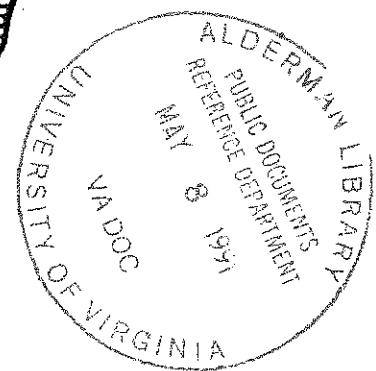


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THE VIRGINIA REGISTER

OF REGULATIONS

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May 6, 1991

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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.

CITATION TO THE VIRGINIA REGISTER

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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.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

Title of Regulation: VR 173-02-01. Chesapeake Bay Preservation Area Designation and Management Regulations.

Statutory Authority: §§ 10.1-2103 and 10.1-2107 of the Code of Virginia.

Public Hearing Date: June 20, 1991 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

These regulations are proposed by the Chesapeake Bay Local Assistance Board in accordance with provisions of §§ 10.1-2103 and 10.1-2107 of the Code of Virginia. The proposed regulations are divided into six parts dealing with (i) introductory matters, (ii) local government requirements, (iii) Chesapeake Bay Preservation Area criteria, (iv) land use and development performance criteria, (v) implementation, assistance, and determination of consistency, and (vi) enforcement.

Amendments are proposed to these regulations to clarify the definition of "public roads" and establish conditions which they must satisfy to cross preservation areas called Resource Protection Areas, establish a specific date of subdivision for exempting lots that cannot comply with buffer area and reserve septic system drainfield requirements, compress deadlines for adoption of local programs pursuant to the Act, and change the effective date in order to supersede emergency regulations (VR 173-02-01.1) which are currently in effect. The emergency regulations already incorporate the compression of local program adoption deadlines and the buffer and reserve drainfield effective date proposed.

VR 173-02-01. Chesapeake Bay Preservation Area Designation and Management Regulations.

PART I. INTRODUCTION.

§ 1.1. Application.

The board is charged with the development of regulations which establish criteria that will provide for the protection of water quality, and that also will accommodate economic development. All counties, cities, and towns in Tidewater Virginia shall comply with these

regulations. Other local governments not in Tidewater Virginia may use the criteria and conform their ordinances as provided in these regulations to protect the quality of state waters in accordance with § 10.1-2110 of the Code of Virginia.

§ 1.2. Authority for regulations.

These regulations are issued under the authority of §§ 10.1-2103 and 10.1-2107 of Chapter 21 of Title 10.1 of the Code of Virginia (the Chesapeake Bay Preservation Act, hereinafter "the Act").

§ 1.3. Purpose of regulations.

The purpose of these regulations is to protect and improve the water quality of the Chesapeake Bay, its tributaries, and other state waters by minimizing the effects of human activity upon these waters and implementing the Act, which provides for the definition and protection of certain lands called Chesapeake Bay Preservation Areas, which if improperly used or developed may result in substantial damage to the water quality of the Chesapeake Bay and its tributaries.

These regulations establish the criteria that counties, cities, and towns (hereinafter "local governments") shall use to determine the extent of the Chesapeake Bay Preservation Areas within their jurisdictions. These regulations establish criteria for use by local governments in granting, denying, or modifying requests to rezone, subdivide, or to use and develop land in Chesapeake Bay Preservation Areas. These regulations identify the requirements for changes which local governments shall incorporate into their comprehensive plans, zoning ordinances, and subdivision ordinances to protect the quality of state waters pursuant to §§ 10.1-2109 and 10.1-2111 of the Act.

§ 1.4. Definitions.

The following words and terms used in these regulations have the following meanings, unless the context clearly indicates otherwise. In addition, some terms not defined herein are defined in § 10.1-2101 of the Act.

"Act" means the Chesapeake Bay Preservation Act found in Chapter 21 (§ 10.1-2100 et seq.) of Title 10.1 of the Code of Virginia.

"Best management practice" means a practice, or combination of practices, that is determined by a state or designated area wide planning agency to be the most effective, practicable means of preventing or reducing the

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amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

"Board" means the Chesapeake Bay Local Assistance Board.

"Buffer area" means an area of natural or established vegetation managed to protect other components of a Resource Protection Area and state waters from significant degradation due to land disturbances.

"Chesapeake Bay Preservation Area" means any land designated by a local government pursuant to Part III of these regulations and § 10.1-2107 of the Act. A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area and a Resource Management Area.

"Department" means the Chesapeake Bay Local Assistance Department.

"Development" means the construction or substantial alteration of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures.

"Director" means the Executive Director of the Chesapeake Bay Local Assistance Department.

"Floodplain" means all lands that would be inundated by flood water as a result of a storm event of a 100-year return interval.

"Highly erodible soils" means soils (excluding vegetation) with an erodibility index (EI) from sheet and rill erosion equal to or greater than eight. The erodibility index for any soil is defined as the product of the formula $RKLS/T$, as defined by the "Food Security Act (F.S.A.) Manual" of August, 1988 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Soil Conservation Service, where K is the soil susceptibility to water erosion in the surface layer; R is the rainfall and runoff; LS is the combined effects of slope length and steepness; and T is the soil loss tolerance.

"Highly permeable soils" means soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches (permeability groups "rapid" and "very rapid") as found in the "National Soils Handbook" of July, 1983 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Soil Conservation Service.

"Impervious cover" means a surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to, roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.

"Infill" means utilization of vacant land in previously developed areas.

"Intensely Developed Areas" means those areas designated by the local government pursuant to § 3.4 of these regulations.

"Local governments" means counties, cities, and towns. These regulations apply to local governments in Tidewater Virginia, as defined in § 10.1-2101 of the Act, but the provisions of these regulations may be used by other local governments.

"Local program" means the measures by which a local government complies with the Act and regulations.

"Local program adoption date" means the date a local government meets the requirements of subsections A and B of § 2.2 of Part II.

"Nontidal wetlands" means those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to § 404 of the federal Clean Water Act, in 33 C.F.R. 328.3b, dated November 13, 1986.

"Plan of development" means any process for site plan review in local zoning and land development regulations designed to ensure compliance with § 10.1-2109 of the Act and these regulations, prior to issuance of a building permit.

"Public road" means a publicly-owned road designed and constructed in accordance with policies, procedures and criteria of the Virginia Department of Transportation, including regulations promulgated pursuant to (i) the Erosion and Sediment Control Law (§ 10.1-560 et seq. of the Code of Virginia) and (ii) The Virginia Stormwater Management Act (§ 10.1-603 et seq. of the Code of Virginia). This definition includes those roads where the Virginia Department of Transportation exercises direct supervision over the design or construction activities, or both.

"Redevelopment" means the process of developing land that is or has been previously developed.

"Resource Management Area" means that component of the Chesapeake Bay Preservation Area that is not classified as the Resource Protection Area.

"Resource Protection Area" means that component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.

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"Substantial alteration" means expansion or modification of a building or development which would result in a disturbance of land exceeding an area of 2,500 square feet in the Resource Management Area only.

"Tidal shore" or "shore" means land contiguous to a tidal body of water between the mean low water level and the mean high water level.

"Tidal wetlands" means vegetated and nonvegetated wetlands as defined in § 62.1-13.2 of the Code of Virginia.

"Tidewater Virginia" means those jurisdictions named in § 10.1-2101 of the Act.

"Tributary stream" means any perennial stream that is so depicted on the most recent U.S. Geological Survey 7-1/2 minute topographic quadrangle map (scale 1:24,000).

"Use" means an activity on the land other than development including, but not limited to, agriculture, horticulture, and silviculture.

"Water-dependent facility" means a development of land that cannot exist outside of the Resource Protection Area and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include, but are not limited to (i) ports; (ii) the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; (iii) marinas and other boat docking structures; (iv) beaches and other public water-oriented recreation areas, and (v) fisheries or other marine resources facilities.

PART II. LOCAL GOVERNMENT PROGRAMS.

§ 2.1. Local program development.

Local governments shall develop measures (hereinafter called "local programs") necessary to comply with the Act and regulations. Counties and towns are encouraged to cooperate in the development of their local programs. In conjunction with other state water quality programs, local programs shall encourage and promote: (i) protection of existing high quality state waters and restoration of all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them; (ii) safeguarding the clean waters of the Commonwealth from pollution; (iii) prevention of any increase in pollution; (iv) reduction of existing pollution; and (v) promotion of water resource conservation in order to provide for the health, safety and welfare of the present and future citizens of the Commonwealth.

§ 2.2. Elements of program.

Local programs shall contain the elements listed below. Local governments shall adopt elements A and B

concurrently and no later than 12 months after the adoption date of these regulations. Elements C through G shall also be in place within 24 12 months after the adoption date.

A. A map delineating Chesapeake Bay Preservation Areas.

B. Performance criteria applying in Chesapeake Bay Preservation Areas that employ the requirements in Part IV.

C. A comprehensive plan or revision that incorporates the protection of Chesapeake Bay Preservation Areas and of the quality of state waters.

D. A zoning ordinance or revision that (i) incorporates measures to protect the quality of state waters in Chesapeake Bay Preservation Areas, and (ii) requires compliance with all criteria set forth in Part IV.

E. A subdivision ordinance or revision that (i) incorporates measures to protect the quality of state waters in Chesapeake Bay Preservation Areas, and (ii) assures that all subdivisions in Chesapeake Bay Preservation Areas comply with the criteria set forth in Part IV.

F. An erosion and sediment control ordinance or revision that requires compliance with the criteria in Part IV.

G. A plan of development process prior to the issuance of a building permit to assure that use and development of land in Chesapeake Bay Preservation Areas is accomplished in a manner that protects the quality of state waters.

PART III. CHESAPEAKE BAY PRESERVATION AREA DESIGNATION CRITERIA.

§ 3.1. Purpose.

The criteria in this part provide direction for local government designation of the ecological and geographic extent of Chesapeake Bay Preservation Areas. Chesapeake Bay Preservation Areas are divided into Resource Protection Areas and Resource Management Areas that are subject to the criteria in Part IV and the requirements in Part V. In addition, the criteria in this part provide guidance for local government identification of areas suitable for redevelopment that are subject to the redevelopment criteria in Part IV.

§ 3.2. Resource Protection Areas.

A. Resource Protection Areas shall consist of sensitive lands at or near the shoreline that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may cause

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significant degradation to the quality of state waters. In their natural condition, these lands provide for the removal, reduction, or assimilation of sediments, nutrients, and potentially harmful or toxic substances in runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources.

B. The Resource Protection Area shall include:

1. Tidal wetlands;
2. Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or tributary streams;
3. Tidal shores;
4. Such other lands under the provisions of subsection A of § 3.2 of this part necessary to protect the quality of state waters;
5. A buffer area not less than 100 feet in width located adjacent to and landward of the components listed in subdivisions 1 through 4 above, and along both sides of any tributary stream. The full buffer area shall be designated as the landward component of the Resource Protection Area notwithstanding the presence of permitted uses or equivalent measures in compliance with Part IV of these regulations. Designation of this area shall not be subject to reduction unless based on reliable site-specific information as provided in subsection B of § 4.1, and subsections C and E of § 5.6 of these regulations.

§ 3.3. Resource Management Areas.

A. Resource Management Areas shall include land types that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area.

B. A Resource Management Area shall be provided contiguous to the entire inland boundary of the Resource Protection Area. The following land categories shall be considered for inclusion in the Resource Management Area:

1. Floodplains;
2. Highly erodible soils, including steep slopes;
3. Highly permeable soils;
4. Nontidal wetlands not included in the Resource Protection Area;
5. Such other lands under the provisions of subsection A of § 3.3 of this part necessary to protect the quality of state waters.

C. Resource Management Areas shall encompass a land area large enough to provide significant water quality protection through the employment of the criteria in Part IV and the requirements in Parts II and V.

§ 3.4. Intensely Developed Areas.

At their option, local governments may designate Intensely Developed Areas as an overlay of Chesapeake Bay Preservation Areas within their jurisdictions. For the purposes of these regulations, Intensely Developed Areas shall serve as redevelopment areas in which development is concentrated as of the local program adoption date. Areas so designated shall comply with the performance criteria for redevelopment in Part IV.

Local governments exercising this option shall examine the pattern of residential, commercial, industrial, and institutional development within Chesapeake Bay Preservation Areas. Areas of existing development and infill sites where little of the natural environment remains may be designated as Intensely Developed Areas provided at least one of the following conditions exist:

A. Development has severely altered the natural state of the area such that it has more than 50% impervious surface;

B. Public sewer and water is constructed and currently serves the area by the effective date. This condition does not include areas planned for public sewer and water;

C. Housing density is equal to or greater than four dwelling units per acre.

PART IV. LAND USE AND DEVELOPMENT PERFORMANCE CRITERIA.

§ 4.1. Purpose.

The purpose of this part is to achieve the goals of the Act and § 2.1 of these regulations by establishing criteria to implement the following objectives: prevent a net increase in nonpoint source pollution from new development, achieve a 10% reduction in nonpoint source pollution from redevelopment, and achieve a 40% reduction in nonpoint source pollution from agricultural and silvicultural uses.

In order to achieve these goals and objectives, these criteria establish performance standards to minimize erosion and sedimentation potential, reduce land application of nutrients and toxics, maximize rainwater infiltration, and ensure the long-term performance of the measures employed.

A. These criteria become mandatory upon the local program adoption date. They are supplemental to the various planning and zoning concepts employed by local governments in granting, denying, or modifying requests to

rezone, subdivide, or to use and develop land in Chesapeake Bay Preservation Areas.

B. Local governments may exercise judgment in determining site-specific boundaries of Chesapeake Bay Preservation Area components and in making determinations of the application of these regulations, based on more reliable or specific information gathered from actual field evaluations of the parcel, in accordance with plan of development requirements in Part V.

§ 4.2. General performance criteria.

It must be demonstrated to the satisfaction of local governments that any use, development, or redevelopment of land in Chesapeake Bay Preservation Areas meets the following performance criteria:

1. No more land shall be disturbed than is necessary to provide for the desired use or development;
2. Indigenous vegetation shall be preserved to the maximum extent possible consistent with the use and development allowed;
3. Where the best management practices utilized require regular or periodic maintenance in order to continue their functions, such maintenance shall be ensured by the local government through a maintenance agreement with the owner or developer or some other mechanism that achieves an equivalent objective;
4. All development exceeding 2,500 square feet of land disturbance shall be accomplished through a plan of development review process consistent with § 15.1-491 (h) of the Code of Virginia;
5. Land development shall minimize impervious cover consistent with the use or development allowed;
6. Any land disturbing activity that exceeds an area of 2,500 square feet (including construction of all single family houses, septic tanks and drainfields, but otherwise as defined in § 10.1-560 of the Code of Virginia) shall comply with the requirements of the local erosion and sediment control ordinance;
7. On-site sewage treatment systems not requiring a Virginia Pollutant Discharge Elimination System (VPDES) permit shall:
 - a. Have pump-out accomplished for all such systems at least once every five years;
 - b. For new construction, provide a reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site. This reserve sewage disposal site requirement shall not apply to any lot or parcel recorded prior to the effective date of these regulations, and which October 1, 1989,

if the lot or parcel is not sufficient in capacity to accommodate a reserve sewage disposal site, as determined by the local health department. Building shall be prohibited on the area of all sewage disposal sites until the structure is served by public sewer or an on-site sewage treatment system which operates under a permit issued by the State Water Control Board. All sewage disposal site records shall be administered to provide adequate notice and enforcement.

8. Stormwater management criteria which accomplish the goals and objectives of these regulations shall apply. For development, the post-development nonpoint source pollution runoff load shall not exceed the pre-development load based upon average land cover conditions. Redevelopment of any site not currently served by water quality best management practices shall achieve at least a 10% reduction of nonpoint source pollution in runoff compared to the existing runoff load from the site. Post-development runoff from any site to be redeveloped that is currently served by water quality best management practices shall not exceed the existing load of nonpoint source pollution in surface runoff.

a. The following stormwater management options shall be considered to comply with this subsection of these regulations:

(1) Incorporation on the site of best management practices that achieve the required control;

(2) Compliance with a locally adopted regional stormwater management program incorporating pro-rata share payments pursuant to the authority provided in § 15.1-466(j) of the Code of Virginia that results in achievement of equivalent water quality protection;

(3) Compliance with a state or locally implemented program of stormwater discharge permits pursuant to § 402(p) of the federal Clean Water Act, as set forth in 40 C.F.R. Parts 122, 123, 124, and 504, dated December 7, 1988;

(4) For a redevelopment site that is completely impervious as currently developed, restoring a minimum 20% of the site to vegetated open space.

b. Any maintenance, alteration, use, or improvement to an existing structure which does not degrade the quality of surface water discharge, as determined by the local government, may be exempted from the requirements of this subsection.

c. Stormwater management criteria for redevelopment shall apply to any redevelopment, whether or not it is located within an Intensely Developed Area designated by a local government.

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9. Land upon which agricultural activities are being conducted, including but not limited to crop production, pasture, and dairy and feedlot operations, shall have a soil and water quality conservation plan. Such a plan shall be based upon the Field Office Technical Guide of the U.S. Department of Agriculture Soil Conservation Service and accomplish water quality protection consistent with the Act and these regulations. Such a plan will be approved by the local Soil and Water Conservation District by January 1, 1995.

The board will request the Department of Conservation and Recreation to evaluate the existing state and federal agricultural conservation programs for effectiveness in providing water quality protection. In the event that, by July 1, 1991, the Department of Conservation and Recreation finds that the implementation of the existing agricultural conservation programs is inadequate to protect water quality consistent with the Act and these regulations, the board will consider the promulgation of regulations to provide more effective protection of water quality from agricultural activities and may require implementation of best management practices on agricultural lands within the Chesapeake Bay Preservation Areas.

10. Silvicultural activities in Chesapeake Bay Preservation Areas are exempt from these regulations provided that silvicultural operations adhere to water quality protection procedures prescribed by the Department of Forestry in its "Best Management Practices Handbook for Forestry Operations." The Department of Forestry will oversee and document installation of best management practices and will monitor instream impacts of forestry operations in Chesapeake Bay Preservation Areas. In the event that, by July 1, 1991, the Department of Forestry programs are unable to demonstrate equivalent protection of water quality consistent with the Act and these regulations, the Department of Forestry will revise its programs to assure consistency of results and may require implementation of best management practices.

11. Local governments shall require evidence of all wetlands permits required by law prior to authorizing grading or other on-site activities to begin.

§ 4.3. Performance criteria for Resource Protection Areas.

The following criteria shall apply specifically within Resource Protection Areas and supplement the general performance criteria in § 4.2 of this part.

A. Allowable development.

A water quality impact assessment shall be required for any proposed development in accordance with Part V. Land development may be allowed only if it (i) is water dependent or (ii) constitutes redevelopment.

1. A new or expanded water-dependent facility may be allowed provided that:

- a. It does not conflict with the comprehensive plan;
- b. It complies with the performance criteria set forth in this part;
- c. Any non-water-dependent component is located outside of Resource Protection Areas;
- d. Access will be provided with the minimum disturbance necessary. Where possible, a single point of access will be provided.

2. Redevelopment shall conform to applicable stormwater management and erosion and sediment control criteria in this part.

3. Road and driveways not exempt under subdivision 1 of subsection B of § 4.5 of these regulations may be constructed in or across resource protection areas if each of the following conditions is met:

- a. The local government makes a finding that there are no reasonable alternatives to aligning the road or driveway in or across the Resource Protection Area.
- b. The alignment and design of the road or driveway are optimized, consistent with other applicable requirements, to minimize (i) encroachment in the Resource Protection Area and (ii) adverse effects on water quality.
- c. The design and construction of the road or driveway satisfy all applicable criteria of these regulations, including submission of a water quality impact assessment.
- d. The local government reviews the plan for the road or driveway proposed in or across the Resource Protection Area in coordination with local government site plan, subdivision, and plan of development approvals.

B. Buffer area requirements.

To minimize the adverse effects of human activities on the other components of the Resource Protection Area, state waters, and aquatic life, a 100 foot buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained if present and established where it does not exist. The 100 foot buffer area shall be deemed to achieve a 75% reduction of sediments and a 40% reduction of nutrients. Except as noted in this subsection, a combination of a buffer area not less than 50 feet in width and appropriate best management practices located landward of the buffer area which collectively achieve water quality protection, pollutant removal, and water

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resource conservation at least the equivalent of the 100 foot buffer area may be employed in lieu of the 100 foot buffer. The following additional performance criteria shall apply:

1. In order to maintain the functional value of the buffer area, indigenous vegetation may be removed only to provide for reasonable sight lines, access paths, general woodlot management, and best management practices, as follows:

a. Trees may be pruned or removed as necessary to provide for sight lines and vistas, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff.

b. Any path shall be constructed and surfaced so as to effectively control erosion.

c. Dead, diseased, or dying trees or shrubbery may be removed at the discretion of the landowner, and silvicultural thinning may be conducted based upon the recommendation of a professional forester or arborist.

d. For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements.

2. When the application of the buffer area would result in the loss of a buildable area on a lot or parcel recorded prior to the effective date of these regulations October 1, 1989, modifications to the width of the buffer area may be allowed in accordance with the following criteria:

a. Modifications to the buffer area shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities.

b. Where possible, an area equal to the area encroaching the buffer area shall be established elsewhere on the lot or parcel in a way to maximize water quality protection.

c. In no case shall the reduced portion of the buffer area be less than 50 feet in width.

3. Redevelopment within Intensely Developed Areas may be exempt from the requirements of this subsection. However, while the immediate establishment of the buffer area may be impractical, local governments shall give consideration to implementing measures that would establish the buffer

in these areas over time in order to maximize water quality protection, pollutant removal, and water resource conservation.

4. On agricultural lands the agricultural buffer area shall be managed to prevent concentrated flows of surface water from breaching the buffer area and noxious weeds (such as Johnson grass, kudzu, and multiflora rose) from invading the buffer area. The agricultural buffer area may be reduced as follows:

a. To a minimum width of 50 feet when the adjacent land is enrolled in a federal, state, or locally-funded agricultural best management practices program, and the program is being implemented, provided that the combination of the reduced buffer area and the best management practices achieve water quality protection, pollutant removal, and water resource conservation at least the equivalent of the 100 foot buffer area;

b. To a minimum width of 25 feet when a soil and water quality conservation plan, as approved by the local Soil and Water Conservation District, has been implemented on the adjacent land, provided that the portion of the plan being implemented for the Chesapeake Bay Preservation Area achieves water quality protection at least the equivalent of that provided by the 100 foot buffer area in the opinion of the local Soil and Water Conservation District Board. Such plan shall be based upon the Field Office Technical Guide of the U.S. Department of Agriculture Soil Conservation Service and accomplish water quality protection consistent with the Act and these regulations;

c. The buffer area is not required for agricultural drainage ditches if the adjacent agricultural land has in place best management practices in accordance with a conservation plan approved by the local Soil and Water Conservation District.

§ 4.4. Local program development.

Local governments shall incorporate the criteria in this part into their comprehensive plans, zoning ordinances, subdivision ordinances, and such other police and zoning powers as may be appropriate, in accordance with §§ 10.1-2111 and 10.1-2108 of the Act and Part V of these regulations. The criteria may be employed in conjunction with other planning and zoning concepts to protect the quality of state waters.

§ 4.5. Administrative waivers and exemptions.

A. Nonconforming use and development waivers.

1. Local governments may permit the continued use, but not necessarily the expansion, of any structure in existence on the date of local program adoption. Local governments may establish an administrative review

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procedure to waive or modify the criteria of this part for structures on legal nonconforming lots or parcels provided that:

- a. There will be no net increase in nonpoint source pollutant load;
- b. Any development or land disturbance exceeding an area of 2,500 square feet complies with all erosion and sediment control requirements of this part.

2. It is not the intent of these regulations to prevent the reconstruction of pre-existing structures within Chesapeake Bay Preservation Areas from occurring as a result of casualty loss unless otherwise restricted by local government ordinances.

B. Public utilities, railroads, and facilities exemptions.

1. Construction, installation, operation, and maintenance of electric, gas, and telephone transmission lines, railroads, and public roads and their appurtenant structures in accordance with the regulations promulgated pursuant to (i) Erosion and Sediment Control Law (§ 10.1-560 et seq. of the Code of Virginia) and (ii) the Stormwater Management Act (§ 10.1-603.1 et seq. of the Code of Virginia), or an erosion and sediment control plan and a stormwater management plan approved by the Virginia Soil and Water Conservation Board Department of Conservation and Recreation, will be deemed to constitute compliance with these regulations. The exemption of public roads is further conditioned on the following:

a. Optimization of the road alignment and design, consistent with other applicable requirements, to prevent or otherwise minimize (i) encroachment in the Resource Protection Area and (ii) adverse effects on water quality;

b. Local governments may choose to exempt (i) all public roads as defined in § 1.4. of these regulations, or (ii) only those public roads constructed by the Virginia Department of Transportation.

2. Construction, installation, and maintenance of water, sewer, and local gas lines shall be exempt from the criteria in this part provided that:

a. To the degree possible, the location of such utilities and facilities should be outside Resource Protection Areas;

b. No more land shall be disturbed than is necessary to provide for the desired utility installation;

c. All such construction, installation, and maintenance of such utilities and facilities shall be

in compliance with all applicable state and federal permits and designed and conducted in a manner that protects water quality;

d. Any land disturbance exceeding an area of 2,500 square feet complies with all erosion and sediment control requirements of this part.

C. Exemptions in Resource Protection Areas.

The following land disturbances in Resource Protection Areas may be exempt from the criteria of this part provided that they comply with subdivisions 1 and 2 below of this subsection: (i) water wells; (ii) passive recreation facilities such as boardwalks, trails, and pathways; and (iii) historic preservation and archaeological activities.

1. Local governments shall establish administrative procedures to review such exemptions.

2. Any land disturbance exceeding an area of 2,500 square feet shall comply with the erosion and sediment control requirements of this part.

§ 4.6. Exceptions to the criteria.

Exceptions to the requirements of these regulations may be granted, provided that: (i) exceptions to the criteria shall be the minimum necessary to afford relief, and (ii) reasonable and appropriate conditions upon any exception granted shall be imposed as necessary so that the purpose and intent of the Act is preserved. Local governments shall design an appropriate process or processes for the administration of exceptions, in accordance with Part V.

PART V. IMPLEMENTATION, ASSISTANCE, AND DETERMINATION OF CONSISTENCY.

§ 5.1. Purpose.

The purpose of this part is to assist local governments in the timely preparation of local programs to implement the Act, and to establish guidelines for determining local program consistency with the Act.

§ 5.2. Local assistance manual.

A. The department will prepare a manual to provide guidance to assist local governments in the preparation of local programs in order to implement the Act and these regulations. The manual will be updated periodically to reflect the most current planning and zoning techniques and effective best management practices. The manual will be made available to the public.

B. The manual will recommend a schedule for the completion of local program elements and their submission to the board for its information, to ensure timely achievement of the requirements of the Act and timely receipt of assistance. The board will consider compliance

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with the schedule in allocating financial and technical assistance. Those elements of the manual necessary to assist local governments in meeting the first year requirements of subsections A and B of § 2.2 will be completed by the effective date of these regulations.

C. The manual is for the purpose of guidance only and is not mandatory.

§ 5.3. Board to establish liaison.

The board will establish liaison with each local government to assist that local government in developing and implementing its local program, in obtaining technical and financial assistance, and in complying with the Act and regulations.

§ 5.4. Planning district comments.

Local governments are encouraged to enlist the assistance and comments of regional planning district agencies early in the development of their local programs.

§ 5.5. Designation of Chesapeake Bay Preservation Areas.

A. The designation of Chesapeake Bay Preservation Areas as an element of the local program should:

1. Utilizing existing data and mapping resources, identify and describe tidal wetlands, nontidal wetlands, tidal shores, tributary streams, flood plains, highly erodible soils including steep slopes, highly permeable areas, and other sensitive environmental resources as necessary to comply with Part III.
2. Determine, based upon the identification and description, the extent of Chesapeake Bay Preservation Areas within the local jurisdiction.
3. Prepare an appropriate map or maps delineating Chesapeake Bay Preservation Areas.
4. Prepare amendments to local ordinances which incorporate the performance criteria of Part IV or the model ordinance prepared by the board.

B. Review by the board.

The board will review a proposed program within 60 days. If it is consistent with the Act, the board will schedule a conference with the local government to determine what additional technical and financial assistance may be needed and available to accomplish the proposed program. If not consistent, the board will notify the local government and recommend specific changes.

C. Adoption of first year program designation and performance criteria .

After being advised of program consistency, local governments shall hold a public hearing, delineate

Chesapeake Bay Preservation Areas on an appropriate map or maps, and adopt the performance criteria. Copies of the adopted program documents and subsequent changes thereto, shall be provided to the board.

§ 5.6. Preparation and submission of management program.

Local governments must adopt the full management program, including any revisions to comprehensive plans, zoning ordinances, subdivision ordinances, and other local authorities necessary to implement the Act, within 24 12 months of the adoption date of these regulations. Prior to adoption, local governments may submit any proposed revisions to the board for comments. Guidelines are provided below for local government use in preparing local programs and the board's use in determining local program consistency.

A. Comprehensive plans.

Local governments shall review and revise their comprehensive plans, as necessary, for compliance with § 10.1-2109 of the Act. As a minimum, the comprehensive plan or plan component should consist of the following basic elements: (i) a summary of data collection and analysis; (ii) a policy discussion; (iii) a land use plan map; (iv) implementing measures, including specific objectives and a time frame for accomplishment.

1. Local governments should establish an information base from which to make policy choices about future land use and development that will protect the quality of state waters. This element of the plan should be based upon the following:

- a. Information used to designate Chesapeake Bay Preservation Areas;
- b. Other marine resources;
- c. Shoreline erosion problems and location of erosion control structures;
- d. Conflicts between existing and proposed land uses and water quality protection;
- e. A map or map series, accurately representing the above information.

2. As part of the comprehensive plan, local governments should clearly indicate local policy on land use issues relative to water quality protection. Local governments should ensure consistency among the policies developed.

a. Local governments should discuss each component of Chesapeake Bay Preservation Areas in relation to the types of land uses considered appropriate and consistent with the goals and objectives of the Act, these regulations, and their local programs.

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b. As a minimum, local governments should prepare policy statements for inclusion in the plan on the following issues:

- (1) Physical constraints to development, including soil limitations, with an explicit discussion of soil suitability for septic tank use;
- (2) Protection of potable water supply, including groundwater resources;
- (3) Relationship of land use to commercial and recreational fisheries;
- (4) Appropriate density for docks and piers;
- (5) Public and private access to waterfront areas and effect on water quality;
- (6) Existing pollution sources;
- (7) Potential water quality improvement through the redevelopment of intensely developed areas.

c. For each of the policy issues listed above, the plan should contain a discussion of the scope and importance of the issue, alternative policies considered, the policy adopted by the local government for that issue, and a description of how the local policy will be implemented.

d. Within the policy discussion, local governments should address consistency between the plan and all adopted land use, public services, land use value taxation ordinances and policies, and capital improvement plans and budgets.

B. Zoning ordinances.

Local governments shall review and revise their zoning ordinances, as necessary, to comply with § 10.1-2109 of the Act. The ordinances should:

1. Make provisions for the protection of the quality of state waters;
2. Incorporate either explicitly or by direct reference, the performance criteria in Part IV;
3. Be consistent with the comprehensive plan within Chesapeake Bay Preservation Areas.

C. Plan of development review.

Local governments shall make provisions as necessary to ensure that any development of land within Chesapeake Bay Preservation Areas must be accomplished through a plan of development procedure pursuant to § 15.1-491(h) of the Code of Virginia to ensure compliance with the Act and regulations. Any exemptions from those review requirements shall be established and administered in a

manner that ensures compliance with these regulations.

D. Subdivision ordinances.

Local governments shall review and revise their subdivision ordinances, as necessary, to comply with § 10.1-2109 of the Act. The ordinances should:

1. Include language to ensure the integrity of Chesapeake Bay Preservation Areas;
2. Incorporate, either explicitly or by direct reference, the performance criteria of Part IV.

E. Water quality impact assessment.

A water quality impact assessment shall be required for any proposed development within the Resource Protection Area consistent with Part IV and for any other development in Chesapeake Bay Preservation Areas that may warrant such assessment because of the unique characteristics of the site or intensity of the proposed use or development.

1. The purpose of the water quality impact assessment is to identify the impacts of proposed development on water quality and lands in Resource Protection Areas consistent with the goals and objectives of the Act, these regulations, and their local programs, and to determine specific measures for mitigation of those impacts. The specific content and procedures for the water quality impact assessment shall be established by local governments. Local governments should notify the board of all development requiring such assessment. Upon request, the board will provide review and comment on any water quality impact assessment within 90 days, in accordance with advisory state review requirements of § 10.1-2112 of the Act.
2. The assessment shall be of sufficient specificity to demonstrate compliance with the criteria of the local program.

F. Review by the board.

The board will review any proposed management program within 90 days. If it is consistent with the Act, the board will schedule a conference with the local government to determine what additional technical and financial assistance may be needed and available to accomplish the long-term aspects of the local program. If the program or any part thereof is not consistent, the board will notify the local government in writing stating the reasons for a determination of inconsistency and recommending specific changes. Copies of the adopted program documents and subsequent changes thereto shall be provided to the board.

§ 5.7. Certification of local program.

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Upon request, the board will certify that a local program complies with the Act and regulations.

PART VI. ENFORCEMENT.

§ 6.1. Applicability.

The Act requires that the board ensure that local governments comply with the Act and regulations and that their comprehensive plans, zoning ordinances, and subdivision ordinances are in accordance with the Act. To satisfy these requirements, the board has adopted these regulations and will monitor each local government's compliance with the Act and regulations.

§ 6.2. Administrative proceedings.

Section 10.1-2103.8 of the Act provides that the board shall ensure that local government comprehensive plans, subdivision ordinances, and zoning ordinances are in accordance with the provisions of the Act, and that it shall determine such compliance in accordance with the provisions of the Administrative Process Act. When the board determines to decide such compliance, it will give the subject local government at least 15 days notice of its right to appear before the board at a time and place specified for the presentation of factual data, argument, and proof as provided by § 9-6.14:11. The board will provide a copy of its decision to the local government. If any deficiencies are found, the board will establish a schedule for the local government to come into compliance.

§ 6.3. Legal proceedings.

Section 10.1-2103.10 of the Act provides that the board shall take administrative and legal actions to ensure compliance by local governments with the provisions of the Act. Before taking legal action against a local government to ensure compliance, the board shall, unless it finds extraordinary circumstances, give the local government at least 15 days notice of the time and place at which it will decide whether or not to take legal action. If it finds extraordinary circumstances, the board may proceed directly to request the Attorney General to enforce compliance with the Act and regulations. Administrative actions will be taken pursuant to § 6.2.

§ 6.4. Adoption date.

The adoption date of these regulations shall be November 15, 1990.

§ 6.5. Effective date.

The effective date of these regulations shall be the date of expiration of Emergency Chesapeake Bay Preservation Area Designation and Management Regulations (VR 173-02-01.1, effective when signed and filed with the Virginia Registrar of Regulations) October 1, 1991, at

which date they shall supersede the Emergency Chesapeake Bay Preservation Area Designation and Management Regulations (VR 173-02-01.1).

DEPARTMENT OF GAME AND INLAND FISHERIES (BOARD OF)

NOTICE: The Board of Game and Inland Fisheries is exempted from the Administrative Process Act (§ 9-6.14:4 of the Code of Virginia); however, it is required by § 9-6.14:22 to publish all proposed and final regulations.

Title of Regulation:

VR 325-01. Definitions and Miscellaneous.

VR 325-01-1. In General.

VR 325-02. Game.

VR 325-02-1. In General.

VR 325-02-2. Bear.

VR 325-02-3. Beaver.

VR 325-02-6. Deer.

VR 325-02-9. Grouse.

VR 325-02-14. Opossum.

VR 325-02-18. Rabbit and Hares.

VR 325-02-19. Raccoon.

VR 325-02-21. Squirrel.

VR 325-02-22. Turkey.

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

Statutory Authority: §§ 29.1-501 and 29.1-502 of the Code of Virginia.

Proposed Effective Date: July 1, 1991.

Summary:

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

VR 325-01. DEFINITIONS AND MISCELLANEOUS.

VR 325-01-1. IN GENERAL.

§ 2. Same; "Counties east of the Blue Ridge Mountains."

Whenever the words "counties east of the Blue Ridge Mountains," or language equivalent thereto, appear in a regulation of the board, such words shall apply to the following counties and cities:

Accomack, Albemarle, Amelia, Amherst, Appomattox, Arlington, Bedford, Brunswick, Buckingham, Campbell, Caroline, Charles City, Charlotte, Chesapeake City, Chesterfield, Culpeper, Cumberland, Dinwiddie, Essex, Fairfax, Fauquier, Fluvanna, Franklin, Gloucester, Goochland, Greene, Greensville, Halifax, Hampton City, Hanover, Henrico, Henry, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Loudoun, Louisa, Lunenburg, Madison, Mathews, Mecklenburg, Middlesex, Nansemond, Nelson, New Kent, Newport News City, Northampton, Northumberland,

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Nottoway, Orange, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince George, Prince William, Rappahannock, Richmond, Southampton, Spotsylvania, Stafford, *Suffolk City*, Surry, Sussex, Virginia Beach City, Westmoreland, and York.

VR 325-02. GAME. VR 325-02-1. IN GENERAL.

§ 3. Recorded wild animal or wild bird calls or sounds prohibited in taking game; coyotes and crows excepted.

It shall be unlawful to take or attempt to take wild animals and wild birds, with the exception of coyotes and crows, by the use or aid of recorded animal or bird calls or sounds or recorded or electrically amplified imitation of animal or bird calls or sounds; provided, that the use of electronic calls *may be used on private lands for hunting coyotes requires with the written permission of the landowner ; and further provided, that the authority granted by this section for use of electronic calls for the taking of coyotes will expire on June 30, 1991 .*

§ 6. Hunting with dogs or possession of weapons in certain locations during closed season.

A. National forests and department lands.

It shall be unlawful to hunt with dogs or a gun or to have in possession a strung bow, or a gun which is not unloaded and cased or dismantled, in the national forests and on department-owned lands and on lands managed by the department under cooperative agreement except during the period when it is lawful to hunt bear, deer, grouse, pheasant, quail, rabbit, raccoon, squirrel, turkey, waterfowl, in all counties west of the Blue Ridge Mountains and, in addition, migratory game birds in all counties east of the Blue Ridge Mountains. The provisions of this section shall not prohibit the conduct of any activities authorized by the board or the establishment and operation of archery and shooting ranges on the above-mentioned lands. The use of firearms and bows in such ranges during the closed season period will be restricted to the area within established range boundaries. Such weapons shall be required to be unloaded and cased or dismantled in all areas other than the range boundaries. The use of firearms or bows during the closed hunting period in such ranges will be restricted to target practice only and no birds or animals shall be molested.

B. Certain counties.

¶ *Except as otherwise provided in VR 325-02-1, § 6-1, it shall be unlawful to have either a shotgun or a rifle in one's possession when accompanied by a dog in the daytime in the fields, forests or waters of the counties of Augusta, Clarke, Frederick, Page, Shenandoah and Warren, and in the counties east of the Blue Ridge Mountains, except Patrick, at any time except the periods prescribed by law to hunt game birds and animals.*

C. Meaning of "possession" of bow or firearm.

For the purpose of this section the word "possession" shall include having any bow or firearm in one's car or conveyance.

§ 6-1. Open dog training season.

It shall be unlawful to train dogs during daylight hours on rabbits and nonmigratory game birds on private lands, Fort A.P. Hill and Fort Pickett. Participants in this dog training season shall not have any weapons other than starter pistols in their possession, must comply with all regulations and laws pertaining to hunting and no game shall be taken; provided, that dogs may be trained on captive waterfowl and pigeons that are immediately shot or recovered.

§ 21. Use of deadfalls prohibited; restricted use of snares.

It shall be unlawful to trap, or attempt to trap, on land any wild bird or wild animal with any deadfall or snare; provided, that ~~nonlocking~~ snares with loops no more than 12 inches in diameter and with the top of the snare loop set not to exceed 12 inches above ground level may be used with the written permission of the landowner.

VR 325-02-2. BEAR.

§ 3. Continuous closed season in certain counties and cities.

It shall be unlawful to hunt bear at any time in the counties of Accomack, Amelia, Appomattox, Brunswick, Buchanan, Buckingham, Campbell, Caroline, Carroll, Charles City, Charlotte, Chesterfield, Clarke, ~~Culpeper~~, Cumberland, Dickenson, Dinwiddie, Essex, Fairfax, Fauquier, Floyd, Fluvanna, Franklin, Frederick, Gloucester, Goochland, Grayson, Greenville, Halifax, Hanover, Henrico, Henry, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Lee, Loudoun, Louisa, Lunenburg, Mathews, Mecklenburg, Middlesex, Montgomery (South of U.S. Route I-81), New Kent, Northampton, Northumberland, Nottoway, Orange, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince George, Prince William, Pulaski (South of U.S. Route I-81), Richmond, Roanoke (South of U.S. Route I-81), Russell (North and West of U.S. Route 19), Scott, Smyth (South of U.S. Route I-81), Southampton, Spotsylvania, Stafford, Surry, Sussex, Tazewell (North of U.S. Route 19), Washington (South of U.S. Route I-81 and West of U.S. Route 19, Westmoreland, Wise, Wythe (South of U.S. Route I-81) and York; and in the Cities of Hampton, Newport News, Norfolk and Virginia Beach.

§ 8. Tagging bear and obtaining official game tag; By licensee.

A. Detaching game tag from license.

It shall be unlawful for any person to detach the game

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tag from any license to hunt bear prior to the killing of a bear and tagging same. Any detached tag shall be subject to confiscation by any representative of the department.

B. Immediate tagging of carcass.

Any person killing a bear shall, before removing the carcass from the place of kill, detach from his special license for hunting bear the appropriate tag and shall attach such tag to the carcass of his kill.

C. Presentation of tagged carcass for checking; obtaining official game tag.

Upon killing a bear and tagging same, as provided above, the licensee shall, ~~without unnecessary delay on the date of kill~~, present the tagged carcass of his kill to an authorized bear checking station or to an appropriate representative of the department in the county or adjoining county in which the bear was killed. *Upon presentation of the tagged carcass to the bear checking station, the licensee shall surrender or allow to be removed one premolar tooth from the carcass.* At such time, the tag previously attached to the carcass shall be exchanged for an official game tag, which shall be furnished by the department, and securely attached to the carcass. *Upon checking, a seal furnished by the department shall be permanently affixed to the carcass by the checking station operator.*

D. Destruction of *identity* of bear prior to tagging; forfeiture of untagged bear.

It shall be unlawful for any person to destroy the *identity (sex)* of any bear killed unless and until tagged and checked as required by this section. Any bear not tagged as required by this section found in the possession of any person shall be forfeited to the Commonwealth to be disposed of as provided by law.

§ 9. Same—By person exempt from license requirement.

Upon killing a bear, any person exempt from license requirement as prescribed in § 29.1-301 of the Code of Virginia, or issued a complimentary license as prescribed in § 29.1-339, or the holder of a permanent license issued pursuant to § 29.1-301 E, shall ~~without unnecessary delay on the day of kill~~, present the carcass of his kill to an authorized bear checking station or to any appropriate representative of the department in the county or adjoining county in which the bear was killed. *Upon presentation of the tagged carcass to the bear checking station, the licensee shall surrender or allow to be removed one premolar tooth from the carcass.* At such time, the person shall be given an official game tag furnished by the department, which tag shall be securely attached to the carcass. *Upon checking, a seal furnished by the department shall be permanently affixed to the carcass by the checking station operator.*

VR 325-02-3. BEAVER.

§ 4. Where setting of certain traps prohibited.

Rescind this section in its entirety.

VR 325-02-6. DEER.

§ 2. Open season; Counties west of Blue Ridge Mountains and certain counties or parts thereof east of Blue Ridge Mountains.

It shall be lawful to hunt deer on the third Monday in November and for 11 consecutive hunting days following in the counties west of the Blue Ridge Mountains (except on the Radford Army Ammunition Plant in Pulaski County), and in the counties of Amherst (west of U.S. Route 29), Bedford, Campbell (west of Norfolk Southern Railroad), Franklin, Henry, Nelson (west of Route 151), Patrick and Pittsylvania (west of Norfolk Southern Railroad); and on the Chester F. Phelps and G. Richard Thompson Wildlife Management Area Areas .

§ 4. Bow and arrow hunting.

A. Season generally.

It shall be lawful to hunt deer with bow and arrow from the second Saturday in October through the Saturday prior to the ~~second~~ third Monday in November, both dates inclusive, except where there is a closed general hunting season on deer.

B. Additional season west of Blue Ridge Mountains and certain counties east of Blue Ridge Mountains.

In addition to the season provided in subsection A of this section, it shall be lawful to hunt deer with bow and arrow in all counties west of the Blue Ridge Mountains and in the counties of Amherst (west of U.S. Route 29), Bedford, Campbell (west of Norfolk Southern Railroad), Franklin, Henry, Nelson (west of Route 151), Patrick and Pittsylvania (west of Norfolk Southern Railroad) from the Monday following the close of the regular firearms season on deer west of the Blue Ridge Mountains *and from December 1 in the Cities of Chesapeake, Suffolk (east of the Dismal Swamp line) and Virginia Beach* through the first Saturday in January, ~~both~~ all dates inclusive.

C. Bag limit.

Notwithstanding other provisions of this regulation, it shall be lawful to take deer of either sex during the archery season provided for in subsections A and B of this section; provided, that the taking of such deer is within the total daily and seasonal bag limits provided for deer; provided further, that no more than two deer of either sex one deer of either sex may be taken under the provisions of the special archery license, which shall be in addition to the seasonal bag limits provided for deer. The bag limit shall be two a day, two a license year, one of which must be an antlerless deer; either sex full season during the special archery seasons as provided in subsections A and

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B of this section. Deer tags issued with the special archery license shall be valid only during the special archery seasons. Tags from the bear-deer-turkey license shall be valid for use during the special archery seasons provided that the taking of such deer is within the total daily and seasonal bag limits provided for deer. Bonus deer permits shall be valid for use during special archery seasons in all counties east of the Blue Ridge Mountains and in the counties of Botetourt, Clarke, Frederick and Warren.

D. Carrying firearms prohibited.

It shall be unlawful to carry firearms while hunting with bow and arrow.

E. Requirements for bow and arrow.

Arrows used for hunting big game must have a minimum width head of 7/8 of an inch and the bow used for such hunting must be capable of casting a broadhead arrow a minimum of 125 yards.

F. Use of dogs prohibited during bow season.

It shall be unlawful to use dogs when hunting with bow and arrow from the second Saturday in October through the Saturday prior to the second Monday in November, both dates inclusive.

§ 5. Muzzle-loading gun hunting.

A. Season generally.

Except as otherwise specifically provided by the sections appearing in this regulation, it shall be lawful to hunt deer with primitive weapons (muzzle-loading guns) from the second Monday in November and for five consecutive hunting days following in all counties where hunting with a rifle or muzzle-loading gun is permitted, except in the cities of Chesapeake, Suffolk (east of the Dismal Swamp Line) and Virginia Beach and in the counties of Lee, Russell, Scott, Tazewell, Washington and Wise.

B. Additional season west of Blue Ridge and in certain counties east of Blue Ridge.

It shall be lawful to hunt deer with primitive weapons (muzzle-loading guns) from the third Monday in December through the first Saturday in January, both dates inclusive, in all counties west of the Blue Ridge Mountains, and east of the Blue Ridge Mountains in the counties of Amherst (west of U.S. Route 29), Bedford, Campbell (west of Norfolk Southern Railroad), Franklin, Henry, Nelson (west of Route 151), Patrick and Pittsylvania (west of Norfolk Southern Railroad).

C. Bag limits; limitations on deer tags.

Only deer with antlers visible above the hair may be taken with a muzzle-loading gun during the special

muzzle-loading seasons; except, that deer of either sex may be taken on the last six days of the special muzzle-loading season in those counties permitting either sex deer hunting during the general firearms deer season west of the Blue Ridge Mountains and in the counties or portions of counties east of the Blue Ridge Mountains listed in subsection B of this regulation. Deer tags issued with the special muzzle-loading gun license shall be valid only during any special muzzle-loading season. No more than one deer may be taken under the provisions of the special muzzle-loading gun license, which shall be in addition to the seasonal bag limits provided for deer, except in the counties of Lee, Russell, Scott, Tazewell, Washington and Wise, in which counties the seasonal bag limit is one deer per license year. Deer tags from the bear-deer-turkey license shall not be valid for use during the early segment of the special muzzle-loader season. The bag limit shall be one a day, one a license year, during the special muzzle-loader season as provided in subsections A and B of this section. Antlerless deer may only be taken during the last six days of the special muzzle-loader season in those counties permitting either sex hunting during the general firearms season west of the Blue Ridge Mountains and in the counties or portions of counties east of the Blue Ridge Mountains listed in subsection B of this section. It shall be lawful to hunt deer of either sex on the last day only in the counties of Lee, Scott, Tazewell and Washington and there shall be no either sex deer hunting days in the counties of Dickenson, Russell and Wise. Deer tags issued with the special muzzle-loader gun license shall be valid only during the special muzzle-loader seasons. Deer tags from the bear-deer-turkey license shall be valid for use only during the late special muzzle-loader seasons. Bonus deer permits shall be valid for use during special muzzle-loader seasons in all counties east of the Blue Ridge Mountains and in the counties of Botetourt, Clarke, Frederick and Warren.

D. Use of dogs prohibited.

It shall be unlawful to hunt deer with dogs during any special season for hunting with muzzle-loading guns.

E. Muzzle-loading gun defined.

A muzzle-loading gun, for the purpose of this regulation, means a single shot flintlock or percussion weapon, excluding muzzle-loading pistols, 45 caliber or larger, firing a single lead projectile of the same caliber loaded from the muzzle of the weapon and propelled by at least 50 grains of black powder (or black powder equivalent). If telescopic sights are used, such weapon shall not be deemed to be a muzzle-loading gun during the special muzzle-loading season. Open or peep sights only (iron sights) are permitted during special muzzle-loading seasons.

F. Unlawful to have other firearms in possession.

It shall be unlawful to have in immediate possession any firearm other than a muzzle-loading gun while hunting with a muzzle-loading gun in a special muzzle-loading

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season.

§ 6. Bag limit; ~~generally~~ *General firearms season; bonus deer permits* .

Except with the specific exceptions provided in the sections appearing in this regulation, the *general firearms season* bag limit for deer shall be ~~one antlered~~ *three deer* a license year , *one of which must be antlerless* . Antlerless deer may be taken only during designated either-sex deer hunting days. *Bonus deer permits shall be valid for use during the general firearms seasons in all counties east of the Blue Ridge Mountains and in the counties of Botetourt, Clarke, Frederick and Warren; provided, that no more than two deer per license year, one of which must be an antlerless deer, may be taken with bonus deer permits in the special archery, special muzzle-loader gun or the general firearms seasons only in designated areas.*

§ 7. Bag limit; ~~One Two~~ *a day, two three* a license year, *one of which must be an antlerless deer*; *Either sex Saturday following third Monday in November and last two days in certain counties and areas* .

The *general firearms* bag limit for deer shall be ~~one two~~ *a day, two three* a license year, *one of which must be an antlerless deer, either sex on the Saturday immediately following the third Monday in November and the last two hunting days only, in the Counties of Alleghany, Appomattox, Augusta, Bath, Bland, Carroll, Chesterfield, Craig, Floyd, Giles, Goochland, Grayson, Hanover, Henrico, Highland, Mathews, Middlesex, Montgomery, Page, Pulaski (except on the Radford Army Ammunition Plant), Roanoke, Rockbridge, Rockingham, Shenandoah, Smyth (except on Clinch Mountain Wildlife Management Area), Spotsylvania and Wythe.*

§ 8. Bag limit; ~~One~~ *a day, three* a license year, *one of which must be an antlerless deer, either sex last three days, in certain counties and areas.*

Rescind this section in its entirety.

§ 10. Bag limit; ~~One a day, three a license year, Same;~~ *either sex ; one of which must be an antlerless deer, in certain counties and areas full season* .

The *general firearms* bag limit for deer shall be ~~one two~~ *a day, three* a license year, ~~either sex,~~ *one of which must be an antlerless deer, either sex full season, in the County counties of Bedford Fairfax, Loudoun, Pittsylvania (west of Norfolk Southern Railroad), and on Back Bay National Wildlife Refuge, Caledon Natural Area, Camp Peary, Cheatham Annex, Chincoteague National Wildlife Refuge, Dahlgren Surface Warfare Center, Dam Neck Amphibious Training Base, Dismal Swamp National Wildlife Refuge, Eastern Shore of Virginia National Wildlife Refuge, False Cape State Park, Fentress Naval Auxiliary Landing Field, Fisherman's Island National Wildlife Refuge, Fort Belvoir, Fort Eustis, Fort Lee, Fort*

Pickett, Harry Diamond Laboratory, Langley Air Force Base, *Naval Air Station Oceana, Northwest Naval Security Group, Presquille National Wildlife Refuge, Quantico Marine Corps Reservation, Radford Army Ammunition Plant, Sky Meadows State Park, York River State Park and Yorktown Naval Weapons Station.*

§ 11. Bag limit; ~~One a day, three a license year, one of which must be an antlerless deer, Same; either sex last day, in certain counties and areas Saturday following third Monday in November~~ .

The *general firearms* bag limit for deer shall be ~~one two~~ *a day and three* a license year, *one of which must be an antlerless deer, either sex the last hunting day only, Saturday immediately following the third Monday in November, in the Counties of Appomattox, Chesterfield, Greene and Madison Lee, Scott, Tazewell and Washington ; and on the Buckingham-Appomattox State Forest, Chickahominy Wildlife Management Area, Clinch Mountain Wildlife Management Area, Cumberland State Forest, Fairystone Wildlife Management Area, Fairystone State Park, Philpott Reservoir and Prince Edward State Forest.*

§ 13. Bag limit; ~~One a day, three a license year, one of which must be an antlerless deer, Same; either sex Saturday following third Monday in November and last six days in certain counties~~ .

The *general firearms* bag limit for deer shall be ~~one two~~ *a day, three* a license year, *one of which must be an antlerless deer, either sex on the Saturday immediately following the third Monday in November and the last six hunting days, in the Counties of Accomaek (except on Chincoteague National Wildlife Refuge), Albemarle, Amelia, Amherst, Bedford, Botetourt, Brunswick (except on Fort Pickett), Buckingham (except on Buckingham-Appomattox State Forest), Campbell, Caroline, Charles City (except on Chickahominy Wildlife Management Area), Charlotte, Clarke, Culpeper (except on Chester F. Phelps Wildlife Management Area), Cumberland (except on Cumberland State Forest), Dinwiddie (except on Fort Pickett), Floyd, Fluvanna, Franklin (except on Philpott Reservoir), Frederick, Gloucester, Green, Halifax, Henry (except on Fairystone Wildlife Management Area and Philpott Reservoir), James City, Louisa, King William, Lunenburg, Madison, Mecklenburg, Nelson, New Kent, Northampton (except Eastern Shore of Virginia National Wildlife Refuge and Fisherman's Island National Wildlife Refuge), Nottoway (except on Fort Pickett), Orange, Patrick (except on Fairystone Park), Pittsylvania (east of the Norfolk Southern Railroad) (except on White Oak Mountain Wildlife Management Area) , Powhatan (except on Powhatan Wildlife Management Area), Prince Edward (except on Prince Edward State Forest) , Prince George (except on Fort Lee), Prince William (except on Harry Diamond Laboratory and Quantico Marine Reservation), Stafford (except on Quantico Marine Reservation) , Warren and York (except on Camp Peary, Cheatham Annex and Naval Weapons Station); and in the Cities of Chesapeake (except on Dismal Swamp National Wildlife Refuge*

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Fentress Naval Auxiliary Landing Field and on the Northwest Naval Security Group), Hampton (except on Langley Air Force Base), Newport News (except on Fort Eustis) and , Virginia Beach (except on Back Bay National Wildlife Refuge, Dam Neck Amphibious Training Base , Naval Air Station Oceana and False Cape State Park) and on Fort A.P. Hill (training areas) .

§ 14. Bag limit; One a day, three a license year, one of which must be an antlerless deer, Same; either sex Saturday following third Monday in November and last 24 days ; in certain counties and cities .

The general firearms bag limit for deer shall be one two a day, three a license year, one of which must be an antlerless deer, either sex on the Saturday immediately following the third Monday in November and on the last 24 hunting days, in the counties of Greensville, Isle of Wight, Southampton, Surry, and Sussex, and in the City of Suffolk (except on the Dismal Swamp National Wildlife Refuge).

§ 14-1. Bag limit; One a day, three a license year, one of which must be an antlerless deer, Same; either sex Saturday following third Monday in November and last 12 days ; in certain counties and areas .

The general firearms bag limit for deer shall be one two a day, three a license year, one of which must be an antlerless deer, either sex on the Saturday immediately following the third Monday in November and on the last 12 hunting days, in the counties of Accomack, Albemarle, Amelia, Essex, Fauquier (except on the G. Richard Thompson and Chester F. Phelps Wildlife Management Areas), King and Queen, King George, King William, Lancaster, Loudoun, Northampton (except Eastern Shore of Virginia National Wildlife Refuge and Fisherman's Island National Wildlife Refuge), Northumberland, Prince Edward (except on Prince Edward State Forest), Rappahannock, Richmond and Westmoreland, and on Fort A.P. Hill (controlled access area).

§ 14-2. Same; One a day, one a license year, bucks only.

The general firearms bag limit for deer shall be one a day, one a license year, in that portion of Dickenson County lying north of the Pound River and west of the Russell Fork River and in the counties of Russell (except on the Clinch Mountain Wildlife Management Area) and Wise, and on the Chester F. Phelps and G. Richard Thompson Wildlife Management Areas. Only bucks may be taken in the counties and areas controlled by this section.

§ 15. Tagging deer and obtaining official game tag; By licensee.

A. Detaching game tag from license.

It shall be unlawful for any person to detach the game tag from any license to hunt deer prior to the killing of a deer and tagging same. Any detached tag shall be subject

to confiscation by any representative of the department.

B. Immediate tagging of carcass.

Any person killing a deer shall, before removing the carcass from the place of kill, detach from his special license for hunting deer the appropriate tag and shall attach such tag to the carcass of his kill.

C. Presentation of tagging carcass for checking; obtaining official game tag.

Upon killing a deer and tagging same, as provided above, the licensee shall, without unnecessary delay, on the date of kill, present the tagged carcass of his kill to an authorized checking station or to an appropriate representative of the department in the county or adjoining county in which the deer was killed. At such time, the tag previously attached to the carcass shall be exchanged for an official game tag, which shall be furnished by the department, and securely attached to the carcass.

D. Destruction of deer prior to tagging; forfeiture of untagged deer.

It shall be unlawful for any person to destroy the identity (sex) of any deer killed unless and until tagged and checked as required by this section. Any deer not tagged as required by this section found in the possession of any person shall be forfeited by the Commonwealth to be disposed of as provided by law.

§ 16. Same; By person exempt from license requirement.

Upon killing a deer, any person exempt from license requirement as prescribed in § 29.1-301 of the Code of Virginia, or issued a complimentary license as prescribed in § 29.1-339, or the holder of a permanent license issued pursuant to § 29.1-301 E, shall, without unnecessary delay, on the date of kill, present the carcass of his kill to an authorized checking station or to any appropriate representative of the department in the county or adjoining county in which the deer was killed. At such time, the person shall be given an official game tag furnished by the department, which tag shall be securely attached to the carcass.

§ 17. Hunting prohibited in certain counties.

It shall be unlawful to hunt deer at any time in the counties of Arlington, Buchanan and in that portion of Dickenson County south of the Pound River and east of the Russell Fork River .

§ 18. Hunting with dogs prohibited in certain counties and areas.

A. Generally.

It shall be unlawful to hunt deer with dogs in the

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Counties of Amherst (west of U.S. Route 29), Bedford, Campbell (west of Norfolk Southern Railroad), Fairfax, Franklin, Henry, Loudoun, Nelson (west of Route 151), Northampton, Patrick and Pittsylvania (west of Norfolk Southern Railroad); and on the Amelia, Chester F. Phelps, G. Richard Thompson ; and Pettigrew and White Oak Mountain Wildlife Management Areas.

B. Special provision for Greene and Madison counties.

It shall be unlawful to hunt deer with dogs during the first 12 hunting days in the counties of Greene and Madison.

§ 21. Youth deer hunting.

It shall be lawful for resident persons under the age of 16 to take one antlerless deer throughout the general firearms deer hunting season in those counties which have designated either sex days, provided the taking of such deer is within the total seasonal bag limits provided for deer. This regulation shall not apply to any bucks-only county.

VR 325-02-9. GROUSE.

§ 2. Bag limit.

The bag limit for hunting grouse shall be three a day and 15 a license year .

VR 325-02-14. OPOSSUM.

PART I. HUNTING.

§ 1.1. Open season; Counties east of the Blue Ridge Mountains.

Except as otherwise specifically provided by the sections appearing in this regulation, it shall be lawful to hunt opossum in all counties east of the Blue Ridge Mountains from November 15 through the last day of February March 10 , both dates inclusive.

VR 325-02-18. RABBIT AND HARES.

§ 1. Open season; Generally.

Except as otherwise specifically provided in the sections appearing in this regulation, it shall be lawful to hunt rabbit from the first Monday in November, second Saturday in October through January 31, both dates inclusive.

§ 2. Same; Accomack and Northampton Counties.

Rescind this section in its entirety.

§ 3. Bag limit.

The bag limit for rabbit shall be six a day and 75 license year .

VR 325-02-19. RACCOON.

PART II. HUNTING AND TRAPPING.

§ 2.5. Bag limit for hunting and trapping; Counties east of the Blue Ridge Mountains.

The bag limit for hunting raccoon in all counties east of the Blue Ridge Mountains shall be three per hunting party individual or organized, two per hunter, taken between noon of one day and noon the following day.

VR 325-02-21. SQUIRREL.

PART I. GRAY AND RED SQUIRREL.

§ 1.2 Season; Generally.

Except as otherwise provided by local legislation and with the specific exceptions provided in the sections appearing in this regulation, it shall be lawful to hunt squirrel from the first second Monday in November Saturday in October through January 31, both dates inclusive.

§ 1.3. Season; Certain counties; September 1 through September 15 and the first Monday in November First Saturday in September through January 31 in certain counties .

It shall be lawful to hunt squirrel from September 1 through September 15, both dates inclusive, and from the first Monday in November first Saturday in September through January 31, both dates inclusive, in the counties of Bedford, Bland, Botetourt, Brunswick (except Fort Pickett), Buchanan, Campbell, Charlotte, Carroll, Craig, Dickenson, Dinwiddie (except Fort Pickett), Floyd, Franklin, Giles, Grayson, Greensville, Halifax, Henry, Lee, Lunenburg, Mecklenburg, Montgomery, Nottoway (except on Fort Pickett) and , Patrick, Pittsylvania, Pulaski, Roanoke, Russell, Scott, Smyth, Southampton, Tazewell, Washington, Wise and Wythe .

§ 1.4. Same; Same; September 15 through September 30 and the first Monday in November through January 31.

Rescind this section in its entirety.

§ 1.5. Same; Same; September 15 through October 14 and the first Monday in November through January 31.

Rescind this section in its entirety.

§ 1.6. Same; Same; October 1 through October 14 and the first Monday in November through January 31.

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Rescind this section in its entirety.

§ 1.7. Same; Same; October 15 through January 31.

Rescind this section in its entirety.

PART II. FOX SQUIRREL.

§ 2.2. Open season; ~~Certain counties—September 15 through September 30 and from the First Monday Saturday in November September~~ through January 31.

It shall be lawful to hunt fox squirrel ~~from September 15 through September 30, both dates inclusive, and from the first Monday in November Saturday in September~~ through January 31, both dates inclusive, in the counties of Bland, Botetourt, Buchanan, Carroll, Craig, Dickenson, Floyd, Giles, Grayson, Lee, Montgomery, Pulaski, Roanoke, Russell, Scott, Smyth, Tazewell, Washington, Wise and Wythe.

§ 2.4. Same; Same; September 15 through October 15 and from the first Monday in November through January 31.

Rescind this section in its entirety.

§ 2.5. Same; Same; ~~Second Saturday in October 1 through October 14 and from the first Monday in November~~ through January 31.

It shall be lawful to hunt fox squirrel ~~from October 1 through October 14, both dates inclusive, and from the first Monday in November the second Saturday in October~~ through January 31, both dates inclusive, in the counties of Alleghany, Augusta, Bath, Clarke, Fairfax, Fauquier (except on the Chester F. Pheips Wildlife Management Area), Frederick, Highland, Loudoun, Page, Rappahannock, Rockbridge, Rockingham, Shenandoah and Warren.

§ 2.6. Same; Same; First Monday in November through January 31.

Rescind this section in its entirety.

PART III. BAG LIMIT.

§ 3.1. Generally.

The combined bag limit for all squirrels shall be six a day and 75 a license year in the aggregate.

VR 325-02-22. TURKEY.

§ 2. Open season; Certain counties and areas; First Monday in November and for 11 hunting days following.

It shall be lawful to hunt turkeys on the first Monday in November and for eleven consecutive hunting days following in the counties of Charles City, Chesterfield,

Gloucester, Greensville, Henrico, Isle of Wight, James City, King George, Lancaster, Middlesex, New Kent, Northumberland, Prince George, Richmond, Surry, Sussex, Westmoreland and York, and on Camp Peary.

§ 2-1. Open season; ~~Certain counties and areas; Same; First Monday in November through Saturday prior to third Monday in November and fourth Monday in November~~ through first Saturday in January.

It shall be lawful to hunt turkeys on the first Monday in November through the Saturday prior to the third Monday in November and from the fourth Monday in November through the first Saturday in January, both dates inclusive, in the counties of Albemarle, Alleghany, Amelia, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Brunswick, Buckingham, Campbell, Caroline, Carroll, Charlotte, Clarke, Craig, Culpeper, Cumberland, Dickenson, Dinwiddie, Essex, Fairfax, Fauquier, Floyd, Fluvanna, Franklin, Frederick, Grayson, Giles, Goochland, Greene, Halifax, Hanover, Henry, Highland, King and Queen, King William, Lee, Loudoun, Louisa, Lunenburg, Madison, Mecklenburg, Montgomery, Nelson, Nottoway, Orange, Page, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince William, Pulaski, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell (except on Clinch Mountain Wildlife Area), Scott, Shenandoah, Smyth, Spotsylvania, Stafford, Tazewell, and Warren, Washington, Wise and Wythe.

§ 3. Open season; Spring season for bearded turkeys.

It shall be lawful to hunt bearded turkeys only from the Saturday nearest the 15th of April and for 30 consecutive hunting days following, both dates inclusive, from 1/2 hour before sunrise to 12:00 noon prevailing time. Bearded turkeys may be hunted by calling. It shall be unlawful to use dogs or organized drives for the purpose of hunting. It shall be unlawful to use or have in possession any shot larger than number 2 fine shot when hunting turkeys with a shotgun.

§ 4. Continuous closed season in certain counties, cities and area.

There shall be continuous closed turkey season, except where a special spring season for bearded turkeys is provided for in § 3 of this regulation, in the counties of Accomack, Arlington, Buchanan, Dickenson, James City, Mathews, Northampton and Southampton; and in the cities of Chesapeake, Hampton, Newport News, Suffolk and Virginia Beach.

§ 7. Tagging turkey and obtaining official game tag; By licensee.

A. Detaching game tag from licensee.

It shall be unlawful for any person to detach the game tag from any license to hunt turkey prior to the killing of a turkey and tagging same. Any detached tag shall be

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subject to confiscation by any representation of the department.

B. Immediate tagging of carcass.

Any person killing a turkey shall, before removing the carcass from the place of kill, detach from his special license for hunting turkey the appropriate tag and shall attach such tag to the carcass of his kill.

C. Presentation of tagged carcass for checking; obtaining official game tag.

Upon killing a turkey and tagging same, as provided above, the licensee shall, ~~without necessary delay,~~ on the date of kill, present the tagged carcass of his kill to an authorized checking station or to an appropriate representative of the department in the county or adjoining county in which the turkey was killed. At such time, the tag previously attached to the carcass shall be exchanged for an official game tag, which shall be furnished by the department, and securely attached to the carcass.

D. Destruction of identity of turkey prior to tagging; forfeiture of untagged turkey.

It shall be unlawful for any person to destroy the identity (sex) of any turkey killed unless and until tagged and checked as required by this section. Any turkey not tagged as required by this section found in the possession of any person shall be forfeited to the Commonwealth to be disposed of as provided by law.

§ 8. Same; By person exempt from license requirement.

Upon killing a turkey, any person exempt from the license requirement as described in § 29.1-301 of the Code of Virginia, or issued a complimentary license as prescribed in § 29.1-339, or the holder of a permanent license issued pursuant to § 29.1-301 E, shall ~~without unnecessary delay on the date of kill,~~ present the carcass of his kill to an authorized checking station or to any appropriate representative of the department in the county or adjoining county in which the turkey was killed. At such time, the person shall be given an official game tag furnished by the department, which tag shall be securely attached to the carcass.

VR 325-02-24. WATERFOWL AND WATERFOWL BLINDS.

§ 3. Violation of federal law or regulation pertaining to migratory game birds.

A violation of federal statute or a regulation based thereunder as relates to the taking, capturing, killing or attempting to take, capture or kill any migratory game bird shall constitute a violation of this section. ~~Provided, however, it shall not be a violation of this section to shoot a crippled duck, goose, or other migratory bird upon open public waters from a motorboat while it is being propelled~~

~~by a motor; nor shall it be a violation of this section to hunt migratory waterfowl with lead shot anywhere within the Commonwealth of Virginia when and where such hunting is permitted.~~

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

REGISTRAR'S NOTICE: The following regulation is exempted from the Administrative Process Act under the provisions of § 9-6.14:4 B 4 of the Code of Virginia, which excludes agency action relating to grants of state or federal funds or property.

Title of Regulation: VR 394-01-104. Congregate Housing Program Guidelines.

Statutory Authority: §§ 36-141 et seq. of the Code of Virginia.

Public Hearing Date: N/A -- Written comments may be submitted until May 29, 1991.

(See Calendar of Events section for additional information)

Summary:

The Department of Housing and Community Development has adopted the program guidelines for the purpose of more effectively responding to the housing problems facing elderly and disabled residents. The Congregate Housing Loan Program provides low interest loans from the Virginia Housing Partnership Fund. The purpose of this program is to increase the supply and quality of congregate housing available to low and moderate income residents.

VR 394-01-104. Congregate Housing Program Guidelines.

PART I. PURPOSE OF THE PROGRAM.

§ 1.1. Purpose of the program.

Responding to critical housing problems facing the Commonwealth, as documented in the 1987 Annual Report of the Virginia Housing Study Commission, the Governor and the General Assembly established the Virginia Housing Partnership Revolving Loan Fund. The purpose of the fund is to create and increase the availability of decent and affordable housing for low and moderate Virginia residents. The primary purpose of the Congregate Housing Program is to provide decent, affordable housing opportunities and to expand the number of congregate housing units available for special needs population throughout the Commonwealth of Virginia.

PART II. DEFINITIONS.

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§ 2.1. Definitions.

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

"Accessibility improvement" means a modification to a property to make more accessible to individuals with physical impairments.

"Acquisition" means the purchase of real property.

"Applicant" means an incorporated nonprofit, for-profit, or government entity that makes application for funds under the Virginia Housing Partnership Fund.

"Application" is the written request for a loan or grant funding under this program.

"Appraised value" means the monetary worth of property as determined by an appraiser.

"Area median income" means the median income established by HUD for various areas or the state median income, as established by the University of Virginia Center for Public Service.

"Assessed value" is the monetary worth of the facility/property as determined by the real estate assessment office of the local government where the same is located for tax purposes. The applicable assessed value shall be that value in effect as of the application date.

"Borrower" means the individual, for-profit, or nonprofit or government entity that has been approved for funding this program.

"Congregate housing" means a building or facility with a central food preparation and eating area which houses elderly and disabled persons with special needs who must live in a supervised environment, but do not require medical treatment or institutional care.

"DHCD" means the Department of Housing and Community Development.

"Disabled person" means an individual who has a physical or mental condition which limits his activities or functions either temporarily or permanently.

"Energy-related improvements" means physical improvements to structures which are being rehabilitated which contribute to fuel cost savings and overall less energy consumption, and which have been so designated by this department.

"Fire protection system" means a system including devices and equipment to detect a fire or actuate an alarm or suppress or control a fire or any combination thereof.

"Fund" means the Housing Partnership Revolving Loan Fund.

"General improvements" means additions, alterations, renovations or repairs made for the purpose of making housing more habitable or more desirable to live in. These improvements must be permanent. Improvements shall not include materials, fixtures, or landscapes of a type or quality which exceed that customarily used in the locality for the properties of the same general type as the property to be improved.

"Gross income" is the total income from all sources and before taxes or withholdings of all residents, residing in a housing unit, age 18 years or older.

"HQS" means the HUD Section 8 Housing Quality Standard.

"HUD" means the Department of Housing and Urban Development.

"Loan application" means the request for funding for purposes as defined in the program guidelines.

"Loan application date" is the date on which a completed application is received by DHCD.

"Lower-income" means 80 of median income for the service area as established by the U.S. Department of Housing and Urban Development also referred to as LMI.

"Oil Overcharge Expenditure Trust Fund" are United States Department of Energy moneys awarded to the Commonwealth for specific purposes to resolve alleged pricing violations in effect between 1983 and 1981 by crude oil providers.

"Program" means the Congregate Housing Program.

"SHARE" means State Homeless Housing Assistance Resources.

"Site control" means the possession of or authorization to use real property by means of ownership, lease or option.

"VHDA" means the Virginia Housing Development Authority.

"VHPF" means the Virginia Housing Partnership Fund.

PART III. ELIGIBILITY.

§ 3.1. Eligible applicants.

A. Nonprofit organizations incorporated under the laws of the Commonwealth of Virginia;

B. Governmental entities including Public Housing

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Authorities; or

C. For-profit individuals and organizations.

§ 3.2. Eligible properties.

A. Eligible properties shall provide a central food preparation and eating area even if individual units have kitchen facilities.

B. *The Congregate Housing Program is intended to create permanent housing; however, transitional housing projects are permitted if they are not eligible for DHCD's SHARE (homeless) programs.*

C. *All projects that are required to be licensed by the government must be licensed prior to closing.*

§ 3.3. Eligible use of loan funds.

Loan funds may be used for the residential living portion of any project and for other facilities which are an integral part of the entire congregate housing facility. Examples of such facilities include cafeterias and recreational areas that are part of a total residential project. The type of construction activities which are eligible include the following:

A. *Purchase Acquisition /rehabilitation.*

Loan funds may be used to rehabilitate or acquire and rehabilitate existing properties to appropriately serve special needs population.

B. *Rehabilitation.*

1. Funds shall be used to bring the property up to the applicable Uniform Statewide Building Code.
2. Energy improvements which exceed the Uniform Statewide Building Code are encouraged. Such improvements should comply with special energy guidelines established by the Commonwealth and may be eligible to be funded with grant funds from the Oil Overcharge Expenditure Trust Fund. Energy grant funds will only be made available for projects involving rehabilitation.
3. Remaining funds may be used for general improvements.
4. Luxury improvements are prohibited.
5. Upon completion of the rehabilitation the property must comply with zoning and other local requirements for planned use.

C. *New construction.*

Loan funds may also be used for the construction of new congregate housing. Oil Overcharge Expenditure funds

may not be used for energy improvements for new construction.

D. *Installation of fire protection.*

Systems loan funds may be used to install fire protection systems such as sprinkler systems as part of rehabilitation or as a sole activity.

PART IV. TARGET GROUP AND OCCUPANCY REQUIREMENTS.

§ 4.1. Target populations.

A. *Target group.*

The primary target groups to benefit from loans made under this program will be special needs populations such as the elderly, mentally disabled, physically disabled persons, and substance abusers.

B. *Occupancy requirements.*

Loans made under this program will be used only to provide residential facilities for low- and moderate-income persons.

A minimum of 50% of the units shall ~~must~~ be reserved and occupied by persons with incomes at 50% or less of the area median income as established by HUD ~~or the state median income as established by the University of Virginia, Center for Public Service, whichever is higher~~.

PART V. DISTRIBUTION OF FUNDS.

§ 5.1. Loan reservations.

A. *Maximum dollar amount per project.*

The maximum program loan for developing an individual congregate housing facility is \$250,000. The maximum grant amount shall not exceed 15% of the total rehabilitation costs of low and moderate income units.

B. ~~Loan reservation period.~~ *Set aside period.*

~~Congregate Housing Program loan reservations will be made to project sponsors for an initial six-month period. Each successful applicant will receive a set aside of funds for an initial six-month period.~~ This will allow time to complete project development activities including arranging for other financing and assistance from other local, state or federal housing programs. Extensions may be granted by ~~the Commonwealth~~ DHCD, if applicable, but under no circumstances to exceed six additional months.

PART VI. LOAN AND GRANT TERMS AND CONDITIONS.

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§ 6.1. Loan and grant terms and conditions.

A. Interest rate.

The interest rate will be fixed at 2.0% range from 2.0% to 8.0% , except the eligible energy items funded from Oil Overcharge Expenditure Funds, shall be in the form of a grant.

B. Term.

1. *Loan requirements.* The loan term will be 20 years shall not exceed 20 years. A longer amortization schedule may be permitted (not to exceed 30 years) if necessary for project feasibility. Each will be determined during underwriting at VHDA

2. *Grant requirements.* Grants are subject to repayment if the borrower violates program requirements. Repayment must be made in full if such violation occurs within a period determined by DHCD from the date the grant is closed. This repayment obligation is reduced at the rate of 25% per year based on a schedule established by DHCD. Notwithstanding the above, as of July 1, 1998, any remaining grant repayment obligations shall be forgiven.

C. Instrument for securing loan security .

1. *General requirements.* The borrower(s) shall be or have written permission from the sole owner(s) of the property which secures the debt. A title opinion, title insurance, and hazard insurance will be required for all loans.

2. *Lien requirements.* A lien will be recorded on every property for which a program loan is made. The lien shall be divided into the amount securing the general fund portion of the loan, and the amount securing the Oil Overcharge Expenditure Trust Fund portion of the loan grant. The general fund portion shall remain in effect until the loan is fully amortized. The energy related portion of the lien shall be deferred and forgiven as described in § 6.1 B. The state will accept a subordinate position only to an existing mortgage or where the primary rehabilitation financing is being provided from another source.

D. Loan underwriting criteria.

Specific underwriting criteria which are applicable to these loans will be established by DHCD. These will include an evaluation of the site, project design and amenities, the market for the project, the experience and financial capability of the sponsors and contractors, architectural and engineering studies, the value of the project, financial risks and other considerations. Each project will be evaluated to assess its potential cash flow to pay debt service and operating expenses.

Services which will be available to residents must be clearly defined and service providers must be identified. The Commonwealth reserves the right to have outside review of service proposals from appropriate community service agencies.

E. Loan servicing.

VHDA will close the loans, conduct construction inspections, disburse loan proceeds, service the loans and provide ongoing management oversight.

F. Loan to value ratio.

The loan-to-value ratio shall be based on the appraised value of the structure after repairs and improvements. A loan-to-value ratio of up to 100% will be considered for loans to nonprofit housing sponsors and up to 90% to other sponsors. The Commonwealth may permit a ratio to exceed 100% under special circumstances to be considered on a case-by-case basis. In no case shall the total fund assistance exceed 100% of cost as determined by DHCD.

G. Sale or transfer restrictions.

Loans made under this program shall be assumable as long as the property use, income and occupancy restrictions, housing conditions and other state requirements are maintained by the new owner.

H. Prepayment of loans.

Prepayment of loans under this program is prohibited unless approved by the Commonwealth DHCD .

I. Assumptions.

Loans under the program are assumable as long as the property use, income and occupancy restrictions, housing conditions and other state requirements are maintained by the new owner.

PART VII. EVALUATION CRITERIA.

§ 7.1. Evaluation criteria.

Due to the limited funds available and the expected high demand for these loans, a competitive system will be used in deciding which projects will receive loans. Criteria to rank the applications are described below:

A. Local need, demand and impact *Public purpose .*

The need and demand for affordable housing facilities for low income elderly and disabled persons in each local area will be used as a basis for determining the award of housing loan funds. A local housing market analysis must be provided and will be used to determine demand for such facilities and to indicate the impact on the community for the proposed project. Projects will be

Proposed Regulations

evaluated on project need, income level served, and the creation of new beds. A needs assessment must be provided and will be used to determine the demand for the proposed facility and to indicate the impact on the community for the proposed project. Projects that do not demonstrate a need will not be refunded. Projects which serve a higher proportion of lower income households than the minimum required or which create beds shall be given higher priority.

B. Income level served.

Projects which serve a higher proportion of lower income households than the minimum required in § 4-1 shall be given higher priority.

C. B. Program design.

Consideration will be given to projects which provide additional services that will meet the special needs of residents. A proposed home for adults will have to meet governmental licensing requirements, while a facility for mentally disabled will need to be approved by the Department of Mental Health, Mental Retardation and Substance Abuse Services. Program design will examine support services, intake procedures, case management plans, licensure, and fire protection.

D. C. Leveraging.

The extent to which other federal, local or private below market financing or other housing assistance is included in the project will be a significant factor for evaluating proposals. Leveraging will be evaluated using documented support from sources other than VHPF programs by commitments, letters of intent, grant agreements or other appropriate documentation. Leveraging will only be applied to the percentage of total development costs related to LMI person served.

E. D. Administrative capacity.

Project sponsors will be evaluated on development/construction experience, property management experience, congregate care experience, organizational structure, and completeness of application.

F. Sprinkler system.

While DHCD will not require that projects be sprinklered, projects are encouraged to have a sprinkler system or to include installation of sprinklers as part of the project package.

G. E. Project readiness and project feasibility.

The project sponsor must have obtained site control, secured other financial commitments, developed final plans and specifications, and received zoning verification. Projects must be financially feasible and construction must begin within a reasonable period. Project sponsor will be

evaluated by site control, status of zoning, tenant displacement, firmness of financial commitments, developed final plans and specifications, project timing, and project financial feasibility. A minimum source points is required to be considered for funding.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Title of Regulation: VR 460-05-3000. Drug Utilization Review in Nursing Facilities.

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

Public Hearing Date: N/A – Written comments may be submitted until July 5, 1991.

(See Calendar of Events section for additional information)

Summary:

The purpose of this proposal is to promulgate regulations providing for a drug utilization review program in nursing facilities.

In order to meet the requirement set forth by the 1990 General Assembly, DMAS is implementing a drug use review program beginning with covered drugs prescribed for nursing facility residents. This action is also a component of DMAS' cost management efforts. The intent of the program is to ensure that prescriptions are appropriate, medically necessary, and are not likely to have adverse medical results. Modifications to this regulation will be needed later to respond to the drug utilization review requirements of the Omnibus Budget Reconciliation Act of 1990 (OBRA) which will encompass prospective drug utilization review in the outpatient environment.

The program provides, through the establishment of a drug use review committee, for active and ongoing outreach to educate physicians and pharmacists about common drug therapy problems with the aim of improving prescribing practices: specifically, to identify and reduce the frequency of patterns of inappropriate or medically unnecessary care among physicians, pharmacists, and patients, or common problems associated with specific drugs or groups of drugs.

Retrospective drug use reviews will be initially conducted on an ongoing basis in nursing facilities demonstrating exceptional drug utilization patterns. Information will be retrieved from existing Long-Term Care Information System (LTCIS) and through drug claims processing and information. DMAS will assess data on drug use against standards such as the American Hospital Formulary Service Drug Information, United States Pharmacopeia-Drug Information, American Medical Association Drug Evaluations, and peer-reviewed medical literature.

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In addition, the program is designed to recognize potential and actual severe adverse reactions to drugs and to provide education on therapeutic appropriateness, overutilization and underutilization, appropriate use of generic products, therapeutic duplication, drug-disease contraindications, drug/drug interactions, incorrect drug dosage or duration of drug treatment, drug-allergy interactions, clinical abuse/misuse, and fraud.

VR 460-05-3000. Drug Utilization Review in Nursing Facilities.

§ 1. Definitions.

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

"DMAS" means the Department of Medical Assistance Services consistent with Chapter 10 (§ 32.1-323 et seq.) of Title 32.1 of the Code of Virginia.

"Drug utilization review" means a formal continuing program for assessing medical or drug use data against explicit standards and, as necessary, introducing remedial strategies. The primary objectives are (i) improvement in the quality of care; (ii) conserving program funds and individual expenditures; and (iii) maintaining program integrity (i.e., controlling problems of fraud and benefit abuse).

"Drug Utilization Review Committee (DUR Committee)" means a committee composed of knowledgeable health care professionals who make recommendations for developing and modifying drug therapy review standards or criteria, participate in retrospective reviews, recommend remedial strategies, and evaluate the success of the interventions.

"Exceptional drug utilization pattern" means (i) a pattern of drug utilization within a nursing facility that differs substantially from predetermined standards established pursuant to § 3 B; (ii) individual resident's drug use patterns that differ from the established standards; or (iii) individual resident's drug use patterns that exhibit a high risk for drug therapy induced illness.

"Retrospective drug review" means the drug utilization review process that is conducted using historic or archived medical or drug use data.

"Targeted facility" means a nursing facility where residents' patterns of drug utilization demonstrate an exceptional drug utilization pattern as defined herein.

§ 2. Scope.

A. Medicaid shall conduct a drug utilization review program for covered drugs prescribed for nursing facility residents. The program shall help to ensure that

prescriptions are appropriate, medically necessary, and are not likely to cause adverse actions.

B. Retrospective drug utilization review will be conducted on an ongoing basis in targeted nursing facilities demonstrating exceptional drug utilization patterns.

C. With the aim of improving prescribing practices, the program shall provide for ongoing educational outreach programs to educate practitioners on common drug therapy problems.

§ 3. Utilization review process.

A. Utilization reviews shall be performed to determine if drugs are appropriately provided and to help to ensure that the drugs provided to Medicaid recipients are medically necessary.

B. The program shall provide, through its drug claims processing and information retrieval systems, for the ongoing periodic examination of claims data and other records for targeted facilities to identify patterns of inappropriate or medically unnecessary care for individuals receiving benefits under Title XIX of the Social Security Act.

C. The program shall, on an ongoing basis, assess data on drug use against predetermined standards (as described below) including, but not limited to, monitoring for therapeutic appropriateness, overutilization and underutilization, appropriate use of generic products, therapeutic duplication, drug-disease contraindications, drug/drug interactions, incorrect drug dosage or duration of treatment, clinical abuse/misuse, fraud, and, as necessary, introduce to physicians and pharmacists remedial strategies in order to improve the quality of care.

D. The Department of Medical Assistance Services may assess data on drug use against such standards as the American Hospital Formulary Service Drug Information, United States Pharmacopeia-Drug Information, American Medical Association Drug Evaluations, and peer-reviewed medical literature.

§ 4. Drug Use Review Committee.

A. DMAS shall provide for the establishment of a drug use review committee (hereinafter referred to as the "DUR Committee").

B. The membership of the DUR Committee shall include health care professionals who have recognized knowledge and expertise in one or more of the following areas:

1. The clinically appropriate prescribing of covered drugs;
2. The clinically appropriate dispensing and monitoring of covered drugs;

3. Drug use review, evaluation, and intervention; and
4. Medical quality assurance.

C. The membership of the DUR Committee shall include physicians, pharmacists, and other health care professionals.

D. Activities of the DUR Committee shall include, but not be limited to, the following:

1. Retrospective DUR as defined in § 2 B of this regulation;
2. Application of standards as defined in § 3 C of this regulation; and
3. Ongoing interventions for physicians and pharmacists, targeted toward therapy problems of individuals identified in the course of retrospective drug use reviews.

E. The DUR Committee shall reevaluate interventions after an appropriate period of time to determine if the intervention improved the quality of drug therapy, to evaluate the success of the interventions and recommend modifications as necessary.

§ 5. Medical quality assurance.

A. Documentation of drug regimens shall, at a minimum:

1. Be included in a plan of care that must be established and periodically reviewed by a physician;
2. Indicate all drugs administered to the resident in accordance with the plan with specific attention to frequency, quantity, and type and identify who administered the drug (include full name and title); and
3. Include the drug regimen review prescribed for nursing facilities in regulations implementing Section 483.60 of Title 42, Code of Federal Regulations.

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.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

REGISTRAR'S NOTICE: The Virginia Housing Development Authority is exempted from the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia); however, under the provisions of § 9-6.14:22, it is required to publish all proposed and final regulations.

Title of Regulation: VR 400-02-0017. Rules and Regulations for HUD-Insured Home Equity Conversion Mortgage Loans to Elderly Persons of Low and Moderate Income.

Statutory Authority: § 36-55.30:3 of the Code of Virginia.

Effective Date: April 17, 1991.

NOTICE: As provided in § 9-6.14:22 of the Code of Virginia, this regulation is not being republished. It was adopted as it was proposed in 7:12 VA.R. 1787-1791 March 11, 1991.

categories collapse and simplify the existing fee schedules for greater equity across the regulated industries.

VR 615-33-01. Fee Requirements for Processing Applications.

By act of the General Assembly and effective February 1, 1984, the Department of Social Services is authorized to charge fees for processing applications for licenses (§§ 63.1-174.01 and 63.1-196.5 of the Code of Virginia).

Fees will be charged to process all new or renewal applications for facilities or agencies for adults or children subject to licensure solely by the Department of Social Services; however, no fee will be charged directly following the issuance of a conditional license.

Applicants shall use the following schedule of fees to determine the correct fee to pay for processing all applications.

Schedule of Fees

Children's Facilities	Fees
Independent Foster Homes	\$10 (flat fee)
Family Day Care Homes	\$10 (flat fee)
Family Day Care Systems	\$50 (flat fee)
Child Placing Agencies	\$50 (flat fee)

Child Care Centers			
Capacity	10	50	\$25
Capacity	51	100	\$50
Capacity	101	175	\$75
Capacity	176 & up		\$100

Child Care Institutions			
Capacity	1	24	\$25
Capacity	25	49	\$50
Capacity	50	74	\$75
Capacity	75 & up		\$100

Adult Facilities Fees			
Home for Adults			
Capacity	4	24	\$25
Capacity	25	49	\$50
Capacity	50	74	\$75
Capacity	75 & up		\$100

Adult Day Care Centers			
Capacity	4	24	\$25
Capacity	25	49	\$50
Capacity	50	74	\$75
Capacity	75 & up		\$100

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

REGISTRAR'S NOTICE: This regulation is excluded from Article 2 of the Administrative Process Act in accordance with § 9-6.14:4.1 C 1 of the Code of Virginia, which excludes from Article 2 agency orders or regulations fixing rates or prices. The Department of Social Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: VR 615-33-01. Fee Requirements for Processing Applications.

Statutory Authority: §§ 63.1-174.01 and 63.1-202 of the Code of Virginia.

Effective Date: July 1, 1991.

Summary:

Pursuant to §§ 63.1-174.01 and 63.1-196.5 of the Code of Virginia, the Department of Social Services has sole authority to adopt fees for the processing of applications for facilities licensed by the department. This legislation became effective on February 1, 1984. Fees are used for provider training.

Recent reductions in general funds, as well as growing demands for provider training, require a rate increase, the first since 1984. The revised fee schedule

Capacity	1 - 12	\$14
Capacity	13 - 25	\$35
Capacity	26 - 50	\$70
Capacity	51 - 75	\$105
Capacity	76 - 200	\$140
Capacity	201 & up	\$200

Family Day Care Systems	\$70 (flat fee)
Child Placing Agencies	\$70 (flat fee)

The fee shall be mailed with the application for a license. No application for a license will be considered complete unless it is accompanied by the correct fee.

The fee shall be paid by personal check, money order, or certified check, made payable to "Treasurer of Virginia."

A fee that is incorrect in amount or is made payable other than to the Treasurer of Virginia will be returned to the applicant. Otherwise, no fee will be returned or refunded for any reason.

DEPARTMENT OF WASTE MANAGEMENT (VIRGINIA WASTE MANAGEMENT BOARD)

REGISTRAR'S NOTICE: Due to its length, the Virginia Hazardous Waste Management Regulations filed by the Department of Waste Management are not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, the summary is being published in lieu of the full text. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and at the Department of Waste Management.

Title of Regulation: VR 672-10-1. Virginia Hazardous Waste Management Regulations.

Statutory Authority: § 10.1-1402 of the Code of Virginia.

Effective Date: July 1, 1991.

Summary:

All substantive modifications and additions contained in Amendment 11 of the Virginia Hazardous Waste Management Regulations are being made in response to the changes made by the United States Environmental Protection Agency (EPA) in the federal regulations implementing the Resource Recovery and Conservation Act of 1976 (RCRA) and the Hazardous and Solid Waste Amendments of 1984. In order to maintain its authorization to conduct the hazardous waste program in Virginia, the department is required to update its regulations and conform them to the federal requirements on an annual basis.

Amendment 11 to the Virginia Hazardous Waste Management Regulations contains changes that were adopted by the EPA between January 1989 and July

1990. By extending the updating period by six months, the Virginia program will shorten the lag between the effective dates of the federal and the state regulations. Since the changes are so extensive, the department plans to reprint its regulations in toto. For this reason, this amendment will include a nonessential editorial change that pervades the whole regulation changing "Executive Director" to the new title of "Director" and include the statutory changes made by the 1990 session of the General Assembly which increased the penalties from \$10,000 to \$25,000 and created a new "superpenalty" similar to the federal Resource Conservation and Recovery Act § 3008(e). The statutory changes are already in effect.

Adoption of more stringent federal regulations.

The great majority of the changes in the proposed Amendment 11 are far-reaching and extensive. As discussed below, some of those changes will seriously affect companies already regulated under the Virginia Hazardous Waste Management Regulations while other changes will extend the number of regulated entities.

The proposed Amendment 11 contains land disposal restrictions (LDR) for both the "Second Third" and "Third Third" wastes. This inclusion will eliminate the need to promulgate certain sections of the federal regulations that were adopted in June 1989 and were superseded by the June 1, 1990, changes. With the promulgation of the latest LDR regulations, EPA fulfills the Congressional mandate to develop disposal standard for all of the hazardous wastes regulated prior to November 1984, the date of the Hazardous and Solid Waste Amendments.

The changes also include elimination of certain exclusions for mining wastes contained in the Bevill amendment promulgated on September 1, 1989. Several facilities located in the Commonwealth may now be regulated as the result of these federal changes.

In the course of 18 months since the last amendment, EPA changed the description of two listed wastes (F019 and F024) and added eight new listings (F025, F039, K107 through K110, K131, and K132).

On March 29, 1990, EPS promulgated a major revision of the Toxicity Characteristic by adoption a new test and expanding the list of the organic substances for which the waste needs to be tested. It is expected that a great number of waste generators will be affected by this change and that the number of regulated entities in Virginia will at least double. Automotive maintenance industry will be affected extensively. Amendment 11 contains both the March promulgation and the technical corrections published on June 29, 1990.

Final Regulations

On June 21, 1990, EPA promulgated standards that limit air emissions at hazardous waste treatment, storage, and disposal facilities requiring a permit under the hazardous waste program. These standards are the first part of a multiphased regulatory effort to control air emissions. The changes establish requirements to limit emissions from process vents and leaks from equipment that contains or contacts hazardous waste streams with 10% or greater total organics.

Reductions of the regulatory burdens.

On August 1989 EPA amended portions of the closure requirements for the hazardous waste management facilities by allowing, under limited circumstances, a landfill, a surface impoundment, or land treatment unit to remain open after the final receipt of hazardous wastes in order to receive nonhazardous wastes in that unit.

As the result of delistings approved by the EPA, certain wastes managed by two Virginia companies have also obtained Virginia delisting. The description of the petitioned relief and delisting conditions are shown in the new Appendix 3.8. These delistings became effective in Virginia in September 1989.

In September 1989 EPA exempted wastes generated by the conditionally exempt small quantity generators, waste pesticides disposed by the farmers on their own property, and wastes identified or listed after November 1984 for which EPA had not promulgated LDR requirements. The generators of the exempted wastes have to submit certain certifications to the treatment or disposal facility.

Corrections, clarifications, and other changes in the federal regulations.

On February 27, 1989, EPA deferred the LDR of certain multisource leachate until the time that the Third Third wastes are restricted. On June 1, 1990, these wastes were listed as F039.

On March 7, 1989, EPA reduced certain requirements pertaining to changes during interim status, allowed simplified permit modifications under certain conditions, and clarified EPA authority to deny permits for the active life of a facility while a permit decision with respect to the post-closure period remains pending.

On May 2, 1989, EPA made editorial changes to § 268.12 by redesignating certain subsections.

On June 27, 1990, EPA corrected the oversight to bring the one of the subsections dealing with the delisting petitions into line with other HSWA requirements. The change expanded the waste analysis to substances beyond those for which the

waste was listed.

Additional Change Made in Response to Public Comment.

In addition to all the changes contained in the proposed Amendment 11 to this regulation, the Virginia Waste Management Board adopted a change in § 9.6 L which removed the requirement for the owners and operators of the waste piles and surface impoundments to submit contingent closure and post-closure plans prior to the determination that closure-by-removal cannot be carried out. This procedural requirement was more stringent than that in the federal regulations and required undue expenses to the regulated community. This change was based on the written comment submitted during the public comment period.

EMERGENCY REGULATIONS

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF) System.

Title of Regulation: VR 460-03-4.1940:1. Nursing Home Payment System.

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

Effective Dates: April 8, 1991, through April 7, 1992.

Summary:

1. **REQUEST:** The Governor's approval is hereby requested to adopt the emergency regulation entitled "Amendment to the Nursing Home Payment System". This change will ensure the appropriate interpretation of the Patient Intensity Rating System (PIRS) peer group ceiling calculation methodology.

2. **RECOMMENDATION:** Recommend approval of the Department's request to take an emergency adoption action regarding the Technical Amendment to the Nursing Home Payment System. The Department intends to initiate the public notice and comment requirements contained in the Code of Virginia § 9-6.14:7.1.

3. CONCURRENCES:

/s/ Howard M. Cullum
Secretary of Health and Human Resources
Date: March 22, 1991

4. GOVERNOR'S ACTION:

/s/ Lawrence Douglas Wilder
Governor
Date: April 5, 1991

5. FILED WITH:

/s/ Joan W. Smith
Registrar of Regulations
Date: April 8, 1991

6. **BACKGROUND:** The 1991 General Assembly mandated that the Secretary of Health and Human Resources achieve savings in fiscal year 1992 through an adjustment of Medicaid reimbursement policies or rates for nursing home costs. As a result, the Department of Medical Assistance Services (DMAS) has recently conducted a review of the new Patient Intensity Rating System (PIRS) reimbursement methodology. This review indicates potential confusion over a provision of that methodology. Accordingly, an amendment is required.

This amendment would clarify the phrase "from the effective date of such 'interim' ceilings" in § 2.7.B.1. The phrase was intended to remove duplicative allowances for inflation during adjustment of peer group medians pursuant to § 2.7.A.5.c. For most providers, the calculation of the estimated reimbursement rate for FY '91 under §

2.7.A.5.a. already has an inflation allowance forecasted in the providers' fiscal years extended into FY '92. For the remaining providers, there is a forecasted inflation allowance calculated in § 2.7.A.5.a. for FY '91 which is partially duplicated by an historical inflation allowance calculated in § 2.7.A.5.b. for FY '91. The phrase in question could be interpreted as allowing both historical and forecasted inflation adjustments for the same period of time; indeed, it has already been interpreted in this manner by some employees of DMAS and some members of the provider community. Clearly, this has never been the intent of the methodology.

In addition to the foregoing correction, DMAS is also correcting the Table of Contents to properly match the pages and section numbers. This change is a technical correction.

Without an emergency regulation, this amendment to the State Plan cannot become effective until the publication and concurrent comment and review period requirements of the APA's Article 2 are met. An emergency regulation is needed to be effective by April 1, 1991. An April 1 date will ensure proper calculation of peer group ceilings and should preclude potential provider confusion about the methodology.

7. **AUTHORITY TO ACT:** The Code of Virginia (1950) as amended, § 32.1-324, grants to the Director of the Department of Medical Assistance Services the authority to administer and amend the Plan for Medical Assistance in lieu of Board action pursuant to the Board's requirements. The Code also provides, in the Administrative Process Act (APA) § 9-6.14:4.1(C)(5), for this agency's adoption of emergency regulations subject to the Governor's prior approval. Subsequent to the emergency adoption action and filing with the Registrar of Regulations, the agency is required to initiate the public notice and comment process as contained in Article 2 of the APA.

Section 1902(a)(13)(A) of the Social Security Act is implemented by Title 42 of the Code of Federal Regulations Part 447 Subpart C. This section "requires that the State Plan provide for payment for hospital and long-term care facility services through the use of rates that the state finds, and makes assurances satisfactory to the Secretary, are reasonable and adequate to meet the costs that must be incurred by efficiently and economically operated facilities to provide services in conformity with state and federal laws, regulations and quality and safety standards."

8. **FISCAL/BUDGETARY IMPACT:** These changes will have no fiscal or budgetary impact. No nursing home facility's peer group operating ceiling or operating rate actually set prior to the date hereof will be affected by the changes.

9. **RECOMMENDATION:** Recommend approval of this request to take an emergency adoption action to become effective once adopted and filed with the Registrar of

Emergency Regulations

Regulations on April 1, 1991. From its effective date, this regulation is to remain in force for one full year or until superseded by final regulations promulgated through the APA. Without an effective emergency regulation, the Department may be faced with numerous provider challenges to the peer group ceiling and rate methodology.

10. Approval Sought for VR 460-03-4.1940:1. Approval of the Governor is sought for an emergency modification of the Medicaid State Plan in accordance with the Code of Virginia § 9-6.14:4.1(C)(5) to adopt the following regulation:

VR 460-03-4.1940:1. Nursing Home Payment System.

Article 2. Operating Cost Component.

§ 2.6. Operating cost.

A. Operating cost shall be the total allowable inpatient cost less plant cost and NATCEPs costs. See Part VII for rate determination procedures for NATCEPs costs. To calculate the reimbursement rate, operating cost shall be converted to a per diem amount by dividing it by the greater of actual patient days, or the number of patient days computed as 95% of the daily licensed bed complement during the applicable cost reporting period.

B. For NFs of 30 beds or less, to calculate the reimbursement rate the number of patient days will continue to be computed as not less than 85% of the daily licensed bed complement.

§ 2.7. Nursing facility reimbursement formula.

A. Effective on and after October 1, 1990, all NFs subject to the prospective payment system shall be reimbursed under a revised formula entitled "The Patient Intensity Rating System (PIRS)." PIRS is a patient based methodology which links NF's per diem rates to the intensity of services required by a NF's patient mix. Three classes were developed which group patients together based on similar functional characteristics and service needs.

1. Any NF receiving Medicaid payments on or after October 1, 1990, shall satisfy all the requirements of § 1919(b) through (d) of the Social Security Act as they relate to provision of services, residents' rights and administration and other matters.

2. In accordance with § 1.3, direct patient care operating cost peer groups shall be established for the Virginia portion of the Washington DC-MD-VA MSA, the Richmond-Petersburg MSA and the rest of the state. Direct patient care operating costs shall be as defined in Appendix I.

Indirect patient care operating cost peer groups shall be established for the Virginia portion of the Washington DC-MD-VA MSA and for the rest of the

state. Indirect patient care operating costs shall include all other operating costs, not defined in Appendix I as direct patient care operating costs and NATCEPs costs.

3. Each NF's Service Intensity Index (SII) shall be calculated for each semiannual period of a NF's fiscal year based upon data reported by that NF and entered into DMAS' Long Term Care Information System (LTCIS). Data will be reported on the multidimensional assessment form prescribed by DMAS (now DMAS-95) at the time of admission and then twice a year for every Medicaid recipient in a NF. The NF's SII, derived from the assessment data, will be normalized by dividing it by the average for all NF's in the state.

See Appendix IV for the PIRS class structure, the relative resource cost assigned to each class, the method of computing each NF's facility score and the methodology of computing the NF's semiannual SIIs.

4. The normalized SII shall be used to calculate the initial direct patient care operating cost peer group medians. It shall also be used to calculate the direct patient care operating cost prospective ceilings and direct patient care operating cost prospective rates for each semiannual period of a NF's subsequent fiscal years.

a. The normalized SII, as determined during the quarter ended September 30, 1990, shall be used to calculate the initial direct patient care operating cost peer group medians.

b. A NF's direct patient care operating cost prospective ceiling shall be the product of the NF's peer group direct patient care ceiling and the NF's normalized SII for the previous semiannual period. A NF's direct patient care operating cost prospective ceiling will be calculated semiannually.

c. An SSI rate adjustment, if any, shall be applied to a NF's prospective direct patient care operating cost base rate for each semiannual period of a NF's fiscal year. The SII determined in the second semiannual period of the previous fiscal year shall be divided by the average of the previous fiscal year's SIIs to determine the SII rate adjustment, if any, to the first semiannual period of the subsequent fiscal year's prospective direct patient care operating cost base rate. The SII determined in the first semiannual period of the subsequent fiscal year shall be divided by the average of the previous fiscal year's SIIs to determine the SII rate adjustment, if any, to the second semiannual period of the subsequent fiscal year's prospective direct patient care operating cost base rate.

d. See Appendix IV for an illustration of how the SII is used to adjust direct patient care operating

Emergency Regulations

ceilings and the semiannual rate adjustments to the prospective direct patient care operating cost base rate.

5. An adjustment factor shall be applied to both the direct patient care and indirect patient care peer group medians to determine the appropriate initial peer group ceilings.

a. The DMAS shall calculate the estimated gross NF reimbursement required for the forecasted number of NF bed days during fiscal year 1991 under the prospective payment system in effect through September 30, 1990, as modified to incorporate the estimated additional NF reimbursement mandated by the provisions of § 1902(a)(13)(A) of the Social Security Act as amended by § 4211(b)(1) of the Omnibus Budget Reconciliation Act of 1987.

b. The DMAS shall calculate the estimated gross NF reimbursement required for the forecasted number of NF bed days during FY 1991 under the PIRS prospective payment system.

c. The DMAS shall determine the differential between a and b above and shall adjust the peer group medians within the PIRS as appropriate to reduce the differential to zero.

d. The adjusted PIRS peer group medians shall become the initial peer group ceilings.

B. The allowance for inflation shall be based on the percentage of change in the moving average of the Skilled Nursing Facility Market basket of Routine Service Costs, as developed by Data Resources, Incorporated, adjusted for Virginia, determined in the quarter in which the NF's most recent fiscal year ended. NFs shall have their prospective operating cost ceilings and prospective operating cost rates established in accordance with the following methodology:

1. The initial peer group ceilings established under § 2.7 A shall be the final peer group ceilings for a NF's first full or partial fiscal year under PIRS and shall be considered as the initial "interim ceilings" for calculating the subsequent fiscal year's peer group ceilings. Peer group ceilings for subsequent fiscal years shall be calculated by adjusting the most recent initial "interim" ceilings by a "percentage factor" which shall eliminate any allowances for inflation after September 30, 1990 calculated in both §§ 2.7.A.5.a and 2.7.A.5.c. for 100% of historical inflation, from the effective date of such "interim" ceilings to the beginning of the NF's next fiscal year to obtain new "interim" ceilings, and 50% of the forecasted inflation to the end of the NF's next fiscal year. The adjusted initial "interim" ceilings, shall be considered as the final "interim ceiling". Peer group ceilings for subsequent fiscal years shall be calculated by adjusting the final "interim" ceiling, as determined above, by

100 percent of historical inflation from October 1, 1990 to the beginning of the NF's next fiscal year to obtain new "interim" ceilings, and 50 percent of the forecasted inflation to the end of the NF's next fiscal year.

2. A NF's average allowable operating cost rates, as determined from its most recent fiscal year's cost report, shall be adjusted by 50% of historical inflation and 50% of the forecasted inflation to calculate its prospective operating cost base rates.

C. The PIRS method shall still require comparison of the prospective operating cost rates to the prospective operating ceilings. The provider shall be reimbursed the lower of the prospective operating cost rates or prospective operating ceilings.

D. Nonoperating costs.

1. Allowable plant costs shall be reimbursed in accordance with Part II, Article 1. Plant costs shall not include the component of cost related to making or producing a supply or service.

2. NATCEPs cost shall be reimbursed in accordance with Part VII.

E. The prospective rate for each NF shall be based upon operating cost and plant cost components or charges, whichever is lower, plus NATCEPs costs. The disallowance of nonreimbursable operating costs in any current fiscal year shall be reflected in a subsequent year's prospective rate determination. Disallowances of nonreimbursable plant costs and NATCEPs costs shall be reflected in the year in which the nonreimbursable costs are included.

F. For those NFs whose operating cost rates are below the ceilings, an incentive plan shall be established whereby a NF shall be paid, on a sliding scale, up to 25% of the difference between its allowable operating cost rates and the peer group ceilings under the PIRS.

1. The table below presents four incentive examples under the PIRS:

Peer Group Ceilings	Allowable Cost Per Day	Difference % of Ceiling	Sliding Scale	% Difference
\$30.00	\$27.00	\$3.00 10%	\$.30	10%
30.00	22.50	7.50 25%	1.88	25%
30.00	20.00	10.00 33%	2.50	25%
30.00	30.00	0	0	

2. Separate efficiency incentives shall be calculated for both the direct and indirect patient care operating ceilings and costs.

G. Quality of care requirement.

A cost efficiency incentive shall not be paid to a NF for the prorated period of time that it is not in conformance

Emergency Regulations

with substantive, nonwaived life, safety, or quality of care standards.

H. Sale of facility.

In the event of the sale of a NF, the prospective base operating cost rates for the new owner's first fiscal period shall be the seller's prospective base operating cost rates before the sale.

I. Public notice.

To comply with the requirements of § 1902(a)(28)(c) of the Social Security Act, DMAS shall make available to the public the data and methodology used in establishing Medicaid payment rates for nursing facilities. Copies may be obtained by request under the existing procedures of the Virginia Freedom of Information Act.

STATE CORPORATION COMMISSION

BUREAU OF INSURANCE

April 16, 1991

Administrative Letter 1991-6

TO: All Insurers Licensed to Write Property and Casualty Insurance in Virginia

RE: Workers' Compensation Insurance Rate Filings

It has become increasingly obvious to the Bureau of Insurance from comments made by insurers writing workers' compensation in the Commonwealth that there is considerable confusion and concern with respect to certain actions taken by the State Corporation Commission in the course of the last several workers' compensation rate filings.

While we understand that the National Council on Compensation Insurance (NCCI), the rate service organization which files rate requests on behalf of its member companies, does notify the members of its Virginia Classification and Rate Committee (C & R Committee) of the differences between what NCCI applied for and what the Commission granted in a rate proceeding, we are concerned that NCCI apparently does not adequately inform its member-insurers, who are not members of NCCI's C&R Committee, of the Commission's actions with respect to NCCI rate applications and the basis for such actions.

As a general matter, you should know that the State Corporation Commission is considered to be an expert rate-making body and conducts formal public hearings on NCCI's rate requests. In addition to insurance rate proceedings, the State Corporation Commission also conducts public hearings and sets rates in Virginia for electric, telephone and water public utilities. These hearings are conducted according to Virginia law and the Commission's published Rules of Practice and Procedure and are subject to the rules of evidence as used in the courts of record in the Commonwealth of Virginia. All testimony before the Commission is given under oath and is subject to cross-examination by counsel for participating parties. Transcripts of the hearings are available from the Commission's court reporters. Final orders of the State Corporation Commission are subject to appeal as a matter of right to the Virginia Supreme Court. Upon an appeal, the record of the proceeding, which includes, among other things, the Commission's written opinion stating the basis for its decision, its orders, the transcripts and evidentiary documents, is transmitted by the Clerk of the State Corporation Commission to the Clerk of the Virginia Supreme Court. Further proceedings before the Virginia Supreme Court are subject to the Supreme Court's Rules of Court.

In the 1990 rate filing by NCCI with the Commission, an increase of 27.7% in premium level was requested. Of this 27.7% requested increase, 15.4% was attributable to an

increase in the factor for profit and contingencies. The Commission rejected this increase based on its previous rulings that dividends and deviations voluntarily paid and allowed must be excluded for the purpose of setting workers' compensation insurance rates in the Commonwealth of Virginia. Such payments and allowances, the Commission reasoned in its opinion filed in the record transmitted to the Supreme Court, should be funded out of better than expected experience and expense savings. NCCI has neither ever acceded to, nor ever perfected an appeal of right to the Virginia Supreme Court with respect to, the Commission's rulings concerning dividends and deviations.

In addition to the requested increase of 15.4% for profit and contingencies, which NCCI knew the Commission had not allowed in past rate proceedings, the balance of the NCCI 1990 premium level increase request was comprised of the following components: (i) 4.4% for experience; (ii) 4.2% for trend; (iii) 1.0% for general expense; (iv) 0.5% for loss adjustment expense; (v) 0.2% for benefits; and (vi) 0.1% for premium taxes.

At the hearings before the Commission, which lasted for three days in October, 1990, expert witnesses for the Attorney General, the Bureau of Insurance and other parties, as in past proceedings, opposed the inclusion of dividends and deviations in the rate-making process. These parties also opposed, in varying degrees, all of the remaining component increase requests with the exception of the requested increases for loss adjustment expense, benefits and taxes. These latter differences resulted principally from the use of economic and actuarial forecasting methodologies which differed from those employed by NCCI expert witnesses in the rate application before the Commission. In fact, NCCI admitted at the hearings that the methodology employed by the Bureau's expert actuarial witness with respect to the experience component of the requested premium level increase has also been utilized by NCCI in states other than Virginia. The Attorney General's experts recommended an overall increase of 0.4% and expert witnesses for the Bureau of Insurance recommended an overall increase in premium level of 2.0%. After considering NCCI's rate application together with all of the evidence offered in the hearings and the law applicable to the proceeding, the Commission granted an increase in premium level of 4.1% with a provision for a 14.5% rate of return on equity.

Within the period allowed by Virginia law and the Rules of the Virginia Supreme Court, NCCI filed an appeal of the Commission's decision with the Clerk of the State Corporation Commission. Subsequently, the Commission transmitted the record of the proceedings before the Commission to the Supreme Court in accordance with the Rules of that Court. The Virginia Supreme Court, among other actions, may reverse any decision of the State Corporation Commission whenever it finds that the Commission's decision is arbitrary and capricious, is not supported by the law or is contrary to the weight of the evidence contained in the record before the Commission.

State Corporation Commission

Nevertheless, notwithstanding NCCI's contrary position with respect to dividends and deviations in the making of workers' compensation insurance rates, shortly after the record was transmitted to the court, NCCI withdrew its appeal from the Supreme Court. Thus, NCCI's position with respect to dividends and deviations remains untested before the Virginia Supreme Court and the decision of the State Corporation Commission granting a 4.1% increase in workers' compensation insurance premium levels became final for new and renewal policies issued on and after November 1, 1990.

The Bureau of Insurance believes that insurers doing business in the Commonwealth of Virginia have every right to know and understand fully both the procedure to which rate applications are subject and the basis for the disposition of a particular rate application. The purpose of this letter has been to explain generally the manner in which the 1990 NCCI workers' compensation insurance rate application was handled before the State Corporation Commission. However, we are certain that there may be insurers who have additional and more specific questions which have not been answered in this letter. Accordingly, we invite any insurer who has any questions relating to the procedural or substantive manner in which any rate filing has been handled to contact the Bureau of Insurance in writing for an explanation. We will do our best to provide you with the answers to your questions.

Questions regarding the contents of this letter should be directed to:

Robert A. Miller
Deputy Commissioner
Property & Casualty Division
Bureau of Insurance
P. O. Box 1157
Richmond, Virginia 23209

/s/ Steven T. Foster
Commissioner of Insurance

Virginia Tax Bulletin

Virginia Department of Taxation

APRIL 1, 1991

91-2

INTEREST RATES SECOND QUARTER 1991

Rates change: State and certain local interest rates are subject to change every quarter. The rates for the second quarter of 1991 will be 10% for tax underpayments (assessments) and 9% for tax overpayments (refunds). These rates have changed from the rates for the first quarter of 1991 (which were 11% and 10%, respectively).

Rate for Addition to Tax for Underpayments of Estimated Tax

Individuals: Tax returns for the calendar year 1990 are due on May 1, 1991. For the purpose of computing the addition to the tax for underpayment of Virginia estimated income taxes on Form 760C (for individuals, estates and trusts) or Form 760F (for farmers and fishermen), the first quarter 11% underpayment rate will apply through the due date of the return, May 1, 1991.

Corporations: Tax returns for the calendar year 1990 are due on April 15, 1991. For the purpose of computing the addition to the tax for underpayment of Virginia estimated income taxes on Form 500C, the first quarter 11% underpayment rate will apply through the due date of the return, April 15, 1991.

Taxpayers whose taxable year ends on March 31, 1991: For the purpose of computing the addition to the tax for underpayment of Virginia estimated income taxes on Form 760C (for individuals, estates and trusts), Form 760F (for farmers and fishermen) or Form 500C (for corporations), the second quarter 10% underpayment rate will apply through the due date of the return, July 15, 1991.

Local Tax

Assessments: Localities assessing interest on delinquent taxes pursuant to Va. Code section 58.1-3916 may impose interest at a rate not to exceed 10% for the first year of delinquency, and at a rate not to exceed 10% or the underpayment rate in effect for the applicable quarter, whichever is greater, for the second and subsequent years of delinquency. For the second quarter of 1991, the underpayment rate is 10%.

Refunds: Localities which have provided for refund of erroneously assessed taxes may provide by ordinance that such refund be repaid with interest at a rate which does not exceed the rate imposed by the locality for delinquent taxes.

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Recent Interest Rates

<u>Period</u>	<u>Rate</u>	<u>Period</u>	<u>Underpayment</u> <u>(Assessment)</u>	<u>Overpayment</u> <u>(Refund)</u>
2/1/82 - 12/31/82	20%	1/1/87 - 9/30/87	9%	8%
1/1/83 - 6/30/83	16%	10/1/87 - 12/31/87	10%	9%
7/1/83 - 12/31/84	11%	1/1/88 - 3/31/88	11%	10%
1/1/85 - 6/30/85	13%	4/1/88 - 9/30/88	10%	9%
7/1/85 - 12/31/85	11%	10/1/88 - 3/31/89	11%	10%
1/1/86 - 6/30/86	10%	4/1/89 - 9/30/89	12%	11%
7/1/86 - 12/31/86	9%	10/1/89 - 3/31/91	11%	10%
		4/1/91 - 6/30/91	10%	9%

For additional information: Contact the Taxpayer Assistance Section, Office Services Division, Virginia Department of Taxation, P. O. Box 6-L, Richmond, Virginia 23282, or (804) 367-8031 (Individual) or (804) 367-8036 (Corporation).

Virginia Tax Bulletin

Virginia Department of Taxation

April 1, 1991

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 VIRGINIA DEPARTMENT OF TAXATION

OPERATION DESERT STORM

Governor Wilder has signed into law emergency legislation (HB 1698 and SB 791) to provide extensions and other tax benefits to members of the armed forces serving in Operations Desert Shield and Desert Storm, as well as to members of the National Guard and military reservists called to active federal duty during the conflict.

This bulletin provides an overview of these benefits, however, more detailed guidelines for taxpayers, tax practitioners, and local tax officials will be published shortly.

Desert Shield / Combat Zone Personnel

- ◆ **Extensions:** Military personnel in the Middle East "combat zone" as designated by the President or who were in "Desert Shield service" prior to the designation of the combat zone will receive:
 - the same individual income tax filing and payment extension as they receive for federal purposes, plus an additional 15 days, OR
 - a 1-year extension (until May 1, 1992 for 1990 returns), whichever is later.

Members of the armed forces using this extension should write "DESERT STORM" on the top of their return and on the envelope.
- ◆ **Combat pay:** Combat pay will be excluded from Virginia tax to the same extent it is excluded from federal tax (currently, enlisted personnel receive a total federal exclusion, while officers receive a \$500 per month exclusion).
- ◆ **Estimated tax:** Estimated tax declarations and installment payments are not required during the period a member of the armed forces enjoys the filing and payment extension above.
- ◆ **Penalty and interest:** Penalty and interest will not accrue during the extension period above. In addition, collection activities will be withheld during the period and the period of limitations for administrative and judicial remedies for appealing tax assessments will be extended. "DESERT STORM" should be written on any notice issued to combat zone personnel regarding tax collection or examination and the notice should be returned to the Department of Taxation.
- ◆ **Refunds:** Military personnel may still file early to receive a refund; however, the extension will also expand the normal 3-year time limit for seeking individual income tax refunds. Also, like federal law, interest will be paid on 1990 refund returns filed by Desert Shield / Desert Storm personnel after May 1, 1991.
- ◆ **Combat death:** Again like federal law, current-year Virginia income taxes and all outstanding assessments for prior years will be waived if a member of the armed forces dies in a combat zone or as the result of an injury occurring in the zone. Similar relief is also provided, consistent with federal law, for civilian and military employees of the United States who die in terroristic or military actions.

National Guard Members and Military Reservists Not in the Combat Zone

- ◆ **Extensions:** The new Virginia law goes much further than federal law by granting an automatic 1-year filing and payment extension for 1990 individual income tax returns for members of the National Guard and military reservists who were called into active federal service, regardless of where they were stationed.
 - To qualify, the National Guard member or reservist must be in active federal service on the due date of the return (May 1, 1991, unless filing on a fiscal year basis).
 - Individuals using this extension should write "ACTIVE DUTY RESERVIST" at the top of their return and on the envelope.
- ◆ **Estimated tax:** Estimated tax declarations and payments will not be required during the period that a National Guard member or reservist enjoys the above extension.
- ◆ **Refunds:** Returns may still be filed early in order to receive refunds; however, interest will be paid on 1990 refund returns filed by active duty National Guard members or reservists after May 1, 1991.

Other Military Personnel

- ◆ **Generally:** Other benefits are available to members of the armed forces who did not serve in the combat zone, but who were outside the United States.
- ◆ **Extensions:** Any individual, including a member of the armed services, outside the United States or Puerto Rico on the due date of his or her return receives an automatic 2-month filing and payment extension to July 1, 1991. In addition, the Department of Taxation will grant an additional 6-month extension (until January 1, 1992) to any serviceman stationed outside the United States and Puerto Rico, provided he or she files an extension request and pays the tentative tax by July 1, 1991.
- ◆ **Estimated tax:** The due date for filing the final 1990 estimated payment has been extended from January 15, 1991 to July 1, 1991.

Spouses

- ◆ Extensions apply equally to members of the armed forces and their spouses. However, service families may still wish to file early to receive refunds. If it is not possible to obtain a signed power of attorney form from a spouse in the combat zone, the Department of Taxation will accept a written statement that the husband or wife is serving in the zone and that the return is being filed on his or her behalf.

Collection Action

- ◆ The federal Soldiers and Sailors Relief Act of 1940 provides for the deferral of tax liabilities for military personnel in their first tour of duty, provided they request relief from interest accrual and collection and show that their ability to pay is "materially impaired" by military service. Virginia will follow the federal guidelines in determining "material impairment."

Virginia Tax Bulletin

Virginia Department of Taxation

April 3, 1991

91-4

IMPACT OF FEDERAL EXCISE TAX INCREASES ON VIRGINIA SALES AND USE TAXES

As a result of federal legislation, effective January 1, 1991, a new federal excise tax is imposed on "luxury" items over special dollar limits:

- \$30,000 for passenger autos
- \$100,000 for boats
- \$250,000 for aircraft
- \$10,000 for jewelry and furs

In addition, beer, wine, alcohol, tobacco and motor fuel excise taxes were increased. Because the new federal excise taxes may be included in the base for computing sales and use tax, persons in Virginia that collect and remit the taxes may be affected by these new changes.

IMPACT ON RETAIL SALES AND USE TAX

Beer, Wine and Tobacco: The retail sales and use tax applies to the retail sale of beer, wine and tobacco products. The base for computing the tax will include the increased price of these items due to the federal rate change for beer, wine, cigarettes and other tobacco products.

Luxury Tax: Va. Code § 58.1-602 excludes federal retailer's excise taxes from the base for computing the retail sales and use tax. The new federal luxury tax on jewelry and furs is classified as a retailer's excise tax and will not be included in the base for computing the retail sales and use tax on jewelry and furs.

Motor Vehicles: Sales, leases, and rentals of motor vehicles are not subject to the retail sales and use tax provided they are subject to the motor vehicle sales and use tax administered by the Department of Motor Vehicles (DMV). DMV has announced that the federal luxury tax should not be included in sales price for purposes of computing the motor vehicle sales tax.

IMPACT ON AIRCRAFT AND WATERCRAFT SALES AND USE TAX

The base for computing the aircraft and watercraft sales and use taxes excludes manufacturer's excise taxes, but not retailer's excise taxes. Thus, the new federal excise tax on aircraft and

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watercraft will be included in the base for computing the aircraft and watercraft sales and use tax since it is classified as a retailer's tax.

IMPACT ON MOTOR FUEL TAXES

Retail Sales and Use Tax: The retail sales and use tax does not apply to motor vehicle fuels taxed under the motor fuel or special fuel taxes administered by the DMV, unless the motor fuel or special fuel tax does not apply or is refunded, i.e., a refund for off-road use. The retail sales and use tax would then be levied on the sales price of the fuel unless the purchaser is statutorily exempt from the tax; however, Va. Code § 58.1-602 excludes from sales price the federal diesel fuel excise tax if separately stated (no similar provision is made for the federal gasoline excise tax).

Increases in the price of gasoline as a result of the increased federal gasoline excise tax will be included for purposes of computing any applicable retail sales and use tax. The additional diesel fuel excise tax will not be included for purposes of computing the retail sales and use tax, provided it is separately stated on the seller's invoice.

Northern Virginia Motor Vehicle Fuel Sales Tax: The federal gasoline tax increase will have an impact on the motor vehicle fuel sales tax imposed in the Northern Virginia and Potomac and Rappahannock Transportation Districts. The base for computing the motor vehicle fuel sales tax is the same as the retail sales and use tax. Thus, the federal gasoline excise tax will be included in the tax base, while the federal diesel fuel excise tax will not, if it is separately stated.

For additional information: Please call the Department of Taxation at (804) 367-8037 or write: Department of Taxation, Taxpayer Assistance Section, P.O. Box 6-L, Richmond, Virginia 23282. The department's district offices, located in Bristol, Danville, Falls Church, Hampton, Harrisonburg, Norfolk, Richmond, and Roanoke are also available to answer your questions.

Virginia Tax Bulletin

Virginia Department of Taxation

APRIL 1, 1991

91-5

CORPORATION INCOME TAX: LATE FILING PENALTY

Effective for taxable years beginning on and after January 1, 1990, a penalty will be imposed for late filing of certain corporation income tax returns.

Computation of the Penalty

Pursuant to Va. Code 58.1-450, the penalty is assessed on the tax due with the return at a rate of 5% per month or fraction thereof, from the due date of the return until the date the return is filed. The maximum penalty is 25% of the tax due. The minimum penalty is \$100. (Effective July 1, 1991, the penalty increases to 6% per month to a maximum of 30%. The \$100 minimum is unchanged.)

The minimum penalty will be assessed in the following cases:

1. When an electing small business corporation (S corporation) files its Virginia Form 500S after the required due date; and
2. When any other corporation files its Virginia Form 500 after the required due date, the return shows a balance of tax due, and the penalty computed at the 5% to 25% rate is less than \$100.

Example

A corporation files its return for the calendar year 1990 on May 15, 1991, one month after the due date. The return shows a balance of tax due in the amount of \$1,500. Since the application of the 5% monthly rate yields a penalty of only \$75 ($1,500 \times 5\%$), the \$100 minimum penalty will be assessed in lieu of the 5% penalty.

However, if the return in this case is filed two months after the due date, the application of the 5% rate over a two-month period will yield a penalty of \$150 ($1,500 \times 10\%$); therefore, the minimum penalty will not apply.

Cases Where the Minimum Penalty Does Not Apply

The minimum penalty will not be imposed in cases where the Virginia Form 500, although filed late, reflects either a refund or no balance of tax due.

For additional information: Contact the Taxpayer Assistance Section, Office Services Division, Virginia Department of Taxation, P. O. Box 6-L, Richmond, Virginia 23282, (804) 367-8036.

GOVERNOR

EXECUTIVE ORDER NUMBER THIRTY (91)

CREATING GOVERNOR'S TASK FORCE ON SUBSTANCE ABUSE AND SEXUAL ASSAULT ON COLLEGE CAMPUSES

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and, including, but not limited to, Section 2.1-51.36 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby create the Governor's Task Force on Substance Abuse and Sexual Assault on College Campuses.

The Task Force is classified as a gubernatorial advisory Commission in accordance with Sections 2.1-51.35 and 9-6.25 of the Code of Virginia.

The Task Force shall have the specific duty of advising the Governor on how the Commonwealth could further address and overcome two inter-related problems on Virginia's college, university and community college campuses: substance abuse (including alcohol and illegal drugs) and sexual assault. The Task Force shall examine activities relating to substance abuse and sexual assault including prevention, education, treatment, and law enforcement. The Task Force shall also study the process and procedures used to report substance abuse and sexual assault on college, university and community college campuses. The Task Force will pay particular attention to identifying potential cooperative relationships between institutions of higher education, the state and localities. In addition, the Task Force will assess the different circumstances of students who commute to college, those who live in student housing, and those who reside off campus.

Members of the Task Force shall be appointed by the Governor and shall serve at his pleasure. The Task Force shall consist of no more than 27 members, including public and private college and university presidents, a representative of the State Council of Higher Education, state, local, and campus law enforcement officers, students, and legislative representatives, representatives of the Office of the Governor, Attorney General Mary Sue Terry, Lieutenant Governor Donald S. Beyer, Jr., and a representative of the Office of the Attorney General. My initial appointments are attached as Appendix I of this executive order.

In recognizing the cooperation that will be necessary between the education and law enforcement communities, I appoint the Secretary of Education as Chairman of the Task Force and the Secretary of Public Safety as Vice-Chairman.

Such funding as is necessary for the fulfillment of the Task Force's responsibilities during the term of its existence shall be provided under a grant from the United States Drug-Free Schools and Communities Act of 1986. Other support as is necessary for the conduct of the Task

Force's business during the term of its existence may be provided by such executive branch agencies as the Governor may from time to time designate. Total expenditures for the Task Force's work are estimated to be \$25,000.

Such staff support as is necessary for the conduct of the Task Force's business during the term of its existence will be provided by the Office of the Secretary of Education through staff assigned temporarily to the State Council of Higher Education for Virginia under the previously mentioned grant or provided by such executive branch agencies as the Governor may from time to time designate. An estimated 5,000 hours of staff support will be required to assist the Task Force.

Members of the Task Force shall be reimbursed only for reasonable and necessary expenses incurred in the performance of their official duties.

The Task Force shall complete its examinations of these matters and report to the Governor no later than April 1, 1992. It may issue interim reports and make recommendations at any time it deems necessary.

This Executive Order shall become effective April 17, 1991, and shall remain in full force and effect until April 1, 1992, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 16th day of April, 1991.

/s/ Lawrence Douglas Wilder
Governor

APPENDIX I

Executive Order Number Thirty (91)

Membership of Governor's Task Force on Substance Abuse and Sexual Assault on College Campuses

Chairman: Secretary of Education, James W. Dyke, Jr.

Vice-Chairman: Secretary of Public Safety, Colonel Robert L. Suthard

The Honorable Mary Sue Terry
Attorney General
Commonwealth of Virginia

The Honorable Donald S. Beyer, Jr.
Lieutenant Governor
Commonwealth of Virginia

Mr. Lawrence R. Ambrogio, President
Virginia Association of Commonwealth's Attorneys

Mr. Louis E. Barber, Sheriff

Montgomery County Sheriff's Office

Lt. Colonel Carl R. Baker, Director
Bureau of Criminal Investigation
Department of State Police

Mr. Gerald J. Bright, Chief of Police
Christopher Newport College

Mr. John Casteen, President
University of Virginia

Mr. Matthew W. Cooper, Student
Executive Director of Student Association of Virginia

Dr. Gordon K. Davies, Director
Council of Higher Education

Dr. King Davis, Commissioner
Department of Mental Health, Mental Retardation and
Substance Abuse Services

Dr. Robert Green, Provost
J. Sargeant Reynolds Community College

Mrs. Norma Harvey
Business Assistance Center
Hampton University

Dr. George W. Johnson, President
George Mason University

H. Lane Kneedler, Esquire
Chief Deputy Attorney General
Office of the Attorney General

Ms. Suzanne Lavigne, Graduate Student
Head Residence Director, Hillside Dorm
James Madison University

Dr. Linda Koch Lorimer, President
Randolph-Macon Woman's College

Dr. Wesley McClure, President
Virginia State University

Walter A. McFarlane, Esquire
Executive Assistant for Policy/Counsel to the Governor
Office of the Governor

Mr. Robert B. Northern
Special Assistant to the Governor for Drug Policy
Office of the Governor

The Honorable W. Roscoe Reynolds
Member, Virginia House of Delegates

The Honorable Richard L. Saslaw
Member, Virginia Senate

Mr. Michael Sheffield, Chief of Campus Police

University of Virginia

Dean Timothy J. Sullivan, Marshall-Wythe School of
Law
The College of William and Mary

Dr. Charles W. Sydnor, Jr., President
Emory and Henry College

Mr. Marty M. Tapscott, Chief of Police
Richmond Bureau of Police

**GOVERNOR'S COMMENTS ON PROPOSED
REGULATIONS**

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

**DEPARTMENT OF WASTE MANAGEMENT (VIRGINIA
WASTE MANAGEMENT BOARD)**

Title of Regulation: VR 672-30-01. Regulations Governing
the Transportation of Hazardous Materials.

Governor's Comment:

These regulations are proposed to ensure that Virginia's
regulations are consistent with federal statutes and
regulations governing the transportation of hazardous
materials. Pending public comment, I recommend
approval.

/s/ Lawrence Douglas Wilder
Governor
Date: April 12, 1991

The Legislative RECORD

number one

Published in the Commonwealth of Virginia

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THIS ISSUE . . .

1 *HJR 300: Southside Economic Development Commission*

3 *HJR 205: Commission Studying State and Local Infrastructure Needs and Revenue Sources*

HJR 300: Southside Economic Development Commission

◆
March 28, 1991
Longwood College, Farmville

A review of the interim report, legislation, and recommendations of the Southside Economic Development Commission provided a starting point for the second year of its study.

Economic Development in the Year 2000

The Commission received testimony from Juliann Tenney, Executive Director, Southern Growth Policies Board, who described economic development policies for the South for the Year 2000.

Noting that many of the South's best trained and educated citizens leave the region to pursue jobs elsewhere, Ms. Tenney cited improving the quality of the workforce as a key to economic development. Also noted was the need to support infrastructure demands resulting from economic growth and in-migration.

Manufacturing

Also addressing the Commission was the Director of the Southern Technology Council, Southern Growth Policies Board, Stuart A. Rosenfeld, who reviewed manufacturing renewal in the South. Citing the findings of *After the Factories*, Mr. Rosenfeld described manufacturing as "essential" to rural economic development (see box on page 2). He contrasted the traditional development practice of states competing against each other to attract firms with the emerging policy of enhancing the competitive advantage of firms. This latter policy recognizes the global economy, incentives to

A Word of Introduction

During the 1991 Session, the House Rules Committee and the Senate Rules Committee adopted a one-year pilot project aimed at reducing legislative paperwork. The project, which is designed to reduce costs and disseminate information more efficiently, will provide members a concise, timely, and comprehensive summary of legislative study commission and joint subcommittee activities through the monthly publication of *The Legislative Record*, which will be mailed to each member of the General Assembly.

An informal survey revealed that members often immediately discard long, detailed minutes of meetings. The pilot project calls for *The Legislative Record* to supplant traditional minutes and summarize each meeting conducted during the month. The newsletter will be mailed early in the month and will cover all meetings held during the preceding month. All members will, therefore, be able to keep abreast of study activities whether or not they are actively participating as a member of a given study group.

The public and special interest groups may follow study activities by subscribing to *The Virginia Register*, which will publish *The Legislative Record* each month.

The comments and suggestions of members of the General Assembly are, as always, welcome.

E.M. Miller, Jr., Director

From After the Factories: Changing Employment Patterns in the Rural South:

- “ Employment changes do, in fact, indicate that long-term economic restructuring is occurring in the South, both industrially and geographically. . . .
- “ The rural South’s ability to recover from structural changes in the economy is hampered by its lack of wealth and underdeveloped human resources. . . .
- “ Between 1977 and 1982, employment grew only about half as fast in nonmetro areas as in metro areas. . . .
- “ Fastest growth counties had the smallest percent minority populations, highest educational levels and per capita income, most physicians per resident, fastest population growth, and large numbers of in-migrating elders (retirees). . . .
- “ The fastest employment growth occurred in counties dominated by service industries and the slowest growth occurred in counties dominated by manufacturing—particularly traditional nondurable manufacturing. . . .
- “ The evidence compiled suggests that long-term restructuring of the region’s economy is indeed occurring, resulting in shifts in jobs from nonmetro to metro areas, in shifts among industrial sectors from manufacturing to services, and in shifts within manufacturing from traditional to emerging industries. . . .”

*Southern Growth Policies Board
Research Triangle Park, North Carolina*

modernize, concentrated strength, and the value of gains in overall productivity. To illustrate this emerging policy, Mr. Rosenfeld described the growth of an Italian region characterized by smaller, grouped industries. Networking, either through horizontal or vertical relationships, allows these firms to achieve external economies of scale and increased flexibility and specialization.

The networking concept has been explored in North Carolina, where grants for the Rural Economic Development Center funded seven pilot networks. In Arkansas, a “metalworking connection” shares reduced benefit costs. As an organization, the group also wields more political influence. Pending legislation in Oregon establishes a “competitiveness commission” to focus on networking and other business incentives. A consortium for manufacturing competitiveness is already in existence at Wytheville Community College.

Governor’s Committees

Following brief remarks by Dr. Dana B. Hamel, Director of the The Virginia Center of Public-Private Initiatives, Secretary of Economic Development Lawrence H. Framme III described the work of the Governor’s Advisory Committee—Workforce Virginia 2000: A Partnership for Excellence and the efforts of the Governor’s Rural Development Conference. Streamlining the regulatory approvals process, establishing a rural development policy, and creating a Center on Rural Development were included in the recommendations of the conference and its task forces, while the advisory committee cited the need to develop a curriculum path for those students who do not expect to pursue college degrees and proposed the establishment of apprenticeship, “tech-prep,” and “work learning” programs.

A tour of the Longwood Small Business Development Center followed the Commission meeting. The Commission’s four task forces met in the afternoon.

The Commission and its task forces plan to meet on a monthly basis at various locations in Southside Virginia; the Commission’s final report and recommendations are expected to be released in early fall.



The Honorable A.L. Philpott, Speaker, House of Delegates, *Chairman*
The Honorable Whittington W. Clement, *Vice Chairman*
The Honorable Howard P. Anderson, *Vice Chairman*



Kathleen G. Harris, *Staff Attorney*
John A. Garka, *Division Manager*
Nancy L. Roberts, *Division Manager*
Division of Legislative Services

Robert M. de Voursney
Sim Ewing
University of Virginia
Center for Public Service

HJR 205: Commission Studying State and Local Infrastructure Needs and Revenue Resources



April 2, 1991

Capitol Building, Richmond

In her opening remarks, Chairman Keating informed the members that she had decided to form a subcommittee to examine the feasibility of establishing a Revenue Resources Commission. Forming a subcommittee to study this issue is an attempt to maximize the Infrastructure Commission's remaining funds, given the Commission's limited operating budget.

John Garka from Legislative Services gave an overview of the former Revenue Resources Commission, which was created in 1968 by SJR No. 15 and dissolved as a permanent state agency in 1980. Over this period, the Commission examined numerous state and local taxes and long-term trends of state revenues and expenditures. Mr. Garka concluded by suggesting a few questions for the Infrastructure Commission's consideration when examining the establishment of a new Revenue Resources Commission (see insert below).

Financing Methods for Localities

The Commission heard testimony from George Pugh, an investment banker with Craigie and Co, who described the financing methods available to localities for financing regional facilities. General obligation debt is a secure form of debt that cities and towns may levy without a referendum but with a limit of ten percent of the assessed value of the real estate. Counties, however, cannot levy general obligation debt without a referendum.

Revenue bonds are very useful in regional projects, but must be used to finance an enterprise that has a recognizable user fee, such as a toll road or a solid waste facility. Such projects as jails, drainage facilities, and roads without tolls, which do not produce income, cannot be financed through revenue bonds.

Privatization

The Commission was cautioned against omnibus enabling legislation for privatization of public facilities by William C. Wiley from Scott and Stringfellow. Mr. Wiley advised that public policy issues should be clearly stated in any legislation enacted to enable privatization, adding that any piece

of legislation should be tailor-made to each project to avoid confusion over its intent. Mr. Wiley also stated that private investment is crucial to the success of a public/private venture, and the return on the investment should be high enough to attract private capital.

Regional Jail Program

According to Gene Johnson from the Department of Corrections, there are currently 12 regional jails in operation in the Commonwealth, eight construction projects with Board approval pending, and three localities expressing interest in participating in a regional jail project. Section 53.1-82 of the Code provides for funding up to 50% of the cost of construction of a regional jail. A combination of three or more cities, counties, or towns is eligible for the state reimbursement when the localities enter into a contract agreement for thirty years or more. A list of potential advantages of a regional jail program appears in the box on the next page.

Revenue Resources Commission

Questions for Consideration

1. What responsibilities should a Commission have?
2. Should the Commission be given specific issues to examine?
3. Should the Commission be purely legislative or joint legislative and executive?
4. Should the Commission have an independent or an in-house staff?
5. How should the Commission's role relate to the House and Senate Finance Committees and the House Appropriations Committee?

Infrastructure Agencies in Other States

The state infrastructure agencies in Kentucky and California were described by Bethany Parker from Legislative Services. The Kentucky Infrastructure Authority is very similar to Virginia's Authority, both offering the same loan programs and participating in the Environmental Protection Agency's Capitalization Assistance Program. The legislation creating the California Infrastructure Agencies is still pending in the California General Assembly, and, if passed, would not become effective until 1993. Unlike the programs in Kentucky and Virginia, the California agencies would not handle the financing of facilities, but would plan, design, and implement the infrastructure projects.

Future Meetings

The subcommittee plans to meet in mid-summer to discuss the Revenue Resources Commission. The full Infrastructure Commission will meet again in September.



The Honorable Gladys B. Keating, *Chairman*
The Honorable Clive L. DuVal, 2d, *Vice Chairman*



Bethany L. Parker, *Economist*
John A. Garka, *Division Manager*
C.M. Conner, Jr., *Staff Attorney*
Division of Legislative Services

Regional Jail Program Some Advantages

1. Fewer staff needed promotes cost efficiency.
2. Localities share per diem operating cost and maintenance/upkeep cost.
3. Administrator of regional jail has no other law-enforcement duties.
4. Local sheriffs are relieved of jail management responsibilities.
5. Local Jail Board promotes involvement of localities in making policy and establishing operational procedures.
6. Opportunity for new treatment programs is enhanced.

The Legislative Record summarizes the activities of all Virginia legislative study commissions and joint subcommittees. Published monthly in Richmond, Virginia, by the Division of Legislative Services, an agency of the General Assembly of Virginia.

E.M. Miller, Jr. *Director*
R. J. Austin *Manager, Special Projects*
K. C. Patterson *Editor*
James A. Hall *Designer*

Special Projects, Division of Legislative Services
910 Capitol Street, 2nd Floor, Richmond, Virginia 23219 804/786-3591

The Legislative Record is also published monthly in *The Virginia Register*, available from the Virginia Code Commission, 910 Capitol Street, 2nd Floor, Richmond, Virginia 23219. Notices of upcoming meetings of all legislative study commissions and joint subcommittees appear in the Calendar of Events in *The Virginia Register*.

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

DEPARTMENT OF CORRECTIONS (STATE BOARD OF)

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 amending regulations entitled: **VR 230-20-001. Operational Standards for Adult Institutions.** The purpose of the proposed action is to establish minimum operations standards for adult institutions of the Department of Corrections.

Statutory Authority: § 53.1-5 of the Code of Virginia.

Written comments may be submitted until May 15, 1991.

Contact: John T. Britton, Manager, Certification and Research, P.O. Box 26963, Richmond, VA 23261, telephone (804) 674-3237.

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 amending regulations entitled: **VR 230-30-006. Jail Work/Study Release Program Standards.** The purpose of the proposed action is to establish minimum standards for the establishment and operation of a jail work/study release program.

Statutory Authority: § 53.1-131 of the Code of Virginia.

Written comments may be submitted until May 15, 1991.

Contact: A. T. Robinson, Local Facilities Administrator, P.O. Box 26963, Richmond, VA 23261, telephone (804) 674-3251.

BOARD FOR COSMETOLOGY

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Cosmetology intends to consider amending regulations entitled: **VR 235-01-02. Board for Cosmetology Regulations.** The purpose of the proposed action is to solicit public comment on all existing regulations as to their effectiveness, efficiency, necessity, clarity, adjustment of examination fees; establishment of a nail technician licensing program; and establishment of an esthetician licensing program.

Statutory Authority: §§ 54.1-201(5) and 54.1-113 the Code of Virginia.

Written comments may be submitted until July 7, 1991.

Contact: Roberta L. Banning, Assistant Director, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590.

DEPARTMENT OF HEALTH (STATE BOARD OF)

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Health intends to consider amending regulations entitled: **VR 355-01-01. Public Participation Guidelines.** The purpose of the proposed action is to provide consistent, written guidelines in order to ensure input from interested parties at all stages of the regulatory process.

Statutory Authority: § 32.1-12 of the Code of Virginia.

Written comments may be submitted until June 3, 1991.

Contact: Susan R. Rowland, Assistant to the Commissioner, P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-3561.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Health intends to consider amending regulations entitled: **VR 355-30-01. Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations.** The purpose of the proposed action is to amend the existing Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations so that the regulations are consistent with the amended law.

Statutory Authority: § 32.1-12 of the Code of Virginia.

Written comments may be submitted until April 23, 1991.

Contact: Wendy V. Brown, Acting Director, Division of Resources Development, Virginia Department of Health, 1500 East Main St., Suite 105, Richmond, VA 23219, telephone (804) 786-7463.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Health intends to consider amending regulations entitled: **VR 355-33-05. Rules and Regulations for the Licensure of Hospitals in Virginia.** The purpose of the proposed action is to promulgate new licensure requirements governing the provision of obstetric and newborn services in hospitals licensed by the Virginia Department of Health. The existing hospital regulations are to be either amended or repealed.

Statutory Authority: §§ 32.1-12 and 32.1-127 of the Code of Virginia.

Written comments may be submitted until May 27, 1991.

Contact: Stephanie A. Sivert, Assistant Director, Acute Care Services, Division of Licensure and Certification, 3600 Centre, 3600 W. Broad St., Suite 216, Richmond, VA 23230, telephone (804) 367-2104.

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Health Services Cost Review Council intends to consider amending regulations entitled: **Public Participation Guidelines.** The purpose of the proposed action is to amend and update the council's Public Participation Guidelines.

Statutory Authority: § 9-164 2 of the Code of Virginia.

Written comments may be submitted until May 15, 1991.

Contact: G. Edward Dalton, Deputy Director, Virginia Health Services Cost Review Council, 805 E. Broad St., 6th Floor, Richmond, VA 23219, telephone (804) 786-6371.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medical Assistance Services intends to consider amending regulations entitled: **VR 460-02-4.1910. Methods and Standards for Establishing Payment Rates - In-Patient Hospital Care.** The purpose of the proposed action is to modify attachment 4.19 A to the State Plan for Medical Assistance as required by the Final Settlement Agreement between the Virginia Hospital Association and the Commonwealth of Virginia of the issues raised in Virginia Hospital Association v Wilder, et al.

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

Written comments may be submitted until May 6, 1991, to William R. Blakely, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Virginia.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medical Assistance Services intends to amend regulations entitled: **VR 460-02-4.1930. Medicaid Payment for Reserving Nursing Home Bed for Hospitalized Patient: Elimination of Bed Hold Days.** The purpose of the proposed action is to promulgate permanent regulations to supersede emergency regulations providing for this policy.

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

Written comments may be submitted until June 3, 1991.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933.

DEPARTMENT OF MOTOR VEHICLES

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Motor Vehicles intends to consider repealing existing regulations entitled **VR 485-10-8401. Public Participation Guidelines** and to promulgate new regulations entitled **Public Participation Guidelines for Regulation Development and Promulgation.** The purpose of the proposed action is to establish guidelines for receiving input and participation from interested citizens in the development of any regulations which the department proposes.

Statutory Authority: § 46.2-203 of the Code of Virginia.

Written comments may be submitted until June 30, 1991, to Nancy G. LaGow, P.O. Box 27412, Richmond, Virginia 23269.

Contact: Bruce Gould, Planning Supervisor, P.O. Box 27412, Richmond, VA 23269, telephone (804) 367-0453.

DEPARTMENT OF PERSONNEL AND TRAINING

Notice of Intended Regulatory Action

General Notices/Errata

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Personnel and Training intends to consider promulgating regulations entitled: **VR 525-01-01. Public Participation Guidelines**. The purpose of the proposed action is to publish guidelines for public participation in the development of regulations.

Statutory Authority: §§ 2.1-20.1 and 2.1-20.1:02 of the Code of Virginia.

Written comments may be submitted until June 14, 1991.

Contact: Audrey M. Harris, Legislative Liaison, Department of Personnel and Training, James Monroe Building, 12th Floor, Richmond, VA 23219, telephone (804) 225-2131.

BOARD OF PHARMACY

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Pharmacy intends to consider amending regulations entitled: **VR 530-01-2. Regulations for Practitioners of the Healing Arts to Sell Controlled Substances**. The purpose of the proposed action is to establish a permanent fee for initial licensure of practitioners of the healing arts to sell controlled substances. The present fee was established pursuant to an emergency regulation which will expire on September 18, 1991.

Statutory Authority: §§ 54.1-2400 and 54.1-3303 of the Code of Virginia.

Written comments may be submitted until June 11, 1991.

Contact: Jack B. Carson, Executive Director, Virginia Board of Pharmacy, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9911.

REAL ESTATE APPRAISER BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Real Estate Appraiser Board intends to consider promulgating regulations entitled: **VR 583-01-01. Real Estate Appraiser Board Public Participation Guidelines**. The purpose of the proposed action is to establish guidelines for the solicitation of public comment in the development of regulations by the Real Estate Appraiser Board.

You may refer to Real Estate Appraiser Board Emergency Public Participation Guidelines, promulgated October 31, 1990, for comment.

Statutory Authority: § 54.1-2013 of the Code of Virginia.

Written comments may be submitted until May 22, 1991.

Contact: Demetra Y. Kontos, Assistant Director, Real Estate Appraiser Board, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2175.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Real Estate Appraiser Board intends to consider promulgating regulations entitled: **VR 583-01-02. Real Estate Appraiser Board Regulations**. The purpose of the proposed action is to establish final regulations regarding qualifications for the licensure of real estate appraisers and standards of practice for licensed appraisers.

You may refer to the current Real Estate Appraiser Board Emergency Regulations promulgated March 14, 1991, for comment.

Statutory Authority: § 54.1-2013 of the Code of Virginia.

Written comments may be submitted until May 22, 1991.

Contact: Demetra Y. Kontos, Assistant Director, Real Estate Appraiser Board, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2175.

DEPARTMENT OF SOCIAL 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 Social Services intends to consider amending regulations entitled: **VR 615-70-17. Child Support Enforcement Program**. The purpose of the proposed action is response to legislative action by the General Assembly in 1991, in anticipation of new federal child support regulations, and in response to the need for other programmatic changes, the department will develop rules to:

1. Define under what conditions the department shall release information to absent responsible parents and custodial parents involved in administrative proceedings regarding the child support enforcement program;
2. Define the conditions under which the department shall not administratively issue an immediate wage withholding at the time the administrative support order is issued (good cause);
3. Define the frequency and conditions under which the department shall review and modify child support obligations;

4. Define debt to the state and child support arrears;
5. Clarify that Medicaid-only clients are not required to cooperate with the child support enforcement program as a condition of eligibility for Medicaid-only services;
6. Define under what conditions both parents are responsible for the Aid to Dependent Children (ADC) debt;
7. Clarify that administrative obligation includes the provision of health care coverage and define the conditions under which the absent responsible parent will not be required to provide health care coverage, and
8. Revise the section of the regulation covering payment recovery when a payment made by an employer or absent responsible parent is not honored upon presentation to the bank upon which it was drawn and when the department sends the custodial parent a payment in error.

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

Written comments may be submitted until May 22, 1991, to Jarnice Johnson, Division of Child Support Enforcement, 8007 Discovery Drive, Blair Building, Richmond, Virginia.

Contact: Margaret J. Friedenber, Legislative Analyst, Department of Social Services, Office of Governmental Affairs, 8007 Discovery Drive, Blair Building, Richmond, VA 23229-8699, telephone (804) 662-9217.

GENERAL NOTICES

DIVISION OF LEGISLATIVE SERVICES

Public Notice

Beginning in April 1991, the Division of Legislative Services will publish The Legislative Record, a monthly newsletter containing summaries of all meetings of legislative study commissions and subcommittees held during the previous month. The newsletter, designed to provide members of the General Assembly and the public with timely and concise information on the activities of all legislative commissions and joint subcommittees, will be published as part of The Virginia Register of Regulations each month.

DEPARTMENT OF GENERAL SERVICES

† Division of Forensic Science

Title of Regulation: VR 330-02-01. Regulations for Breath Alcohol Testing.

Statutory Authority: §§ 18.2-267 and 18.2-268 of the Code of Virginia.

In accordance with § 3.2 of the Regulations for Breath Alcohol Testing and under the authority of § 18.2-267 of the Code of Virginia, the following devices are approved for use as preliminary breath test devices:

The ALCOLYSER, manufactured by Lion Laboratories, Ltd., Cardiff, Wales, Great Britain.

2. The PREVENT, manufactured by BHP Diagnostix, West Chester, PA.

3. The A.L.E.R.T. (Alcohol Level Evaluation Road Tester), Models J2A, J3A, and J3AC, manufactured by Alcohol Countermeasure Systems, Inc., Port Huron, MI.

4. The ALCO-SENSOR, ALCO-SENSOR II and ALCO-SENSOR III, manufactured by Intoximeters, Inc., St. Louis, MO.

5. The CMI SD 2, manufactured by Lyons, Laboratories, Barry, United Kingdom.

In accordance with § 2.7 of the Regulations for Breath Alcohol Testing and under the authority of § 18.2-268 of the Code of Virginia, the following ampuls are approved for use in conducting breath tests on approved breath test devices:

1. Breathalyzer ampuls, manufactured by National Draeger, Inc., Pittsburgh, Pennsylvania.

2. Tru-Test ampuls, manufactured by Systems Innovation, Inc., Hallstead, Pennsylvania.

3. Guth ampuls, manufactured by Guth Laboratories, Inc., Harrisburg, Pennsylvania.

In accordance with § 2.6 of the Regulations for Breath Alcohol Testing and under the authority of § 18.2-268 of the Code of Virginia, the following breath test devices are approved for use in conducting breath tests:

1. The Breathalyzer, Model 900-A, manufactured by the Stephenson Corporation, Red Bank, NJ.

2. The Breathalyzer, Model 900-A, manufactured by Smith and Wesson Corporation, Springfield, MA.

3. The Breathalyzer, Model 900-A, manufactured by National Draeger, Inc., Pittsburgh, PA.

4. The Intoximeter, Model 3000 equipped with the Virginia field module and external printer, manufactured by Intoximeters, Inc., St. Louis, MO.

General Notices/Errata

DEPARTMENT OF WASTE MANAGEMENT

† Public Notice

Designation of Regional Solid Waste Management Planning Area

In accordance with the provision of § 10.1-1411 of the Code of Virginia, and Part V, Regulations for the Development of Solid Waste Management Plans, VR 672-50-01, the Director of the Department of Waste Management intends to designate a solid waste management region for the local governments of the County of Wise, City of Norton and the Towns of Appalachia, Big Stone Gap, Coeburn, St. Paul, Pound and Wise. The County of Wise will be designated the legal entity for developing or implementing the solid waste management plan and programs for the recycling of solid waste generated within the designated region.

A petition has been received by the Department of Waste Management for the designation on behalf of the local governments.

Anyone wishing to comment on the designation of this region should respond in writing by 5 p.m. on June 6, 1991, to Ms. Cheryl Cashman, Legislative Liaison, Department of Waste Management, 11th Floor, Monroe Building, 101 North 14th Street, Richmond, VA 23219. FAX 804-225-3753 or TDD 804-371-8737.

Immediately following the closing date for comments, the Director of the Department of Waste Management will notify the affected local governments of its approval as a region or of the need to hold a public hearing on the designation.

Any questions concerning this notice should be directed to Ms. Cheryl Cashman, Legislative Liaison, at 1-800-552-2075 or (804) 225-2667.

† Public Notice

Designation of Regional Solid Waste Management Planning Area

In accordance with the provision of § 10.1-1411 of the Code of Virginia, and Part V, Regulations for the Development of Solid Waste Management Plans, VR 672-50-01, the Director of the Department of Waste Management intends to designate a solid waste management region for the local governments of the Lord Fairfax Planning District Commission comprised of the Frederick County Landfill Service Area (the County of Clarke, and the Towns of Middletown and Stephens City and the City of Winchester); the Page County Landfill Service Area (the County of Page and the Towns of Luray, Shenandoah and Stanley); the Shenandoah County Landfill Service Area (the County of Shenandoah and the Towns of Edinburg, Mount Jackson, New Market, Strasburg, Toms Brook, and Woodstock) and the Warren County Landfill

Service Area (Warren County and the Town of Front Royal). The Lord Fairfax Planning District Commission will be the designated contact for developing the solid waste management plan. The four landfill service areas are designated as the implementing authority for the Solid Waste Management Plan and programs for the recycling of solid waste generated within the designated region.

A petition has been received by the Department of Waste Management for the designation on behalf of the local governments.

Anyone wishing to comment on the designation of this region should respond in writing by 5 p.m. on June 6, 1991, to Ms. Cheryl Cashman, Legislative Liaison, Department of Waste Management, 11th Floor, Monroe Building, 101 North 14th Street, Richmond, VA 23219. FAX 804-225-3753 or TDD 804-371-8737.

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Any questions concerning this notice should be directed to Ms. Cheryl Cashman, Legislative Liaison, at 1-800-552-2075 or (804) 225-2667.

NOTICES TO STATE AGENCIES

CHANGE OF ADDRESS: Our new mailing address is: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219. You may FAX in your notice; however, we ask that you do not follow-up with a mailed in copy. Our FAX number is: 371-0169.

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: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

FORMS:

NOTICE of INTENDED REGULATORY ACTION - RR01
NOTICE of COMMENT PERIOD - RR02
PROPOSED (Transmittal Sheet) - RR03
FINAL (Transmittal Sheet) - RR04
EMERGENCY (Transmittal Sheet) - RR05
NOTICE of MEETING - RR06

AGENCY RESPONSE TO LEGISLATIVE
OR GUBERNATORIAL OBJECTIONS - RR08
DEPARTMENT of PLANNING AND BUDGET
(Transmittal Sheet) - DPBRR09

Copies of the Virginia Register Form, Style and Procedure Manual may also be obtained at the above address.

ERRATA

DEPARTMENTS OF EDUCATION; MENTAL HEALTH,
MENTAL RETARDATION AND SUBSTANCE ABUSE
SERVICES; SOCIAL SERVICES; AND YOUTH AND
FAMILY SERVICES

Title of Regulations: VR 270-01-003, VR 470-02-01, VR
615-29-02 and VR 690-40-004. Standards for
Interdepartmental Regulation of Residential Facilities
for Children.

Publication: 7:14 VA.R. 2080-2117 April 8, 1991.

Corrections to the Proposed Regulation:

Page 2080, column 2, paragraph 1, line 5 after the
word "facilities.)" begin a new paragraph and insert

"Aversive stimuli" means physical forces (e.g. sound,

Page 2084, column 2, definition of "Timeout," line 7,
strike the comma between the words "and, which."

VIRGINIA STATE LIBRARY AND ARCHIVES (LIBRARY
BOARD)

Title of Regulations: VR 440-02-01. Requirements Which
Must Be Met in Order to Receive Grants-In-Aid.

Publication: 7:15 VA.R. 2244-2245 April 22, 1991.

Corrections to the Final Regulation:

The Virginia Regulation (VR) number of the
regulation was published incorrectly as VR 440-02-02.
Change the VR number to VR 440-02-01.

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

DEPARTMENT FOR THE AGING

June 4, 1991 - 10 a.m. – Public Hearing
Southwest Virginia Community College, Russell Hall Auditorium, Richlands, Virginia

June 5, 1991 - 10 a.m. – Public Hearing
Melrose Towers, 3038 Melrose Avenue NW, Roanoke, Virginia

June 12, 1991 - 10 a.m. – Public Hearing
Richard Bland College, 11301 Johnson Road, Petersburg, Virginia

June 13, 1991 - 10 a.m. – Public Hearing
Norfolk State University, 2401 Corprew Avenue, Norfolk, Virginia

June 26, 1991 - 10 a.m. – Public Hearing
The Massey Building, 4100 Chain Bridge Road, Fairfax, Virginia

A meeting to 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.

To receive a copy of the proposed State Plan and to obtain further information, write to or call the Department for the Aging.

See the General Notices section for additional information.

Contact: William H. McElveen, Deputy Commissioner, Virginia Department for the Aging, 700 East Franklin Street, 10th. Floor, Richmond, Virginia 23219-2327, (804) 225-2271 or toll-free in Virginia 1-800-552-0446.

BOARD OF AGRICULTURE AND CONSUMER SERVICES

May 23, 1991 - 9 a.m. – Open Meeting
Washington Building, Room 204, 1100 Bank Street, Richmond, Virginia. ♿

A regular meeting of the board to review issues relating to regulations and fiscal matters and to receive reports from the staff of the Department of Agriculture and Consumer Services. The board may consider other matters relating to its responsibilities. The final item for the meeting will be opportunity for the public to make comment to the board, pursuant to § 2.1-343 of the Code of Virginia, with time reserved for this purpose not to exceed 30 minutes.

Contact: Roy E. Seward, Secretary to the Board, VDACS, Room 210, Washington Building, 1100 Bank St., Richmond, VA 23219, telephone (804) 786-3501 or (804) 371-6344/TDD ☎

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

May 23, 1991 - 1 p.m. – Public Hearing
Washington Building, Room 204, 1100 Bank Street, Richmond, Virginia.

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 115-04-04. Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law.**

Statutory Authority: § 3.1-926 of the Code of Virginia.

Written comments may be submitted until April 29, 1991.

Contact: J. Alan Rogers, Bureau Chief, Weights and Measures Bureau, Washington Bldg., Room 402, 1100 Bank St., P.O. Box 1163, Richmond, VA 23209, telephone (804) 786-2476.

Calendar of Events

Pesticide Control Board

May 9, 1991 - 10 a.m. - Open Meeting
Sheraton Airport Inn, Salon A of the Ballroom, 4700 South Laburnum Avenue, Richmond, Virginia. ☒

May 10, 1991 - 9 a.m. - Open Meeting
Sheraton Airport Inn, Salons A/B of the Ballroom, 4700 South Laburnum Avenue, Richmond, Virginia. ☒

CORRECTED NOTICE

A meeting of the board. Portions of the meeting may be held in closed session pursuant to authority contained in § 2.1-344 of the Code of Virginia.

A public hearing will be held at 10:30 a.m. on May 10 regarding proposed regulation VR 115-04-23, Regulations Governing Pesticide Applicator Certification under Authority of Virginia Pesticide Control Act and proposed amendments to VR 115-04-03, Rules and Regulations for Enforcement of the Virginia Pesticide Law. The public will have an opportunity to comment on the proposed regulations at the public hearing.

The public may also comment at 9 a.m., May 10 on any other matter not on the board's agenda.

Contact: Dr. Marvin A. Lawson, Program Manager, Office of Pesticide Management, Virginia Department of Agriculture and Consumer Services, P.O. Box 1163, Room 403, Richmond, VA 23209, telephone (804) 371-6558.

* * * * *

May 10, 1991 - 10:30 a.m. - Public Hearing
Sheraton Airport Inn, Salons A and B of Ballroom, 4700 South Laburnum Avenue, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Pesticide Control Board intends to amend regulations entitled: **VR 115-04-03. Rules and Regulations for Enforcement of the Virginia Pesticide Law.** The 1989 Virginia Pesticide Control Act authorizes the Pesticide Control Board to adopt regulations to accomplish the Act's purpose. To this end, the board has proposed VR 115-04-23, Regulations Governing Pesticide Applicator Certification Under Authority of Virginia Pesticide Control Act. Parts of this proposed regulation are intended to supersede § 21, "Categories for commercial applicators"; § 22, Standards of certification of commercial applicators"; § 24, Standards for certification of private applicators"; and § 25, "Standards for application of pesticides classified for restricted use by noncertified applicators" of VR 115-04-03, Rules and Regulations for Enforcement of the Virginia Pesticide Law. The provisions of VR 115-04-03 are to remain in effect, according to the Act, "until repealed by the Pesticide Control Board." The

purpose of this regulatory action is to propose the repeal of these four identified sections of VR 115-04-03.

Statutory Authority: § 3.1-249.28 of the Code of Virginia.

NOTE: CHANGE IN WRITTEN COMMENT DATE
Written comments may be submitted until 5 p.m., May 17, 1991.

Contact: C. Kermit Spruill, Jr., Director, Division of Product and Industry Regulation, Department of Agriculture and Consumer Services, P.O. Box 1163, Room 403, 1100 Bank St., Richmond, VA 23209, telephone (804) 786-3523.

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May 10, 1991 - 10:30 a.m. - Public Hearing
Sheraton Airport Inn, Salons A and B of Ballroom, 4700 South Laburnum Avenue, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Pesticide Control Board intends to adopt regulations entitled: **VR 115-04-23. Regulations Governing Pesticide Applicator Certification Under Authority of Virginia Pesticide Control Act.**

Statutory Authority: § 3.1-249.30 of the Code of Virginia.

NOTE: CHANGE IN WRITTEN COMMENT DATE
Written comments may be submitted until 5 p.m., May 17, 1991.

Contact: C. Kermit Spruill, Jr., Director, Division of Product and Industry Regulation, Department of Agriculture and Consumer Services, P.O. Box 1163, Room 403, 1100 Bank St., Richmond, VA 23209, telephone (804) 786-3523.

VIRGINIA AGRICULTURAL COUNCIL

May 13, 1991 - 9 a.m. - Open Meeting
Holiday Inn - Airport, 5203 Williamsburg, Sandston, Virginia.

A meeting to (i) review progress reports on approved research projects; (ii) hear new project proposals which are properly supported by the Board of Directors of a commodity group; (iii) review financial statements; and (iv) any other business that may come before the members of the Council.

Contact: Henry H. Budd, Assistant Secretary, 7th Floor, Washington Bldg., 1100 Bank St., Richmond, VA 23219, telephone (804) 371-0266.

Calendar of Events

STATE ADVISORY BOARD ON AIR POLLUTION

May 6, 1991 - 9 a.m. - Open Meeting
Monroe Building, Meeting Room D, 14th and Bank Streets,
Richmond, Virginia. ☒

The Advisory Board will discuss the impact of the 1990 Clean Air Act amendments on Virginia in terms of ozone nonattainment, sulfur dioxide emissions, and nitrogen oxide emissions.

Contact: Dr. Kathleen Sands, Board Liaison, Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240, telephone (804) 225-2722.

BOARD FOR ARCHITECTS, LAND SURVEYORS, PROFESSIONAL ENGINEERS AND LANDSCAPE ARCHITECTS

Board for Land Surveyors

† May 17, 1991 - 9 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street,
Richmond, Virginia. ☒

A meeting to (i) approve minutes of the March 15, 1991, meeting; (ii) review enforcement files; and (iii) review correspondence.

Contact: Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514.

Board for Professional Engineers

† May 10, 1991 - 9 a.m. - Open Meeting
3600 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) approve minutes from the February 14, 1991, meeting; (ii) review correspondence; (iii) review applications; and (iv) review enforcement files.

Contact: Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514.

VIRGINIA COMMISSION FOR THE ARTS

† May 23, 1991 - 9 a.m. - Open Meeting
Dutch Inn Hotel and Convention Center, 633 Virginia
Avenue, U.S. 220 North, Collinsville, Virginia. ☒

VCA quarterly business meeting.

Contact: Wanda Smith, Virginia Commission for the Arts, 223 Governor St., Richmond, VA 23219-2010, telephone (804) 225-3132.

ASAP POLICY BOARD - VALLEY

† May 13, 1991 - 8:30 a.m. - Open Meeting
Augusta County School Board Office, Fishersville, Virginia.
☒

A regular meeting of the local policy board which conducts business pertaining to (i) court referrals; (ii) financial report; (iii) director's report; and (iv) statistical reports.

Contact: Rhonda G. York, Executive Director, 2 Holiday Ct., Staunton, VA 24401, telephone (703) 886-5616 or 943-4405 (Waynesboro Number)

ASAP POLICY BOARD - OLD DOMINION

† May 21, 1991 - 6:30 p.m. - Open Meeting
Wayside Inn, 7783 Main Street, Middletown, Virginia. ☒

A meeting for the purpose of (i) introduction of new members; (ii) introduction of staff to new members; (iii) approval of minutes; (iv) discussing by-laws amendment; and (v) considering any new business, including the director's report (statistics).

Contact: Joseph A. Walker, Director, 112 S. Cameron St., Winchester, VA 22601, telephone (703) 665-5633.

ATHLETIC BOARD

† June 28, 1991 - 10 a.m. - Open Meeting
3600 West Broad Street, Richmond, Virginia.

Annual meeting of the Virginia Athletic Board. Discussion of regulations pertaining to conduct of bout and license fees.

Contact: Doug Beavers, Assistant Director, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507.

BOARD OF AUDIOLOGY AND SPEECH PATHOLOGY

May 23, 1991 - 10 a.m. - Open Meeting
1601 Rolling Hills Drive, Richmond, Virginia. ☒

A regularly scheduled board meeting.

Contact: Meredyth P. Partridge, Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229-5005, telephone (804) 662-9907.

AUCTIONEERS BOARD

† May 14, 1991 - 9 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street,
Richmond, Virginia. ☒

Calendar of Events

An open meeting to conduct regular review and other matters which require board action.

Contact: Geralde W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534.

BOARD FOR BRANCH PILOTS

† **May 17, 1991 - 9 a.m.** – Open Meeting
The Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia. ☒

A special meeting to review the apprenticeship requirements.

Contact: Florence R. Brassier, Deputy Director for Regulatory Programs, Department of Commerce, 3600 W. Broad St., Fifth Floor, Richmond, VA 23230, telephone (804) 367-2194.

CHESAPEAKE BAY COMMISSION

May 9, 1991 - 2 p.m. – Open Meeting
Conowingo Visitors Center, Route 1, Conowingo, Maryland.

May 10, 1991 - 9 a.m. – Open Meeting
Willow Valley Resort and Conference Center, 2416 Willow Street Pike, Lancaster, Pennsylvania.

Topics to be considered include (i) a review of the 1991 General Assembly Session; (ii) genetic analysis of American shad entering the Chesapeake Bay; (iii) status of fish passage commitments under the 1987 Chesapeake Bay Agreement; (iv) status of oysters and oyster disease; and (v) striped bass management.

Contact: Ann Pesiri Swanson, 60 West St., Suite 200, Annapolis, MD 21401, telephone (804) 263-3420.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

May 9, 1991 - 10 a.m. – Open Meeting
General Assembly Building, Senate Room B, 910 Capitol Street, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A meeting to conduct general business and review local Chesapeake Bay Preservation Act programs. Tentative agenda will be available at the Chesapeake Bay Local Assistance Department by May 2, 1991. Public comment will be taken early in the meeting.

Contact: Receptionist, 805 East Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440 or 1-800-243-7229/TDD ☒

* * * * *

† **June 20, 1991 - 10 a.m.** – Public Hearing
General Assembly Building, Senate Room B, 910 Capitol Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Chesapeake Bay Local Assistance Board intends to amend regulations entitled: **VR 173-02-01. Chesapeake Bay Preservation Area Designation and Management Regulations.** This proposed regulation provides criteria for the identification, designation, and management of Chesapeake Bay Preservation Areas, clarifying the definition of public roads, changing the time limit for completion of some components of local programs, and substituting the date October 1, 1989, for the term "Effective Date."

STATEMENT

Pursuant to §§ 10.1-2103 and 10.1-2107 of the Chesapeake Bay Preservation Act of 1988, the Chesapeake Bay Preservation Area Designation and Management Regulations establish criteria for the identification and designation by local governments of certain lands at or near the shoreline that either protect water quality due to their biological characteristics or that may result in significant water quality degradation if improperly developed. The regulations also establish criteria for local government management of land use and development in Chesapeake Bay Preservation Areas to prevent further pollution of state waters and, to the extent possible, improve water quality.

These regulations are supplemental to other existing state, regional, and local water quality laws and regulations. They will be implemented by counties, cities, and towns in Tidewater Virginia, as defined by the Act. Among the provisions of the regulations are requirements to establish more effective management criteria for erosion and sediment control, septic system maintenance, stormwater management, and agricultural activities. Implementation of the regulations is likely to require changes in local government comprehensive plans and zoning and subdivision ordinances. The board is responsible for providing technical and financial assistance to local governments to implement the requirements of the Act.

Amendments are proposed to these regulations to clarify the definition of "public roads" and establish conditions which they must satisfy to cross preservation areas called Resource Protection Areas, establish a specific date of subdivision for exempting lots that cannot comply with buffer area and reserve septic system drainfield requirements, compress deadlines for adoption of local programs pursuant to the Act, and change the effective date in order to supersede Emergency Regulations (VR 173-02-01.1) which are currently in effect. The Emergency Regulations already incorporate the compression of local program adoption deadlines and the buffer and reserve drainfield effective date proposed. No additional impacts are likely to occur due to the proposed amendments.

Calendar of Events

Statutory Authority: §§ 10.1-2103 and 10.1-2107 of the Code of Virginia.

Written comments may be submitted until July 5, 1991.

Contact: Scott Crafton, Chesapeake Bay Local Assistance Department, Room 701, 805 E. Broad St., Richmond, VA 23219, telephone (804) 371-7503 or toll-free 1-800-243-7229.

CHILD DAY-CARE COUNCIL

† **May 9, 1991 - 8:30 a.m. – Open Meeting**
Koger Executive Center, West End, Blair Building, Conference Rooms A and B, 8007 Discovery Drive, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A meeting to discuss issues, concerns, and programs that impact child care centers, camps, school age programs, and preschool/nursery schools.

Contact: Peggy Friedenber, Legislative Analyst, Office of Governmental Affairs, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217.

INTERDEPARTMENTAL REGULATION OF RESIDENTIAL FACILITIES FOR CHILDREN

Coordinating Committee

† **May 17, 1991 - 8:30 a.m. – Open Meeting**
† **June 21, 1991 - 8:30 a.m. – Open Meeting**
† **July 19, 1991 - 8:30 a.m. – Open Meeting**
Office of Coordinator, Interdepartmental Regulation, 1603 Santa Rosa Road, Tyler Building, Suite 208, Richmond, Virginia. ☒

Regularly scheduled meetings to consider such administrative and policy issues as may be presented to the committee. A period for public comment is provided at each meeting.

Contact: John J. Allen, Jr., Coordinator, Interdepartmental Regulation, Office of the Coordinator, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-7124.

STATE BOARD FOR COMMUNITY COLLEGES

May 15, 1991 - 1 p.m. – Open Meeting
J. Sargeant Reynolds Community College, Downtown Campus, 700 East Jackson Street, Richmond, Virginia.

A joint meeting of the State Board for Community Colleges and the State Council of Higher Education for Virginia. The State Board committee meetings will convene following the joint meeting.

May 16, 1991 - 9 a.m. – Open Meeting
Monroe Building, Board Room, 15th Floor, 101 North 14th Street, Richmond, Virginia.

A regularly scheduled meeting. The agenda will be available by May 6, 1991.

Contact: Joy Graham, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2126.

COMPENSATION BOARD

May 30, 1991 - 5 p.m. – Open Meeting
Ninth Street Office Building, 202 North Ninth Street, 9th Floor, Room 913/913A, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A routine meeting.

Contact: Bruce W. Haynes, Executive Secretary, P.O. Box 3-F, Richmond, VA 23206-0686, telephone (804) 786-3886 or (804) 786-3886/TDD ☎

BOARD ON CONSERVATION AND DEVELOPMENT OF PUBLIC BEACHES

† **June 12, 1991 - 10:30 a.m. – Open Meeting**
Virginia Institute of Marine Science, Director's Conference Room. ☒

A meeting to discuss proposals from localities requesting matching grant funds from the board.

Contact: Jack E. Frye, Shoreline Programs Bureau Manager, Shoreline Programs Bureau, P.O. Box 1024, Gloucester Point, VA 23062, telephone (804) 642-7121 or SCATS 842-7121.

DEPARTMENT OF CONSERVATION AND RECREATION

Goose Creek Scenic River Advisory Board

May 8, 1991 - 11 a.m. – Open Meeting
The Law offices of Shaw-Pittman, 201 Liberty Street, Leesburg, Virginia.

A review of river issues and programs.

Contact: Richard Gibbons, Environmental Programs Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132 or 786-2121/TDD ☎

BOARD FOR CONTRACTORS

May 16, 1991 - 10 a.m. – Open Meeting

Calendar of Events

Municipal Building, Council Chambers, 215 Church Avenue,
4th Floor, Roanoke, Virginia.

The board will meet to conduct a formal hearing: File
Number 89-00558, Board for Contractors v. John T.
Chitwood, III, t/a J T's Remodeling.

Contact: Gayle Eubank, Hearings Coordinator, Department
of Commerce, 3600 West Broad Street, Richmond, VA
23230, telephone (804) 367-8524.

Complaints Committee

† **May 22, 1991 - 9 a.m.** – Open Meeting
3600 West Broad Street, 5th Floor, Conference Room 1,
Richmond, Virginia.

A meeting to review and consider complaints filed by
consumers against licensed contractors.

Contact: A. R. Wade, Complaints Administrator, 3600 W.
Broad St., Richmond, VA 23230, telephone (804) 367-8585.

BOARD OF CORRECTIONS

May 22, 1991 - 10 a.m. – Open Meeting
June 19, 1991 - 10 a.m. – Open Meeting
6900 Atmore Drive, Board of Corrections Board Room,
Richmond, Virginia. ☐

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

Contact: Ms. Vivian Toler, Secretary to the Board, 6900
Atmore Dr., Richmond, VA 23225, telephone (804)
674-3235.

Liaison Committee

† **May 23, 1991 - 9:30 a.m.** – Open Meeting
6900 Atmore Drive, Board of Corrections Board Room,
Richmond, Virginia. ☐

The committee will meet to address criminal justice
issues.

Contact: Louis E. Barber, Sheriff, Montgomery County, P.O.
Drawer 149, Christiansburg, VA 24073, telephone (703)
382-2951.

BOARD FOR COSMETOLOGY

May 6, 1991 - 9 a.m. – Open Meeting
Department of Commerce, 3600 West Broad Street, 5th
Floor, Richmond, Virginia. ☐

A meeting to (i) review applications; (ii) review
correspondence; (iii) review enforcement cases; (iv)
conduct regulatory review; and (v) consider routine

board business.

Contact: Roberta L. Banning, Assistant Director, 3600 West
Broad Street, Richmond, VA 23230-4917, telephone (804)
367-8590.

BOARD OF DENTISTRY

May 8, 1991 - 8 a.m. – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive,
Conference Room 1, Richmond, Virginia. ☐

Formal hearings.

Contact: Nancy Taylor Feldman, Executive Director, 1601
Rolling Hills Drive, Richmond, VA 23229-5005, telephone
(804) 662-9906.

DEPARTMENTS OF EDUCATION, MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES; SOCIAL SERVICES; AND YOUTH AND FAMILY SERVICES

June 7, 1991 – 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 Departments of
Education; Mental Health, Mental Retardation and
Substance Abuse Services; Social Services; and Youth
and Family Services intends to amend regulations
entitled: **VR 270-01-003, VR 470-02-01, VR 615-29-02,
VR 690-40-004. Standards for Interdepartmental
Regulation of Residential Facilities for Children.**
This regulation is designed to assure adequate care,
treatment, and education are provided by residential
facilities for children. The proposed revisions amend
and clarify requirements governing management of
resident behavior.

Statutory Authority: §§ 16.1-311, 22.1-321, 37.1-10, 37.1-182,
37.1-189.1, 63.1-25, 63.1-196.4, 66-10, and 66-24 of the Code
of Virginia.

Written comments may be submitted until June 7, 1991, to
Rhonda G. Merhout-Harrell, Office of Interdepartmental
Regulation, 8007 Discovery Drive, Richmond, Virginia.

Contact: John J. Allen, Coordinator, Office of Coordinator,
Interdepartmental Regulation, 8007 Discovery Drive,
Richmond, VA 23229, telephone (804) 662-7124.

BOARD OF EDUCATION

May 30, 1991 - 8 a.m. – Open Meeting
May 31, 1991 - 9 a.m. – Open Meeting
General Assembly Building, 910 Capitol Street, House
Room D, First Floor, Richmond, Virginia. ☐

Calendar of Events

The Board of Education and Board of Vocational Education will hold a regularly scheduled meeting to conduct business according to items listed on the agenda. The agenda is available upon request. Public comment will not be received at the meeting.

Contact: Margaret Roberts, Executive Director Board of Education, State Department of Education, P.O. Box 6-Q, Richmond, VA 23216, telephone (804) 225-2540.

LOCAL EMERGENCY PLANNING COMMITTEE - CHESTERFIELD COUNTY

June 6, 1991 - 5:30 p.m. - Open Meeting
Chesterfield County Administration Building, Room 502,
10,001 Ironbridge Road, Chesterfield, Virginia. ☒

A meeting to meet requirements of Superfund Amendment and Reauthorization Act of 1986.

Contact: Lynda G. Furr, Assistant Emergency Services Coordinator, Chesterfield Fire Department, P.O. Box 40, Chesterfield, VA 23832, telephone (804) 748-1236.

LOCAL EMERGENCY PLANNING COMMITTEE - HENRICO COUNTY

† **May 9, 1991 - 7 p.m. - Open Meeting**
Henrico County Public Safety Building, Division of Fire,
Parham and Hungary Spring Roads, Richmond, Virginia. ☒

The meeting will be devoted to the acceptance of by-laws for the committee, a computer software demonstration and a description of upcoming training events.

Contact: W. Timothy Liles, Assistant Emergency Services Coordinator, Division of Fire, P.O. Box 27032, Richmond, VA 23273, telephone (804) 672-4900.

LOCAL EMERGENCY PLANNING COMMITTEE - COUNTY OF PRINCE WILLIAM, CITY OF MANASSAS, AND CITY OF MANASSAS PARK

May 20, 1991 - 1:30 p.m. - Open Meeting
June 17, 1991 - 1:30 p.m. - Open Meeting
1 County Complex Court, Prince William, Virginia. ☒

Local Emergency Planning committee to discharge the provisions of SARA Title III.

Contact: Thomas J. Hajduk, Information Coordinator, 1 County Complex Court, Prince William, VA 22192-9201, telephone (703) 335-6800.

LOCAL EMERGENCY PLANNING COMMITTEE - CITY OF PORTSMOUTH

May 8, 1991 - 9 a.m. - Open Meeting
St. Juliens Creek Annex, Sykes Firefighting Training Center, Victory Boulevard, near George Washington Highway, Portsmouth, Virginia.

Portsmouth's LEPC conducts business as authorized and required by the provisions of SARA Title III "Superfund Amendments and Reauthorization Act of 1986," also referred to as Title III - Emergency Planning and Community Right to Know Act of 1986."

Contact: Dan Brown, LEPC Coordinator, Director EOC, 603 Crawford St., Portsmouth, VA 23705, telephone (804) 393-8551.

LOCAL EMERGENCY PLANNING COMMITTEE - ROANOKE VALLEY

† **May 15, 1991 - 9 a.m. - Open Meeting**
Salem Civic Center, Room C, 1001 Roanoke Boulevard, Salem, Virginia. ☒

A meeting to (i) receive public comment; (ii) receive report from community coordinators; and (iii) receive report from standing committees.

Contact: Danny W. Hall, Fire Chief, Emergency Services Coordinator, Salem Fire Department, 105 S. Market St., Salem, VA 24153, telephone (703) 375-3080.

BOARD OF FORESTRY

May 14, 1991 - 9 a.m. - Open Meeting
The Islander Motel and Restaurant, Gwynn's Island, Grimstead, 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, SCATS 487-1230, or (804) 977-6555/TDD ☎

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

May 6, 1991 - 9 a.m. - Open Meeting
1601 Rolling Hills Drive, Conference Rooms 1 and 3, Richmond, Virginia. ☒

Funeral directors and embalmers examinations and board meeting.

Contact: Meredyth P. Partridge, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9907.

BOARD OF GAME AND INLAND FISHERIES

† **May 9, 1991 - 9:30 a.m.** – Open Meeting
4010 West Broad Street, Richmond Virginia. ☒ (Interpreter for deaf provided upon request)

Board committees will meet, beginning at 9:30 a.m. with the Planning Committee, followed by the Finance Committee, Liaison Committee, Law and Education Committee and end with the Wildlife and Boat Committee. General and administrative matters, appropriate to each Committee will be discussed, and any items requiring board action will be presented at the Friday meeting for action by the full board.

Contact: Belle Harding, Secretary to Director, 4010 West Broad Street, P.O. Box 11104, Richmond, VA 23230, telephone (804) 367-1000/TDD ☎ or toll-free 1-800-252-7717.

† **May 10, 1991 - 9:30 a.m.** – Public Hearing
Howard Johnson Hotel, 3207 North Boulevard, Richmond Virginia. ☒ (Interpreter for deaf provided upon request)

The board will consider bear-deer-turkey, small game and trapping regulations for the 1991-92 and 1992-93 hunting seasons that were adopted for advertisement at the March 22, 1991, meeting. These final proposals will involve season dates, bag limits, etc., on various species of game animals and game birds. Committee reports from the Thursday meeting will be given, and any items requiring board action will be presented to the full board for action. Other administrative and general matters, as necessary, will be discussed and acted on.

Contact: Belle Harding, Secretary to Director, 4010 West Broad Street, P.O. Box 11104, Richmond, VA 23230, telephone (804) 367-1000/TDD ☎ or toll-free 1-800-252-7717.

GOVERNOR'S JOB TRAINING COORDINATING COUNCIL

† **May 20, 1991 - 10:30 a.m.** – Open Meeting
The Richmond Radisson Hotel, 555 East Canal Street, Richmond, Virginia. ☒

A general meeting of the council.

Contact: Abria M. Singleton, Executive Secretary, 4615 W. Broad St., The Commonwealth Building, Third Fl., Richmond, VA 23230, telephone (804) 367-9816.

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

May 21, 1991 - 9:30 a.m. – Open Meeting
Blue Cross/Blue Shield of Virginia, The Virginia Room, 2015 Staples Mill Road, Richmond, Virginia. ☒

A monthly meeting to address financial, policy or technical matters which may have arisen since the last meeting.

Contact: G. Edward Dalton, Deputy Director, 805 E. Broad St., 6th Floor, Richmond, VA 23219, telephone (804) 786-6371.

BOARD FOR HEARING AID SPECIALISTS

May 6, 1991 - 8:30 a.m. – Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

An open meeting to (i) administer examinations to eligible candidates; (ii) review enforcement cases; (iii) conduct regulatory review; (iv) sign certificates; and (v) consider other matters which require board action.

Contact: Gerald W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534.

STATE COUNCIL OF HIGHER EDUCATION

† **May 15, 1991 - 9 a.m.** – Open Meeting
State Council of Higher Education, Conference Room, 9th Floor, Monroe Building, Richmond, Virginia. ☒

Joint meeting with State Board of Community Colleges. For more information, contact council.

† **June 5, 1991 - 9 a.m.** – Open Meeting
State Council of Higher Education, Conference Room, 9th Floor, Monroe Building, Richmond, Virginia. ☒

A general business meeting. For more information, contact council.

Contact: Barry Dorsey, Deputy Director, 101 N. 14th St., 9th Fl., Monroe Building, Richmond, VA 23219, telephone (804) 225-2632.

DEPARTMENT OF HISTORIC RESOURCES

Virginia Historic Preservation Foundation

May 14, 1991 - 10:30 a.m. – Open Meeting
Avenel, Bedford, Virginia.

A general business meeting.

Contact: Margaret Peters, Information Director, 221 Governor St., Richmond, VA 23219, telephone (804) 786-3143 or 786-1934/TDD ☎

HOPEWELL INDUSTRIAL SAFETY COUNCIL

May 7, 1991 - 9 a.m. – Open Meeting
June 4 1991 - 9 a.m. – Open Meeting
Hopewell Community Center, Second and City Point Road,

Calendar of Events

Hopewell, Virginia. ☒ (Interpreter for deaf provided upon request)

Local Emergency Preparedness Committee Meeting on Emergency Preparedness as required by SARA Title III.

Contact: Robert Brown, Emergency Service Coordinator, 300 N. Main St., Hopewell, VA 23860, telephone (804) 541-2298.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

May 10, 1991 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **VR 394-01-102:1. Local Housing Rehabilitation Program.** The proposed amendments revise program guidelines to the Local Housing Rehabilitation Program.

Statutory Authority: §§ 36-137 and 36-141 of the Code of Virginia.

Written comments may be submitted until May 10, 1991.

Contact: Ron White, Program Administrator, 205 N. 4th St., Richmond, VA 23219, telephone (804) 786-7891.

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May 10, 1991 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **VR 394-01-103. Multifamily Loan Program.** The proposed amendments revise program guideline changes to the Multifamily Loan Program.

Statutory Authority: § 36-141 et seq. of the Code of Virginia.

Written comments may be submitted until May 10, 1991.

Contact: Graham Driver, Program Administrator, 205 N. 4th St., Richmond, VA 23219, telephone (804) 786-1575.

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† **May 29, 1991** – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and

Community Development intends to amend regulations entitled: **VR 394-01-104. Congregate Housing Program Guidelines.** The proposed amendments revise program guidelines to Congregate Housing Program.

STATEMENT

Basis: To be adopted according to statutory authority § 36-141 et seq. of the Code of Virginia.

Purpose: The proposed program guidelines for the Congregate Housing Program provide the basic technical and administrative framework for administering the program throughout Virginia.

Substance: The proposed amendments include the following changes:

- Changes loan terms;
- Amends definition of Congregate Housing;
- Includes definition of fire protection system and SHARE;
- Adds installation of fire protection systems as an eligible activity;
- Clarifies program intent;
- Clarifies evaluation criteria;
- Makes several minor clarifications and revisions to the regulations.

Impact: The program impacts all operates and potential operates of congregate housing which meet program requirements. The program makes available low interest loans for the construction and rehabilitation of congregate housing.

Statutory Authority: § 36-141 et seq. of the Code of Virginia.

Written comments may be submitted until May 29, 1991.

Contact: Valerie Moore, Program Administrator, 205 N. 4th St., Richmond, VA 23219, telephone (804) 786-7891.

Amusement Device Technical Advisory Committee

May 16, 1991 - 9 a.m. – Open Meeting
205 North Fourth Street, Seventh Floor Conference Room, Richmond, Virginia. ☒

A meeting to review and discuss regulations pertaining to the construction, maintenance, operation and inspection of amusement devices adopted by the Board of Housing and Community Development.

Contact: Jack A. Proctor, Deputy Director, Building

Regulation, Department of Housing and Community Development, 205 North Fourth St., Richmond, VA 23219, telephone (804) 786-4752.

Regulatory Effectiveness Advisory Committee

May 15, 1991 - 1 p.m. - Open Meeting

May 16, 1991 - 9 a.m. - Open Meeting

Virginia Housing Development, Training Room, 601 Belvidere Street, Richmond, Virginia. ©

A meeting to develop challenge positions relative to the BOCA Committees actions on the 1991 proposed changes to the BOCA National Codes. REAC position thus developed are forwarded as recommendations to the Board of Housing and Community Development. Positions approved by the board will be presented at the BOCA Annual Conference in Indianapolis, Indiana, September 15-20, 1991.

Contact: Carolyn R. Williams, CPCA, Building Code Supervisor, 205 N. 4th St., Richmond, VA 23219, telephone (804) 371-7772 or (804) 786-5405/TDD ☎

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

Board of Commissioners

† May 21, 1991 - 11 a.m. - Open Meeting

601 South Belvidere Street, Richmond, Virginia. ☒

A 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; and (iv) 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, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 782-1986.

COUNCIL ON INFORMATION MANAGEMENT

† May 17, 1991 - 9 a.m. - Open Meeting

1100 Bank Street, Suite 901, Richmond, Virginia. ☒

A regular business meeting.

Contact: Linda Hening, Administrative Assistant, 1100 Bank St., Suite 901, Richmond, VA 23219, telephone (804) 225-3622 or (804)-225-3624/TDD ☎

VIRGINIA INTERAGENCY COORDINATING COUNCIL

May 8, 1991 - 9 a.m. - Open Meeting

James Monroe Building, 101 North 14th Street, Conference Rooms D and E, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

The Virginia Interagency Coordinating Council (VICC) according to PL 101-476, Part H, early intervention program for disabled infants and toddlers and their families, is meeting to advise and assist the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services as lead agency, to develop and implement a statewide interagency early intervention program.

Contact: Michael Fehl, Director, Mental Retardation Children/Youth Services, Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3710.

DEPARTMENT OF LABOR AND INDUSTRY

Virginia Apprenticeship Council

† May 16, 1991 - 10 a.m. - Open Meeting

Spotsylvania Vocational Center, Food Service Laboratory, 6703 Smith Station Road, Spotsylvania, Virginia.

A regular meeting of the council to discuss and act on: (i) redirecting apprenticeship related instruction funds; (ii) policy for selection and evaluation of administrative agents for apprenticeship related instruction; (iii) completion of apprenticeship for apprentices with Best Products Company; (iv) proposal for sponsors working out of ratio on Davis-Bacon work; and (iv) location and schedule of council meetings.

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

LIBRARY BOARD

May 16, 1991 - 10 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 Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

Calendar of Events

COMMISSION ON LOCAL GOVERNMENT

May 29, 1991 - 4 p.m. - Open Meeting
City Council Chambers, Bedford Municipal Building, 215 East Main Street, 2nd Floor, Bedford, Virginia.

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

Persons desiring to participate in the Commission's regular meeting and requiring special accommodations or interpreter services should contact the Commission's offices by May 22, 1991.

† **May 30, 1991 - 7 p.m. - Public Hearing**
City of Bedford, County of Bedford area - Site to be determined.

Public hearing regarding the petitions filed by Otterburn Homes, Inc., and Carriage Hill of Virginia, Ltd., requesting that their property within Bedford County be annexed to the City of Bedford.

Persons desiring to participate in the Commission's oral presentations and requiring special accommodations or interpreter services should contact the Commission's offices at (804) 786-6508 or (804) 786-1860/TDD by May 23, 1991.

† **May 30, 1991 - 10:30 a.m. - Open Meeting**
† **May 31, 1991 (if needed) - Time to be announced - Open Meeting**
City of Bedford, County of Bedford area - Site to be determined.

Oral presentations regarding the petitions filed by Otterburn Homes, Inc., and Carriage Hill of Virginia, Ltd., requesting that their property within Bedford County be annexed to the City of Bedford.

Persons desiring to participate in the Commission's oral presentations and requiring special accommodations or interpreter services should contact the Commission's offices at (804) 786-6508 or (804) 786-1860/TDD by May 23, 1991.

† **July 22, 1991 - 7:30 p.m. - Public Hearing**
Town of Orange, Orange County area - Site to be determined.

Public hearing regarding the Town of Orange, Orange County annexation issue.

Persons desiring to participate in the Commission's oral presentations and requiring special accommodations or interpreter services should contact the Commission's offices at (804) 786-6508 or (804) 786-1860/TDD by July 15, 1991.

† **July 22, 1991 - 11 a.m. - Open Meeting**
† **July 23, 1991 - 9 a.m. - Open Meeting**

† **July 24, 1991 (if needed) - Time to be Announced - Open Meeting**
Town of Orange, Orange County area - Site to be determined.

Oral presentations regarding the Town of Orange, Orange County annexation issue.

Persons desiring to participate in the Commission's oral presentations and requiring special accommodations or interpreter services should contact the Commission's offices at (804) 786-6508 or (804) 786-1860/TDD by July 15, 1991.

† **August 19, 1991 - 11 a.m. - Open Meeting**
† **August 20, 1991 (if needed) - Time to be announced - Open Meeting**
City of South Boston, Halifax County - Site to be determined.

Open meeting. Oral presentations regarding the proposed reversion of the City of South Boston to town status in Halifax County.

Persons desiring to participate in the Commission's oral presentations and requiring special accommodations or interpreter services should contact the Commission's offices at (804) 786-6508 or (804) 786-1860/TDD by May 23, 1991.

† **August 20, 1991 - 7 p.m. - Public Hearing**
City of South Boston, Halifax County area - Site to be determined.

Public hearing regarding the proposed reversion of the City of South Boston to town status in Halifax County.

Persons desiring to participate in the Commission's oral presentations and requiring special accommodations or interpreter services should contact the Commission's offices at (804) 786-6508 or (804) 786-1860/TDD by May 23, 1991.

Contact: Barbara W. Bingham, Administrative Assistant, 702 Eighth Street Office Bldg., Richmond, VA 23219, telephone (804) 786-6508 or (804) 786-1860/TDD ☎

STATE LOTTERY BOARD

May 22, 1991 - 10 a.m. - Open Meeting
State Lottery Department, 2201 West Broad Street, Richmond, Virginia. ☎

A regular monthly meeting of the board. Business will be conducted according to items listed on the agenda which has not yet been determined. Two periods for public comment are scheduled.

Contact: Barbara L. Robertson, Lottery Staff Officer, State Lottery Department, 2201 W. Broad St., Richmond, VA

23220, telephone (804) 367-9433.

MARINE RESOURCES COMMISSION

† **May 28, 1991 - 9:30 a.m.** - Open Meeting
2600 Washington Avenue, 4th Floor, Room 403, Newport News, Virginia. ☒ (Interpreter for deaf provided if requested)

The Commission will hear and decide marine environmental matters at 9:30 a.m.: permit applications for projects in wetlands, bottom lands, coastal primary sand dunes and beaches; appeals of local wetland board decisions; policy and regulatory issues.

The Commission will hear and decide fishery management items at approximately 2 p.m.: regulatory proposals; fishery management plans; fishery conservation issues; licensing; shellfish leasing.

Meetings are open to the public. Testimony is taken under oath from parties addressing agenda items on permits, licensing. Public comments are taken on resource matters, regulatory issues, and items scheduled for public hearing.

The Commission is empowered to promulgate regulations in the areas of marine environmental management and marine fishery management.

Contact: Cathy W. Everett, Secretary to the Commission, P.O. Box 756, Room 1006, Newport News, VA 23607, telephone (804) 247-8088.

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

May 10, 1991 - 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 intends to amend regulations entitled: **VR 460-02-3.1100. Amount, Duration and Scope of Medical and Remedial Care and Services Provided to the Categorically Needy; VR 460-02-3.1200. Amount, Duration and Scope of Services Provided Medically Needy Group(s): All; VR 460-03-3.1100. Amount, Duration and Scope of Services; VR 460-02-3.1300. Standards Established and Methods to Assure High Quality of Care; and VR 460-02-4.1920. Methods and Standards for Establishing Payment Rates - Other Types of Care; and to adopt new regulations entitled VR 460-04-8.8. Regulations for Hospice Services.** The purpose of this proposal is to promulgate permanent regulations providing for the coverage of hospice services.

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

Written comments may be submitted until May 10, 1991, 5 p.m., to Mary Chiles, R. N., Manager, Division of Quality Care Assurance, Department of Medical Assistance Services, 600 E. Broad Street, Suite 1300, Richmond, Virginia.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 786-7933.

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May 24, 1991 - 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 and amend regulations entitled: **State Plan for Medical Assistance Relating to Long-Stay Acute Care Hospitals. VR 460-02-3.1300, Standards Established and Methods Used to Assure High Quality Care and VR 460-04-8.10, Long-Stay Acute Care Hospitals.** The purpose of the proposed regulation is to regulate the provision of long-stay acute care hospital services.

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

Written comments may be submitted until May 24, 1991.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933.

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May 24, 1991 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medical Assistance Services intends to amend regulations entitled: **VR 460-04-8.4. Home and Community Based Waiver Services for Elderly and Disabled Individuals.** These regulations control the provision of personal care (respite, adult day health, and personal care) services in the homes of qualifying recipients.

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

Written comments may be submitted until May 24, 1991, to Chris Pruett, Analyst, Division of Quality Care Assurance, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933.

Calendar of Events

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June 7, 1991 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medical Assistance Services intends to amend regulations entitled: **State Plan for Medical Assistance Relating to Occupational/Speech-Language Services and Cost Management Initiatives for PIRS. VR 460-03-3.1100. Amount, Duration, and Scope of Services; VR 460-03-4.1940:1. Nursing Home Payment System; and VR 460-03-4.1943. Cost Reimbursement Limitations.** The proposed amendments would make permanent these three provisions currently existing under emergency regulations: the elimination of cost reimbursement to nursing facilities' licensed in-house pharmacies, limitations of the cost of management services, and reimbursement for occupational and speech/language therapies through nursing facility cost reports.

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

Written comments may be submitted until June 7, 1991, to Wm. R. Blakely, Jr., Director, Division of Cost Settlement and Audit, 600 East Broad Street, Suite 1300, Richmond, Virginia.

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 5, 1991** – 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 460-05-3000. Drug Utilization Review in Nursing Facilities.** This program proposes to control the use of drugs by nursing facility residents to reduce inappropriate and perhaps hazardous drug use.

STATEMENT

Basis and Authority: Section 32.1-324 of the Code of Virginia grants to the Director of the Department of Medical Assistance Services (DMAS) the authority to administer and amend the Plan for Medical Assistance in lieu of Board action pursuant to the Board's requirements. The Code also provides, in the Administrative Process Act (APA) § 9-6.14:9, for this agency's promulgation of proposed regulations subject to the Department of Planning and Budget's and Governor's reviews.

This action is required as a result of the 1990 General

Assembly Appropriations Act, Section 466(K).

Purpose: The purpose of this proposal is to promulgate regulations providing for a drug utilization review program in nursing facilities.

Summary and Analysis: In order to meet the requirement set forth by the 1990 General Assembly, DMAS is implementing a drug use review program beginning with covered drugs prescribed for nursing facility residents. This action is also a component of DMAS' cost management efforts. The intent of the program is to ensure that prescriptions are appropriate, medically necessary, and are not likely to have adverse medical results. Modifications to this regulation will be needed later to respond to the drug utilization review requirements of the Omnibus Budget Reconciliation Act of 1990 (OBRA) which will encompass prospective drug utilization review in the outpatient environment.

The program provides, through the establishment of a drug use review committee, for active and ongoing outreach to educate physicians and pharmacists about common drug therapy problems with the aim of improving prescribing practices: specifically, to identify and reduce the frequency of patterns of inappropriate or medically unnecessary care among physicians, pharmacists, and patients, or common problems associated with specific drugs or groups of drugs.

Retrospective drug use reviews will be initially conducted on an ongoing basis in nursing facilities demonstrating exceptional drug utilization patterns. Information will be retrieved from existing Long-Term Care Information System (LTCIS) and through drug claims processing and information. DMAS will assess data on drug use against standards such as the American Hospital Formulary Service Drug Information, United States Pharmacopeia-Drug Information, American Medical Association Drug Evaluations, and peer-reviewed medical literature.

In addition, the program is designed to recognize potential and actual severe adverse reactions to drugs and to provide education on therapeutic appropriateness, overutilization and underutilization, appropriate use of generic products, therapeutic duplication, drug-disease contraindications, drug/drug interactions, incorrect drug dosage or duration of drug treatment, drug-allergy interactions, clinical abuse/misuse, and fraud.

Impact: Using background data from the 1991 Nursing Home Profile and Drug Utilization Statistics reports, several assumptions about the nursing facility Medicaid population have been made. There are approximately 16,000 Medicaid-eligible nursing facility residents in the Commonwealth. The average annual number of prescriptions per resident is 83 with an average amount per paid prescription of \$13. By reducing the number of paid prescriptions by 20 percent, the per resident expense would be reduced by \$221 per year. If this reduction can be managed for 20 percent of the Medicaid nursing

Calendar of Events

facility population (3200 residents), the total savings could equal \$707,200 (\$353,600 GF; \$353,600 NGF). Savings will result from provider education and intervention programs, elimination of duplicate or inappropriate prescriptions, and changes in physician prescribing patterns.

Using the expense estimates from the administrative impact analysis, the annual expense for the program is \$504,380 (\$252,190 GF; \$252,190 NGF). The program is not expected to yield savings until the third and fourth quarters of the initial year of its operation. Therefore, the budget impact could be (in General Fund dollars):

	FY 92	FY 93
Expense	\$210,160	\$252,190
Savings	176,802	353,600
Net	(\$33,358)	\$101,410

Total Net Savings for two years equals \$68,052.

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

Written comments may be submitted until July 5, 1991, to Betty Cochran, Director, Division of Quality Care Assurance, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933.

Technical Advisory Panel

† **May 10, 1991 - 10 a.m.** – Open Meeting
600 East Broad Street, Suite 1300, Boardroom, Richmond, Virginia. ☒

A meeting to review the Trust Fund - its progress and operation.

Contact: Dan Barry, Health Program Analyst, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8850.

BOARD OF MEDICINE

June 6, 1991 - 8 a.m. – Open Meeting
June 7, 1991 - 8 a.m. – Open Meeting
June 8, 1991 - 8 a.m. – Open Meeting
June 9, 1991 - 8 a.m. – Open Meeting
Department of Health Professions, Board Room 1, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

June 6 - An open session to conduct general board business and discuss any other items which may come before the board.

June 7, 8 and 9 - The board will meet to review reports, interview licensees and make decisions on discipline matters.

Public comments will be received at the conclusion of the meeting.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229-5005, telephone (804) 662-9925.

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June 24, 1991 – 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 465-02-01. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic, Clinical Psychology, and Acupuncture.** These amendments pertain to Licensure by examination; examination, general; Licensure by endorsement; and Fees required by the board.

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

Written comments may be submitted until June 24, 1991, to Hilary H. Connor, M.D., Executive Director, 1601 Rolling Hills Drive, Richmond, Virginia.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229-5005, telephone (804) 662-9925.

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June 24, 1991 – 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 465-03-01. Regulations Governing the Practice of Physical Therapy.** The purpose of the proposed amendments is to establish education and training requirements for foreign-trained physical therapist assistants, redefine passing grade on licensure exam, traineeships, and reinstatement examination.

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

Written comments may be submitted until June 24, 1991, to Hilary H. Connor, M.D., Executive Director, 1601 Rolling Hills Drive, Richmond, Virginia.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229-5005, telephone (804) 662-9925.

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Advisory Committee On Acupuncture

† July 12, 1991 - 4 p.m. - Open Meeting
Department of Health Professions, Board Room 3, 1601
Rolling Hills Drive, Richmond, Virginia. ☐

A meeting to review and act upon the draft report in response to HJR No. 478. The committee will not entertain public comments.

Advisory Committee On Optometry

May 10, 1991 - 10 a.m. - Open Meeting
Department of Health Professions, Board Room 2, 1601
Rolling Hills Drive, Richmond, Virginia. ☐

A meeting to review and consider other postgraduate training programs for approval for eligibility to sit for the certification examination for the treatment of certain diseases or abnormal conditions of the human eye and its adnexa with certain pharmaceutical agents; and approve completed applications to sit for the certification examination to be held on June 25, 1991. The committee will not receive public comments.

Chiropractic Examination Committee

† May 23, 1991 - 1 p.m. - Open Meeting
Department of Health Professions, Board Room 4, 1601
Rolling Hills Drive, Richmond, Virginia. ☐

The committee will meet in executive and closed session to develop test items for the chiropractic examination. Public comments will not be received.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229-5005, telephone (804) 662-9925.

Informal Conference Committee

† May 7, 1991 - 10 a.m. - Open Meeting
Sheraton - Fredericksburg Resort and Conference Center, I-95 and Route 3, Fredericksburg, Virginia. ☐

† May 10, 1991 - 10 a.m. - Open Meeting
Department of Health Professions, Board Room 3, 1601
Rolling Hills Drive, Richmond, Virginia. ☐

† May 17, 1991 - 10 a.m. - Open Meeting
Williamsburg Hilton, 50 Kingsmill Road, Williamsburg, Virginia. ☐

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 of the Code of Virginia. Public comments will not be received.

Contact: Karen D. Waldron, Deputy Executive Director,

1601 Rolling Hills Drive, Richmond, VA 23229-5005, telephone (804) 662-9925.

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

† May 22, 1991 - 10 a.m. - Open Meeting
James Madison Building, 13th Floor Conference Room, Richmond, Virginia. ☐

A regular monthly meeting. The agenda will be published on May 15 and may be obtained by calling Jane Helfrich.

Tuesday: Informal session - 6 p.m.

Wednesday: Committee meetings 8:45 a.m. and regular session 10 a.m.

See agenda for location.

Contact: Jane V. Helfrich, Board Administrator, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3912.

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

State Human Rights Committee

† May 17, 1991 - 9 a.m. - Open Meeting
Department of Mental Health, Mental Retardation and Substance Abuse Services, James Madison Building, Main Floor Conference Room, 109 Governor Street, Richmond, Virginia. ☐

A regular meeting to discuss business relating to human rights issues. Agenda items are listed prior to the meeting.

Contact: Elsie D. Little, ACSW, State Human Rights Director, Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Human Rights, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3988.

MIGRANT AND SEASONAL FARMWORKERS BOARD

† May 28, 1991 - 10 a.m. - Open Meeting
State Capitol Building, House Room 1, Richmond, Virginia. ☐

A regular meeting of the board.

Contact: Marilyn Mandel, Director, Office of Planning and Policy, Department of Labor and Industry, P.O. Box 12064, Richmond, VA 23241, telephone (804) 786-2385.

VIRGINIA MILITARY INSTITUTE

Board of Visitors

May 17, 1991 - 8 a.m. – Open Meeting
Virginia Military Institute, Smith Hall Board Room, Smith Hall, Lexington, Virginia. ☒

Finals meeting of the VMI Board of Visitors and a regular meeting to (i) consider committee reports; (ii) approve awards, distinctions, and diplomas; (iii) discuss personnel changes; and (iv) elect president pro tem.

Contact: Col. Edwin L. Dooley, Jr., Secretary to the Board, Virginia Military Institute, Lexington, VA 24450, telephone (703) 464-7206.

DEPARTMENT OF MINES, MINERALS AND ENERGY

† **May 13, 1991 - 1 p.m.** – Open Meeting
Division of Mined Land Reclamation, AML Conference Room, 622 Powell Avenue, Big Stone Gap, Virginia. ☒

A meeting to give interested persons an opportunity to comment on the FY 1991 Virginia Abandoned Mine Land Construction Grant application to be submitted to the U.S. Department of the Interior's Office of Surface Mining.

Contact: Roger L. Williams, Abandoned Mine Land Manager, P.O. Drawer U, 622 Powell Avenue, Big Stone Gap, VA 24219, telephone (703) 523-8206.

DEPARTMENT OF MOTOR VEHICLES

May 7, 1991 - 9 a.m. – Public Hearing
Highland Community College, Room 605, Technology Building, Abingdon, Virginia. ☒

May 7, 1991 - 3 p.m. – Public Hearing
Roanoke Marriott Hotel, Roanoke, Virginia. ☒

May 8, 1991 - 11 a.m. – Public Hearing
James Madison University, Phillips Center, Harrisonburg, Virginia. ☒

May 9, 1991 - 9 a.m. – Public Hearing
Richmond War Memorial Building, Richmond, Virginia. ☒

May 9, 1991 - 2 p.m. – Public Hearing
Thomas Nelson Community College, Wythe Hall Room, Hampton, Virginia. ☒

An informal public meeting to review and solicit public comments on proposed revisions to the Salvage Motor Vehicle Act (§§ 46.2-1600 through 46.2-1610). Proposed revisions are intended to (i) regulate businesses dealing with salvage vehicles, (ii) increase

consumer protection, and (iii) strengthen law-enforcement efforts dealing with stolen vehicles.

Contact: Steve L. Stupasky, Program Manager, Room 629, P. O. Box 27212, Richmond, VA 23269, telephone (804) 367-1939.

Motor Vehicle Dealers' Advisory Board

† **May 10, 1991 - 9:30 a.m.** – Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A meeting to discuss issues and plans concerning the administration of the Motor Vehicle Dealer Licensing Act.

Contact: Jerome L. Stein, Manager, Dealers and Records Division, 2300 W. Broad St., Room 521, Richmond, VA 23269-0001, telephone (804) 367-0455.

VIRGINIA MUSEUM OF FINE ARTS

Accessions Committee

† **May 15, 1991 - 2 p.m.** – Open Meeting
The Mellon Galleries, Virginia Museum of Fine Arts, Boulevard and Grove Avenue, Richmond, Virginia. ☒

A general meeting to consider purchases and gifts of art works.

Board of Trustees

† **May 16, 1991 - 11:30 a.m.** – Open Meeting
Auditorium, Virginia Museum of Fine Arts, Boulevard and Grove Avenue, Richmond, Virginia. ☒

The annual meeting to review committee/staff reports and budget.

Finance Committee

† **May 16, 1991 - 10:30 a.m.** – Open Meeting
The Payne Room, Virginia Museum of Fine Arts, Boulevard and Grove Avenue, Richmond, Virginia. ☒

A meeting to review year-end budget.

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, Boulevard and Grove Avenue, Richmond, VA 23221, telephone (804) 367-0553.

Calendar of Events

BOARD OF NURSING

Nursing Practice Advisory Committee

May 13, 1991 - 1:30 p.m. - Open Meeting
Department of Health Professions, Conference Room 1,
1601 Rolling Hills Drive, Richmond, Virginia. ☒
(Interpreter for deaf provided upon request)

A meeting to organize an advisory committee on nursing practice for the purpose of studying nursing practice issues related to the legal scope of practice and advise the Board of Nursing of its findings and to assist and advise the board in the review, revision or initiation of proposed statutes or regulations pertaining to nursing practice. Public comment will be accepted at 3:30 p.m.

Contact: Corinne F. Dorsey, R.N., Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9909, toll-free 1-800-533-1560 or (804) 662-7197/TDD ☐

BOARD OF NURSING HOME ADMINISTRATORS

May 13, 1991 - 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 Nursing Home Administrators intends to amend regulations entitled: **VR 500-01-2:1. Regulations of the Board of Nursing Administrators.** The purpose of the proposed regulations is to establish standards for the practice of nursing home administration.

Statutory Authority: §§ 54.1-2400 and 54.1-3101 of the Code of Virginia.

Written comments may be submitted until May 13, 1991.

Contact: Meredyth P. Partridge, Board Administrator, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-7390.

June 6, 1991 - 8:30 a.m. - Open Meeting
1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia. ☒

A regularly scheduled board meeting.

Contact: Meredyth P. Partridge, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9907.

BOARD FOR OPTICIANS

May 15, 1991 - 9 a.m. - Public Hearing
Department of Commerce, 3600 West Broad Street,
Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Opticians intends to adopt regulations entitled: **VR 505-01-01:1. Board for Opticians Regulations.** The Board for Opticians proposes to repeal existing regulations and promulgate new regulations to establish the licensing requirements, renewal and reinstatement requirements and standards of practice for opticians in the Commonwealth of Virginia.

Statutory Authority: §§ 54.1-201 and 54.1-1705 of the Code of Virginia.

Written comments may be submitted until May 27, 1991.

Contact: Pamela M. Templin, Regulatory Programs Intern, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8531.

BOARD OF OPTOMETRY

July 18, 1991 - 10 a.m. - Public Hearing
1601 Rolling Hills Dr., Conference Room 1, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Optometry intends to amend regulations entitled: **VR 510-01-1. Regulations of the Virginia Board of Optometry.** The purpose of this action is to amend the regulations for purpose of fee changes, clarification of licensing, examinations, renewal, reinstatement procedures, clarification of unprofessional conduct, and continuing education requirements.

Statutory Authority: § 54.1-2400 and Chapter 32 (§ 54.1-3200 et seq.) of Title 54.1 of the Code of Virginia.

Written comments may be submitted until July 18, 1991.

Contact: Lisa J. Russell, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9915 or SCATS (804) 662-9910.

COMMISSION ON POPULATION GROWTH AND DEVELOPMENT

August 7, 1991 - TIME TO BE ANNOUNCED - Open Meeting

August 8, 1991 - TIME TO BE ANNOUNCED - Open Meeting

LOCATION TO BE ANNOUNCED

Detailed agendas will be available at the committee meeting. If you would like to know more about a particular meeting you can call (804) 371-4950 for a recorded message about committee meeting agendas.

Contact: Telephone (804) 371-4950 for a recorded message.

Calendar of Events

Executive Committee

July 8, 1991 - afternoon – Open Meeting
General Assembly Building, 5 West Conference Room,
Richmond, Virginia.

Finance Committee

May 22, 1991 - 10 a.m. – Open Meeting
June 19, 1991 - 10 a.m. – Open Meeting
Capitol Building, House Room 1, Richmond, Virginia.

Detailed agendas will be available at the committee meeting. If you would like to know more about a particular meeting you can call (804) 371-4950 for a recorded message about committee meeting agendas.

Contact: Telephone (804) 371-4950 for a recorded message.

May 30, 1991 - 10 a.m. – Open Meeting
June 27, 1991 - 10 a.m. – Open Meeting
Capitol Building, House Room 1, Richmond, Virginia.

Detailed agendas will be available at the committee meeting. If you would like to know more about a particular meeting you can call (804) 371-4950 for a recorded message about committee meeting agendas.

Contact: Telephone (804) 371-4950 for a recorded message.

Resources Committee

May 15, 1991 - 9:30 a.m. – Open Meeting
June 12, 1991 - 9:30 a.m. – Open Meeting
Capitol Building, House Room 1, Richmond, Virginia.

Detailed agendas will be available at the committee meeting. If you would like to know more about a particular meeting you can call (804) 371-4950 for a recorded message about committee meeting agendas.

Contact: Telephone (804) 371-4950 for a recorded message.

BOARD OF PROFESSIONAL COUNSELORS

† **May 20, 1991 - 8:30 a.m.** – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive,
Richmond, Virginia.

Informal conferences.

† **May 20, 1991 - 10 a.m.** – Open Meeting
9504 A Lee Highway, Fairfax, Virginia.

Examination committee meeting. Public comment will not be received.

Contact: Evelyn Brown, Executive Director, or Joyce D. Williams, Administrative Assistant, 1601 Rolling Hills Drive, Richmond, VA 23229-5005, telephone (804) 662-9912.

BOARD OF PSYCHOLOGY

† **May 23, 1991 - 9 a.m.** – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive,
Conference Room 3, Richmond, Virginia. ☒

A meeting to conduct board business and to continue regulatory review. Public comment will not be received. Written comments may be submitted until May 2, 1991, for distribution.

Examination Committee

June 28, 1991 - 9 a.m. – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive,
Conference Room 2, Richmond, Virginia. ☒

A regular meeting of the committee. Public comment will not be received.

Contact: Evelyn Brown, Executive Director, 1601 Rolling Hills Drive, Suite 200, Richmond, VA 23229-5005, telephone (804) 662-9913 or (804) 662-7197/TDD ☎

VIRGINIA RACING COMMISSION

May 13, 1991 – 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 Virginia Racing Commission intends to adopt regulations entitled: **VR 662-05-02. Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering: Standardbred Racing.** The proposed regulation will establish the conditions, procedures and driving rules for the conduct of Standardbred racing.

Statutory Authority: § 59.1-369 of the Code of Virginia.

Written comments may be submitted until May 13, 1991.

Contact: William H. Anderson, Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363.

† **May 15, 1991 - 9:30 a.m.** – Open Meeting
VSRS Building, 1204 East Main Street, Richmond, Virginia. ☒

A regular commission meeting to include discussion of limited race meetings and review of proposed regulations.

Contact: William H. Anderson, Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363.

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Calendar of Events

June 19, 1991 - 9:30 a.m. – Public Hearing
VSRS Building, 1204 East Main Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Racing Commission intends to adopt regulations entitled: **VR 662-04-02. Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering - Entries.** The purpose of the proposed amendments is to establish procedures and conditions under which entries will be taken for horse races with pari-mutuel wagering.

Statutory Authority: § 59.1-369 of the Code of Virginia.

Written comments may be submitted until June 22, 1991.

Contact: William H. Anderson, Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363.

REAL ESTATE APPRAISER BOARD

May 28, 1991 - 11 a.m. – Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia.

A meeting to approve and adopt proposed regulations.

Contact: Demetra Y. Kontos, Assistant Director, Department of Commerce, 3600 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 367-2175 or (804) 367-9753/TDD ☎

REAL ESTATE BOARD

† **June 6, 1991 - 9:30 a.m. – Open Meeting**
County Board Room, Number 202, Courthouse, 1400 North Courthouse Road, Arlington, Virginia.

The Real Estate Board will meet to conduct a formal hearing: File Number 89-00994, Real Estate Board v. Virginia S. Smith.

Contact: Gayle Eubank, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8524.

VIRGINIA RESOURCES AUTHORITY

May 14, 1991 - 9 a.m. – Open Meeting
Mutual Building, 909 East Main Street, Suite 707, Conference Room A, Richmond, Virginia.

The board will meet to (i) approve minutes of the meeting of April 9, 1991; (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. Public comments will be received at the beginning of the meeting.

June 11, 1991 - 9 a.m. – Open Meeting
Virginia Beach Ramada Inn, Virginia Beach, Virginia.

The board will meet to (i) approve minutes of the meeting of May 14, 1991; (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. Public comments will be received at the beginning of the meeting.

Contact: Shockley D. Gardner, Jr., Mutual Building, 909 East Main Street, Suite 707, Richmond, VA 23219, telephone (804) 644-3100 or FAX Number (804) 644-3109.

BOARD OF SOCIAL SERVICES

† **May 15, 1991 - 2 p.m. – Open Meeting**
† **May 16, 1991 - 9 a.m. (if necessary) – Open Meeting**
Department of Social Services, Southwest Regional Office, 190 Patton Street, Abingdon, Virginia. ☒

A work session and formal business meeting.

Contact: Phyllis Sisk, Administrative Staff Specialist, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229, telephone (804) 662-9236, toll-free 1-800-552-3431 or 1-800-552-7096/TDD ☎

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

May 15, 1991 - 10 a.m. – Public Hearing
Commonwealth Building, Suite 100, 210 Church Street, S.W., Roanoke, Virginia.

May 20, 1991 - 9 a.m. – Public Hearing
Blair Building, Conference Room A-B, 8007 Discovery Drive, 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 adopt regulations entitled: **VR 615-45-1. Child Protective Services Central Registry Information.** The purpose of the proposed amendments is to establish timeframe and rationale for name entry into Central Registry.

Statutory Authority: § 63.1-248.1 et seq. of the Code of Virginia.

Written comments may be submitted until June 8, 1991, to Janine Tondrowski, 8007 Discovery Drive, Richmond,

Virginia.

Contact: Margaret Friedenberg, Regulatory Coordinator, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217.

June 8, 1991 - 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 615-45-3. Child Protective Services Release of Information to Family Advocacy Representatives of the United States Armed Forces.** These regulations establish guidelines for sharing information which would be in the best interest of the children and families involved.

Statutory Authority: §§ 2.1-386 and 63.1-248.6 of the Code of Virginia.

Written comments may be submitted until June 8, 1991, to Janine Tondrowski, 8007 Discovery Drive, Richmond, Virginia.

Contact: Margaret Friedenberg, Regulatory Coordinator, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217.

BOARD OF SOCIAL WORK

May 16, 1991 - 1 p.m. - Open Meeting
1601 Rolling Hills Drive, Suite 200, Richmond, Virginia.

A meeting to conduct general board business and certify oral examination results. No public comment will be received.

Contact: Evelyn B. Brown, Executive Director, 1601 Rolling Hills Dr., Suite 200, Richmond, VA 23229, telephone (804) 662-9914.

VIRGINIA SOIL AND WATER CONSERVATION BOARD

† **May 16, 1991 - 9 a.m.** - Open Meeting
Upper Brandon Plantation, Prince George, Virginia.

A bimonthly meeting.

Contact: Donald L. Wells, Department of Conservation and Recreation, 203 Governor St., Suite 206, Richmond, VA 23219, telephone (804) 786-2064.

COMMONWEALTH TRANSPORTATION BOARD

May 15, 1991 - 2 p.m. - Open Meeting
Virginia Department of Transportation, Board Room, 1401 E. Broad Street, Richmond, Virginia. ☒

A work session of the board and the Department of Transportation staff.

May 16, 1991 - 10 a.m. - Open Meeting
Virginia Department of Transportation, Board Room, 1401 E. Broad Street, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A monthly meeting to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval. Public comment will be received at the outset of the meeting on items on the meeting agenda for which the opportunity for public comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions.

Contact: John G. Milliken, Secretary of Transportation, 1401 E. Broad Street, Richmond, VA 23219, telephone (804) 786-6670.

TREASURY BOARD

† **May 15, 1991 - 9 a.m.** - Open Meeting
James Monroe Building, 3rd Floor, Treasury Board Conference Room, 101 North 14th Street, Richmond, Virginia. ☒

A regular meeting.

Contact: Laura Wagner-Lockwood, Senior Debt Manager, Department of the Treasury, P.O. Box 6-H, Richmond, VA 23215, telephone (804) 225-4931.

COMMISSION ON THE VIRGINIA ALCOHOL SAFETY ACTION PROGRAM

PLEASE NOTE CHANGE IN MEETING DATES AND LOCATION

† **May 16, 1991 - 1 p.m.** - Open Meeting
† **May 17, 1991 - 9 a.m.** - Open Meeting
Richmond Marriott Hotel, Richmond, Virginia.

A regular meeting of the Commission.

Contact: William T. McCollum, Executive Director, Commission on VASAP, Richmond, VA 23219, telephone (804) 786-5895.

Calendar of Events

VIRGINIA COUNCIL ON VOCATIONAL EDUCATION

May 8, 1991 - 1 p.m. - Open Meeting
May 8, 1991 - 7:15 p.m. - Public Hearing
May 9, 1991 - 8:30 a.m. - Open Meeting
Jefferson Sheraton Hotel, Franklin and Adams Street,
Richmond, Virginia.

May 8, 1991 - 1 p.m. Committee meetings.

3:30 p.m. General session.

7:15 p.m. Public Meeting (session to receive comments
on vocational-technical education.

May 9, 1991 - 8:30 a.m. - Business session.

Contact: George S. Orr, Jr., Executive Director, Virginia
Council on Vocational Education, 7420-A Whitepine Road,
Richmond, VA 23237, telephone (804) 275-6218.

STATE WATER CONTROL BOARD

June 4, 1991 - 4 p.m. - Public Hearing
Town Hall, 2nd Street, Cleveland, 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
680-21-00. Water Quality Standards.** The purpose of
the proposed amendment is to consider for the Town
of Cleveland a variance to the halogen ban section of
VR 680-21-01.11 by amending VR 680-01.11, VR
680-21-07.1 and VR 680-21-08.15.

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

Written comments may be submitted until June 21, 1991,
to Doneva Dalton, at the address below.

Contact: Jean Gregory, Office of Environmental Research
and Standards, State Water Control Board, P.O. Box 11143,
Richmond, VA 23230, telephone (804) 367-6985.

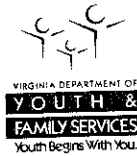
† June 24, 1991 10 a.m. - Open Meeting

† June 25, 1991 9 a.m. - Open Meeting

State Water Control Board Offices, Room 1000 (Board
Room), Innsbrook Corporate Center, 4900 Cox Road, Glen
Allen, Virginia.

A regular quarterly meeting.

Contact: Doneva A. Dalton, State Water Control Board,
Office of Policy Analysis, P.O. Box 11143, Richmond, VA
23230, telephone (804) 367-6829.



BOARD OF YOUTH AND FAMILY SERVICES

May 9, 1991 - 10 a.m. - Open Meeting
Natural Bridge Learning Center, Natural Bridge, Virginia.

A general business meeting of the board.

Contact: Paul E. Steiner, Regulatory Coordinator, 700
Centre Building, 4th Floor, 7th and Franklin Streets,
Richmond, VA 23219, telephone (804) 371-0700.

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LEGISLATIVE

VIRGINIA COAL AND ENERGY COMMISSION

† May 20, 1991 - 10 a.m. - Open Meeting
General Assembly Building, Senate Room B, Richmond,
Virginia. ☐

The commission will be presented with information
concerning the potential for developing methanol fuel
in Virginia. Other matters within the Commission's
jurisdiction may also be discussed.

Contact: John T. Heard, Staff Attorney, Division of
Legislative Services, 910 Capitol St., General Assembly
Building, 2nd Floor, Richmond, VA 23219, telephone (804)
786-3591.

CHRONOLOGICAL LIST

OPEN MEETINGS

May 6

Air Pollution, State Advisory Board on
Cosmetology, Board for
Funeral Directors and Embalmers, Board of
Hearing Aid Specialists, Board for

May 7

† Medicine, Board of
- Informal Conference Committee
Motor Vehicles, Department of
Hopewell Industrial Safety Council

May 8

Conservation and Recreation, Department of
- Goose Creek Scenic River Advisory Board

I

Calendar of Events

Dentistry, Board of
Emergency Planning Committee, Local - City of
Portsmouth
Interagency Coordinating Council, Virginia
Motor Vehicles, Department of
Vocational Education, Virginia Council on

May 9

Agriculture and Consumer Services, Department of
- Pesticide Control Board
Chesapeake Bay Commission
Chesapeake Bay Local Assistance Board
† Child Day-Care Council
† Emergency Planning Committee, Local - Henrico
County
† Game and Inland Fisheries, Board of
Motor Vehicles, Department of
Vocational Education, Virginia Council on
Youth and Family Services, Board of

May 10

Agriculture and Consumer Services, Department of
- Pesticide Control Board
† Architects, Land Surveyors, Professional Engineers
and Landscape Architects, Board for
- Board for Professional Engineers
Chesapeake Bay Commission
† Medical Assistance Services, Department of
- Technical Advisory Panel
Medicine, Board of
- Advisory Committee on Optometry
- Informal Conference Committee
† Motor Vehicle Dealers' Advisory Board

May 13

Agricultural Council, Virginia
† ASAP Policy Board - Valley
† Mines, Minerals and Energy, Department of
Nursing, Board of
- Nursing Practice Advisory Committee

May 14

† Auctioneers Board
Forestry, Board of
Historic Resources, Department of
- Virginia Historic Preservation Foundation
Resources Authority, Virginia

May 15

Community Colleges, State Board for
† Emergency Planning Committee, Local - Roanoke
Valley
† Higher Education, State Council of
Housing and Community Development, Department of
- Regulatory Effectiveness Advisory Committee
† Museum of Fine Arts, Virginia
- Accessions Committee
Population Growth and Development, Commission on
- Resources Committee
† Racing Commission, Virginia
† Social Services, Board of

Transportation Board, Commonwealth
† Treasury Board

May 16

Community Colleges, State Board for
Contractors, Board for
Housing and Community Development, Board of
- Amusement Device Technical Advisory Committee
- Regulatory Effectiveness Advisory Committee
† Labor and Industry, Department of
- Virginia Apprenticeship Council
Library Board
† Museum of Fine Arts, Virginia
- Board of Trustees
- Finance Committee
† Social Services, Board of
Social Work, Board of
† Soil and Water Conservation Board, Virginia
Transportation Board, Commonwealth
† Virginia Alcohol Safety Action Program, Commission
on

May 17

† Branch Pilots, Board for
† Children, Interdepartmental Regulation of Residential
Facilities for
- Coordinating Committee
† Information Management, Council on
† Land Surveyors, Board for
† Medicine, Board of
- Informal Conference Committee
† Mental Health, Mental Retardation and Substance
Abuse Services, Department of
- State Human Rights Committee
Military Institute, Virginia
- Board of Visitors
† Virginia Alcohol Safety Action Program, Commission
on

May 20

† Coal and Energy Commission, Virginia
† Governor's Job Training Coordinating Council
Emergency Planning Committee, Local - County of
Prince William, City of Manassas, and City of
Manassas Park
† Professional Counselors, Board of

May 21

† ASAP Policy Board - Old Dominion
Health Services Cost Review Council, Virginia
† Housing Development Authority, Virginia
- Board of Commissioners

May 22

† Contractors, Board for
- Complaints Committee
Corrections, Board of
Lottery Board, State
† Mental Health, Mental Retardation and Substance
Abuse Services Board, State
Population Growth and Development, Commission on

Calendar of Events

- Finance Committee

May 23

Agriculture and Consumer Services, Board of
† Arts, Virginia Commission for the
Audiology and Speech Pathology, Board of
† Corrections, Board of
- Liaison Committee
† Medicine, Board of
- Chiropractic Examination Committee
† Psychology, Board of

May 28

† Marine Resources Commission
† Migrant and Seasonal Farmworkers Board
Real Estate Appraiser Board

May 29

Local Government, Commission on

May 30

Compensation Board
Education, Board of
† Local Government, Commission on
Population Growth and Development, Commission on
- Governance Committee

May 31

Education, Board of
† Local Government, Commission on

June 4

Hopewell Industrial Safety Council

June 5

† Higher Education, State Council of

June 6

Emergency Planning Committee, Local - Chesterfield
County
Medicine, Board of
Nursing Home Administrators, Board of
† Real Estate Board

June 7

Medicine, Board of

June 8

Medicine, Board of

June 9

Medicine, Board of

June 11

Resources Authority, Virginia

June 12

† Conservation and Development of Public Beaches
Population Growth and Development, Commission on
- Resources Committee

June 17

Emergency Planning Committee, Local - County of
Prince William, City of Manassas, and City of
Manassas Park

June 19

Corrections, Board of
Population Growth and Development, Commission on
- Finance Committee

June 21

† Children, Interdepartmental Regulation of Residential
Facilities for
- Coordinating Committee

June 24

† Water Control Board, State

June 25

† Water Control Board, State

June 27

Population Growth and Development, Commission on
- Governance Committee

June 28

† Athletic Board
Psychology, Board of
- Examination Committee

July 8

Population Growth and Development, Commission on
- Executive Committee

July 12

† Medicine, Board of
- Advisory Committee on Acupuncture

July 19

† Children, Interdepartmental Regulation of Residential
Facilities for
- Coordinating Committee

July 22

† Local Government, Commission on

July 23

† Local Government, Commission on

July 24

† Local Government, Commission on

August 7

Population Growth and Development, Commission on

August 8

Population Growth and Development, Commission on

August 19

† Local Government, Commission on

August 20
† Local Government, Commission on

PUBLIC HEARINGS

May 10
Agriculture and Consumer Services, Department of
- Pesticide Control Board
† Game and Inland Fisheries, Board of

May 15
Opticians, Board for
Social Services, Department of

May 20
Social Services, Department of

May 23
Agriculture and Consumer Services, Department of

May 30
† Local Government, Commission on

June 4
Aging, Department for the
Water Control Board, State

June 5
Aging, Department for the

June 12
Aging, Department for the

June 13
Aging, Department for the

June 19
Racing Commission, Virginia

June 20
† Chesapeake Bay Local Assistance Board

June 26
Aging, Department for the

July 18
Optometry, Board of

July 22
† Local Government, Commission on

August 20
† Local Government, Commission on

Calendar of Events
