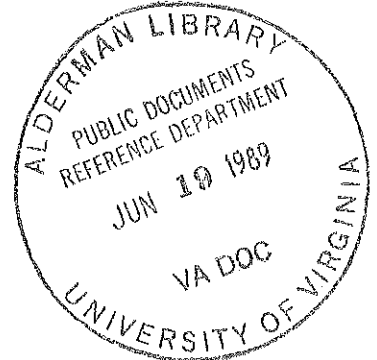
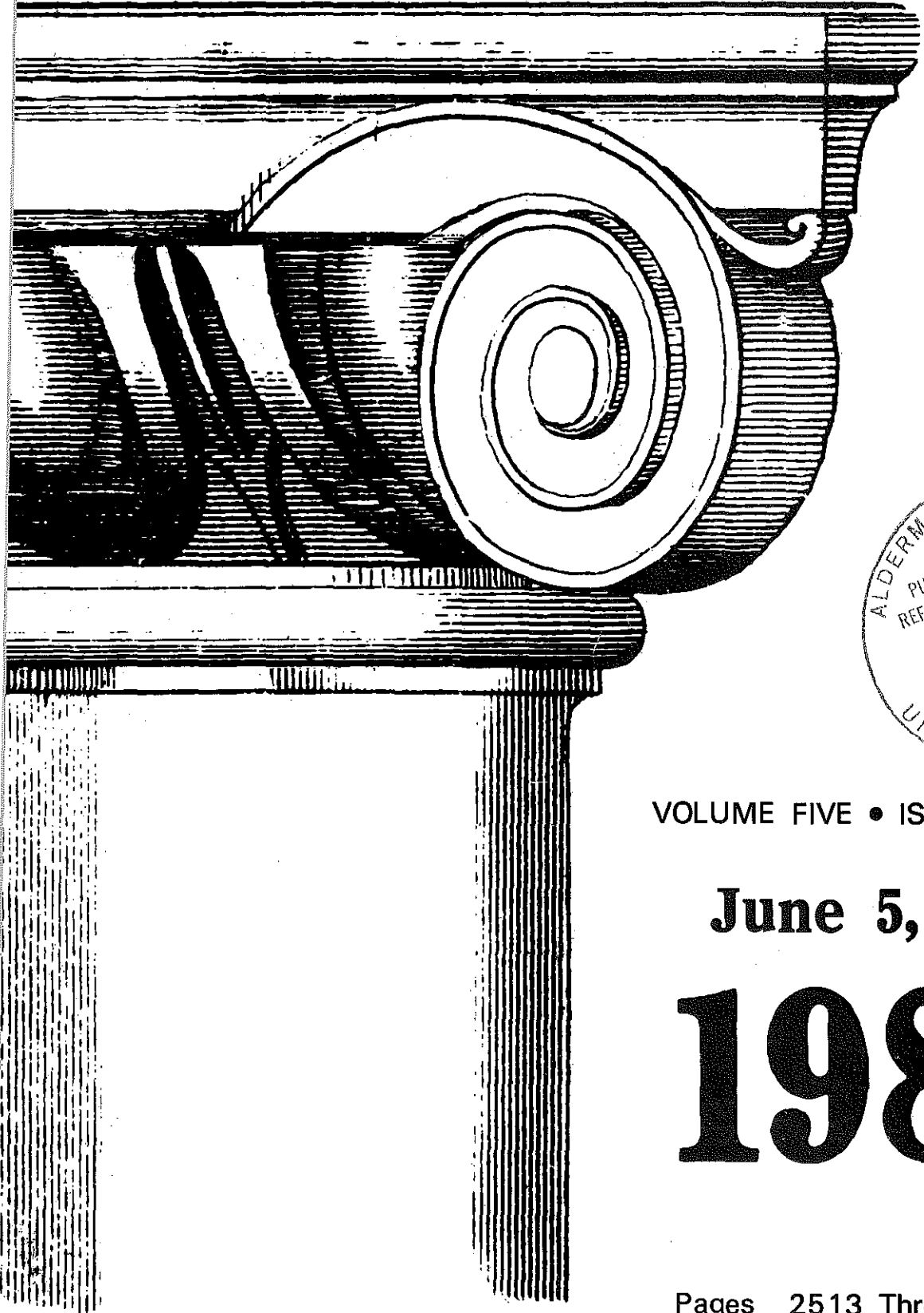


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THE VIRGINIA REGISTER

OF REGULATIONS

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June 5, 1989

1989

Pages 2513 Through 2602

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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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.

BOARD OF PHARMACY

Title of Regulation: VR 530-01-1. Virginia Board of Pharmacy Regulations.

Statutory Authority: §§ 54.1-2400 and 54.1-3007 of the Code of Virginia.

Publication: 5:14 VA.R. 1737-1755 April 10, 1989.

EDITOR'S NOTE: The Board of Pharmacy is amending its Notice of Comment Period relative to VR 530-01-1, Virginia Board of Pharmacy Regulations, to reflect that the comment period will be extended to July 12, 1989, and that a public hearing will be held. See Calendar of Events for additional information.

It is anticipated that the effective date of the amended regulations will be September 15, 1989.

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Title of Regulation: VR 615-70-17. Child Support Enforcement Program.

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

Public Hearing Date: N/A

(Written comments may be submitted until August 24, 1989. See Calendar of Events section for additional information.)

Summary:

Federal and state laws require absent parents to provide financial support for their children. The Department of Social Services establishes child support obligations and, when payments are not made, enforces the support obligation. This regulation describes the child support enforcement services offered by the Department of Social Services and identifies the rules by which these services will be provided.

VR 615-70-17. Child Support Enforcement Program.

PART I. DEFINITIONS.

§ 1.1. Definitions.

The following words and terms, when used in these regulations, shall have the following meaning, unless the

context clearly indicates otherwise:

"ADC" means Aid to Dependent Children which is established under Title IV-A of the Social Security Act. This is a category of financial assistance paid on behalf of children who are deprived of one or both of their parents by reason of death, disability, or continued absence (including desertion) from the home.

"ADC/FC" means Aid to Dependent Children/Foster Care which is established under Title IV-E of the Social Security Act. This is a category of financial assistance paid on behalf of children who otherwise meet the eligibility criteria for ADC and who are in the custody of the local social service agencies.

"Administrative" means noncourt ordered, legally enforceable actions the department may take to establish or enforce a child support obligation.

"Appeal" means a request for a review of an action taken by the division.

"Custodial parent" means (i) the natural or adoptive parent with whom the child resides, (ii) a stepparent or other person who has legal custody of the child and with whom the child resides, or (iii) a social service agency which has legal custody of a child in foster care.

"Debt" means the total unpaid support obligation established by court order, administrative order, or payment of public assistance which is owed by an absent responsible parent to either the custodial parent or to the Commonwealth.

"Delinquent" means an unpaid child support obligation.

"Department" means the Department of Social Services.

"Disregard payment" means a payment made to an ADC recipient in an amount up to \$50. The payment is made from the child support collected on the individual's behalf.

"District office" means a local office of the Division of Child Support Enforcement responsible for the operation of the Child Support Enforcement Program.

"Division" means the Division of Child Support Enforcement of the Virginia Department of Social Services.

"Enforcement" means ensuring the payment of child support through the use of administrative or judicial means.

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"Financial statement" means a sworn document from both the custodial parent and absent responsible parent showing their financial situation.

"Foreclosure" means a judicial procedure to enforce debts involving forced judicial sale of the real property of a debtor.

"Health care coverage" means a plan providing hospital, medical, or surgical care coverage for dependent children.

"Hearings officer" means a disinterested person designated by the department to hold appeal hearings and render appeal decisions.

"IV-D agency" means a governmental entity administering the child support program under Title IV-D of the Social Security Act. In Virginia the IV-D agency is the Division of Child Support Enforcement.

"Judicial" means an action initiated through a court.

"Location only services" means that certain entities such as courts and other state child support enforcement agencies can receive only locate services from the department.

"Local social service agency" means one of Virginia's locally administered social service or welfare departments which operate the ADC and ADC/FC programs and other programs offered by the department.

"Mistake of fact" means an error in the identity of the absent responsible parent or in the amount of child support owed.

"Obligation" means the amount and frequency of payments which the absent responsible parent is legally bound to pay.

"Public assistance" means payments for ADC, or ADC/FC, or Medicaid-only.

"Putative father" means an alleged father; a person named as the father of a child born out-of-wedlock but whose paternity has not been established.

"Recipient" means a person receiving public assistance.

"Responsible parent" means a person required under law to support a dependent child or the child's caretaker.

"Summary of facts" means a written statement of facts outlining the actions taken by the department on a case which has been appealed.

PART II GENERAL INFORMATION.

§ 2.1. Services provided.

A. Child support enforcement services shall be provided as a group to ADC, ADC/FC, and non-ADC clients. Courts and other state IV-D agencies may apply for location-only services.

B. Child support enforcement services shall include the following services which may involve administrative or court action:

1. Location of absent responsible parents;
2. Establishment of paternity;
3. Establishment or modification of child support obligations, including the responsibility to provide health care coverage;
4. Enforcement of child support obligations, both administratively and judicially determined; and
5. Collection and disbursement of child support payments, regardless of whether the obligation is legally established.

§ 2.2. Eligibility for services.

A. Individuals residing in Virginia who receive ADC or ADC/FC assistance are automatically eligible for child support services.

1. ADC and ADC/FC applicants and recipients must accept child support services as a condition of eligibility for public assistance unless the local social service agency determines that good cause exists for not accepting these services.

2. The department shall suspend action on a child support case in which the local social service agency has determined that good cause exists for not cooperating with the department in its pursuit of child support.

3. The department shall continue to provide child support services to a custodial parent when the ADC case closes.

a. The department shall provide these services without requiring a formal application.

b. The department shall continue to provide these services until the custodial parent states in writing that the services are no longer wanted unless the closure of the child support case is contrary to state or federal law.

B. Individuals residing in Virginia or having a legal residence in Virginia who do not receive ADC or ADC/FC assistance must make an application for child support services as a condition of eligibility for those services.

1. The child for whom child support is being

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requested must be under 18 years of age, unless:

- a. There is a court order specifying that support continue until a later age, or
- b. The child is handicapped, or
- c. The services being requested are for a child support obligation which existed prior to the child's 18th birthday.

2. If the child for whom support is being sought is under 18 years of age, the applicant must be the parent or legal guardian of the child and the child must reside with the applicant.

C. Individuals residing outside of Virginia shall be eligible for child support services upon a request for services from the IV-D agency in the state in which they reside.

D. Courts and other state IV-D agencies are eligible for location only services.

§ 2.3. Assignment of rights.

A. Individuals applying for child support services shall assign their support rights to the Commonwealth on behalf of the child or the spouse and child.

B. Assignment of child support rights to the Commonwealth is automatic with receipt of ADC or ADC/FC assistance.

§ 2.4. Authorization to seek or enforce a child support obligation.

Persons receiving child support services shall give the department written authorization to seek or enforce support on behalf of the child or spouse and child.

§ 2.5. Special conditions regarding receipt of ADC or ADC/FC.

A. Receipt of ADC or ADC/FC assistance creates a debt to the Commonwealth.

B. If a debt is owed to the Commonwealth due to the receipt of ADC or ADC/FC assistance, the department shall apply amounts collected for past due child support toward this debt unless the court order stipulates otherwise. Payments collected for current support may not be applied toward the debt.

C. Money received from tax intercept shall be applied, in total, toward the ADC or ADC/FC debt.

§ 2.6. Application fees.

The application fee for child support services is \$1.00. The department shall pay this fee on behalf of all

applicants for child support enforcement services.

§ 2.7. Costs associated with the provision of child support services.

A. The department may not require custodial parents to pay the costs associated with the provision of child support services.

B. The putative father shall pay the costs associated with the determination of paternity if he signs a stipulation agreement to pay or if he is ordered by a court to pay these costs.

PART III. ESTABLISHING CHILD SUPPORT OBLIGATIONS.

Article I. Paternity Establishment.

§ 3.1. Establishing paternity.

In order for the department to establish a child support obligation and to enforce and collect child support payments from a putative father, the father must be determined to be legally responsible for the support of the child. In situations in which the putative father has not been legally determined to be the father of the child, paternity must be adjudicated before a child support obligation can be established.

§ 3.2. Establishing paternity in interstate cases.

The department shall establish, if possible, the paternity of children who do not reside in Virginia when the putative father resides in Virginia and a request for such services is received from another state IV-D agency.

Article 2. Administrative Support Orders.

§ 3.3. Administrative establishment of a child support obligation.

The department has statutory authority to establish child support obligations through noncourt ordered legally enforceable administrative means. These administrative obligations have the same force and effect as a support obligation established by the court.

A. The amount of child support that is owed and the frequency with which it is paid must be established before the payment of child support can be enforced.

B. The administrative order shall be called the Administrative Support Order.

C. The department shall use administrative rather than judicial means to establish the child support obligation whenever possible.

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D. The department shall use administrative means to establish a temporary child support obligation when judicial determinations of support are pending due to custody and visitation issues.

E. The department shall consider the obligation to be established when an Administrative Support Order has been served and the 10-day appeal period for the administrative order has elapsed.

F. The department shall modify the obligation when new information is received.

G. The department shall modify the amount of the obligation for future child support payments only.

§ 3.4. Determining the amount of the child support obligation.

A. The obligation shall include:

1. Frequency with which the current amount owed is to be paid,
2. Current amount owed,
3. PA debt, if any, and
4. Unpaid past due child support, if any.

B. Financial statements.

1. The department shall use financial statements obtained from the absent responsible parent and the custodial parent to determine the amount of the child support obligation.
2. The absent responsible parent and custodial parent shall complete sworn financial statements upon demand by the department and annually thereafter.
3. If either the absent responsible parent or the custodial parent is a recipient of public assistance, the department shall use the information obtained through the ADC or ADC/FC eligibility process to meet the financial statement requirement.
4. The department shall define the type of financial information which shall be required based on § 63.1-274.5 of the Code of Virginia which is incorporated by reference.
5. A custodial parent who is not a responsible parent of the child for whom child support is being sought may not be required to complete a financial statement.
6. The department shall obtain financial statements from both absent responsible parents when the custodial parent is not a responsible parent of the child.

C. When an absent parent is responsible for the support of children receiving ADC or ADC/FC assistance, the department shall initially base the amount of the obligation on the amount of ADC or ADC/FC paid on behalf of the responsible parent's dependents.

1. The department shall change the proposed obligation amount and base it on the child support scale if the absent responsible parent provides financial information before the appeal time period has passed.

2. If the department receives financial information after the obligation is established, the department shall modify the Administrative Support Order prospectively and shall base the future obligation amount on the child support scale.

D. When the absent parent is responsible for the support of children not receiving ADC or ADC/FC and provides a financial statement, the department shall base the amount of the obligation on the child support scale.

1. If the responsible parent does not provide a financial statement and there is no court order and no previously issued administrative order, the department shall issue a default Administrative Support Order.

2. The default administrative order shall be based on the amount of public assistance that would be paid on behalf of the absent responsible parent's dependents if they were eligible for ADC assistance.

§ 3.5. Service of the administrative support order.

The department must legally serve the Administrative Support Order on the absent responsible parent in order to have an established obligation.

§ 3.6. Health care coverage.

A. The absent responsible parent shall provide information regarding health care coverage for his dependent children, and his spouse or former spouse if applicable, upon request from the department.

B. The absent responsible parent shall provide health care coverage for the child or children if medical insurance is available through his employment.

§ 3.7. Child support scale.

A. The department is required to use the Schedule of Monthly Basic Child Support Obligations and procedures in § 20-108.2 of the Code of Virginia in calculating the amount of administrative child support obligations. This section of the Code is incorporated by reference.

B. The department shall call this schedule the child support scale.

C. The department shall not deviate from the scale in establishing Administrative Support Orders except in the two situations identified in § 3.4.

D. The total child support obligation will be divided between both parents in the same proportion as their individual gross incomes bear to their combined gross income.

E. The department shall consider the following factors in calculating the combined gross income:

1. The absent responsible parent and custodial parent's gross monthly income from all sources,
2. The number of children for whom the absent responsible parent and custodial parent share joint legal responsibility,
3. Extraordinary medical and dental expenses which are defined in § 20-108.2 of the Code of Virginia, and
4. The custodial parent's work related child care expenses.

F. The department may not include benefits from public assistance programs as defined in § 63.1-87 or child support received in calculating the combined gross income.

PART IV. ENFORCING CHILD SUPPORT OBLIGATIONS.

Article I General.

§ 4.1. Enforcement rules.

A. The department shall, whenever possible, administratively enforce compliance with established child support orders including both administrative and court orders.

B. The department shall enforce child support obligations at the time the Administrative Support Order is initially entered through the use of one of the following methods of wage withholdings:

1. Immediate withholding of earnings
2. Voluntary assignment of earnings

C. The department shall enforce child support obligations when the obligation becomes delinquent through the use of one or more of the following administrative enforcement remedies:

1. Mandatory withholding of earnings
2. Liens
3. Orders to withhold and deliver

4. Foreclosure

5. Distraint, seizure, and sale

6. Unemployment compensation benefits intercept

7. Bonds, securities, and guarantees

8. Tax intercept

9. Internal Revenue Service full collection service

10. Credit bureau reporting

11. Federal enforcement remedies.

D. The department shall attempt to enforce current and delinquent child support payments through administrative means before petitioning the court for enforcement action unless it determines that court action is more appropriate.

§ 4.2. Withholding of earnings rules.

A. The department may issue a withholding of earnings order against all earnings except those exempted from garnishment under federal and state law.

B. The amount of money withheld from earnings may not be more than the amount allowed under the Consumer Credit Protection Act. (§ 34-29 of the Code of Virginia)

C. The department shall modify the withholding of earnings order only if there is a change in the amount of the current support or past due debt.

D. The department shall release the withholding of earnings order only if one of the following occurs:

1. The current support obligation terminates and any past due debt is paid in full;
2. Only a past due debt is owed and it is paid in full;
3. The whereabouts of the child or child and caretaker become unknown; or
4. Bankruptcy laws require release.

Article 2.

Immediate and Voluntary Withholding of Earnings.

§ 4.3. General.

The Administrative Support Order shall include a requirement for immediate withholding of the child support obligation from the absent responsible parent's earnings. The custodial parent and absent responsible parent may choose a voluntary assignment of earnings as an alternate arrangement for payment of child support.

§ 4.4. Immediate withholding of earnings.

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The Administrative Support Order shall include a requirement for immediate withholding of the child support obligation from the absent responsible parent's earnings.

§ 4.5. Voluntary withholding of earnings.

A. Voluntary withholding of earnings is also called voluntary assignment of earnings.

B. The custodial parent and absent responsible parent may choose a voluntary assignment of earnings at the time the obligation is established as an alternate to immediate withholding of earnings for payment of child support.

C. The department may initiate a voluntary assignment of earnings when it is the most expeditious means of enforcing a wage withholding.

D. The absent responsible parent may not choose a voluntary assignment of earnings as an alternative to mandatory withholding of earnings after enforcement action has been initiated.

Article 3.

Other Enforcement Remedies.

The department shall have the authority to administratively collect delinquent child support payments from absent responsible parents. These are called enforcement remedies.

§ 4.6. Mandatory withholding of earnings.

The department shall send a Mandatory Withholding of Earnings order to an employer requiring the deduction of the child support obligation from the absent responsible parent's earnings when a payment is delinquent in an amount equal to one month's child support obligation.

§ 4.7. Liens.

A. The department may file a lien on the real or personal property of the absent responsible parent when there is a support debt.

B. Upon receipt of a support order from a jurisdiction outside of Virginia, the department may immediately file a lien.

C. The lien of the department shall have the priority of a secured creditor.

D. The lien of the department shall be subordinate to the lien of any prior mortgagee.

§ 4.8. Orders to withhold and deliver.

A. The department may use orders to withhold and deliver to collect assets such as bank accounts, trust funds,

stocks, bonds, and other types of financial holdings when there is a support debt.

B. The department shall release orders to withhold and deliver when:

1. The debt on the order is paid, or
2. The absent responsible parent makes satisfactory alternate arrangements for paying the debt, or
3. The order cannot be served on the absent responsible parent.

§ 4.9. Distrain, seizure, and sale.

A. The department may use distraint, seizure, and sale against the real or personal property of an absent responsible parent when there is a support debt.

B. The director of the division shall give final approval for the use of distraint, seizure, and sale.

§ 4.10. Unemployment compensation benefits intercept.

A. The department may intercept unemployment compensation benefits when there is a support debt.

B. The department may, with the consent of the absent responsible parent, intercept unemployment compensation benefits when there is not a support debt.

C. The department may intercept unemployment compensation benefits paid by the Commonwealth to an absent responsible parent who lives out of state.

D. The department shall intercept the amount of benefits allowed by the Virginia Employment Commission.

§ 4.11. Bonds, securities, and guarantees.

The department shall use bonds, securities, and guarantees as an enforcement action only if the amount of the delinquency exceeds \$1,000 and

1. After all other enforcement actions fail, or
2. When no other enforcement actions are feasible.

§ 4.12. Tax intercept.

A. The department may intercept state and federal income tax refunds and shall apply these moneys, in whole or in part, first to any debt to the Commonwealth and second to delinquent child support obligations.

B. The Virginia Department of Taxation prescribes rules for interception of state tax refunds and notification to the person whose tax refund is being intercepted.

1. The department may retain moneys up to the

amount owed on the due date of the finalization notice from the department to the Virginia Department of Taxation.

2. The department may intercept state tax refunds when the delinquent amount equals at least \$25.

3. The department may not intercept taxes if the absent responsible parent has appealed the intercept action and the appeal is pending.

4. The department shall promptly issue a refund to the absent responsible parent when one of the following occurs:

a. The intercept was made in error.

b. The absent responsible parent pays the delinquent amount in full after the Department of Taxation has been notified of the delinquency and before the tax refund is intercepted.

c. Both federal and state tax refunds are intercepted and the total amount intercepted is more than the amount of the delinquency at the time that notification of the tax intercept was sent to the Department of Taxation.

C. The Internal Revenue Service has prescribed rules regarding the interception of federal tax refunds. Part 45, §§ 302.60 and 303.72 of the Code of Federal Regulations are incorporated by reference in this regulation.

Article 4. Federal Enforcement Remedies.

In addition to state administrative enforcement remedies, the department shall use federal enforcement remedies to enforce child support obligations.

§ 4.13. Internal Revenue Service full collection service.

A. The department may ask the Internal Revenue Service to collect delinquent child support payments when all reasonable efforts to collect past due child support payments have been made but have not been successful.

B. The department shall make this request through the federal Office of Child Support Enforcement.

§ 4.14. Enforcement remedies to be used against federal employees.

A. The department may apply its enforcement remedies against United States military and civilian active and retired personnel.

B. When enforcement under Virginia law is not possible, the department may use (i) Mandatory Military Allotments and (ii) Involuntary Child Support Allotments for Public Health Services Employees to enforce child support

obligations of active military personnel and public health services employees.

1. For the purposes of these two enforcement actions, delinquency shall be defined as failure of the absent responsible parent to make child support payments equal to the amount due for two months.

2. The amount of money withheld from these wages shall be up to the amount allowed under the Consumer Credit Protection Act.

PART V. ADMINISTRATIVE APPEALS.

Actions to establish and enforce child support obligations administratively may be appealed according to the following rules.

§ 5.1. Validity of the appeal.

A. The department shall determine the validity of an appeal.

1. The appeal must be in writing.

2. The appeal must be received within 10 working days of service when personally delivered.

3. If mailed, the postmark must be no later than 10 working days from the date of service of the notice of proposed action.

B. The only exception to this shall be appeals of federal and state tax intercepts. The absent responsible parent shall have 30 days to appeal a tax intercept notice to the department.

§ 5.2. General rules.

A. The appeal shall be heard by a hearings officer.

1. The hearings officer shall hold the hearing in the district office where the custodial parent resides unless another location is requested by the absent responsible parent and it complies with § 63.1-267.1 of the Code of Virginia.

2. The absent responsible parent and the custodial parent may be represented at the hearing by legal counsel.

3. The absent responsible parent may withdraw the appeal at any time.

4. The hearings officer shall accept a request for a continuance from the absent responsible parent or the custodial parent if:

a. The request is made in writing at least five working days prior to the hearing, and

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b. The request is for not more than a 10-day continuance.

B. The hearings officer shall notify the absent responsible parent and custodial parent of the date and time of the hearing and of the disposition of the hearing in accordance with § 63.1-267.1 of the Code of Virginia.

C. Prior to the hearing, the hearings officer shall send the absent responsible parent and the custodial parent a copy of the Summary of Facts prepared by the district office.

D. The hearings officer shall provide the absent responsible parent and the custodial parent with a copy of the hearing decision either at the time of the hearing or no later than 45 days from the date the appeal request was first received by the department.

E. The hearings officer shall notify the absent responsible parent and the custodial parent in writing by certified mail if the appeal is determined to be abandoned because the absent responsible parent did not appear at the hearing.

F. The absent responsible parent or the custodial parent may appeal the hearings officer's decision to the juvenile and domestic relations district court within 10 calendar days of receipt of the hearings officer's decision. An appeal of a tax intercept must be made to the circuit court within 30 days of the date of the hearings officer's decision.

§ 5.3. Appeal of enforcement actions.

A. The absent responsible parent may appeal the actions of the department to enforce a support obligation only when the basis of the appeal is:

1. Withholding of earnings; liens; distraint, seizure, and sale; and unemployment compensation benefits intercept may be appealed based only on a mistake of fact.

2. Orders to withhold and deliver may be appealed based only on (i) a mistake of fact or (ii) whether the funds to be withheld are exempt by law from garnishment.

3. Federal and state tax intercepts may be appealed based only on (i) a mistake of fact or (ii) the validity of the claim.

B. A mistake of fact is based on:

1. An error in the identity of the absent responsible parent, or

2. An error in the amount of current support or past due support.

§ 5.4. Appeal of federal enforcement remedies.

Actions to enforce child support payments through federal enforcement remedies may not be appealed through the Department of Social Services. Absent responsible parents shall appeal these actions to the federal agency which took the action.

PART VI. INTERSTATE RESPONSIBILITIES.

When the absent responsible parent and the custodial parent reside in different states, cooperation between these states is necessary.

§ 6.1. Cooperation with other state IV-D agencies.

A. The department shall provide the same services to other state IV-D cases that it provides to its own cases with the following conditions:

1. The request for services must be in writing.

2. The request for services must list the specific services needed.

B. The department shall request in writing the services of other state IV-D agencies when the custodial parent resides in Virginia, but the absent responsible parent resides in another state.

C. Other department responsibilities in providing services to other state IV-D cases and obtaining services from other state IV-D agencies are defined in Part 45, § 303.7 of the Code of Federal Regulations and §§ 63.1-274.6 and 20-88.22 of the Code of Virginia. These regulations are incorporated by reference here.

§ 6.2. Central registry.

A. The department shall manage the flow of interstate correspondence through a Central Registry located in the division's central office. Correspondence will be handled according to the rules established by the state and federal regulations cited by reference above.

B. The Central Registry shall act as the URESA State Information Agent required by § 20-88.22 of the Code of Virginia.

PART VII. CONFIDENTIALITY AND EXCHANGE OF INFORMATION.

Article 1. Information Collected by the Department.

§ 7.1. Information collected from state, county, and city offices.

A. State, county, and city offices and agencies shall

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provide the department with information about absent responsible parents.

B. The department shall use this information to locate and collect child support payments from absent responsible parents.

§ 7.2. Subpoena of financial information.

The department may subpoena financial records from a person, firm, corporation, association, political subdivision, or state agency to corroborate the existence of assets of the absent responsible parent or the custodial parent identified by the Internal Revenue Services.

Article 2. Information Released by the Department.

§ 7.3. Agencies to whom the department releases information.

A. The department may release information on absent responsible parents to courts and other state child support agencies.

B. The department shall release information concerning the absent responsible parent to consumer credit agencies upon their request.

C. The department may release information concerning custodial parents to courts and other state IV-D agencies as necessary to collect child support on their behalf.

D. The department shall obtain permission from the absent responsible parent or the custodial parent prior to providing information on that person to an entity other than the ones listed above.

§ 7.4. Release of information to and from the Internal Revenue Service.

A. The department may not release information provided by the Internal Revenue Service to anyone outside of the department with the following exceptions:

1. The department may release the information to local social service agencies and the courts, but the source of the information may not be released.
2. The department may release information provided by the Internal Revenue Service if that information is verified by a source independent of the IRS.

B. The division director, or a designee, may release information on absent responsible parents to the Internal Revenue Service.

§ 7.5. Request for information from the general public.

The department shall answer requests for information from the general public within 14 days of receipt of the

request or less as federal and state law may require.

§ 7.6. Requests for information from absent responsible parents and the custodial parents.

A. The department shall release, upon request from the absent responsible parent or custodial parent, copies of court orders, administrative orders, enforcement actions, and fiscal records.

B. The department shall release to the absent responsible parent and to the custodial parent personal information contained in the case record which pertains to the individual requesting the information with one exception. The department may not release medical or psychological information for which the physician providing the information has stated the individual should not have access.

C. The absent responsible parent and the custodial parent may correct, challenge, or explain the personal information which pertains to that individual.

D. The department shall charge a fee for copying case record information. The department shall base the fee on the cost of copying the material.

§ 7.7. Release of health care information.

The department shall provide specific third party liability information to the Department of Medical Assistance Services in order for that agency to pursue the absent responsible parent's medical provider for any Medicaid funds expended for his dependents who are receiving ADC or ADC/FC or who are Medicaid-only clients.

A. The department shall release health care coverage information on ADC and ADC/FC cases to the Department of Medical Assistance Services as prescribed in the cooperative agreement between the department and that agency.

B. The department shall release health care coverage information on ADC and ADC/FC cases to other state child support agencies upon their request.

C. The department shall release information on health care coverage for nonpublic assistance cases only with the consent of the custodial parent.

PART VIII. RIGHTS AND RESPONSIBILITIES OF THE DEPARTMENT AND OF THE CUSTODIAL PARENT.

Article 1. Custodial Parent's Rights and Responsibilities.

Throughout this regulation rights and responsibilities of the custodial parents are mentioned in general terms. This

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section of the regulation does not abridge those rights and responsibilities; it adds to them.

§ 8.1. Custodial parents rights.

A. The department shall give the custodial parent prior notice of major decisions about the child support case.

B. The department shall periodically inform the custodial parent of the progress of the case.

C. The department shall provide the custodial parent with copies of appropriate notices as identified in this regulation.

D. The department shall advise custodial parents who receive ADC of the following rights:

1. The \$50 disregard payments,
2. Eligibility for continued Medicaid coverage when ADC is no longer received, and
3. Eligibility for continued child support services when ADC is no longer received.

E. The department shall inform all non-ADC or ADC/FC clients at the time of application for services of the effect of past receipt of ADC or ADC/FC on the collection of child support payments.

§ 8.2. Custodial parent's responsibilities.

A. Custodial parents must give full and complete information, if known, regarding the absent responsible parent's name, address, social security number, current employment, and employment history and provide new information when learned.

B. Custodial parents must inform the department of any public assistance which was received in the past on behalf of the parent and children.

C. Custodial parents must promptly (i) inform the department of any divorce actions or court actions to establish a child support order, (ii) send to the department copies of any legal documents pertaining to divorce, support, or custody, and (iii) inform the department of any changes in custody or plans for reconciliation with the absent responsible parent.

D. Custodial parents must notify the department if an attorney is hired to handle a child support matter.

E. Custodial parents must notify the department immediately of any change in their financial circumstances.

F. Custodial parents must notify the department in writing regarding any change of their address or name. When possible, the custodial parent shall give this

notification 30 days in advance.

Article 2.

Department's Rights and Responsibilities.

§ 8.3. Department's rights.

The department shall decide, in a manner consistent with state and federal requirements, the best way to handle a child support case.

§ 8.4. Department's responsibilities.

A. The department shall act in a manner consistent with the best interests of the child.

B. The department shall establish a priority system for providing services which will ensure that services are provided in a timely manner.

C. The department shall keep custodial parents advised about the progress of the child support cases and shall include custodial parents in major decisions made about the handling of the child support case.

PART IX.

PROCESSING SUPPORT PAYMENTS.

Article 1.

Child Support Payments.

§ 9.1. Disbursement of child support payments.

A. An absent responsible parent may have multiple child support obligations.

1. Each case shall receive full payment of the current obligation when possible.

2. If the absent responsible parent's disposable earnings do not cover the full payment for each current support order, the department shall prorate the amount withheld among all orders.

B. Current support obligations shall be satisfied before satisfying a past due debt.

C. The method by which child support payments are disbursed is governed by Part 45, §§ 302.51 and 302.52 of the Code of Federal Regulations which are incorporated by reference.

Article 2.

Payment Recovery.

§ 9.2. Recovery of duplicate payments.

When a custodial parent has received an emergency petty cash fund payment and a child support payment for the same period of time, the department shall first demand payment from the custodial parent. If the

custodial parent does not comply with the demand, the department shall recover the amount of the emergency payment according to the methods described in § 9.5.

§ 9.3. Recovery of bad check payments.

When a payment made by an absent responsible parent is not honored upon presentation to the bank on which it was drawn, the department shall first demand payment from the absent responsible parent.

A. If the absent responsible parent does not comply with the demand, the department shall initiate enforcement action.

B. If enforcement action is not successful, the department shall recover the payment from the custodial parent according to the methods described in § 9.5.

§ 9.4. Erroneous disbursements.

When the department sends the custodial parent a payment in error, the department shall first demand payment from the custodial parent. If the custodial parent does not comply with the demand, the department shall recover the amount of the payment from the custodial parent according to the methods described in § 9.5.

§ 9.5. Methods of payment recovery from the custodial parent.

A. If the custodial parent is not an ADC or ADC/FC recipient, the department shall:

1. Intercept and retain payments for past due debt.
2. Retain 10% of the current support payment.
3. Retain the lesser of the balance due or 100% of Internal Revenue Service or state tax funds intercepted.
4. Retain the lesser of the balance due or funds seized from bank accounts.

B. If the custodial parent is an ADC or ADC/FC recipient, the department shall retain funds that otherwise would be due the custodial parent as allowed by Part 45, § 302.51 the Code of Federal Regulations.

PART X. CASE CLOSURE.

§ 10.1 General rules.

A. The department shall terminate child support enforcement services when

1. A custodial parent is no longer eligible for services;
2. A custodial parent no longer wants child support

enforcement services, and the department is not required by law to provide the services;

3. The absent responsible parent is no longer responsible for the support of the child and has no past due debt; or

4. The department is unable to obtain information either to establish or enforce the case and has exhausted all methods known to the department to obtain such information.

B. The department shall continue to provide collection and disbursement services until alternate arrangement for these services has been made.



Commonwealth of Virginia
 Department of Social Services
 Division of Child Support Enforcement

RP Name _____
 RP SSN _____
 Case ID# _____

APPLICATION FOR CHILD SUPPORT ENFORCEMENT SERVICES

I, _____, Social Security number _____ am applying to the Division of Child Support Enforcement for child support enforcement services for the following children:

<u>Children's Name</u>	<u>Date of Birth</u>	<u>Relationship</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

The services I am applying for include:

- Location of the Responsible Parent to obtain child support (if the whereabouts are unknown)
- Obtaining an acknowledgment of paternity (if not already established)
- Establishing child support obligations
- Enforcing and collecting a child support obligation

I authorize the Division of Child Support Enforcement (DCSE) to explore, pursue, and utilize all sources of information available in support of its investigation. I understand that, depending on the information I provide (including, but not limited to, the Responsible Parent's SSN, address and employer), the DCSE will assign a priority level to my case. I understand that the DCSE cannot guarantee the success of its efforts.

I understand that legal assistance may be provided in establishing or enforcing a child support obligation. I acknowledge that any legal assistance which may be provided by the Office of the Attorney General, any office of a Commonwealth's Attorney or otherwise is being provided to the Division of Child Support Enforcement, and not to me personally. A final decision concerning any legal action which may be taken in my case shall be made by the Division, and the Division shall advise me of action they have decided to take. I further acknowledge that I am aware of my right to secure the services of my own attorney to represent me personally at any time. If I choose to retain the services of a private attorney, I will notify the Division immediately.

I authorize the Division of Child Support Enforcement to seek, enforce, and collect for me and my children current or past due support from anyone who has a legal duty to support me and my children.

I authorize the Division of Child Support Enforcement to endorse and cash checks, money orders, or other forms of payment which are made out to me for support payments.

I authorize the Division of Child Support Enforcement to give receipts for any payment collected.

Applicant's Name (Print) _____ Address _____

Applicant's Signature _____

Date _____ Telephone _____

SUPPORT ENFORCEMENT SERVICES

Local, state and federal resources are used to obtain the Responsible Parent's address to enforce a child support order. The Division of Child Support Enforcement will try to obtain an acknowledgment of paternity or consent if paternity has not already been established. When paternity is established, a support obligation will be sought either administratively or through the court. After the obligation is established, support payments will be collected and monitored. If payments become irregular or stop, the support obligation will be enforced through a number of enforcement remedies. Some of these are listed below:

- Immediate or Mandatory Withholdings of Earnings - an automatic withholding of earnings and wages when the order is initiated or when the support payment is delinquent in an amount equal to one month's support payment.
- State Tax Refund Intercept - State tax refunds are intercepted to pay off child support debts (note: if there is a debt owed to the State for public assistance paid, this debt is satisfied first).
- Federal Tax Refund Intercept - Federal tax refunds are intercepted to pay off child support debts. You should be aware of the following:
 - If tax intercept involves a joint return, the tax intercept will not be distributed for 6 months after it is received.
 - If there is a debt owed to the State for public assistance paid, this debt is satisfied first.
 - Any payment the family receives may have to be returned to DCSE if there is an adjustment within 3 years following the end of the tax year.

These are only a few of the enforcement remedies available and they may not apply in your situation. Your child support office will initiate remedies it believes appropriate to secure your child support payment and will discuss these with you.

032-11-511/5



BLAIR BUILDING
8007 DISCOVERY DRIVE
RICHMOND, VIRGINIA 23229-8058
(804)662-9204

LARRY D. JACKSON
COMMISSIONER

COMMONWEALTH of VIRGINIA
DEPARTMENT OF SOCIAL SERVICES

Dear Employer:

Your employee _____ SSN _____ has been ordered to provide health care coverage for his dependent child(ren) _____ if it can be obtained through his employer even if there is an additional cost to the employee. Please complete the bottom section of this letter by checking the statements which apply and return it to us in the pre-addressed envelope we have enclosed for your convenience.

Sincerely,

Investigator
Telephone

The above-named dependents are covered by the following health care coverage:

Insurance Company: _____

Policy Number: _____

Beginning date of dependent coverage: _____

Coverage type:

- Hospital only
- Hospital and Surgical
- Hospital, Surgical and Major Medical
- Health Maintenance Organization (HMO)
- Champus

- Insurance for the above-named dependents ended on _____ (Date).
- Since enrollment there have been lapses in coverage from _____ to _____ (Dates).
- The above-named dependents are not enrolled in an insurance plan, but insurance is available for the employee's dependents.
- Medical insurance for dependents is not available to this employee.

Date

Signature

Company Name

Company Address

Telephone Number

7/88

An Equal Opportunity Agency



BLAIR BUILDING
8007 DISCOVERY DRIVE
RICHMOND, VIRGINIA 23229-8058
(804)662-9204

LARRY D. JACKSON
COMMISSIONER

COMMONWEALTH of VIRGINIA
DEPARTMENT OF SOCIAL SERVICES

Dear :

_____ has enrolled _____ under the following health care policy:

Insurance Company: _____

Policy Number: _____

Beginning Date: _____

Coverage Type: _____

This policy covers certain medical needs. You should make this coverage known when your child(ren) needs medical attention. If your child(ren) is also covered by Medicaid, use both the above insurance information and your Medicaid card when receiving medical services.

Please note that since this insurance coverage is related to the responsible person's employment, any termination of employment will probably void this coverage.

The health care policy for _____ through _____ Insurance Company ended on _____

The health care coverage for _____ has changed. The new insurance information is as follows:

Insurance Company: _____

Policy Number: _____

Beginning Date: _____

Coverage Type: _____

Sincerely,

Investigator
Telephone:

An Equal Opportunity Agency



FINAL REGULATIONS

For information concerning Final Regulations, see information page.

Symbol Key

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

DEPARTMENT OF CRIMINAL JUSTICE SERVICES (BOARD OF)

§ 1. Definitions.

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

"Agency administrator" means any chief of police, sheriff or agency head of a state or local law-enforcement agency, or correctional institution.

"Approved training school" means a training school which provides instruction of at least the minimum training standards as mandated by the board and has been approved by the department for the specific purpose of training criminal justice personnel.

"Board" means the Criminal Justice Services Board.

"Criminal justice officer" means a law-enforcement [officer] , jailor or custodial officer, courtroom security officer [or ,] process service officer and officers of the Department of Corrections, Division of Adult Institutions. [Officer within Officers of] the Department of Corrections [, Division of Adult Institutions,] means a correctional officer, sergeant, lieutenant, captain, major, facility manager, and facility director.

"Department" means the Department of Criminal Justice Services.

"Director" means the chief administrative officer of the department.

"Approved training school" means a training school which provides instruction of at least the minimum training standards as mandated by the board and has been approved by the department for the specific purpose of training criminal justice personnel.

"School director" means the chief administrative officer of an approved training school.

"Agency administrator" means any chief of police, sheriff or agency head of a state or local law-enforcement agency, or correctional institution.

"Officer" means a law-enforcement officer, jailor, or custodial officer. Officer within the Department of Corrections means a correctional officer, sergeant, lieutenant, captain, major, facility manager, and facility director.

§ 2. Applicability.

Title of Regulation: VR 240-01-2. Rules Relating to Compulsory In-Service Training Standards for Law-enforcement Officers, Jailors or Custodial Officers, Courtroom Security Officers, Process Service Officers and Officers of the Department of Corrections, Division of Adult Institutions.

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

Effective Date: July 5, 1989

Summary:

The amended regulations establish compulsory in-service training standards for courtroom security officers and process service officers employed by sheriff's departments. Additionally, the amended regulations provide guidelines and procedures for voluntary testing of in-service training of criminal justice officers as defined by this regulation.

Changes made to the regulation since it was published in its proposed form are (i) an amendment that makes attendance at an approved in-service training school at an approved academy mandatory and allows partial in-service credit for legal or career development training although the subjects are not tested (§ 5); (ii) an amendment that make testing of in-service training voluntary rather than mandatory (§ 7); (iii) an amendment that exempts sheriffs, chiefs of police and agency administrators from any in-service training testing (§ 7 B); (iv) an amendment that provides range instructors the authority to determine when weapons should be reloaded (§ 8 A 1 b(1)); and (v) an amendment that changes the time limit and the number of rounds to be fired at the 7, 15 and 25 yard lines on the qualification course for revolvers and semi-automatic pistols (§§ 8 A 1 a and 8 A 1 b). These changes did not significantly alter the intent or content of the regulation as submitted and published in its proposed form. A complete record of the public hearing may be examined in the office of the Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia.

VR 240-01-2. Rules Relating to Compulsory In-Service Training Standards for Law-enforcement Officers, Jailors or Custodial Officers, Courtroom Security Officers, Process Service Officers and Officers of the Department of Corrections, Division of Adult Institutions.

A. Every person employed as a law-enforcement officer, as defined by § 9-169(9) of the Code of Virginia, must meet compulsory in-service training standards as set forth in subsection A of § 3 ; ~~Part One~~, of these regulations.

B. Every person employed as a jailor or custodial officer under the provisions of Title 53.1 of the Code of Virginia, must meet compulsory in-service training standards as set forth in subsection B of § 3 ; ~~Part Two~~, of these regulations.

C. Every person employed as a courtroom security or process service officer under the provisions of Title 53.1 of the Code of Virginia must meet compulsory in-service training standards as set forth in subsection C of § 3 of these regulations.

~~C.~~ D. Every person employed as a ~~correctional~~ an officer of the Department of Corrections, Division of Adult Institutions, as defined [by § 53.1-1 of the Code of Virginia; herein] must meet compulsory in-service training standards as set forth in subsection D of § 3 ; ~~Part Three~~, of these regulations.

§ 3. Compulsory in-service training standards.

Pursuant to the provisions of subdivisions (1), (3), (5), (6) and (7) of §§ 9-170 ~~(2)~~ and ~~(7)~~ of the Code of Virginia, the board establishes the following as the compulsory in-service training standards for law-enforcement ~~officers, jailors~~ [; ~~jailor officers, jailors~~] or custodial ~~officers~~ [officers], courtroom security [officers,] [and] process service officers and officers of the Department of Corrections, Division of Adult Institutions.

Part ~~One~~ A. Law-enforcement officers.

A. 1. Mandatory (testing [required] as set forth in § 7 [is optional but strongly encouraged and recommended]).

Hours

1. a. Legal training. 4

The subjects selected are at the discretion of the approved training school and shall be designated as legal training totaling four hours.

2. b. Career development. 16

The subjects shall enhance the officer's career in law enforcement and shall total 16 hours.

B. 2. Elective (testing optional). 20

1. a. Subjects designated as elective training are at the discretion of the agency administrator or the board of an approved training school. No more than ~~two~~ four hours of firearms training will be

permitted as elective subjects.

b. Mandatory subjects listed in subsections B and C of § 3 may be substituted in lieu of the electives for law-enforcement officers in-service training.

TOTAL 40

Part ~~Two~~ B. Jailors or custodial officers.

A. 1. Mandatory (testing [required] as set forth in § 7 [is optional but strongly encouraged and recommended]).

1. a. Legal training. 4

The subjects selected are at the discretion of the approved training school and shall be designated as legal training totaling four hours.

2. b. Career development. 8

The subjects shall enhance the officer's career as a jailor or custodial officer and shall total eight hours.

B. 2. Elective (testing optional). 12

1. a. Subjects designated as elective training are at the discretion of the agency administrator or the board of an approved training school. No more than ~~two~~ four hours of firearms training will be permitted as elective subjects.

TOTAL 24

Part ~~Three~~ - Officers of the Department of Corrections

C. Courtroom security [~~or~~ officers and] process service officers.

1. Mandatory (testing [required] as set forth in § 7 [is optional but strongly encouraged and recommended]).

a. Legal training. 4

The subjects selected, which should pertain to courtroom security [~~or~~ and] process [~~officers~~ service], are at the discretion of the approved training school and shall be designated as legal training totaling four hours.

b. Career development.

(1) The subjects shall enhance the officers' career as a courtroom security officer and shall total two hours. 2

(2) The subjects shall enhance the officers' career as a process service officer and shall total two hours. 2

Final Regulations

2. Elective (testing optional).

a. Subjects designated as elective training are at the discretion of the agency administrator or the board of an approved training school. No more than four hours of firearms training will be permitted as elective subjects. 8

TOTAL 16

D. Officers of the Department of Corrections, Division of Adult Institutions.

A. 1. Mandatory (testing [required] as set forth in § 7 [is optional but strongly encouraged and recommended]).

1. a. Legal training. 4

The subjects selected are at the discretion of the approved training school and shall be designated as legal training totaling four hours.

2. b. Career development.

The subjects shall enhance the [officer's] career [of the officers of the Department of Corrections, Division of Adult Institutions, as a correctional officer. These The] hours shall be allocated as follows:

a. Correctional officers and sergeants 8

b. Lieutenants through facility director 16

B. 2. Elective (testing optional).

1. a. Subjects designated as elective training are at the discretion of the director of the Department of Corrections or his designee. [These The] hours shall be allocated as follows:

a. (1) Correctional officers and sergeants 12

b. (2) Lieutenants through facility director 20

No more than two four hours of firearms training shall be permitted as elective subjects.

TOTAL HOURS FOR CORRECTIONAL OFFICERS AND SERGEANTS 24

TOTAL HOURS FOR LIEUTENANTS THROUGH FACILITY DIRECTOR 40

§ 4. Time requirement for completion of training.

A. Every ~~officer~~ law-enforcement [officer], jailor or custodial [~~officers~~ officer] and officers of the Department of Corrections must complete compulsory in-service training by December 31 of the second calendar year following satisfactory completion of the entry-level compulsory minimum training standards and by December 31 of every other calendar year thereafter. The mandatory training must be completed between the period [of] January 1 to [by and] December 31 of the calendar year in which the officer is required to comply, unless provided otherwise in accordance with § 4, subsection C D , of these regulations.

Upon written request of the Director of the Department of Corrections or his designee, in-service training [requirement requirements] may be completed by attending approved course offerings in each calendar year. The provisions of this section shall be applicable to the positions of Captain through Facility Director within the Department of Corrections. All such written requests shall be approved by the Department of Criminal Justice Services prior to such credit being authorized.

B. Every courtroom security [officer] and process service officer who has satisfactorily completed the entry-level compulsory minimum training standards by December 31, 1988, must complete compulsory in-service training by no later than December 31, 1990, and every other calendar year thereafter.

Every courtroom security [officer] and process service officer who satisfactorily completes the entry-level compulsory minimum training standards on or after January 1, 1989, must complete compulsory in-service training standards by December 31 of the second calendar year following satisfactory completion of the entry-level compulsory minimum training standards and every other calendar year thereafter.

B. C. In-service training schools shall be conducted in no less than four-hour sessions.

C. D. The director may grant an extension of the time limit for completion of the in-service training. The chief of police, sheriff or agency administrator shall present evidence that the officer was unable to complete the required training within the specified time limit due to illness, injury, military service or , special duty assignment required and performed in the public interest or leave without pay or suspension pending investigation or adjudication of a crime . Requests for extension of the time limit must be received prior to the expiration of the normal in-service time limit.

§ 5. How compulsory minimum training standards may be attained.

A. In-service training school.

1. The in-service training [may must] be obtained by attending and completing an approved in-service

training school at an approved academy unless provided otherwise in accordance with § 5, subsection B, of these regulations.

2. *Criminal justice* officers attending an approved in-service training school are required to attend all classes and should not be placed on duty or on call except in cases of emergency.

B. Partial in-service credit.

1. Individual. Upon written request of the chief of police, sheriff or agency administrator, the director may authorize attendance and successful completion of job-related courses for partial in-service credit. Such request shall be submitted no later than ~~30~~ 60 days following the last day of the course. Whenever possible, such request should be submitted prior to the beginning date of the course. Any request for partial in-service credit shall include the name of the sponsoring agency, name and location of the course, and a [~~specific course description~~ curriculum] which shall include at a minimum the date, time and instructor for each subject included in the course. Attendance shall be documented and records maintained as required by the records retention policy of the department. ~~During the period January 1, 1988, through December 31, 1988, the testing requirement for mandatory hours shall be optional. Any training conducted by a nonapproved training school is exempt from the testing requirement [Partial in-service credit will not be authorized for legal or career development training unless those subjects are tested :]~~

All such requests from the Department of Corrections shall be reviewed and endorsed by the training manager prior to being forwarded to the department for consideration.

2. Course. The director may also approve job-related training courses offered by agencies, institutions, or private firms as meeting the requirements to receive partial in-service credit. Requests for such certification shall be submitted 60 days in advance of the conduct of the course on forms provided by the department. Courses meeting the minimum criteria may be approved for one year or until the course content is revised, whichever occurs first. The sponsoring agency shall document attendance and maintain records as required by the records retention policy of the department. The sponsoring agency shall also certify to the agency administrator that the officer successfully completed the course. The department will only consider for approval requests from agencies, institutions, or private firms where there is an indication that criminal justice officers from Virginia have attended or will attend the course for which approval is requested.

Courses submitted for approval shall meet the minimum number of hours of either the mandatory or

elective training sections of the applicable standards. Section 5.B.2 shall not apply to any criminal justice agency or training academy in this Commonwealth.

§ 6. Requirements for in-service training schools.

A. In-service training schools shall be approved by the department prior to the first scheduled class. Approval is requested by making application to the director on forms provided by the department. The director may approve those schools which, on the basis of curricula, lesson plans, instructors, facilities, and examinations, provide the required minimum training. A curriculum listing the subjects, instructors, dates and times for the entire proposed training session shall be submitted to the department 30 days prior to the beginning of each such proposed session. An exemption to the 30-day requirement may be granted for good cause shown by the school director.

B. In-service training schools which are approved shall be subject to inspection and reviewed by the department.

C. The department may suspend the approval of an approved in-service training school upon written notice, which shall contain the reason(s) upon which the suspension is based, to the school's director. The school's director may request a hearing before the director or his designee. The request shall be in writing and must be received by the department within 15 days of the date of the notice of suspension. The school's director may appeal the director or designee's decision to the board or its designee .

D. The department may revoke the approval of any training school upon written notice, which shall contain the reason(s) upon which the revocation is based, to the school's director. The school's director may request a hearing before the director or his designee. The request shall be in writing and must be received by the department within 15 days of the date of the notice of revocation. The school's director may appeal the director or designee's decision to the board or its designee .

§ 7. Testing and grading.

A. ~~During the period January 1, 1988, through December 31, 1988, the testing requirements for the mandatory subjects as enumerated in § 3 of these regulations shall be optional. During this period, pilot testing will occur for the mandatory testing requirements set forth in § 3 of these regulations. Appropriate data and research will be collected and analyzed during 1988, with a final decision by the Criminal Justice Services Board, prior to July 1, 1989, concerning the mandatory testing requirements as set forth in § 3. Each approved training school is encouraged to begin implementation of the testing requirement in approved in-service training schools. Testing [shall be required for all of] subjects designated as legal and career development as enumerated in subsections A, B, C and D of § 3 of these regulations [is optional but strongly~~

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encouraged and recommended] .

[B. All sheriffs, chiefs of police, and agency administrators shall be exempted from in-service testing.]

[B. All C. Any] tests for mandatory training [shall should] be developed in accordance with the approved lesson plan [and objectives] for each subject. [The objectives set forth in each lesson plan shall be tested.] Testing may be in the form of written or performance tests.

[C. D.] A minimum score of 70% [must should] be attained on all written tests. Performance testing requires satisfactory completion of performance objectives. [The school director shall notify the agency administrator employing the officer who does not attain a minimum passing grade on any tested material.]

[D. E.] Approved training schools shall maintain accurate records of all attendance, tests, grades, and testing procedures [where applicable] utilized in in-service training schools. Training records shall be maintained in accordance with §§ 42.1-76 through 42.1-91 of the Code of Virginia.

[E. F.] All approved training schools [are required to should] establish and maintain a testing and retesting policy. Testing [and ,] retesting [and remedial training, where applicable,] may be provided as necessary within the time limit in which the officer is required to comply with in-service [training] requirements.

[F. G.] All sheriffs, chiefs of police, and agency administrators shall be exempted from in-service testing requirements. Any criminal justice officer who fails to attain a minimum passing score on [mandatory training, any tested subjects] and upon exhausting the provisions of academy's testing and retesting policy [shall undergo should be provided] remedial training. Remedial training may be provided at the approved training school where the initial training was received by the officer or at the officer's employing agency. Upon completion of [the necessary] remedial training, [retesting of the course material originally failed must be administered by the approved training school where the officer received in-service training the officer should be retested on the course material originally failed].

§ 8. Firearms training.

Every criminal justice officer required to carry a firearm in the performance of duty shall qualify annually using the applicable firearms course set forth below. With prior approval of the director, a reasonable modification of the firearms course may be approved to accommodate qualification on indoor ranges. No minimum number of hours is required; only qualification is required.

A. Law-enforcement officers and jailors [officers] , [jailor jailors] or custodial officers , courtroom security

officers and process service officers .

1. Handgun

a. Virginia Modified Double Action Course For Revolvers.

Target - Silhouette (B21, B21X, B27)

60 rounds

Double action only

Minimum qualifying score - 70%

Phase 1 - 7 yards, hip shooting, crouch position, 24 rounds

Load 6 rounds, fire 1 round on whistle (2 seconds), repeat [or fire 2 rounds on whistle (3 seconds), repeat]

Load 6 rounds, fire 2 rounds on whistle (3 seconds), repeat

Load 6 rounds, fire 12 rounds on whistle (30 seconds)

Phase 2 - 15 yards, point shoulder position, 18 rounds

Load 6 rounds, fire 1 round on whistle (2 seconds), repeat [or fire 2 rounds on whistle (3 seconds), repeat]

Load 6 rounds, fire 2 rounds on whistle (3 seconds), repeat

Load 6 rounds, fire 6 rounds on whistle (12 seconds)

Phase 3 - 25 yards, 90 seconds, 18 rounds

Load 6 rounds, on whistle:

fire 6 rounds, kneeling, strong hand; reload

fire 6 rounds, standing behind barricade, weak hand;

reload fire 6 rounds, standing behind barricade, strong hand (kneeling position may be fired using barricade)

b. Virginia Modified Double Action Course For Semi-Automatic Pistols.

Target - Silhouette (B-21, B-21X, B-27)

Minimum Qualifying Score - 70%

Each officer is restricted to three magazines when

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firing course. Regardless of capacity, only six rounds will be loaded in each magazine.

Phase 1 - 7 yards, hip shooting, crouch position

Load 6 round mag., fire 1 round double action on whistle (2 seconds), place on safe, holster, repeat until 6 rounds have been fired

Load 6 round mag., fire 2 rounds double action on whistle (3 seconds), place on safe, holster, repeat until 6 rounds have been fired

Load 6 round mag., fire 1 round double action, fire remaining 5 rounds in conventional manner, reload and repeat procedure until a total of 12 rounds have been fired (20 seconds)

Phase 2 - 15 yards, point shoulder position

Load and holster on command, draw and fire 1 round double action on whistle (2 seconds), place on safe and holster, repeat until 6 rounds have been fired

Load and holster on command, draw and fire 2 rounds double action on whistle (3 seconds), place on safe and holster, repeat until 6 rounds have been fired

Load and holster on command, draw and fire 6 rounds on whistle (8 seconds)

Phase 3 - 25 yards, kneeling and standing position

Load and holster on command, assume kneeling position, draw weapon and fire 1 round, double action, on whistle; fire remaining 5 rounds in conventional manner, reload and fire 6 rounds weak hand, standing, barricade position; reload and repeat procedure, strong hand, standing barricade position, until a total of 18 rounds have been fired (70 seconds)

(1) Each officer is restricted to the number of magazines carried on duty. Magazines shall be loaded to their full capacity. [Shooters may change magazines during any phase but only when the weapon is empty and the slide is locked in the rear position. The range instructor shall determine when magazines will be changed.]

(2) Phase 1 - 7 yards, hip shooting, crouch position, load magazine, fire 1 round double action on command (2 sec.), [or fire 2 rounds (3 seconds),] make weapon safe, holster, repeat until 6 rounds have been fired.

(a) On command, draw and fire 2 rounds (3 sec.), make weapon safe, holster, repeat until 6 rounds have been fired.

(b) On command, draw and fire 12 rounds in [30 20] seconds, make weapon safe, and holster.

(3) Phase 2 - 15 yards point shoulder position. On command, [draw and fire 1 round (2 sec.), or] draw and fire 2 rounds (3 sec.), make weapon safe, holster, repeat until 6 rounds have been fired.

(a) On command, draw and fire [1 round (2 sec.), or] 2 rounds (3 sec.), make weapon safe, holster, repeat until 6 rounds have been fired.

(b) On command, draw and fire 6 rounds (12 sec.), make weapon safe, holster.

(4) Phase 3 - 25 yards, kneeling and standing position. On command, assume kneeling position, draw weapon and fire 6 rounds, then fire 6 rounds weak hand, standing, barricade position, then fire 6 rounds strong hand, standing, barricade position, until a total of 18 rounds have been fired. ([90 70] seconds)

(a) (Kneeling position may be fired using barricade.)

(b) (Weapons which do not have a double action capability will require the first round be chambered manually.)

c. Scoring.

B21, B21X targets - use indicated K value with a maximum 300 points; divide by 3 to obtain percentage

B27 target - 8, 9, 10, x rings - value 5 points 7 ring - value 4 points other hits on silhouette - value 3 points; divide by 3 to obtain percentage

B. Officers of the Department of Corrections, Division of Adult Institutions.

1. Handgun

a. Double Action Combat Course.

Target - Silhouette

60 rounds

Double action only

Minimum qualifying score - 70% (points per hit on silhouette - minimum 210 points out of a possible 300 points)

7 yards - two handed crouch - 6 rounds (one on whistle)

7 yards - two handed crouch - 6 rounds (two on

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whistle)

7 yards - two handed crouch - 12 rounds (30 seconds from whistle)

15 yards - two handed point shoulder - 6 rounds (one on whistle)

15 yards - two handed point shoulder - 6 rounds (two on whistle)

15 yards - two handed point shoulder - 12 rounds (30 seconds from whistle)

25 yards - two handed point shoulder - 6 rounds (10 seconds/right hand)

25 yards - two handed point shoulder - 6 rounds (10 seconds/left hand)

C. Law-enforcement officers, jailors or custodial ~~officers~~], ~~courtroom security~~ [~~officers~~] , [~~or~~] ~~civil process~~ officers and officers of the Department of Corrections, Division of Adult Institutions

1. Special weapons.

a. All agencies whose personnel possess, or have available for immediate use, shotguns or other similar special weapons, shall design [~~and require annually~~] an appropriate familiarization [~~+ or~~] qualification weapons [~~programs for all program and require all~~] applicable personnel [~~to complete annually~~] .

b. The course, number of rounds to be fired and qualification score [~~if applicable~~] shall be determined by the agency or approved training school. Documentation of such familiarization [~~+ or~~] qualification programs shall be available for inspection by the director or staff.

§ 9. Failure to comply with rules and regulations.

Officers attending approved in-service training schools shall comply with the rules and regulations promulgated by the board and any other rules and regulations within the authority of the school director. The school director shall be responsible for enforcement of all rules and regulations established to govern the conduct of attendees. If the school director considers a violation of the rules and regulations detrimental to the welfare of the school, the school director may expel the officer from the school. Notification of such action shall immediately be reported in writing to the agency administrator and the director.

§ 10. Administrative requirements.

Reports will be required from the agency administrator and school director on forms approved by the department and at such times as designated by the director.

§ 11. Effective date.

These rules shall be effective on and after January 1, 1988 July [~~1, 5,~~] 1989 , and until amended or rescinded.

the Vanguard Group
OF FINANCIAL COMPANIES
P.O. BOX 21, COLD SPRING HARBOR, NY 11724

30890

DEPARTMENT OF CRIMINAL JUSTICE SERVICES - COMMONWEALTH OF VIRGINIA

EMPLOYMENT UPDATE	TO BE SUBMITTED WITHIN TEN DAYS AFTER A CHANGE IN OFFICER'S STATUS (such as a new rank or function, termination, name change, etc). SEE BACK OF FORM.			FORM 31	DATE TODAY mm dd yy
	PLEASE TYPE OR PRINT CLEARLY.			REV. 7/82	
OFFICER'S LAST NAME		FIRST NAME	MIDDLE INITIAL	VA. DMV OPERATOR'S LICENSE NUMBER	
AGENCY/DEPARTMENT			(The following items may be left blank unless new information is being reported concerning them.)		
RANK has been changed to:				DATE OF RANK mm dd yy	
[SHERIFF'S DEPT. ONLY] PRIMARY FUNCTION has been changed to (circle appropriate number below): 11 - law enforcement 12 - jail/inmate security 13 - court security/civil process 15 - dispatch/communications 19 - other (specify) _____ mm dd yy			TERMINATION Employment with the above Agency/Department has been terminated for the following reason (circle number): 1 - resigned 3 - retired 5 - other (specify) _____ 2 - discharged 4 - deceased		
EFFECTIVE DATE OF FUNCTION:			EFFECTIVE DATE OF TERMINATION:		
Explanation of any other pertinent changes:			SUBMITTED BY (type or print name of authorized official):		
			Telephone Number: _____		

RETURN TO: Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219

**FORM
41
Rev. 8/83**

**CRIMINAL JUSTICE
TRAINING
ROSTER**

**DEPARTMENT OF CRIMINAL JUSTICE SERVICES
COMMONWEALTH OF VIRGINIA**

(Please type. See instructions on reverse side.)

Name of Training Facility: _____

FOR DCJS USE ONLY:
AGENCY ID: _____
TRAINING CODE: _____

To report **BASIC TRAINING**
(Entry-Level), check one of the following:

- _____ Law Enforcement Officer
- _____ Jailor/Custodial Officer
- _____ Dispatcher
- _____ DOC Correctional Officer
- _____ Court Security Officer/Process Server

(In case of a "combined school," there should be a separate roster for each group of officers who have satisfactorily completed the training for each of the functions combined in the school.)

Date Basic School Started: _____

Number Registered: _____

Number Dropped Out Before Completion: _____

Number Unsatisfactorily Completed: _____

Number Satisfactorily Completed: _____

To report **IN-SERVICE TRAINING**, check one of the following:

- _____ Law Enforcement Officer
- _____ Jailor/Custodial Officer
- _____ DOC Officer

To report **SPECIALIZED TRAINING**
(other than mandatory Basic or In-Service Training), enter name of course here:

(ONLY THOSE OFFICERS WHO HAVE SATISFACTORILY COMPLETED THE TRAINING CHECKED AT THE LEFT OF THIS FORM SHOULD BE LISTED BELOW.)

DATE OFFICER COMPLETED SCHOOL (MM-DD-YY)	VA. DMV OPERATOR'S LICENSE NUMBER	NAME OF OFFICER (LAST, FIRST, MIDDLE INITIAL)	DEPARTMENT

(Continue listing on reverse side if necessary. Also complete certification on reverse side.)

* * * * *

Title of Regulation: VR 240-01-3. Rules Relating to Compulsory Minimum Training Standards for Undercover Investigative Officers.

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

Effective Date: July 5, 1989

Summary:

The amended regulations increase classroom training for undercover investigative officers from 10 hours to 14 hours. The regulations require that law-enforcement officers complete either the Compulsory Training Standards for Law-Enforcement Officers or the Compulsory Minimum Training Standards for Undercover Investigative Officers prior to being assigned to an undercover assignment. Additionally the regulations update and revise the firearms qualification course for undercover investigative officers.

There have been no substantial changes made to the regulation since it was published in its proposed form. A complete record of the public hearing may be examined in the office of the Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia.

VR 240-01-3. Rules Relating to Compulsory Minimum Training Standards for Undercover Investigative Officers.

§ 1. Definitions.

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

"Agency administrator" means any chief of police, sheriff, or agency head of [state or a] local [or state] law-enforcement agency.

A. "~~Commission~~" "Board" means the Criminal Justice Services ~~Commission~~ Board .

"Department" means the Department of Criminal Justice Services.

B. "~~Executive Director~~" means the chief administrative officer of the ~~commission~~ department .

§ 2. Compulsory minimum training standards.

Pursuant to the provisions of § ~~9-100(3A)~~ § 9-170 of the Code of Virginia the ~~Commission~~ board establishes the following as the compulsory minimum training standards for undercover investigative officers:

A. Core curriculum for all undercover investigative

officers:

	Hours
I- 1. Legal matters:	8 14
A- Introduction to criminal law	
B- Entrapment	
C- Search and seizure	
D- Rules and of evidence	
E- Laws of arrest	
Surveillance techniques	
Conspiracy laws	
Management of informants	
II- 2. Report writing	2
III- 3. Firearms (If applicable, refer to § 5-0 § 6 , range firing and minimum qualification required)	

§ 3. Applicability.

A. Every person employed as a full-time law-enforcement officer, as defined by § ~~9-100-1~~ 9-169.9 of the Code of Virginia and prior to the officer's assignment as an undercover investigative officer [as defined by §] ~~9-100(3A)~~ [§ ~~9-170(4)~~] must meet [the] compulsory minimum training standards, herein established by the ~~Commission~~ board .

B. Those officers [;] who [~~previously~~ have satisfactorily] completed the law-enforcement compulsory minimum training standards [satisfactorily] and are in compliance with all applicable rules promulgated by the ~~Commission~~ board are exempt from attending this course.

§ 4. Time requirement for completion of training.

All persons designated as an undercover investigative officer must complete either the compulsory minimum training standards for law-enforcement officers or the compulsory minimum training standards for undercover investigative officers prior to [undercover] assignment.

§ ~~4~~ § 5. Certification and administrative requirements.

A. Upon completion of training and termination of the required undercover assignment, the agency administrator shall certify to the ~~Executive~~ director that the officer, prior to service in the undercover assignment, complied with the rules and regulations as promulgated by the ~~Commission~~ board . Such certification shall include, but not be limited to, the date(s) of training, range qualification scores, if applicable, and a certification from the instructor(s) of the program that the officer [has] complied with these requirements with an ~~acceptable~~ a demonstrated degree of proficiency.

B. All instructors will be required to present, at a minimum, the minimum training as set forth in the course resumes and performance objectives provided by the ~~Commission~~ board .

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C. It will be the duty of each instructor to insure each officer completes all segments of training ; if applicable, and obtains a minimum level of understanding as set forth in the commission curriculum objectives .

§ 5: § 6. Firearms training.

A. The following [range firearms] training will be applicable if in the performance of duty the necessity to possess or carry a firearm is a requirement of the position.

1. Nomenclature and care of service revolver handgun ;
2. Safety (on the firearms range, on duty and off duty);
3. Legal responsibilities and liabilities of firearms;
4. Service revolver Handgun (handling, firing principles);
5. Dry firing (application of firing principles basic shooting principles);
6. Bull's Eye (optional - 60 rounds) Prequalification shooting (150 rounds, minimum) ;
7. Position shooting (60 rounds, not a record course)
8. 7. Virginia Modified Double Action Course (70% minimum qualification required);
8. Qualification (70% minimum required) on one of the following record courses:
 - a. Modified Tactical Revolver Course
 - b. Modified Practical Pistol Course
 - c. Virginia Modified Combat Course I
 - d. Virginia Modified Combat Course II
 - e. Virginia Modified Double Action Course for Semi-Automatic Pistols
9. Modified Tactical revolver Course or Modified Practical Pistol Course (70% minimum qualification required on either course)
10. 9. Familiarization with the following weapons: police shotgun
 - a. Shotgun (10 rounds) 20 rounds required, shoulder and hip position
 - b. Rifle* Special weapons as required by locale
 - c. Automatic Pistol*

d. Gas Gun* and Gas Equipment

* Firing of these weapons is not required.

For further instructions and specific course requirements, refer to the "Course Resumes and Objectives for Required Compulsory Minimum Training for Law Enforcement Officers."

§ 6: § 7. Effective date.

These rules shall be effective on and after August 1, 1981 July [1 5], 1989 , and until amended or rescinded.

§ 8: Adopted

October 19, 1978

* * * * *

Title of Regulation: VR 240-01-5. Rules Relating to Compulsory Minimum Training Standards for Dispatchers.

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

Effective Date: July 5, 1989

Summary:

The amended regulations redefine the term dispatcher and reduce the minimum hours of on-the-job training from 60 to 40. Additionally, the amended regulations extend the time limit for the completion of on-the-job training from 120 days to 12 months.

Changes made to the regulation since it was published in its proposed form are (i) rephrasing of the definition of the term dispatcher (§ 1); (ii) the deletion of subdivision 8 of § 2 and the deletion of subsection B of § 3 relating to V.C.I.N. compulsory training; and (iii) granting a training school director the right to appeal any suspension or revocation of the school's approval (subsections D and E of § 6). These changes did not significantly alter the intent or content of the regulation as submitted and published in its proposed form. A complete record of the public hearing may be examined in the office of the Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia.

VR 240-01-5. Rules Relating to Compulsory Minimum Training Standards for Dispatchers.

§ 1-0. § 1. Definitions.

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

"Agency administrator" means any chief of police,

sheriff, or agency head of a [*state or*] local law-enforcement agency.

"Approved training school" means a training school which provides instruction of at least the minimum training standards mandated by the department and has been approved by the department for the specific purpose of training dispatchers.

"Board" means the Criminal Justice Services Board.

"Department" means the Department of Criminal Justice Services.

"Director" means the chief administrative officer of the department.

"Dispatcher" means any person employed by or in [a any] local [~~law-enforcement or state government~~] agency [; or independent communication center,] either full or part-time [; who performs the duties of dispatching whose duties include the dispatching of law-enforcement personnel],

"School director" means the chief administrative officer of an approved training school.

§ 2.0. § 2. Compulsory minimum training standards.

		Hours
I.	1. Introduction and role of dispatcher	4 2
II.	2. Interpersonal and psychological job factors	6 8
	a. Minimum of 2 hours on crises problems, situations, and intervention	
	b. Minimum of 1 hour practical exercises	
III.	3. Operating procedures	16
IV.	Information Systems	
4.	Elective studies	8
V.	5. Rules and regulations governing communications	2
VI.	6. Emergency communications plans/disasters	3
VII.	7. Testing and evaluation	1
	Total [Standard Total] classroom hours	40
[8.	V.C.I.N. (as applicable - see § 3 B)	16
	Total classroom hours	56

I. [9. 8.] On-the-job training (O.J.T.)

A. a. On-the-job training will include a minimum of ~~60~~ 40 hours of local training with selected experienced personnel. Local departments or agencies will follow the format as set forth below in Section B subdivision b. On-the-job training must be completed and the appropriate form forwarded to the department no later than ~~120~~ 180 days after completion of classroom training as stated in Paragraph 4.0.A. subsection A of § 4.

B. b. On-the-job training local.

1. (1) Agency/department policies, procedures, regulations

2. (2) Agency/department geographical area

3. Virginia Criminal Information Network

4. (3) Agency/department telephonic system and equipment operations

5. (4) Agency/department radio system and equipment operations

6. (5) Structure of local government

7. (6) Local ordinances

8. (7) Legal documents and requirements

9. (8) Other agencies/resources (local/state/federal)

§ 3.0. § 3. Applicability.

A. All dispatchers employed by or in any local [~~law-enforcement or state government~~] agency [~~or independent communication center, whose duties include the dispatching of law-enforcement personnel~~] and [who was] hired on or after July 1, 1982 1988, must meet compulsory minimum training standards herein established, unless provided otherwise in accordance with subsection [C B] of § 3.

[B. Dispatchers from agencies not possessing V.C.I.N. capabilities, may be exempted from the 16-hour block of V.C.I.N. training, by the school director.]

[C. B.] The director may grant an exemption or partial exemption of the compulsory minimum training standards established herein, in accordance with § 9-173 of the Code of Virginia.

§ 4.0. § 4. Time requirement for completion of training.

A. Every dispatcher who is required to comply with the compulsory minimum training standards must satisfactorily complete such training within 12 months of the date of appointment as a dispatcher or within 12 months of the

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effective date of these regulations, whichever date is later the required training set forth in § 2 of these regulations, within 12 months of the date of appointment as a dispatcher, unless provided otherwise in accordance with subsection B of § 4 .

B. The director may grant an extension of the time limit for completion of the minimum training required upon presentation of evidence by the agency administrator that such dispatcher was unable to complete the required training within the specified time limit due to illness, injury, military service, special duty assignment required and performed in the public interest, or other prudent [~~reason~~ reasons]. The agency administrator must request such extension prior to expiration of any time limit.

§ 5-0: § 5. How compulsory minimum training standards may be attained.

A. The compulsory minimum training standards shall be attained by attending and satisfactorily completing an approved training school.

B. Dispatchers attending an approved training school are required to attend all classes and should not be placed on duty or call except in cases of emergency.

§ 6-0: § 6. Approved training schools.

A. Dispatcher training schools must be approved by the department prior to the first scheduled class. Approval is requested by making application to the director on forms provided by the department. The director may approve those schools which, on the basis of curricula, instructors, facilities, and examinations, provide the required minimum training. One application for all mandated training shall be submitted prior to the beginning of each fiscal year. A curriculum listing the subject matter, instructors, dates, and times for the entire proposed training session shall be submitted to the department 30 days prior to the beginning of each such proposed session. The 30-day requirement may be waived for good cause shown by the school director.

B. Each school director will be required to maintain a file of all current lesson plans and supporting materials for each subject contained in the compulsory minimum training standards.

C. Schools which are approved will be subject to inspection and review by the director or staff.

D. The [~~director~~ department] may suspend the approval of an approved training school upon written notice, which shall contain the reason(s) upon which the suspension is based, to the school's director. The school's director may request a hearing before the [~~board~~ director or his designee]. The request shall be in writing and must be received by the department within 15 days of the [date of] notice of suspension. [*The school's director may appeal the director or designee's decision to the board.*]

E. The [~~director~~ department] may revoke the approval of any approved training school upon written notice which shall contain the reason(s) upon which the revocation is based to the school's director. The school's director may request a hearing before the [~~board~~ director or his designee]. The request shall be in writing and must be received by the department within 15 days of the date of the notice of revocation. [*The school's director may appeal the director or designee's decision to the board.*]

§ 7-0: § 7. Grading.

A. All written examinations shall include a minimum of two (2) questions for each hour of mandatory instruction. This requirement likewise includes the classroom instruction on performance oriented subject matter. However, for those subjects which exceed five (5) hours of instruction, ten (10) 10 questions will suffice as an acceptable minimum.

B. All dispatchers must [~~attain~~ obtain] a minimum grade of 70% in each grading category to satisfactorily complete the compulsory minimum training standards. Any dispatcher who fails to [~~attain~~ obtain] the minimum 70% in any grading category will be required to take all subjects comprising that grading category in a subsequent approved training school. A dispatcher may be tested and retested as may be necessary within the time limits of Section 4-0 § 4 of these rules regulations and each academy's written policy. A dispatcher shall not be certified as having complied with compulsory minimum training standards unless all applicable requirements have been met.

C. Approved dispatcher training schools shall maintain accurate records of all tests, grades and testing procedures. Academy training records must be maintained in accordance with the provisions of these rules regulations and §§ 42.1-76 through 42.1-91 ; of the Code of Virginia (1950); as amended .

D. The school director shall complete a grade report on each dispatcher on forms approved by the department.

§ 8-0: § 8. Failure to comply with rules and regulations.

Dispatchers attending an approved training school shall comply with the rules and regulations promulgated by the department and any other rules and regulations within the authority of the school director. The school director shall be responsible for enforcement of all rules and regulations established to govern the conduct of attendees. If the school director considers a violation of the rules and regulations detrimental to the welfare of the school, the school director may expel the dispatcher from the school. Notification of such action shall immediately be reported in writing, to the agency administrator of the dispatcher and the director.

§ 9-0: § 9. Administrative requirements.

A. Reports will be required from the agency administrator and school director on forms approved or provided by the department and at such times as designated by the director.

B. The agency administrator shall within [~~120 days~~ the time requirement set forth in subsection A of § 4] forward a properly executed on-the-job training form to the department for each dispatcher.

C. The school director shall, within ~~thirty~~ (30) days upon completion of an approved training school, comply with the following:

1. Prepare a grade report on each dispatcher maintaining the original for academy records and forwarding a copy to the agency administrator of the dispatcher; and
2. Submit to the department a roster containing the names of those dispatchers who have satisfactorily completed all training requirements and, if applicable, a revised curriculum for the training session ; .

D. The school director shall furnish each instructor with a complete set of course resumes and objectives for the assigned subject matter.

~~§ 10.0.~~ § 10. Effective date.

These ~~rules~~ regulations shall be effective on and after July [~~1, 5,~~] 1984 1989 , and until amended or rescinded.

~~§ 11.0.~~ Adopted:

December 7, 1983

MARINE RESOURCES COMMISSION

NOTICE: The Marine Resources Commission is exempted from the Administrative Process Act (§ 9-6.14:4 of the Code of Virginia); however, it is required by § 9-6.14:22 B to publish all final regulations.

Title of Regulation: VR 450-01-8904. Closure of Public Shellfish Grounds in James River.

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

Effective Date: May 5, 1989

Preamble:

The following order establishes a closed season for designated public shellfish grounds in the James River area during the public relay season.

§ 1. Authority, effective date.

A. This order is promulgated pursuant to the authority

contained in § 28.1-85 of the Code of Virginia.

B. The effective date of this order is May 5, 1989.

§ 2. Designated area.

The area description is as follows:

Beginning at corner "1" of Public Ground No. 6, Isle of Wight County, thence in a southeasterly direction along the Baylor line to its intersection with the James River Bridge; thence northeasterly along the James River Bridge to its intersection with the Baylor line 5-6, Public Ground No. 1, Warwick County; thence northwesterly along said Baylor line to corner "6" of Public Ground No. 1, Warwick County; thence northwesterly along the Baylor line to corner "6 1/2" of Public Ground No. 1, Warwick County and the intersection with Plat File No. 3728; thence northwesterly along private lease line of J. H. Miles Co., Inc. Plat File No. 3728 to corner "1" of said lease; thence northwesterly along private lease line to corner "3", Plat File No. 3728; thence northwesterly along private lease line to corner "4", Plat File No. 3728, being the intersection of private lease and Public Ground No. 1, Warwick County; thence southwesterly along the Baylor line to corner "10" of Public Ground No. 1, Warwick County (this line being approximately 95 yards south of Old White Shoal Light); thence southwesterly to corner "1" of Public Ground No. 6, Isle of Wight County, being the point of beginning.

§ 3. Closed season.

A. The closed season for the above described designated area will be May 1 through August 15 of each year.

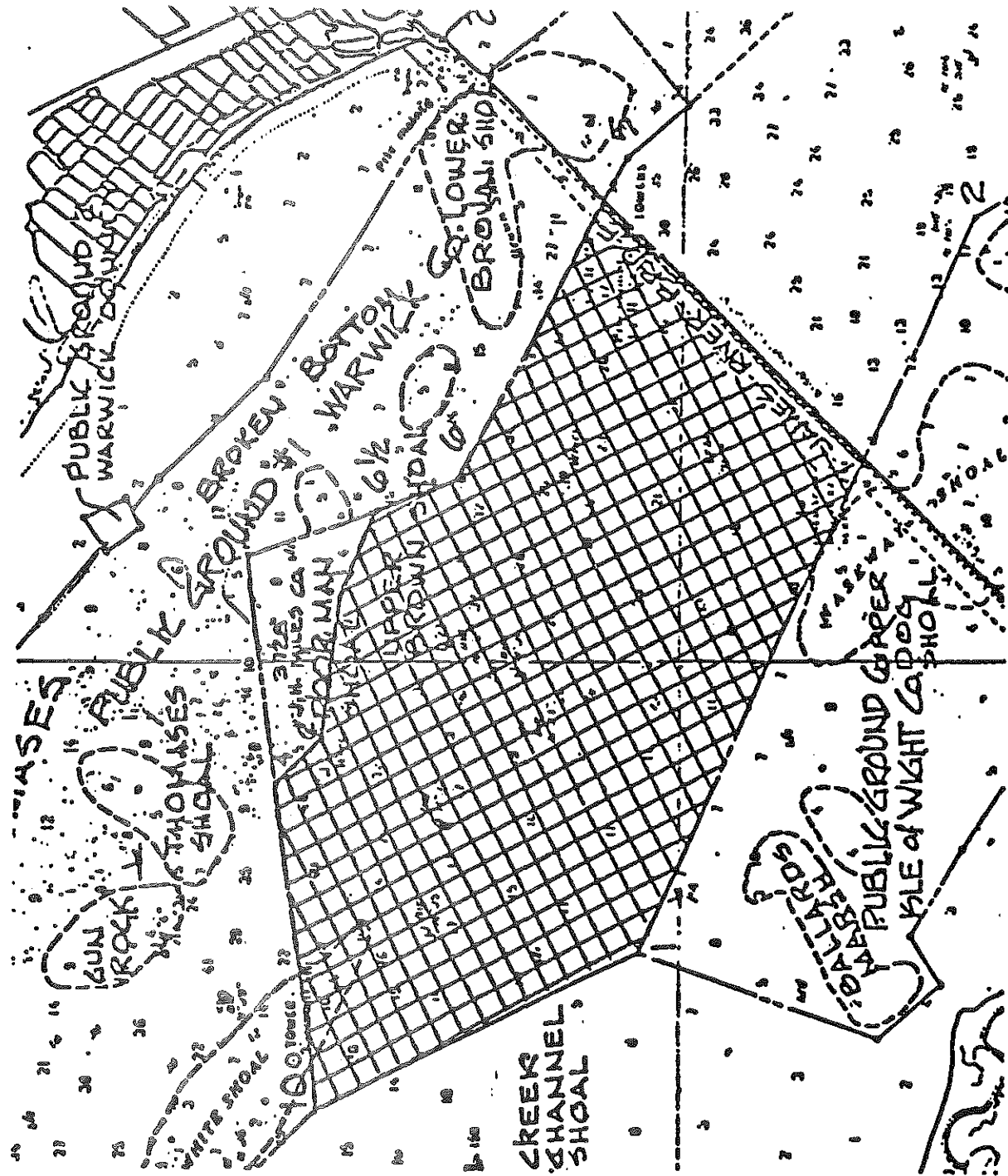
B. If the public relaying season should be changed in any given year by the commission beyond the normal May 1 and August 15, opening and closing dates, respectively, then the described area shall be closed during the corresponding public relay season.

§ 4. Penalty.

As set forth in § 28.1-85 of the Code of Virginia, any person violating any provisions of this order shall be guilty of a Class 1 misdemeanor.

/s/ William A. Pruitt
Commissioner
Date: May 4, 1989

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BOARD OF SOCIAL WORK

Title of Regulation: VR 620-01-2. Regulations Governing the Practice of Social Work.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Effective Date: July 6, 1989

Summary:

The Board of Social Work has repealed existing regulations and adopted new regulations to establish the requirements governing the practice of social work in the Commonwealth of Virginia. They include the educational and experiential requirements necessary for licensure, provide criteria for the written and oral examinations, set the standards of practice, and establish procedures for the disciplining of licensed social workers.

The regulations are the result of an extensive regulatory review conducted by the Board of Social Work pursuant to the Executive Order 52(84) of former Governor Charles S. Robb. The regulations are necessary to clarify existing requirements set by the Virginia Board of Behavioral Science (abolished by the General Assembly in 1983) and the current regulations of the Board of Social Work. During its review of existing regulations, the Board of Social Work examined its educational, experiential, examination, and practice requirements.

The board also had approved emergency regulations which allowed the proposed fee increases shown within the regulations to be adopted.

As a result of some of the comments received, minor revisions for clarity were made in some sections of the regulations.

VR 620-01-2. Regulations Governing the Practice of Social Work.

PART I. GENERAL PROVISIONS.

§ 1.1. Definitions.

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

"Accredited school of social work" is defined as a school of social work accredited by the Council on Social Work Education.

"Applicant" is defined as a person who has submitted a completed application for licensure as a social worker with the appropriate fees.

"Board" is defined as the Virginia Board of Social Work.

"Candidate for licensure" is defined as a person who has satisfactorily completed all educational and experience requirements for licensure and has been deemed eligible by the board to sit for the required examinations.

["Clinical course of study" is defined as graduate course work which includes courses in human behavior and social environment, social policy, research, clinical practice with individuals, families, groups and a clinical practicum which focuses on diagnostic, prevention and treatment services.]

"Supervision" is defined as the relationship between a supervisor and supervisee which is designed to promote the development of responsibility and skill in the provision of social work services. Supervision is the inspection, critical evaluation, and direction over the services of the supervisee. Supervision shall include, without being limited to, the review of case presentations, audio tapes, video tapes, and direct observation.

§ 1.2. Fees.

A. The board has established fees for the following:

1. Registration of supervision\$25

2. Annual renewal of supervision25

3. Application processing65

4. Examinations and reexaminations:

Written85

Oral (for first specialty)65

(for second specialty)65

5. Initial license: prorated portion
of biennial license
fee for unexpired
part of biennium

6. Biennial license

a. Registered social worker30

b. Associate social worker30

c. Licensed social worker120

d. Licensed clinical social worker120

7. Penalty for late renewal10

8. Name change10

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9. Endorsement to another jurisdiction10
10. Additional or replacement wall
certificates15
11. Returned check15

B. Fees shall be paid by check or money order made payable to the Treasurer of Virginia and forwarded to the board.

PART II. REQUIREMENTS FOR LICENSURE.

§ 2.1. General requirements.

A. No person shall practice as a social worker or clinical social worker in the Commonwealth of Virginia except as provided for in the Code of Virginia or these regulations.

B. Licensure by this board to practice as a social worker or clinical social worker shall be determined by examination.

C. Every applicant for examination for licensure by the board shall:

1. Meet the education and experience requirements prescribed in § 2.2 of these regulations for the category of practice in which licensure is sought.

2. Have official transcripts documenting required academic coursework and degrees attained submitted directly from the appropriate institutions of higher education to the board not less than 60 days prior to the date of the written examination.

3. Submit to the board, not less than 60 days prior to the date of the written examination:

a. A completed application, on forms provided by the board;

b. Documented evidence of having fulfilled the experience requirements of § 2.2; and

c. The application fee prescribed in § 1.2 of these regulations.

§ 2.2. Education and experience requirements.

A. For a licensed social worker:

1. Education. The applicant shall hold a bachelor's or a master's degree from an accredited school of social work, documented as prescribed in § 2.1 C 2. Graduates of foreign institutions shall establish the equivalency of their education to this requirement through the Foreign Equivalency Determination

Service of the Council on Social Work Education.

2. Experience. Applicants shall meet applicable requirements for experience depending on their educational background, as provided in subdivisions a and b of this subdivision.

a. Bachelor's degree applicants shall have had two years of full-time post-bachelor's degree experience or the equivalent in part-time experience in casework management and supportive services under supervision satisfactory to the board.

(1) Full-time experience in casework management and supportive services is defined as a total of 3000 hours of work experience acquired in no less than two years.

(2) Part-time equivalent experience in casework management and supportive services is defined as at least 3000 hours of work experience acquired in no less than four years.

b. Master's degree applicants are not required to have professional experience in the field.

c. Registration of supervised post-bachelor's degree experience may be required as provided in subdivisions (1) and (2) of this subdivision.

(1) Experience in a nonexempt setting:

(a) An individual who proposes to obtain supervised post-bachelor's degree experience in a nonexempt setting in Virginia shall, prior to the onset of such experience and annually thereafter for each succeeding year of such experience: (i) be registered on a form provided by the board and completed by the supervisor and supervised individual; and (ii) pay the annual registration-of-supervision fee as prescribed by the board.

(b) The supervisor providing supervision under this subsection shall: (i) be a licensed social worker with a Master's degree or a social worker who holds a Master's degree in social work and who has had at least two years of experience prior to performing such supervision or a licensed clinical social worker; and (ii) be responsible for the social work practice of the prospective applicant once the supervisory arrangement is accepted by the board.

(c) The supervised experience shall include at least 100 hours of weekly face-to-face supervision during the two-year period.

(d) Peer supervision shall not be substituted for any of the required hours of supervision.

(e) Group supervision shall constitute no more than 30 hours of the 100 hours required for supervision.

(f) Supervision between members of the immediate family (to include spouses, parents, and siblings) will not be approved.

(g) The individual acting as supervisor: (i) shall be knowledgeable about the diagnostic assessment and treatment plan of cases assigned to the applicant and shall be available to the applicant on a regularly scheduled basis for supervision; (ii) shall not provide supervision of activities for which the applicant has not had appropriate education; (iii) shall not provide supervision for activities for which the supervisor is not qualified; and (iv) shall, on an annual basis, provide to the board documentation of the hours attained by the supervisee of social work practice for which the supervisor has been responsible. On the same form on which this information is recorded, the supervisor shall list the number of hours of face-to-face supervision or group supervision, or both, received during the reporting period as well as evaluate the supervisee in the areas of professional ethics and professional competency.

(h) At the time of application, applicants shall provide to the board documentation of the supervised experience from all supervisors, or, if a supervisor is unavailable, shall provide a satisfactory explanation of such circumstances to the board: (i) applicants whose former supervisor is deceased or whose whereabouts is unknown shall submit to the board a notarized affidavit from the present chief executive officer of the agency, corporation, or partnership in which the applicant was supervised; and (ii) the affidavit shall specify dates of employment, job responsibilities, the supervisor's name (and last known address), and the total number of hours spent by the applicant with the supervisor in face-to-face supervision.

(2) Experience in an exempt setting. Persons who wish to register their exempt setting supervised experience as the supervised experience required for licensure must meet the requirements of these regulations as prescribed in § 2.2 A 2 c.

B. For a licensed clinical social worker:

1. Education. The applicant shall hold a minimum of a master's degree from an accredited school of social work, documented as prescribed in § 2.1 C 2. Graduates of foreign institutions shall establish the equivalency of their education to this requirement through the Foreign Equivalency Determination Service of the Council on Social Work Education.

a. The degree program shall have included a [sequence of] graduate [courses in the areas of: course of study; or]

[(1) Human behavior and social environment;

(2) Social policy;

(3) Research; and

(4) Clinical practice with individuals, families, and groups.

The program shall also have included a clinical field practicum which focuses on diagnostic, prevention, and treatment services, or]

b. The applicant shall provide documentation of having completed specialized experience, coursework or training acceptable to the board as equivalent to such sequence of courses.

2. Experience. The applicant shall have had three years of full-time post-master's degree experience in the delivery of clinical services as prescribed in subdivision a of this subdivision, or the equivalent in part-time experience. The post-master's experience, whether full- or part-time, shall be under supervision satisfactory to the board as prescribed in § 2.2 B 2 c. A doctorate degree in clinical social work may be counted as one-third of the time required.

a. Full-time experience in the delivery of clinical services is defined as a total of 4,500 hours of work experience required in no less than three years.

(1) Of these 4,500 hours, 15 hours per week shall be spent in fact-to-face client contact, for a total of 2,070 hours in the three-year period.

(2) The remaining hours may be spent in activities supporting the delivery of clinical services.

b. Part-time equivalent experience in the delivery of clinical services is a total of 4,500 hours of work experience acquired in no more than six years. Of the 4,500 hours, 2,070 hours shall be spent in face-to-face client contact.

c. Registration of supervised post-graduate degree experience may be required as provided in subdivisions (1) and (2) of this subdivision.

(1) Experience in a nonexempt setting:

(a) An individual who proposes to obtain supervised post-graduate experience in a nonexempt setting in Virginia shall, prior to the onset of such experience and annually thereafter for each succeeding year of such experience: (i) be registered on a form provided by the board and completed by the supervisor and the supervised individual; and (ii) pay the annual registration-of-supervision fee prescribed by the board.

(b) The supervisor providing supervision under this subsection shall: (i) be a licensed clinical social

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worker, psychologist (clinical), professional counselor, clinical psychologist, or psychiatrist; [(ii) persons who do not meet the requirements of 2.2 B 2 c (1)(b)i but were approved by the board prior to the implementation of these regulations to provide supervision to prospective applicants for licensure may continue to provide supervision to those individuals provided that the supervisory arrangements were registered with the board;] and [(ii) (iii)] be responsible for the clinical activities of the prospective applicant once the supervisory arrangement is accepted by the board.

(c) An individual who does not become a candidate for licensure after six years of supervised training in a nonexempt setting shall submit evidence to the board showing why the training should be allowed to continue.

(d) The experience shall include at least 150 hours of face-to-face supervision during the three-year period as follows: (i) a minimum of one hour of individual face-to-face supervision per week shall be provided during the first two years. (ii) a minimum of 50 hours of the 150 hours of face-to-face supervision shall be provided by a licensed clinical social worker; and (iii) at least 25 hours of supervision shall be provided in each specialty area (Casework, Groupwork) for which the applicant is seeking licensure.

(e) Supervision between members of the immediate family (to include spouses, parents, and siblings) will not be approved.

(f) The individual obtaining the three years of required experience shall not call himself a licensed clinical social worker, solicit clients, bill for his services, or in any way represent himself as a clinical social worker until such a license has been issued.

(g) Group supervision involving six or fewer supervised persons will be acceptable for not more than one-third of the required 150 hours of face-to-face supervision, on the basis of two hours of group supervision as considered equivalent to one hour of individual supervision. Group supervision cannot be substituted for the required one hour of face-to-face individual supervision per week during the first two years.

(h) Peer supervision will not be counted toward the 150 hours of supervision required during the three-year period.

(i) The individual acting as supervisor: (i) shall be knowledgeable about the diagnostic assessment and treatment plan of cases assigned to the applicant and shall be available to the applicant on a regularly scheduled basis for supervision; (ii) shall

not provide supervision of activities for which the applicant has not had appropriate education; (iii) shall not provide supervision for activities for which the supervisor is not qualified; and (iv) shall, on an annual basis, provide to the board documentation of the supervisee's direct client contact and supervisory hours for which the supervisor was responsible. The supervisor shall evaluate the supervisee in the areas of professional ethics, knowledge of theory base, and professional competency, noting any limitations observed regarding the supervisee's skills and practice.

(j) Applicants shall provide to the board documentation of the supervised experience from all supervisors, or, if a supervisor is unavailable, shall provide a satisfactory explanation of such circumstances to the board: (i) applicants for licensure who have worked full-time for a minimum of three years in the delivery of clinical social work services need document only their full-time employment as long as the requirement in § 2.2 B 2 a (1) has been met; (ii) applicants for licensure who have worked part-time in the delivery of clinical services will need to document the experience prescribed in both subdivisions (1) and (2) of § 2.2 B 2 a, covering a period not more than six year; (iii) applicants whose former supervisor is deceased, or whose whereabouts is unknown, shall submit to the board a notarized affidavit from the present chief executive officer of the agency, corporation or partnership in which the applicant was supervised; and (iv) the affidavit shall specify dates of employment, job responsibilities, supervisor's name (and last address, if known), and the total number of hours spent by the applicant with the supervisor in face-to-face supervision.

(2) Experience in an exempt setting. Persons who wish to register their exempt setting supervised experience as the supervised experience required for licensure must meet the requirements of these regulations as prescribed in § 2.2 B 2 c.

§ 2.3. Applicant for licensure in an additional specialty.

An applicant seeking licensure in an area of practice other than that listed in the original application shall present documentation of 25 hours of supervised experience in the additional specialty for which licensure is sought and shall take the required examinations in this specialty area.

PART III. EXAMINATIONS.

§ 3.1. General examination requirements.

A. The board may waive the written examination in whole or in part, if the applicant has been certified or licensed in another jurisdiction by standards and

procedures equivalent to those of the board.

B. An applicant for licensure by the board as a social worker shall take a written examination and an applicant for licensure as a clinical social worker shall take a written and oral examination at times prescribed by the board.

C. Examination schedules.

A written examination and an oral examination shall be administered at least twice each year. The board may schedule such additional examinations as it deems necessary.

1. The executive director of the board shall notify all candidates in writing of the time and place of the examinations for which they have been approved to sit, and of the fees for these examinations.

2. The candidate shall submit the applicable fees.

3. If the candidate fails to appear for the examination without providing written notice at least two weeks before the examination, the examination fee shall be forfeited.

§ 3.2. Written examination.

A. The written examination comprises an examination consisting of standardized multiple-choice questions. These questions may cover all or some of the following areas: social sciences, human growth and development, social work practice, social groupwork, supervision, legislation, administration, social research, community planning, and social work knowledge and concerns.

B. The board will establish passing scores on the written examination.

§ 3.3. Oral examination: clinical social worker candidates only.

Successful completion of the written examination requirements shall be a prerequisite to taking the oral examination for the clinical social worker license.

A. Candidates who sit for the clinical social worker written licensure examination shall submit to the board office a work sample prepared in accordance with the requirements outlined in subsection D of this section.

B. Candidates who pass the written examination will be notified by the board of the time and place of the oral examination.

C. The oral examination shall consist of an interview between the board or its designees and the candidate for the purpose of:

1. Reviewing the candidate's education, training and

experience;

2. Evaluating the applicant's professional competency and emotional maturity, the extent and nature of the applicant's professional identity, the candidate's knowledge of ethical professional behavior, and demonstrated competency to successfully apply such knowledge in clinical practice, and

3. Determining the candidate's clinical skills as demonstrated in a work sample or through another examination format as prescribed by the board.

D. The work sample(s) of a candidate for examination for licensure as a clinical social worker shall conform to the following requirements:

1. The work sample(s) shall:

a. Present material drawn from the candidate's practice within the last 12 months immediately preceding the date of the written examination;

b. Be typical of the practice specialty area in which the candidate intends to engage as a clinical social worker; and

c. State the area(s) of specialty in which the candidate seeks licensure to practice, specifying whether the planned specialty will be casework (including individual, family, and marital); or groupwork.

2. A candidate who plans to practice in both specialty areas shall submit a separate work sample for each area. Each sample shall be reflective of the candidate's work in the applicable specialty area.

3. Each work sample shall be typed, double-spaced, on one side of the paper only, and within an absolute limit of six pages in length. Six clearly readable copies of each work sample shall be submitted to the board.

4. A work sample on casework or groupwork shall present an orderly, sequential treatment based on the candidate's understanding of the problem described. The work sample shall:

a. State dates of treatment, including the frequency of the sessions;

b. Provide a clear statement of the problem in such a way as to demonstrate the client's description of the problem and to substantiate the therapist's interpretation of the problem;

c. Substantiate the diagnostic assessment made by the therapist and the relationship to relevant significant history;

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d. Show clearly the flow of the treatment process based upon the therapist's conceptual understanding of the problem and the diagnosis; and

e. Demonstrate the role played by the therapist in facilitating the treatment process and the client's progress; the theory base from which the therapist is operating; and the social work principles the therapist has used.

5. Candidates who submit a work sample but do not take the next scheduled oral examination may use this sample for the subsequent oral examination period only.

E. A majority decision of the board will determine whether a candidate has passed the oral examination.

3.4. Reexamination.

Reexamination will be required on the failed examination as follows:

1. After paying the reexamination fee, a candidate may be reexamined once within a 12-month period.

2. The candidate may be reexamined on any scheduled examination date; and

3. A candidate who fails the examination twice shall reapply and submit documentation of education and experience as recommended by the board.

PART IV.

LICENSURE RENEWAL; REINSTATEMENT; NAME CHANGE.

§ 4.1. Biennial renewal of licensure.

All licensees shall renew their licenses on or before June 30 of each odd-numbered year.

A. Along with the renewal application, the licensee shall submit:

1. A statement verifying completion of a minimum of 40 clock hours of continuing education in social work during the last biennium;

a. Acceptable categories of continuing educational activities:

(1) Academic social work courses taken for credit or audited.

(2) Continuing education offered by accredited social work education programs, other accredited educational programs, and other providers, including professional associations, agencies and private entrepreneurs:

(a) Seminars, institutes, workshops, or mini-courses oriented to the enhancement of social work practice, values, skills and knowledge; and

(b) Cross-disciplinary offering from medicine, law, and the behavioral sciences if they are clearly related to the enhancement of social work practice, values, skills and knowledge.

(3) Planned self-directed study in collaboration with other professionals; (i) independent study in a social work curriculum area or a closely related field. Examples include a planned reading program, individual supervision or consultation; and (ii) the content and plan of instruction developed by the licensee.

(4) Publication of books, papers, or presentations given for the first time at a professional meeting;

(5) Other professional activities, including: (i) preparation for the first time of an academic social work course, in-service training workshop or seminar, or other professional seminar; and (ii) research not resulting in publication.

(6) Social work-related academic courses such as mental health, administration, health and social research, psychology, sociology, human growth and development, child and family development, counseling and guidance.

2. The renewal fee prescribed by the board.

B. Failure to receive a renewal notice from the board shall not relieve the licensee from the renewal requirement.

§ 4.2. Late renewal.

A social worker or clinical social worker whose license has expired may renew that license within four years after its expiration date by:

1. Providing evidence of having met all applicable requirements, including the requirements for continuing education; and

2. Paying:

a. The penalty fee prescribed the board; and

b. The renewal fee prescribed by the board for each renewal period during which the license was expired.

§ 4.3. Reinstatement.

A social worker or clinical social worker who fails to renew the license for four years or more and who wishes to resume practice shall reapply and be reexamined for

licensure.

§ 4.4. Legal change of name.

A. An individual practicing under a license issued by the board shall ensure that the current license bears the current legal name of that individual.

B. A licensee whose name is changed by marriage or court order shall promptly:

1. Notify the board of such change and provide a copy of the legal paper documenting the change;
2. Pay the "name change" fee prescribed in § 1.2;
3. Request and obtain from the board a new license bearing the individual's new legal name;
4. Practice only under such new legal name.

§ 4.5. Renewal of registration for associate social workers and registered social workers.

The registration of every associate social worker and registered social worker with the former Virginia Board of Registration of Social Workers under § 54-775.4 of the Code of Virginia shall expire on June 30 of each odd-numbered year.

1. Each registrant shall return the completed application before the expiration date, accompanied by the payment of the renewal fee prescribed by the board.
2. Failure to receive the renewal notice shall not relieve the registrant from the renewal requirement.

PART V. COMMITTEES.

§ 5.1. Examining and advisory committees.

The board may establish advisory and examining committees to assist it in carrying out statutory responsibilities.

1. The committees may assist in evaluating the professional qualifications of applicants and candidates for licensure and renewal of licenses and in other matters the board deems necessary.
2. The committees may assist in the evaluation of the mental or emotional competency, or both, of any licensee or applicant for licensure when such competence is an issue before the board.

PART VI. DISCIPLINARY PROVISIONS.

§ 6.1. Standards of practice.

No person whose activities are regulated by the board shall:

1. Engage in professional conduct harmful to the public health, safety, and welfare or the best interest of the public.
2. Engage in professional conduct designed solely to further the financial interest of the licensee and not necessary for diagnostic or therapeutic purposes.
3. Engage in any professional conduct unless qualified by training or experience, or both.
4. Violate or aid and abet another in violating any provision of statutes applicable to the practice of social work or any provision of these regulations.
5. Perform or attempt to perform professional functions outside the area of licensed competence.

§ 6.2. Grounds for revocation, suspension, or denial of renewal of license.

Action by the board to revoke, suspend or decline to renew a license shall be in accordance with the following:

1. Conviction of a felony or of a misdemeanor involving moral turpitude;
2. Procurement of license by fraud or misrepresentation;
3. Conducting one's practice in such a manner so as to make the practice a danger to the health and welfare of one's clients or to the public; or is unable to practice social work with reasonable skill and safety to clients by reason of illness, excessive use of alcohol, drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition;
4. Conducting one's practice in a manner contrary to the standards of ethics of social work or in violation of § 6.1, standards of practice;
5. Performing functions outside the board-licensed area of competency; and
6. Violating or aiding and abetting another to violate any statute applicable to the practice of social work or any provision of these regulations.

§ 6.3. Reinstatement following disciplinary action.

Any person whose license has been suspended, revoked, or denied renewal by the board under the provisions of § 6.2 may, two years subsequent to such board action, submit a new application to the board for a license:

1. The board, at its discretion, may, after a hearing,

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grant the reinstatement;

2. The applicant for reinstatement, if approved, shall be licensed upon payment of the appropriate fees applicable at the time of reinstatement.

DEPARTMENT OF TAXATION

Title of Regulation: VR 630-2-323.1. Individual Income Tax: Excess Cost Recovery.

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

Effective Date: July 5, 1989

Summary:

This regulation explains the new requirements for the return of the outstanding balance of excess cost recovery to taxpayers beginning in 1988.

The "outstanding balance of excess cost recovery" is defined as the difference between all ACRS additions reported on returns actually filed for 1982-1987 and all ACRS subtractions which would have been allowable for 1984-1987 whether or not a return was filed (see §§ 1 and 3). In most cases individuals may recover this "outstanding balance of excess cost recovery" through annual post-1987 subtractions over a two year period (see § 4).

Generally, if a taxpayer has insufficient income to benefit from a subtraction in a particular year, all or part of the subtraction may be carried over to the next year (see § 5). A taxpayer who files a final federal and Virginia return may claim an immediate subtraction for the unrecovered outstanding balance of excess cost recovery (see § 6). If, after filing an individual return for 1989, or after filing a final federal and Virginia return, the taxpayer still has not recouped the outstanding balance of excess cost recovery, the taxpayer may file an application for a refund (see § 7). A refund is limited to the amount of tax paid which is attributable to the unrecovered outstanding balance of excess cost recovery.

Clarification changes and additions were made throughout the final regulation. Other changes include (i) adding § 4 B 3 on subtractions passed through from a conduit entity with a fiscal year ending after December 31, 1989; (ii) adding § 4 D 3 d showing the adjustments required when an S corporation shareholder elects to spread short year income over five taxable years; (iii) adding § 4 F 2 showing how an S corporation recovers its outstanding balance after becoming taxable as a regular corporation; (iv) specifying the rules for computing the limitation on a refund in § 7 B 2; (v) revising § 7 B 2 b to conform to computation rules (taxes are now relevant

regardless of when the accumulation distribution is made); (iv) revising § 7 B 3 to conform to the computation rules and terminology set out in § 7 B 2; and (vii) adding § 7 E 6 which is an example of a taxpayer qualifying under this subsection.

VR 630-2-323.1. Individual Income Tax: Excess Cost Recovery.

§ 1. Definitions.

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

"ACRS addition" means an excess cost recovery addition actually reported under § 58-151.013(b)(6) (prior to the recodification of Title 58), § 58.1-322.B.6. (for individuals) and § 58.1-402.B.3. (for corporations) of the Code of Virginia, on any return filed for a taxable year beginning between January 1, 1982 and December 31, 1987.

"ACRS subtraction" means an excess cost recovery subtraction allowable under § 58-151.013(c)(10) (prior to the recodification of Title 58), § 58.1-322.C.8. (for individuals) and § 58.1-402 C 9 (for corporations) of the Code of Virginia, for any taxable year beginning after December 31, 1983, but before January 1, 1988, regardless of whether or not a return was filed to claim the allowable subtraction.

"Corporation" means any person or entity subject to tax or required to file a return under Article 10, Chapter 3 (§ 58.1-400 et seq.) of Title 58.1 of the Code of Virginia.

"Individual" means any natural person, married or unmarried, who is subject to taxation or required to file a return under Article 2 of Chapter 3 (§ 58.1-300 et seq.) of Title 58.1 of the Code of Virginia.

"Outstanding balance of excess cost recovery" means the amount equal to the difference between:

1. The sum of the ACRS additions actually reported on Virginia returns filed for taxable years beginning on and after January 1, 1982 and before January 1, 1988; and

2. The sum of the ACRS subtractions allowed or allowable on Virginia returns, regardless of whether or not a Virginia return was actually filed, for taxable years beginning on and after January 1, 1984 and before January 1, 1988.

"Post-1987 ACRS subtraction" means the portion of the outstanding balance of excess cost recovery which may be subtracted by individuals on returns for taxable years beginning on or after January 1, 1988 and before January 1, 1990, or by corporations on returns for taxable years beginning on or after January 1, 1988, and before January

1, 1993.

§ 2. Purpose.

A. Generally.

The Virginia Tax Reform Act of 1987 added § 58.1-323.1 of the Code of Virginia which phases out the excess cost recovery program through the allowance of post-1987 subtractions effective for taxable years beginning on and after January 1, 1988. In 1988 § 58.1-323.1 was amended to permit a refund if a final federal and Virginia return was filed for a taxable year beginning prior to January 1, 1988. This regulation sets forth the rules applicable to both individual and corporate taxpayers. In most cases the outstanding balance of excess cost recovery may be recouped through annual post-1987 subtractions over a two year period for individual taxpayers and a five year period for corporate taxpayers (see § 4). Generally, if a taxpayer has insufficient income to benefit from a subtraction in a particular year, all or part of the subtraction may be carried over to the next year (see § 5). A taxpayer who files a final federal and Virginia return may claim an immediate subtraction for the unrecovered outstanding balance of excess cost recovery (see § 6). If at a conclusion of the applicable subtraction period (1989 for individuals and 1992 for corporations), or after filing a final federal and Virginia return, the taxpayer still has not recouped the outstanding balance of excess cost recovery, the taxpayer may qualify to file an application for a refund (see § 7).

B. Exclusive method.

Effective for taxable years beginning on and after January 1, 1988, the post-1987 subtractions and refunds allowable under this regulation shall be the exclusive means of recovering the outstanding balance of excess cost recovery.

§ 3. Computation of the outstanding balance of excess cost recovery.

A. Generally.

A taxpayer's outstanding balance of excess cost recovery is computed only with respect to ACRS additions attributable to federal ACRS deductions on property owned directly by the taxpayer or deemed to be owned by the taxpayer for federal income tax purposes, and ACRS subtractions attributable to such ACRS additions. For the treatment of ACRS additions and ACRS subtractions passed through from a conduit entity see § 4.D.

B. Computation.

1. The outstanding balance of excess cost recovery includes the sum of ACRS additions actually reported on a Virginia return for taxable years beginning on and after January 1, 1982, and before January 1,

1988. If no Virginia return was filed for a taxable year then no ACRS addition with respect to such taxable year may be included in the outstanding balance of excess cost recovery.

2. For most taxpayers the information necessary to compute the "outstanding balance of excess cost recovery" can be found on the Form 302 included with the Virginia returns for taxable years 1986 and 1987.

a. The "ACRS additions" for taxable years 1982, 1983, 1984, and 1985 can be found in Column B of part II of the Form 302 attached to the 1986 and 1987 return.

b. The "ACRS additions" for taxable years 1986 and 1987 can be found in Part I of the Form 302 attached to the 1986 and 1987 return, respectively.

3. The outstanding balance of excess cost recovery is reduced by the sum of ACRS subtractions which would have been allowable with respect to each biennium's ACRS additions, whether or not a return was actually filed claiming an ACRS subtraction in each taxable year beginning on and after January 1, 1984 and before January 1, 1988.

a. The ACRS subtractions which would have been allowable with respect to the first biennium, 1982/1983, are the sum of the ACRS additions actually reported on a Virginia return for all taxable years beginning on and after January 1, 1982, and before January 1, 1984, multiplied by 80% (the percentage allowed or allowable in the four taxable years following the close of the 1982/1983 biennium, i.e., 20% x 4) or by 100% (see subdivision (2) of this subdivision).

(1) The number of taxable years included in the first biennium may be one, two, or more, depending upon when the taxpayer was required to file a Virginia return and whether [returns for] short taxable years were filed during the period.

(2) If one or more returns for a short taxable year were filed for a period beginning after the close of the 1982/1983 biennium the percentage allowed or allowable may be 100% for the first biennium (20% x 5).

b. The ACRS subtractions which would have been allowable with respect to the second biennium, 1984/1985, are the sum of the ACRS additions actually reported on a Virginia return for the first two taxable years beginning on and after January 1, 1984, multiplied by 40% (the percentage allowed or allowable in the two taxable years following the close of the 1984/1985 biennium, i.e., 20% x 2).

(1) The number of taxable years included in the

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second biennium will be two unless the taxpayer did not file a return or only filed one Virginia return during the period beginning after January 1, 1984.

(2) The percentage allowed or allowable may be more or less than 40% if one or more returns for a short taxable year were filed for a period beginning on and after January 1, 1984, or if the taxpayer was not required to file a Virginia return for a period beginning before January 1, 1985.

(3) For example: If a calendar year taxpayer first became subject to Virginia income tax in 1985, there would be no ACRS subtractions with respect to the first biennium because no returns were filed in 1982 and 1983, therefore, no ACRS additions were reported [; .] The ACRS subtractions with respect to the second biennium would be based on ACRS additions reported on the 1985 and 1986 Virginia returns multiplied by 20% (i.e., 20% x 1, the number of taxable years beginning after the close of the second biennium and before January 1, 1988).

c. The ACRS subtractions which would have been allowable with respect to the third biennium, 1986/1987, will be zero unless one or more returns for a short taxable year were filed for a period beginning on and after January 1, 1984.

§ 4. Post-1987 ACRS subtractions.

A. Generally.

1. Except as otherwise provided in § 5, Carryover of unused subtractions; § 6, Final return; § 7, Application for refund; and § 8, Special rules, the outstanding balance of excess cost recovery as computed in § 3 shall be claimed as post-1987 ACRS subtractions on returns filed for taxable years beginning on and after January 1, 1988 as set forth in this section.

2. A taxpayer's post-1987 ACRS subtraction for a taxable year is the sum of:

a. The post-1987 ACRS subtraction computed as set forth in this section with respect to the outstanding balance of excess cost recovery attributable to federal ACRS deductions on property owned directly by the taxpayer or deemed to be owned by the taxpayer for federal income tax purposes, and

b. The post-1987 ACRS subtraction computed as set forth in this section with respect to the outstanding balance of excess cost recovery computed in accordance with § 3.B by a conduit entity and passed through to the taxpayer in accordance with § 4.D.

B. Individuals.

1. 1988. For the taxable year beginning in 1988 the post-1987 ACRS subtraction is equal to two-thirds of the outstanding balance of excess cost recovery.

2. 1989. For the taxable year beginning in [~~1988~~ 1989] the post-1987 ACRS subtraction is equal to one-third of the outstanding balance of excess cost recovery.

[3. 1990 and after. If a post-1987 subtraction is included in the Virginia modifications distributed by an S corporation, partnership, estate or trust for its fiscal year ending after December 31, 1989, the individual may elect to include such amounts in the individual's subtractions for the taxable year, or may claim a refund under § 7.]

C. Corporations.

1. 1988. For the taxable year beginning in 1988 the post-1987 ACRS subtraction is equal to 10% of the outstanding balance of excess cost recovery.

2. 1989. For the taxable year beginning in 1989 the post-1987 ACRS subtraction is equal to 10% of the outstanding balance of excess cost recovery.

3. 1990. For the taxable year beginning in 1990 the post-1987 ACRS subtraction is equal to 30% of the outstanding balance of excess cost recovery.

4. 1991. For the taxable year beginning 1991 the post-1987 ACRS subtraction is equal to 30% of the outstanding balance of excess cost recovery.

5. 1992. For the taxable year beginning 1992 the post-1987 ACRS subtraction is equal to 20% of the outstanding balance of excess cost recovery.

D. Conduit entities.

1. A conduit entity (estate, trust, partnership and S corporation) shall compute its outstanding balance of excess cost recovery in accordance with § 3.B.

2. In each taxable year beginning on and after January 1, 1988, and before January 1, 1990, a conduit entity shall compute the post-1987 ACRS subtraction in accordance with § 4.B relating to individuals without regard to whether or not the beneficiary, fiduciary, partner or shareholder is an individual, and shall provide each beneficiary, partner or shareholder with sufficient information to report the appropriate post-1987 ACRS subtraction.

3. If a conduit entity files a short year return for the fiscal year ended December 31, 1987, in order to change its taxable year to a calendar year, each beneficiary, partner, or shareholder may, in certain circumstances, elect to spread the income from the

conduit entity's short taxable year over four taxable years for federal income tax purposes. If such an election is made:

a. One-quarter of the conduit entity's Virginia modifications for the short taxable year (including the ACRS addition and ACRS subtraction) must be included in the 1987 Virginia taxable income of the beneficiary, partner, or shareholder;

b. One-quarter of the conduit entity's Virginia modifications for the short taxable year (excluding the ACRS addition and ACRS subtraction) must be included in the Virginia taxable income of the beneficiary, partner, or shareholder in each of the three following taxable years; and

c. The beneficiary, partner, or shareholder shall adjust the the post-1987 ACRS subtraction passed through from the conduit entity in each taxable year as follows: (i) For 1988, by subtracting one-half of the conduit entity's 1987 ACRS addition and adding one-half of the conduit entity's 1987 ACRS subtraction; (ii) For 1989, by subtracting one-quarter of the conduit entity's 1987 ACRS addition and adding one-quarter of the conduit entity's 1987 ACRS subtraction.

[d. Example. An S corporation was formed in July 1985 and elected a fiscal year ending June 30. It reported and passed through ACRS additions of \$200 in each of its F.Y.E. 6/30/86 and 6/30/87. There were no other Virginia additions or subtractions. The S corporation filed a short-year return for F.Y.E. 12/31/87 reporting an ACRS addition of \$100 and an ACRS subtraction of \$80. The sole shareholder of the S corporation elected to spread the short-year income over four years for federal purposes, reporting only \$25 and \$20 of the short-year ACRS additions and subtractions in 1987. In 1988 the S corporation passed through a post-1987 subtraction of \$280 (2/3 of \$500 - \$80). Because of the shareholder's election the \$280 must be reduced by 1/2 of the F.Y.E. 12/31/87 addition (1/2 of 100 = 50) and increased by 1/2 of the F.Y.E. 12/31/87 subtraction (1/2 of 80 = 40) for a net modification of \$270. The net effect of these modifications is represented in the following table:

Description of Modification	Total Passed Through	Reported in Shareholder's Virginia Return For			
		1986	1987	1988	1989
F.Y.E. 6/30/86 ACRS Addition	200	200			
F.Y.E. 6/30/87 ACRS Addition	200		200		
F.Y.E. 12/31/87 ACRS Addition	100		25	50	25
F.Y.E. 12/31/87 ACRS Subtract.	(80)		(20)	(40)	(20)

Post-1987 ACRS Subtraction	(420)	(280)	(140)
Net Modifications	0	200	205
		(270)	(135)

E. Short taxable year.

1. If there is more than one taxable year beginning on or after January 1, 1988, because of a taxable year of less than 12 months, the allowable portion of the subtraction shall be prorated between all taxable years which begin in the same calendar year. The proration will be based on the number of months in each taxable year divided by the total number of months in all taxable years beginning during the calendar year.

2. Example. XYZ, Inc. files on a calendar year basis. On December 21, 1987, XYZ, Inc. is acquired by Holding, Inc., which files its returns on the basis of a fiscal year ending on September 30. In order to be included in a consolidated return with Holding, Inc., XYZ, Inc. files two returns for taxable years beginning in 1988 - a short-year return for the period January 1, 1988 through September 30, 1988 (nine months) and a return for the period October 1, 1988 through September 30, 1989 (12 months). Because there are two taxable years beginning in 1988, which cover a total of 21 months, the post-1987 ACRS subtraction for 1988 (10% of the outstanding balance of excess cost recovery) must be prorated between the nine-month taxable year and the 12-month taxable year as follows:

Taxable year 1/1/88-9/30/88:	10% X 9/21 = 4.29%
Taxable year 10/1/88-9/30/89:	10% X 12/21 = 5.71%
Total subtractions for 1988 = 10.00%	

F. Former S corporation.

1. If an S corporation [ceases to qualify as such and] becomes taxable under subchapter C of the I.R.C., its post-1987 ACRS subtraction [for taxable years after termination of the election] shall be the amount by which:

a. The total post-1987 ACRS subtractions for the current and all prior taxable years computed under [§ 3-6 § 4 C] relating to corporations, exceeds

b. The total post-1987 ACRS subtractions which were actually passed through to beneficiaries, partners and shareholders by the former S corporation or which were claimed by the corporation after it ceased to qualify as an S corporation.

[2. Example. An S corporation is acquired by another corporation as of the first day of 1989, thereby terminating its status as an S corporation for 1989. Two-thirds of the outstanding balance of excess cost

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recovery was passed through to the former S corporation's shareholders in 1988. The remaining one-third will be subtracted as follows:

Post-1987 ACRS Subtraction	1989	1990	1991	1992
1. Percent allowable for current and prior years	20%	50%	80%	100%
2. Percent previously passed through or allowed	66.7%	66.7%	66.7%	80%
3. Percent allowable for current year (L. 1 minus L. 2, but not less than 0)	0.0%	0.0%	13.3%	20%

3. If a corporation makes a valid election to be taxed under subchapter S of the I.R.C. after 1987, any post-1987 ACRS subtraction which has not been used by the corporation shall be passed through to its shareholders in accordance with § 4 D. However, if the election is made for a taxable year beginning on and after January 1, 1990, no amount shall be passed through to the shareholder under § 4 D, but the corporation shall be eligible to apply for a refund under § 7.]

§ 5. Carryover of unused subtractions.

A. Individuals.

1. Any individual who has insufficient income to offset the full amount of the post-1987 ACRS subtraction shall add the amount not offset to the amount allowable for the following taxable year. No amount may be subtracted under this subdivision in any taxable year beginning on or after January 1, 1990. An individual who has not recovered the full amount of the outstanding balance of excess cost recovery under this section or under § 4 on his income tax returns filed for taxable years 1988 and 1989, may qualify to file an application for a refund under § 7 of this regulation.

2. The portion of any post-1987 ACRS subtraction available for carryover is the lesser of:

a. The amount by which Virginia taxable income is less than zero, or

b. The post-1987 ACRS subtraction for the taxable year including amounts carried over from a prior year under this section.

3. A taxpayer may not elect to claim less than the allowable post-1987 ACRS subtraction in any year in order to take advantage of a credit, or for any other reason.

4. Example.

a. Taxpayer A, an individual filing on a calendar year, has an outstanding balance of excess cost

recovery equal to \$9,000 after taxable year 1987. For calendar year 1988 he is single with federal adjusted gross income of \$12,350 and Virginia itemized deductions of \$7,250. For Virginia income tax purposes, he has no federal adjusted gross income and he has no subtractions from federal adjusted gross income other than his post-1987 ACRS subtraction. His carryover from taxable year 1988 to 1989 is \$1,700, which is computed in the following manner:

Federal Adjusted Gross Income	\$12,350
Va. Personal Exemption	- 800
Va. Itemized Deductions	- 7,250
Post-1987 ACRS Subtraction (\$9,000 x 2/3)	- 6,000
Va. Taxable Income	- 1,700

b. Taxpayer A would be allowed to carryover \$1,700 of his post-1987 ACRS subtraction for 1988 to 1989 and add it to the post-1987 ACRS subtraction (\$3,000) otherwise allowable as a subtraction in 1989. Therefore, in 1989 Taxpayer A will have a total post-1987 ACRS subtraction of \$4,700 (\$1,700 carryover from 1988 + \$3,000 for 1989).

c. Taxpayer A may not claim a post-1987 ACRS subtraction of less than \$6,000 in 1988 (increasing the amount carried over to 1989) in order to take advantage of an energy income tax credit carried over from 1987 (which cannot be carried over to 1989).

B. Corporations.

1. Any corporation which has insufficient income to offset the full amount of the post-1987 ACRS subtraction shall add the amount not offset to the amount allowable for the following taxable year. No amount may be subtracted under this subdivision in any taxable year beginning on or after January 1, 1993. Any corporation that has not recovered the full amount of the outstanding balance of excess cost recovery under § 4 or under this section on income tax returns filed for taxable years beginning on or after January 1, 1988, but before January 1, 1993 may qualify to file an application for a refund under § 7 of this regulation.

2. The amount of the post-1987 ACRS subtraction available for carryover is the lesser of:

a. The amount by which Virginia taxable income is less than zero, or

b. The post-1987 ACRS subtraction for the taxable

year including amounts carried over from a prior year under this section.

3. Example. ABC, Inc. has an outstanding balance of excess cost recovery equal to \$120,000 after taxable year 1987. Under § 4 the allowable post-1987 ACRS subtraction is \$12,000 for 1988 and 1989, \$36,000 for 1990 and 1991, and \$24,000 for 1992. ABC has losses or income which are insufficient to absorb the full amount of the post-1987 ACRS subtractions in every year. The Virginia taxable income and carryover would be computed as follows:

Taxable year	1988	1989	1990	1991	1992
Taxable Income Before Post 1987 ACRS Subtraction:	10,000	-5,000	28,000	78,000	36,000
Post-1987 ACRS Subtractions for current year:	12,000	12,000	36,000	36,000	24,000
from prior year:	N/A	2,000	14,000	22,000	0
Taxable Income:	-2,000	-19,000	-22,000	20,000	12,000
Post-1987 ACRS Subtraction available for next year:	2,000	14,000	22,000	0	N/A

"N/A" means a carryover is not available to or from the taxable year.

[C. Conduit entities.

Estates, trusts, partnerships and S corporations do not carryover post-1987 ACRS subtractions under this section. Amounts distributed under § 4 D may be carried over by the beneficiaries, partners or shareholders.

D. Nonresidents.

If a nonresident has income from Virginia sources or is required to file a Virginia return the nonresident may claim a post-1987 ACRS subtraction and carryover unused amounts under this section.]

§ 6. Final return.

1. When any taxpayer has filed a final federal return due to the death of an individual or the dissolution of a partnership, estate, trust, or individual, for a taxable year beginning on and after January 1, 1988, the taxpayer may claim the entire outstanding balance of excess cost recovery (less amounts already claimed as a post-1987 ACRS subtraction) on the final Virginia return.

[a. Conduit entities. Amounts claimed on the final Virginia return of an estate, trust, partnership or S

corporation shall be distributed in accordance with § 4 D.

b. Other taxpayers.] If the taxpayer has insufficient income [on the final Virginia return] to offset the entire amount allowable under this subdivision, an application for the refund of unrecovered taxes paid on the outstanding balance of excess cost recovery may be filed under § 7.

2. The fact that a taxpayer files a final Virginia return because an individual has moved from Virginia or a business has discontinued operations in Virginia shall not entitle the taxpayer to the immediate subtraction or refund allowed in § 7.A. 1.

§ 7. Application for refund.

A. Generally.

1. Any taxpayer who can demonstrate that the entire outstanding balance of the excess cost recovery as computed in § 3 has not been recovered through post-1987 ACRS subtractions allowable under §§ 4 or 5 by such taxpayer or any other taxpayer may apply for a refund of unrecovered taxes paid on the outstanding balance of excess cost recovery.

2. When any taxpayer has filed a final federal return due to the death of an individual or the dissolution of a partnership, estate, trust, or individual, an application for the refund of unrecovered taxes paid on the outstanding balance of excess cost recovery may be filed by the person authorized to act on behalf of the deceased or dissolved taxpayer.

3. The fact that a taxpayer files a final Virginia return because an individual has moved from Virginia or a business has discontinued its operations in Virginia shall not entitle the taxpayer to apply for a refund under this section.

4. Estates, trusts, partnerships and S corporations shall not apply for a refund under this section except to the extent that the fiduciary of an estate or trust paid tax on [accumulated undistributed] income.

[5. No refund shall be allowed under this section unless the taxpayer has income from Virginia sources or is required to file a Virginia return for each taxable year in which a subtraction is allowed under § 4 or, if earlier, for each taxable year until a final federal return is filed.]

B. Computation of the refund amount.

1. The refund shall be computed upon the amount of the outstanding balance of excess cost recovery which has not been recovered through post-1987 ACRS subtractions allowable under §§ 4 or 5. This amount shall be multiplied by 5.75% (0.0575) in the case of an

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individual or by 6.0% (0.06) in the case of a corporation.

2. In no case shall the amount of refund allowed under this section exceed the amount of tax that was actually paid on the outstanding balance of excess cost recovery and not otherwise recovered through post-1987 ACRS subtractions. For the purpose of computing the [tax actually paid on the outstanding balance of excess cost recovery limitation under this subdivision] :

[a. The refund shall be limited to the amount by which (i) the sum of the difference between the tax actually paid and the tax computed without the ACRS addition and ACRS subtraction for each taxable year beginning on and after January 1, 1982, and before January 1, 1988, exceeds (ii) the sum of the difference between the tax actually paid and the tax computed without the post-1987 ACRS subtraction for each taxable year beginning on and after January 1, 1988.]

[a. b.] A beneficiary may include tax paid by an estate or trust [~~on~~ with respect to a distribution of] accumulated income [if such income was distributed to him on or before the last day of the last taxable year beginning before January 1, 1988 (December 31, 1987, in the case of an estate or trust reporting on a calendar year)].

[b. c.] A shareholder of an S corporation may include [the distributive share of] tax paid by the corporation in years before it elected S corporation status.

[e. d.] In the case of a net operating loss, a taxpayer may include either:

(1) Virginia income tax paid in the year of the loss (if any), or

(2) Virginia income tax paid in a year to which any portion of the loss year ACRS addition and ACRS subtraction may have been carried with a federal net operating loss deduction.

[d. e.] In the case of a corporation required to allocate and apportion its income for any taxable year in which an ACRS addition was reported the Virginia income tax paid for such year shall be the tax attributable to the ACRS addition (net of any allowable ACRS subtraction) after apportionment.

3. Examples.

a. Newco, Inc. is incorporated in 1986 and dissolved in 1988 [after incurring losses in each of the three taxable years]. Newco reports ACRS additions of \$1,000 on its 1986 return and \$1,500 on its 1987 return. Newco's outstanding balance of excess cost

recovery is \$2,500, [none of which is recovered in 1988 because of the loss for the taxable year. Since it filed a final return in 1988 Newco is eligible to file an application for refund under § 7-A. However, no refund is allowable under § 7-B.2. because Newco has not paid any Virginia income tax attributable to the ACRS additions. On the other hand, if Newco has paid Virginia income tax of at least \$60 in 1986 and \$90 in 1987 then Newco would be eligible for a refund of \$150 ($\$2,500 \times 0.06$) under § 7-B.1. all of which is reported on the 1988 final return under § 6. Since Newco only has sufficient income in 1988 to offset \$1,000 of the final post 1987 ACRS subtraction, Newco has \$1,500 of unrecovered outstanding balance of excess cost recovery eligible for a refund under § 7 A. The refund amount would be \$90 ($\$1,500 \times 6\%$) under § 7 B 1; however, under § 7 B 2 the refund is limited to \$24 (the tax of \$60 actually paid in 1986 and 1987 attributable to the ACRS additions less the tax of \$36 attributable to the post-1987 subtraction in 1988). The calculation of the limitation is shown below:

	1986		1987		1988	
	With ACRS	W/O ACRS	With ACRS	W/O ACRS	With ACRS	W/O ACRS
Income after other Va. modifications	2,000	2,000	500	500	1,000	1,000
ACRS addition	1,000	*	1,500	*		
Post 1987 ACRS sub.					2,500	*
Va. taxable income	3,000	2,000	2,000	500	(1,500)	1,000
Apportionment factor	25%	25%	50%	50%	60%	60%
Income of a multistate	750	500	1,000	250	(900)	600
Tax (6%)	45	30	60	15	0	36
Difference (i.e., tax attributable to ACRS modifications)		15		45		(36)

* ACRS modification excluded to compute the limitation.

Therefore, the limitation on the refund is \$24 (15 + 45 - 36).]

b. James Smith moved to Virginia in 1987 and was required to report an ACRS addition in the amount of \$6,000 on his 1987 return. His outstanding balance of excess cost recovery is \$6,000 which will be subtracted in 1988 and 1989. After filing his 1989 return, Mr. Smith still has [~~\$4,000~~ \$2,000] of the outstanding balance of excess cost recovery which has not offset income and requests a refund in the amount of [~~\$230~~ ($\$4,000 \times 0.0575$), \$115 (2,000 x 0.0575). However] Mr. Smith's refund is limited to [~~\$203~~, the amount of tax paid in 1987

attributable to ACRS additions, as shown below: \$66, (the tax of \$266 actually paid in 1987 attributable to the ACRS additions less the tax of \$200 attributable to the ACRS additions less the tax of \$200 attributable to the post-1987 subtractions in 1988 and 1989). The calculation of the limitation is shown below:

Taxable year	1987
Federal Adjusted Gross Income	\$9,000
Additions (other than ACRS)	0
Subtractions (other than ACRS)	0
Va. Personal Exemption	700
Va. Itemized Deductions	7,200
Taxable income before ACRS	1,100
ACRS Addition	6,000
ACRS Subtraction	0
Virginia taxable income	7,100
Tax without ACRS addition	22
Tax with ACRS addition	225
Tax attributable to ACRS addition	203

	1987		1988		1989	
	With ACRS	W/O ACRS	With ACRS	W/O ACRS	With ACRS	W/O ACRS
Federal Adj. Gross Income	6,000	6,000	17,000	17,000	3,800	3,800
Additions (except ACRS)	0	0	0	0		
Subtractions (except ACRS)	0	0	0	0		
Va. Personal Exemption	700	700	800	800	800	800
Va. Standard Deduction	2,000	2,000	2,700	2,700	3,000	3,000
Taxable income before ACRS	3,300	3,300	13,500	13,500	0	0
ACRS Addition	6,000	*				
ACRS Subtraction						
Post 1987 ACRS subtraction			4,000	*	2,000	*
Virginia taxable income	9,300	3,300	9,500	13,500	(2,000)	0
Tax	335	69	345	545	0	0
Difference (i.e., tax attributable to ACRS mod.)		266		(200)		0

* ACRS modification excluded to compute the limitation.

Therefore, the limitation on the refund is \$66 (266 - 200 - 0).]

C. When to file the application for refund.

1. The application for refund may be filed after filing final federal and Virginia income tax returns as provided in § 6 or after filing the income tax return for the last taxable year specified under § 4 for claiming a post-1987 ACRS subtraction.

2. An application for refund must be filed within three years of the applicable date.

a. In the case of a final federal and Virginia return due to the death or dissolution of a taxpayer, the applicable date is the later of July 1, 1988, for a final return for a period beginning before January 1, 1988, or the due date of the final return for a period beginning on or after January 1, 1988.

b. In the case of an application for refund of unrecovered taxes paid on the outstanding balance of excess cost recovery, the applicable date is the due date of the last return on which the taxpayer is entitled to claim a subtraction under §§ 4 or 5. A calendar year individual may file such application after filing the income tax return for 1989. A calendar year corporation may file such application after filing the income tax return for 1992.

D. Form of application.

Any application for refund of unrecovered taxes paid on the outstanding balance of excess cost recovery shall be filed by a letter to the Tax Commissioner requesting the refund or by amended return. The letter shall provide sufficient documentation to demonstrate that the amount of refund requested does not exceed the amount specified in § 7.B.2. (tax actually paid).

E. Accelerated application for refund.

A corporation which would be entitled to file an application for a refund under this section may apply to the Tax Commissioner for permission to claim the refund in an earlier taxable year. The Tax Commissioner shall have the authority, at his discretion, to allow the refund to be claimed in an earlier taxable year if the taxpayer has demonstrated to the satisfaction of the Tax Commissioner that:

1. The taxpayer has paid Virginia income tax with respect to its outstanding balance of excess cost recovery,

2. The taxpayer has not recovered any portion of the outstanding balance of excess cost recovery,

3. The taxpayer will be required to file a Virginia income tax return for each year in which a

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subtraction is allowable under §§ 4 and 5,

4. The taxpayer can reasonably expect never to have any federal taxable income or Virginia taxable income to offset the subtractions allowable under §§ 4 and 5, and

5. No other taxpayer may claim or has claimed a subtraction or a refund with respect to the taxpayer's outstanding balance of excess cost recovery by reason of § 8.A (Successor entities) or § 4.D (Conduit entities).

[6. Example. A Real Estate Investment Trust (REIT) is required to distribute its income to shareholders and generally has no federal taxable income subject to tax. Because items of income and deduction do not have the same character in the hands of a REIT's shareholders, the ACRS modifications do not flow through to the shareholders. Therefore, a REIT can reasonably expect never to have any federal taxable income or Virginia taxable income to offset the subtractions allowable under §§ 4 and 5, and would qualify for the immediate refund under this subsection.]

F. Interest.

No interest shall be paid on refunds made under this section.

§ 8. Special rules.

A. Successor entities.

In computing the outstanding balance of excess cost recovery a taxpayer may include ACRS additions and ACRS subtractions made by other taxpayers in the following situations:

1. A surviving spouse may include ACRS additions and ACRS subtractions made on a joint or combined Virginia return with the decedent.

2. A corporate taxpayer may include ACRS additions and ACRS subtractions made by another corporation if there has been a merger or other form of reorganization under the following conditions:

a. The taxpayer would be allowed under federal law to claim a net operating loss deduction based upon a net operating loss incurred by the other corporation, assuming such other corporation incurred a net operating loss.

b. A statement shall be attached to the return setting forth:

(1) The name and taxpayer I.D. No. of such other corporation,

(2) Details of the ACRS additions, ACRS subtractions and post-1987 ACRS subtractions claimed by such other corporation,

(3) An explanation of the relationship between the taxpayer and such other corporation, and

(4) A statement signed by the taxpayer to the effect that the post-1987 ACRS subtraction has not, and will not, be claimed by any other taxpayer on any other return, including the final return of such other corporation.

3. A successor entity which elects to include ACRS additions and ACRS subtractions of another taxpayer in its outstanding balance of excess cost recovery shall not be eligible to apply for a refund under § 7 due to the final federal and Virginia return of such other taxpayer.

B. Multiple recovery prohibited.

A taxpayer may not claim a subtraction under §§ 4 or 5 or a refund under § 7 with respect to any portion of the outstanding balance of excess cost recovery which such taxpayer or any other taxpayer has previously recovered.

C. Net operating losses.

1. In the case of net operating losses occurring in a taxable year beginning before January 1, 1988:

a. A federal net operating loss deduction with respect to such loss which is claimed in a taxable year beginning before January 1, 1988, shall carry with it the ACRS additions and ACRS subtractions as provided in § 1.B.5(iii) of VR 630-3-402 and § 4 of VR 630-2-311.1.

b. A federal net operating loss deduction with respect to such loss which is claimed in a taxable year beginning on and after January 1, 1988, shall not carry with it any ACRS additions or ACRS subtractions.

c. In computing the outstanding balance of excess cost recovery, the ACRS additions and ACRS subtractions for the loss year shall be included only once, for the year of the loss. Amounts carried to other years with the federal net operating loss deduction shall be ignored.

2. For net operating losses occurring in a taxable year beginning on and after January 1, 1988, a federal net operating loss deduction with respect to such loss shall not carry with it any portion of the subtraction allowable under §§ 4 and 5.

* * * * *

Title of Regulation: VR 630-3-323.1. Corporation Income Tax: Excess Cost Recovery.

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

Effective Date: July 5, 1989

Summary:

This regulation explains the new requirements for the return of the outstanding balance of excess cost recovery to taxpayers beginning in 1988.

The "outstanding balance of excess cost recovery" is defined as the difference between all ACRS additions reported on returns actually filed for 1982-1987 and all ACRS subtractions which would have been allowable for 1984-1987 whether or not a return was filed (see §§ 1 and 3). In most cases individuals may recover this "outstanding balance of excess cost recovery" through annual post-1987 subtractions over a two year period (see § 4).

Generally, if a taxpayer has insufficient income to benefit from a subtraction in a particular year, all or part of the subtraction may be carried over to the next year (see § 5). A taxpayer who files a final federal and Virginia return may claim an immediate subtraction for the unrecovered outstanding balance of excess cost recovery (see § 6). If, after filing an individual return for 1989, or after filing a final federal and Virginia return, the taxpayer still has not recouped the outstanding balance of excess cost recovery, the taxpayer may file an application for a refund (see § 7). A refund is limited to the amount of tax paid which is attributable to the unrecovered outstanding balance of excess cost recovery.

Clarification changes and additions were made throughout the final regulation. Other changes include (i) adding § 4 B 3 on subtractions passed through from a conduit entity with a fiscal year ending after December 31, 1989; (ii) adding § 4 D 3 d showing the adjustments required when an S corporation shareholder elects to spread short year income over five taxable years; (iii) adding § 4 F 2 showing how an S corporation recovers its outstanding balance after becoming taxable as a regular corporation; (iv) specifying the rules for computing the limitation on a refund in § 7 B 2; (v) revising § 7 B 2 b to conform to computation rules (taxes are now relevant regardless of when the accumulation distribution is made); (iv) revising § 7 B 3 to conform to the computation rules and terminology set out in § 7 B 2; and (vii) adding § 7 E 6 which is an example of a taxpayer qualifying under this subsection.

VR 630-3-323.1. Corporation Income Tax: Excess Cost Recovery.

§ 1. Definitions.

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

"ACRS addition" means an excess cost recovery addition actually reported under § 58-151.013(b)(6) (prior to the recodification of Title 58), § 58.1-322.B.6. (for individuals) and § 58.1-402.B.3. (for corporations) of the Code of Virginia, on any return filed for a taxable year beginning between January 1, 1982 and December 31, 1987.

"ACRS subtraction" means an excess cost recovery subtraction allowable under § 58-151.013(c)(10) (prior to the recodification of Title 58), § 58.1-322.C.8. (for individuals) and § 58.1-402 C 9 (for corporations) of the Code of Virginia, for any taxable year beginning after December 31, 1983, but before January 1, 1988, regardless of whether or not a return was filed to claim the allowable subtraction.

"Corporation" means any person or entity subject to tax or required to file a return under Article 10, Chapter 3 (§ 58.1-400 et seq.) of Title 58.1 of the Code of Virginia.

"Individual" means any natural person, married or unmarried, who is subject to taxation or required to file a return under Article 2 of Chapter 3 (§ 58.1-300 et seq.) of Title 58.1 of the Code of Virginia.

"Outstanding balance of excess cost recovery" means the amount equal to the difference between:

- 1. The sum of the ACRS additions actually reported on Virginia returns filed for taxable years beginning on and after January 1, 1982 and before January 1, 1988; and*
- 2. The sum of the ACRS subtractions allowed or allowable on Virginia returns, regardless of whether or not a Virginia return was actually filed, for taxable years beginning on and after January 1, 1984 and before January 1, 1988.*

"Post-1987 ACRS subtraction" means the portion of the outstanding balance of excess cost recovery which may be subtracted by individuals on returns for taxable years beginning on or after January 1, 1988 and before January 1, 1990, or by corporations on returns for taxable years beginning on or after January 1, 1988, and before January 1, 1993.

§ 2. Purpose.

A. Generally.

The Virginia Tax Reform Act of 1987 added § 58.1-323.1 of the Code of Virginia which phases out the excess cost recovery program through the allowance of post-1987 subtractions effective for taxable years beginning on and after January 1, 1988. In 1988 § 58.1-323.1 was amended

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to permit a refund if a final federal and Virginia return was filed for a taxable year beginning prior to January 1, 1988. This regulation sets forth the rules applicable to both individual and corporate taxpayers. In most cases the outstanding balance of excess cost recovery may be recouped through annual post-1987 subtractions over a two year period for individual taxpayers and a five year period for corporate taxpayers (see § 4). Generally, if a taxpayer has insufficient income to benefit from a subtraction in a particular year, all or part of the subtraction may be carried over to the next year (see § 5). A taxpayer who files a final federal and Virginia return may claim an immediate subtraction for the unrecovered outstanding balance of excess cost recovery (see § 6). If at a conclusion of the applicable subtraction period (1989 for individuals and 1992 for corporations), or after filing a final federal and Virginia return, the taxpayer still has not recouped the outstanding balance of excess cost recovery, the taxpayer may qualify to file an application for a refund (see § 7)

B. Exclusive method.

Effective for taxable years beginning on and after January 1, 1988, the post-1987 subtractions and refunds allowable under this regulation shall be the exclusive means of recovering the outstanding balance of excess cost recovery.

§ 3. Computation of the outstanding balance of excess cost recovery.

A. Generally.

A taxpayer's outstanding balance of excess cost recovery is computed only with respect to ACRS additions attributable to federal ACRS deductions on property owned directly by the taxpayer or deemed to be owned by the taxpayer for federal income tax purposes, and ACRS subtractions attributable to such ACRS additions. For the treatment of ACRS additions and ACRS subtractions passed through from a conduit entity see § 4.D.

B. Computation.

1. The outstanding balance of excess cost recovery includes the sum of ACRS additions actually reported on a Virginia return for taxable years beginning on and after January 1, 1982, and before January 1, 1988. If no Virginia return was filed for a taxable year then no ACRS addition with respect to such taxable year may be included in the outstanding balance of excess cost recovery.

2. For most taxpayers the information necessary to compute the "outstanding balance of excess cost recovery" can be found on the Form 302 included with the Virginia returns for taxable years 1986 and 1987.

a. The "ACRS additions" for taxable years 1982, 1983, 1984, and 1985 can be found in Column B of part II of the Form 302 attached to the 1986 and 1987 return.

b. The "ACRS additions" for taxable years 1986 and 1987 can be found in Part I of the Form 302 attached to the 1986 and 1987 return, respectively.

3. The outstanding balance of excess cost recovery is reduced by the sum of ACRS subtractions which would have been allowable with respect to each biennium's ACRS additions, whether or not a return was actually filed claiming an ACRS subtraction in each taxable year beginning on and after January 1, 1984 and before January 1, 1988.

a. The ACRS subtractions which would have been allowable with respect to the first biennium, 1982/1983, are the sum of the ACRS additions actually reported on a Virginia return for all taxable years beginning on and after January 1, 1982, and before January 1, 1984, multiplied by 80% (the percentage allowed or allowable in the four taxable years following the close of the 1982/1983 biennium, i.e., $20\% \times 4$) or by 100% (see subdivision (2) of this subdivision).

(1) The number of taxable years included in the first biennium may be one, two, or more, depending upon when the taxpayer was required to file a Virginia return and whether [returns for] short taxable years were filed during the period.

(2) If one or more returns for a short taxable year were filed for a period beginning after the close of the 1982/1983 biennium the percentage allowed or allowable may be 100% for the first biennium ($20\% \times 5$).

b. The ACRS subtractions which would have been allowable with respect to the second biennium, 1984/1985, are the sum of the ACRS additions actually reported on a Virginia return for the first two taxable years beginning on and after January 1, 1984, multiplied by 40% (the percentage allowed or allowable in the two taxable years following the close of the 1984/1985 biennium, i.e., $20\% \times 2$).

(1) The number of taxable years included in the second biennium will be two unless the taxpayer did not file a return or only filed one Virginia return during the period beginning after January 1, 1984.

(2) The percentage allowed or allowable may be more or less than 40% if one or more returns for a short taxable year were filed for a period beginning on and after January 1, 1984, or if the taxpayer was not required to file a Virginia return for a period beginning before January 1, 1985.

(3) For example: If a calendar year taxpayer first became subject to Virginia income tax in 1985, there would be no ACRS subtractions with respect to the first biennium because no returns were filed in 1982 and 1983, therefore, no ACRS additions were reported [; .] The ACRS subtractions with respect to the second biennium would be based on ACRS additions reported on the 1985 and 1986 Virginia returns multiplied by 20% (i.e., 20% x 1, the number of taxable years beginning after the close of the second biennium and before January 1, 1988).

c. The ACRS subtractions which would have been allowable with respect to the third biennium, 1986/1987, will be zero unless one or more returns for a short taxable year were filed for a period beginning on and after January 1, 1984.

§ 4. Post-1987 ACRS subtractions.

A. Generally.

1. Except as otherwise provided in § 5, Carryover of unused subtractions; § 6, Final return; § 7, Application for refund; and § 8, Special rules, the outstanding balance of excess cost recovery as computed in § 3 shall be claimed as post-1987 ACRS subtractions on returns filed for taxable years beginning on and after January 1, 1988 as set forth in this section.

2. A taxpayer's post-1987 ACRS subtraction for a taxable year is the sum of:

a. The post-1987 ACRS subtraction computed as set forth in this section with respect to the outstanding balance of excess cost recovery attributable to federal ACRS deductions on property owned directly by the taxpayer or deemed to be owned by the taxpayer for federal income tax purposes, and

b. The post-1987 ACRS subtraction computed as set forth in this section with respect to the outstanding balance of excess cost recovery computed in accordance with § 3.B by a conduit entity and passed through to the taxpayer in accordance with § 4.D.

B. Individuals.

1. 1988. For the taxable year beginning in 1988 the post-1987 ACRS subtraction is equal to two-thirds of the outstanding balance of excess cost recovery.

2. 1989. For the taxable year beginning in [1988 1989] the post-1987 ACRS subtraction is equal to one-third of the outstanding balance of excess cost recovery.

[3. 1990 and after. If a post-1987 subtraction is included in the Virginia modifications distributed by

an S corporation, partnership, estate or trust for its fiscal year ending after December 31, 1989, the individual may elect to include such amounts in the individual's subtractions for the taxable year, or may claim a refund under § 7.]

C. Corporations.

1. 1988. For the taxable year beginning in 1988 the post-1987 ACRS subtraction is equal to 10% of the outstanding balance of excess cost recovery.

2. 1989. For the taxable year beginning in 1989 the post-1987 ACRS subtraction is equal to 10% of the outstanding balance of excess cost recovery.

3. 1990. For the taxable year beginning in 1990 the post-1987 ACRS subtraction is equal to 30% of the outstanding balance of excess cost recovery.

4. 1991. For the taxable year beginning 1991 the post-1987 ACRS subtraction is equal to 30% of the outstanding balance of excess cost recovery.

5. 1992. For the taxable year beginning 1992 the post-1987 ACRS subtraction is equal to 20% of the outstanding balance of excess cost recovery.

D. Conduit entities.

1. A conduit entity (estate, trust, partnership and S corporation) shall compute its outstanding balance of excess cost recovery in accordance with § 3.B.

2. In each taxable year beginning on and after January 1, 1988, and before January 1, 1990, a conduit entity shall compute the post-1987 ACRS subtraction in accordance with § 4.B relating to individuals without regard to whether or not the beneficiary, fiduciary, partner or shareholder is an individual, and shall provide each beneficiary, partner or shareholder with sufficient information to report the appropriate post-1987 ACRS subtraction.

3. If a conduit entity files a short year return for the fiscal year ended December 31, 1987, in order to change its taxable year to a calendar year, each beneficiary, partner, or shareholder may, in certain circumstances, elect to spread the income from the conduit entity's short taxable year over four taxable years for federal income tax purposes. If such an election is made:

a. One-quarter of the conduit entity's Virginia modifications for the short taxable year (including the ACRS addition and ACRS subtraction) must be included in the 1987 Virginia taxable income of the beneficiary, partner, or shareholder;

b. One-quarter of the conduit entity's Virginia modifications for the short taxable year (excluding

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the ACRS addition and ACRS subtraction) must be included in the Virginia taxable income of the beneficiary, partner, or shareholder in each of the three following taxable years; and

c. The beneficiary, partner, or shareholder shall adjust the the post-1987 ACRS subtraction passed through from the conduit entity in each taxable year as follows: (i) For 1988, by subtracting one-half of the conduit entity's 1987 ACRS addition and adding one-half of the conduit entity's 1987 ACRS subtraction; (ii) For 1989, by subtracting one-quarter of the conduit entity's 1987 ACRS addition and adding one-quarter of the conduit entity's 1987 ACRS subtraction.

[d. Example. An S corporation was formed in July 1985 and elected a fiscal year ending June 30. It reported and passed through ACRS additions of \$200 in each of its F.Y.E. 6/30/86 and 6/30/87. There were no other Virginia additions or subtractions. The S corporation filed a short-year return for F.Y.E. 12/31/87 reporting an ACRS addition of \$100 and an ACRS subtraction of \$80. The sole shareholder of the S corporation elected to spread the short-year income over four years for federal purposes, reporting only \$25 and \$20 of the short-year ACRS additions and subtractions in 1987. In 1988 the S corporation passed through a post-1987 subtraction of \$280 (2/3 of \$500 - \$80). Because of the shareholder's election the \$280 must be reduced by 1/2 of the F.Y.E. 12/31/87 addition (1/2 of 100 = 50) and increased by 1/2 of the F.Y.E. 12/31/87 subtraction (1/2 of 80 = 40) for a net modification of \$270. The net effect of these modifications is represented in the following table:

Description of Modification	Total Passed Through	Reported in Shareholder's Virginia Return For			
		1986	1987	1988	1989
F.Y.E. 6/30/86 ACRS Addition	200	200			
F.Y.E. 6/30/87 ACRS Addition	200		200		
F.Y.E. 12/31/87 ACRS Addition	100		25	50	25
F.Y.E. 12/31/87 ACRS Subtract.	(80)		(20)	(40)	(20)
Post-1987 ACRS Subtraction	(420)			(280)	(140)
Net Modifications	0	200	205	(270)	(135)

E. Short taxable year.

1. If there is more than one taxable year beginning on or after January 1, 1988, because of a taxable year of less than 12 months, the allowable portion of the subtraction shall be prorated between all taxable years which begin in the same calendar year. The

proration will be based on the number of months in each taxable year divided by the total number of months in all taxable years beginning during the calendar year.

2. Example. XYZ, Inc. files on a calendar year basis. On December 21, 1987, XYZ, Inc. is acquired by Holding, Inc., which files its returns on the basis of a fiscal year ending on September 30. In order to be included in a consolidated return with Holding, Inc., XYZ, Inc. files two returns for taxable years beginning in 1988 - a short-year return for the period January 1, 1988 through September 30, 1988 (nine months) and a return for the period October 1, 1988 through September 30, 1989 (12 months). Because there are two taxable years beginning in 1988, which cover a total of 21 months, the post-1987 ACRS subtraction for 1988 (10% of the outstanding balance of excess cost recovery) must be prorated between the nine-month taxable year and the 12-month taxable year as follows:

Taxable year 1/1/88-9/30/88: $10\% \times 9/21 = 4.29\%$

Taxable year 10/1/88-9/30/89: $10\% \times 12/21 = 5.71\%$

Total subtractions for 1988 = 10.00%

F. Former S corporation.

1. If an S corporation [ceases to qualify as such and] becomes taxable under subchapter C of the I.R.C., its post-1987 ACRS subtraction [for taxable years after termination of the election] shall be the amount by which:

a. The total post-1987 ACRS subtractions for the current and all prior taxable years computed under [~~§ 3-C~~ § 4 C] relating to corporations, exceeds

b. The total post-1987 ACRS subtractions which were actually passed through to beneficiaries, partners and shareholders by the former S corporation or which were claimed by the corporation after it ceased to qualify as an S corporation.

[2. Example. An S corporation is acquired by another corporation as of the first day of 1989, thereby terminating its status as an S corporation for 1989. Two-thirds of the outstanding balance of excess cost recovery was passed through to the former S corporation's shareholders in 1988. The remaining one-third will be subtracted as follows:

Post-1987 ACRS Subtraction

	1989	1990	1991	1992
1. Percent allowable for current and prior years	20%	50%	80%	100%
2. Percent previously passed through or allowed	66.7%	66.7%	66.7%	80%
3. Percent allowable for				

1. Percent allowable for current and prior years

2. Percent previously passed through or allowed

3. Percent allowable for

current year (L. 1 minus
L. 2, but not less than 0) 0.0% 0.0% 13.3% 20%

3. If a corporation makes a valid election to be taxed under subchapter S of the I.R.C. after 1987, any post-1987 ACRS subtraction which has not been used by the corporation shall be passed through to its shareholders in accordance with § 4 D. However, if the election is made for a taxable year beginning on and after January 1, 1990, no amount shall be passed through to the shareholder under § 4 D, but the corporation shall be eligible to apply for a refund under § 7.]

§ 5. Carryover of unused subtractions.

A. Individuals.

1. Any individual who has insufficient income to offset the full amount of the post-1987 ACRS subtraction shall add the amount not offset to the amount allowable for the following taxable year. No amount may be subtracted under this subdivision in any taxable year beginning on or after January 1, 1990. An individual who has not recovered the full amount of the outstanding balance of excess cost recovery under this section or under § 4 on his income tax returns filed for taxable years 1988 and 1989, may qualify to file an application for a refund under § 7 of this regulation.

2. The portion of any post-1987 ACRS subtraction available for carryover is the lesser of:

a. The amount by which Virginia taxable income is less than zero, or

b. The post-1987 ACRS subtraction for the taxable year including amounts carried over from a prior year under this section.

3. A taxpayer may not elect to claim less than the allowable post-1987 ACRS subtraction in any year in order to take advantage of a credit, or for any other reason.

4. Example.

a. Taxpayer A, an individual filing on a calendar year, has an outstanding balance of excess cost recovery equal to \$9,000 after taxable year 1987. For calendar year 1988 he is single with federal adjusted gross income of \$12,350 and Virginia itemized deductions of \$7,250. For Virginia income tax purposes, he has no federal adjusted gross income and he has no subtractions from federal adjusted gross income other than his post-1987 ACRS subtraction. His carryover from taxable year 1988 to 1989 is \$1,700, which is computed in the following manner:

Federal Adjusted Gross Income	\$12,350
Va. Personal Exemption	- 800
Va. Itemized Deductions	- 7,250
Post-1987 ACRS Subtraction ((\$9,000 x 2/3)	- 6,000
Va. Taxable Income	- 1,700

b. Taxpayer A would be allowed to carryover \$1,700 of his post-1987 ACRS subtraction for 1988 to 1989 and add it to the post-1987 ACRS subtraction (\$3,000) otherwise allowable as a subtraction in 1989. Therefore, in 1989 Taxpayer A will have a total post-1987 ACRS subtraction of \$4,700 (\$1,700 carryover from 1988 + \$3,000 for 1989).

c. Taxpayer A may not claim a post-1987 ACRS subtraction of less than \$6,000 in 1988 (increasing the amount carried over to 1989) in order to take advantage of an energy income tax credit carried over from 1987 (which cannot be carried over to 1989).

B. Corporations.

1. Any corporation which has insufficient income to offset the full amount of the post-1987 ACRS subtraction shall add the amount not offset to the amount allowable for the following taxable year. No amount may be subtracted under this subdivision in any taxable year beginning on or after January 1, 1993. Any corporation that has not recovered the full amount of the outstanding balance of excess cost recovery under § 4 or under this section on income tax returns filed for taxable years beginning on or after January 1, 1988, but before January 1, 1993 may qualify to file an application for a refund under § 7 of this regulation.

2. The amount of the post-1987 ACRS subtraction available for carryover is the lesser of:

a. The amount by which Virginia taxable income is less than zero, or

b. The post-1987 ACRS subtraction for the taxable year including amounts carried over from a prior year under this section.

3. Example. ABC, Inc. has an outstanding balance of excess cost recovery equal to \$120,000 after taxable year 1987. Under § 4 the allowable post-1987 ACRS subtraction is \$12,000 for 1988 and 1989, \$36,000 for 1990 and 1991, and \$24,000 for 1992. ABC has losses or income which are insufficient to absorb the full amount of the post-1987 ACRS subtractions in every year. The Virginia taxable income and carryover

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would be computed as follows:

Taxable year	1988	1989	1990	1991	1992
Taxable Income Before Post 1987 ACRS Subtraction:	10,000	-5,000	28,000	78,000	36,000
Post-1987 ACRS Subtractions For current year:	12,000	12,000	36,000	36,000	24,000
from prior year:	N/A	2,000	14,000	22,000	0
Taxable Income:	-2,000	-19,000	-22,000	20,000	12,000
Post-1987 ACRS Subtraction available for next year:	2,000	14,000	22,000	0	N/A

"N/A " means a carryover is not available to or from the taxable year.

[C. Conduit entities.

Estates, trusts, partnerships and S corporations do not carryover post-1987 ACRS subtractions under this section. Amounts distributed under § 4 D may be carried over by the beneficiaries, partners or shareholders.

D. Nonresidents.

If a nonresident has income from Virginia sources or is required to file a Virginia return the nonresident may claim a post-1987 ACRS subtraction and carryover unused amounts under this section.]

§ 6. Final return.

1. When any taxpayer has filed a final federal return due to the death of an individual or the dissolution of a partnership, estate, trust, or individual, for a taxable year beginning on and after January 1, 1988, the taxpayer may claim the entire outstanding balance of excess cost recovery (less amounts already claimed as a post-1987 ACRS subtraction) on the final Virginia return.

[a. Conduit entities. Amounts claimed on the final Virginia return of an estate, trust, partnership or S corporation shall be distributed in accordance with § 4 D.

b. Other taxpayers.] If the taxpayer has insufficient income [on the final Virginia return] to offset the entire amount allowable under this subdivision, an application for the refund of unrecovered taxes paid on the outstanding balance of excess cost recovery may be filed under § 7.

2. The fact that a taxpayer files a final Virginia

return because an individual has moved from Virginia or a business has discontinued operations in Virginia shall not entitle the taxpayer to the immediate subtraction or refund allowed in § 7.A. 1.

§ 7. Application for refund.

A. Generally.

1. Any taxpayer who can demonstrate that the entire outstanding balance of the excess cost recovery as computed in § 3 has not been recovered through post-1987 ACRS subtractions allowable under §§ 4 or 5 by such taxpayer or any other taxpayer may apply for a refund of unrecovered taxes paid on the outstanding balance of excess cost recovery.

2. When any taxpayer has filed a final federal return due to the death of an individual or the dissolution of a partnership, estate, trust, or individual, an application for the refund of unrecovered taxes paid on the outstanding balance of excess cost recovery may be filed by the person authorized to act on behalf of the deceased or dissolved taxpayer.

3. The fact that a taxpayer files a final Virginia return because an individual has moved from Virginia or a business has discontinued its operations in Virginia shall not entitle the taxpayer to apply for a refund under this section.

4. Estates, trusts, partnerships and S corporations shall not apply for a refund under this section except to the extent that the fiduciary of an estate or trust paid tax on [accumulated undistributed] income.

[5. No refund shall be allowed under this section unless the taxpayer has income from Virginia sources or is required to file a Virginia return for each taxable year in which a subtraction is allowed under § 4 or, if earlier, for each taxable year until a final federal return is filed.]

B. Computation of the refund amount.

1. The refund shall be computed upon the amount of the outstanding balance of excess cost recovery which has not been recovered through post-1987 ACRS subtractions allowable under §§ 4 or 5. This amount shall be multiplied by 5.75% (0.0575) in the case of an individual or by 6.0% (0.06) in the case of a corporation.

2. In no case shall the amount of refund allowed under this section exceed the amount of tax that was actually paid on the outstanding balance of excess cost recovery and not otherwise recovered through post-1987 ACRS subtractions. For the purpose of computing the [tax actually paid on the outstanding balance of excess cost recovery limitation under this subdivision] :

[a. The refund shall be limited to the amount by which (i) the sum of the difference between the tax actually paid and the tax computed without the ACRS addition and ACRS subtraction for each taxable year beginning on and after January 1, 1982, and before January 1, 1988, exceeds (ii) the sum of the difference between the tax actually paid and the tax computed without the post-1987 ACRS subtraction for each taxable year beginning on and after January 1, 1988.]

[a. b.] A beneficiary may include tax paid by an estate or trust [on with respect to a distribution of] accumulated income [if such income was distributed to him on or before the last day of the last taxable year beginning before January 1, 1988 (December 31, 1987, in the case of an estate or trust reporting on a calendar year)].

[b. c.] A shareholder of an S corporation may include [the distributive share of] tax paid by the corporation in years before it elected S corporation status.

[e. d.] In the case of a net operating loss, a taxpayer may include either:

(1) Virginia income tax paid in the year of the loss (if any), or

(2) Virginia income tax paid in a year to which any portion of the loss year ACRS addition and ACRS subtraction may have been carried with a federal net operating loss deduction.

[e. e.] In the case of a corporation required to allocate and apportion its income for any taxable year in which an ACRS addition was reported the Virginia income tax paid for such year shall be the tax attributable to the ACRS addition (net of any allowable ACRS subtraction) after apportionment.

3. Examples.

a. Newco, Inc. is incorporated in 1986 and dissolved in 1988 [after incurring losses in each of the three taxable years]. Newco reports ACRS additions of \$1,000 on its 1986 return and \$1,500 on its 1987 return. Newco's outstanding balance of excess cost recovery is \$2,500, [none of which is recovered in 1988 because of the loss for the taxable year. Since it filed a final return in 1988 Newco is eligible to file an application for refund under § 7.A. However, no refund is allowable under § 7.B.2. because Newco has not paid any Virginia income tax attributable to the ACRS additions. On the other hand, if Newco has paid Virginia income tax of at least \$60 in 1986 and \$90 in 1987 then Newco would be eligible for a refund of \$150 ($\$2,500 \times 0.06$) under § 7.B.1. all of which is reported on the 1988 final return under § 6. Since Newco only has

sufficient income in 1988 to offset \$1,000 of the final post 1987 ACRS subtraction, Newco has \$1,500 of unrecovered outstanding balance of excess cost recovery eligible for a refund under § 7 A. The refund amount would be \$90 ($\$1,500 \times 6\%$) under § 7 B 1; however, under § 7 B 2 the refund is limited to \$24 (the tax of \$60 actually paid in 1986 and 1987 attributable to the ACRS additions less the tax of \$36 attributable to the ACRS additions less the tax of \$36 attributable to the post-1987 subtraction in 1988). The calculation of the limitation is shown below:

	1986		1987		1988	
	With ACRS	W/O ACRS	With ACRS	W/O ACRS	With ACRS	W/O ACRS
Income after other Va. modifications	2,000	2,000	500	500	1,000	1,000
ACRS addition	1,000	*	1,500	*		
Post 1987 ACRS sub.					2,500	*
Va. taxable income	3,000	2,000	2,000	500	(1,500)	1,000
Apportionment factor	25%	25%	50%	50%	60%	60%
Income of a multistate	750	500	1,000	250	(900)	600
Tax (6%)	45	30	60	15	0	36
Difference (i.e., tax attributable to ACRS modifications)		15		45		(36)

* ACRS modification excluded to compute the limitation.

Therefore, the limitation on the refund is \$24 (15 + 45 - 36).]

b. James Smith moved to Virginia in 1987 and was required to report an ACRS addition in the amount of \$6,000 on his 1987 return. His outstanding balance of excess cost recovery is \$6,000 which will be subtracted in 1988 and 1989. After filing his 1989 return, Mr. Smith still has [\$4,000 \$2,000] of the outstanding balance of excess cost recovery which has not offset income and requests a refund in the amount of [\$230 ($\$4,000 \times 0.0575$). \$115 ($2,000 \times 0.0575$). However] Mr. Smith's refund is limited to [\$203, the amount of tax paid in 1987 attributable to ACRS additions, as shown below: \$66, (the tax of \$266 actually paid in 1987 attributable to the ACRS additions less the tax of \$200 attributable to the ACRS additions less the tax of \$200 attributable to the post-1987 subtractions in 1988 and 1989). The calculation of the limitation is shown below:

Taxable year	1987
Federal Adjusted Gross Income	\$9,000
Additions (other than ACRS)	0

Final Regulations

Subtractions (other than ACRS)	0
Va. Personal Exemption	700
Va. Itemized Deductions	7,200
Taxable income before ACRS	7,100
ACRS Addition	6,000
ACRS Subtraction	0
Virginia taxable income	7,100
Tax without ACRS addition	22
Tax with ACRS addition	225
Tax attributable to ACRS addition	203

	1987		1988		1989	
	With ACRS	W/O ACRS	With ACRS	W/O ACRS	With ACRS	W/O ACRS
Federal Adj. Gross Income	6,000	6,000	17,000	17,000	3,800	3,800
Additions (except ACRS)	0	0	0	0		
Subtractions (except ACRS)	0	0	0	0		
Va. Personal Exemption	700	700	800	800	800	800
Va. Standard Deduction	2,000	2,000	2,700	2,700	3,000	3,000
Taxable income before ACRS	3,300	3,300	13,500	13,500	0	0
ACRS Addition	6,000	*				
ACRS Subtraction						
Post 1987 ACRS subtraction			4,000	*	2,000	*
Virginia taxable income	9,300	3,300	9,500	13,500	(2,000)	0
Tax	335	69	345	545	0	0
Difference (i.e., tax attributable to ACRS mod.)		266		(200)		0

* ACRS modification excluded to compute the limitation.

Therefore, the limitation on the refund is \$66 (266 - 200 - 0).]

C. When to file the application for refund.

1. The application for refund may be filed after filing final federal and Virginia income tax returns as provided in § 6 or after filing the income tax return for the last taxable year specified under § 4 for claiming a post-1987 ACRS subtraction.

2. An application for refund must be filed within

three years of the applicable date.

a. In the case of a final federal and Virginia return due to the death or dissolution of a taxpayer, the applicable date is the later of July 1, 1988, for a final return for a period beginning before January 1, 1988, or the due date of the final return for a period beginning on or after January 1, 1988.

b. In the case of an application for refund of unrecovered taxes paid on the outstanding balance of excess cost recovery, the applicable date is the due date of the last return on which the taxpayer is entitled to claim a subtraction under §§ 4 or 5. A calendar year individual may file such application after filing the income tax return for 1989. A calendar year corporation may file such application after filing the income tax return for 1992.

D. Form of application.

Any application for refund of unrecovered taxes paid on the outstanding balance of excess cost recovery shall be filed by a letter to the Tax Commissioner requesting the refund or by amended return. The letter shall provide sufficient documentation to demonstrate that the amount of refund requested does not exceed the amount specified in § 7.B.2. (tax actually paid).

E. Accelerated application for refund.

A corporation which would be entitled to file an application for a refund under this section may apply to the Tax Commissioner for permission to claim the refund in an earlier taxable year. The Tax Commissioner shall have the authority, at his discretion, to allow the refund to be claimed in an earlier taxable year if the taxpayer has demonstrated to the satisfaction of the Tax Commissioner that:

1. The taxpayer has paid Virginia income tax with respect to its outstanding balance of excess cost recovery,

2. The taxpayer has not recovered any portion of the outstanding balance of excess cost recovery,

3. The taxpayer will be required to file a Virginia income tax return for each year in which a subtraction is allowable under §§ 4 and 5,

4. The taxpayer can reasonably expect never to have any federal taxable income or Virginia taxable income to offset the subtractions allowable under §§ 4 and 5, and

5. No other taxpayer may claim or has claimed a subtraction or a refund with respect to the taxpayer's outstanding balance of excess cost recovery by reason of § 8.A (Successor entities) or § 4.D (Conduit entities).

[6. Example. A Real Estate Investment Trust (REIT) is required to distribute its income to shareholders and generally has no federal taxable income subject to tax. Because items of income and deduction do not have the same character in the hands of a REIT's shareholders, the ACRS modifications do not flow through to the shareholders. Therefore, a REIT can reasonably expect never to have any federal taxable income or Virginia taxable income to offset the subtractions allowable under §§ 4 and 5, and would qualify for the immediate refund under this subsection.]

F. Interest.

No interest shall be paid on refunds made under this section.

§ 8. Special rules.

A. Successor entities.

In computing the outstanding balance of excess cost recovery a taxpayer may include ACRS additions and ACRS subtractions made by other taxpayers in the following situations:

1. A surviving spouse may include ACRS additions and ACRS subtractions made on a joint or combined Virginia return with the decedent.

2. A corporate taxpayer may include ACRS additions and ACRS subtractions made by another corporation if there has been a merger or other form of reorganization under the following conditions:

a. The taxpayer would be allowed under federal law to claim a net operating loss deduction based upon a net operating loss incurred by the other corporation, assuming such other corporation incurred a net operating loss.

b. A statement shall be attached to the return setting forth:

(1) The name and taxpayer I.D. No. of such other corporation,

(2) Details of the ACRS additions, ACRS subtractions and post-1987 ACRS subtractions claimed by such other corporation,

(3) An explanation of the relationship between the taxpayer and such other corporation, and

(4) A statement signed by the taxpayer to the effect that the post-1987 ACRS subtraction has not, and will not, be claimed by any other taxpayer on any other return, including the final return of such other corporation.

3. A successor entity which elects to include ACRS additions and ACRS subtractions of another taxpayer in its outstanding balance of excess cost recovery shall not be eligible to apply for a refund under § 7 due to the final federal and Virginia return of such other taxpayer.

B. Multiple recovery prohibited.

A taxpayer may not claim a subtraction under §§ 4 or 5 or a refund under § 7 with respect to any portion of the outstanding balance of excess cost recovery which such taxpayer or any other taxpayer has previously recovered.

C. Net operating losses.

1. In the case of net operating losses occurring in a taxable year beginning before January 1, 1988:

a. A federal net operating loss deduction with respect to such loss which is claimed in a taxable year beginning before January 1, 1988, shall carry with it the ACRS additions and ACRS subtractions as provided in § 1.B.5.(iii) of VR 630-3-402 and § 4 of VR 630-2-311.1.

b. A federal net operating loss deduction with respect to such loss which is claimed in a taxable year beginning on and after January 1, 1988, shall not carry with it any ACRS additions or ACRS subtractions.

c. In computing the outstanding balance of excess cost recovery, the ACRS additions and ACRS subtractions for the loss year shall be included only once, for the year of the loss. Amounts carried to other years with the federal net operating loss deduction shall be ignored.

2. For net operating losses occurring in a taxable year beginning on and after January 1, 1988, a federal net operating loss deduction with respect to such loss shall not carry with it any portion of the subtraction allowable under §§ 4 and 5.

STATE CORPORATION COMMISSION

STATE CORPORATION COMMISSION

AT RICHMOND, MAY 10, 1989

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS890254

Ex Parte in re: Determination
of competition as an effective
regulator of rates pursuant
to Virginia Code § 38.2-1905.1.E.

TAKE NOTICE ORDER

WHEREAS, after notice and hearing, on July 13, 1988, pursuant to Virginia Code §§ 38.2-1905.1.E. and 38.2-1912, the Commission entered an order in Case No. INS880219 renewing a rule requiring the prefilling of rates for medical malpractice liability insurance in the Commonwealth of Virginia sixty days prior to their effective date;

WHEREAS, Virginia Code § 38.2-1912C. provides that a rule promulgated thereunder shall expire no later than one year after issue and that the Commission may renew the rule after a hearing and appropriate findings under Virginia Code § 38.2-1912A.;

WHEREAS, the Bureau of Insurance has advised the Commission that the present level of competition in the Commonwealth for medical malpractice liability insurance is substantially the same as that in 1988 and has not materially changed since the Commission's aforesaid order of July 13, 1988,

IT IS ORDERED that all insurers licensed to write medical malpractice liability insurance in this Commonwealth and all other interested parties TAKE NOTICE that subsequent to May 31, 1989 the Commission shall enter an order finding that competition is not an effective regulator of rates charged for medical malpractice liability insurance in the Commonwealth of Virginia and renewing the rule promulgated by the Commission in its aforesaid order of July 13, 1988, which rule shall remain in effect until further order of the Commission or one year from the date of such renewal, whichever is the shorter period of time; unless, on or before May 31, 1989, any aforesaid insurer or interested party files with the Clerk of the Commission a request for a hearing contesting the renewal of the rule together with (i) a precise statement of the interest of such insurer or party with respect to the proposed renewal of the rule; (ii) a full and clear statement of the facts such insurer or party is prepared to prove by competent evidence, the proof of which will warrant the relief sought; and (iii) a statement of the specific relief sought and the legal basis therefore.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to the Honorable Mary Sue Terry, Attorney General of Virginia in care of Gail S. Marshall, Esquire, Office of the Attorney General, Division of Consumer Counsel, 101 North 8th Street, Richmond, Virginia 23219; and the Bureau of Insurance in care of Robert A. Miller, Deputy Commissioner, who shall forthwith cause a copy of this order to be sent to all insurers licensed to write general liability insurance in the Commonwealth of Virginia and all rate service organizations licensed pursuant to Chapter 19 of Title 38.2 of the Code of Virginia.

Bureau of Insurance

April 21, 1989

Administrative Letter 1989 - 6

TO: All Health Maintenance Organizations Licensed in Virginia

RE: Market Conduct Examinations

The Life and Health Market Conduct Section of the Bureau of Insurance will be examining health maintenance organizations beginning in 1989 and continuing in subsequent years. The purpose of these examinations will be to determine whether the health maintenance organizations are in compliance with various provisions of the Code of Virginia and State Corporation Commission Regulations.

The areas of examination will include:

Operations/Organization Document

Advertising/Marketing Communications

Policy and Other Forms

Licensing and Appointment of Agents

Underwriting/Unfair Discrimination/Insurance Information and Privacy Protection Act

Cancellations/Nonrenewals

Premium Notice and Collections

Complaints

Claim Practices

This letter is a reminder that health maintenance organizations must be in compliance with Title 38.2, Chapter 43 of the Code of Virginia. Market Conduct Examinations will be conducted under the authority of various sections of the Code of Virginia and Virginia Insurance Regulations, including, but not necessarily

limited to, the following: §§ 38.2-200, 38.2-515, 38.2-614, 38.2-1317, 38.2-1809 and 38.2-4315 of the Code of Virginia, as amended; State Corporation Commission Insurance Regulation Nos. 8 and 28.

Each health maintenance organization is expected to be aware of and be up-to-date on all applicable laws and regulations. For those who do not have them, they can be obtained from:

NILS Publishing Company
21625 Prairie Street
Chatsworth, California 91311
(1-800-423-5910)

If, after review, you have any questions, please contact:

Robert E. Thornburgh, CLU, FLMI
Supervisor, Market Conduct Section
Bureau of Insurance
P.O. Box 1157
Richmond, Virginia 23209

/s/ Steven T. Foster
Commissioner of Insurance

* * * * *

May 3, 1989

Administrative Letter 1989 - 8

TO: All Approved Surplus Lines Insurers

RE: Administrative Letter 1986-17 Automobile Standard
Forms and Endorsements

Fire Insurance Policies and Fire Insurance In
Combination With Other Coverages

In June, 1986, Administrative Letter 1986-17 was sent to all approved surplus lines insurers. We have recently reviewed the circumstances surrounding the issuance of that letter which advised surplus lines insurers they were subject to certain statutory requirements regarding the captioned lines of insurance contracts.

The Bureau believes that coverages obtained in the surplus lines market are particularly tailored for unusual risks and surplus lines insurers should be afforded the greatest flexibility regarding rates and forms in order to provide coverages that licensed insurers are unwilling to write. Therefore, effective immediately, the Bureau is withdrawing Administrative Letter 1986-17 and is eliminating the form requirements outlined in that letter.

/s/ Steven T. Foster
Commissioner of Insurance

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

Date: May 11, 1989

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

DEPARTMENT OF EDUCATION (STATE BOARD OF)

Title of Regulation: **VR 270-01-0006. Regulations Governing Pupil Transportation Including Minimum Standards for School Buses In Virginia.**

Governor's Comment:

In general, I approve these changes in the regulations governing pupil transportation. However, the Board should explicitly continue the funding waiver granted to school divisions that transport students on city owned buses, as recommended by the Secretary of Education. Furthermore, I would prefer that the Board retain the current inspection schedule for those school buses manufactured before the U.S. Department of Transportation's 1977 safety standards were implemented.

/s/ Gerald L. Baliles
Date: April 18, 1989

BOARD OF PROFESSIONAL COUNSELORS

Title of Regulation: **VR 560-01-02. Regulations Governing the Practice of Professional Counseling.**

Governor's Comment:

I concur with the form and content of this proposal. My final assessment will be contingent upon a review of the public's comments.

/s/ Gerald L. Baliles
Date: May 10, 1989

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

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

Governor's Comment:

I concur with the substance of these regulations. However, I encourage the Board to require the Department of Social Services to train state and local staff on the procedures necessary for implementing this policy. In addition, I suggest the Board carefully evaluate this policy to ensure it has been properly applied. My final assessment will be contingent upon a review of any additional comments received during the public comment period.

/s/ Gerald L. Baliles

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

DEPARTMENT OF AGRICULTURE AND CONSUMER 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 Agriculture and Consumer Services intends to consider amending regulations entitled: **VR 115-02-12. Rules and Regulations Pertaining to the Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds Into Virginia.** The purpose of the proposed regulation is to review present requirements for equine entering Virginia and to review the present regulation for currency and appropriateness.

Statutory Authority: §§ 3.1-724 and 3.1-730 of the Code of Virginia.

Written comments may be submitted until June 2, 1989, to William D. Miller, D.V.M., State Veterinarian, Department of Agriculture and Consumer Services; Division of Animal Health, Washington Building, Suite 600, Richmond, Virginia 23219.

Contact: Paul J. Friedman, D.V.M., Chief, Bureau of Veterinary Services, Department of Agriculture and Consumer Services, Division of Animal Health, Washington Bldg., 1100 Bank St., Suite 600, Richmond, VA 23219, telephone (804) 786-2483 or SCATS 786-2483

STATE AIR POLLUTION CONTROL BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Air Pollution Control Board intends to consider amending regulations entitled: **VR 120-01. Regulations for the Control and Abatement of Air Pollution.** The purpose of the proposed action is to reduce ozone producing evaporative volatile organic compound (VOC) emissions, by limiting gasoline volatility during the ozone season (June through September), for the protection of public health and welfare.

A public meeting will be held on August 16, 1989, at 10 a.m., in House Committee Room 1, State Capitol, Capitol Square, Richmond, Virginia, to receive input on the development of the proposed regulation.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Written comments may be submitted until August 16, 1989.

Contact: Ellen P. Snyder, Policy and Program Analyst, Division of Program Development, Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240, telephone (804) 786-0177 or SCATS 786-0177

BOARD FOR COMMERCIAL DRIVER EDUCATION SCHOOLS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Commercial Driver Education Schools intends to consider amending regulations entitled: **VR 200-01-02. Commercial Driver Education Schools Regulations.** The purpose of the proposed action is to solicit public comment on the existing regulation as to its effectiveness, efficiency, necessity and clarity in accordance with the board's Public Participation Guidelines.

Statutory Authority: § 54.1-1001 of the Code of Virginia.

Written comments may be submitted until June 22, 1989.

Contact: Geralde W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534, SCATS 367-8534 or 1-800-552-3016 (toll-free)

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

Virginia Soil and Water Conservation Board

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Soil and Water Conservation Board intends to consider promulgating regulations entitled: **Erosion and Sediment Control Law Regulations.** The purpose of the proposed regulation is to develop regulations for the Erosion and Sediment Control Law which is currently being regulated by meeting specific general criteria. This will make the enforcement of this law more manageable.

Statutory Authority: § 10.1-561 of the Code of Virginia.

General Notices/Errata

Written comments may be submitted until July 5, 1989.

Contact: John Poland, Urban Programs Supervisor, Department of Conservation and Historic Resources, 203 Governor St., Suite 206, Richmond, VA 23219, telephone (804) 371-7483

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Soil and Water Conservation Board intends to consider promulgating regulations entitled: **Stormwater Management Law**. The regulation will provide the framework whereby local governments may adopt comprehensive stormwater management planning guidelines. All state agency projects will be governed by these regulations.

Statutory Authority: §§ 10.1-561 and 10.1-603 of the Code of Virginia.

Written comments may be submitted until July 5, 1989.

Contact: John Poland, Urban Programs Supervisor, Department of Conservation and Historic Resources, 203 Governor St., Suite 206, Richmond, VA 23219, telephone (804) 371-7483

BOARD OF CORRECTIONS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Corrections intends to consider promulgating regulations entitled: **VR 230-01-003. Rules and Regulations Governing the Certification Process**. The purpose of the proposed action is to provide regulations governing the process and procedures utilized by the Board of Corrections to monitor and certify correctional programs.

Statutory Authority: § 53.1-5 of the Code of Virginia.

Written comments may be submitted until August 21, 1989.

Contact: John T. Britton, Certification Unit Manager, Department of Corrections, P.O. Box 26963, Richmond, VA 23261, telephone (804) 674-3237 or SCATS 634-3237

CRIMINAL JUSTICE SERVICES BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Criminal Justice Services Board intends to consider amending regulations entitled: **Rules Relating to Certification of Criminal Justice Instructors**. The purpose of the proposed action is to amend and revise the Rules Relating to Certification

and Recertification of Criminal Justice Instructors.

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

Written comments may be submitted until July 10, 1989, to L. T. Eckenrode, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219.

Contact: Paula Scott, Staff Executive, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-4000 or SCATS 786-4000

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Criminal Justice Services Board intends to consider amending regulations entitled: **Rules Relating to Compulsory Minimum Training Standards for Jailors, Custodial Officers, Courthouse or Courtroom Security Officers and Deputy Sheriffs Designated to Serve Process**. The purpose of the proposed action is to amend and revise the Rules Relating to Compulsory Minimum Training Standards for Jailors, Custodial Officers, Courthouse or Courtroom Security Officers and Deputy Sheriffs designated to serve process.

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

Written comments may be submitted until July 10, 1989, to L. T. Eckenrode, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219.

Contact: Paula Scott, Staff Executive, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-4000 or SCATS 786-4000

DEPARTMENT OF EDUCATION (STATE BOARD OF)

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Education intends to consider amending regulations entitled: **Regulations Governing Driver Education**. The purpose of the proposed regulation is to more clearly define the regulations for public, nonpublic and commercial schools related to driver education requirements.

Statutory Authority: §§ 22.1-205, 46.1-357, 46.1-368 and 54.1-1003 of the Code of Virginia.

Written comments may be submitted until September 1, 1989.

Contact: Claude A. Sandy, Director, Department of Education, Division of Sciences and Elementary Administration, P.O. Box 6Z, Richmond, VA 23216, telephone (804) 225-2865 or SCATS 225-2865

DEPARTMENT OF LABOR AND INDUSTRY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Labor and Industry intends to consider promulgating regulations entitled: **Local Government Certification of Boiler and Pressure Vessel Operators**. The purpose of the proposed regulations is to establish standards for certification to be used by local jurisdictions in evaluating the ability, proficiency and qualifications of boiler and pressure vessel operators.

Statutory Authority: § 15.1-11.6 of the Code of Virginia.

Written comments may be submitted until June 8, 1989.

Contact: John J. Crisanti, Policy Analyst, Division of Planning and Policy Analysis, Department of Labor and Industry, 205 N. Fourth St., P.O. Box 12064, Richmond, VA 23241, telephone (804) 786-2385 or SCATS 786-2385

BOARD OF MEDICINE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medicine intends to consider promulgating regulations entitled: **VR 465-02-01 Practice of Medicine, Osteopathy, Podiatry, Chiropractic, Clinical Psychology, and Acupuncture**. The purpose of the proposed action is to consider a petition for rulemaking; to amend Part II of Licensure and General Requirements, and § 2.2 A, Prerequisites to examination. The board will determine whether they should approve the addition of Straight Chiropractic Academic Standards Association, Inc., as an accredited agent for the selection of approved chiropractic colleges whose graduates would be eligible for licensure in Virginia.

Statutory Authority: § 54.1-2400(6) of the Code of Virginia.

Written comments may be submitted until Monday, June 12, 1989.

Contact: Eugenia K. Dorson, Board Administrator, 1601 Rolling Hills Dr., Surry Bldg., 2nd Fl., Richmond, VA 23229-5005, telephone (804) 662-9925

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 promulgating regulations entitled: **State Plan Preprint for the State**

Vocational Rehabilitation Service Program and the State Supported Employment Services Program. The purpose of the proposed regulation is to update state activities under the State Vocational Rehabilitation Services Program authorized under Title I of the Rehabilitation Act of 1973, as amended, and the State Supported Employment Services Program authorized under Title VI, Part C of the Act covering Fiscal Years 1989, 1990 and 1991.

Statutory Authority: § 51.5-14 of the Code of Virginia.

Written comments may be submitted until July 8, 1989.

Contact: Robert J. Johnson, State Plan Coordinator, Department of Rehabilitative Services, 4901 Fitzhugh Ave., P.O. Box 11045, Richmond, VA 23230, telephone (804) 367-6379, SCATS 367-6379 or 1-800-552-5019 (toll-free)

DEPARTMENT OF TAXATION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider promulgating regulations entitled: **VR 630-1-1805.1. General Provisions: Padlocking Premises**. The purpose of the proposed regulation is to comply with the statutory provision found in 1989 Acts, Chapter 642 (SB 732) requiring that the Tax Commissioner promulgate regulations prior to effecting distraint of a taxpayer's property by way of padlocking the doors of a business enterprise that is seriously delinquent in filing or paying state taxes.

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

Written comments may be submitted until June 23, 1989.

Contact: Janie E. Bowen, Director, Tax Policy Division, P.O. Box 6-L, Richmond, Virginia 23282, telephone (804) 367-8010 or SCATS 367-8010

DEPARTMENT FOR THE VISUALLY HANDICAPPED (BOARD FOR)

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for the Visually Handicapped intends to consider promulgating regulations entitled: **VR 670-02-1. Regulations to Govern the Operation of Vending Facilities Established in Public Buildings and Other Property**. The purpose of the proposed regulation is to state the department's policies under which the Business Enterprises Program for the Blind is operated.

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

General Notices/Errata

Written comments may be submitted until June 9, 1989.

Contact: Judy P. Divers, Executive Assistant, Department for the Visually Handicapped, 397 Azalea Avenue, Richmond, VA 23227, telephone (804) 371-3144, toll-free 1-800-622-2155/TDD ☎ or SCATS 371-3144

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for the Visually Handicapped intends to consider amending regulations entitled: **VR 670-03-1. Regulations Governing Provision of Services in Vocational Rehabilitation.** The purpose of the proposed action is to set forth the department's policies under which vocational rehabilitation services are provided.

The substantive changes are as follows: inclusion of rehabilitation engineering services and supported employment, changes in procedures for implementing an order of selection.

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

Written comments may be submitted until June 9, 1989, to James Taylor, Department for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia 23227.

Contact: Judy P. Divers, Executive Assistant, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3144, toll-free 1-800-622-2155/TDD ☎ or SCATS 371-3144

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for the Visually Handicapped intends to consider amending regulations entitled: **VR 670-03-2. Regulations Governing Provision of Services for the Infants, Children, and Youth Program.** The purpose of the proposed action is to set forth the basis for providing services through the program for infants, children, and youth.

Major substantive changes in these regulations are change to eligibility criteria for certain services and addition of a section entitled "Protection, Use and Release of Personal Information."

Statutory Authority: § 22.1-217 of the Code of Virginia.

Written comments may be submitted until June 9, 1989, to Glen R. Slonneger, Jr., 397 Azalea Avenue, Richmond, Virginia 23227.

Contact: Judy P. Divers, Executive Assistant, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3144, toll-free 1-800-622-2155 or SCATS 371-3144

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for the Visually Handicapped intends to consider amending regulations entitled: **VR 670-03-3. Provision of Services in Rehabilitation Teaching.** The purpose of the proposed action is to state the basis for the provision of rehabilitation teaching services.

The only revisions in these regulations are to provide conformity of definitions and clarity in accordance with state and federal regulations.

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

Written comments may be submitted until June 9, 1989, to Audrey Davis, Department for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia 23227.

Contact: Judy P. Divers, Executive Assistant, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3144, toll-free 1-800-622-2155 or SCATS 371-3144

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for the Visually Handicapped intends to consider amending regulations entitled: **VR 670-03-4. Provision of Independent Living Rehabilitation Services.** The purpose of the proposed action is to state the basis for the provision of independent living rehabilitation services.

The only revisions in these regulations are to provide conformity of definitions and clarity in accordance with state and federal regulations.

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

Written comments may be submitted until June 9, 1989, to Audrey Davis, Department for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia 23227.

Contact: Judy P. Divers, Executive Assistant, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3144, toll-free 1-800-622-2155 or SCATS 371-3144

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for the Visually Handicapped intends to consider amending regulations entitled: **VR 670-03-5. Supervision of Administrative Regulations Governing Intake and Social Services.** The purpose of the proposed action is to provide guidelines to the procedures for intake and program referral.

The only revisions to these regulations are for purposes of clarity, conformity of definition.

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

Written comments may be submitted until June 9, 1989, to Barbara Sirry, Department for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia 23227.

Contact: Judy P. Divers, Executive Assistant, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3144, toll-free 1-800-622-2155 or SCATS 371-3144

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for the Visually Handicapped intends to consider amending regulations entitled: **VR 670-03-6. Regulations Governing Deaf-Blind Services.** The purpose of the proposed action is to set forth the requirements and procedures relating to needs of deaf-blind persons.

The only revisions to these regulations are to provide clarity and conformity of definitions in accordance with state and federal regulations.

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

Written comments may be submitted until June 9, 1989, to Paige Berry, 397 Azalea Avenue, Richmond, Virginia 23227.

Contact: Judy P. Divers, Executive Assistant, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3144, toll-free 1-800-622-2155 or SCATS 371-3144

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for the Visually Handicapped intends to consider amending regulations entitled: **VR 670-03-7. Regulations Governing Low Vision Services.** The purpose of the proposed action is to set forth the requirements and procedures relating to the provision of low vision services. The department operates a low vision services program that is comprehensive and community based. It is designed to meet the needs of all citizens of the Commonwealth who could benefit from these services.

The only substantive revisions in these regulations relate to financial eligibility and driving with bioptics. Other revisions include clarity, conformity of definitions and grammatical correctness.

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

Written comments may be submitted until June 9, 1989, to Marjorie Owens, Department for the Visually Handicapped,

397 Azalea Avenue, Richmond, Virginia 23227.

Contact: Judy P. Divers, Executive Assistant, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3144, toll-free 1-800-622-2155 or SCATS 371-3144

STATE WATER CONTROL BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider amending regulations entitled: **VR 680-16-06. Tennessee-Big Sandy River Basin Water Quality Management Plan.** The purpose of the proposed action is to amend the Tennessee-Big Sandy River Basin Water Quality Management Plan to update the information in the Plan and the Southwest Virginia 208 Plan for the areas of Planning Districts 1 and 2.

The Tennessee-Big Sandy River Basin Water Quality Management Plan provides a management tool to assist the Commonwealth, units of local government, industrial firms and agricultural interests in achieving and maintaining water quality goals. Issuance of VPDES Permits to dischargers requires that the issued permit be in compliance with the appropriate area of basin wide plan. The plan can thus impose requirements upon the discharger(s) in these instances.

There are approximately 330,000 persons residing in the Tennessee-Big Sandy Basin, 154 municipal, and 78 industrial VPDES permits. No financial impact to the regulated community is anticipated.

The proposed action is authorized by the statutes cited below and is governed by the Clean Water Act, 33 USCA §§ 1251 et seq., Title 40 Parts 35 and 130 CFR, the State Water Control Law, and the State Water Control Board's Water Quality Standards (VR 680-21-00) and the Permit Regulation (VR 680-14-01).

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

Written comments may be submitted until 4 p.m., June 20, 1989.

Contact: Ronald D. Sexton, Environmental Program Planner, Southwest Regional Office, State Water Control Board, P.O. Box 888, Abingdon, VA 24210, telephone (703) 628-5183 or SCATS 676-3320

General Notices/Errata

GENERAL NOTICES

DEPARTMENT FOR THE AGING

General Notice

Notice of Public Comment Period on 1989-91 State Plan for Aging Services

Notice is hereby given that the Department for the Aging will accept comments on the proposed State Plan for Aging Services developed pursuant to Title III of the Older Americans Act, as amended. Interested persons may submit data, views, and arguments, either orally or in writing, to the department.

The State Plan for Aging Services will (i) identify the Virginia Department for the Aging as the sole state agency designated to develop and administer Title III programs in Virginia; (ii) identify the geographic boundaries of each Planning and Service Area in Virginia and the Area Agency on Aging designated for each Planning and Service Area; (iii) include a plan for the distribution and proposed use of Title III funds within Virginia; (iv) set forth statewide program objectives to implement the requirements of Title III; and (v) provide prior federal fiscal year information related to low-income minority and rural older persons in Virginia. The Plan is for the two-year period from October 1, 1989, through September 30, 1991. The department anticipates submitting the Plan to the federal Administration on Aging in August, 1989.

Five public hearings will be held on the Plan. Persons who testify at the hearings are encouraged to provide a written copy of their comments to the hearing officer. An interpreter for the hard-of-hearing will be provided upon request.

July 11, 1989
J. Sargeant Reynolds Community College
1651 Parham Road
Richmond, Virginia
7 p.m. - 9 p.m.

July 12, 1989
Norfolk State University
2401 Corprew Avenue
Norfolk, Virginia
7 p.m. - 9 p.m.

July 14, 1989
Northern Virginia Community College
6901 Sudley Road
Manassas, Virginia
10 a.m. - 12 p.m.

July 18, 1989
Virginia Highlands Community College
Room 605
Abingdon, Virginia
10 a.m. - 12 p.m.

July 19, 1989
Central Virginia Community College
3506 Wards Road South
Lynchburg, Virginia
10 a.m. - 12 p.m.

Written comments on the Plan may be submitted until 5 p.m. on July 21, 1989. Comments should be sent to: Mr. E. H. Spindle, Fiscal Director, Virginia Department for the Aging, 700 East Franklin Street, 10th Floor, Richmond, Virginia 23219-2327.

To receive copies of the proposed State Plan and to obtain further information, write to the Department for the Aging at the address above or call 804-225-2271 or toll-free in Virginia 1-800-552-4464.

DEPARTMENT OF LABOR AND INDUSTRY

Notice to the Public

Notice is hereby given in accordance with this agency's Public Participation Guidelines that the Department of Labor and Industry intends to study the need and, if appropriate, the structure of a public-supported training program for boiler plant personnel in the Commonwealth.

Written comments may be submitted until June 22, 1989.

Contact: John J. Crisanti, Policy Analyst, Department of Labor and Industry, P.O. Box 12064, Richmond, VA 23241, telephone (804) 786-2385

* * * * *

June 7, 1989 - 7 p.m. - Open Meeting
Department of Motor Vehicles, Military Circle Branch Office, 5745 Poplar Hall Drive, Norfolk, Virginia.

In accordance with this agency's Public Participation Guidelines, comments on the proposed changes to the Virginia Voluntary Apprenticeship Act, Title 40.1, Chapter 6, §§ 40.1-117 through 40.1-126, will be accepted at the Open Meetings listed. Oral comments to be presented must be accompanied by a written copy. Written comments will be accepted at the meetings or by mail to Robert S. Baumgardner, Director of Apprenticeship, Department of Labor and Industry, P.O. Box 12064, Richmond, Virginia 23241 through June 7, 1989.

The proposed changes are as follows:

§ 40.1-117. Apprenticeship Council; membership and terms of office; meetings and duties.—A. The Governor shall appoint an Apprenticeship Council, composed of three representatives each from employer and employee organizations respectively, and all of whom shall be familiar with apprenticeable occupations. The Commissioner of the Virginia Employment Commission and

the Executive Director of the State Council on Vocational Education, or their designated representative, shall be members, ex officio, of the Council. At the beginning of each year the Governor shall designate one member to serve as chairman. The original appointments having been for terms of one, two and three years and all successors having been appointed for three years, each member hereafter shall be appointed for a term of three years. Any member appointed to fill a vacancy occurring prior to the expiration of the term of his predecessor shall be appointed for the remainder of such term. All members, including ex officio members, shall have voting privileges.

B. The Apprenticeship Council shall meet at the call of the chairman of the Council and shall formulate policies for the effective administration of this chapter.

C. The Apprenticeship Council shall establish standards for apprentice agreements which shall not be lower than those prescribed by this chapter and those established pursuant to subsection C of § 15.1-11.4, and shall perform such other functions as may be necessary to carry out the intent and purposes of this chapter. Not less than once a year the Council shall make a report of its activities and findings to the General Assembly and to the public.

§ 40.1-118. Authority of Council.—The Council may:

(1) Determine standards for apprentice agreements, which standards shall not be lower than those prescribed by this chapter;

(2) Appoint the secretary of the Apprenticeship Council to act as secretary of each state joint apprenticeship committee;

(3) Approve, if in their opinion approval is for the best interest of the apprentice, any apprentice agreement which meets the standards established under this chapter;

(4) Terminate or cancel any apprentice agreement in accordance with the provisions of such agreement;

(5) Keep a record of apprentice agreements and their disposition;

(6) Issue certificates of journeymanship upon the completion of the apprenticeship;

(7) Perform such other duties as are necessary to carry out the intent of this chapter;

(8) Review decisions of local and state joint apprenticeship committees adjusting apprenticeship disputes pursuant to § 40.1-119 (3); and

(9) Initiate deregistration proceedings when the apprenticeship program is not conducted, operated and administered in accordance with the registered provisions except that deregistration proceedings for violation of equal opportunity requirements shall be processed in

accordance with the provisions of the Virginia State Plan for Equal Employment Opportunity in Apprenticeship.

Provided, that the administration and supervision of related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the selection and training of teachers and coordinators for such instruction shall be the responsibility of state and local boards responsible for vocational education.

§ 40.1-119. Local and state joint apprenticeship committees.—A local joint apprenticeship committee shall ~~may~~ be appointed in any trade or group of trades in a city or trade area, by the Apprenticeship Council, whenever the apprentice training needs of such trade or group of trades justify such establishment. *Sponsors not signatory to a bargaining agreement shall have the option to participate in a joint apprenticeship committee or individual program.*

When two or more local joint apprenticeship committees have been established in the state for a trade or group of trades or at the request of any trade or group of trades, the Apprenticeship Council may appoint a state apprenticeship committee for such trade or group of trades. Such local and state joint apprenticeship committees shall be composed of an equal number of employer and employee representatives chosen from names submitted by the respective employer and employee organizations in such trade or group of trades. ~~In a trade or group of trades in which there is no bona fide employer or employee organization, the committee shall be appointed from persons known to represent the interests of employers and of employees respectively.~~

The functions of a local joint apprenticeship committee shall be:

(1) To cooperate with school authorities in regard to the education of apprentices;

(2) In accordance with standards established by the Apprenticeship Council, to establish local standards of apprenticeship regarding schedule of operations, application of wage rates, working conditions for apprentices and the number of apprentices which shall be employed locally in the trade; and

(3) To adjust apprenticeship disputes.

The functions of a state trade apprenticeship committee shall be to assist in the development of statewide standards of apprenticeship *for all participating joint apprenticeship committees* and in the development of local standards and local committees.

§ 40.1-120. Definitions.—1. The term "apprenticeable occupation" shall mean a skilled trade having the following characteristics:

a. It is customarily learned in a practical way through a

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structured systematic program of on-the-job supervised work experience;

b. It is clearly identifiable and recognized throughout an industry;

c. It involves manual, mechanical or technical skills which require a minimum of 2,000 hours of on-the-job work experience of new apprenticeable trades not otherwise established; and

d. It requires related instruction to supplement the on-the-job work experience.

2. The term "apprentice" shall mean a person at least 16 years of age who is covered by a written agreement with an employer and approved by the Apprenticeship Council, which apprentice agreement provides for not less than 2,000 hours of reasonably continuous employment in new apprenticeable trades not otherwise established for such person, for his participation in an approved schedule of work experience through employment and the amount of related instruction required in the craft or trade.

3. *"Joint Apprenticeship Committee" shall mean a group equally representative of management and labor representatives working under a bargaining agreement, established to carry out the administration of an apprenticeship training program.*

4. *"Sponsor" shall mean either an individual employer, a group of employers, an association or organization operating an apprenticeship program and in whose name the program is registered or approved.*

5. *"Employer" shall mean any person or organization employing an apprentice whether or not such person or organization is a party to an apprenticeship agreement with the apprentice.*

§ 40.1-121. Requisites of apprentice agreement.—Every apprentice agreement entered into under this chapter shall contain:

(1) The names, signatures and addresses of the contracting parties.

(2) The date of birth of the apprentice.

(3) A statement of the trade, craft, or business which the apprentice is to be taught, and the time at which the apprenticeship will begin and end.

(4) A statement showing the number of hours to be spent by the apprentice in work and the number of hours to be spent in related or supplemental instruction.

(5) A statement setting forth a schedule of the processes in the trade or industry division in which the apprentice is to be taught and the approximate time to be spent at each process.

(6) A statement of the graduated scale of wages to be paid the apprentice and whether the required schooltime shall be compensated.

(7) A statement providing for a period of probation of not less than 500 hours of employment and instruction extending over not less than 4 months, during which time the apprentice agreement shall be terminated by the Council at the request in writing of either party, and providing that after such probationary period the apprentice agreement may be terminated by the Council by mutual agreement of all parties thereto, or cancelled by the Council for good and sufficient reason.

~~(8) A provision that an employer who is unable to fulfill his obligation under the apprentice agreement may with the approval of the Council transfer such contract to any other employer, provided the apprentice consents and such other employer agrees to assume the obligations of the apprentice agreement.~~

(9) Such additional terms and conditions as may be prescribed or approved by the Council not inconsistent with the provisions of this chapter.

§ 40.1-122. Approval of agreement by Council; signing.—No apprentice agreement under this chapter shall be effective until approved by the Council. Every apprentice agreement shall be signed by the employer, or by an association of employers or an organization of employees as provided in § 40.1-124, and by the apprentice, and, if the apprentice is a minor, by the minor's father or mother, provided, that if both father and mother be dead or legally incapable of giving consent or have abandoned their children, then by the guardian of the minor.

§ 40.1-123. Agreement binding after apprentice's majority.—When a minor enters into an apprentice agreement under this chapter for a period of training extending into his majority, the apprentice agreement shall likewise be binding for such a period as may be covered during the apprentice's majority.

§ 40.1-124. Agreement signed by organization of employers or of employees.—For the purpose of providing greater diversity of training or continuity of employment, any apprentice agreement made under this chapter may in the discretion of the Council be signed by an association of employers or an organization of employees instead of by an individual employer. In such a case the apprentice agreement shall expressly provide that the association of employers or organization of employees does not assume the obligation of an employer but agrees to use its best endeavors to procure employment and training for such apprentice with one or more employers who will accept full responsibility, as herein provided, for all the terms and conditions of employment and training set forth in the agreement between the apprentice and employer association or employee organization during the period of each such employment. The apprentice agreement in such a case shall also expressly provide for the transfer of the

apprentice, subject to the approval of the Council, to such employer or employers as shall sign a written agreement with the apprentice, and if the apprentice is a minor with his parent or guardian, as specified in § 40.1-122, contracting to employ the apprentice for the whole or a definite part of the total period of apprenticeship under the terms and conditions of employment and training set forth in the agreement entered into between the apprentice and the employer association or employee organization.

§ 40.1-125. Commissioner to administer chapter.—The Commissioner, with the advice and guidance of the Council, shall be responsible for administering the provisions of this chapter.

§ 40.1-126. Operation and application of chapter.—Nothing in this chapter or in any apprentice agreement approved under this chapter shall operate to invalidate any apprenticeship provision in any collective agreement between employers and employees, setting up higher apprenticeship standards regarding ratios of apprentices to journeymen, probationary periods or length of the program . But none of the terms or provisions of this chapter shall apply to any person, firm, corporation or craft unless, until and only so long as such person, firm, corporation or craft voluntarily elects that the terms and provisions of this chapter shall apply.

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) - DPBR09

Copies of the Virginia Register Form, Style and Procedure Manual may also be obtained from Jane Chaffin at the above address.

ERRATA

BOARD OF MEDICINE

Title of Regulation: VR 465-04-01. Regulations Governing the Practice of Respiratory Therapy Practitioners.

Publication: 5:16 VA.R. 2275 May 8, 1989

Change in Calendar of Events:

Page 2275, the Board of Medicine will receive written comments until 2 p.m., July 7, 1989, regarding the regulation. A public hearing on July 7, 1989, will not be held.

Title of Regulation: VR 465-04-01. Regulations Governing the Practice of Respiratory Therapy Practitioners.

Publication: 5:16 VA.R. 2157-2162 May 8, 1989

Correction to the Proposed Regulation:

Page 2157, Public Hearing Date, change as follows:

Written comments may be submitted until 2 p.m., July 7, 1989.

REAL ESTATE BOARD

Title of Regulation: VR 585-01-1. Virginia Real Estate Board Licensing Regulations.

Publication: 5:15 VA.R. 1929-1948 April 24, 1989

Corrections to proposed regulation are as follows:

Page 1929, § 1.1 definition of "Licensee" the word "issued" was omitted and should read

... or corporation holding a license issued by ...

Page 1932, § 2.1 B 2 the phrase, "and the percentage of" should read

... and the percentage or ...

Page 1933, § 2.5 B 1 the phrase, "engaged as a real estate broker or salesperson" should read

...engaged as a real estate broker or salesperson, or both,

Page 1934, § 2.8 A the stricken word "Heense" should be deleted and the word "registration" is not new language

Page 1935, § 3.2 B a section was omitted and should read

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.... §§ 2.2 1, 2.2 3 and 2.2 4 of these regulations

Page 1936, § 5.1 F in the final sentence of this section the word "license" should be "licenses"

Page 1937, § 5.2 F the phrase, "licensee name or address" should read

.... licensee name or address, or both.

Page 1943, § 6.1 the phrase "The board has the power to fine any licensee or registrant, to suspend, or revoke any" should read

.... The board has the power to fine any licensee or registrant and to suspend, or revoke, or both, any

Page 1945, § 6.11 2 the phrase "of the contract or lease, and" should read

.... of the contract or lease, or both, and

CALENDAR OF EVENTS

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

NOTICE

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

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

VIRGINIA CODE COMMISSION

EXECUTIVE

BOARD FOR ACCOUNTACY

† June 6, 1989 - 10 a.m. – Open Meeting
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A meeting to (i) review regulations; (ii) review correspondence; (iii) review applications; and (iv) consider routine board business.

Contact: Roberta L. Banning, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590 or toll-free 1-800-552-3016 (VA only)

DEPARTMENT FOR THE AGING

Long-Term Care Ombudsman Program Advisory Council

June 27, 1989 - 9:30 a.m. – Open Meeting
Department for the Aging, 700 East Franklin Street, 10th Floor, Conference Room, Richmond, Virginia. ☒

Semi-annual meeting will include a report of recent program activities, and a discussion of the future direction of the program.

Contact: Virginia Dize, State Ombudsman, Department for the Aging, 700 E. Franklin St., 10th Floor, Richmond, VA 23219, telephone (804) 225-2271/TDD ☎ , toll-free 1-800-552-3402/TDD ☎ or SCATS 225-2271

STATE AIR POLLUTION CONTROL BOARD

June 9, 1989 - 9 a.m. – Open Meeting
General Assembly Building, Capitol Square, Senate Room B, Richmond, Virginia. ☒

Formal hearing on demonstration by Avtex Fibers Front Royal Inc., that the board's Ambient Air Concentration for Carbon Disulfide is inappropriate and that the emissions from their facility present no endangerment to human health.

Contact: M.E. Lester, Director of Governmental Relations, Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240, telephone (804) 786-5788 or SCATS 786-5788

ALCOHOLIC BEVERAGE CONTROL BOARD

June 12, 1989 - 9:30 a.m. – Open Meeting
June 26, 1989 - 9:30 a.m. – Open Meeting
Virginia Alcoholic Beverage Control Board, 2901 Hermitage Road, Richmond, Virginia. ☒

A meeting to receive and discuss reports and activities from staff members. Other matters not yet determined.

Contact: Robert N. Swinson, Secretary to the Board, 2901 Hermitage Road, P.O. Box 27491, Richmond, VA 23261, telephone (804) 367-0616 or SCATS 367-0616

ATHLETIC BOARD

† June 30, 1989 - 10 a.m. – Open Meeting
Department of Commerce, 3600 West Broad Street, Room 580, Richmond, Virginia. ☒

Annual meeting of the Virginia Athletic Board. Discussion of regulations pertaining to termination of bout and drug testing of contestants.

Contact: Doug Beavers, Assistant Director, Department of Commerce, 3600 W. Broad St., Room 580, Richmond, VA 23230, telephone (804) 367-8507

AUCTIONEERS BOARD

† June 20, 1989 - 9 a.m. – Open Meeting

Calendar of Events

Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

An open board meeting to conduct (i) review of complaints; (ii) review of certification applications; (iii) signing of certificates; (iv) discussion of revenue and expenditures, and (v) 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 AVIATION BOARD

† June 20, 1989 - 11 a.m. - Open Meeting
Richmond International Airport, Board Room, Richmond, Virginia. ☒

A meeting to discuss matters affecting aviation in Virginia.

Contact: Kenneth A. Rowe, 4508 S. Laburnum Ave., Richmond, VA 23231, telephone (804) 786-6284

CHESAPEAKE BAY COMMISSION

† June 22, 1989 - 10:30 a.m. - Open Meeting
† June 23, 1989 - 9 a.m. - Open Meeting
The Tidewater Inn, Dover and Harrison Streets, Easton, Maryland.

Quarterly meeting of the Chesapeake Bay Commission. The agenda will include a thorough analysis of pesticide management policies in the Bay watershed and programs aimed at enhancing their management as well as approval of the Commission's FY '90 budget.

Contact: Ann Pesiri Swanson, 60 West Street, Suite 200, Annapolis, MD 21401, telephone (301) 263-4320

LOCAL EMERGENCY PLANNING COMMITTEE OF CHESTERFIELD COUNTY

† July 6, 1989 - 5:30 p.m. - Open Meeting
† August 3, 1989 - 5:30 p.m. - Open Meeting
Chesterfield County Administration Building, 10001 Ironbridge Road, Room 502, Chesterfield Virginia. ☒

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

† June 8, 1989 - 9 a.m. - Open Meeting
Koger Executive Center, West End, Blair Building, Conference Rooms A & B, 8007 Discovery Drive, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A meeting to discuss issues, concerns, and programs that impact licensed child care centers. Representatives of various organizations will make presentations about activity space and group size limitations.

Contact: Arlene Kasper, Program Development Supervisor, Division of Licensing Programs, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9025 or SCATS 662-9034

DEPARTMENT FOR CHILDREN

Consortium on Child Mental Health

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

COORDINATING COMMITTEE FOR INTERDEPARTMENTAL LICENSURE AND CERTIFICATION OF RESIDENTIAL FACILITIES FOR CHILDREN

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 OF COMMERCE

June 5, 1989 - 10:30 a.m. - Public Hearing
Mary Washington College, Campus Center, College Avenue,
Red Room, Fredericksburg, Virginia. ☒

June 6, 1989 - 10:30 a.m. - Public Hearing
The Hotel Roanoke, 19 North Jefferson Street, Roanoke,
Virginia. ☒

A subcommittee of the board will conduct a public hearing on issues relating to the need to license and regulate the practice of "estheticians" in Virginia. The term refers to a person who engages in the commercial practice of using cosmetic preparations, makeups, antiseptics, tonics, lotions, creams or chemicals to massage, cleanse, stimulate, manipulate, exercise, beautify or groom the face, neck, arms and hands of other persons.

June 22, 1989 - 11 a.m. - Open Meeting
Travelers Building, 3600 West Broad Street, 5th Floor,
Conference Room 1, Richmond, Virginia. ☒

An open business meeting of the board. Agenda may include (i) report of the director; (ii) discussions of results of public hearings that will have been held in connection with occupational studies on radon gas testers and mitigators, estheticians, and arborists; (iii) discussions of need to assign a subcommittee to review regulations for contractors; and (iv) discussion of need for subcommittee to assess probability that a regulatory program for real estate appraisers may become federally-mandated.

Contact: Alvin D. Whitley, Secretary to the Board, Department of Commerce, 3600 W. Broad St., 5th Fl., Office of the Director, Richmond, VA 23230, telephone (804) 367-8564, toll-free 1-800-552-3016 or SCATS 367-8519

BOARD FOR COMMERCIAL DRIVER EDUCATION SCHOOLS

† **June 16, 1989 - 10 a.m. - Open Meeting**
Department of Commerce, 3600 West Broad Street,
Richmond, Virginia ☒

An open meeting to conduct regulatory review and routine board business.

Contact: Geralde W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8534, toll-free 1-800-552-3016, or SCATS 367-8534

BOARD ON CONSERVATION AND DEVELOPMENT OF PUBLIC BEACHES

June 7, 1989 - 10:30 a.m. - Open Meeting

Virginia Beach Pavilion, Director's Conference Room,
Virginia Beach, Virginia. ☒

A meeting to discuss proposals from localities requesting matching grant funds from the board.

Contact: Jack E. Frye, Shoreline Programs Manager, P.O. Box 1024, Gloucester Point, VA 23062, telephone (804) 642-7121 or SCATS 842-7121

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

Catoctin Creek Advisory Board

† **June 16, 1989 - 2 p.m. - Open Meeting**
Janelia Farm, Route 7, across from Ashburn Village,
located six and one-half miles east of Leesburg, Virginia.

A review of river issues and programs.

Goose Creek Advisory Board Meeting

† **July 12, 1989 - 10 a.m. - Open Meeting**
Loudoun County Administration Offices, 18 North King
Street, Leesburg, Virginia.

A review of river issues and programs.

Lower James River Advisory Board

† **June 12, 1989 - 7:30 p.m. - Open Meeting**
Jamestown/Yorktown Foundation Board, Jamestown Park,
Route 31, Jamestown, Virginia.

A review of river issues and programs.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Historic Resources, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132 or SCATS 786-4132

Historic Landmarks Board

† **June 20, 1989 - 2 p.m. - Open Meeting**
State Capitol, House Room One, Richmond, Virginia. ☒

A general business meeting.

Division of Historic Landmarks State Review Board

† **June 20, 1989 - 10 a.m. - Open Meeting**
State Capitol, House Room One, Richmond, Virginia. ☒

A meeting to consider the nomination of the following properties to the Virginia Landmarks Register and their nomination to the National Register of Historic Places:

Virginia House, Richmond (city)

Calendar of Events

Seven Oaks, Albemarle County
Cocke's Mill, Albemarle County

A multiple resources nomination for Montgomery County including:

Blacksburg Historic District
Cambria Historic District, Christiansburg
East Main Street Historic District, Christiansburg
Lafayette Historic District
North Fork Valley Rural Historic District
Howard-Bell-Feather House
Piedmont Camp Meeting Grounds Historic District
Prices Fork Historic District
Riner Historic District
Shawsville Historic District
South Franklin Street Historic District, Christiansburg
Miller-Southside Residential Historic District, Blacksburg
Frank Lawrence House
Guerrant House
Thomas Hall House
Bowyer Trollinger House
Bishop House
Graysontown Methodist Church
Grayson-Gravely House
John Grayson House
Cromer House
James Charlton Farm
Edgemont Christian Church
Hornbarger Store
Midway Primitive Baptist Church
Evans House # Two
Adam Wall House
McDonald Farm
Linkous-Kipps House
Whitehorn
Walnut Spring
Michael Kinzer House
Preston House
Keister House
George Earhart House
Earnhart # Two
Trinity United Methodist Church
Blankenship Farm
Nealy Gordon Farm
Bridge over North Fork of Roanoke River
Pompey Callaway House
Big Spring Baptist Church
Barnett House
Rife House
Walnut Grove Farm
William Barnett House
Alleghany Springs Springhouse
Crockett Springs Cottage
Elijah Murdock Farm
Madison Farm
Virginian Railroad Underpass
Thomas-Corner House
Amis-Palmer House
Phillips-Ronald House

Phlegar Building
Montgomery White Sulphur Springs Cottage
A. L. Johnson Store
Post Office
Harrison-Hancock Hardware Building
Surface House

Contact: Margaret Peters, Department of Conservation and Historic Resources, Division of Historic Landmark, 221 Governor St., Richmond, VA 23219, telephone (804) 786-3143

BOARD FOR CONTRACTORS

NOTE: CHANGE OF MEETING DATE

June 9, 1989 - 10 a.m. - Open Meeting
Travelers Building, 3600 West Broad Street, Fifth Floor, Board Room One, Richmond, Virginia. ☐

The Board for Contractors will meet to conduct a formal hearing: Board for Contractors v. Robert A. Sumerlin, t/a Rocket Construction Co.

June 20, 1989 - 11 a.m. - Open Meeting
Sterling Public Library, 120 Enterprise Street, Sterling, Virginia

The Board for Contractors will meet to conduct a formal hearing:

Board for Contractors v. Independent Construction Company.

Contact: Gayle Eubank, Hearings Coordinator, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8524

BOARD OF CORRECTIONS

† **June 14, 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.

Contact: Vivian Toler, Secretary of the Board, 6900 Atmore Drive, Richmond, VA 23225, telephone (804) 674-3235

BOARD OF COSMETOLOGY

† **June 19, 1989 - 9 a.m. - Open Meeting**
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☐

A meeting to (i) review enforcement cases; (ii) review applications; (iii) review correspondence; and (iv) consider routine board business.

Contact: Roberta L. Banning, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8590 or toll-free 1-800-552-3016 (VA only)

CRIMINAL JUSTICE SERVICES BOARD

Criminal Justice Information Systems Committee

† **June 15, 1989 - 10 a.m.** – Open Meeting
Governor's Cabinet Conference Room, Ninth Street Office Building, 9th and Grace Streets, 6th Floor, Richmond, Virginia. ☐

A meeting to discuss projects and business of the committee.

Contact: Paula J. Scott, Staff Executive, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-4000 or SCATS 786-4000

STATE BOARD OF EDUCATION

† **June 19, 1989 - 7 p.m.** – Public Hearing
Stonewall Jackson High School, Manassas, Virginia

† **June 19, 1989 - 7 p.m.** – Public Hearing
Clover Hill High School, Midlothian, Virginia

† **June 19, 1989 - 7 p.m.** – Public Hearing
Deep Creek High School, Chesapeake, Virginia.

† **June 19, 1989 - 7 p.m.** – Public Hearing
Radford High School, Radford, Virginia. ☐

These public hearings are to receive comments on the proposed revision of the "Standards of Quality." Speakers will be heard in the order of sign-up upon arrival at the meeting. Each speaker will be allowed three minutes to state concerns. It is requested that five copies of a written position paper be presented at the time of sign-up.

Contact: Dr. Andrea B. Chisick, P.O. Box 6Q, Richmond, VA 23216, telephone (804) 225-2092

† **June 29, 1989 - 9 a.m.** – Open Meeting

† **June 30, 1989 - 9 a.m.** – Open Meeting

† **July 27, 1989 - 9 a.m.** – Open Meeting

† **July 28, 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)

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

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

STATE EDUCATION ASSISTANCE AUTHORITY

Board of Directors

June 13, 1989 - 10 a.m. – Open Meeting
State Education Assistance Authority, 6 North Sixth Street, Board Room, Richmond, Virginia. ☐

A meeting to review agency budget, wage and salary scale and for other general business.

Contact: Lynette Hammond, Executive Assistant, 6 N. Sixth St., Suite 300, Richmond, VA 23219, telephone (804) 786-2035, toll-free 1-800-792-LOAN or SCATS 786-2035

STATE BOARD OF ELECTIONS

June 27, 1989 - 3 p.m. – Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ☐

A meeting to ascertain the results of the June 13, 1989, Primary Elections.

Contact: Susan H. Fitz-Hugh, Secretary, 101 Ninth Street Office Bldg., Richmond, VA 23219, telephone (804) 786-6551, toll-free 1-800-552-8745

JOINT MEETING OF THE VIRGINIA EMERGENCY RESPONSE COUNCIL AND THE STATE HAZARDOUS MATERIALS EMERGENCY RESPONSE ADVISORY COUNCIL

June 15, 1989 - 10 a.m. – Open Meeting
Richmond Marriott, 500 East Broad Street, Richmond, Virginia

The business of the meeting will consist of a program status report; presentation of the Finance Subcommittee Report; and presentation of final recommendations of the Hazardous Materials Training Study Committee. Other business will consist of a program update and a report on the activities of the Virginia Emergency Response Council.

Contact: Addison E. Slayton, Jr., Department of Emergency Services, 310 Turner Rd., Richmond, VA 23225, telephone (804) 674-2497

THE LOCAL EMERGENCY PLANNING COMMITTEE FOR FAIRFAX COUNTY, THE CITY OF FAIRFAX AND THE TOWNS OF HERNDON AND VIENNA

Calendar of Events

† **June 8, 1989 - 10 a.m.** – Open Meeting
John C. Wood Municipal Center, Lee Highway, Fairfax,
Virginia. ☒

To meet requirements of Superfund Amendment and
Reauthorization Act of 1986.

Contact: Eileen McGovern, 4031 University Drive, Fairfax,
VA 22030, telephone (703) 246-2331

FAMILY AND CHILDREN'S TRUST FUND OF VIRGINIA

† **June 23, 1989 - 1 p.m.** – Open Meeting
Conference Room C, 8007 Discovery Dr., Richmond,
Virginia. ☒

A general business meeting.

Contact: Peggy Friedenber, Legislative Analyst, VSS
Bureau of Governmental Affairs, 8007 Discovery Dr.,
Richmond, VA 23229, telephone (804) 662-9217

GOVERNOR'S MIGRANT AND SEASONAL FARMWORKERS BOARD

† **July 19, 1989 - 10 a.m.** – Open Meeting
State Capitol Building, House Room 2, Richmond, Virginia.
☒

A regular meeting of the board.

Contact: Marilyn Mandel, Planning, Research and Policy
Analysis Director, Department of Labor and Industry, P.O.
Box 12064, Richmond, VA 23241, telephone (804) 786-2385
or SCATS 786-2385

Subcommittee on Informal Complaint Procedures

† **June 26, 1989 - 10 a.m.** – Open Meeting
Fourth Street Office Building, 205 North Fourth Street, 2nd
Floor Conference Room, Richmond, Virginia. ☒

The subject of this meeting is Informal Complaint
Procedures.

Contact: Jay Withrow, Federal Liaison and Technical
Support Director, Department of Labor and Industry, P.O.
Box 12064, Richmond, VA 23241, telephone (804) 786-9873
or SCATS 786-9873

VIRGINIA FIRE SERVICES BOARD

† **June 15, 1989 - 7:30 p.m.** – Public Hearing
Holiday Inn, Interstate 95 and U.S. 58, Emporia, Virginia.
☒

A public hearing to discuss fire training and fire
policies. This public hearing is for comments and

questions relating to the fire services in the
Commonwealth and the area in which the hearing is
held.

Contact: Anne J. Bales, Executive Secretary Senior, James
Monroe Building, 101 N. 14th St., 17th Floor, Richmond,
VA 23219, telephone (804) 225-2681 or SCATS 225-2681

† **June 16, 1989 - 9 a.m.** – Open Meeting
Holiday Inn, Interstate 95 and U.S. 58, Emporia, Virginia.
☒

A regular business meeting open to the public for
their input and comments.

Contact: Anne J. Bales, Executive Secretary Senior, James
Monroe Building, 101 N. 14th St., 17th Floor, Richmond,
VA 23219, telephone (804) 225-2681 or SCATS 225-2681

Fire Prevention and Control Committee

† **June 15, 1989 - 9 a.m.** – Open Meeting
Holiday Inn, Interstate 95 and U.S. 58, Emporia, Virginia.
☒

A meeting to discuss fire training and fire policies.
The committee meeting is open to the public for their
input.

Contact: Anne J. Bales, Executive Secretary Senior, James
Monroe Building, 101 N. 14th St., 17th Floor, Richmond,
VA 23219, telephone (804) 225-2681 or SCATS 225-2581

Fire Training/EMS Education Committee

† **June 8, 1989 - 9:30 a.m.** – Open Meeting
Hanover Training Center, Route 696, Ashland, Virginia. ☒

The purpose of the meeting will be to develop a
workplan to complete the study required pursuant to
HJR 351 passed by the 1989 General Assembly. HJR
351 directs the Virginia Fire Services Board to study
the feasibility of Virginia adopting NFPA 1500
Standard on Fire Department Occupational Safety and
Health Program.

Contact: Carl N. Cimino, Executive Director, Department
of Fire Programs, James Monroe Building, 101 N. 14th St.,
17th Floor, Richmond, VA 23219, telephone (804) 226-2681
or SCATS 225-2681

† **June 15, 1989 - 1 p.m.** – Open Meeting
Holiday Inn, Interstate 95 and U.S. 58, Emporia, Virginia.
☒

A meeting to discuss fire training and fire policies.
The committee meeting is open to the public for their
input.

Contact: Ann J. Bales, Executive Secretary Senior, James Monroe Building, 101 N. 14th Street, 17th Floor, Richmond, VA 23219, telephone (804) 225-2681 or SCATS 225-2681

Legislative Committee

† **June 15, 1989 - 1 p.m. - Open Meeting**
Holiday Inn, Interstate 95 and U.S. 58, Emporia, Virginia.
☒

A meeting to discuss fire training and fire policies. The committee meeting is open to the public for their input.

Contact: Anne J. Bales, Executive Secretary Senior, James Monroe Building, 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 225-2681 or SCATS 225-2681

BOARD OF FORESTRY

† **June 15, 1989 - 9 a.m. - Open Meeting**
Garland Gray Forestry Center, Shelton Conference Center, Route 2, Box 111, Courtland, Virginia. ☒

A general business meeting.

Contact: Barbara A. Worrell, Administrative Staff Specialist, Department of Forestry, P.O. Box 3758, Charlottesville, VA 22903, telephone (804) 977-6555 or SCATS 487-1230

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

June 22, 1989 - 1 p.m. - Open Meeting
Hyatt Regency - Crystal City, 2799 Jefferson Davis Highway, Arlington, Virginia

1 p.m. - Special Study Committee to study the qualifications of managers of funeral establishments and the qualifications for the establishments in order to be licensed.

3 p.m. - General board meeting to include but not limited to elections of officers, and to discuss proposed regulations.

Contact: Mark L. Forberg, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9907

† **June 29, 1989 - 1 p.m. - Open Meeting**
Old Colony Inn, 625 First Street, Alexandria, Virginia.

The board will give its annual report, have an exhibition booth, and have a general open session in conjunction with the Virginia Morticians Association.

† **August 27, 1989 - 3 p.m. - Open Meeting**
† **August 28, 1989 - 9 a.m. - Open Meeting**

Koger Center - West, 1601 Rolling Hills Drive, Surry Building, Richmond, Virginia.

August 27, 1989 - Preneed Committee Meeting.

August 28, 1989 - Certify candidates for September examination, general board meeting, and discuss proposed regulations.

Contact: Mark L. Forberg, Executive Director, 1601 Rolling Hills Dr., Richmond, VA, telephone (804) 662-9907

DEPARTMENT OF HEALTH (STATE BOARD OF)

June 22, 1989 - 2 p.m. - Public Hearing
Virginia Highlands Community College, Room 605, Abingdon, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Health intends to adopt regulations entitled: **VR 355-33-02. Regulations Governing Licensure of Home Health Agencies and Hospices.** The proposed regulation prescribes minimum standards of organization and operation and procedures to be followed to secure required home health agency and hospice licensure from the Virginia Department of Health, Division of Licensure and Certification.

Statutory Authority: §§ 32.1-162.5 and 32.1-162.12 of the Code of Virginia.

Written comments may be submitted until 4:30 p.m., June 23, 1989.

Contact: Mary V. Francis, Director, Department of Health, Division of Licensure and Certification, 1013 James Madison Bldg., 109 Governor St., Richmond, VA 23219, telephone (804) 225-2081 or SCATS 225-3717

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

† **June 27, 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., 6th Floor, Richmond, VA 23219, telephone (804) 786-6371 or SCATS 786-6371

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† **June 7, 1989 - 9 a.m. - Open Meeting**

Calendar of Events

Virginia Polytechnic Institute, Blacksburg, Virginia

A monthly council meeting. The agenda is available on request.

Contact: Marla Richardson, 101 North 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2638

HOPEWELL INDUSTRIAL SAFETY COUNCIL

June 6, 1989 - 9 a.m. - Open Meeting

July 11, 1989 - 9 a.m. - Open Meeting

August 1, 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

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

June 16, 1989 - Written comments may be submitted until this date.

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Virginia Housing Development Authority intends to amend regulations entitled: VR 400-01-0001. Rules and Regulations; VR 400-02-0001. Procedures, Instructions and Guidelines for Multi-Family Housing Developments; VR 400-02-0002. Procedures, Instructions and Guidelines for Single Family Housing Developments; VR 400-02-0003. Procedures, Instructions and Guidelines for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income; VR 400-02-0004. Procedures, Instructions and Guidelines for Home Rehabilitation Loans; VR 400-02-0005. Procedures, Instructions and Guidelines for Energy Loans; VR 400-02-0006. Procedures, Instructions and Guidelines for Section 8 Existing Housing Assistance Payments Program. The proposed amendments incorporate the authority's Procedures, Instructions and Guidelines into its Rules and Regulations.

Statutory Authority: § 36-55.30:3 of the Code of Virginia.

Written comments may be submitted until June 16, 1989.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 13 S. 13th St., Richmond, VA 23219, telephone (804) 782-1986

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June 16, 1989 - Written comments may be submitted until this date.

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Virginia Housing Development Authority intends to amend regulations entitled: VR 400-01-0007. Procedures, Instructions and Guidelines for Section 8 Moderate Rehabilitation Program; VR 400-02-0008. Procedures, Instructions, and Guidelines for Virginia Rental Rehabilitation Program; VR 400-02-0009. Procedures, Instructions, and Guidelines for Virginia Homesteading Program; VR 400-02-0010. Procedures, Instructions and Guidelines for Mortgage Credit Certification Program; VR 400-02-0011. Procedures, Instructions and Guidelines for Allocation of Low-Income Housing Tax Credits; VR 400-02-0012. Procedures, Instructions and Guidelines for The Virginia Housing Fund; VR 400-02-0013. Procedures, Instructions and Guidelines for Multi-Family Developments for Mentally Disabled Persons; VR 400-02-0014. Procedures, Instructions, and Guidelines for the Acquisition of Multi-Family Housing Developments; VR 400-02-0015. Procedures, Instructions and Guidelines for The Virginia Senior Home Equity Account Program. The proposed amendments incorporate the authority's Procedures, Instructions and Guidelines into its Rules and Regulations.

Statutory Authority: § 36-55.30: of the Code of Virginia

Written Comments may be submitted until June 16, 1989.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 13 S. 13th St., Richmond, VA 23219, telephone (804) 782-1986

† June 20, 1989 - 10 a.m. - Open Meeting
601 S. Belvidere Street, Richmond, Virginia. ☒

A regular meeting to (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month; (iv) consider and, if appropriate, approve proposed amendments to the Rules and Regulations and Procedures, Instructions and Guidelines; and (v) consider such other matters and take such other actions as they may deem appropriate. Various committees of the Board of Commissioners may also meet before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: J. Judson McKellar, Jr., General Counsel, 601 S. Belvidere Street, Richmond, VA 23220, telephone (804) 782-1986

DEPARTMENT OF LABOR AND INDUSTRY

Virginia Apprenticeship Council

† June 15, 1989 - 10 a.m. - Open Meeting

A regular quarterly meeting. A public session begins at 10 a.m., and the council meeting will begin immediately after conclusion of the 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

Virginia Safety and Health Codes Board

† June 19, 1989 - 10 a.m. - Open Meeting

General Assembly Building, 910 Capitol Street, House Room C, Richmond, Virginia. ☒

The board will meet to consider the following: (i) request for Variance from Boiler and Pressure Vessel Safety Act by Stanley Doors System, Winchester, VA; (ii) amendment concerning Hazardous Waste Operations and Emergency Response Standard; (iii) amendment concerning Crane or Derrick Suspended Personnel Platforms, Redesignation; and (iv) Formaldehyde Standard; Stay of Hazard Communication Provisions.

Contact: Margaret T. Gravett, Staff Specialist, Department of Labor and Industry, P.O. Box 12064, Richmond, VA 23241, telephone (804) 786-9877 or SCATS 786-9877

JOINT BOARD LIAISON COMMITTEE

† June 23, 1989 - 1 p.m. - Open Meeting

Department of Social Services, Koger Center, 8007 Discovery Drive, Richmond, Virginia. ☒

A quarterly meeting of the Joint Board Liaison Committee comprised of representatives of the Boards of Education, Health, Mental Health, Mental Retardation and Substance Abuse Services, Rehabilitative Services and Social Services. Agenda items include topics of common interest and the development of joint policies relative to clients who are mutually served.

Contact: Jane V. Helfrich, Department of Mental Health, Mental Retardation and Substance Abuse Services, P. O. Box 1797, Richmond, VA 23214, telephone (804) 786-3921

LIBRARY BOARD

June 20, 1989 - 9:30 a.m. - Open Meeting

Virginia State Library and Archives, 11th Street at Capitol

Square, 3rd Floor, Supreme Court Room, Richmond, Virginia. ☒

A meeting to discuss administrative matters of the Virginia State Library and Archives.

Contact: Jean H. Taylor, Secretary to State Librarian, Virginia State Library and Archives, 11th St. at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332

LONGWOOD COLLEGE

Board of Visitors

† July 6, 1989 - 9 a.m. - Open Meeting

† July 7, 1989 - 3 p.m. - Open Meeting

College Campus, Longwood House, Farmville, Virginia. ☒

A meeting to conduct business pertaining to the governance of the institution/retreat.

Contact: William F. Dorrill, Longwood College, Farmville, VA 23901, telephone (804) 392-9211 or SCATS 265-4211

VIRGINIA LONG-TERM CARE COUNCIL

Local Long-Term Care Coordinating Committees

June 5, 1989 - 9:30 a.m. - Open Meeting

Southwest Virginia, Johnson Memorial Hospital, Abingdon, Virginia. ☒

June 8, 1989 - 9:30 a.m. - Open Meeting

Virginia Health Care Association, Innsbrook, Richmond, Virginia. ☒

June 9, 1989 - 9:30 a.m. - Open Meeting

Tidewater, Riverside Hospital, Newport News, Virginia. ☒

June 19, 1989 - 9:30 a.m. - Open Meeting

Virginia Baptist Hospital, Lynchburg, Virginia. ☒

June 20, 1989 - 9:30 a.m. - Open Meeting

Northern Virginia, Fairfax Hospital Association, Fairfax, Virginia. ☒

Regional meetings of the local long-term care coordinating committees provide the opportunity for coordination with the State Long-Term Care Council. Long-Term Care legislation, public guardianship and updates on local activities will be discussed.

Contact: Thelma E. Bland, Deputy Commissioner, 700 E. Franklin St., 10th Floor, Richmond, VA 23219-2327, telephone (804) 225-2271/TDD ☒, toll-free 1-800-552-4464 or SCATS 225-2271

STATE LOTTERY BOARD

Calendar of Events

† June 28, 1989 - 10 a.m. - Open Meeting
State Lottery Department, 2201 West Broad Street,
Conference Room, Richmond, Virginia. ☒

A regularly scheduled monthly meeting of the board.
Business will be conducted according to items listed
on the agenda which has not yet been determined.

Contact: Barbara L. Robertson, Lottery Staff Officer, State
Lottery Department, 2201 W. Broad St., Richmond, VA
23220, telephone (804) 367-9433 or SCATS 367-9433

VIRGINIA MARINE PRODUCTS BOARD

† June 28, 1989 - 5 p.m. - Open Meeting
The Ships Cabin Seafood Restraunt, 4110 East Ocean View
Avenue, Norfolk, Virginia.

The board will meet to receive reports from the
Executive Director of the Virginia Marine Products
Board on: finance, marketing, past and future program
planning, publicity/public relations, old/new business.

Contact: Shirley Estes Berg, 97 Main Street, Room 103,
Newport News, VA 23601, telephone (804) 594-7261

MARINE RESOURCES COMMISSION

† June 6, 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

MARTINSVILLE - HENRY COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

June 8, 1989 - 9:30 a.m. - Open Meeting
Henry County Administration Building, Collinsville, Virginia.

☒

Open meeting to carry out the provisions of the
Superfund Amendments and Reauthorization Act of
1986.

Contact: Benny Summerlin, Public Safety Director, Henry
County Administration Bldg., P.O. Box 7, Collinsville, VA
24078, telephone (703) 638-5311, ext. 256

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

NOTE: CHANGE OF COMMENT PERIOD

June 8, 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 460-04-8.4. Home and Community Based
Services for the Elderly and Disabled Individuals.**
The purpose of the proposed regulation is to regulate
the provision of home and community based long-term
care services to elderly and physically disabled
individuals who would otherwise require the level of
care found only in intermediate or skilled care
nursing facilities.

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

Written comments may be submitted until 4:30 p.m., June
8, 1989, to Charlotte Carnes, Manager, Division of Medical
Social 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

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June 28, 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: **State Plan for Medical Assistance Relating
to Nonenrolled Providers. VR 460-02-4.191. Methods
and Standards for Establishing Payment Rates -
In-Patient Hospital Care, VR 460-02-4.192. Methods
and Standards for Establishing Payment Rates -
Other Types of Care, and VR 460-02-4.194. Methods
and Standards for Establishing Payment Rates -
Long-Term Care.** These proposed regulations regulate
the reimbursement of nonenrolled service providers.

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

Written comments may be submitted until 4:30 p.m., June 28, 1989, to Malcolm O. Perkins, Division of Operations, 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

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† July 20, 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: **State Plan for Medical Assistance Relating to Preadmission Screening. VR 460-01-46. Utilization Control and VR 460-02-4.141. Criteria for Nursing Home Preadmission Screening: Medicaid Eligible Individuals and All Mentally Ill and Mentally Retarded Individuals At Risk of Institutionalization.** These regulations contain the requirements for patient preadmission screening prior to nursing facility admittance.

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

Written comments may be submitted until 4:30 p.m., July 20, 1989, to Charlotte C. Carnes, Manager, Medical Social Services, 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

BOARD OF MEDICINE

July 7, 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 Medicine intends to adopt regulations entitled: **VR 465-04-01. Regulations Governing the Practice of Certified Respiratory Therapy Practitioners.** The purpose of this action is to amend and promulgate regulations effective December 2, 1985, as emergency regulations for voluntary certification of Respiratory Therapy Practitioners.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until 2 p.m., July 7, 1989.

Contact: Eugenia Dorson, Board Administrator, Board of Medicine, 1601 Rolling Hills Dr., Surry Bldg., 2nd Floor, Richmond, VA 23229-5005, telephone (804) 662-9925

† July 20, 1989 - 8:15 a.m. – Open Meeting

† July 21, 1989 - 8:15 a.m. – Open Meeting

† July 22, 1989 - 8:15 a.m. – Open Meeting

† July 23, 1989 - 8:15 a.m. – Open Meeting

Omni Charlottesville Hotel, 235 West Main Street, Charlottesville, Virginia. ☒

An open session to conduct general board business and discuss any other items which may come before the board. On Friday, Saturday and Sunday the board will review reports, interview licensees and make decisions on discipline matters.

Credentials Committee

† June 10, 1989 - 8:15 a.m. – Open Meeting

Department of Health Professions, 1601 Rolling Hills Drive, Surry Building, Board Room 1, 2nd Floor, Richmond, Virginia. ☒

A meeting to conduct general business, interview, and review medical credentials of applicants applying for licensure in Virginia in open and executive session and discuss any other items which may come before this committee.

Contact: Eugenia Dorson, Board Administrator, Board of Medicine, 1601 Rolling Hills Dr., Surry Bldg., 2nd Floor, Richmond, VA 23229-5005, telephone (804) 662-9925

Ad Hoc Committee on Optometry

June 9, 1989 - 2 p.m. – Open Meeting

Department of Health Professions, 1601 Rolling Hills Drive, Surry Building, Board Room 1, 2nd Floor, Richmond, Virginia. ☒

A meeting to review and discuss information obtained from visit to the Pennsylvania College of Optometry and discuss any other items which may come before this committee.

Executive Committee

June 9, 1989 - 9:30 a.m. – Open Meeting

Department of Health Professions, 1601 Rolling Hills Drive, Surry Building, Board Room 1, 2nd Floor, Richmond, Virginia. ☒

A meeting to review and act upon disciplinary cases, (ii) review cases closed by Executive Director and (iii) discuss any other items which may come before the Executive Committee.

Informal Conference Committee

June 15, 1989 - 9:30 a.m. – Open Meeting

Calendar of Events

Sheraton-Fredericksburg Resort and Conference Center, Route 3 and I-95, Fredericksburg, Virginia. ☒

Informal conferences and formal hearings to inquire into allegations that certain practitioners may have violated laws and regulations governing to 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 Building, 2nd Floor, Richmond, VA 23229, telephone, (804) 662-9925

† **June 20, 1989 - 9:30 a.m. – Open Meeting**
Department of Health Professions, 1601 Rolling Hills Drive, Board Room 1, Richmond, Virginia.

† **June 27, 1989 - 9 a.m. – Open Meeting**
† **June 28, 1989 - 9 a.m. – Open Meeting**
Sheraton Hotel, 2801 Plank Road, Fredericksburg, Virginia. (I-95, exit 45B)

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: Karen D. Waldron, Deputy Executive Director, 1601 Rolling Hills Dr., Surry Bldg., 2nd Floor, Richmond, VA 23229-5005, telephone (804) 662-7006

Legislative Committee

June 23, 1989 - 10 a.m. – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Surry Building, Board Room 1, 2nd Floor, Richmond, Virginia. ☒

A meeting to review and discuss proposed regulation which relates to misleading and deceptive advertising, petition for rulemaking relative to Straight Chiropractic Academic Standards Association, Inc. (SCASA), Special Purpose Examination (SPEX) and discuss any other items which may come before the Legislative Committee.

Advisory Board on Physical Therapy

June 16, 1989 - 9 a.m. – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Surry Building, Board Room 2, 2nd Floor, Richmond, Virginia. ☒

The purpose of this meeting is to (i) receive reports; (ii) review by-laws and procedural manuals; (iii) review regulations, specifically §§ 5.3 F, 7.2 and 8.1; and (iv) discuss any other items which may come before this advisory board.

Contact: Eugenia K. Dorson, Board Administrator, 1601 Rolling Hills Dr., Surry Building, 2nd Floor, Richmond, VA 23229, telephone (804) 662-9925

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

June 28, 1989 - 9:30 a.m. – Open Meeting
Alexandria Community Services Board, Alexandria, Virginia. ☒

A regular monthly meeting. The agenda will be published on June 21 and may be obtained by calling Jane Helfrich.

Contact: Jane V. Helfrich, State Board Staff, P.O. Box 1797, Richmond, Virginia 23214, telephone (804) 786-3921

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

† **August 15, 1989 - 10 a.m. – Public Hearing**
James Monroe Building, 101 North 14th Street, Conference Rooms D and E, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request. Please request by July 24, 1989.)

† **August 15, 1989 - 10 a.m. – Public Hearing**
Roanoke City Hall, 215 Church Avenue, Council Chambers, Room 450, Roanoke, Virginia. ☒ (Interpreter for deaf provided upon request. Please request by July 24, 1989.)

† **August 15, 1989 - 10 a.m. – Public Hearing**
Norfolk Public Schools Building, 800 East City Hall Avenue, 12th Floor Board Room, Room 202, Norfolk, Virginia. ☒ (Interpreter for deaf provided upon request. Please request by July 24, 1989.)

† **August 15, 1989 - 10 a.m. – Public Hearing**
Oakton Corporate Center, 10461 White Granite Drive, 3rd Floor Training Room, Suite 300, Oakton, Virginia. ☒ (Interpreter for deaf provided upon request. Please request by July 24, 1989.)

† **August 15, 1989 - 7:30 p.m. – Public Hearing**
Holiday Inn-Koger Center-South, 1021 Koger Center Boulevard, Anna Room, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request. Please request by July 24, 1989.)

† **August 15, 1989 - 7:30 p.m. – Public Hearing**
Roanoke City Hall, 215 Church Avenue, Council Chambers, Room 450, Roanoke, Virginia. ☒ (Interpreter for deaf provided upon request. Please request by July 24, 1989.)

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Mental Health, Mental Retardation and Substance Abuse Services, acting as the lead agency

administering Part H (EHA) early intervention services to infants and toddlers with handicaps (Public Law 99-457), intends to conduct public hearings for the purpose of presenting the FY 89 State Early Intervention Grant Application. Interested parties are asked to give their comments and suggestions. Copies of the grant may be obtained by contacting the Department of Mental Health, Mental Retardation and Substance Abuse Services employee listed below. The application will be available as of June 1, 1989. Written comments will be accepted by the listed contact person until August 18, 1989.

Contact: Michael Fehl, Ed.D., Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3710

Virginia Interagency Coordinating Council

† June 14, 1989 - 9 a.m. - Open Meeting
Holiday Inn-Koger Center-South, 1021 Koger Center Boulevard, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request.)

Meeting of Virginia's Early Intervention 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 R. Mandawitz, Project Assistance, Virginia Department of MH/MR/SAS, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3710 or SCATS 786-3710

Prevention and Promotion Advisory Council

† June 29, 1989 - 10 a.m. - Open Meeting
James Madison Building, 109 Governor Street, 8th Floor Conference Room, Richmond, Virginia.

The meeting will include (i) election of new officers; (ii) revision of the Council By-Laws; (iii) review of the prevention initiative funding request; and (iv) discussion of the future direction of the council.

Contact: Sue Geller or Harriet Russell, Office of Prevention, Promotion and Library Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-1530

COUNTY OF MONTGOMERY/TOWN OF BLACKSBURG LOCAL EMERGENCY PLANNING COMMITTEE

† June 13, 1989 - 3 p.m. - Open Meeting
Montgomery County Courthouse, Board of Supervisors Room, 3rd Floor, Christiansburg, Virginia. ☒

A meeting to consider development of a Hazardous Materials Emergency Response Plan for Montgomery County and the Town of Blacksburg.

Contact: Steve Via, New River Valley Planning District Commission, P.O. Box 3726, Radford, VA 24143, telephone (703) 639-9313 or SCATS 676-4012

BOARD OF NURSING

June 20, 1989 - 9:30 a.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia. ☒

Four formal hearings will be held to inquire into allegations that certain laws and regulations governing the practice of nursing in Virginia may have been violated.

Special Conference Committee

June 13, 1989 - 8:30 a.m. - Open Meeting
June 23, 1989 - 8:30 a.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A meeting to inquire into allegations that certain licensees may have violated laws and regulations governing the practice of nursing in Virginia.

Contact: Corinne F. Dorsey, R.N., Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9909 or (toll-free) 1-800-533-1560

OLD DOMINION UNIVERSITY

Board of Visitors

† June 15, 1989 - 2:45 p.m. - Open Meeting
Webb University Center, Old Dominion University, Norfolk, Virginia. ☒

A meeting to consider the affairs of the University. (Specific times of committee meetings included in agenda distributed two weeks prior to meeting.)

Contact: Donna W. Meeks, Office of the Board of Visitors, Old Dominion University, Norfolk, VA 23529, telephone, (804) 683-3072

BOARD OF OPTOMETRY

† June 7, 1989 - 9 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Appropriations Committee Room, 9th Floor, Richmond, Virginia. ☒

Calendar of Events

A general business meeting.

Contact: Catherine Walker Green, Executive Director, Board of Optometry, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9910

BOARD OF PHARMACY

Editor's Note: The Board of Pharmacy, pursuant to public input, will hold a public hearing regarding the proposed increase in fees.

† July 12, 1989 - 10 a.m. - Public Hearing
Holiday Inn-West End, 6531 West Broad Street, Chesterfield Room, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Pharmacy intends to amend regulations entitled: **VR 530-01-1. Virginia Board of Pharmacy Regulations.** The purpose of this action is to increase fees for licenses.

Statutory Authority: §§ 54.1-2400 and 54.1-3007 of the Code of Virginia.

Written comments may be submitted until July 12, 1989.

Contact: Jack B. Carson, Executive Director, Board of Pharmacy, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9911

June 14, 1989 - 9 a.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. ☒

Board meeting and possible adoption of proposed regulations for physicians to sell drugs.

June 18, 1989 - 3:30 p.m. - Open Meeting
The Cavalier, Oceanfront at 42nd Street, Virginia Beach, Virginia

Drug law and board regulation review for graduating pharmacy students and interested pharmacists.

Contact: Jack B. Carson, Executive Director, Virginia Board of Pharmacy, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9911

VIRGINIA PORK INDUSTRY BOARD

July 14, 1989 - 3 p.m. - Open Meeting
Blacksburg Marriott, Blacksburg, Virginia. ☒

A meeting to consider (i) general business; (ii) committee reports; and (iii) election of officers.

Contact: John H. Parker, Program Director, 801 Washington Bldg., 1100 Bank St., Richmond, VA 23219,

telephone (804) 786-7092 or SCATS 786-7092

COMMISSION ON PRISON AND JAIL OVERCROWDING

† July 14, 1989 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☒

Full Commission meeting. Working committees will give status reports.

Contact: Lin Carbin-Howerton, Staff Director, 9th Street Office Bldg., 3rd Floor, Richmond, VA 23219, telephone (804) 786-1657

BOARD OF PROFESSIONAL COUNSELORS

June 9, 1989 - 9 a.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A general board meeting to consider committee reports and response to correspondence; certification of the results of the board's oral examinations for professional counselor licensure and substance abuse counselor certification; and regulatory review.

Contact: Stephanie A. Sivert, Executive Director, or Joyce D. Williams, Administrative Assisstant, Board of Professional Counselors, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9912

REAL ESTATE BOARD

June 5, 1989 - 11 a.m. - Open Meeting
Department of Social Services, Pembroke Office Park, Pembroke IV, Suite 300, Conference Room A, Virginia Beach, Virginia.

The Real Estate Board will meet to conduct a formal hearing: Real Estate Board v. Eleanor MacRae

Contact: Gayle Eubank, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8524

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June 5, 1989 - 2 p.m. - Public Hearing
Location to be announced.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Real Estate Board intends to amend regulations entitled: **VR 585-01-1. Virginia Real Estate Board Licensing Regulations.**

Statutory Authority: § 54.1-201 of the Code of Virginia.

Written comments may be submitted until July 1, 1989.

Contact: Joan L. White, Assistant Director, Real Estate Board, 3600 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 367-8552, toll-free 1-800-552-3016 or SCATS 367-8552

DEPARTMENT OF REHABILITATIVE SERVICES (BOARD OF)

July 12, 1989 - 2 p.m. - Public Hearing William N. Neff Vocational Center, Route 8, Abingdon, Virginia

July 12, 1989 - 2 p.m. - Public Hearing George Mason University School of Law, Metro Center Campus - Downtown Arlington, 3401 North Fairfax Drive, Arlington, Virginia

July 12, 1989 - 2 p.m. - Public Hearing Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Conference Room, Richmond, Virginia

July 12, 1989 - 6 p.m. - Public Hearing Norfolk City Hall, City Hall Building, Council Chambers, 810 Union Street, 11th Floor, Norfolk, Virginia

Notice is hereby given that the Department of Rehabilitative Services will meet to consider the State Plan Preprint for the State Vocational Rehabilitation Services Program and the State Supported Employment Services Program. This State Plan outlines activities of the department under the State Vocational Rehabilitation Services program and the State Supported Employment Services Program covering Fiscal Years 1989, 1990 and 1991.

Statutory Authority: § 51.5-14 of the Code of Virginia.

Written comments may be submitted until July 8, 1989.

Contact: Robert J. Johnson, State Plan Coordinator, Department of Rehabilitative Services, 4901 Fitzhugh Ave., P.O. Box 11045, Richmond, VA 23230, telephone (804) 367-6379 or SCATS 367-6379

July 12, 1989 - 2 p.m. - Public Hearing William N. Neff Vocational Center, Abingdon, Virginia

July 12, 1989 - 6 p.m. - Public Hearing Norfolk City Hall, Council Chambers, Norfolk, Virginia

July 12, 1989 - 2 p.m. - Public Hearing George Mason School of Law, 3401 North Fairfax Drive, Arlington, Virginia

July 12, 1989 - 2 p.m. - Public Hearing Department of Rehabilitative Services, 4901 Fitzhugh

Avenue, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Rehabilitative Services intends to amend regulations entitled: VR 595-01-2. Provision of Vocational Rehabilitation Services. The purpose is to amend certain portions to comply with federal regulations and to expand the service capabilities of the department.

Statutory Authority: § 51.5-5 of the Code of Virginia.

Written comments may be submitted until July 8, 1989, to Charles H. Merritt, Assistant Commissioner, Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia 23230.

Contact: James L. Hunter, Board Administrator, Department of Rehabilitative Services, P.O. Box 11045, 4901 Fitzhugh Ave., Richmond, VA 23230-1045, telephone (804) 367-6446, toll-free 1-800-552-5019/TDD or SCATS 367-6446

BOARD OF SOCIAL SERVICES

June 14, 1989 - 2 p.m. - Open Meeting Department of Social Services, 8007 Discovery Drive, Blair Building, 2nd Floor Conference Room, Richmond, Virginia.

A work session and formal business meeting of the board.

If necessary, the board will also meet Thursday, June 15, 1989, at 9 a.m.

Contact: Phyllis Sisk, Administrative Staff Specialist, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9236 or SCATS 662-9236

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

June 13, 1989 - 10 a.m. - Public Hearing Department of Social Services, 8007 Discovery Drive, Blair Building, Conference Rooms A and B, Richmond, Virginia.

☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Social Services intends to amend regulations entitled: VR 615-08-1. Virginia Energy Assistance Program. The proposed amendments affect the Crisis Assistance Component. The amendments will provide: (i) uniformity to the types of assistance available in each locality; (ii) greater client accessibility to the program statewide, and (iii) ensure all localities equal access to funds designated for crisis benefits.

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

Calendar of Events

Written comments may be submitted until June 22, 1989, to Charlene H. Chapman, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Peggy Friedenber, Legislative Analyst, Bureau of Governmental Affairs, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217

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July 10, 1989 - 2 p.m. - Public Hearing
Department of Social Services, 8007 Discovery Drive, Conference Room A, Richmond, Virginia. ☒

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Social Services intends to adopt regulations entitled: **VR 615-46-01. Adult Protective Services.** The above regulation increases consistency of practice in adult protective services and establishes policy for disclosure of information by local departments of social services pursuant to § 63.1-55.4 of the Code of Virginia.

Statutory Authority: §§ 63.1-25, 63.1-55.1 and 63.1-55.4 of the Code of Virginia.

Written comments may be submitted until July 10, 1989, to Joy Duke, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Margaret Friedenber, Legislative Analyst, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9182 or SCATS 662-9182

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† **August 24, 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 Social Services intends to adopt regulations entitled: **VR 615-70-17. Child Support Enforcement Programs.** This regulation describes the rules the Department of Social Services will use in establishing, enforcing, and collecting child support payments.

STATEMENT

Substance: This regulation promulgates the rules under which the Department of Social Services will both establish the amount of child support for which an absent parent is financially responsible and will enforce the payment of unpaid child support.

Issues: Persons who receive Aid to Dependent Children assistance must accept child support enforcement services in order to be eligible for public assistance. Persons who do not receive public assistance may apply for these services.

Basis: This regulation is issued under the authority granted by Public Law 98-378, commonly called the Child Support Enforcement Amendments of 1984, and Chapter 13 (§ 63.1-249. et seq) of Title 63.1 of the Code of Virginia.

Purpose: The Child Support Enforcement Program is a cooperative endeavor between the federal government and Virginia to assure that children receive financial support from both parents when one parent is absent from the home.

Estimated impact: The regulations will help to reduce welfare costs. When support is provided by both parents responsible for the financial support of a child, the likelihood of the child needing public assistance decreases.

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

Written comments may be submitted until August 24, 1989, to Jane Clements, Department of Social Services, Division of Child Support Enforcement, 8007 Discovery Drive, Blair Building, Richmond, Virginia, 23229-8699.

Contact: Margaret J. Friedenber, Legislative Analyst, Department of Social Services, 8007 Discovery Drive, Blair Building, Richmond, VA 23229-8699, telephone (804) 662-9217 or SCATS 662-9217

BOARD OF SOCIAL WORK

† **June 16, 1989 - 9 a.m. - Open Meeting**
Board of Social Work, 1601 Rolling Hills Drive, Suite 200, Richmond, Virginia. ☒

A meeting to (i) conduct general board business; (ii) review applications for licensure and supervision of trainees; (iii) respond to correspondence; and (iv) certify results of oral examinations.

Contact: Stephanie A. Sivert, Executive Director, 1601 Rolling Hills Drive, Suite 200, Richmond, VA 23229, telephone (804) 662-9914

COMMONWEALTH TRANSPORTATION BOARD

June 15, 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 of the Commonwealth Transportation Board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval.

Contact: Albert W. Coates, Jr., Assistant Commissioner, Department of Transportation, 1401 E. Broad St., Richmond, VA, telephone (804) 786-9950

DEPARTMENT OF TRANSPORTATION

June 14, 1989 - 9 a.m. - Open Meeting
Virginia Western Community College, 3095 Colonial Avenue,
S.W., Roanoke, Virginia. ☒ (Interpreter for deaf provided
if requested)

Final 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 for the Bristol, Salem,
Lynchburg and Staunton Districts.

June 15, 1989 - 9 a.m. - Open Meeting
Virginia Department of Transportation, 1221 East Broad
Street, Auditorium, Richmond, Virginia. ☒

Final 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 for the Richmond,
Fredericksburg, Suffolk, Culpeper, and Northern
Virginia Districts.

Contact: Albert W. Coates, Jr., Assistant Commissioner,
Department of Transportation, 1401 E. Broad St.,
Richmond, VA, telephone (804) 786-9950

BOARD OF VETERINARY MEDICINE

June 14, 1989 - 8:30 a.m. - Open Meeting
Holiday Inn - Koger South, 1021 Koger Center Boulevard,
Richmond, Virginia. ☒ (Interpreter for deaf provided if
requested)

General board business, formal hearing, informal
conferences, discussion of proposed changes in
regulations.

Contact: Terri H. Behr, Administrative Assistant, 1601
Rolling Hills Dr., Richmond, VA 23229, telephone (804)
662-9915

VIRGINIA RESOURCES AUTHORITY

† June 13, 1989 - 9 a.m. - Open Meeting
Ramada Oceanside Tower, 57th and Oceanfront, Virginia
Beach, Virginia. ☒

A meeting to (i) approve minutes of the meeting of
May 9, 1989; (ii) review the Authority's operations for
the prior months; and (iii) consider other matters and
take other actions as they may deem appropriate. The
planned agenda of the meeting will be available at the
offices of the authority one week prior to the date of
the meeting.

Contact: Shockley D. Gardner, Jr., P.O. Box 1300,
Richmond, VA 23210, telephone, (804) 644-3100

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Advisory Committee on Services

† July 15, 1989 - 11 a.m. - Open Meeting
Administrative Headquarters, 397 Azalea Avenue,
Richmond, Virginia. ☒

A quarterly meeting to consider matters related to
services for blind and visually handicapped citizens of
the Commonwealth.

Contact: Barbara G. Tyson, 397 Azalea Ave., Richmond,
VA 23227, telephone (804) 371-3162, toll-free 1-800-622-2155,
SCATS 371-3162 or 371-3140/TDD ☒

Interagency Coordinating Council on Delivery of Related Services to Handicapped Children

† June 27, 1989 - 1:30 p.m. - Open Meeting
† July 25, 1989 - 1:30 p.m. - Open Meeting
† August 22, 1989 - 1:30 p.m. - Open Meeting
Department for the Visually Handicapped, 397 Azalea
Avenue, Richmond, Virginia. ☒

A regular monthly meeting.

Contact: Glen R. Slonneger, Jr., Department for the
Visually Handicapped, 397 Azalea Ave., Richmond, VA
23227, telephone (804) 371-3140

VIRGINIA COUNCIL ON VOCATIONAL EDUCATION

† June 22, 1989 - 10:30 a.m. - Open Meeting
Richmond Marriott, 500 East Broad Street, Richmond,
Virginia.

10:30 a.m. - Committee Meetings

11:15 a.m. - Business Session: Reports will be received
from council committees, the Department of
Education, the Governor's Job Training Coordinating
Council, and the Virginia Community College System.

2:00 p.m. - Vocational education recognition awards
program conducted jointly with the Virginia
Department of Education.

Contact: George S. Orr, Jr., Executive Director, Virginia
Council on Vocational Education, P.O. Box U, Blacksburg,
VA 24063-1035, telephone (703) 961-6945

VIRGINIA VOLUNTARY FORMULARY BOARD

† July 7, 1989 - 10 a.m. - Public Hearing
James Madison Building, 109 Governor Street, Main Floor
Conference Room, Richmond, Virginia.

The purpose of this hearing is to consider the

Calendar of Events

proposed adoption and issuance of revisions to the Virginia Voluntary Formulary. The proposed revisions to the Formulary add and delete drugs and drug products to the Formulary that became effective on November 15, 1989, and a supplement to the Formulary that became effective on May 20, 1989.

Copies of the proposed revisions to the Formulary are available for inspection at the Virginia Department of Health, Bureau of Pharmacy Services, James Madison Building, 109 Governor Street, Richmond, Virginia 23219. Written comments sent to the above address and received prior to 5 p.m. on July 7, 1989, will be made a part of the hearing record and considered by the Board.

Contact: James K. Thomson, Bureau of Pharmacy Services, 109 Governor St., Richmond, VA 23219, telephone (804) 786-4326 or SCATS 786-3596

DEPARTMENT OF WASTE MANAGEMENT

July 3, 1989 - 10 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, Conference Room C, Richmond, Virginia. ☒

A public meeting will be held for Amendment 10 to the Virginia Hazardous Waste Management Regulations to discuss the proposed changes in U.S. Environmental Protection Agency Regulations in solid and hazardous waste management. The regulated community, public, and interested persons are invited to attend.

Contact: Stuart T. Ashton, IV, Staff Specialist, James Monroe Bldg., 101 N. 14th St., 11th Floor, Richmond, VA 23219, telephone (804) 225-2667

STATE WATER CONTROL BOARD

June 26, 1989 - 3 p.m. - Formal Hearing
NOTE: CHANGE OF LOCATION
School Administration Building, 2512 George Mason Drive, Prince Anne Courthouse, Board Room 131, Virginia Beach, 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 680-21-01.11. Chlorine Standard and Policy and VR 680-21-07.2. Outstanding State Resource Waters.** The purpose of the proposed amendments is to adopt as permanent regulations VR 680-21-01.11 - Chlorine Standard and Policy and VR 680-21-07.2 - Outstanding State Resource Waters which were previously adopted as emergency regulations.

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

Written comments may be submitted until 4 p.m., June 13, 1989, to Doneva Dalton, Hearing Reporter, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Affected persons may petition to be a party to the formal hearing being held June 26, 1989, concerning any fact issues directly relevant to the legal validity of the proposed action. Petitions must meet the requirements of § 1.23(b) of the board's Procedural Rule No. 1 (1980), and must be received by the contact person designated below by May 10, 1989. The board seeks comments, orally at the hearing and in writing, on the proposed amendments including, but not limited to, any necessary revisions based on the issues raised to date.

Contact: Jean Gregory, Environmental Program Manager, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-6985 or SCATS 367-6985

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June 5, 1989 - 7 p.m. - Public Hearing
Culpeper General District Courtroom, 135 West Cameron Street, 2nd Floor, Culpeper, Virginia

The State Water Control Board will hold a public hearing to receive comments on the proposed VPDES permit for South Wales Utility, Inc., Routes 229 and 211, Culpeper County the issuance or denial of the permit, and the effect of the proposed discharge on water quality or beneficial uses of state waters.

Contact: Doneva A. Dalton, State Water Control Board, 2111 N. Hamilton St., P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-6829

† **June 15, 1989 - 7 p.m. - Public Hearing**
Prince George County General District Court Room, 6600 Courthouse Road, Prince George, Virginia. ☒

The State Water Control Board will hold a public hearing to receive comments on the proposed issuance of Virginia Pollutant Discharge Elimination System (VPDES) Permit No. VA0080772 for Bogese, Incorporated, P.O. Box 410, Hopewell, Virginia 23860. The purpose of the hearing is to receive comments on the proposed issuance or denial of the permit, and the effect of the discharge on water quality or beneficial uses of state waters.

Contact: Doneva A. Dalton, State Water Control Board, 2111 N. Hamilton St., P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-6815

† **June 19, 1989 - 7 p.m. - Public Hearing**
Massey Building, 4100 Chain Bridge Road, Board of Supervisor's Meeting Room, A-Level, Fairfax, Virginia. ☒

The State Water Control Board will hold a public hearing to receive comments on the proposed issuance of Virginia Pollutant Discharge Elimination System

Calendar of Events

(VPDES) Permit No. VA0030163 for the District of Columbia Department of Corrections, District of Columbia Government, Post Office Box 25, Lorton, Virginia 22079. The purpose of the hearing is to receive comments on the proposed issuance or denial of the permit, and the effect of the discharge on water quality or beneficial uses of state water.

Contact: Doneva A. Dalton, State Water Control Board, 2111 N. Hamilton St., P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-6815

June 26, 1989 - 9 a.m. - Open Meeting

June 27, 1989 - 9 a.m. - Open Meeting

School Administration Building, 2512 George Mason Drive, Princess Anne Courthouse, Board Room 131, Virginia Beach, Virginia

Regular quarterly meeting.

Contact: Doneva A. Dalton, State Water Control Board, 2111 N. Hamilton St., P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-6829

COLLEGE OF WILLIAM AND MARY

Board of Visitors

June 23, 1989 - 8 a.m. - Open Meeting

College of William and Mary, Jamestown Road, Campus Center, Williamsburg, Virginia

A regularly scheduled meeting of the Board of Visitors of the College of William and Mary to act on those resolutions that are presented by the administration of William and Mary and Richard Bland College.

An informational release will be available four days prior to the board meeting for those individuals or organizations who request it.

Contact: Office of University Relations, James Blair Hall, College of William and Mary, Room 308, Williamsburg, VA 23185, telephone (804) 253-4226

WINCHESTER LOCAL EMERGENCY PLANNING COMMITTEE

† June 7, 1989 - 3 p.m. - Open Meeting

Old County Court House Conference Room, Court House Square, Winchester, Virginia. ☒

The committee will be reviewing plans for a table-top exercise of the Hazardous Materials Emergency Contingency Plan.

Contact: Kim Havenner, SARA Title-III Aid, 126 N. Cameron St., Winchester Fire Department Headquarters,

Winchester, VA 22601, telephone (703) 665-5695

LEGISLATIVE

JOINT SUBCOMMITTEE STUDYING DNA TEST DATA EXCHANGE

† June 6, 1989 - 10 a.m. - Open Meeting

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

Organizational meeting. SJR 127

Contact: Mary P. Devine, Staff Attorney, Division of Legislative Services, General Assembly Bldg., Capitol Square, Richmond, VA 23219, telephone (804) 786-3591 or John McE. Garrett, Senate Deputy Clerk, P.O. Box 396, Richmond, VA 23203, telephone (804) 786-4639

JOINT SUBCOMMITTEE STUDYING HEALTH CARE FOR ALL VIRGINIANS

Uninsured Subcommittee

† June 12, 1989 - 1 p.m. - Open Meeting

General Assembly Building, Capitol Square, 10th Floor Conference Room, Richmond, Virginia. ☒

A regular meeting. SJR 214, Cont'd.

Contact: Dick Hickman, General Assembly Building, Senate Finance Office, 10th Floor, Richmond, VA 23219, telephone (804) 786-1135 or John McE. Garrett, Senate Deputy Clerk, P.O. Box 396, Richmond, VA 23203, telephone (804) 786-4639

Long-Term Care Subcommittee

† June 9, 1989 - 2 p.m. - Open Meeting

General Assembly Building, House Appropriations Room, 9th Floor, Richmond, Virginia. ☒

A regular meeting. SJR 214, Cont'd.

Contact: Jane Kuziak, General Assembly Building, House Appropriations Office, Capitol Square, 9th Floor, Richmond, VA 23219, telephone (804) 786-1839 or John McE. Garrett, Senate Deputy Clerk, P.O. Box 396, Richmond, VA 23203, telephone (804) 786-4639

Calendar of Events

CHRONOLOGICAL LIST

OPEN MEETINGS

June 5

Commerce, Board of
Long-Term Care Coordinating Committee
Real Estate Board

June 6

† Accountancy, Board for
Commerce, Board of
† DNA Test Data Exchange, Joint Subcommittee
Studying
Hopewell Industrial Safety Council
† Marine Resources, Commission of

June 7

Children, Department for
- Consortium on Child Mental Health
Conservation and Development of Public Beaches,
Board on
† Optometry, Board of
† Higher Education for Virginia, State Council of
† Winchester Local Emergency Planning Committee

June 8

† Child Day-Care Council
† Fairfax County, the City of Fairfax and the Towns
of Herndon and Vienna Local Emergency Planning
Committee
† Fire Services Board, Virginia
- Fire Training/EMS Education Committee
Long-Term Care Coordinating Committee
Martinsville - Henry County Local Emergency Planning
Committee

June 9

Air Pollution Control Board, State
Children, Coordinating Committee for
Interdepartmental Licensure and Certification of
Residential Facilities for
Contractors, Board for
† Health Care For All Virginians, Joint Subcommittee
Studying
Long-Term Care Coordinating Committee
Long-Term Care Subcommittee
Medicine, Board of
- Ad Hoc Committee on Optometry
- Executive Committee
Professional Counselors, Board of

June 10

† Medicine, Board of
- Credentials Committee

June 12

Alcoholic Beverage Control Board
† Conservation and Historic Resources, Department of

- Lower James River Advisory Board

June 13

Education Assistance Authority, State
- Board of Directors
† Health Care for All Virginians, Joint Subcommittee
Studying
- Uninsured Subcommittee
† Montgomery/Town of Blacksburg Local Emergency
Planning Committee, County of
Nursing, Board of
- Special Conference Committee
† Virginia Resources Authority

June 14

† Corrections, Board of
† Mental Health, Mental Retardation and Substance
Abuse Services, Department of
- Interagency Coordinating Council, Virginia
Pharmacy, Board of
Social Services, Board of
Transportation, Department of
Veterinary Medicine, Board of

June 15

† Apprenticeship Council, Virginia
† Criminal Justice Services Board
- Criminal Justice Information Systems Committee
Emergency Response Council, Virginia; Hazardous
Materials Emergency Response Advisory Council, State
† Fire Services Board, Virginia
- Fire Prevention and Control Committee
- Legislative Committee
- Fire/EMS Training and Education Committee
† Forestry, Board of
Medicine, Board of
- Informal Conference Committee
† Old Dominion University
- Board of Visitors
Transportation Board, Commonwealth
Transportation, Department of
† Water Control Board, State

June 16

† Commercial Driver Education Schools, Board for
† Conservation and Historic Resources, Department of
- Catocin Creek Advisory Board
† Fire Services Board, Virginia
Medicine, Board of
- Advisory Board on Physical Therapy
† Social Work, Board of

June 18

Pharmacy, Board of

June 19

† Cosmetology, Board for
Long-Term Care Coordinating Committee
† Safety and Health Codes Board, Virginia
† Water Control Board, State

Calendar of Events

June 20

- † Auctioneers Board
- † Aviation Board, Virginia
- † Conservation and Historic Resources, Department of
 - State Review Board
 - Historic Landmarks Board
- Contractors, Board for
- Library Board
- † Housing Development Authority, Virginia
- Long-Term Care Coordinating Committee
- † Medicine, Board of
 - Informal Conference Committee
- Nursing, Board of

June 22

- † Chesapeake Bay Commission
- Commerce, Board of
- Funeral Directors and Embalmers, Board of
- † Vocational Education, Virginia Council on

June 23

- † Chesapeake Bay Commission
- † Family and Children's Trust Fund of Virginia
- † Liaison Committee, Joint Board
- Medicine, Board of
 - Legislative Committee
- Nursing, Board of
 - Special Conference Committee
- William and Mary, College of
 - Board of Visitors

June 26

- Alcoholic Beverage Control Board
- † Farmworkers Board, Governor's Migrant and Seasonal
 - Subcommittee on Informal Complaint Procedures
- Water Control Board, State

June 27

- Aging, Department for the
 - Long-Term Care Ombudsman Program Advisory Council
- Elections, State Board of
- † Health Services Cost Review Council, Virginia
- † Medicine, Board of
 - Informal Conference Committee
- † Visually Handicapped, Department for the
 - Interagency Coordinating Council on Delivery of Related Services to Handicapped Children
- Water Control Board, State

June 28

- † Lottery Board, State
- † Marine Products Board, Virginia
- † Board of Medicine
- Mental Health, Mental Retardation and Substance Abuse Services Board, State

June 29

- † Education, State Board of
- † Funeral Directors and Embalmers, Board of

- † Mental Health, Mental Retardation and Substance Abuse Services, Department of
 - Prevention and Promotion Advisory Council

June 30

- † Athletic Board,
- † Education, State Board of

July 3

- Waste Management, Department of

July 6

- † Chesterfield County, Local Emergency Planning Committee of
- † Longwood College
 - Board of Visitors

July 7

- † Longwood College
 - Board of Visitors
- Voluntary Formulary Board, Virginia

July 11

- Hopewell Industrial Safety Council

July 12

- † Conservation and Historic Resources, Department of
 - Goose Creek Advisory Board
- † Pharmacy, Board of

July 14

- Pork Industry Board, Virginia
- † Prison and Jail Overcrowding, Commission on

July 15

- † Visually Handicapped, Department for the
 - Advisory Committee on Services

July 19

- † Farmworkers Board, Governor's Migrant and Seasonal

July 20

- Medicine, Board of

July 21

- Medicine, Board of

July 22

- Medicine, Board of

July 23

- Medicine, Board of

July 25

- † † Visually Handicapped, Department for the
 - Interagency Coordinating Council on Delivery of Related Services to Handicapped Children

July 27

- † Education, State Board of

Calendar of Events

July 28

† Education, State Board of

August 1

Hopewell Industrial Safety Council

August 3

† Chesterfield County, Local Emergency Planning Committee of

August 22

† Visually Handicapped, Department for the
- Interagency Coordinating Council and Delivery of
Related Services to Handicapped Children

August 27

† Funeral Directors and Embalmers, Board of

August 28

† Funeral Directors and Embalmers, Board of

PUBLIC HEARINGS

June 5

Real Estate Board
Water Control Board, State

June 13

Social Services, Department of

June 15

† Fire Services Board, Virginia
† Water Control Board, State

June 19

Education, State Board of
† Water Control Board, State

June 22

Health, Department of

June 26

Water Control Board, State

July 7

Voluntary Formulary Board, Virginia

July 10

Social Services, Department of

July 12

† Pharmacy, Board of
Rehabilitative Services, Department of

August 15

Mental Health, Mental Retardation and Substance
Abuse Services, Department of