek, Monroe Bay and Mattox Creek, Condemned Shellfish Area No. 1A, Emergency Closure" which is a part of this notice.

Because the area described below has been subjected to untreated sewage and is likely to be polluted and is not a safe area from which to take shellfish for direct marketing, and because shellfish exist in such area, an emergency exists and the immediate promulgation of this regulation is needed to protect the public health.

The Department of Health will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of this emergency regulation. In addition, the Department of Health has initiated a sampling program, and will reopen the area closed by this regulation once the area has been shown to meet the guidelines for an approved shellfish harvesting area.

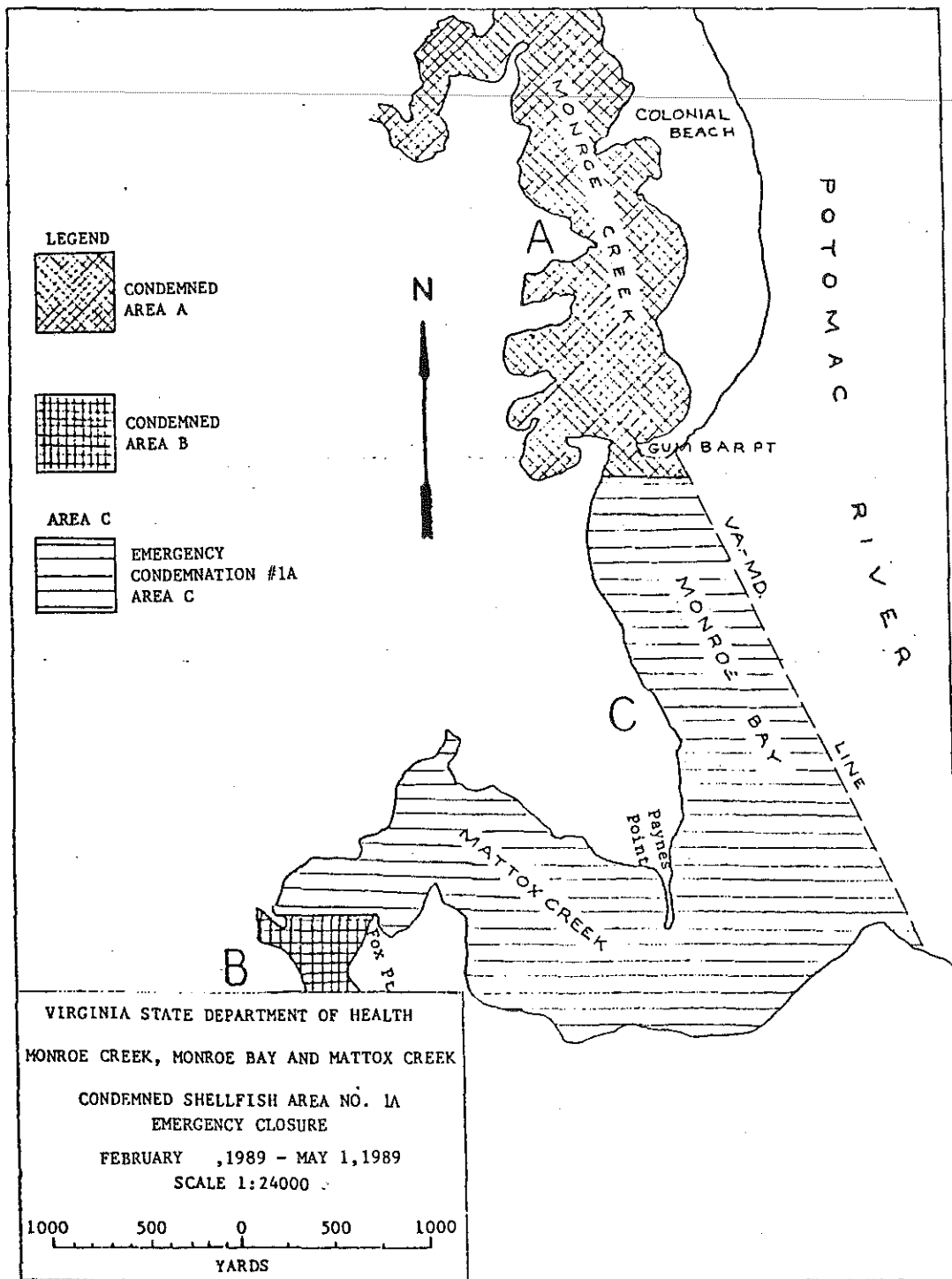
BOUNDARIES OF EMERGENCY CLOSURE 1A

The condemned area shall include all of Monroe Bay and Mattox Creek bounded by a line drawn due east from the western shore to the Virginia-Maryland boundary, intersecting at a point 100 yards south of the southernmost projection of Gum Bar Point; thence southeasterly along the Virginia-Maryland boundary to the Virginia shore; thence upstream to Fox Point; thence due west to the opposite shore; thence downstream to Paynes Point; thence along the shoreline in a northerly direction to the point of beginning.

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Recommended by: /s/ M. P. Wright
 Director, Division of Shellfish Sanitation

Ordered by: /s/ C.M.G. Buttery, M.D., M.P.H.
 State Health Commissioner
 Date: February 23, 1989



Emergency Regulations

LIBRARY BOARD (VIRGINIA STATE LIBRARY AND ARCHIVES)

EDITOR'S NOTE: This emergency regulation was published in 5:9 VA.R. 1205-1206 January 30, 1989. In accordance with § 2.4 of this regulation the Library Board has now adopted the fee schedule.

Title of Regulation: Regulations Establishing Qualifications for Professional Librarians.

Statutory Authority: §§ 42.1-2 and 42.1-15.1 of the Code of Virginia.

Effective Dates: January 1, 1989 through December 31, 1989

Request for Governor's Approval as Emergency Regulations:

The Governor's approval is hereby requested for the adoption of the emergency regulations titled "Regulations Establishing Qualifications for Professional Librarians" in the form set forth within.

These regulations will allow the State Library Board to begin the certification and licensure of those professional librarians who are required to meet the qualifications established by the State Library Board, beginning January 1, 1989.

/s/ Ella Gaines Yates
Secretary, Virginia State Library Board

/s/ Donald J. Finley
Secretary of Education
Date: December 16, 1988

Approved: /s/ Gerald L. Baliles, Governor

Filed: /s/ Joan W. Smith
Registrar of Regulations
Date: December 30, 1988 - 9:23 a.m.

Regulations Establishing Qualifications for Professional Librarians.

PART I GENERAL INFORMATION.

§ 1.1. Definitions.

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

"Board" means the State Library Board.

"Books and library materials" means books, maps, newspapers, magazines, pamphlets, manuscripts, documents, public records, microforms, audio and visual material in

any format, machine readable data records, materials for the developmentally disabled and handicapped, or other documentary, written, or printed materials, using any technology, which are processed and organized for use by the members of the general public.

"Library" means an educational and cultural institution established to provide books and library materials required to meet the range of informational service needs of respective constituencies.

"Professional librarian" means a person employed to work in a library in a position requiring extensive knowledge of informational resources, library service patterns, historical perspectives, and the ability to coordinate, synthesize and disseminate information through the use of books and library materials on a level equivalent to that required for graduation from a library school accredited by the American Library Association.

"Public library" means a library that receives its primary support from a local public tax base.

§ 1.2. Issuing authority, individuals covered and exempt from regulations.

Professional Librarian's Certificates shall be issued by the State Library Board to any individual who has met the education or experience requirements for certification as set forth in these regulations. Librarians employed by the State Law Library or law libraries of counties or cities, libraries of colleges and universities and public school libraries are exempt.

PART II CERTIFICATION PROCESS.

Article 1. Certification by Endorsement.

§ 2.1. A certificate shall be issued to an applicant who holds a current, valid certificate granted by another jurisdiction, providing that the standards for granting this certificate are comparable to those required for certification in the Commonwealth of Virginia.

Article 2. Certification by Education.

§ 2.2. A certificate shall be issued to an applicant who has earned a master's degree from a school of library or information science that had a program accredited by the American Library Association at the time the degree was awarded. A certificate shall be issued to an applicant who has earned a doctoral degree in library or information science from an accredited institution.

Article 3. Certification by Education and Experience

§ 2.3. A certificate shall be issued to an applicant who has

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been awarded a graduate degree in library or information science from a school with a program not accredited by the American Library Association and who presents evidence of having successfully completed at least three years of progressively responsible employment in one or more library-related positions, and who presents three letters of recommendation from librarians who are either certified and licensed by the Commonwealth or who meet the standards set forth in § 2.1 of these regulations. These letters must testify to the competence of the applicant to practice at a professional level.

§ 2.3.1. A certificate shall be issued to an applicant who has been awarded an undergraduate degree from an accredited college or university and who has successfully completed 18 semester hours of library or information science on the graduate level and who presents evidence of having successfully completed at least five years of progressively responsible employment in one or more library-related positions and who presents three letters of recommendation from librarians who are either certified and licensed by the Commonwealth or who meet the standards set forth in § 2.1 of these regulations. These letters must testify to the competence of the applicant to practice at a professional level.

Article 4. Certification Fee.

§ 2.4. The application fee for a certificate shall be established by the State Library Board pursuant to § 42.1-15.1. Fees are nonrefundable and shall not be prorated. Permanent certification fee shall be \$10.00. Licensure fee shall be \$5.00, renewable every two years.

PART III. LICENSING OF CERTIFIED LIBRARIANS.

Article 1. Qualifications.

§ 3.1. Any person who has been granted a professional librarians' certificate by the State Library Board, or its predecessor, may be considered eligible for a license to practice as a professional librarian in the Commonwealth and may apply for a license by submitting a form acceptable to the board with the prescribed fee.

Article 2. Individuals Who Shall Hold a License.

§ 3.2. All individuals governed by § 42.1-15.1 of the Code of Virginia and holding certificates granted by the Board at any time prior to the effective date of these regulations shall apply for a license within six months of the year 1990.

PART IV. GRANTING AND RENEWAL OF LICENSES.

Article 1.

Terms, Frequency and Fees for Renewal.

§ 4.1. All licenses shall expire on June 30 of each even-numbered year beginning in January 1992.

§ 4.2. The secretary of the State Library Board shall send a notice and the appropriate renewal application form to the individual librarian at the last known home address. The completed application form, with the appropriate fee, shall be returned to the secretary no later than one month after the expiration date.

§ 4.3. Failure to receive written notice from the State Library Board does not relieve the licensee from the requirements to renew the license.

§ 4.4. Licenses shall be renewed upon application by the licensee and receipt of the appropriate fee.

§ 4.5. The biennial renewal fee shall be established by the State Library Board pursuant to 42.1-15.1. Fees are nonrefundable and shall not be prorated. The fee for late renewal shall be an amount equal to twice the renewal fee.

§ 4.6. Licensees failing to renew their licenses within six months following the expiration date noted on the license shall not be permitted to renew their licenses and shall apply as new applicants.

§ 4.7. Written notice shall be given within 30 days to the secretary of the State Library Board by each licensee of any change of home address.

PART V. CAUSE FOR REVOCATION OR NONRENEWAL OF LICENSE.

Article 1. Causes for Revocation of License.

§ 5.1. The State Library Board has the power to suspend, revoke, or deny renewal of any license issued under the provisions of Chapter 2 of Title 42 of the Code of Virginia, and the regulations of the Board, at any time after a hearing conducted pursuant to the provisions of the Administrative Process Act, Chapter 1.1:1 of Title 9 of the Code of Virginia, where the licensee has been convicted of a crime perpetrated in the course of professional practices or has violated any law or regulation governing the practice of a professional librarian.

§ 5.2. Any person whose license is revoked, suspended or not renewed has the right of appeal under the Administrative Process Act.

GOVERNOR

EXECUTIVE ORDER NUMBER SIXTY-SIX (89)

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

By virtue of the authority vested in me by Section 2.1-39.1 of the Code of Virginia and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby assign responsibilities for the administration and coordination of state response actions under the Federal Comprehensive Environmental Response and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, to the following executive branch agencies and officials:

- The Secretary of Transportation and Public Safety or the Secretary's designee shall be responsible for entering into cooperative agreements with the United States Environmental Protection Agency (EPA) regarding the immediate response to the release of hazardous substances that threaten the public health, welfare and environment. Under the direction of the Secretary of Transportation and Public Safety, the State Coordinator of the Department of Emergency Services shall be responsible for the development of the Virginia Oil and Hazardous Substances Emergency Response Plan and other requisite documents.
- The Secretary of Natural Resources or the Secretary's designee shall be responsible for entering into cooperative agreements with the United States EPA for the Superfund Removal Program, and for the expeditious removal of hazardous substances from the environment, and for remedial actions providing permanent resolution to the release of hazardous substances into the environment. Prior to the signing of any cooperative agreement, the Secretary of Natural Resources shall assure that any applicable requirements of the General Provisions of the current Appropriation Act are adhered to. Under the direction of the Secretary of Natural Resources, the Executive Director of the Department of Waste Management shall be responsible for the development and negotiation of the State/EPA cooperative agreements for the Superfund Planning, Removal, and Remedial Action Programs, except removals that involve immediate response to the release of hazardous substances that threaten the public health, welfare and environment.
- The Secretary of Natural Resources shall act on behalf of the public as trustee for natural resources. The Secretary of Natural Resources shall assess damages to natural resources in the case of an injury to, destruction of, or loss of natural resources. Funds recovered by the Secretary of Natural Resources as trustee shall be available only to restore, rehabilitate, or acquire the equivalent of such natural resources.

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

This Executive Order supersedes Executive Order Twenty-two (86). Assigning Responsibility to State Officials and State Agencies for Participation in the Federal Comprehensive Environmental Response and Liability Act of 1980 ("Superfund" Program), issued by Governor Gerald L. Baliles on June 29, 1986.

This Executive Order rescinds Executive Order Number Fifty-five (85), Continuing the Intergovernmental Review Process, issued by Governor Charles S. Robb on February 11, 1985.

This Executive Order shall become effective on March 1, 1989, and shall remain in full force and effect until June 30, 1990, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 20th day of February, 1989.

/s/Gerald L. Baliles, Governor

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.12:9.1 of the Code of Virginia)

STATE WATER CONTROL BOARD

Title of Regulation: **VR 680-16-14. Potomac-Shenandoah River Water Quality Management Plan.**

Governor's Comment:

I agree to allow the proposed amendment to go out for public review and comment, but reserve the right to withhold approval of proposed change until the public comment period is over.

/s/ Gerald L. Baliles
Date: February 9, 1989

LEGISLATIVE

SUMMARY OF 1989 LEGISLATION INTRODUCED AND CARRIED OVER FROM 1988 SESSION

(Prepared by the Division of Legislative Automated Systems)

	HB	HJR	HR	SB	SJR	SR	TOTAL
Introduced	897	260	51	351	115	33	1707
Carried over	204	7	0	64	7	2	284

Total	HB	HJR	HR	SB	SJR	SR	TOTAL
Legislation	1101	267	51	415	122	35	1991

PASSED AND FAILED

	HB	HJR	HR	SB	SJR	SR	TOTAL
Passed	550	227	51	202	104	31	1165
Failed	551	40	0	213	18	4	826

An overview of general legislation passed by the Virginia General Assembly at its 1989 Session is listed below. This information is presented within the broad subject areas of titles of the Code of Virginia. Special legislation such as charter bills, relief bills and resolutions not proposing constitutional amendments are omitted.

Many of the measures included were subject to gubernatorial review and veto action at the time of publication. Therefore, some measures may not ultimately become law. The Governor must sign all legislation by Monday, March 27, 1989. In some instances, legislation will be returned with suggested amendments to the General Assembly when it reconvenes for a one-day session on Wednesday, April 5, 1989.

Only the major substantive provisions of each measure are listed but the appropriate bill number is also listed so that one can obtain further information, if needed. It should be understood, however, that many bills are substantially revised during the legislative process. Therefore, a researcher should refer to the enrolled bill or to the appropriate chapter of the 1989 Acts of Assembly, rather than the bill as introduced, for such additional information.

Except in cases of emergency legislation, which becomes effective upon the signature of the Governor, and legislation with special effective dates, all legislation becomes effective on July 1, 1989.

The Virginia Code Commission will publish a Digest of Acts of the 1989 General Assembly Session in mid-April. Copies will be available from the Division of Legislative Automated Systems, P.O. Box 654, Richmond, Virginia 23205. There may be a nominal fee for the publication.

Anyone desiring additional information on legislation

listed herein should call Legislative Information (804) 786-6530.

ADMINISTRATION OF THE GOVERNMENT GENERALLY.

(HB 828) Provides that the Division of Consolidated Laboratory Services shall not charge a fee for analysis of water samples required by regulations of the Department of Health.

(HB 1102) Changes references to R F & P Corporation and to Canada.

(HB 1150) Amends the Commonwealth's 1988-90 Appropriation Act.

(HB 1151) Authorizes capital projects for certain institutions of higher education and the Department of General Services.

(HB 1152) Authorizes capital projects for certain institutions of higher education.

(HB 1179) Authorizes issuance of certain higher education institution bonds.

(HB 1212) Allows VPBA to expand scope of previously funded projects, specifically the SCC building.

(HB 1216) Provides for an annual appropriation to cover the claims incurred but not yet reported under the state employees' health insurance plan.

(HB 1224) Exempts records of local government crime commissions which would identify individuals providing information about crimes or criminal activities under a promise of anonymity from provisions of the Virginia Freedom of Information Act.

(HB 1229) Amends the time and manner of responses required by public bodies under the Virginia Freedom of Information Act; excludes from the Act certain items relating to the Lottery Department.

(HB 1232) Grants immunity from civil liability to a designated representative of the Office of State Long-Term Care Ombudsman who in good faith, with reasonable cause and without malice, reports or investigates a long-term care provider.

(HB 1244) Authorizes implementation of a certification program for minority business enterprises and amends the definition of a "minority business enterprise."

(HB 1254) Provides for an allocation of the state ceiling for private activity bonds in 1989.

(HB 1263) Exempts production workers for the Virginia Industries for the Blind Sheltered Workshop programs from the Virginia Personnel Act.

Legislative

(HB 1293) Provides that October 22 will be a day of recognition for early childhood and day care providers and professionals.

(HB 1320) Provides that a portion of the proceeds of surplus state property be appropriated to the purchase of state parks.

(HB 1322) Amends and increases the current fund for access roads and bikeways to public recreational areas and historical sites.

(HB 1341) Redesignates the Virginia Tuition Savings Program to the Virginia College Savings Program.

(HB 1346) Clarifies that local revenue from federal forfeiture of assets be audited and accounted for by the local treasurer.

(HB 1351) Allows community action boards to consist of elected public officials, or their designees, selected by the local governing body. In the event there are not enough elected public officials to compose one-third of the board, then appointed public officials may serve. The Board of the Statewide Community Action organization shall conform to the same requirements as local boards.

(HB 1553) Provides state financial assistance to retired state employees for health insurance costs.

(HB 1588) Forgives the debts of certain towns to the Department of Transportation.

(HB 1601) Permits recycling of paper products, beverage containers or used motor oil and retention of the proceeds from the sale of the recycled goods by the state department which recycles them.

(HB 1642) Changes composition, terms, and method of appointing members of the Local Government Advisory Council.

(HB 1648) Exempts from the requirements of competitive bidding or competitive negotiation a state employee's personal interest in certain contracts with a state-supported school of medicine or dentistry.

(HB 1651) Provides that the Director of the Department of General Services, the Commissioner of Health and the Commissioner of Labor and Industry shall promulgate asbestos inspection standards for inspection of buildings, other than state-owned buildings.

(HB 1687) Changes compensation for certain Commonwealth's attorneys in small jurisdictions.

(HB 1705) Authorizes state agencies to grant space for State Credit Union for free.

(HB 1706) Establishes funding guidelines and procedures for certain historic landmarks and nonstate agencies.

(HB 1740) For purposes of state funding of local law enforcement, provides that 599 Funds be adjusted for annexation.

(HB 1741) Requires State Library Board to review and adjust state grants to library systems as a result of annexation.

(HB 1823) Grants Division of Consolidated Labs the authority to establish a DNA testing program.

(HB 1880) Repeals section which authorizes the Attorney General to give advice to local schools regarding "commingling of the races in the public schools."

(HB 1912) Establishes a State Health Benefits Advisory Council.

(HB 1954) Eliminates Election Day as a state holiday and makes the Friday following Thanksgiving a state holiday.

(HB 1956) Requires Compensation Board to send estimates of funding levels to localities within 15 days of the adjournment of the General Assembly.

(SB 501) Authorizes certain capital projects for institutions of higher education and the Department of General Services.

(SB 502) Authorizes certain capital projects for institutions of higher education.

(SB 503) Authorizes certain capital projects for state agencies and institutions.

(SB 505) Authorizes issuance of Virginia Higher Educational Institutions Bonds to finance projects at certain institutions of higher education.

(SB 507) Revises provisions relating to the state and local grievance procedure.

(SB 510) Eliminates the limitations upon the construction cost of certain prison facilities.

(SB 519) Allows VPBA to expand scope of activities regarding the acquisition of certain property in the City of Richmond, including the new SCC building.

(SB 549) Authorizes free water sampling tests by the Division of Consolidated Laboratory Services under certain circumstances for community-owned waterworks serving no more than 200 people.

(SB 567) Permits local departments of social services to transmit information regarding child abuse reports, complaints or investigations involving active duty military personnel to the family advocacy representatives of the U.S. Armed Forces.

(SB 575) Transfers the responsibility for maintenance of

data, relative to the social and economic aspects of the Commonwealth, and the preparation of population projections for the Commonwealth from the Department of Planning and Budget to the Virginia Employment Commission.

(SB 735) Requires localities to notify Attorney General of challenges to local election district boundaries. Authorizes Attorney General to represent Commonwealth's interests in developing remedies consistent with requirements of law.

(SB 760) Establishes an Indigent Health Care Trust Fund.

(SB 783) Designates January 26 of each year as "Motherhood and Apple Pie Day" to focus on need to reduce infant mortality rate.

(SB 813) Authorizes the Department of Economic Development to expend funds to construct and operate an information center on Route 301 in King George County, near the Potomac River.

AGRICULTURE, HORTICULTURE AND FOOD.

(HB 933) Prohibits a pound or shelter from disposing of identifiable animals (pets) for research purposes.

(HB 1707) Allows the Virginia Corn Growers Association to petition the Board of Agriculture and Consumer Services for a referendum on the question of whether there should be an increase in the assessment on corn growers from one-quarter cent to one cent per bushel of corn which would be used for the development and promotion of corn.

(HB 1881) Establishes an 11-member Pesticide Control Board to replace the Board of Agriculture and Consumer Services in administering the Virginia Pesticide Law, which would regulate the licensing of businesses that handle pesticides, establish training and certification programs for applicators, set civil penalties, classify certifications, and define record-keeping and reporting procedures.

(SB 738) Changes the statutory authority of the Virginia Farmers Market Board from supervisory to policy and gives management responsibilities and administration of the Farmers Market Program to the Commissioner of the Department of Agriculture and Consumer Services.

ALCOHOLIC BEVERAGES AND INDUSTRIAL ALCOHOL.

(HB 1203) Allows an applicant for a license, or a licensee, to have counsel present at all Board hearings for which notice is required. Allows cross-examination, examination and argument by corporate officers/directors before the Board.

(HB 1350) Deletes subsection B relating to a brewery's cancellation of a contract, and eliminates the specific reference to good cause in order to amend a contract. Also adds a conflict of laws provision.

(HB 1513) Repeals § 4-79, and recodifies language pertaining to financial interests of manufacturers in a retail business in § 4-79.1. Allows a brewery, winery or subsidiary to finance the business of a wholesale licensee, and become a limited partner with the business owner. Also requires Board approval.

(HB 1552) Requires the Board to consider the character, population, and number of licenses of a county prior to issuing another license for the sale of alcohol.

(HB 1644) Allows patrons of events held in coliseums, stadia, etc. to bring and consume their own alcoholic beverages, so long as the licensee permits.

(SB 657) Repeals the Wine Franchise Act and enacts a new Wine Franchise Act. Changes in the new Act addressed concerns raised by a recent Virginia Supreme Court decision.

AVIATION.

(HB 1197) Requires a permit from the Virginia Aviation Board before construction of structures which endanger airport safety by penetrating surfaces or zones established by the Federal Aviation Administration or the Virginia Department of Aviation. The bill does not apply in localities which have local ordinances doing the same basic thing.

(HB 1546) Authorizes local governments to obtain loans for capital improvements to airports.

(SB 516) Requires a permit from the Virginia Aviation Board before construction of structures which endanger airport safety by penetrating surfaces or zones established by the Federal Aviation Administration or the Virginia Department of Aviation. The bill does not apply in localities which have local ordinances doing the same basic thing.

BANKING AND FINANCE.

(HB 1300) Allows a mutual savings and loan to reorganize as a mutual holding company.

(HB 1301) Extends the deadline for directors on the boards of more than one financial institution to limit their service to just one.

(HB 1311) Provides that no lender shall require a borrower, as a condition to receiving or maintaining a loan secured by any mortgage or deed of trust, to purchase fire insurance coverage against risks to any improvement on any real property in an amount exceeding the replacement value of such improvements.

(HB 1404) Eliminates the capital, surplus and undivided profit restrictions on a bank's pledging its assets for the sale and repurchase of securities.

Legislative

(HB 1406) Lessens the restrictions placed on banks in the leasing and reletting of personal property.

(HB 1407) Permits banks to invest in shares of the Federal Agricultural Mortgage Corporation.

(HB 1499) Prevents savings institutions or their holding companies from providing real estate brokerage services for property owned by third parties but provides that any such holding company may acquire a corporation engaged in such real estate brokerage services if an application was filed with the Commission prior to January 23, 1989. Provides that the Commission shall approve or disapprove the application without regard to this prohibition.

(HB 1645) Provides that the thirty-day limitation on repayment of overdrafts shall apply only to inadvertent overdrafts by the account owner and not to extensions of credit.

(HB 1797) Establishes the powers of a "bankers' bank" and provides that they may form a bank holding company. Also broadens the authority of who can own shares in and receive services from a "bankers' bank."

(HB 1829) Requires that a real estate broker or salesman who receives a fee, kickback or other payment for placing or finding a mortgage loan shall be subject to the Mortgage Lender and Broker Act. Permits only those real estate brokers and agents who are engaged in the mortgage brokerage business as of February 23, 1989, to continue their activities if appropriate notice is provided to borrowers. Prohibits all other real estate brokers from engaging in the business.

(HB 1852) Eliminates the license fee for consumer finance companies applying for a license to make loans.

(HB 1853) Eliminates a letter of credit as surety and the exemption for real estate investment trusts from the Mortgage Lender and Broker Act.

(SB 701) Allows general business corporations to acquire credit card banks located in Virginia.

CIVIL REMEDIES AND PROCEDURE.

(HB 1077) Includes professional corporations within the definition of "health care provider" under the medical malpractice statutes if all shareholders are so licensed. Creates presumption that physician licensed or eligible for licensing in Virginia is familiar with the standard of care. Requires expert witness to have had a clinical practice in the area of specialty about which he is to testify within one year of the date of the malpractice.

(HB 1148) Includes companies which are self-insured within the statute requiring insurers to provide a substitute for a damaged vehicle or incur liability for bad faith refusal to provide the substitute.

(HB 1164) Gives parties to an action under the Tax Claims Act in the circuit court the right to a jury trial.

(HB 1204) Makes registered guest of hotel, motel or inn civilly liable for all damage to his room or the furnishings which occurs during his period of occupancy and is the result of guest's negligence, negligence of someone guest is responsible for or guest's failure to comply with rules.

(HB 1211) Clarifies that provisions pertaining to effect of releases or covenants not to sue with respect to liability and contribution need not be in writing if acknowledged in open court.

(HB 1215) Exempts persons certified by certain health boards from liability for damages in the absence of gross negligence or willful misconduct.

(HB 1264) Authorizes service of process by posting at main entrance rather than front door.

(HB 1287) Clarifies that all health care providers involved in the same incident are to be named in and served with notice of claim and may request malpractice review panel.

(HB 1288) Allows defendant in a divorce case to accept or waive service by filing an answer pro se as well as by counsel.

(HB 1290) Clarifies that 6-month period for recommencing case in which nonsuit is taken is tolled when plaintiff dies.

(HB 1292) Tolls statute of limitations in medical malpractice actions for 60 days following issuance of any opinion of the medical review panel or 120 days from date notice of claim is given, whichever is later.

(HB 1299) Allows Commonwealth a lien for costs of medical services provided against the proceeds of any underinsured motorist insurance coverage and eliminates limitation on authority of court to reduce the amount of lien only where suit has been filed and the first offer of settlement is not made until 72 hours or less before trial.

(HB 1398) Requires depositions to be taken in (i) the county or city where the case is pending, (ii) an adjacent county or city, (iii) a place agreed to by the parties or (iv) a place designated by the court.

(HB 1405) Provides that copies from optical disk may be used as evidence in court proceedings.

(HB 1495) Increases maximum amount of claim from \$500 to \$1,000 in statute imposing double damages liability on an insurer who arbitrarily fails to settle a small claim by an insured.

(HB 1534) Requires annual settlements by receivers to be recorded in the fiduciary book.

(HB 1581) Provides that protective orders prohibiting

disclosure of discoverable materials in personal injury and wrongful death cases do not prohibit disclosure to an attorney involved in a similar matter who agrees to be bound by the terms of the protective order if court permission is obtained and notice and an opportunity to be heard are given.

(HB 1649) Grants "Good Samaritan" immunity to persons who render emergency medical care or treatment without compensation to a participant in scholastic athletics in the absence of gross negligence or willful misconduct.

(HB 1802) Requires jury commissioners to use DMV list of drivers, city and county directories, telephone books and personal property tax rolls, if feasible, in addition to the voter registration list, in order to select jurors representative of the broad community interest.

(HB 1893) Exempts newspapers in Herndon from second class mailing permit required for publication of legal notices.

(HB 1922) Allows inmate to use the Tort Claims Act only if he has exhausted his remedies under an institutional grievance procedure which has been certified by the U.S. Attorney General as complying with federal standards. -

(HB 1962) Includes clinical psychologists and podiatrists within sections granting immunity to persons who participate on certain peer review boards or commissions.

(HB 1986) Includes professional corporation whose shareholders or members are licensed as health care providers within the definition of health care provider.

(SB 288) Allows adult obligee under an order for support to authorize release of lien on specific real property.

(SB 496) Requires court order finding likelihood of success in establishing an interest in the property as a precondition to filing a memorandum of lis pendens.

(SB 683) Entitles parties to an action under Tort Claims Act brought in a circuit court to a trial by jury.

(SB 717) Authorizes use of city or county directories, telephone books and personal property tax rolls to select jurors to be placed on master juror list.

COMMISSIONS, BOARDS AND INSTITUTIONS GENERALLY.

(HB 642) Adds a list of cases to which judicial review applies: grant or denial of ADC, Medicaid, food stamps, general relief, auxiliary grants and state-local hospitalization. There is no judicial review available for the issues of adequacy of standards of need payment levels, or the validity of any federal or state statute, regulation, standard or policy.

(HB 1128) Provides that certain regulations which are

necessary to conform to changes in Virginia Statutory law are exempt from provisions of the Administrative Process Act.

(HB 1329) Creates the Virginia Department of World Trade under the Secretary of Economic Development.

(HB 1431) Requires part-time law-enforcement officers to comply with various training requirements.

(HB 1468) Creates the Virginia Council on Child Day Care and Early Childhood Development Programs and sets forth the duties and responsibilities of the Council.

(HB 1564) Provides that copies of the Register shall be distributed without charge to members of the Virginia Code Commission; amends procedures for promulgation of regulations under the Administrative Process Act.

(HB 1604) Provides that when making case decisions, agencies may rely upon public data documents or information only if the agency has provided advance notice to all parties that it intends to consider such items.

(HB 1910) Creates the Youth Services Commission and sets forth duties and powers of the Commission.

(SB 590) Adds as a duty for the Virginia Commission for the Arts the development of specific procedures and guidelines for the administration and implementation of a program for the benefit of a nonprofit organization whereby interest earned on endowment funds donated to stimulate and encourage public interest and enjoyment of music and the performing arts may be matched by state funds appropriated for this program.

(SB 603) Creates the Virginia Council on Child Day Care and Early Childhood Programs to provide a multiagency approach for the delivery of quality child day care and early childhood development services. The Council shall plan, coordinate and evaluate all child day care and early childhood development programs with the Commonwealth, emphasizing early childhood developmental programs for at-risk four-years-olds. The fifteen-member Council shall have the assistance of a technical advisory Committee composed of several state agency heads, or their designees. The Council shall develop a Biennial State Plan for Child Day Care and Early Childhood Programs. The Governor shall appoint an executive director for the Council who is authorized to employ staff.

(SB 631) Authorizes Department of Criminal Justice Services to create and administer the McGruff House Program and to promulgate regulations governing its operations; provides penalty for misuse of McGruff House symbol.

(SB 761) Requires nursing homes to submit certain data for Virginia Health Services Cost Review Council; increases membership on Council to include representatives of nursing home industry; provides for appointment of

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executive director by Governor; requires hospitals to submit to the Council an audited consolidated financial statement; requires Council to provide consumer information on costs and changes to increase competition within health care industry.

CONSERVATION GENERALLY.

(HB 713) Authorizes local governments to adopt ordinances regulating the preservation and removal of heritage, specimen, memorial, and street trees.

(HB 1136) Increases number of members on the Board of Directors of the Virginia Recreational Facilities Authority from the current nine members to thirteen.

(HB 1172) Adds the Chairman of the Chesapeake Bay Local Assistance Board to the membership of the Council on the Environment.

(HB 1665) Directs the State Forester to cooperate with local governments in the preparation of plans and the provision of technical assistance for the establishment and preservation of urban forests.

(HB 1743) Authorizes the Board of Waste Management to promulgate regulations requiring local and regional solid waste management plans, which would require the plans to include ways of meeting the following minimum recycling rates; ten percent by 1991, fifteen percent by 1993, and twenty-five percent by 1995.

(HB 1746) Allows the Department of Waste Management to administer the Litter Control and Recycling Program with funds generated from litter tax revenues as well as other funds that may be appropriated.

(HB 1748) Creates the Department of Historic Resources and continues the Department of Conservation and Historic Resources as the Department of Conservation and Recreation.

(HB 1846) Authorizes the Department of Conservation and Historic Resources to coordinate all flood protection programs and activities in the Commonwealth.

(HB 1847) Establishes a loan and grant fund for local governments to be used for meeting up to fifty percent of a local sponsor's required matching funds in federal flood control and prevention projects.

(HB 1848) Authorizes local governments to administer local option stormwater management programs beginning July 1, 1990, so long as such programs are consistent with standards set by the Department of Conservation and Historic Resources.

(SB 646) Establishes a loan and grant fund for local governments to be used for meeting up to fifty percent of a local sponsor's required matching funds in federal flood control and prevention projects.

(SB 671) Abolishes the Virginia Beach Erosion Council and designates the City of Virginia Beach as the successor of all rights, titles and interest in property presently vested in the Council.

(SB 707) Provides compensation for members of the Board on Conservation and Development of Public Beaches.

(SB 722) Authorizes localities to establish stormwater management programs upon the adoption of state standards.

(SB 723) Authorizes the Department of Conservation and Historic Resources to coordinate all flood protection programs and activities in the Commonwealth, and requires the Department to develop a flood protection plan for Virginia to include inventories of flood-prone areas and flood protection studies, records of flood damages and strategies for prevention and mitigation of such damage.

(SB 733) Establishes the Virginia Natural Area Preserves Act, creating a system of natural area preserves to be administered by the Department of Conservation and Historic Resources, and establishes the Natural Area Preservation Fund to be used for leasing or acquiring lands suitable for natural area preserves.

CONSTITUTIONAL AMENDMENTS.

(HJR 178) First proposal to authorize the General Assembly to enact a grievance procedure for school board employees which permits a body other than the school board to resolve the grievance.

(HJR 307) First proposal to authorize local debt for transportation purposes payable from pledged local revenues (other than property taxes). Exempts such pledge bonds from constitutional restrictions on local debt. Caps total amount of pledge bonds that a locality may issue.

(HJR 308) First proposal to authorize state debt for transportation purposes payable from certain state revenues (e.g., gasoline taxes). Provides such pledge bonds will not constitute full faith and credit obligations of the Commonwealth and will not be subject to constitutional restrictions. Caps total amount of pledge bonds that the Commonwealth may issue.

(HJR 328) First proposal to authorize the General Assembly to appropriate the proceeds of property seized and sold in connection with drug law violations for purposes of promoting law enforcement, rather than requiring the proceeds to be placed in the Literary Fund and used for school purposes.

(SJR 12) First proposal to authorize the General Assembly, by general law, to allow localities to give personal property tax relief to persons 65 and older or permanently and totally disabled.

(SJR 36) First proposal to authorize the General Assembly

to appropriate the proceeds of property seized and sold in connection with drug law violations for purposes of promoting law enforcement, rather than requiring the proceeds to be placed in the Literary Fund and used for school purposes.

CONTRACTS.

(HB 912) Provides that any political subdivision which contracts directly with contractors for public contracts of \$200,000 or more for the construction of highways, roads, etc., where portions of the contract price are to be retained, shall provide an option for the contractor to use an escrow account procedure for the utilization of the subdivision's retainage funds.

(HB 1314) Authorizes certain additional localities to enter into a fixed-price or not-to-exceed price design-build contract for a regional jail.

(HB 1357) Repeals sunset provisions included in Chapters 81 and 91 of the 1987 Acts of Assembly which give priority to the use of Virginia coal in state facilities by virtue of a four percent preference in the bidding process.

(HB 1489) Provides that certain multiphase professional services contracts by the Department of Transportation may be negotiated based on a fair and reasonable price for the first phase only.

(HB 1622) Grants an exception to competitive procurement requirement to the Department of Health when entering into contracts with laboratories providing cytology and related services.

(HB 1682) Allows Prince William County, Manassas, Manassas Park and Norfolk to enter into contracts for the construction of jails on a fixed price or not-to-exceed price design-build or construction management basis.

(HB 1708) Adds pharmacies to the list of professional services purchased through competitive negotiation and expands the means for providing notice to prospective offerors under the Virginia Public Procurement Act.

(SB 525) Repeals the sunset provisions included in Chapters 81 and 91 of the 1987 Acts of Assembly which give priority to the use of Virginia coal in state facilities by virtue of a four percent preference in the bidding process.

(SB 561) Provides that a public body may establish written purchase procedures not requiring competitive sealed bids or competitive negotiation for single or term contracts not expected to exceed \$15,000. Also provides that local governments may enter into contracts for certain state-aid projects without competitive bidding or competitive negotiation if the contract is less than \$15,000. The current cap is \$10,000.

(SB 720) Allows a bidder to furnish a personal bond,

property bond, or bank or savings and loan association's letter of credit on certain designated funds in the face amount required for the payment or performance bond upon the approval of the Attorney General or attorney for the political subdivision. This is currently permitted for bid bonds.

CORPORATIONS.

(HB 852) Limits the civil liability of an officer or director of an unincorporated or incorporated community association.

(HB 984) Provides defensive safeguards to shareholders of stock corporations when they are faced with a control share acquisition.

(HB 1119) Provides for the qualification of professional law corporations as executors, trustees, administrators, guardians and in any other fiduciary capacities.

(HB 1466) Provides that under certain circumstances a stock corporation may change its shareholder vote required to approve amendments to its articles of incorporation by its directors.

(HB 1543) Excludes from the list of securities given exemption from registration requirements any nonissuer distribution of a security by a registered broker-dealer if information regarding the issuer of such security is included in one or more of the standard securities manuals.

(HB 1640) Provides for nonstock professional corporations.

(HB 1822) Repeals the Take-Over-Bid Disclosure Act.

(HB 1870) Simplifies the process for a nonstock corporation to convert to a stock corporation.

(SB 667) Requires an agricultural cooperative to transmit an annual report to each of its members within six months after the close of its fiscal year and repeals the requirement that agricultural cooperatives file annual reports with the Department of Agriculture and Consumer Services.

(SB 668) Deletes requirement that an agricultural cooperative's annual sales of machinery, equipment and supplies to nonmembers be no greater than sales to members and limits marketing cooperatives to deal in products of nonmembers to no greater extent than products of members.

(SB 669) Requires agricultural cooperatives to mail to each of their members notice for all meetings, unless otherwise provided in the law, articles of incorporation or the bylaws.

(SB 711) Eliminates the necessity of uniformly staggering the terms of directors of nonstock corporations.

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(SB 730) Authorizes the State Corporation Commission to furnish or provide access to recorded information by suitable means, refund over payment of registration fees, and provide access to records by computer and to collect fees for such.

COSTS, FEES, SALARIES AND ALLOWANCES.

(HB 1506) Allows circuit and district courts to charge fees of defendants referred to traffic school or driver improvement clinics even though not convicted.

COUNTIES, CITIES AND TOWNS.

(HB 164) In certain cities, authorizes circuit court to appoint up to three alternates to the board of zoning appeals.

(HB 1143) Authorizes certain additional counties to appoint a separate clerk for the board of supervisors.

(HB 1182) Makes various provisions for administrative and personnel matters in counties operating under the county manager plan of government.

(HB 1183) In counties with the county manager plan of government, authorizes certain health employees transferred to local employment to remain part of the state retirement system.

(HB 1184) Repeals alternative provisions for property reassessments, in counties with the county manager plan of government.

(HB 1185) Authorizes ordinances, in counties with the county manager plan of government, for county and building owner to share relocation costs of tenants while building is being rehabilitated.

(HB 1189) In counties with the urban county executive form of government, authorizes (1) board of supervisors to appoint boards and commissions to terms expiring July 1 after county elections, (2) human rights ordinance to prohibit discrimination in real estate transactions, (3) board of equalization to sit in panels of three.

(HB 1198) Requires local governments to adopt ordinances by July 1, 1991, regulating structures hazardous to air navigation.

(HB 1199) Authorizes water and sewer authority in certain counties to charge a nonuser service fee for garbage and trash pickup services.

(HB 1219) Provides that no application for a solid waste management facility permit is complete until the affected local government certifies that the siting is consistent with applicable local ordinances; local government must act within 120 days.

(HB 1230) Provides that zoning amendment applications

are not to be processed and acted on if the applicant withdraws the petition for the amendment.

(HB 1231) Provides that notice of condemnation proceedings may be mailed to owner by certified rather than registered mail.

(HB 1294) Allows certain additional towns to impose a penalty on delinquent accounts of the greater, rather than lesser, of 10 percent or 10 dollars.

(HB 1305) Adds Buena Vista to those authorized to impose assessments on abutting property owners for flood control projects.

(HB 1325) Permits the creation of a local transportation district, on the Route 28 model, for part of Chesterfield County.

(HB 1339) Provides for a special election in Clifton Forge (defined by population) or the question whether the city should become a town after a court finding that the city is eligible to become a town.

(HB 1381) Authorizes all local governments to impose civil penalties for violation of zoning ordinances.

(HB 1391) Extends to July 1, 1990, the moratorium on city-initiated annexation establishment of new cities, and immunity actions by counties.

(HB 1399) Authorizes towns to prohibit urination in public places.

(HB 1409) Sets interest rate ceiling on installment payment of assessments for local improvement, and liens thereon, at the one-year U.S. Treasury bill rate.

(HB 1411) Adds Chesterfield County to those authorized to require disclosure of real parties in interest with regard to zoning amendments and variance requests.

(HB 1426) Adds certain cities to those authorized to impose civil penalties for violation of zoning ordinances.

(HB 1471) Clarifies that areas contiguous to collector roads and streets may be included within historic preservation districts.

(HB 1484) Establishes less restriction conditional zoning authority for high-growth localities.

(HB 1485) Allows Northern Virginia localities to impose impact fees for road improvements required by new development.

(HB 1487) Requires that initial bond resolution and published notice include the estimated rate and amount of interest charges required to repay the bonds.

(HB 1502) Authorizes 5th and 15th Planning District

Commissions to acquire and convey property and to issue bonds secured by project revenue or by mortgage on property and facilities.

(HB 1515) Defines and permits inclusion in zoning ordinances of mixed use developments, planned unit developments and incentive zoning.

(HB 1518) Authorizes the board of supervisors, in certain counties with the county executive form of government, to appoint boards and commissions to terms expiring July 1 after election of supervisor.

(HB 1547) Increases the number of members which constitutes a quorum of the Board of the Virginia Coalfield Economic Development Authority from eight to ten, and allows a majority of the quorum present to take official action.

(HB 1615) Allows local governments to set minimum standards and require performance guarantees for construction of subdivision streets not constructed to meet standards for inclusion in state system.

(HB 1641) Adds Chesterfield County to those authorized to require disclosure of real parties in interest with regard to zoning amendments and variance requests.

(HB 1661) Establishes less restrictive conditional zoning authority for high-growth localities.

(HB 1721) In counties with the urban county executive form of government, family "gift" lots must have 10-20 feet front footage rather than right-of-way on a public street.

(HB 1723) Allows members of local governing body to be appointed as representatives on metropolitan commissions.

(HB 1737) Defines "tier-city" as any incorporated community of 5,000 or more, rather than 15,000 or more, population that the General Assembly designates as a tier-city.

(HB 1739) Authorizes certain densely populated localities to adopt ordinances providing for the planting and replacement of trees during subdivision development.

(HB 1742) Requires localities to address the location of recycling centers in their comprehensive plans.

(HB 1749) Authorizes all local governments to participate in the Virginia Shell Building Program.

(HB 1786) Prohibits a locality from granting a new cable television license or franchise in any overlapping area or terms more favorable than those granted the existing licensee or franchise holder.

(HB 1809) Requires that subdivision site plans identify any grave, object, or structure marking burial places.

(HB 1820) Authorizes governing body to provide that substantially the same application for a variance or special exception may not be considered a second time within a one-year period.

(HB 1821) Makes it an unlawful employment practice for a constitutional officer to discriminate in hiring and appointment, and requires officer to advertise positions with certain specified exceptions.

(HB 1857) Authorizes zoning ordinance amendments providing for "affordable dwelling unit" programs in certain localities.

(HB 1871) Authorizes certain additional towns to impose civil penalties for violation of zoning ordinances.

(SB 110) Authorizes counties, in addition to cities and towns which were previously authorized, to establish service districts.

(SB 470) Authorizes an expedited review of land development plans, based on review of selected or random aspects, in counties with urban county executive form of government.

(SB 513) Requires local governments to adopt ordinances by July 1, 1991, regulating structures hazardous to air navigation.

(SB 520) Adds Buena Vista to those authorized to impose assessments on abutting property owners for flood control projects.

(SB 523) Adds Chesterfield County to those authorized to require disclosure of real parties in interest with regard to zoning amendments and variance requests.

(SB 527) Adds certain counties and cities authorized to impose civil penalties for violation of zoning ordinance.

(SB 572) Allows certain cities to borrow for education capital projects through the Virginia Public School Authority without a local referendum.

(SB 591) Allows any town of less than 3,500 in Planning District No. 8 to apply for membership on the District Commission.

(SB 601) Gives private employers, public and private institutions of higher education, and hospitals the sole authority to designate smoking and non-smoking areas; does not affect local ordinances adopted before July 1, 1989; expires July 1, 1990.

(SB 602) Requires subdivision ordinances and amendments adopted after January 1, 1990, to include regulations relating to coordination of streets with streets in existing or future subdivisions.

(SB 607) Prohibits state and local governments from

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requiring employees or applicants for employment, with certain specified exceptions, to abstain from using tobacco products when not at work.

(SB 613) Establishes less restrictive conditional zoning authority for high-growth localities.

(SB 617) Authorizes local governments to require boiler and pressure vessel operators to obtain local certification.

(SB 650) Allows cities to enact ordinances prohibiting persons, except those exempted by statute, from transporting, possessing or carrying a loaded rifle or shotgun in their vehicles on any street, road or highway within such locality.

(SB 692) Adds Chesterfield County to those authorized to require disclosure of real parties in interest with regard to zoning amendments and variance requests.

(SB 706) Adds the commissioner of revenue or a local government's chief property assessment officer to the membership of agricultural and forestal districts advisory committees, which are established by local governments upon receipt of their first agricultural and forestal district application.

(SB 792) Authorizes municipalities to acquire personal property by various means, including lease- or installment-purchase contracts.

(SB 794) Provides (i) that the specific ordinance or regulation must be cited as the basis for disapproving a subdivision plat, (ii) that a subdivider may petition the circuit court to order approval of a proposed preliminary plat if the locality fails to act on it within 90 days, and (iii) that a subdivider may appeal an improper or arbitrary disapproval to the court.

(SB 806) Authorizes zoning ordinance amendments providing for "affordable dwelling unit" programs in certain localities.

COURTS NOT OF RECORD.

(HB 591) Provides that when a case is transferred to the juvenile court from a circuit court, and an appeal is taken from the juvenile court decision, the appeal lies to the circuit court which originally transferred the case.

(HB 737) Authorizes predispositional detention of eighteen-year-old in a juvenile facility if court makes written findings that children and staff in the facility will be safe.

(HB 1132) Requires chief judge to designate retired circuit or district court judge, when needed, only from list approved by Chief Justice and provided by Executive Secretary.

(HB 1138) Provides that restrictions on the disclosure of

identifying information concerning a juvenile who has committed a delinquent act do not apply to law enforcement or school personnel if disclosure is made to school personnel concerning act committed on school property solely to allow school to take proper disciplinary action.

(HB 1289) Clarifies that party intending to use medical record or report in civil action in general district court is to provide a copy to the other parties ten days prior to trial.

(HB 1307) Authorizes clerk and deputy clerk to authenticate records without first obtaining approval of the chief district judge.

(HB 1422) Requires court to deny driving privileges to minor 13 or older who is found to be delinquent based upon a DUI violation or refusal to take the BAC test or in need of services on the basis of an ABC purchase or possession offense. Authorizes referral to appropriate services and issuance of restricted license upon demonstration of hardship. Authorizes discharge and dismissal without adjudication of guilt upon fulfillment of terms and conditions prescribed by the court.

(HB 1529) Authorizes the obligee or Department of Social Services to seek enforcement of a juvenile court judgment and issuance of executions through the circuit courts.

(HB 1688) Allows disclosure of juvenile's records relating to disposition in cases involving motor vehicle offenses by juveniles upon certification by the Commonwealth's attorney that the records are needed and will be used only for evidentiary purposes.

(HB 1689) Prohibits destruction of juvenile records for 10 years if the case is one involving a motor vehicle offense and the clerk is otherwise required to furnish an abstract to DMV.

(HB 1807) Allows court to commit a juvenile 16 or older convicted of an offense which would be a felony to the Department of Corrections if the offense involved murder, rape, armed robbery or use of a firearm in the commission of a felony without regard to whether the juvenile was on parole or in a group home.

(HB 1911) Clarifies provisions regarding punishment of child for contempt; changes penalty for violation of court order by and authority for detention of CHIN or child in need of services.

(HB 1990) Gives court authority (i) upon suspending the license of a minor adjudicated delinquent, to order the child to participate in appropriate rehabilitation program, issue a restricted license and (ii) to impose a curfew restriction on the driving privileges of a child adjudicated delinquent.

(SB 278) Establishes Department of Youth Services with

powers and duties formerly of the Department of Corrections.

(SB 497) Requires general district courts in counties with a population in excess of 300,000 to have a small claims division.

(SB 552) Provides that when divorce suit has been filed in a circuit court and matters involving children of the parties or spousal support are at issue, the juvenile and domestic relations court is divested of the right to enter further orders relating to these matters unless both parties agree to a referral; however, the juvenile and domestic relations court may enforce previously issued orders during time they are in effect.

(SB 553) Authorizes juvenile court to transfer venue of cases transferred to it by a circuit court for enforcement of orders for custody, maintenance or support to another more appropriate court without having to transfer the case back to the original circuit court.

(SB 577) Increases number of judges in the second (Virginia Beach), sixth (Prince George, Hopewell, Surry, Sussex, Greenville, Emporia and Brunswick) and twentieth (Loudoun, Fauquier and Rappahannock) districts.

(SB 604) Authorizes detention of juvenile beyond the seventy-two-hour maximum when that maximum period expires on a weekend or other holiday until 3:00 p.m. of the first work day thereafter.

(SB 689) Establishes two-year experimental family court to handle all domestic relations cases in 2 circuits and 2 juvenile and domestic courts; report to be provided to Governor and General Assembly.

COURTS OF RECORD.

(HB1531) Clarifies that clerks may use a file or automated record keeping system in lieu of a process book.

(HB 1555) Makes presidents and secretaries of the Old Dominion Bar Association and the Virginia Women Attorneys Association honorary, non-voting members of the Judicial Conference for Circuit Courts and the Judicial Conference for District Courts.

(HB 1805) Prescribes procedure for retention of circuit court records in the locality or in the state archives and for destruction of court records.

(SB 576) Increases number of judges in the second (Virginia Beach), third (Portsmouth), nineteenth (Fairfax County) and twenty-fourth (Bedford, Amherst, Nelson, Lynchburg and Campbell) circuits.

(SB 577) Expands the number of general district court judges.

(SB 636) Creates 2 new public defender offices.

CRIMES AND OFFENSES GENERALLY.

(HB 770) Creates new Class 4 misdemeanor offense of drinking while driving.

(HB 1103) Clarifies statute making trespass on school property punishable as a Class 4 misdemeanor.

(HB 1240) Makes illegal as separate offense the receipt, purchase, sale or distribution of drugs within 1000 feet of schools or playgrounds.

(HB 1267) Provides that person who conspires to commit an offense and commits an overt act in furtherance of the conspiracy would be punished in the same manner as for the underlying offense if it had been committed.

(HB 1319) Includes personal property among things subject to embezzlement.

(HB 1340) Makes any telephone call made with intent to annoy punishable as a Class 3 misdemeanor.

(HB 1390) Makes it a Class 5 felony to manufacture, import, sell, transfer or possess a firearm containing less than 3.7 ounces of electromagnetically detectable metal or which cannot be accurately x-rayed.

(HB 1418) Makes it a felony punishable by 1 to 10 years or up to 12 months in jail and/or a \$20,000 fine, to manufacture, sell, give or distribute anabolic steroids or counterfeits to any person without prescription.

(HB 1473) Includes attempted robbery and attempted rape among offenses which constitute capital murder.

(HB 1568) Provides that parental kidnapping occurs if child is wrongfully held anywhere outside of the Commonwealth.

(HB 1576) Includes "disadvantaged business" within the section which makes it unlawful to fraudulently obtain certification as a minority business enterprise and clarifies definition of "minority enterprise."

(HB 1616) Grants sheriff sole responsibility for designating particular deputies for courtroom security detail.

(HB 1617) Regulates contracts between student athletes and recruiting agents; mandates notice to school athletic director.

(HB 1618) Provides that any charges or assessments paid to sponsoring organizations for players to participate in bingo games must be made in cash.

(HB 1621) Requires warning of possible inaccuracy on at-home consumer medical tests; punishable as a Class 4 misdemeanor.

(HB 1669) Prohibits any convicted felon from possessing

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or transporting any firearm or from carrying a concealed weapon unless granted a permit.

(HB 1696) Makes it a Class 1 misdemeanor to remain on school property with a beeper after having been told to leave by school personnel.

(HB 1701) Makes it a separate and distinct Class 6 felony to sell any controlled substance or marijuana on school property.

(HB 1724) Makes it a Class 2 misdemeanor to knowingly withhold information or give false information to prevent location of an animal suspected of having bitten a person.

(HB 1764) Provides that instant bingo games shall be conducted only at such location and at such times as are specified in the bingo application permit for regular bingo games.

(HB 1766) Clarifies that person who unintentionally causes the death of another as a result of driving under the influence may be guilty of involuntary manslaughter.

(HB 1771) Requires persons convicted of drug offense to pay \$100 for forensic evaluation performed and persons convicted of DUI to pay fee of \$25 for testing of blood sample.

(HB 1845) Requires the Supreme Court to prescribe a form to be used by all clerks for application for permit to carry a concealed weapon.

(HB 1877) Increases the fee for withdrawing blood samples from \$10 to \$25.

(HB 1965) Authorizes seizing agency which has been allowed the use of a forfeited motor vehicle to trade in the vehicle and use the new vehicle in the same way as previously allowed.

(SB 477) Creates new offense of (i) obstructing a judge, magistrate, justice, witness, juror or law-enforcement officer in the performance of his duties or (ii) failure to cease such obstruction when requested to do so; punishable as a Class 4 felony.

(SB 541) Permits law-enforcement agents of the U.S. Armed Forces and federal agencies to carry concealed weapons in the performance of their official duties.

(SB 558) Clarifies that obscene bumper stickers are illegal.

(SB 615) Creates felony offense for money laundering; forfeiture of business license.

(SB 649) Prohibits possession or transportation of firearm or concealed weapon by person who has been convicted of any felony.

(SB 672) Allows organizations to use gross receipts from

bingo games or raffles to publicize the time and place of the bingo games or raffles. Also allows the advertisement of bingo games outside of the premises where the games will be played by the repeal of the current restriction on advertising bingo games within 100 yards of the exterior of the premises where games are played.

(SB 745) Specifically authorizes local officials to perform certain duties pertaining to the regulation of bingo games and raffles currently performed by local governing bodies. Any organization with annual gross receipts from bingo games or raffles exceeding \$200,000 must attach to its annual financial report an opinion executed by a licensed certified public accountant. Failure to file the opinion when required will result in the automatic revocation of the license.

(SB 795) Creates offense of intoxicated vehicular homicide.

(SB 803) Makes illegal as separate offense the manufacture, sale, or distribution of a controlled substance, imitation thereof or marijuana upon public property within 1000 feet of school property or on a school bus.

CRIMINAL PROCEDURE.

(HB 1040) Allows attorney for the Commonwealth to move court for an increase in bail after reasonable notice to the accused and surety on the bond or recognizance, if any.

(HB 1318) Allows accused to volunteer to submit to urine testing for drugs for use in determining conditions of release.

(HB 1345) Creates separate forfeiture procedure for use in drug cases.

(HB 1353) Increases fees for court appointed counsel by 15%.

(HB 1366) Allows a return of trial exhibits to owners notwithstanding pendency of appeal upon conditions designed to facilitate future identification and use, if needed.

(HB 1372) Requires probation officer to advise the victim of any "crime against the person" that he may ask the Parole Board for permission to submit a statement prior to any parole hearing on the impact of the offense on the person and may further ask for copies of additional information pertaining to the defendant which the Board is willing to provide.

(HB 1373) Gives judge discretion to prohibit testimony regarding the address or telephone number of any victim or witness upon a determination that the information is not material.

(HB 1374) Requires a victim impact statement in abduction, malicious wounding, robbery or criminal sexual assault cases on motion of the Commonwealth's attorney

and with consent of the victim. Defines "victim".

(HB 1528) Eliminates statutory form for waiver of right to counsel but authorizes Supreme Court to develop and provide the form.

(HB 1535) Provides that order of restitution is to be docketed only if ordered by the court or requested by the victim in writing.

(HB 1554) Raises collateral requirements of bail bondsmen not licensed prior to July 1, 1989, from \$100,000 to \$200,000.

(HB 1751) Adds new public defender offices for (i) Danville and (ii) the County and City of Bedford.

(HB 1832) Allows Commonwealth's attorney to have affidavit on which search warrant was based sealed until termination of the investigation, for good cause shown.

(HB 1872) Prohibits court from reincarcerating an individual who has been released on bail pending disposition of a motion to increase bail unless the accused violated a condition of his release, was arrested or convicted of a felony or Class 1 or 2 misdemeanor or gave inaccurate information at the bail hearing.

(HB 1977) Adds two new public defender offices for (i) the City of Suffolk and (ii) the City of Franklin and the Counties of Isle of Wight and Southampton.

(SB 506) Authorizes clerks and certain other judicial officers to give testimony in court proceedings involving the issuance of bad checks or pursuant to civil or criminal warrants brought by such officers as to matters arising out of the performance of their official duties to which they are witnesses.

(SB 509) Adds Page County to the public defender office currently serving Shenandoah, Warren, Frederick, Clarke and Winchester.

(SB 544) Authorizes local law-enforcement agencies to charge a fee not to exceed \$300 to applicants seeking appointments as special conservators of the peace.

(SB 587) Provides that signature of person at Division of Consolidated Labs on request for lab examination form is deemed prima facie evidence that (i) person receiving material was an authorized agent and (ii) such receipt constitutes proper receipt by the Division for purposes of establishing chain of custody.

(SB 618) Extends time for filing claim for compensation by victim of crime to up to 2 years from occurrence of crime, upon good cause shown; claims to be reduced by collateral payments.

(SB 636) Authorizes establishment of public defenders office in (i) City of Suffolk and (ii) City of Franklin and

Counties of Isle of Wight and Southampton.

(SB 709) Authorizes continuation of pilot cameras in the courtroom program for an additional year and expands programs to include one additional urban circuit.

DOMESTIC RELATIONS.

(HB 279) Eliminates jurisdictional aspect of venue in divorce cases and establishes preferred venue in suits for annulment, affirmance or divorce in the county or city where defendant resides, where the parties last cohabited or where plaintiff resides if service was by order of publication.

(HB 1308) Specifies that circuit and juvenile courts have concurrent original jurisdiction in proceedings to determine parentage.

(HB 1333) Clarifies that either party may move for a "no-fault" divorce without amending the bill of complaint or cross bill regardless of the grounds originally alleged.

(HB 1537) Clarifies that a monetary award is not to be docketed by the clerk unless specified in the decree.

(HB 1560) Requires court to order parties to a proceeding in which child support is an issue and the issue of parentage arises to submit to blood grouping tests.

(HB 1566) Establishes statutory guidelines as rebuttable presumption; increases codified schedule of monthly basic child support obligations to \$10,000; expands definition of "extraordinary medical expense"; clarifies definition of a gross income; and requires that guidelines be reviewed every four years.

(HB 1752) Creates two-year experimental family court in two areas to be designated by the judicial council.

(SB 528) Clarifies that court may make an order pending a suit for divorce to provide for the support of a child of the parties who is a full-time high school student under age 19 if requirements are met.

(SB 579) Provides that gross income for purpose of computing amount of child support is to exclude paid spousal support.

(SB 580) Increases codified child support guidelines from \$6,650 to \$10,000 combined monthly gross income.

DRAINAGE, SOIL CONSERVATION, SANITATION AND PUBLIC FACILITIES DISTRICTS.

(HB 1641) In certain counties wherein "small" districts within sanitary districts are authorized, permits the local governments by resolution to create "local" districts within the "small" districts.

EDUCATION.

Legislative

(HB 1304) Permits contracts between school boards for school services and facilities and permits the appointment of one representative to the school board providing services by the school board receiving services with the approval of the local governing bodies.

(HB 1309) Authorizes in-state tuition for high school students accepted in a magnet school and enrolled in community college courses specifically designed as part of the magnet school curriculum.

(HB 1331) Entitles children or spouse of a person serving in the military to in-state tuition charges for the first year the dependents of the military parent or spouse reside in the Commonwealth.

(HB 1380) Increases maximum permissible salaries for school board members of Amherst, Bath, Craig, Culpeper, Fauquier, James City, Orange, Roanoke, Rockingham and Smyth Counties, and of the Cities of Chesapeake, Fredericksburg, Manassas Park, Salem and Virginia Beach, and increases the maximum permissible salary paid to school board chairmen from \$500 to \$1,100.

(HB 1428) Clarifies power of Board of Correctional Education to provide "technical" assistance to local correctional facilities and permits the Board to assist in "improving" certain education programs.

(HB 1441) Provides that for purposes of calculating the first year of the three years of service for continuing contract status, at least 160 teaching days during the school year shall constitute one year.

(HB 1493) Authorizes Superintendent of the Department of Correctional Education to develop and implement a prison literacy program; defines "functional literacy."

(HB 1517) Authorizes school boards, with the approval of the governing body, to establish accounts in each school for the purchase of instructional materials and office supplies not stocked or purchased directly by the school division and establishes procedures for allocation and expenditure of funds in the accounts.

(HB 1591) Increases the maximum taxable income for senior citizens to qualify for free tuition in institutions of higher education from \$7,500 to \$10,000.

(HB 1605) Requires students participating in driver education programs to meet academic requirements, and conditions receipt of a driver's license on presentation of diploma or similar certificate, evidence of regular school attendance, or evidence that that the student has received counseling regarding regular school attendance.

(HB 1692) Permits school boards of City of Danville and Franklin and Patrick Counties to establish day-care programs outside regular school hours for students attending elementary and middle schools.

(HB 1696) Prohibits certain use or possession of beepers and other similar portable communications devices on school property after having been requested to leave; permits schools to establish rules, regulations, and disciplinary procedures applicable to students using or possessing beepers.

(HB 1864) Prohibits use of corporal punishment in public schools and provides exceptions for minor, incidental contact to maintain order, self-defense, and reasonable force to prevent self-inflicted harm or to quell a disturbance.

(SB 483) Clarifies that transfers of surplus real property by school boards to locality comprising the school division will vest title in transferee upon recordation of both the deed and the school board resolution declaring the property surplus.

(SB 529) Provides program of tuition-free higher education for children of law-enforcement officers, fire fighters, and rescue squad members killed in the line of duty.

(SB 534) Requires State Council of Higher Education to develop guidelines for assessment of student achievement.

(SB 547) Requires Prince William County and the City of Manassas school boards to conduct criminal records checks of individuals accepting public school employment.

(SB 551) Requires employment to repay nursing scholarships to be in a region of Virginia experiencing a critical shortage of nurses.

(SB 555) Authorizes local school divisions to place handicapped children in Woodrow Wilson Rehabilitation Center and empowers local governing bodies to expend funds for placements.

(SB 559) Increases the Board of Visitors of James Madison University to 15 members.

(SB 661) Increases maximum permissible school board member salaries for the Counties of Amherst, Bath, Craig, Culpeper, Fauquier, James City, Orange, Roanoke, and Smyth, and the Cities of Fredericksburg, Manassas Park, Salem, and Virginia Beach, and increases the maximum additional salary for school board chairmen from \$500 to \$1,100.

(SB 566) Defines temporarily employed teachers and requires Board of Education to promulgate regulations regarding temporarily employed teachers.

(SB 572) Allows cities to finance capital projects for school purposes through the Virginia Public School Authority without a referendum if the financing is requested by the city council and the school board.

(SB 626) Adds "required fees" to free tuition at state-supported institutions for children of persons killed or

disabled due to war service.

(SB 632) Allows Board of Education to develop a testing program through which students age 15 or older who have completed 3 consecutive years in a home school program or who have been exempted from school attendance requirements for religious reasons may earn a high school equivalency certificate.

(SB 643) Provides that school division superintendents shall serve initial terms of not less than two years and no more than four years, and requires that all subsequent terms may not exceed four years.

(SB 644) Creates 7 major classifications for expenditures under which local governing bodies may make appropriations to school boards.

(SB 647) Requires Virginia Center on Aging to develop and pilot, from appropriated funds, a second career program to provide post-retirement employment opportunities for persons eligible for or who have elected early retirement under the Virginia Supplemental Retirement Act.

(SB 712) Permits Board of Education to establish mentor teacher programs, from appropriated funds, as part of the Beginning Teacher Assistance Program.

EDUCATIONAL INSTITUTIONS.

(HB 1539) Creates the Virginia Center for Housing Research to be located at Virginia Polytechnic Institute and State University.

ELECTIONS.

(HB 1233) Adds notaries to the categories of persons who are authorized to administer the oath of office to officers of election and registrars.

(HB 1590) Sets out a late registration option for military personnel separated from the service shortly before an election, and for their spouses and dependents. Incorporates references to federal 1986 Uniformed and Overseas Citizens Absentee Voting Act.

(HB 1608) Provides that voters who sign candidate petitions shall list their Social Security number, if any. Failure to comply with the requirement will not invalidate a petition signature.

(HB 1674) Deletes the change adopted in 1988 that requires persons to apply in person for an absentee ballot if they will be absent for business or vacation reasons. Allows application to be mailed. Adds requirement that such applicants provide name of employer or destination on application for absentee ballot.

(HB 1702) Amends election law definitions to exclude write-in candidates from definition of candidate for certain purposes and to prohibit the scheduling of any special

election on a primary election day.

(SB 655) Allows notice of special voter registration opportunities to be either announced on television or published in a newspaper.

(SB 718) Provides an emergency absentee ballot for voters hospitalized five or fewer days before an election. Requires the voter to designate a person 18 or older to deliver the voter's application and ballot to election officials.

(SB 734) Exempts state and local election officers and employees from serving on committee appointed by the Attorney General to investigate election law violations.

(SB 787) Provides that conviction of a misdemeanor involving a drug law violation or a terrorist act can be grounds for removal from elective office. Requires that appeal rights have terminated and that the conviction must have an adverse impact on the conduct of the office.

EMINENT DOMAIN.

(HB 1736) Increases the monetary limits on expenses of persons displaced by rehabilitation, demolition or other activity of a state agency resulting in displacement.

FIDUCIARIES GENERALLY.

(HB 1761) Allows a non-resident to be appointed sole guardian of the person of an infant.

FIRE PROTECTION.

(HB 1961) Allows local governments to adopt regulations governing explosives and blasting agents that are more restrictive or extensive in scope than those adopted by the Board of Housing and Community Development.

(SB 666) Provides that a member of the Virginia Fire Services Board will serve as a member of the Board of Housing and Community Development and vice versa. Certain law-enforcement authority is given to the State Fire Marshal and those persons duly authorized to enforce the Statewide Fire Prevention Code. Personnel appointed pursuant to § 36-139.2 shall meet the training requirements set forth for local fire marshals in § 27-34.2. Eliminates references to the Virginia Public Safety Law and substitutes the Statewide Fire Prevention Code. Transfers provisions in Title 27 which were under the Virginia Public Safety Law to Title 36.

(SB 744) Repeals limitation on local governments' authority to adopt regulations governing the storage, handling and use of explosives and blasting agents that are more restrictive or extensive in scope than those adopted by the Board of Housing and Community Development.

FISH, OYSTERS, SHELLFISH AND OTHER MARINE LIFE.

Legislative

(HB 825) Allows the Virginia Marine Resources Commission to revoke the license of a person in violation of laws in Title 28.1 for a period of up to 2 years; allows the Commissioner of VNRC to immediately suspend a license for certain violations; prohibits any person from working in any aspect of the fishery for which his license has been revoked; and provides for the release of property seized or impounded in cases of alleged violation of the seafood laws when the accused posts sufficient bond for reappearace.

(HB 1208) Exempts the Virginia Marine Resources Commission from the Virginia Public Procurement Act when making contracts and purchases for public oyster ground replenishment projects.

(HB 1336) Makes it unlawful to knowingly place, set or leave any crabpot in any of the Commonwealth's tidal tributaries between December 15 and January 31, or during such time period as the Virginia Marine Resources Commission may, at its discretion, establish.

(HB 1337) Extends deadline to owners or users of crab traps or crab pounds from December 1 to December 31 of each year for removing such traps, pounds and all associated gear from their locations.

(SB 635) Allows the immediate closure of polluted shellfish growing areas without having first complied with certain procedural requirements under the Administrative Process Act.

GAME, INLAND FISHERIES AND DOGS.

(HB 1125) Doubles the base license fee for shooting preserves open to the public to \$50 and requires a license fee for other preserves of fifty cents per acre up to 300 acres and an additional charge of \$2 for every acre over 300, with a \$50 minimum.

(HB 1205) Amends the existing special lifetime resident hunting and fishing license, creating four new categories of lifetime licenses, each with its own fee: a basic lifetime hunting license (\$250), a basic lifetime fishing license (\$250), a basic nonresident lifetime hunting license (\$500), and a basic nonresident lifetime fishing license (\$500).

(HB 1206) Allows the Department of Game and Inland Fisheries to issue a title for a watercraft to an applicant who does not have the old title and allows the Department to issue a new title for a watercraft in the event the title is transferred to a new owner.

(HB 1269) Creates Class 6 felony for sales or purchase of \$200 or more of wildlife parts within a twelve-month period. Modeled on bad check law which allows for stacking of value.

(HB 1271) Requires the adult who must supervise a hunter under the age of twelve to have, on his person, a valid Virginia hunting license.

(HB 1328) Requires a supplemental license for the sale of watercraft for premises which are more than 25 yards from a principal place of business; establishes a \$25 temporary supplemental license for the display and sale of watercraft at a show; and includes manufacturers, factory branches, distributor branches and distributor representatives in the list of those required to obtain a license.

(HB 1396) Clarifies that a specific trout license is needed for fishing in those waters stocked with trout by the Department of Game and Inland Fisheries.

(HB 1448) Creates an additional \$350 nonresident harvester's permit for nonresidents wishing to take or catch fish, for which a permit is required, in the Back Bay and its tributaries.

(HB 1454) Allows the court to prohibit persons who have violated hunting, trapping or fishing laws more than once within a three-year period or who have littered while hunting, trapping or fishing from obtaining a hunting, fishing or trapping license for a period of one to five years.

(HB 1607) Exempts United States Naval watercraft, watercraft with a valid marine document issued by the United States Coast Guard, other than recreational watercraft under 70 feet in length, and watercraft documented outside the United States from the Watercraft Dealer Licensing Act.

(HB 1632) Removes liability disincentives which prevent private property from being used by the public, by changing the definition of "consideration" to "fee" to mean the payment of money for the use of a landowner's premises, but not to include any action taken by another to improve the land or access to the land for activities listed in the bill or to remedy damage caused by such uses; specifies that a landowner owes no duty of care for any recreational use of his land by the public; and provides that when a landowner leases his property to any agency of the Commonwealth for the use of his land by the public for the purposes listed in the bill, the landowner shall be immune from liability arising out of such uses.

(HB 1800) Clarifies that a riparian owner's stationary blind cannot be in water having a depth greater than eight feet at mean high tide and cannot be located further than halfway across the body of water from the riparian owner's shoreline.

(HB 1854) Removes liability disincentives which prevent private property from being used by the public, including changing the definition of "consideration" to "fee," thereby removing a landowner's liability for simple negligence in cases where he receives something other than money for allowing another access to his property; and provides that in cases where a landowner leases his property to an agency of the Commonwealth, he is immune from liability

when injury or property damage results from the public's use of his property for purposes of engaging in activities specified in statute.

(HB 1921) Creates new offense of operating a boat while under the influence punishable as a Class 1 misdemeanor.

(SB 460) Establishes the Virginia Fish Passage Grant and Revolving Fund, which provides loans or grants to owners of artificial impediments (dams) to breach their dams, allowing the free passage of anadromous fish upstream.

(SB 538) Includes rock climbing in the list of activities for which landowners owe no duty of care, unless there is a charge made for such activity.

(SB 546) Creates a special lifetime fishing license for permanently disabled persons.

(SB 755) Reduces various violations of game and fish laws to Class 3 misdemeanors; authorizes prepayment of court fines for Class 3 misdemeanors and offenses punishable by a fine of not more than \$500; and provides that a second or subsequent violation committed by the same person within twelve months of a prior violation shall be punished as a Class 1 misdemeanor.

GUARDIAN AND WARD.

(HB 1147) Removes archaic references to corporations court, chancery court, and hustings court in section relating to appointment of guardians for minors.

(SB 582) Clarifies right granted to donor to create a custodial trust for a person between the ages of 18 and 21.

HEALTH.

(HB 333) Prohibits nursing home facilities from requiring a third party guarantee of payment to the facility as a condition of admission or continued stay for a patient.

(HB 1024) Includes clinical nurse specialists rendering mental health services among those health practitioners entitled to reimbursement under commercial insurance policies.

(HB 1157) Establishes staggered terms of service for the State Board of Medical Assistance Services.

(HB 1256) Provides an exclusion from countable resources under State Medical Assistance Services Plan for amounts not to exceed \$2,500 set aside for burial expenses.

(HB 1260) Removes an exception currently existing for blind persons renovating mattresses for institutions, thus requiring that these mattresses be sanitized and sterilized.

(HB 1285) Includes dental hygiene practices performed by dental hygiene students under the direction of instructors in a dental hygiene program within "permissible" dental

practices.

(HB 1403) Provides that only those entities listed by the EPA as "proficient" in radon screening, testing or mitigation may provide such services.

(HB 1432) Requires vacation schools, day camps and summer camps and certain child care centers to be registered with the Commission of Social Services.

(HB 1438) Provides judicial procedure for obtaining consent for medical treatment for persons incapable of making or communicating an informed decision and requires State Mental Health, Mental Retardation and Substance Abuse Services Board to promulgate regulations regarding surrogate decision making.

(HB 1479) Authorizes spouse or immediate family of a person who has died due to an injury to petition the circuit court to order an autopsy.

(HB 1482) Adds certain counties to those localities authorized to require testing of private well water prior to issuance of a building permit.

(HB 1490) Requires immunization against Haemophilus Influenzae Type b for children between the ages of 18 and 30 months.

(HB 1504) Requires Board of Medical Assistance Services to promulgate regulations consistent with federal law to prevent certain use or disclosure of information regarding Medicaid recipients and patients.

(HB 1507) Establishes within the Department of Health Professions certification requirements and procedures for nurses aides.

(HB 1527) Requires nursing homes to report to the Board of Health on a quarterly basis information regarding numbers of patients admitted and sources of payment.

(HB 1580) Requires Board of Health to promulgate regulations requiring nursing homes to report patient injuries needing treatment or hospitalization.

(HB 1599) Requires Board of Health to promulgate regulations requiring hospitals to establish protocols regarding rights and responsibilities of patients.

(HB 1620) Requires health care practitioners to disclose any ownership or financial interest in an independent clinical laboratory before ordering any tests from such laboratory.

(HB 1630) Increases membership of State Board of Health from 9 to 11, designates categories of persons to be appointed, and requires Board to make recommendations on health care policy to the Governor, the General Assembly, and Secretary of Health and Human Services.

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(HB 1715) Permits only those entities listed by the EPA as "proficient" in radon screening, testing, or mitigation to offer such services.

(HB 1760) Increases sheriffs' radius of responsibility for transporting committed persons to mental health facilities from 35 to 100 miles.

(HB 1768) Establishes separate reporting and notification procedures for infection control practitioners and liaison officers for exposure of emergency services personnel to airborne infectious diseases or to communicable diseases transmitted by blood and other human body fluids.

(HB 1773) Increases maximum holding period between execution of a detention order and the commitment hearing for an allegedly mentally ill person from 72 hours to 96 hours.

(HB 1835) Creates Virginia Health Planning Board responsible for leadership and technical expertise in statewide health planning and state health policy.

(HB 1858) Establishes the State/Local Hospitalization Program within the Department of Medical Assistance Services and provides participation, allocation, and eligibility requirements.

(HB 1859) Establishes the Virginia Indigent Health Care Trust Fund consisting of funds appropriated and funds collected from hospitals for the reimbursement of hospitals providing indigent care.

(HB 1860) Includes nursing homes within the mandated reporting requirements of the Virginia Health Services Cost Review Council.

(HB 1974) Requires establishment of acquired immunodeficiency syndrome services and education grants programs, grants for regional AIDS resource and consultation centers, development of guidelines for school attendance of children with human immunodeficiency virus, education programs in institutions of higher education, and establishes requirements for confidentiality of HIV test results.

(SB 536) Authorizes governing bodies of Orange and Rappahanock Counties to enact ordinances requiring compliance with water supply standards and testing prior to the issuance of building permits.

(SB 589) Allows certain practitioners of the healing arts to purchase, possess or administer controlled substances to their own patients and to provide controlled substances to their own patients in an emergency without licensing by the Board of Pharmacy.

(SB 598) Grants patients and residents of mental health facilities the right to be "free from abuse."

(SB 611) Increases sheriffs' radius of responsibility for

transportation of persons to be committed or certified for admission to mental facilities from 35 miles to 100 miles.

(SB 639) Creates nonjudicial procedures for authorization of medical treatment for individuals incapable of making informed decisions and provides immunity from liability for treatment providers and surrogate decision makers acting in good faith.

(SB 653) Extends the deadline for hospitals and physicians to pay assessments in order to participate in the Virginia Birth-Related Neurological Injury Compensation Program.

(SB 759) Places the State/Local Hospitalization Program for indigents within the Department of Medical Assistance Services and requires all localities to participate in the program; revises formula for allocation of funds to localities.

(SB 760) Establishes the Virginia Indigent Health Care Trust Fund consisting of funds appropriated and collected from hospitals for reimbursement of hospitals providing indigent care.

(SB 761) Includes nursing homes within mandated reporting requirements of the Health Services Cost Review Council, authorizes the Governor to appoint the Executive Director, and codifies the responsibilities of the Executive Director.

(SB 762) Eliminates requirements for certain medical facilities to obtain certificates of need for certain projects and purchases and places a 1 1/2 year moratorium on nursing home construction; general hospitals and ambulatory surgery centers will no longer be subject to review after July 1, 1991.

(SB 773) Establishes the Virginia Health Planning Board, responsible for designation of regional health planning agencies and regions, for the development of State Health Plan, and for policy change recommendations.

(SB 786) Establishes additional civil penalties for violations of Board of Health licensure requirements for hospitals and nursing homes and provides procedures and requirements for petitioning for the appointment of a receiver.

HIGHWAYS, BRIDGES AND FERRIES.

(HB 1100) Provides that costs of relocating or removing utility facilities (pipes, mains, sewers, etc.) in conjunction with a highway project shall be a part of the project's costs if the project involves an interstate or primary highway in a county.

(HB 1223) Designates the Western Freeway in Portsmouth an arterial (primary) highway.

(HB 1322) Increases the size of the recreational access fund from \$1.5 million to \$3.0 million.

(HB 1363) Moves cutoff date before which subdivision streets need to have been platted in order to be eligible for inclusion, under the provisions of the section, in the secondary system from July 1, 1978, to July 1, 1980.

(HB 1376) Names Va. Route 200 in Lancaster and Northumberland Counties "the Jessie Ball duPont Highway."

(HB 1435) Requires coal trucks to be covered. Effective July 1, 1990.

(HB 1673) Requires that before a person's driver's license is suspended or revoked notice must be given to the driver.

(HB 1735) Through creation of a rebuttable presumption that the owner of a vehicle observed in violation of an HOV restriction was the driver of the vehicle at the time of the offense, permits enforcement of HOV lane restrictions without the necessity of an actual stop of the vehicle by an officer.

(HB 1836) Establishes a U.S. Route 58 Corridor Development Fund to upgrade U.S. Route 58. The Fund will be financed by appropriating \$40 million annually to the Fund from state recordation tax collections. This Fund will supplement the highway construction program. The Commonwealth Transportation Board is authorized to use the Fund to issue bonds to accelerate the upgrading of the road.

(HB 1842) Adds Frederick County, James City County, and Loudoun County to the list of counties which may expend (i) general revenues, (ii) bond proceeds, or (iii) federal revenue sharing funds for road improvements on primary or secondary highways.

(SB 592) Provides for representation on the Commission for new localities joining the Northern Virginia Transportation District.

(SB 593) Regulates transportation district powers affecting jurisdictions which, after January 1, 1986, join transportation districts created on or before January 1, 1986 (the Northern Virginia Transportation District).

(SB 663) Through creation of a rebuttable presumption that the owner of a vehicle observed in violation of a HOV restriction was the driver of the vehicle at the time of the offense, permits enforcement of HOV lane restrictions without the necessity of an actual stop of the vehicle by an officer.

(SB 676) Provides for allocation of industrial access road funds to towns separately from such allocations to counties in which the towns are located.

(SB 703) Authorizes issuance of transportation bonds to include and extend the Dulles Toll Road.

(SB 791) Permits a locality to use up to one-third of urban system construction allocations for "indirect support" of construction projects. Such support may include debt service on bonds issued to finance eligible projects in locality's capital improvement plan. Also changes state/local match ratio on urban system construction projects from 95/5 to 98/2.

(SB 808) Authorizes issuance of transportation bonds to include the Dulles Toll Road.

HOUSING.

(HB 1255) Allows the Housing Development Authority to finance closing costs and fees as part of a mortgage loan in addition to 100% of the sales price or market value of the house.

(HB 1498) Allows the court in condemnation proceedings under the housing authorities law to consider the affect of any pending applications for a zoning change, special use permit or a variance when determining the value of property.

(HB 1538) Establishes a Building Code Academy for training of personnel in building regulations promulgated by the Board of Housing and Community Development.

(HB 1806) Defines "familial status" for purposes of the Virginia Fair Housing Law and creates an exemption for certain individuals from requirements of the Law.

INSTITUTIONS FOR THE MENTALLY ILL; MENTAL HEALTH GENERALLY.

(SB 201) Removes advanced age as a cause for mental or physical incapacity.

(SB 598) Includes among rights of patients and residents of facilities operated, funded or licensed by Department of Mental Health, Mental Retardation and Substance Abuse Services the right to be free from abuse.

(SB 611) Expands from 35 to 100 miles the jurisdiction of sheriff for transporting to a hospital any person certified for admission to such hospital for mental health care.

(SB 614) Authorizes reinstatement of certain matters relating to incompetency and incapacity on docket after time for appeals has passed.

(SB 639) Provides nonjudicial alternative procedure for obtaining consent for medical treatment of persons unable to consent.

INSURANCE.

(HB 73) Raises the minimum property damage limit of motor vehicle insurance coverage from \$10,000 to \$20,000.

(HB 1024) Provides for the reimbursement under

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commercial health insurance policies and health services plans for the services of clinical nurse specialists who render mental health services.

(HB 1195) Requires insurers writing accident and sickness insurance and Blue Cross-Blue Shield plans to allow audiologists and speech pathologists to bill directly for their services and be paid by the insurer.

(HB 1217) Makes clarifying amendments to the Birth-Related Neurological Injury Compensation Act. Also allows licensed nurse-midwives who perform obstetrical care to participate in the Program under certain circumstances.

(HB 1252) Provides an open period during which physicians and hospitals which would otherwise be eligible to participate in the Birth-Related Neurological Injury Compensation Program except for their failure to pay the assessments before the cut-off date may become participants.

(HB 1449) Requires health insurers to make available coverage for screening mammograms. Prescribes the standards for such mammograms.

(HB 1467) Establishes September 30 as the last day the State Corporation Commission may hold a troubled lines hearing. Clarifies the definition of excessive rates as one of the factors used by the Commission to determine the effectiveness of competition as a regulator of rates. Requires all commercial insurers to file supplemental reports and makes it a violation to fail to file such reports and closed claim reports.

(HB 1575) Prohibits a health insurer from requiring any insured to pay back benefits from the sums recovered from another source.

(HB 1583) Provides that additional data shall be reported to the State Corporation Commission in medical malpractice reports.

(HB 1633) Makes various changes to the licensing laws for property and casualty and life and health insurance agents, including requiring any person or business conducting the business of insurance in Virginia under an assumed or fictitious name to notify the Bureau of Insurance of such.

(HB 1636) Eliminates Commission approval of and provides that upon notification to the Commission, the contingency reserve of mortgage guaranty insurance shall be available for loss payments only when the incurred losses in any one twelve-month period, less any amounts already released from the reserve during that period, exceed thirty-five percent of the corresponding earned premium.

(HB 1791) Gives the State Corporation Commission oversight authority over transactions of the Blue Cross-Blue

Shield plans with their affiliates. Requires Commission approval for certain transactions.

(HB 1798) Provides that the State Corporation Commission may require each health maintenance organization to have a plan for handling insolvency. Specifies arrangements which may be made to assure that benefits are continued to enrollees in the event of an insolvency. Also provides that in the event of an insolvency of an HMO after July 1, 1989, the Commission may under specific conditions levy an assessment on all HMOS for the benefit of the enrollees of an insolvent HMO.

(HB 1869) Prohibits credit life or credit accident and sickness policies from excluding coverage to anyone seventy years old or younger.

(HB 1955) Provides for motor vehicle policies insuring business entities to be covered by the provisions governing the notice of cancellation or refusal to renew.

(HB 1967) Increases from two to three years the optimal coverage for medical expense payments to be available under motor vehicle liability insurance policies.

(HB 1971) Provides the State Corporation Commission with clear authority to promulgate regulations governing the practices of individual and group life and accident and sickness insurers with regard to AIDS or the presence of HIV, including advertising practices, underwriting and claim practices policy provisions, etc.

(HB 1988) Provides that no health maintenance organization shall unreasonably discriminate against pharmacists when contracting for referral providers.

(SB 524) Eliminates the sunset of the Fire Programs Fund.

(SB 542) Provides that in the case of life insurance policies, accident and sickness insurance policies, annuities and variable annuities, notice of suit or claim shall be given to the insurer at its home office.

(SB 653) Provides open period for participation in Birth-Related Neurological Injury Act for physicians who are eligible to participate but for failure to pay assessment.

(SB 729) Provides that the free-look period previously limited to Medicare supplement policies issued pursuant to a direct response solicitation shall be applicable to all Medicare supplement policies. Gives the State Corporation Commission oversight authority regarding advertisements for such and provides that it may issue regulations regarding minimum claims payments.

LABOR AND EMPLOYMENT.

(HB 1627) Provides that an employer who has established an employment policy of discharging employees who are absent from work for a specified number of days shall not

include in an employee's work absence record any day the employee is absent due to a work-related injury except that such absences may be included for the purposes of discharge after all steps of the excessive assentee policy have been exhausted.

(SB 736) Provides that an employer who knowingly fails to make prompt payment of wages shall be subject to a civil penalty determined by the Commissioner. Also provides for notice to the employer by the Commissioner of the alleged violation and makes the employer liable for the payment of all wages due plus interest in addition to the penalty determined by the Commissioner.

LIBRARIES.

(HB 1637) Allows Commonwealth's attorneys and public defenders free use of computer research services at the State Law Library and local or regional law libraries.

MILITARY AND EMERGENCY LAWS.

(HB 643) Defines "workday" for purposes of determining leaves of absence for members of the organized reserve forces of any of the armed services of the United States, National Guard or naval militia.

(HB 1408) Provides immunity for the Commonwealth, political subdivisions thereof, federal agencies, and public and private entities from liability for damage or injury which occurs while engaged in emergency services.

(HB 1474) Specifies the command, organization, composition, administration, minimum age, length of service and various matters related to the Virginia State Defense Force.

MINES AND MINING.

(HB 1313) Provides authority to the Director of the Department of Mines, Minerals and Energy to issue emergency orders regarding the spacing, permitting, drilling and production of coal bed methane gas.

(HB 1388) Allows the Department of Mines, Minerals and Energy to ensure the solvency of funds from bonds obtained by coal operators and used by the Department to reclaim land if the operator forfeits a coal operation by charging a \$5,000 fee for entrance into the pool fund when the fund balance falls below \$1.75 million.

(HB 1551) Amends the Virginia Oil and Gas Act, including a requirement that one member of the Oil and Gas Conservation Board be directly involved in the oil and gas industry and establishes procedures for notification of hearings regarding the pooling of drilling interests.

(HB 1744) Requires retailers of motor oil to post signs provided by the Department of Mines, Minerals and Energy that promote used oil recycling and also requires the Department to maintain a toll-free number with a list

of all used oil collection tank locations in the state.

MOTOR VEHICLES.

(HB 520) Authorizes local governing bodies to require moped riders to wear helmets and goggles, face shields, etc.

(HB 1257) Provides for management of the central state motor pool by the Commonwealth Transportation Commissioner.

(HB 1274) Grants to all cities the power to set vehicle weight limits. This power previously was restricted to Henrico and Arlington Counties.

(HB 1275) Provides that in establishing new dealerships, dealers in metropolitan areas are to be guaranteed a circular "relevant market area" with a radius of no less than seven nor more than ten miles if the area has a population of 250,000 or more. For existing franchises which are silent as to market area, the market area is to be the larger of either (i) a circle with a radius of twenty miles or (ii) the area in which the dealer is expected to "make significant retail sales or sales efforts."

(HB 1276) Provides that change or discontinuance of a marketing or distribution system of a particular line-make product by a manufacturer, etc., while the name identification of the product is continued may be considered a franchise termination.

(HB 1277) Requires that dealers be supplied with repair parts for discontinued line-makes for at least five years.

(HB 1278) Provides that if the dealer fails to produce an old title or certification of origin within the legally required time and the purchaser of vehicle returns the vehicle as he is entitled by law, the dealer may deduct from the refund price an amount for normal wear and tear.

(HB 1279) Prohibits any attempts by manufacturers to shift warranty obligations to dealer.

(HB 1302) Permits semitrailers up to 53 feet long if they have no more than 37 feet of axle spacing.

(HB 1303) Grants Newport News and Hampton the same powers presently granted to Norfolk, Richmond, Falls Church, Alexandria, Fairfax County, Arlington and Spotsylvania to deal with trespassing vehicles.

(HB 1306) Provides that, for the purpose of enforcement of motor vehicle laws, parking lots controlled by the Commonwealth or its political subdivisions, etc., are to be considered highways.

(HB 1397) Provides a "Code for Advertising" for motor vehicle dealers.

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(HB 1412) Authorizes operation of stinger-steered vehicles of various sorts up to a length of 75 feet, and watercraft transporters up to 65 feet. The bill also makes other miscellaneous changes to comport with federal requirements.

(HB 1413) Permits DMV customers to use credit cards to pay DMV fees. Also permits DMV to make an additional charge for use of credit cards.

(HB 1429) Permits buses to operate up to 65 mph on rural interstates. They are presently restricted to 55 mph. This does not affect the 45 mph speed limit for school buses.

(HB 1435) Requires that coal trucks be covered.

(HB 1470) Empowers optometrists to authorize installation of "all-around" sun shading materials on vehicle windows. Present law limits this power to physicians only.

(HB 1593) Permits inclusion on driver's licenses of diabetics a statement that they are "insulin dependent diabetics."

(HB 1623) Requires that garbage trucks and highway maintenance vehicles with g.v.w.r. of 10,001 pounds or more be equipped with working backup alarms ("beepers") in order to pass safety inspections.

(HB 1673) Requires that notices of driver's license suspensions and revocations be sent by certified mail, return receipt requested, and that the mailed notice must be signed by the suspendee to be effective. The bill also provides that DMV shall supply a certified copy of evidence of delivery of suspension and revocation notices to the suspendee or his attorney on request.

(HB 1675) Provides for the issuance of commercial vehicle driver's licenses in conformity with federal law.

(HB 1678) Permits Warren County and Front Royal and Franklin County and Rocky Mount to enter into agreements to require that all personal property taxes owed to either the town or the county be paid before a local "decal" would be issued for the vehicle by either locality.

(HB 1691) Permits localities to require that persons convicted of failing to display local vehicle licenses (typically stickers or decals) not only have to pay a fine, but have to obtain the license, too.

(HB 1697) Prohibits driving abreast on divided highways. Requires that overtaken vehicles give way to the right on audible or light signal from overtaking vehicles.

(HB 1704) Permits use of dealer's license plates on consignment vehicles with gross weights of 15,000 pounds or more. Present law prohibits use of dealer's plates on any consignment vehicles.

(HB 1709) Permits vehicles registered as farm-use vehicles to be used by members of volunteer rescue squads and volunteer fire companies in answering emergency calls, in reporting for duty, and in attending squad meetings and drills.

(HB 1710) Provides that traffic need not stop for a school bus stopped on the opposite side of a five-lane highway the center lane of which is a flush-median reserved for turning traffic. Also requires that school buses be routed so that pupils need not cross these five-lane roads.

(HB 1722) Authorizes local governments, by ordinance, to set limits on number of inoperative motor vehicles which may be kept outside fully enclosed buildings and shielded from view only with covers.

(HB 1803) Authorizes suspension of driver's license for failure to pay VASAP fee.

(HB 1851) Provides that emissions inspections and emissions inspection waivers shall remain valid for two years, even if the vehicle for which they were issued is sold or traded.

(HB 1925) Revises Title 46.1 in accordance with recommendations of the Virginia Code Commission.

(SB 54) Imposes limitations on operation of all-terrain vehicles.

(SB 329) Allows licensure of certain wearers of bioptic telescopic lenses for nighttime operation of motor vehicles.

(SB 494) Provides for a minimum size of dealer market areas in urban areas.

(SB 530) Prohibits riding animals on highways after dark unless the rider either (i) wears reflectorized clothing or (ii) carries a light.

(SB 545) Requires that emergency vehicles equipped to flash their head lights when their warning lights are activated be equipped with a "switch or device" to keep their headlights from flashing when they are lit for nighttime driving. Present law requires these vehicles to be equipped with a "sensor" which performs the same function. It would appear that these sensors are not always reliable.

(SB 562) Requires that trucks and tractor trucks registered or reregistered in Virginia on or after July 1, 1989, be equipped with devices, approved by the Superintendent of State Police, which produce audible signals when the vehicles are operated in reverse gear.

(SB 583) Provides for the towing away and disposal of any unattended combination of vehicles which is left in such a location as to create a traffic hazard.

(SB 588) Permits sheriffs in counties which have separate

police departments to apply for and use "blind" license plates.

(SB 599) Replaces present "diamond-M" and "diamond-S" "Public-Use" license plates with "Official Use" plates for state vehicles and distinct "Official Use" plates for local government vehicles. The bill also sets out the description of "blind plates" in a separate section, but makes no substantial change in the treatment of "blind plates" beyond that.

(SB 690) Permits operation of antique vehicles for general transportation purposes if: they display Virginia license plates of the same year of issue as the model year of the vehicles; their license plate's physical condition has been inspected and approved by the Department; their license plate is registered to the specific vehicle by the Department; their owners annually reregister the vehicles and pay an annual registration fee equal to that charged to obtain regular state license plates; they pass periodic safety inspections; and they display stickers, issued by the Department, on their license plates indicating that they may be used for general transportation.

(SB 767) Permits access to accident reports for personal representatives of persons injured or killed in accidents, including guardians, executors, committees, or administrators. Permits similar access by parents or guardians of injured or killed persons under 18.

(SB 801) Permits illuminated advertising on passenger vehicles used to deliver commercially prepared food for home consumption.

NOTARIES AND OUT-OF-STATE COMMISSIONERS.

(HB 1310) Exempts members of the armed services from prohibition on dual office holding for purposes of appointment as a notary.

(HB 1501) Provides that a notary's term expires four years following receipt of his commission on the last day of the month in which he was born.

(HB 1619) Validates notarizations made "at large without indication of the county or city in which notarial act was performed."

PENSIONS AND RETIREMENT.

(HB 1116) Establishes a health insurance program for employees of local governments.

(HB 1477) Allows state police and sheriffs to retire with full benefits after 25 years of service at age 50.

(HB 1686) Authorizes VSRS to invest in corporate obligations of foreign or domestic corporations.

(HB 1703) Extends term of VSRS board members from four years to six years.

(SB 647) Requires Virginia Center on Aging to develop a pilot second career program for VSRS members who have elected early retirement.

PERSONS WITH DISABILITIES.

(HB 1597) Includes "rehabilitation technology" in the definitions for rehabilitation services. Also requires evaluation by qualified personnel to determine whether a candidate would benefit from rehabilitation technology.

(HB 1598) Shortens the waiting period for service on the Board of Rehabilitative Services from four years to one year between serving consecutive terms.

(HB 1816) Allows those accompanied by a guide dog in training, as long as those persons are either certified trainers or legally blind, the same rights as all other visually handicapped persons.

(SB 573) Shortens to one year the waiting period for reappointment to Board of Rehabilitative Services.

POLICE (STATE).

(HB 1347) Allows payments from the federal government to be made to the Drug Investigation Special Trust Account.

(HB 1419) Vests State Police with responsibility for establishment and direction of vehicle accident and safety program for state agencies.

PRISONS AND OTHER METHODS OF CORRECTION.

(HB 336) Gives court discretion to treat a juvenile as an adult if he was tried and convicted as an adult in the circuit court in any subsequent criminal proceeding arising out of a criminal offense committed while incarcerated.

(HB 1113) Requires the Board of Corrections to develop a formula within its regulations to evaluate requests for state reimbursement to a locality for jail reconstruction. Eliminates the ceiling on the reimbursement rate for regional jails, and raises the rate on construction of other jails to 50%.

(HB 1121) Allows the sheriff or administrator of a local/regional jail to authorize participation of an offender in educational or rehabilitative programs designed to supplement work release employment. Wage payments made under work release may be sent to local social services department on behalf of dependents receiving public assistance.

(HB 1123) Allows a court to assign a suitable offender to home/electronic incarceration.

(HB 1259) Requires the Department of Corrections to review and adjust annually the per diem it pays to localities for the care of state wards.

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(HB 1371) Requires the Department of Corrections to send a notice of release or discharge of a prisoner to the last known address of the victim of the crime for which the prisoner was incarcerated. The Department must send this notice only if the victim has submitted a written request for such notification to the Parole Board.

(HB 1765) Requires persons convicted of any criminal sexual assault to undergo blood typing and DNA analysis by the Division of Consolidated Labs.

(HB 1941) Requires 15 days' notice to the police chief or local chief law-enforcement officials, prior to a prisoner's participation in the furlough program, work release or release for educational, business or other related community program.

(SB 532) Authorizes moving death chamber from Richmond Penitentiary to "a state correctional facility housing the death chamber."

(SB 564) Expands provisions governing payment of counsel for defense to include all Department employees and to include actions before administrative bodies and grand juries.

PROFESSIONS AND OCCUPATIONS.

(HB 1165) Reenacts bill enacted last year to allow students from the Northern Virginia Law School to take the Virginia Bar Exam provided certain criteria are met.

(HB 1265) Regulates preneed funeral contracts and prohibits preneed telephone and in-person solicitation for funeral services and supplies.

(HB 1284) Grants authority to the Director of the Department of Commerce to enforce statutes or regulations for which any regulatory board within Subtitle II of Title 54.1 has enforcement responsibility.

(HB 1297) Substitutes the Director of the Office of Water Programs for the Director of the Division of Engineering on the Board for Waterworks and Wastewater Works Operators; allows the Directors of the Office of Water Programs and the State Water Control Board to designate individuals to serve on the Board in their places.

(HB 1367) Creates the Advisory Board on Occupational Therapy and defines the duties and powers of the Board.

(HB 1443) Includes an option to designate an individual to make the treatment decision within the form for making a declaration.

(HB 1450) Requires polygraph questions relating to sexual activities of an applicant for a law enforcement job to be approved by the Director of the Department of Commerce and Superintendent of State Police.

(HB 1542) Provides that certain items may be substituted

for any or all parts of the examinations prescribed by the Board of Medicine for a license to practice medicine, osteopathy, podiatry or chiropractic.

(HB 1650) Requires that a person have a RFS contractor's license in order to enter into a contract for compensation to install, remove or encapsulate asbestos-containing materials.

(HB 1671) Requires dealers in firearms to keep records of sales of certain firearms.

(HB 1914) Allows the Board for Contractors to consider certain violations of regulations of the State Board of Health relating to water wells.

(SB 589) Allows certain practitioners of healing arts to dispense controlled substances to their own patients without license from Board of Pharmacy; clarifies Board's authority to regulate dispensing of controlled substances by practitioners of healing arts.

(SB 754) Provides that the revocation or suspension of a license issued by the Board for Branch Pilots shall be conducted in accordance with the Administrative Process Act. Also allows the Board to meet by telephone conference call when a substantial danger to the public health or safety exists to summarily suspend a license under certain circumstances.

PROPERTY AND CONVEYANCES.

(HB 854) Establishes a Property Owners' Association Act which places disclosure and record keeping requirements on associations and provides the means whereby an association may perfect a lien on property.

(HB 1124) Eliminates prohibition on change of address of noteholder by recording an amendment to a credit line deed of trust.

(HB 1236) Requires that minutes of the meetings of the unit owners' association and the executive organ of a condominium be available for examination by co-owners and contract purchasers of a condominium unit.

(HB 1280) Requires that meeting of the executive organ of condominium associations be open to all unit owners unless a vote is passed to close the session for purposes of personnel, legal or contractual matters.

(HB 1379) Authorizes Governor to convey certain property with proceeds of the sale used for the construction of a geriatric park for the residents of Eastern State Hospital.

(HB 1414) Authorizes Governor to convey a drainage easement in Henrico to Holland Park Associates for purposes of constructing a surface drainage easement.

(HB 1421) Provides that certain warranties against structural defects of condominium units and provisions in

the Condominium Act do not apply to certain declarants.

(HB 1496) Provides that unless a landlord gives a written notice of reservation to the tenant, acceptance of payments with knowledge of a material noncompliance by the tenant constitutes a waiver of the landlord's right to terminate the rental agreement.

(HB 1525) Clarifies that options are void as to purchasers without notice and creditors until recorded where the property is located and restricts application of certain common law doctrines.

(HB 1532) Establishes the costs for filing a memorandum of lien by a property owners' association under the Subdivided Land Sales Act.

(HB 1783) Prohibits a landlord from charging certain fees related to cable television service.

(HB 1811) Clarifies that dower and curtesy are to be construed as synonymous terms.

(HB 1904) Clarifies that an action to recover possession is to be brought in the general district court where the property or a part thereof is located and action to recover rent or damages is to be brought wherever venue is proper.

(HB 1920) Amends the Virginia Real Estate Time Share Act and provides for a right of examination of books and records of an owners' association by members of the association.

(SB 752) Provides that the landlord may terminate a rental agreement immediately and proceed to obtain possession of the premises when a breach of the tenant's obligations under the Virginia Residential Landlord and Tenant Act or the rental agreement involves or constitutes a criminal or a willful act which is not remediable and which poses a threat to health or safety.

PUBLIC SERVICE COMPANIES.

(HB 720) Requires all underground utility line operators, including counties, cities, and towns, to join a notification center. Provides for the certification of notification centers in existence after January 1, 1989, by the State Corporation Commission.

(HB 914) Vests SCC agents, inspectors, and investigators, in addition to present authority, with power to issue summons for vehicle safety violations.

(HB 1316) Imposes on petroleum tank truck carriers same regulations applicable to other carriers of hazardous materials.

(HB 1386) Provides for the regulation of limousines as motor carriers by the State Corporation Commission.

(HB 1401) Provides penalties for the failure or refusal to obey a State Corporation Commission order concerning natural gas companies.

(HB 1693) Allows telephone cooperatives to provide related services and invest in shares or interests in other entities engaged in communications businesses. Provides that the investments in other entities shall be approved by cooperative's members, provided that no funds for such investments are derived from rates and charges for telephone services.

(HB 1781) Provides that the terms and rates for the joint use of poles by electric light, heat and power companies, mutual telephone associations, telephone cooperatives, and small investor-owned telephone utilities shall be by agreement between the parties. However, when an agreement cannot be reached the State Corporation Commission shall establish them.

(HB 1784) Provides that the regulations and standards promulgated by the Commission for gas and electric submetering shall apply to rental units or stores if the leases for such provide for such submetering.

(HB 1789) Eliminates the requirement that fuel factor rate increases of electric utilities take effect at the same time as base rate increases. Provides that fuel factor rate increases shall not be subject to the provisions that limit rate increases to once within any twelve-month period.

(HB 1942) Provides that the service of a citation on the operator of a motor vehicle failing to display proper plates, identification marker, etc., shall constitute service of process on the owner, operator or other person responsible for and charged with the violation.

RELIGIOUS AND CHARITABLE MATTERS; CEMETERIES.

(HB 1101) Increases to fifteen the number of acres of land in a city or town that a trustee may hold.

(HB 1763) Regulates preneed burial contracts, preneed trust funds and perpetual care trust funds of cemetery companies.

TAXATION.

(HB 249) Provides a retail sales and use tax exemption for tangible personal property purchased by Girl Scouts, and retail sales of cookies to consumers.

(HB 308) Provides a retail sales and use tax exemption for Lewis Ginter Botanical Garden in Henrico County.

(HB 406) Requires memorandum of lien for delinquent income taxes to be filed within six years of an assessment.

(HB 647) Provides a retail sales and use tax exemption for tangible personal property purchased by a national and

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international scientific organization that safeguards endangered species.

(HB 1011) Provides a retail sales and use tax exemption for property purchased by the Richmond Children's Museum.

(HB 1108) Authorizes Bedford County to prorate the tangible personal property tax.

(HB 1193) Allows citizen members of the local coal and gas road improvement advisory committee to be appointed for a term of four years.

(HB 1200) Exempts certain records of the State Lottery Department relating to games from provisions of the Freedom of Information Act until the first day of sale of the specific game; clarifies provisions pertaining to forged tickets, unclaimed lottery prizes and other matters related to operation of lottery games.

(HB 1220) Repeals the sunset of the additional gross receipts tax on fire insurance policies which was due to expire in July 1, 1989.

(HB 1227) Allows judgments to be included in the Set-Off Debt Collection Act. Deletes certain reporting requirements and reimbursement of interest from affected agency on erroneous setoffs.

(HB 1239) Allows local governments to establish a program permitting voluntary prepayments of local taxes, and to provide for payment of interest at a rate established by ordinance.

(HB 1250) Amends the sunset on the Virginia Coal Employment and Production Incentive Tax Credit to 2001, provides an additional \$1 per ton credit (up to \$3 credit) on the utility gross receipts tax beginning in the next biennium, and modifies the base for receiving the credit for the first dollar of credit.

(HB 1258) Amends the lottery law to permit tickets to be sold by persons sixteen years of age.

(HB 1291) Authorizes the City of Colonial Heights to prorate the tangible personal property tax.

(HB 1317) Requires annual publication of the order of real estate tax exempt property in a locality.

(HB 1382) Provides an income tax deduction for a farmer for the wholesale market price of agricultural products donated to nonprofit organizations. Reenacts a deduction which was previously allowed but had expired.

(HB 1410) Classifies daily rental property as merchants' capital as enacted in 1987; allows localities to impose a 1% rental tax, and reclassifies daily rental businesses into the retail sales category for license tax purposes.

(HB 1415) Allows the Tax Commissioner to share tax information with the State Lottery Department and the ABC Board to aid in the collection of state taxes.

(HB 1417) Provides an individual income tax credit for taxable year 1989 only of up to \$35 per personal exemption for single taxpayers with incomes of \$34,000 or less, or married taxpayers with incomes of \$68,000 or less. Bill embodies the Governor's 1989 tax reform plan using windfall revenue. Also provides a reduced credit of \$22.50 or the next four taxable years.

(HB 1423) Permits such information disclosures by DMV to local governments as may be necessary to administer the motor vehicle fuel sales tax.

(HB 1436) Validates the local coal and gas severance tax and local coal and gas road improvement tax ordinances if the locality failed to change the reference in the local tax ordinance after the recodification of Title 58. Extends the coal and gas road improvement tax to gases.

(HB 1445) Allows person participating in the real estate tax relief program for the elderly to receive at the localities' option a prorated exemption for the portion of the tax for which the taxpayer qualified for the exemption.

(HB 1455) Provides for the proration of the bank franchise tax for new banks.

(HB 1463) Authorizes localities to establish a separate class of tangible personal property for motor vehicles owned by members of volunteer rescue squads and volunteer fire departments and allows a lower tax rate to be applied.

(HB 1500) Imposes a 0.2¢ per gallon tax on motor and special fuel to clean up surface and underground oil spills. Tax is suspended when fund reaches a certain level. Lowers maximum financial responsibility of owners and operators for purposes of the Underground Oil Tank Fund.

(HB 1522) Allows localities to establish a separate class of property for motor vehicles owned by the handicapped.

(HB 1526) Provides an alternative method for establishing the income limits for qualifying for real estate tax relief for elderly and handicapped using HVD income statistics, requires treasurers to include written notice of real estate tax exemption program in real estate tax bills, and prohibits localities from imposing residency requirements as a condition for qualifying for real estate exemption or deferral programs.

(HB 1536) Exempts estates of \$5,000 or less from the probate tax.

(HB 1540) Establishes a low-income housing credit program based on the low-income federal housing credit claimed by such taxpayer. The credit is claimed on the

Virginia income tax. The specific credit percentage will be determined by VHDA.

(HB 1549) For purposes of motor fuel and special fuels tax, adds definition of synthetic fuel which requires 20% coal based liquids and expands the definition of a small refinery. Extends the tax preference for these types of fuel.

(HB 1595) Allows permanent membership of board of equalization to consist of five members in lieu of the current three members.

(HB 1596) Establishes a Virginia Tax Amnesty Program for all taxes administered by the Virginia Department of Taxation. The program will last approximately 60 days and will occur in early 1990; after that time penalties for failure to pay taxes will be increased.

(HB 1600) Allows localities to collect tangible personal property tax bills even if the bill is less than \$5.

(HB 1603) Excludes food and beverages sold through vending machines from the local meals tax levied by counties and cities.

(HB 1631) Permits land classified for special assessments in land use program to remain in land use even though certain recreational activities are conducted on the land for profit, as long as the income from recreational use is less than income from agricultural use.

(HB 1684) Allows certain Northern Virginia localities and the City of Norfolk to impose up to an additional 1% income tax on Virginia taxable income, after a local referendum. Funds generated must be used for transportation facilities. The tax expires after a locality has levied the tax for five years.

(HB 1720) Distributes \$40 million annually of state recordation tax revenue to localities by place of recordation. Effective July 1, 1990, and sunsets June 30, 1995.

(HB 1745) Imposes a fifty cent tax on the sale of each new tire in the Commonwealth to pay for the disposal of such tires.

(HB 1776) Authorizes localities to charge interest on delinquent taxes at the rate set forth in the Internal Revenue Code or 10% annually, whichever rate is higher, for the second and any subsequent year of the delinquency in order to provide a stable interest rate because the Internal Revenue Code rate fluctuates.

(HB 1777) Allows a taxpayer to file for a correction of erroneously assessed local taxes within five years from the last day of the tax year when the assessment was made, instead of the current three-year limit.

(HB 1868) Allows localities to provide a partial exemption

for rehabilitated residential or commercial real estate not less than 25 years of age, on terms established by local ordinance.

(HB 1950) Conforms Virginia's withholding to the federal by allowing itemizing taxpayers to claim additional personal exemptions. Would allow withholding to more closely approximate tax liability. Effective January 1, 1991.

(SB 127) Provides a retail sales and use tax exemption for Rockingham library and the Virginia Tissue Bank.

(SB 464) Provides an income tax deduction for qualified agricultural contributions made by an individual or a corporation to certain nonprofit organizations. Reinstates an income tax deduction which was in effect but which sunset December 31, 1987.

(SB 476) Establishes a number of separate categories of events to which an admissions tax is applicable so that localities can charge different amounts of tax for different events.

(SB 504) Allows the Department of Taxation to share certain tax information with the ABC Board and the Lottery Department to facilitate tax collections.

(SB 515) Allows the Tax Commissioner to furnish to the finance officer of any city or county charged with administering the motor vehicle fuel sales tax, relevant tax information necessary for the performance of the officer's duties.

(SB 521) Establishes a procedure for committee consideration of all sales and use tax exemption bills; Continues the study of existing exemptions according to a codified schedule for categories of exemptions; requires sales tax exemption bills to be filed by the first day of the session; and reorganizes existing exemptions into ten categories without any changes to existing language.

(SB 539) Authorizes Rockbridge County and the City of Charlottesville to prorate the tangible personal property tax.

(SB 570) Increases from \$5 to \$25 the minimum additional tax or refund payable when the actual value of property passes by probate as compared to the estimated tax based on the estimated value.

(SB 641) Modifies the responsibility and duty of the local board of equalization.

(SB 648) Allows the local gasoline tax imposed in Loudoun County to be used for any transportation purpose. The tax in the remainder of the transportation district must be used for a purpose of the district.

(SB 670) Exempts from the sales tax purchases of campground memberships. Amends the definition of the word "transient" for purposes of the sales tax to exclude

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purchases of camping memberships, timeshares and condominiums as long as the purchaser's interest exists for a period of seven years or more.

(SB 674) For purposes of tax increment financing, allows the financing technique to be extended to the nearby land of a previously blighted area if it may be improved or enhanced in value by the placement of a proposed highway construction project.

(SB 732) Establishes a tax amnesty program beginning in 1990. Increases penalties for failure to file, or underpayment of tax to 5% with a maximum penalty of 25%.

(SB 741) Reduces the dealer discount for collecting the sales tax from 3% to a sliding scale based on taxable sales.

(SB 807) Exempts pensions or retirement income received from a state or local retirement system from the income tax if such state exempts the retirement benefits provided by Virginia.

(SB 812) Authorizes Fairfax County and other Northern Virginia localities to increase the maximum income and net worth limitation to allow the local exemption programs for the elderly and handicapped to reflect the higher incomes and real estate values indicative of the region.

TRADE AND COMMERCE.

(HB 21) Creates the Overhead High Voltage Line Safety Act to protect persons engaged in work or activity in the vicinity of overhead high voltage lines carrying 600 volts or more.

(HB 620) Restricts the number of membership contracts that can be sold per camping site at membership campgrounds to 15 contracts per camping site.

(HB 1344) Creates the Prizes and Gifts Act which regulates the sale or lease or solicitation of a sale or lease of goods, services or property by a person offering prizes or gifts in connection with such sale, lease or solicitation.

(HB 1378) Authorizes the scheduling of a local referendum on a special election day in addition to a general election day, on the question whether horse racing and pari-mutuel betting should be allowed in a county or city.

(HB 1416) Requires the state to designate an area as an enterprise zone if such area has already been designated by a federal agency as a federal enterprise zone. Also increases the number of enterprise zones the Governor may approve.

(HB 1475) Allows retired law-enforcement officers to purchase the service handgun issued to them at a cost of \$1.

(HB 1594) Creates the Virginia Public Telephone Information Act which requires certain notice to telephone users in such places as hotels, motels, hospitals, etc., regarding charges for placing calls and options available to such users.

(HB 1634) Requires credit service businesses to register and post a bond or letter of credit with the Commission of Agriculture and Consumer Services. Also requires that information statements are to be provided to consumers and specifies the contracts of such statements and contracts. Authorizes the Attorney General, an attorney for the Commonwealth or for a county, city or town to enforce the provisions of the act.

(HB 1863) Provides for certain notice to consumers under the Credit Services Business Act.

(HB 1874) Specifies the penalties for reproducing without the authorization of the owner recorded material, including videocassettes, for sale or rental.

UNEMPLOYMENT COMPENSATION.

(HB 1878) Increases the time period from two to three years within which an employer may apply for a refund for overpayment of unemployment taxes.

(SB 526) Provides that an employer is not responsible for benefit charges for an employee who voluntarily left employment to train under the Trade Act of 1974.

(SB 743) Excludes the services performed by cosmetologists and barbers from the term "employment" as used in the Act, provided evidence is furnished to the Commission that such individuals are excluded from taxation under the Federal Unemployment Tax Act.

WATERS OF THE STATE, PORTS AND HARBORS.

(HB 692) Amends the Coastal Primary Sand Dune Act by replacing the definition of "reach" with a new definition of "beach" which clarifies the jurisdiction of the Virginia Marine Resources Commission and the eight localities which have adopted sand dune ordinances.

(HB 1241) Prohibits those outdoor recreational activities in wetlands that impair natural functions on contour of wetlands.

(HB 1312) Amends existing law relating to the regulation of underground storage tanks to ensure that Virginia's statutes meet or exceed federal requirements for delegation of the underground storage tank program to the Commonwealth.

(HB 1585) Clarifies that the State Water Control Board is to hold certain types of public hearings pursuant to sections of the Administrative Process Act in the development of regulations.

(HB 1750) Expands the authority of the Virginia Resources Authority to finance solid waste treatment, recycling and resource recovery facilities; raises the ceiling of the authority to \$400; adds the Executive Director of the Department of Waste Management to the Board of Directors of the Authority.

(HB 1790) Prohibits drilling for oil or gas in the Chesapeake Bay and its tributaries.

(HB 1828) Proposes that civil penalties and charges assessed for violations of the state water control law, regulations or court orders be deposited into the Virginia Oil Spill Contingency Fund, unless otherwise directed by the courts.

(HB 1837) Amends state water policy by redefining use of state waters to include in-stream uses such as the protection of fish and wildlife, navigation, recreation, and cultural and aesthetic values; recognizes human consumption as the highest priority beneficial use; and notes that the quality of the state's water is affected by water quantity and that flow conditions should be maintained to protect in-stream beneficial uses.

(HB 1838) Gives the State Water Control Board the authority and standing to intervene as an interested party in civil actions involving surface water withdrawals.

(HB 1839) Creates a Virginia water protection permit which will be required for any activity requiring certification under section 401 of the Clean Water Act (e.g., dredging and filling, development of reservoirs).

(HB 1840) Allows the State Water Control Board to require annual reporting of agricultural water use exceeding one million gallons per month.

(HB 1841) Creates a regulatory program to designate surface water management areas where drought or other low flow conditions might threaten in-stream uses.

(SB 678) Allows the Virginia Resources Authority to provide loans for drainage projects, solid waste treatment, disposal and management projects, recycling projects and resource recovery projects; increases the maximum amount of bonds outstanding at any one time from \$300 to \$400 million; and adds the Executive Director of the Department of Waste Management as an ex officio member of the Authority's Board of Directors.

WELFARE.

(HB 1144) Exempts income from "Agent Orange" settlements from consideration in determination of public assistance.

(HB 1194) Allows each county or city in a district to have at least one member on the advisory board to the local departments of public welfare. Allows the officer to designate his principal assistant, the superintendent of

public welfare or the chief public assistance officer to act in his behalf.

(HB 1221) Permits the Department of the Visually Handicapped to donate equipment to those authorized to use it, once the equipment has depreciated to zero value. Also allows the Board to accept gifts and to create an institutional fund into which the Board may deposit gifts, grants, bequests, etc., received from private sources.

(HB 1286) Requires adult homes to provide the toll-free telephone number of the Department for the Rights of the Disabled to residents of the facility.

(HB 1352) Allows the denial of food stamp benefits upon the determination that the individual applying for or receiving benefits has made a false/misleading statement or has misrepresented, concealed or withheld facts.

(HB 1369) Adds the definition of independent living placement in § 63.1-195, and repeals the constraints on agencies regarding considerations to be made prior to determining whether a child is a suitable candidate for independent living placement.

(HB 1370) Changes the number of members of the Board for Rights of the Disabled from 38 to 40 members, to include the head of the Department of Aging and an additional person in the group of those with developmental disabilities. Also requires staggering of terms for those appointed in 1989.

(HB 1420) Requires homes for adults licensed for ambulatory, nonambulatory or semi-ambulatory patients to be classified by, and meet the specifications of, the Virginia Uniform Statewide Building Code.

(HB 1486) Directs the Department of Rehabilitative Services to develop, implement and operate long-term disability care and case management for those in need. The disabilities include traumatic brain injury, spinal cord injury, cerebral palsy, arthritis, muscular dystrophy, multiple sclerosis and systemic lupus erythematosus.

(HB 1491) Repeals adoption provisions and recodifies adoption to allow private parent/guardian placement and eliminate danger of baby-selling.

(HB 1497) Allows the Department of Social Services to collect the fees for adoption services. Also requires the court to transfer such fees to the appropriate department, if the court collected the fees.

(HB 1541) Broadens the range of qualifying projects and increases the tax credit limits to the Neighborhood Assistance Act. Also includes S corporations in the list of entities allowed tax credits.

(HB 1586) Prohibits localities from imposing a license tax on a blind person operating a vending stand or other business under the jurisdiction of the Department for the

Legislative

Visually Handicapped. Exempts the blind operating businesses under the Department's jurisdiction from all state and local taxes. The enterprises are responsible for all taxes, including meal taxes, which they actually collect, unless the businesses are located on military property.

(HB 1966) Specifies that adoptive parents' failure to provide information certifying that the adopted child remains in their custody and that the child's condition continues to require the subsidy, may be grounds for suspension of the benefits until the information is provided.

(SB 437) Provides that the Administrative Process Act shall apply to case decisions regarding the grant or denial of aid to dependent children, Medicaid, food stamps, general relief, auxiliary grants or state/local hospitalization pursuant to Title 63.1.

(SB 586) Clarifies and expands suspected abuse or neglect situations which local child protective services programs are required to report to attorney for the Commonwealth.

(SB 605) Exempts amounts received in compensation for exposure to "Agent Orange" from consideration in determining eligibility for public assistance programs, to the extent permitted by federal law, and from subjection to liens for reimbursement for public assistance received.

WILLS AND DECEDENTS' ESTATES.

(HB 1114) Provides that in an action in which death of a nonresident is in issue, if nonresident owned personal property in Virginia, court in Virginia may take jurisdiction and presume him dead after 7 years' absence from his residence.

(HB 1209) Broadens current statutory provision to allow any corporation to deliver securities to statutory heirs of resident decedent if there is no qualification within 60 days of death.

(HB 1342) Allows termination of trust with a principal value of \$15,000 or less, provided there is no expectation that the principal sum will be increased beyond additions of interest or earnings; provides that residence of trustee is a proper alternative venue for petition to terminate a cemetery trust.

(HB 1589) Allows corpus and income of spendthrift trust to be paid to or applied for the benefit of the trust beneficiaries.

(HB 1726) Requires fiduciary to give notice to any known creditor prior to distribution in order to protect the fiduciary from liability for payment of a claim.

(SB 498) Provides that incorporation of fiduciary powers by reference to § 64.1-57 picks up powers set forth therein at the time of decedent's death, except that any reference to powers under the Uniform Gift to Minors Act in an

instrument executed prior to July 1, 1989, is to be construed to refer to the Uniform Transfers to Minors Act.

(SB 686) Includes references to new parentage proceedings in sections relating to establishment of paternity for inheritance purposes.

WORKERS' COMPENSATION.

(HB 1335) Prohibits an affiliation between the administrator of a group self-insurance association and the company providing services for such association.

(HB 1577) Provides that certain taxicab drivers are not deemed to be "employees" for the purposes of the Workers' Compensation Act.

(HB 1578) Provides that in those cases where no compensation has been paid to an injured employee, the statute of limitations for review of an award on a change in condition is extended to thirty-six months from the date of the accident.

(HB 1654) Upon proper request to and in the discretion of the Industrial Commission, permits video recordings of hearings and rehearings of the Commission. Provides that the expense of such shall be borne by the requesting party.

(HB 1655) Allows for filings to be made at any regional office maintained by the Industrial Commission. Also provides that such filings may be sent by electronic mail or facsimile transmission.

(HB 1656) Provides that an employer may elect to include his independent contractor as an employee under the Act if the independent contractor and the insurer agree in writing to such inclusion.

(HB 1659) Requires a memorandum of agreement to be filed with the Industrial Commission within fourteen days of its completion and provides a penalty for failing to do so.

(HB 1725) Provides that no application filed by a party alleging a change in condition shall be docketed for hearing by the Industrial Commission unless any medical reports upon which the party is relying are also submitted.

(HB 1819) Provides that where the Industrial Commission finds that an employer or insurer has delayed payment to an injured employee without reasonable grounds, it may assess against such employer or insurer the entire cost of the proceeding, including a reasonable attorney's fee.

(HB 1972) Clarifies that persons engaged in the direct delivery of health care are covered for infectious or contagious diseases and provides a special statute of limitations for human immunodeficiency virus infections, including AIDS.

(SB 301) Provides for the tolling of the statute of limitations for the filing of workers' compensation benefits when an injured employee continues to receive full salary in lieu of benefits.

(SB 479) Provides that in the event a dispute over vocational rehabilitation training services arises between an employer and an injured employee, either party may request a hearing and seek the approval of the Industrial Commission for the proposed services. Also provides that the services shall take into account a number of factors including the employee's pre-injury job and wage classification, etc.

(SB 682) Gives an employee (i) who is physically unable to return to his pre-injury work, (ii) who is provided work within his capacity of a wage equal to or greater than his pre-injury wage, and (iii) whose employment is terminated within a twenty-four-month period from the date of his return to work, twenty-four months from the day his employment is terminated to request a review of award on a change in condition by the Industrial Commission.

GENERAL NOTICES/ERRATA

Symbol Key † † Indicates entries since last publication of the Virginia Register
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DEPARTMENT OF CORRECTIONS (BOARD OF)

Notice of Intended Regulatory Action

Title of Regulation: Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children.

See Notice under Department of Social Services for additional information.

DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department for the Deaf and Hard-of-Hearing intends to consider promulgating regulations entitled: **VR 245-01-01. Public Participation Guidelines.** The purpose of the proposed regulation is to seek public participation from interested parties prior to formation and during the drafting, promulgating and final adoption process of regulations.

Statutory Authority: § 63.1-85.4 of the Code of Virginia.

Written comments may be submitted until May 26, 1989.

Contact: Kathy E. Vesley, Deputy Director, Department for the Deaf and Hard-of-Hearing, 101 N. 14th St., 7th Floor, Richmond, VA 23219, telephone (804) 225-2570, SCATS 225-2570 or 1-800-553-7917 (toll-free)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department for the Deaf and Hard-of-Hearing intends to consider promulgating regulations entitled: **VR 245-01-02. Regulations Governing Eligibility Standards and Application Procedures for the Distribution of Telecommunications Equipment.** The purpose of the proposed regulation is to screen eligible hearing-impaired and speech-impaired residents of Virginia for the Telecommunications Assistance Program (TAP) and to determine the approved applicant's contribution toward the purchase of telecommunications equipment.

Statutory Authority: § 63.1-85.4 of the Code of Virginia.

Written comments may be submitted until May 26, 1989.

Contact: Kathy E. Vesley, Deputy Director, Department for the Deaf and Hard-of-Hearing, 101 N. 14th St., 7th Floor, Richmond, VA 23219, telephone (804) 225-2570, SCATS 225-2570 or 1-800-552-7917 (toll-free)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department for the Deaf and Hard-of-Hearing intends to consider promulgating regulations entitled: **VR 245-03-01. Regulations Governing Interpreter Services for the Hearing Impaired.** The purpose of the proposed regulation is to regulate the administration of interpreter services and the administration of quality assurance screenings.

Statutory Authority: § 63.1-85.4 of the Code of Virginia.

Written comments may be submitted until May 26, 1989.

Contact: Kathy E. Vesley, Deputy Director, Department for the Deaf and Hard-of-Hearing, 101 N. 14th St., 7th Floor, Richmond, VA 23219, telephone (804) 225-2570, SCATS 225-2570 or 1-800-552-7917 (toll-free)

DEPARTMENT OF EDUCATION (STATE BOARD OF)

Notice of Intended Regulatory Action

Title of Regulation: Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children.

See Notice under Department of Social Services for additional information.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Education intends to consider amending regulations entitled: **Standards for Accrediting Public Schools in Virginia.** The purpose of the proposed action is to provide a foundation for quality education and to provide guidance and direction to assist schools in their continuing efforts to offer educational programs to meet the needs, interests, and aspirations of all students.

Statutory Authority: § 22.1-19 of the Code of Virginia.

Written comments may be submitted until April 14, 1989.

Contact: Kenneth Beachum, Director of Program Compliance, P. O. Box 6Q, Richmond, VA 23216, telephone (804) 225-2106 or SCATS 225-2106

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Funeral Directors and Embalmers intends to consider promulgating regulations entitled: **Regulations Governing Funeral Industry Practice**. The purpose of the proposed regulations is to govern preneed planning; reevaluate the qualifications of managers of establishments; and to reevaluate the qualifications of establishments.

Statutory Authority: §§ 54.1-2400 and 54.1-2803 of the Code of Virginia.

Written comments may be submitted until May 1, 1989.

Contact: Mark L. Forberg, Executive Director, Department of Health Professions, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9907

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Housing and Community Development intends to consider amending regulations entitled: **VR 394-01-3. Survey Standard for the Inspection of Buildings Being Converted to Condominiums for the Presence of Asbestos**. The purpose of the proposed action is to amend the standards for inspections, management programs and response actions for condominium conversions.

Statutory Authority: § 55-79.94 of the Code of Virginia.

Written comments may be submitted until April 21, 1989.

Contact: Gregory H. Revels, Program Manager, Department of Housing and Community Development, 205 N. 4th St., Richmond, VA 23219, telephone (804) 371-7772 OR SCATS 371-7772

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: **VR 394-01-21. Virginia Uniform**

Statewide Building Code - Volume I, New Construction Code - 1987 Edition. The purpose of the proposed action is to amend those portions of the regulations pertaining to; Article 1 - § 104.0 Fees (fee schedules); Article 5 - § 512.0 Building Accessibility and Usability for the Physically Handicapped; Article 6 - § 627.0 Installation of Underground Storage Tanks; and Articles 5, 8, 9, and 10 Fire Protection Systems for Use Groups R-1 (Hotels, Motels) and R-2 (Multifamily Dwellings)

Statutory Authority: 36-98 et seq. of the Code of Virginia.

Written comments may be submitted until April 21, 1989.

Contact: Gregory H. Revels, Program Manager, Department of Housing and Community Development - Code Development Office, 205 N. 4th St., Richmond, VA 23219, telephone, (804) 371-7772 or SCATS 371-7772

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: **VR 394-01-6. Statewide Fire Prevention Code - 1987 Edition**. The purpose of the proposed action is to amend those portions of the regulations governing; Article 26 - Manufacture, Handling, Storage and Use of Explosives, Ammunition and Blasting Agents; and Article 4 - Hazard Abatement in Existing Buildings; Fire Protection Systems for Use Group R-1 (Hotels, Motels).

Statutory Authority: § 27-29 of the Code of Virginia

Written comments may be submitted until April 21, 1989.

Contact: Gregory H. Revels, Program Manager, Department of Housing and Community Development - Code Development Office, 205 N. 4th St., Richmond, VA 23219, telephone (804) 371-7772 or SCATS 371-7772

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: **VR 394-01-7. Asbestos Survey Standards for Buildings to be Renovated or Demolished**. The purpose of the proposed action is to amend the standards for inspection and management of buildings to be renovated or demolished.

Statutory Authority: § 36-98 et seq. of the Code of Virginia.

Written comments may be submitted until April 21, 1989.

Contact: Gregory H. Revels, Program Manager, Department of Housing and Community Development -

General Notices/Errata

Code Development Office, 205 N. 4th St., Richmond, VA 23219, telephone (804) 371-7772 or SCATS 371-7772

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: **VR 394-01-22. Virginia Uniform Statewide Building Code, Volume II Building Maintenance Code.** The purpose of the proposed action is to amend those portions of the regulations pertaining to Article 9, Hazard Abatement in Existing Buildings; Fire Protection for Use Group R-1 (Hotels, Motels).

Statutory Authority: 36-98 et seq. of the Code of Virginia.

Written comments may be submitted until April 21, 1989.

Contact: Gregory H. Revels, Program Manager, Department of Housing and Community Development - Code Development Office, 205 N. 4th St., Richmond, VA 23219, telephone (804) 371-7772 or SCATS 371-7772

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 Board of Medical Assistance Services intends to consider promulgating regulations entitled: **Client Appeals.** The proposed regulation will establish procedures governing client appeal for Medical Assistance Services.

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

Written comments may be submitted until 4:30 p.m. on April 10, 1989, to Terry Conoway, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933

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 Board of Rehabilitative Services intends to consider amending regulations entitled: **Provision of Vocational Rehabilitation Services.** The purpose of the proposed action is to amend

certain portions of the regulations to comply with new federal regulations and broaden the service capabilities of the department.

Statutory Authority: § 51.5-5 of the Code of Virginia.

Written comments may be submitted until April 28, 1989, to Charles H. Merritt, Assistant Commissioner, P.O. Box 11045, Richmond, VA 23230.

Contact: James L. Hunter, Board Administrator, 4901 Fitzhugh Ave., Richmond, VA 23230, telephone (804) 367-6446, SCATS 367-6446, 1-800-552-5019 TDD/Voice or (804) 367-0280 TDD/Voice

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Boards of Corrections; Education; Mental Health, Mental Retardation and Substance Abuse Services; and Social Services intend to consider amending regulations entitled: **Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children.** The regulation establishes standards to provide children in residential facilities with at least a minimal level of care. The current effort is intended to amend and clarify those sections of the standards which address supervision of children.

Statutory Authority: §§ 63.1-196, 63.1-217, 22.1-321, 37.1-179, and 16.1-311 of the Code of Virginia.

Written comments may be submitted until April 14, 1989.

Contact: Ms. Tommye R. Finley, Assistant Coordinator, Office of the Coordinator, Interdepartmental Licensure and Certification, 8007 Discovery Drive, Richmond, VA 23229, telephone (804) 662-7124 or SCATS 662-7124

DEPARTMENT OF WASTE MANAGEMENT (VIRGINIA WASTE MANAGEMENT BOARD)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Waste Management Board intends to consider promulgating regulations entitled: **Regulations for the Development of Waste Management Plans.** These regulations would establish standards and procedures pertaining to waste management planning in the Commonwealth, promote local and regional planning that provides for environmentally sound waste management and maximum utilization of valuable resources, and establish minimum requirements for local and regional waste management plans under §

10.1-1411 of the Code of Virginia.

The Department will form a technical advisory committee to help formulate the proposed regulations. Persons who have a desire to be a part of that committee should indicate their desire in their comments and discuss the personal resources and expertise they would bring to the committee if they were selected to be a member.

Statutory Authority: § 10.1-1402 of the Code of Virginia.

Written comments may be submitted until March 27, 1989.

Contact: Robert G. Wickline, Director of R and D, DTS, Department of Waste Management, 11th Floor, Monroe Building, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2667 or SCATS 225-2667

GENERAL NOTICES

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

† Notice of Grant Programs

The Department of Housing and Community Development was designated administering agency for distribution of state funds appropriated by the General Assembly under the Virginia Housing Partnership Fund for the 1988-90 biennium. During the first year, funds were made available for three state housing grant programs and the State Emergency Shelter Support Program was continued. In the second year of the biennium, these programs will remain with the addition of an expansion loan program. (See Proposed Regulations for SHARE-Expansion Loan and SHARE-Expansion Grant Programs.) All homeless programs have been renamed under the State Housing Homeless Assistance Programs (SHARE). Informal advisory committees continue to be utilized to gather broad input on program design.

Notice is hereby given of the availability of grants to eligible project sponsors under the following programs: Seed-Money For Nonprofit Organizations (application deadline - May 1, 1989 - amount available statewide - \$375,000), Emergency Home Repair Grants (application deadline - April 24, 1989 - amount available statewide - \$250,000), SHARE-Shelter Support Grants (application deadline - April 6, 1989 - amount available statewide - \$556,695), SHARE-Expansion Loan (application deadline - April 24, 1989 - amount available statewide - \$2,000,000), SHARE-Expansion Grant Program (application deadline - April 24, 1989 - amount available statewide - \$750,000).

For requesting program information or application manuals contact: Rebecca C. Miller, Program Manager, Virginia Department of Housing and Community Development, 205 N. Fourth St., Richmond, VA 23219, telephone (804) 786-7891.

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: Jane Chaffin, Virginia Code Commission, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591.

FORMS:

NOTICE OF INTENDED REGULATORY ACTION - RR01
NOTICE OF COMMENT PERIOD - RR02
PROPOSED (Transmittal Sheet) - RR03
FINAL (Transmittal Sheet) - RR04
EMERGENCY (Transmittal Sheet) - RR05
NOTICE OF MEETING - RR06
AGENCY RESPONSE TO LEGISLATIVE OR GUBERNATORIAL OBJECTIONS - RR08
DEPARTMENT OF PLANNING AND BUDGET (Transmittal Sheet) - DPBRR09

Copies of the Virginia Register Form, Style and Procedure Manual may also be obtained from Jane Chaffin at the above address.

ERRATA

DEPARTMENT OF COMMERCE

Title of Regulation: VR 190-05-01. Asbestos Licensing Regulations

Publication: 5:11 VA.R. 1421-1448 February 27, 1989

Correction to the Final Regulation:

Section 2.7, page 1424, strike "F" and insert § 2.8. The numbers 1 through 4 under subsection F should be changed to the letters A through D. The section should read as follows:

[~~F~~ § 2.8] Fees.

[~~+~~ A.] Fees for an interim asbestos workers license shall be \$35. The fee amounts are based on the administrative costs of the asbestos licensing program.

1. [~~2~~ B.] A completed application (as required in Part II, § 2.7 of these regulations) shall be accompanied by the . . .

General Notices/Errata

2. The fee for an asbestos worker's interim license will be established by the director pursuant to § 54-1.28-1 of the Code of Virginia. Fee amounts are based on administrative costs of the asbestos licensing program.

[~~3~~. C.] All fees will be nonrefundable.

[4. D.] Receipt and deposit of fees submitted with applications do not in any way include approval for licensure.

Section 6.7 C, page 1432, insert new subdivision 2 and renumber existing subdivision 2 to subdivision 3 as follows:

[2. *A description of any asbestos abatement activities conducted by the applicant that were terminated prior to completion, including the circumstances of termination.*]

[~~2~~. 3.] *A copy of any reports compiled by an enforcement agency.*]

Section 10.1, page 1445, subdivision 3, strike the numeral 3 as follows:

[~~3~~.] The project shall not commence . . .

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

(804) 786-3516

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

May 17, 1989 - 10 a.m. - Public Hearing
Washington Building, 1100 Bank Street, Room 204,
Richmond, Virginia. ☒

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Agriculture and Consumer Services intends to amend regulations entitled: **VR 115-04-01. Rules and Regulations for Enforcement of the Endangered Plant and Insect Species Act.** This amendment adds the following rare plant species as endangered under the Virginia Endangered Plant and Insect Species Act: Shale Barren Rock Cress, Arabis serotina; Mat-Forming Water-Hyssop, Bacopa stragula; Piratebush, Buckleya distichophylla; Variable Sedge, Carex polymorpha; Harper's Fimbristylis, Fimbristylis perpusilla; Virginia Sneezeweed, Helenium virginicum; Swamp-Pink, Helonias bullata; Long-Stalked Holly, Ilex collina; Peter's Mountain Mallow, Iliamna corei; Nestronia, Nestronia umbellula; Northeastern Bulrush, Scirpus ancistrochaetus; Virginia Spiraea, Spiraea virginiana.

Statutory Authority: §§ 3.1-1020 through 3.1-1030 of the Code of Virginia.

Written comments may be submitted until April 27, 1989.

Contact: D. J. Schweitzer, Endangered Species Coordinator, Department of Agriculture and Consumer Services, 1100 Bank St., P.O. Box 1163, Richmond, VA 23209, telephone

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May 17, 1989 - 10 a.m. - Public Hearing
Washington Building, 1100 Bank Street, Room 204,
Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Agriculture and Consumer Services intends to amend regulations entitled: **VR 115-04-04. Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law.** The purpose of the proposed action is to amend the regulation to exempt users of vehicle scales from the minimum net load restriction (50 scale divisions) of U.R.3.7. of the Scale Code, Natinal Bureau of Standards Handbook 44, 1989 Edition.

Statutory Authority: § 3.1-926 of the Code of Virginia.

Written comments may be submitted until 5 p.m., April 28, 1989.

Contact: J. Alan Rogers, Bureau Chief, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 402, P.O. Box 1163, Richmond, VA 23209, telephone (804) 786-2476 or SCATS 786-2476

VIRGINIA AGRICULTURAL COUNCIL

May 15, 1989 - 9 a.m. - Open Meeting
Holiday Inn-Airport, 5203 Williamsburg Road, Sandston,
Virginia. ☒

A meeting of the Council called by the Chairman to (i) hear any new project proposals which are properly supported by the Board of Directors of a commodity group; (ii) review progress reports on research completed on approved projects funded during this fiscal year; and (iii) consider any other business that may come before the members of the Council.

Contact: Henry H. Budd, Assistant Secretary, Washington Bldg., 1100 Bank St., Room 203, Richmond, VA 23219, telephone (804) 786-2373

DEPARTMENT OF AIR POLLUTION CONTROL (STATE AIR POLLUTION CONTROL BOARD)

March 27, 1989 - 7:30 p.m. - Open Meeting
Circuit Court Room, Smyth County Courthouse, 109 W.

Calendar of Events

Main Street, Marion, Virginia. ☒ (Interpreter for deaf provided if requested)

A meeting to receive public comments on an application from Merillat Industries, Inc., for a permit to construct and operate a cabinet door manufacturing plant on State Route 686 in Atkins, Smyth County.

Contact: Michael D. Overstreet, Director, Region I, Department of Air Pollution Control, 121 Russell Rd., Abingdon, VA 24210, telephone (703) 628-7841

† **April 12, 1989 - 10:30 a.m.** – Public Hearing
Hampton Roads Regional Office, 2010 Old Greenbrier Road, Chesapeake, Virginia

Public hearing being held to consider an amendment Consent Agreement and Order for VI-TEX PACKAGING, INC.

Contact: Frank Daniel, Regional Director, Department of Air Pollution Control, 2010 Old Greenbrier Rd., Suite A, Chesapeake, VA, telephone (804) 838-6627

April 28, 1989 - 9 a.m. – Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia

A general meeting of the board.

Contact: Richard Stone, Public Information Officer, Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240, telephone (804) 786-5478 or SCATS 786-5478

BOARD FOR ARCHITECTS

March 31, 1989 - 9 a.m. – Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) approve minutes of February 3, 1989, meeting; (ii) review correspondence; (iii) review applications; (iv) review enforcement files; and (v) consider regulatory review.

Contact: Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, SCATS 367-8514 or toll-free 1-800-552-3016

AUCTIONEERS BOARD

† **April 11, 1989 - 9 a.m.** – Open Meeting
Travelers Building, 3600 West Broad Street, Richmond, Virginia. ☒

An open board meeting to conduct (i) review of complaints; (ii) review of certification applications;

(iii) discussion of revenue and expenditures; and (iv) other board business.

Contact: Gerald W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534, toll-free 1-800-552-3016 or SCATS 367-8534

VIRGINIA BOATING ADVISORY BOARD

April 13, 1989 - 10:30 a.m. – Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ☒

A meeting to review and act on issues, legislation and regulations affecting Virginia's recreational boating public.

Contact: Wayland W. Rennie, Chairman, 8411 Patterson Ave., Richmond, VA 23229, telephone (804) 740-7206

CHESAPEAKE BAY COMMISSION

† **April 27, 1989 - 10:30 a.m.** – Open Meeting
† **April 28, 1989 - 9 a.m.** – Open Meeting
Holiday Inn - Harrisburg East, 4751 Lindle Road, Harrisburg, Pennsylvania

Quarterly meeting of Chesapeake Bay Commission. Agenda will include summaries of legislative activities in the three states and discussions concerning Toxics, Population Growth and Development, and Non-Tidal Wetlands Commitments. In addition, there will be a presentation of Pennsylvania's environmental programs.

Contact: Ann Pesiri Swanson, Executive Director, 60 West St., Suite 200, Annapolis, MD 21401, telephone (301) 263-3420

LOCAL EMERGENCY PLANNING COMMITTEE OF CHESTERFIELD COUNTY

April 6, 1989 - 5:30 p.m. – Open Meeting
Chesterfield County Administration Building, 10001 Ironbridge Road, Room 502, Chesterfield, Virginia. ☒

A meeting to meet requirements of Superfund Amendment and Reauthorization Act of 1986.

Contact: Lynda G. Furr, Assistant Emergency Services Coordinator, Chesterfield Fire Department, P. O. Box 40, Chesterfield, VA 23832, telephone (804) 748-1236

CHILD DAY-CARE COUNCIL

† **April 13, 1989 - 9 a.m.** – Open Meeting
Koger Executive Center, West End, Blair Building, 8007

Calendar of Events

Discovery Drive, Conference Rooms A & B, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The Child Day-Care Council will meet to discuss issues, concerns, and programs that impact licensed child care centers.

Contact: Arlene Kasper, Program Development Supervisor, Division of Licensing Programs, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9034 or SCATS 662-9034

DEPARTMENT FOR CHILDREN

Consortium on Child Mental Health

April 5, 1989 - 9 a.m. - Open Meeting

May 3, 1989 - 9 a.m. - Open Meeting

June 7, 1989 - 9 a.m. - Open Meeting

Virginia Department for Children, Eighth Street Office Building, 11th Floor Conference Room, 805 East Broad Street, Richmond, Virginia. ☒

A regular business meeting open to the public, followed by an executive session, for purposes of confidentiality, to review applications for funding of services to individuals.

Contact: Wenda Singer, Chair, Virginia Department for Children, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-2208 or SCATS 786-2208

Rural Child Care Project Committee

† March 27, 1989 - 1 p.m. - Open Meeting

Eighth Street Office Building, 805 East Broad Street, 11th Floor Conference Room, Richmond, Virginia. ☒

A planning meeting of the Rural Child Care Project Committee is open to the public.

Contact: Linda B. Thomas, Human Resources Developer, Department for Children, Eighth Street Office Bldg., 805 E. Broad St., 11th Floor, Richmond, VA 23219, telephone (804) 786-5793 or SCATS 786-5793

COORDINATING COMMITTEE FOR INTERDEPARTMENTAL LICENSURE AND CERTIFICATION OF RESIDENTIAL FACILITIES FOR CHILDREN

† April 14, 1989 - 8:30 a.m. - Open Meeting

† May 12, 1989 - 8:30 a.m. - Open Meeting

† June 9, 1989 - 8:30 a.m. - Open Meeting

Interdepartmental Licensure and Certification, Office of the Coordinator, Tyler Building, 1603 Santa Rosa Drive, Suite 210, Richmond, Virginia. ☒

Regularly scheduled meetings to consider such

administrative and policy issues as may be presented to the committee.

Contact: John Allen, Coordinator, Interdepartmental Licensure and Certification, Office of the Coordinator, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-7124 or SCATS 662-7124

BOARD FOR COMMERCIAL DRIVER TRAINING SCHOOLS

† April 28, 1989 - 10 a.m. - Open Meeting
Travelers Building, 3600 West Broad Street, Richmond, Virginia. ☒

An open meeting to conduct regulatory review.

Contact: Gerald W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534, toll-free 1-800-552-3016 or SCATS 367-8534

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

Goose Creek Scenic River Advisory Board

March 29, 1989 - 2 p.m. - Open Meeting
Fisher Residence, Route 642, Loudoun County, Virginia

A review of river issues and programs.

Historic Lower James River Advisory Board

† April 6, 1989 - 7:30 p.m. - Open Meeting
Williamsburg Regional Library, 515 Scotland Street, Room B, Williamsburg, Virginia

Review of river issues and programs.

Contact: Richard G. Gibbons, Environmental Program Manager, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-5046 or SCATS 786-5046

Virginia Historic Landmarks Board

† April 18, 1989 - 2 p.m. - Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ☒

A general business meeting.

Division of Historic Landmarks State Review Board

† April 18, 1989 - 10 a.m. - Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ☒

A meeting to consider the nomination of the following

Calendar of Events

properties to the Virginia Landmarks Register and the National Register of Historic Places:

Belle-Hampton House, Pulaski County
Christ Episcopal Church, Wise County
Miles Carpenter House, Sussex County
Liberty Hall, Sussex County
Monticola, Albemarle County
Woodlands, Albemarle County
Holly School, Northumberland County
Hartwood Presbyterian Church, Stafford County
Farmville Historic District, Farmville, Prince Edward County
Mt. Pleasant, Augusta County
Bethel Church, Clarke County
Pentagon, Arlington

The following properties will be considered for removal from the Virginia Landmarks Register and the National Register of Historic Places:

Exeter, Loudoun County
Waverley, Loudoun County
Bristol Railroad Station, Bristol
Oak Hill, Pittsylvania County

Contact: Margaret T. Peters, Information Officer, Division of Historic Landmarks, 221 Governor St., Suite 206, Richmond, VA 23219, telephone (804) 786-3143 or SCATS 786-3143

Division of Soil and Water Conservation

April 3, 1989 - 7 p.m. – Open Meeting
Roanoke County Administration Center, 3738 Brambleton Avenue, S.W., Roanoke, Virginia. ☒

April 6, 1989 - 7 p.m. – Open Meeting
Williamsburg-James City County General District Court, 321-45 Court Street, Williamsburg, Virginia. ☒

April 10, 1989 - 7 p.m. – Open Meeting
Prince William County Administration Center, McCourt Building, 4850 Davis Ford Road, Board of Supervisors Room, Prince William, Virginia. ☒

A meeting to provide an opportunity for public review and comment on the Virginia Nonpoint Source Pollution Assessment Report and the Virginia Nonpoint Source Pollution Management Plan developed and revised in accordance with § 319 of the Clean Water Act of 1987.

Contact: Deborah Southard, Environmental Engineer, Division of Soil and Water Conservation, 203 Governor St., Suite 206, Richmond, VA 23219, telephone (804) 786-2064 or SCATS 786-2064

BOARD FOR CONTRACTORS

NOTE: CHANGE IN MEETING DATE

April 12, 1989 - 9 a.m. – Open Meeting

April 13, 1989 - 9 a.m. – Open Meeting

Travelers Building, 3600 West Broad Street, Richmond, Virginia. ☒

A quarterly meeting to (i) address policy and procedural issues, (ii) review and render decisions on applications for contractors' licenses, (iii) review staff recommendations for revisions to its rules and regulations to determine needed changes, additions and revisions in procedures, requirements, and standards applicable to Class B Registrations and Class A Licenses; and (iv) review and render case decisions on matured complaints against licensees. The meeting is open to the public; however, a large portion of the board's business will be discussed in the executive session.

Contact: Laster G. Thompson, Jr., Assistant Director, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8557 or toll-free 1-800-552-3016

BOARD OF CORRECTIONAL EDUCATION

May 19, 1989 - 10 a.m. – Open Meeting
Hanover Learning Center, Hanover, Virginia. ☒ (Interpreter for deaf provided if requested)

A meeting to discuss general business of the Board of Correctional Education.

Contact: Joan C. Macklin, Confidential Secretary, Department of Correctional Education, James Monroe Bldg., 101 N. 14th St., 7th Floor, Richmond, VA 23219, telephone (804) 225-3314 or SCATS 335-3314

BOARD OF CORRECTIONS

† **April 12, 1989 - 10 a.m. – Open Meeting**
Board of Corrections Board Room, 6900 Atmore Drive, Richmond, Virginia. ☒

A regular monthly meeting to consider such matters as may be presented to the Board of Corrections.

Contact: Vivian Toler, Secretary of the Board, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235

CRIMINAL JUSTICE SERVICES BOARD

† **April 5, 1989 - 11 a.m. – Open Meeting**
James Monroe Building, 101 North 14th Street, Conference Room B, Richmond, Virginia. ☒

A meeting to consider matters related to the board's

Calendar of Events

responsibilities for criminal justice training and improvement of the criminal justice system.

Contact: Paula Scott, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-4000 or SCATS 786-4000

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May 3, 1989 - 9 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Criminal Justice Services Board intends to amend regulations entitled: **VR 240-01-2. Rules Relating to Compulsory In-Service Training Standards for Law-enforcement, Jailor or Custodial, Courtroom Security and Civil Process Officers and Officers of the Department of Corrections, Division of Adult Institutions.** These rules amend existing in-service training requirements for criminal justice officers and promulgate in-service training requirements for court security officers and process servers in accordance with the 1988 amendments to § 9-170 of the Code of Virginia.

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

Written comments may be submitted until April 13, 1989.

Contact: Paula Scott, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-4000 or SCATS 786-4000

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May 3, 1989 - 9 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C, 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 240-01-3. Compulsory Minimum Training Standards for Undercover Investigative Officers.** The purpose of the proposed amendments is to update and revise required training for law-enforcement personnel assigned duties as undercover investigating officer.

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

Written comments may be submitted until April 13, 1989.

Contact: Paula Scott, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-8730

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May 3, 1989 - 9 a.m. - Public Hearing

General Assembly Building, Capitol Square, House Room C, 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 240-01-5. Rules Relating to Compulsory Minimum Training Standards for Dispatchers.** The purpose of the proposed action is to update and state added requirements for compulsory minimum training standards for dispatchers employed by or in local law-enforcement agencies or independent communication centers.

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

Written comments may be submitted until April 13, 1989.

Contact: Paula Scott, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-8730

Committee on Training

† **April 5, 1989 - 9 a.m. - Open Meeting**
James Monroe Building, 101 North 14th Street, Conference Room B, Richmond, Virginia. ☐

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

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

DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

† **April 3, 1989 - 7 p.m. - Public Hearing**
Henrico High School, 302 Azalea Avenue, South Cafeteria, Richmond, Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department for the Deaf and Hard-of-Hearing intends to adopt regulations entitled: **VR 245-01-01. Public Participation Guidelines.** The department will seek public participation from interested parties prior to formation and during the drafting, promulgation and final adoption process of regulations.

STATEMENT

Statement of substance, issues, basis, purpose and estimated impact: The Department for the Deaf and Hard-of-Hearing is responsible for formulating standards, regulations and personnel to ensure efficient and effective distribution of telecommunications equipment, beginning July 1, 1988. The Administrative Process Act includes statutory requirements for Public Participation Guidelines

Calendar of Events

which must be effective before other regulations can be adopted.

The intent of Public Participation Guidelines is to establish written procedures to solicit input from "interested parties" prior to formation and drafting of the proposed regulations and during the formation, promulgation and final adoption process of the regulations.

Statutory Authority: § 63.1-85.4 of the Code of Virginia.

Written comments may be submitted until May 26, 1989.

Contact: Kathy E. Vesley, Deputy Director, Department for the Deaf and Hard-of-Hearing, 101 N. 14th St., 7th Floor, Richmond, VA 23219-3678, telephone (804) 225-2570/TDD ☎, toll-free 1-800-552-7917 or SCATS 225-2570/TDD ☎

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† **April 13, 1989 - 7 p.m.** – Public Hearing
Virginia Highlands Community College, Route 372, off Route 140 (Exit 7/ I-81), Lecture Auditorium, Room 605, Abingdon, Virginia

† **April 14, 1989 - 7 p.m.** – Public Hearing
New River Community College, Route 100 North, Robinson Auditorium, Dublin, Virginia

† **April 15, 1989 - 7 p.m.** – Public Hearing
Virginia School for the Deaf and Blind, East Beverly Street, Haley Hall Auditorium, Staunton, Virginia

† **April 17, 1989 - 7 p.m.** – Public Hearing
J. Sargeant Reynolds Community College, Downtown Campus, 7th and Jackson Streets, Auditorium, Richmond, Virginia

† **April 20, 1989 - 7 p.m.** – Public Hearing
Virginia School for the Deaf and Blind, 700 Shell Road, Auditorium, Hampton, Virginia

† **April 21, 1989 - 7 p.m.** – Public Hearing
John Tyler Community College, 1310 Jefferson Davis Highway, Moyar Hall, Room R120 AB (Downstairs), Chester, Virginia

† **April 24, 1989 - 7 p.m.** – Public Hearing
Fairfax Resource Center for the Hearing Impaired, 2724 Dorr Road, Suite B14, Basement Meeting Room, Fairfax, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department for the Deaf and Hard-of-Hearing intends to adopt regulations entitled: **VR 245-02-01. Regulations Governing Eligibility Standards and Application Procedures for the Distribution of Telecommunications Equipment.** The regulations will be used to screen hearing-impaired and speech-impaired applicants for the Telecommunications Assistance Program (TAP)

and to determine the applicant's contribution toward the purchase of telecommunications equipment.

STATEMENT

Statement of substance, issues, basis, purpose and estimated impact: The 1988 General Assembly, recognizing the undue financial burden regarding telephone access placed upon several groups of persons with disabilities, appropriated funds for the distribution of Telecommunications Devices for the Deaf (TDDs) and other telecommunications equipment to the deaf, hard-of-hearing, deaf/blind and speech-impaired citizens of the Commonwealth. In addition to other equipment, more than 1,500 TDDs will be distributed by July 1, 1990, widely increasing telephone access for hearing-impaired Virginians.

Statutory Authority: § 63.1-85.4 of the Code of Virginia.

Written comments may be submitted until May 26, 1989.

Contact: Kathy E. Vesley, Deputy Director, Department for the Deaf and Hard-of-Hearing, 101 N. 14th St., 7th Floor, Richmond, VA 23219-3678, telephone (804) 225-2570/TDD ☎, toll-free 1-800-552-7917 or SCATS 225-2570/TDD ☎

* * * * *

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Fairfax Resource Center for the Hearing Impaired, 2724 Dorr Road, Suite B14, Basement Meeting Room, Fairfax, Virginia

Calendar of Events

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department for the Deaf and Hard-of-Hearing intends to adopt regulations entitled: **VR 245-03-01. Regulations Governing Interpreter Services for the Hearing Impaired.** These regulations are designed to govern the maintenance of interpreter services and the administration of Virginia Quality Assurance Screenings for potential interpreters.

STATEMENT

Statement of substance, issues, basis, purpose and estimated impact: These regulations are designed to regulate how an interpreter may be listed in the directory of qualified interpreters for the hearing impaired and includes the administration of the Virginia Quality Assurance Screening process. Certified and screened interpreters currently listed in the directory are not able to fulfill the demand for interpreting services throughout the Commonwealth. There are now approximately 300 candidates waiting to be screened. In addition, the Department of Education has proposed regulations requiring all educational interpreters in the public school system to be screened.

Statutory Authority: § 63.1-85.4 of the Code of Virginia.

Written comments may be submitted until May 26, 1989.

Contact: Kathy E. Vesley, Deputy Director, Department for the Deaf and Hard-of-Hearing, 101 N. 14th St., 7th Floor, Richmond, VA 23219-3678, telephone (804) 225-2570/TDD ☎, toll-free 1-800-552-7917 or SCATS 225-2570/TDD ☎

STATE BOARD OF EDUCATION

March 30, 1989 - 2 p.m. – Public Hearing
James Monroe Building, 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 State Board of Education intends to amend regulations entitled: **VR 270-01-0006. Regulations Governing Pupil Transportation Including Minimum Standards for School Buses in Virginia.** These amendments prescribe the scope of operational procedures and requirements, distribution of funds, driver requirements, body and chassis standards including lift-gate buses, and requirements for activity vehicles.

Statutory Authority: §§ 22.1-16 and 22.1-176 of the Code of Virginia.

Written comments may be submitted until April 13, 1989.

Contact: R. A. Bynum, Associate Director, Public Transportation Service, Department of Education, P.O. Box 6Q, Richmond, VA 23216, telephone (804) 225-2037

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March 31, 1989 - 1:30 p.m. – Public Hearing
James Monroe Building, 101 North 14th Street, Room C, Richmond, Virginia. ☎

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the State Board of Education intends to amend regulations entitled: **VR 270-02-0000. Teacher Certification Regulations.** The proposed amendments to the regulations will ensure compliance with the requirements of P.L. 99-457. The proposed amendments to the regulations require that after July 1, 1992, all persons requiring endorsement in speech-language pathology meet the new requirements. In order to reduce the hardship to persons currently certified for employment, but meet the mandate that the highest standard be met, a provision for exception to the regulation was developed.

Statutory Authority: §§ 22.1-298 and 22.1-299 of the Code of Virginia.

Written comments may be submitted until April 28, 1989.

Contact: Dr. Thomas A. Elliott, Administrative Director, Office of Professional Development, Department of Education, P.O. Box 6Q, Richmond, Va. 23216-2060, telephone (804) 225-2094 or SCATS 225-2094

March 30, 1989 - 9 a.m. – Open Meeting
March 31, 1989 - 9 a.m. – Open Meeting
James Monroe Building, 101 North Fourteenth Street, Conference Rooms D & E, Richmond, Virginia. (Interpreter for deaf provided if requested)

April 26, 1989 - 9 a.m. – Open Meeting
April 27, 1989 - 9 a.m. – Open Meeting
April 28, 1989 - 9 a.m. – Open Meeting
Fair Oaks Holiday Inn, 11787 Lee Jackson Highway, Fairfax, Virginia. (Interpreter for deaf provided if requested)

May 25, 1989 - 9 a.m. – Open Meeting
May 26, 1989 - 9 a.m. – Open Meeting
James Monroe Building, 101 North Fourteenth Street, Conference Room D & E, Richmond, Virginia. (Interpreter for deaf provided if requested)

A regularly scheduled meeting to 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 Roberts, James Monroe Building, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540

Calendar of Events

VIRGINIA EMPLOYMENT COMMISSION

Advisory Board

† April 4, 1989 - 1 p.m. - Open Meeting
† April 5, 1989 - 9 a.m. - Open Meeting
Hyatt Hotel, Richmond, Virginia. ☒

A regular meeting of the advisory board to conduct general business.

Contact: Ronald Montgomery, 703 E. Main St., Richmond, VA 23219, telephone (804) 786-1070

COUNCIL ON THE ENVIRONMENT

† April 4, 1989 - 7:30 p.m. - Open Meeting
Airfield 4-H Conference Center, Wakefield, Virginia. ☒

A quarterly meeting to discuss environmental issues in the Commonwealth. The public is invited and will be given the opportunity to comment or ask questions during the Public Forum segment of the meeting. An agenda is being developed and will be available prior to the meeting.

Contact: David J. Kinsey, Special Projects Coordinator, Council on the Environment, Ninth Street Office Bldg., Suite 903, Richmond, VA 23219, telephone (804) 786-4500 or SCATS 786-4500

GOVERNOR'S MIGRANT AND SEASONAL FARMWORKERS BOARD

† April 26, 1989 - 10 a.m. - Open Meeting
State Capitol, Capitol Square, House Room 2, Richmond, Virginia. ☒

A regular meeting of the board.

Contact: Marilyn Mandel, Division Director, Department of Labor and Industry, P.O. Box 12064, Richmond, VA 23241, telephone (804) 786-2385 or SCATS 786-2385

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† April 5, 1989 - 10 a.m. - Open Meeting
Henry County Administration Building, Kings Mountain Road, Collinsville, Virginia

A formal administrative hearing and a general board meeting. Proposed regulations may be discussed.

† April 23, 1989 - 3 p.m. - Open Meeting
Shoney's Inn of Richmond, 7007 West Broad Street, Richmond, Virginia. ☒

Special Study Committee to study the qualifications of

managers of funeral establishments and the qualifications for the establishments in order to be licensed.

NOTE: CHANGE OF MEETING DATE

April 24, 1989 - 9 a.m. - Open Meeting
Shoney's Inn of Richmond, 7007 West Broad Street, Richmond, Virginia. ☒

A general board meeting to consider certifying candidates for the May examination and to discuss proposed regulations.

Contact: Mark L. Forberg, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9907

DEPARTMENT OF GENERAL SERVICES

Art and Architectural Review Board

† April 3, 1989 - 2 p.m. - Open Meeting
James Madison University, Chandler Hall, Board Room, Harrisonburg, 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, Rancon, Wildman and Krause, Architects, P.O. Box 1817, Newport News, VA 23601, telephone (804) 867-8030

Division of Consolidated Laboratory Services

† May 5, 1989 - 9:30 a.m. - Open Meeting
Department of Agriculture and Consumer Services, 1100 Bank Street, Board Room, 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., Director, Division of Consolidated Laboratory Services, 1 N. 14th St., Richmond, VA 23219, telephone (804) 786-7905 or SCATS 786-7905

BOARD FOR GEOLOGY

March 28, 1989 - 10 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) approve minutes of January 6, 1989; (ii) review applications; and (iii) consider general correspondence.

Contact: Bonnie S. Salzman, Assistant Director, Department

of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, SCATS 367-8514 or 1-800-552-3016 (toll-free)

STATE HAZARDOUS MATERIALS EMERGENCY RESPONSE ADVISORY COUNCIL

Training Study Committee

† April 6, 1989 - 10 a.m. - Open Meeting
Holiday Inn Conference Center, Koger Center South, 1021 Koger Center Boulevard, Richmond, Virginia

The meeting will focus on the formation of a permanent Hazardous Materials Training Committee to include membership, committee functions, and responsibilities.

Contact: Captain Lou Stark, Chairman, Newport News Fire Department, 2400 Washington Ave., Newport News, VA 23607, telephone (804) 247-8404

STATE BOARD OF HEALTH

May 22, 1989 - 9 a.m. - Open Meeting
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia

Regular meetings of the board.

Contact: Sarah H. Jenkins, Legislative Analyst/Secretary to the Board, Department of Health, Commissioner's Officer, 109 Governor St., Room 400, Richmond, VA 23219, telephone (804) 786-3561 or SCATS 786-3561

BOARD OF HEALTH PROFESSIONS

† April 17, 1989 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

Informational hearing on criteria for evaluating the need to regulate health professions: The board invites testimony or written comments on the validity, adequacy, consistency with statutory principles, and suitability of six criteria used to (i) evaluate the need for regulation of unregulated health professions and occupations and the appropriate level for any such regulation, and (ii) evaluate the continuing need for and level of regulation of currently regulated health professions and occupations. Written comments must be received by May 31, 1989.

† April 17, 1989 - 2 p.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

Informational Hearing on the regulation of physical

therapists: Physical Therapists are licensed by the Virginia Board of Medicine (§ 54.1-2900 of the Code of Virginia) and it is currently unlawful for any person to engage in the practice of physical therapy except upon the referral and direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry or dental surgery.

Legislation may be proposed to provide for the practice of physical therapy in some instances without referral by a physician, chiropractor, podiatrist or dentist. The Board of Health Professions invites comments on this issue. Testimony may be presented during the informational hearing and written comments will be received at this address through May 31, 1989.

Contact: Richard D. Morrison, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9918

DEPARTMENT OF HEALTH PROFESSIONS

Regulatory Evaluation and Research Committee

March 28, 1989 - 10 a.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia. FT3001 5

A meeting to discuss regulatory review, criteria for evaluating the need for health professional regulatory programs, and the issue of direct access to physical therapists' services.

Contact: Richard D. Morrison, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9918

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

March 28, 1989 - 9:30 a.m. - Open Meeting
† April 25, 1989 - 9:30 a.m. - Open Meeting
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☒

A monthly meeting to address financial, policy or technical matters which may have arisen since the last meeting.

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

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† April 5, 1989 - 9 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, 9th Floor

Calendar of Events

Conference Room, Richmond, Virginia. ☒

A monthly council meeting. The agenda is available on request.

Contact: Marla G. Richardson, 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2638

HOPEWELL INDUSTRIAL SAFETY COUNCIL

April 4, 1989 - 9 a.m. – Open Meeting
May 2, 1989 - 9 a.m. – Open Meeting
Hopewell Community Center, Second and City Point Road, Hopewell, Virginia. ☒ (Interpreter for deaf provided if requested)

Local Emergency Preparedness Committee Meeting on Emergency Preparedness as required by SARA Title III.

Contact: Robert Brown, Emergency Services Coordinator, 300 N. Main St., Hopewell, VA 23860, telephone (804) 541-2298

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

† **March 31, 1989** – 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 Housing and Community Development intends to adopt regulations entitled: **VR 394-01-105. SHARE-Expansion Loan and SHARE-Expansion Grant Programs.** The SHARE-Expansion Loan and SHARE-Expansion Grant Programs provide loans and grants for the acquisition or expansion of emergency shelters, transitional facilities or single-room occupancy units.

STATEMENT

Purpose: The proposed program guidelines for the SHARE-Expansion Loan and SHARE-Expansion Grant programs provide the basic technical and administrative framework for distributing program funds throughout the Commonwealth.

Basis: To be adopted according to § 36-137 of the Code of Virginia.

Impact: The programs impact all operators of homeless facilities which meet program requirements. The programs make available 0% interest loan and grant moneys for the expansion of emergency shelters, transitional facilities, and single room occupancy housing.

Statutory Authority: § 36-137 of the Code of Virginia.

Written comments may be submitted until March 31, 1989.

Contact: Rebecca C. Miller, Department of Housing and Community Development, 205 N. 4th St., Richmond, VA 23219, telephone (804) 786-7891

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April 14, 1989 - 10 a.m. – Open Meeting
Human Services Center Auditorium, 5249 Olde Towne Road, Williamsburg, Virginia. ☒

April 17, 1989 - 9 a.m. – Open Meeting
Prince William County Board Chamber, County Administration Building, 1 County Complex Court, Prince William, Virginia. ☒

April 18, 1989 - 10 a.m. – Open Meeting
City Office Building, First Floor, 2039 Sycamore Avenue, Buena Vista, Virginia. ☒

April 19, 1989 - 10 a.m. – Open Meeting
Smyth County Courthouse, Ground Floor Conference Room, Marion, Virginia. ☒

A meeting to receive public comments regarding the Board of Housing and Community Development's intent to amend the 1987 Virginia Uniform Statewide Building Code, Volume I, New Construction Code; the 1987 Virginia Uniform Statewide Building Code, Volume II, Building Maintenance Code; the 1987 Virginia Statewide Fire Prevention Code; the Asbestos Survey Standards for Buildings to be Renovated or Demolished; and the Survey Standards for the Inspection of Buildings being Converted to Condominiums for the Presence of Asbestos.

Contact: Gregory H. Revels, Program Manager, Code Development Office, 205 N. 4th St., Richmond, VA 23219, telephone (804) 371-7772 or SCATS 371-7772

COUNCIL ON HUMAN RIGHTS

† **April 13, 1989 - 10 a.m. – Open Meeting**
James Monroe Building, 101 North 14th Street, 18th Floor Conference Room, Richmond, Virginia. ☒

A monthly council meeting.

Contact: Alison Browne Parks, Administrative Staff Specialist, P.O. Box 717, Richmond, VA 23206, telephone (804) 225-2292, toll-free 1-800-633-5510/TDD ☎ or SCATS 225-2292

DEPARTMENT OF LABOR AND INDUSTRY

Virginia Apprenticeship Council

† **April 20, 1989 - 10 a.m. – Open Meeting**

General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

A regular quarterly meeting. Public session begins at 10 a.m. The council meeting will begin immediately after conclusion of public session.

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

STATE LAND EVALUATION ADVISORY COUNCIL

March 27, 1989 - 10 a.m. - Open Meeting
Department of Taxation, 2220 West Broad Street, Richmond, Virginia

A meeting to discuss policy on use-value assessment of Christmas trees.

Contact: Otho C. W. Fraher, Director, Property Tax Division, Department of Taxation, P.O. Box 6-L, Richmond, VA 23282, telephone (804) 367-8020

LIBRARY BOARD

† **April 29, 1989 - 9 a.m. - Open Meeting**
Lynchburg Public Library, Lynchburg, Virginia. ☒

A regular business meeting.

Contact: Ella Gaines Yates, State Librarian, Virginia State Library and Archives, 11th Street at Capitol Square, Richmond, VA 23219-3491, telephone (804) 786-2332 or SCATS 786-2332

LONGWOOD COLLEGE

Board of Visitors

† **April 17, 1989 - 10 a.m. - Open Meeting**
Longwood College, Lankford Building, Farmville, Virginia

A meeting to conduct business pertaining to the governance of the institution.

Contact: William F. Dorrill, Longwood College, Farmville, VA 23901, telephone (804) 392-9211 or SCATS 265-4211

MARINE RESOURCES COMMISSION

† **April 4, 1989 - 9:30 a.m. - Open Meeting**
Marine Resources Commission, 2600 Washington Avenue, 4th Floor, Room 403, Newport News, Virginia. ☒

The Virginia Marine Resources Commission will meet

on the first Tuesday of each month at 9:30 a.m. at the Marine Resources Commission, located at 2600 Washington Avenue, 4th Floor, Room 403, Newport News, Virginia. It hears and decides 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 5 days.

Contact: Sandra S. Schmidt, Secretary to the Commission, 2600 Washington Ave., Room 303, Newport News, VA 23607-0756, telephone (804) 247-2208

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

April 13, 1989 - 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 460-03-2.6150. Burial Exclusion.** The amendment to this regulation proposes to incorporate the SSI burial set aside policy as modified by the General Assembly.

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

Written comments may be submitted until April 13, 1989, to Marsha Vandervall, Manager, Division of Medical Social Services, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Virginia 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933

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April 14, 1989 - 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 adopt regulations entitled: **VR 460-04-8.3. Lock-in/Lock-out Programs.** The Lock-in/Lock-out Programs provide medical management to recipients who have high utilization patterns of service.

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

Calendar of Events

Written comments may be submitted until April 14, 1989, to Steven B. Riggs, D.D.S., Director, Division of Health Services Review, Department of Medical Assistance, 600 E. Broad St., Suite 1300, Richmond, Virginia 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933

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† **May 25, 1989** – 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 460-02-2.6100. Eligibility Conditions and Requirements: State Plan for Medical Assistance Relating to Continued Eligibility for Pregnant Women.** The regulation proposes to continue Medicaid eligibility regardless of income changes.

STATEMENT

Purpose: The purpose of this proposal is to adopt the option offered by OBRA 1987 to continue Medicaid eligibility of pregnant women throughout the pregnancy and postpartum period regardless of income changes that may occur during that time.

Summary and Analysis: The intention of this action is to reduce the infant mortality rate in Virginia by continuing Medicaid eligibility to potentially high risk pregnant women throughout the pregnancy and postpartum period.

Infant mortality rates in Virginia have exceeded the national average. Reducing Virginia's infant mortality rate is a priority for the Commonwealth. Improving access to prenatal and postpartum care is one way to reduce infant mortality. Adoption of this provision for continued eligibility will assure that indigent women will continue to have access to medical care throughout their pregnancy and thereby help to reduce the Commonwealth's infant mortality rate.

Recently adopted federal legislation allowed Medicaid to expand coverage for pregnant women and children. A child born to a woman who is eligible for and receiving Medicaid on the date of the child's birth is deemed eligible for Medicaid for one year from birth as long as the mother remains eligible for Medicaid and the child remains in the same household as the mother. This group of eligibles is allowed to have income up to 100% of the Federal Income Poverty Guideline. One problem encountered is the interruption of medical care if the mother becomes ineligible for Medicaid during the pregnancy. This can happen if her income increases to a level above the poverty level. However, the increase may be too small to enable her to bear the full cost of her

medical care. Continuation of Medicaid eligibility ensures that the continuum of care is not interrupted.

Impact: DMAS does not anticipate a fiscal impact. Regulations previously approved provided for Medicaid coverage of pregnant women through the end of the postpartum period, without breaks in coverage due to changes in income.

According to regulations previously adopted by the Board of Medical Assistance Services, it is estimated that there will be 6,190 pregnant women in FY89 with incomes above the Medicaid income limit but below 100% of the federal poverty income guidelines. The Commonwealth was expending 100% General Funds for the care of these pregnant women. This total state dollar expense is partially offset by federal matching dollars now that these pregnant women are eligible for Medicaid services. A detailed projection of the expenditures was included in the previously approved regulations.

The projections provided funds for continuous Medicaid coverage once a woman was determined eligible. For each pregnant woman accounted for in the fiscal projections, it was assumed that Medicaid coverage would continue through the end of the 60-day postpartum period. No additional funds are needed to accomplish the change because this proposal is not adding additional women to the previously approved regulations, but serving to secure continued eligibility through the end of the postpartum period.

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

Written comments may be submitted until 4:30 p.m., May 25, 1989, to Ann E. Cook, Director of Medical Social Services, 600 E. Broad St., Suite 1300, Richmond, Virginia 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone 786-7933

BOARD OF MEDICINE

† **April 13, 1989 - 9 a.m.** – Open Meeting
Sheraton-Fredericksburg Resort and Conference Center,
I-95 and Route 3, Fredericksburg, 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 § 2.1-344 of the Code of Virginia.

Contact: Eugenia K. Dorson, Board Administrator, 1601 Rolling Hills Dr., Surry Bldg., 2nd Floor, Richmond, VA 23229-5005, telephone (804) 662-9925

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

† April 12, 1989 - 9 a.m. - Open Meeting
Howard Johnson, I-95 at Exit 14, 3207 North Boulevard,
Richmond, Virginia. ☒ (Interpreter for deaf provided if
requested)

Meeting of the Virginia Interagency Coordinating
Council for Part H, P.L. 99-457 (VICC). The council is
an advisory body assisting the Department of Mental
Health, Mental Retardation and Substance Abuse
Services, the lead agency, in the development and
implementation of a statewide interagency,
multidisciplinary system of early intervention services
for infants and toddlers with disabilities, ages birth
through 2.

Contact: Myrna Mandlawitz, Project Assistant, P.O. Box
1797, Richmond, VA 23214, telephone (804) 786-3710

VIRGINIA MILITARY INSTITUTE

Board of Visitors

April 1, 1989 - 8 a.m. - Open Meeting
The Virginia Military Institute, Smith Hall Board Room,
Smith Hall, Lexington, Virginia. ☒

A regular Spring meeting of the VMI Board of Visitors
to (i) discuss committee reports; (ii) visit academic
departments; and (iii) adopt 1989-90 operating budget.

Contact: Colonel Edwin L. Dooley, Jr., Secretary, Virginia
Military Institute, Lexington, VA 24450, telephone (703)
464-7206.

DEPARTMENT OF MINES, MINERALS AND ENERGY (DIRECTOR OF DIVISION OF MINERAL MINING)

April 28, 1989 - 10 a.m. - Public Hearing
Department of Mines, Minerals and Energy, Division of
Mineral Mining, 7705 Timberlake Road, Lynchburg,
Virginia

Notice is hereby given in accordance with § 9-6.14:7.1
of the Code of Virginia that the Director of the
Division of Mineral Mining of the Department of
Mines, Minerals and Energy intends to amend
regulations entitled: **VR 480-05-1.2. Safety and Health
Regulation for Mineral Mining.** The amended
regulation governs safety and health of persons
working in surface and underground noncoal mineral
mines.

Statutory Authority: §§ 45.1-33 and 45.1-104 of the Code of
Virginia.

Written comments may be submitted until April 28, 1989.

Contact: William O. Roller, Director, Division of Mineral
Mining, P.O. Box 4499, Lynchburg, Va. 24502, telephone
(804) 239-0602 or SCATS 947-2169

Virginia Oil and Gas Conservation Board

† March 28, 1989 - 1:30 p.m. - Public Hearing
Department of Mines, Minerals and Energy, Keen
Mountain Office, U.S. Route 460, Keen Mountain, Virginia

A public hearing will be held to consider forced
pooling for well EH #8 of the Edwards and Harding
Petroleum Company.

Contact: B. Thomas Fulmer, Oil and Gas Inspector,
Department of Mines, Minerals and Energy, Division of
Gas and Oil, P.O. Box 1416, Abingdon, VA 24210, telephone
(703) 628-8115 or SCATS 676-3104

BOARD OF NURSING

March 27, 1989 - 9 a.m. - Open Meeting
March 28, 1989 - 9 a.m. - Open Meeting
March 29, 1989 - 9 a.m. - Open Meeting
Department of Health Professions, 1601 Hills Drive,
Richmond, Virginia

A regular meeting of the Board of Nursing to consider
(i) matters related to nursing education programs; (ii)
discipline of licensees; (iii) licensing by examination
and endorsement; and (iv) other matters under the
jurisdiction of the board.

Contact: Corinne F. Dorsey, R.N., Executive Director, 1601
Rolling Hills Dr., Richmond, VA 23229, telephone (804)
662-9909 or toll-free 1-800-533-1560

JOINT BOARDS OF NURSING AND MEDICINE

April 14, 1989 - 1:30 p.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive,
Richmond, Virginia

A regular meeting to consider matters related to the
Regulation of Nurse Practitioners in the
Commonwealth.

Contact: Corinne F. Dorsey, R.N., Executive Director, 1601
Rolling Hills Dr., Richmond, VA 23229, telephone (804)
662-9909 or toll-free 1-800-533-1560

BOARD OF PHARMACY

† April 5, 1989 - 9 a.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive,
Conference Room 1, Richmond, Virginia. ☒

Jurisprudence Examination Committee Meeting

Calendar of Events

(executive session).

† **April 26, 1989 - 9 a.m.** – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive,
Conference Room 1, Richmond, Virginia. ☒

A meeting to formulate proposed regulations for
physicians to sell drugs.

Contact: Jack B. Carson, Executive Director, Virginia
Board of Pharmacy, 1601 Rolling Hills Dr., Richmond, VA
23229, telephone (804) 662-9911

BOARD FOR BRANCH PILOTS

† **April 26, 1989 - 10 a.m.** – Open Meeting
Virginia Port Authority, World Trade Center, Suite 600,
Norfolk, Virginia. ☒

The board will meet to conduct routine business and
to adopt proposed regulations at its regular quarterly
business meeting.

Contact: David E. Dick, Department of Commerce, 3600
W. Broad St., Richmond, VA 23230, telephone (804)
367-8500

PRINCE WILLIAM COUNTY, MANASSAS CITY, AND MANASSAS PARK CITY LOCAL EMERGENCY PLANNING COMMITTEE

March 31, 1989 - 2 p.m. – Open Meeting
April 14, 1989 - 2 p.m. – Open Meeting
April 28, 1989 - 2 p.m. – Open Meeting
1 County Complex Court, Prince William, Virginia. ☒

Local Emergency Planning Committee to discharge the
provisions of SARA Title III.

Contact: Thomas J. Hajduk, Information Coordinator, 1
County Complex Court, Prince William, VA 22192-9201,
telephone (703) 335-6800

BOARD OF PROFESSIONAL COUNSELORS

† **April 14, 1989 - 9 a.m.** – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive,
Richmond, Virginia. ☒

A meeting to conduct general board business, including
committee reports and regulatory review.

Contact: Stephanie A. Sivert, Executive Director, or Joyce
D. Williams, Administrative Assistant, Board of Professional
Counselors, 1601 Rolling Hills Dr., Richmond, VA 23229,
telephone (804) 662-9912

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May 11, 1989 – 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 Professional
Counselors intends to amend regulations entitled: **VR
560-01-02. Regulations Governing the Practice of
Professional Counseling.**

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until May 11, 1989.

Contact: Stephanie A. Sivert, Executive Director, Board of
Professional Counselors, 1601 Rolling Hills Dr., Richmond,
VA 23229-5005, telephone (804) 662-9912

REAL ESTATE BOARD

April 14, 1989 - 10 a.m. – Open Meeting
Old Board Chambers, 9250 Lee Avenue, Manassas, Virginia

The Real Estate Board will meet to conduct a formal
administrative hearing: Real Estate Board v. Michael
B. Dispennett.

Contact: Gayle Eubank, Hearings Coordinator, Department
of Commerce, 3600 W. Broad St., Richmond, VA 23220,
telephone (804) 367-8524

BOARD OF REHABILITATIVE SERVICES

† **March 31, 1989 - 9:30 a.m.** – Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter
for deaf provided if requested)

The board will (i) take final action on proposed
Vocational Rehabilitation regulation amendments, (ii)
begin policy development for WWRC, and (iii) receive
and take action on committee and department reports.

Finance Committee

† **March 30, 1989 - 3 p.m.** – Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter
for deaf provided if requested)

The committee will receive the monthly financial
report of the department, and will discuss the
department's preparation for the coming biennial
budget.

Legislation and Evaluation Committee

† **March 30, 1989 - 1 p.m.** – Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter
for deaf provided if requested)

The committee will hear the report of the Employee

Relations Division of the department and develop policy statements for recommended board action.

Program Committee

† March 30, 1989 - 2 p.m. - Open Meeting 4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The committee will consider impact statements related to proposed amendments to Vocational Rehabilitation regulations and develop recommendations for board action.

Contact: James L. Hunter, Board Administrator, Department of Rehabilitative Services, 4901 Fitzhugh Ave., P.O. Box 11045, Richmond, VA 23230-1045, telephone (804) 367-6446, toll-free 1-800-552-5019/TDD ☎, SCATS 367-6446 or (804) 367-0280/TDD ☎

DEPARTMENT FOR RIGHTS OF THE DISABLED

Protection and Advocacy for Mentally Ill Individuals Advisory Council

† April 28, 1989 - 10 a.m. - Open Meeting James Monroe Building, 101 North 14th Street, Conference Room B, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A regularly scheduled meeting for the conduct of business.

Contact: Barbara Hoban, PAMI Program Manager, Department for Rights of the Disabled, 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 225-2042/TDD ☎, toll-free 1-800-552-3962/TDD ☎ or SCATS 225-2042/TDD ☎

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

† May 11, 1989 - 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 State Board of Social Services intends to adopt new regulations and repeal existing regulations entitled: VR 615-01-15. Aid to Dependent Children - Unemployed Parent Demonstration (ADC-UP Demo) Project. This regulation will provide financial assistance to needy two-parent families.

STATEMENT

Basis: Section 63.1-25 of the Code of Virginia delegates authority to the Board of Social Services to promulgate rules and regulations necessary for operation of public

assistance programs throughout Virginia.

Purpose: The purpose of the proposed regulation is to establish a state-funded project to provide financial assistance and employment services to needy two-parent unemployed families in the most economically depressed areas of Virginia. The project will provide aid to families who are currently unable to qualify for aid under the federal Aid to Dependent Children (ADC) program.

Impact: It is proposed that 11 localities will participate in the project. They are the counties of Bath, Buchanan, Dickenson, Giles, Lancaster, Lee, Northumberland, Russell, Tazewell and Wise, and the City of Franklin.

Authorization was given in the amount of \$1.25 million for each year of the biennium as stated in the Appropriations Act of 1988. This amount is to cover all costs related to the operation of the project including benefits, administration, and employment services. The fiscal impact is limited to the \$2.5 million which has been authorized for the biennium. The project which was implemented July 1, 1988, is scheduled to continue through June 30, 1990, or until the \$2.5 million appropriated has been expended, whichever occurs first. No local funds are involved.

There is not expected to be any impact on Medicaid costs since families who receive Aid to Dependent Children - Unemployed Parent Demonstration (ADC-UP Demo) assistance are not automatically eligible for Medicaid.

Adoption of this policy is not expected to create any additional reports or forms.

The proposed regulation will have no impact on individual citizens or businesses in the private sector, including those classified as an eligible small business.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until May 11, 1989, to Guy Lusk, Director, Division of Benefit Programs, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Peggy Friedenber, Agency Regulatory Liaison, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217 or SCATS 662-9217

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† May 25, 1989 - 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 State Board of Social Services intends to adopt regulations entitled: VR 615-45-2. Child Protective Services Client Appeals.

Calendar of Events

The purpose of the proposed action is to establish regulations by which child protective services clients can appeal the decision made by a local department of social services regarding the disposition of a child protective services complaint.

STATEMENT

Basis: This regulation is issued under authority granted by §§ 63.1-25 and 63.1-248.6:1 of the Code of Virginia.

Subject: This regulation establishes the procedures under which an individual can appeal a finding of founded or reason to suspect abuse/neglect against him.

Purpose: The intent of this regulation is to establish procedural steps by which a child protective services client can challenge the disposition of a case by the local department of social services.

Substance: This regulation recognizes the child protective services client's right to challenge the information contained in the report and case record of the local department of social services. The structure is a two-step process including an informal local conference and a subsequent administrative hearing if needed.

Issues: Creates a structure which assures due process rights for the equitable resolution of disputes about findings in child protective services case records.

Statutory Authority: §§ 63.1-25 and 63.1-248.6:1 of the Code of Virginia.

Written comments may be submitted until May 25, 1989, to Marvin Warren, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Peggy Friedenber, Legislative Analyst, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217 or SCATS 662-9081

VIRGINIA DARK-FIRED TOBACCO BOARD

† **April 7, 1989 - 10 a.m. – Open Meeting**
New Randolph Warehouse, Highway 460 West (Business), Farmville, Virginia. ☒

A meeting to discuss board administrative matters and consider funding of research, promotion and education projects.

Contact: D. Stanley Duffer, Secretary, P.O. Box 129, Halifax, VA 24558, telephone (804) 572-4568 or SCATS 792-5215

COMMONWEALTH TRANSPORTATION BOARD

April 20, 1989 - 10 a.m. – Open Meeting
Department of Transportation, 1401 East Broad Street, Board Room, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A monthly meeting 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 (COMMONWEALTH TRANSPORTATION BOARD)

March 27, 1989 - 10 a.m. – Public Hearing
Tappahannock/Essex Fire Department, Route 627 (Airport Road) approximately 0.4 mile west of Route 17 in Tappahannock, Virginia. ☒ (Interpreter for deaf provided if requested)

April 3, 1989 - 10 a.m. – Public Hearing
Virginia Highlands Community College, Route 372, which intersects with Route 140, 0.5 mile north of I-81 at Exit 7 in Abingdon, Virginia. ☒ (Interpreter for deaf provided if requested)

April 7, 1989 - 10 a.m. – Public Hearing
Richmond District Office, Pine Forest Drive off Route 1, one mile north of Colonial Heights, Virginia. ☒ (Interpreter for deaf provided if requested)

April 10, 1989 - 10 a.m. – Open Meeting
Suffolk District Office, 1700 North Main Street (Route 460) City of Suffolk, Virginia. ☒ (Interpreter for deaf provided if requested)

April 11, 1989 - 10 a.m. – Public Hearing
Lynchburg District Office, Route 501, 0.26 mile south of intersection Routes 460 and 501 south of Lynchburg, Virginia. ☒ (Interpreter for deaf provided if requested)

April 12, 1989 - 10 a.m. – Public Hearing
Culpeper District Office, Route 15, 0.5 mile south of Route 3 in Culpeper, Virginia. ☒ (Interpreter for deaf provided if requested)

NOTE: CHANGE OF MEETING DATE

April 13, 1989 - 10 a.m. – Public Hearing
Salem District Office, Harrison Avenue, north of Main Street and east of VA 311 in Salem, Virginia. ☒ (Interpreter for deaf provided if requested)

April 14, 1989 - 10 a.m. – Public Hearing
Staunton District Office, Commerce Road (Route 11 Bypass) just north of Staunton, Virginia. ☒ (Interpreter for

Calendar of Events

deaf provided if re requested)

April 21, 1989 - 10 a.m. – Public Hearing
Fairfax City Hall, City of Fairfax, Virginia. ☒ (Interpreter for deaf provided if requested)

A public hearing to receive comments on highway allocations for the coming year and on updating the six-year improvement program for the interstate, primary, and urban systems.

Contact: Albert W. Coates, Jr., Assistant Commissioner, Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-9950

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April 20, 1989 - 2:00 p.m. – Public Hearing
Virginia Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Commonwealth Transportation Board intends to amend regulations entitled: **VR 385-01-12. Hauling Permit Travel Regulations.** The proposed regulation establishes guidelines relating to the operation of vehicles over the highways of Virginia with loads that, when reduced to their smallest dimensions, exceed the maximum legal size and weight established by the Code of Virginia.

Statutory Authority: §§ 33.1-12(3) and 46.1-343 of the Code of Virginia.

Written comments may be submitted until April 20, 1989, to C. O. Leigh, Department of Transportation, 1401 East Broad Street, Richmond, Virginia 23219.

Contact: R. M. Ketner, III, Permit and Truck Weight Manager, Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-2810 or SCATS 786-2810

COMMISSION ON VIRGINIA ALCOHOL SAFETY ACTION PROGRAM (VASAP)

† **May 4, 1989 - 1 p.m.** – Open Meeting
† **May 5, 1989 - 9 a.m.** – Open Meeting
Martha Washington Inn, Abingdon, Virginia

This is the second of four quarterly business meetings held each year by the Commission on VASAP.

Contact: Kim Morris, Executive Assistant, Commission on Virginia Alcohol Safety Action Program, 1001 E. Broad St., Box 28, Old City Hall Bldg., Richmond, VA 23219, telephone (804) 786-5895 or SCATS 786-5895

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June 13, 1989 – This public hearing is tentatively scheduled. The time and location will be announced at a later date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Commission on Virginia Alcohol Safety Action Program intends to adopt regulations entitled: **VR 647-01-01. Public Participation Guidelines.** Adoption of proposed guidelines which will encourage participation of citizens in the formation and development of regulatory proposals under the Virginia Administrative Process Act.

Statutory Authority: § 18.2-271.2 of the Code of Virginia.

Written comments may be submitted until March 20, 1989.

Contact: Kim Morris, Executive Assistant, Commission on Virginia Alcohol Safety Action Program, 1001 E. Broad St., Box 28, Old City Hall Bldg., Richmond, VA 23219, telephone (804) 786-5895 or SCATS 786-5895

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† **June 13, 1989** – This public hearing is tentatively scheduled. The time and location will be announced at a later date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Commission on Virginia Alcohol Safety Action Program intends to amend regulations entitled: **Policy and Procedure Manual.** The Commission on VASAP is empowered to establish, amend and assure the maintenance of minimum standards and criteria for program operations and performance, accounting, auditing, public information and administrative procedures for the 26 local alcohol safety action programs. The Commission also oversees program plans, operations and performance and a system for allocating funds to cover deficits which may occur in the budget of local programs.

STATEMENT

The basis and purpose of the Commission on VASAP policy and procedure manual development is to have structured guidelines for accurately maintaining the standards for program operation and performance, accounting, auditing, public information and administrative procedures for the 26 local alcohol safety action programs in addition to assisting the Commission in overseeing program plans, operations and performance the coverage of deficits which may occur in the budget of local programs.

The estimated impact statewide of the successful implementation of this manual will be consistent, uniform operation of the 26 local programs.

Calendar of Events

Statutory Authority: § 18.2-271.2 of the Code of Virginia.

Written comments may be submitted until April 22, 1989. Individuals interested in speaking before the Commission on VASAP must submit written comments prior to April 22, 1989.

Contact: Kimberly A. Morris, Executive Assistant, Commission on VASAP, Old City Hall Bldg., 1001 E. Broad St., Suite 245, Richmond, VA 23219, telephone (804) 786-5896

DEPARTMENT FOR THE VISUALLY HANDICAPPED

† **April 10, 1989 - 2 p.m.** – Public Hearing
Roanoke Regional Office, Commonwealth of Virginia Building, 210 Church Avenue, S.W., Conference Room in Basement, Roanoke, Virginia

† **April 17, 1989 - 2 p.m.** – Public Hearing
Holiday Inn-Waterside, 700 Monticello Avenue, Norfolk, Virginia

A public hearing to seek public input for the development of programs and policies for the provision of services by the vocational rehabilitation program of the Department for the Visually Handicapped.

Contact: James G. Taylor, 397 Azalea Ave., Richmond, VA 23227

Advisory Committee on Services

April 22, 1989 - 11 a.m. – Open Meeting
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☎ (Interpreter for deaf provided upon request)

The committee meets quarterly to advise the Virginia Department for the Visually Handicapped on matters related to services for blind and visually handicapped citizens of the Commonwealth.

Contact: Diane E. Allen, Executive Secretary Senior, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3145, toll-free 1-800-622-2155, SCATS 371-3145 or 371-3140/TDD ☎

Interagency Coordinating Council on Delivery of Related Services to Handicapped Children

March 28, 1989 - 1:30 p.m. – Open Meeting
April 25, 1989 - 1:30 p.m. – Open Meeting
May 23, 1989 - 1:30 p.m. – Open Meeting
Department for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia. ☎

A regular monthly meeting to facilitate the timely delivery of appropriate services to handicapped

children and youth in Virginia.

Contact: Glen R. Slonneger, Jr., Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140

VIRGINIA VOLUNTARY FORMULARY BOARD

† **April 20, 1989 - 10:30 a.m.** – Open Meeting
James Madison Building, Main Floor Conference Room, 109 Governor Street, Richmond, Virginia. ☎

A meeting to review public hearing comments and product data for drug products being considered for inclusion in the Virginia Voluntary Formulary.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, 109 Governor St., Richmond, VA 23219, telephone (804) 786-4326 or SCATS 786-3596

STATE WATER CONTROL BOARD

† **May 2, 1989 - 7 p.m.** – Public Hearing
Old General District Courthouse, Main Street, County Board Meeting Room, Fincastle, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **VR 680-16-03. Upper James River Basin Water Quality Management Plan.** The purpose of the proposal is to amend the Jackson River Subarea portion of the plan to reflect new policies, regulations, current data and information regarding point and nonpoint sources of pollution.

STATEMENT

Basis and statutory authority: Sections 62.1-44.15(3) and (10) of the Code of Virginia authorize the State Water Control Board to establish water quality standards and policies for any state waters consistent with the purpose and general policy of the State Water Control Law, and to modify, amend, or cancel any such standards and policies.

Section 62.1-44.15(13) of the Code of Virginia authorizes the establishment of policies and programs for area and basin wide water quality control and management.

Title 40, Parts 35 and 130 of the Code of Federal Regulations requires states to develop a continuing planning process of which water quality management plans (WQMP) are a part. No NPDES permit may be issued which is in conflict with an approved WQMP.

Purpose: Water Quality Management Plans set forth measures for the State Water Control Board to implement in order to reach and maintain water quality goals in general terms and numeric loadings for five-day

Biochemical Oxygen Demand (BOD5). The purpose of this proposal is to amend the Upper James River Basin Water Quality Management Plan by updating the Jackson River subarea portion of the Plan.

Estimated impact: There are 43 permitted or certified facilities and approximately 65,000 persons residing in the Upper James-Jackson River Subarea who are directly affected by the Plan. The Plan imposes no financial impact on the regulated community; however, the National Municipal Policy does impose costs of implementation of plant upgrades for municipal facilities.

Statutory Authority: § 62.1-44.15(3a) of the Code of Virginia.

Written comments may be submitted until 4 p.m., May 31, 1989, to Doneva Dalton, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Wellford S. Estes, West Central Regional Office, State Water Control Board, 5312 Peters Creek Rd., N.W., Roanoke, VA 24019, telephone (703) 982-7432 or SCATS 676-7432

COUNCIL ON THE STATUS OF WOMEN

April 4, 1989 - 4 p.m. - Open Meeting
Sheraton Charlottesville Hotel, 2350 Seminole Trail (Route 29N), Charlottesville, Virginia

April 26, 1989 - 6:30 p.m. - Open Meeting
James City County Human Services Center, Auditorium, 5249 Olde Towne Road, Williamsburg, Virginia

May 23, 1989 - 7 p.m. - Open Meeting
Roanoke Airport Marriott, 2801 Hershberger Road, Roanoke, Virginia

A public meeting to receive information on the most important issues that affect women in Virginia, innovative ways communities have addressed specific issues, and suggestions of strategies to address specific issues in the future. The Council has identified many issues which affect Virginia's women including Aging, Child Abuse, Child Care, Divorce/Child Support, Employment, Estates, Family Life Education, Health, Housing, Leadership Development, Media/Pornography, Minority Women, Nontraditional Careers, Sexual Assault, Sex Equity in Insurance, Spouse Abuse, Reproductive Health, Teen Pregnancy, Welfare Reform and Women in Prison.

For more information on the public meeting or to register to speak contact the Council office. Written comments should be submitted to the Council Office by May 15, 1989.

May 24, 1989 - 9 a.m. - Open Meeting
Roanoke Airport Marriott, 2801 Hershberger Road,

Roanoke, Virginia

A regular meeting of the Council on the Status of Women to conduct general business and to receive reports from the council standing committees.

Contact: Bonnie H. Robinson, Executive Director, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9200 or SCATS 662-9200

LEGISLATIVE

VIRGINIA CODE COMMISSION

† **May 11, 1989 - 9 a.m. - Open Meeting**
† **May 12, 1989 - 9 a.m. - Open Meeting**
The Michie Company, Town Hall Square, Charlottesville, Virginia

The commission will review 1989 projects and will meet with representatives of the The Michie Company.

Contact: Joan W. Smith, Registrar of Regulations, P.O. Box 3-AG, Richmond, VA 23208, telephone (804) 786-3591

CHRONOLOGICAL LIST

OPEN MEETINGS

March 27

Air Pollution Control, Department of
† Children, Department for
- Rural Child Care Project Committee
Land Evaluation Advisory Council, State
Nursing, Board of

March 28

Geology, Board for
Health Professions, Department of
- Regulatory Evaluation and Research Committee
Health Services Cost Review Council, Virginia
† Mines, Minerals and Energy, Department of
- Virginia Oil and Gas Conservation Board
Nursing, Board of
Visually Handicapped, Department for the
- Interagency Coordinating Council on Delivery of
Related Services to Handicapped Children

March 29

Conservation and Historic Resources, Department of
- Goose Creek Scenic River Advisory Board
Nursing, Board of

March 30

Calendar of Events

Education, State Board of
† Rehabilitative Services, Board of
- Finance Committee
- Legislation and Evaluation Committee
- Program Committee

March 31

Architects, Board for
Education, State Board of
Prince William County, Manassas City, and Manassas
Park City Local Emergency Planning Committee
† Rehabilitative Services, Board of

April 1

Military Institute, Virginia
- Board of Visitors

April 3

Conservation and Historic Resources, Department of
- Division of Soil and Water Conservation
† General Services, Department of
- Art and Architectural Review Board

April 4

† Employment Commission, Virginia
- Advisory Board
† Environment, Council on the
Hopewell Industrial Safety Council
† Marine Resources Commission
Women, Council on the Status of

April 5

Children, Department for
- Consortium on Child Mental Health
† Criminal Justice Services Board
- Committee on Training
† Employment Commission, Virginia
- Advisory Board
Funeral Directors and Embalmers, Board of
† Higher Education for Virginia, State Council of
† Pharmacy, Board of

April 6

Chesterfield County, Local Emergency Planning
Committee of
† Conservation and Historic Resources, Department of
- Historic Lower James River Advisory Board
- Division of Soil and Water Conservation
† Hazardous Materials Emergency Response Advisory
Council
- Training Study Committee

April 7

† Tobacco Board, Virginia Dark-fired

April 10

Conservation and Historic Resources, Department of
- Division of Soil and Water Conservation

April 11

† Auctioneers Board

April 12

† Air Pollution Control, Department of
Contractors, Board for
† Corrections, Board of
† Mental Health, Mental Retardation and Substance
Abuse Services, Department of

April 13

Boating Advisory Board, Virginia
† Child Day-Care Council
Contractors, Board for
† Human Rights, Council on
† Medicine, Board of

April 14

† Children, Coordinating Committee for
Interdepartmental Licensure and Certification of
Residential Facilities for
Housing and Community Development, Department of
Nursing and Medicine, Committee of the Joint Boards
of
Prince William County, Manassas City, and Manassas
Park City Local Emergency Planning Committee
† Professional Counselors, Board of
Real Estate Board

April 17

Housing and Community Development, Department of
† Longwood College
- Board of Visitors

April 18

† Conservation and Historic Resources, Department of
- Virginia Historic Landmarks Board
- Division of Historic Landmarks State Review Board
Housing and Community Development, Department of

April 19

Housing and Community Development, Department of

April 20

† Labor and Industry, Department of
- Virginia Apprenticeship Council
Transportation Board, Commonwealth
† Voluntary Formulary Board, Virginia

April 22

Visually Handicapped, Department for the
- Advisory Committee on Services

April 23

† Funeral Directors and Embalmers, Board of

April 24

Funeral Directors and Embalmers, Board of

April 25

† Health Services Cost Review Council, Virginia
Visually Handicapped, Department for the
- Interagency Coordinating Council on Delivery of
Related Services to Handicapped Children

Calendar of Events

April 26

Education, State Board of
† Farmworkers Board, Governor's Migrant and Seasonal
† Pharmacy, Board of
† Pilots, Board for Branch
Women, Council on the Status of

April 27

† Chesapeake Bay Commission
Education, State Board of

April 28

Air Pollution Control, Department of
† Chesapeake Bay Commission
† Commercial Driver Training Schools, Board for
Education, State Board of
Prince William County, Manassas City, and Manassas Park City Local Emergency Planning Committee
† Rights of the Disabled, Department for
- Protection and Advocacy for Mentally Ill
Individuals Advisory Council

April 29

† Library Board

May 2

Hopewell Industrial Safety Council

May 3

Children, Department for
- Consortium on Child Mental Health

May 4

† Virginia Alcohol Safety Action Program, Commission on

May 5

† General Services, Department of
- Division of Consolidated Laboratory Services
† Virginia Alcohol Safety Action Program, Commission on

May 11

† Code Commission, Virginia

May 12

† Children, Coordinating Committee for
Interdepartmental Licensure and Certification of
Residential Facilities for
† Code Commission, Virginia

May 15

Agricultural Council, Virginia

May 19

Correctional Education, Board of

May 22

Health, State Board of

May 23

Visually Handicapped, Department for the
- Interagency Coordinating Council on Delivery of
Related Services to Handicapped Children
Women, Council on the Status of

May 24

Women, Council on the Status of

May 25

Education, State Board of

May 26

Education, State Board of

June 7

Children, Virginia Department for
- Consortium on Child Mental Health

June 9

† Children, Coordinating Committee for
Interdepartmental Licensure and Certification of
Residential Facilities for

PUBLIC HEARINGS

March 27

Transportation, Department of

March 30

Education, State Board of

March 31

Education, State Board of

April 3

† Deaf and Hard-of-Hearing, Department for the
Transportation, Department of

April 7

Transportation, Department of

April 10

Transportation, Department of
† Visually Handicapped, Department for the

April 11

Transportation, Department of

April 12

Transportation, Department of

April 13

† Deaf and Hard-of-Hearing, Department for the
Transportation, Department of

April 14

† Deaf and Hard-of-Hearing, Department for the
Transportation, Department of

Calendar of Events

April 15

† Deaf and Hard-of-Hearing, Department for the

April 17

† Deaf and Hard-of-Hearing, Department for the

† Health Professions, Board of

† Visually Handicapped, Department for the

April 20

† Deaf and Hard-of-Hearing, Department for the

Transportation, Department of

April 21

† Deaf and Hard-of-Hearing, Department for the

Transportation, Department of

April 24

† Deaf and Hard-of-Hearing, Department for the

April 28

Mines, Minerals and Energy, Department of

May 2

† Water Control Board, State

May 3

Criminal Justice Services Board

May 17

Agriculture and Consumer Services, Department of

June 13

† Virginia Alcohol Safety Action Program, Commission

on