

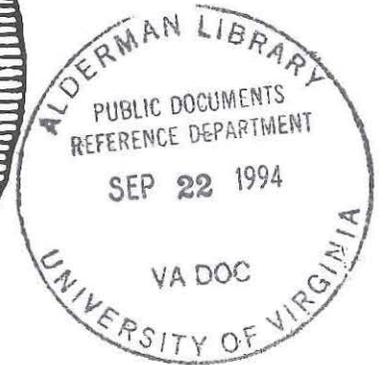
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# THE VIRGINIA REGISTER

OF REGULATIONS

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VOLUME TEN • ISSUE TWENTY-SIX

September 19, 1994

# 1994

Pages 6085 Through 6158

## 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 the regulation becomes final.

### EMERGENCY REGULATIONS

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

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

### STATEMENT

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

### CITATION TO THE VIRGINIA REGISTER

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

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# NOTICES OF INTENDED REGULATORY ACTION

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**Symbol Key †**

† Indicates entries since last publication of the Virginia Register

## BOARD FOR ACCOUNTANCY

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Accountancy intends to consider amending regulations entitled: **VR 105-01-2. Board for Accountancy Regulations.** The purpose of the proposed action is to modify § 2.1, Qualifications for certification. The board intends to hold a public hearing on this matter. The date, time and location of the hearing will be published at a later date.

Statutory Authority: § 54.1-201 of the Code of Virginia.

Written comments may be submitted until October 20, 1994.

**Contact:** Nancy Taylor Feldman, Assistant Director, Board for Accountancy, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590.

VA.R. Doc. No. R94-2630; Filed August 30, 1994, 11:59 a.m.

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medical Assistance Services intends to consider promulgating regulations entitled: **VR 460-01-11 and VR 460-02-2.1100. Definition of Medicaid State Plan Health Maintenance Organizations (HMOs).** The purpose of the proposed regulations is to promulgate permanent regulations to replace emergency regulations enabling the Department of Medical Assistance Services to implement HMO contracting as mandated by the 1994 General Assembly. This agency does not intend to hold public hearings regarding this regulatory action.

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

Written comments may be submitted until September 21, 1994, to Tom McGraw, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad

St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933.

VA.R. Doc. No. R94-1167; Filed August 2, 1994, 11:44 a.m.

## DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Social Services intends to consider promulgating regulations entitled: **Discretionary Provisions of the Virginia Independence Program.** The purpose of the proposed regulation is to implement the discretionary provisions of the Virginia Independence Program. Chapter 951 of the 1994 Acts of Assembly provides the basis for the Virginia Department of Social Services to implement the Virginia Independence Program. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 63.1-25, 63.1-133.46, 63.1-133.47, 63.1-133.49, 63.1-133.51 and 63.1-133.55 of the Code of Virginia.

Written comments may be submitted until October 5, 1994, to Tom Steinhauser, 730 East Broad Street, Richmond, Virginia 23219.

**Contact:** Richard Martin, Policy Analyst Senior, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1825.

VA.R. Doc. No. R94-1185; Filed August 16, 1994, 12:54 p.m.

# PROPOSED REGULATIONS

For information concerning Proposed Regulations, see information page.

## Symbol Key

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

## DEPARTMENT OF GAME AND INLAND FISHERIES (BOARD OF)

**REGISTRAR'S NOTICE:** The following regulations are exempt from the Administrative Process Act pursuant to subdivision A 3 of § 9-6.14:4.1 of the Code of Virginia, which excludes from this Act the Department of Game and Inland Fisheries when promulgating regulations regarding the management of wildlife. However, the department is required by § 9-6.14:22 of the Code of Virginia to publish all proposed and final wildlife management regulations, including the length of seasons and bag limits allowed on the wildlife resources within the Commonwealth of Virginia.

**Title of Regulation:** VR 325-01-1. Definitions and Miscellaneous: In General.

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

**Public Hearing Date:** October 13, 1994 - 10 a.m.

### Summary:

*The amendments make it possible to fish without a trout stamp in "designated stocked trout waters" during the summer and early fall months when catchable trout are not being stocked and to clarify that fee fishing areas are considered designated stocked trout waters.*

VR 325-01-1. Definitions and Miscellaneous: In General.

### § 1. Definitions; generally.

Words and phrases used in any regulations made by the board shall have the same meaning, unless the context clearly indicates otherwise, as is given for such words and phrases in the Virginia Game and Inland Fisheries laws contained in Title 29.1 of the Code of Virginia.

### § 2. Definitions; "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, Nelson, New Kent, Newport News City, Northampton, Northumberland, 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.

### § 3. Definitions; "Counties west of the Blue Ridge Mountains."

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

Alleghany	Lee
Augusta	Montgomery
Bath	Page
Bland	Pulaski
Botetourt	Roanoke
Buchanan	Rockbridge
Carroll	Rockingham
Clarke	Russell
Craig	Scott
Dickenson	Shenandoah
Floyd	Smyth
Frederick	Tazewell
Giles	Warren
Grayson	Washington
Highland	Wise
	Wythe

### § 3-1. Definitions; Dismal Swamp Line.

Whenever the words "Dismal Swamp Line," or language equivalent thereto, appear in a regulation of the board, such words shall apply to a line: Beginning at a point on State Highway 10 where it intersects the Isle of Wight County line, thence along such highway to its intersection with the corporate limits of the City of Suffolk, thence through the corporate limits of the City of Suffolk to its intersection with State Secondary Highway 642, and thence along State Secondary Highway 642 (White Marsh Road) in a southerly and westerly direction to State Secondary Highway 604 (Desert Road), and thence southerly along State Secondary Highway 604 to the North Carolina line.

### § 4. [Repealed.]

§ 5. Definitions; "wild animal," "native animal," "naturalized animal," "nonnative (exotic) animal" and "domestic animal."

In accordance with § 29.1-100 of the Code of Virginia, the following terms shall have the meanings ascribed to them by this section when used in regulations of the board:

"Wild animal" means any member of the animal kingdom, except domestic animals, including without limitation any native, naturalized, or nonnative (exotic) mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate, and includes any hybrid thereof, except as otherwise specified in regulations of the board, or part, product, egg, or offspring thereof, or the dead body or parts thereof.

"Native animal" means those species and subspecies of animals naturally occurring in Virginia, as included in the department's 1991 official listing of "Native and Naturalized Fauna of Virginia," with copies available in the Richmond and regional offices of the department.

"Naturalized animal" means those species and subspecies of animals not originally native to Virginia which have established wild, self-sustaining populations, as included in the department's 1991 official listing of "Native and Naturalized Fauna of Virginia," with copies available in the Richmond and regional offices of the department.

"Nonnative (exotic) animal" means those species and subspecies of animals not naturally occurring in Virginia, excluding domestic and naturalized species.

The following animals are defined as domestic animals.

Domestic dog (*Canis familiaris*).

Domestic cat (*Felis catus*), including hybrids with wild felines.

Domestic horse (*Equus caballus*), including hybrids with *Equus asinus*).

Domestic ass, burro, and donkey (*Equus asinus*).

Domestic cattle (*Bos taurus* and *Bos indicus*).

Domestic sheep (*Ovis aries*) including hybrids with wild sheep.

Domestic goat (*Capra hircus*).

Domestic swine (*Sus scrofa domestica*), including pot-bellied pig.

Llama (*Lama glama*).

Alpaca (*Lama pacos*).

Camels (*Camelus bactrianus* and *Camelus dromedarius*).

Domesticated races of hamsters (*Mesocricetus* spp.).

Domesticated races of mink (*Mustela vison*) where adults are heavier than 1.15 kg or their coat color can be distinguished from wild mink.

Domesticated races of red fox (*Vulpes*) where their coat color can be distinguished from wild red fox.

Domesticated races of guinea pigs (*Cavia porcellus*).

Domesticated races of gerbils (*Meriones unguiculatus*).

Domesticated races of chinchillas (*Chinchilla laniger*).

Domesticated races of rats (*Rattus norvegicus* and *Rattus rattus*).

Domesticated races of mice (*Mus musculus*).

Domesticated races of European rabbit (*Oryctolagus cuniculus*).

Domesticated races of chickens (*Gallus*).

Domesticated races of turkeys (*Meleagris gallopavo*).

Domesticated races of ducks and geese distinguishable morphologically from wild birds.

Feral pigeons (*Columba domestica* and *Columba livia*) and domesticated races of pigeons.

Domesticated races of guinea fowl (*Numida meleagris*).

Domesticated races of peafowl (*Pavo cristatus*).

§ 6. Definitions; "Person."

The word "person," when used in the regulations of the board, may extend and be applied to bodies politic and corporate as well as individuals.

§ 7. Violations of regulations.

Any violation of any regulation or part thereof of the board is made a misdemeanor by §§ 29.1-505 and 29.1-746 of the Code of Virginia and persons convicted of such violation will be punished as provided in said sections or other applicable provisions of the Code of Virginia.

§ 8. Certificate on hunting, trapping and fishing license to be executed by licensee.

No state or county resident license to hunt, trap or fish in or on the lands or inland waters of this Commonwealth shall be deemed to be issued until the certificate printed

# Proposed Regulations

on the reverse side thereof shall have been executed by the named licensee.

## § 9. Permits for drilling, dredging and other operations in Back Bay area.

Drilling, dredging and any other operation designed to recover or obtain shell, minerals or any other substance shall be unlawful on lands owned by or under the control of the Commonwealth of Virginia under Back Bay, its tributaries and the North Landing River from the North Carolina line to North Landing Bridge unless a permit is first obtained from the board. Application for a permit under this section shall be made to the board in such form and substance as the board may require. Under the authority of § 29.1-103 of the Code of Virginia, the board shall grant or refuse such permits as conditions may require in order to prevent practices and operations which would harm the area for fish and wildlife.

## § 10. Prohibited use of vehicles on department-owned lands.

It shall be unlawful on department-owned lands to drive through or around gates designed to prevent entry with any type of motorized vehicle or to use such vehicles to travel anywhere on such lands except on roads open to vehicular traffic. Any motor-driven conveyance shall conform with all state laws for highway travel; provided, that this requirement shall not apply to the operation of motor vehicles for administrative purposes by department-authorized personnel on department-owned lands.

## § 11. Refusal to surrender licenses, permits, stamps or records to department representatives.

No agent, or any other person for him, in possession of issued or unissued hunting, fishing or trapping licenses, permits or stamps or records pertaining thereto, shall refuse to surrender upon demand such licenses, permits, stamps or records to department representatives authorized by the director to take such licenses, permits, stamps and records into custody.

## § 12. Appointment of new consignment agents for sale of hunting and fishing licenses.

A. Except as provided below, no person shall be appointed as a consignment agent for the sale of hunting and fishing licenses unless he first sells licenses on a cash basis for at least one year. In addition, the dollar volume of actual or projected sales must equal at least 90% of the average hunting and fishing license sales of consignment agents in the locality.

B. If the cash agent sells the required number of licenses, he may be appointed as a consignment agent, provided he is approved for a surety bond by the board's bonding company.

C. This regulation is applicable to new appointments and not to transfers of existing appointments; provided, that the director may appoint consignment agents as needed to provide for a minimum of two consignment agents within a locality. In addition, the director may appoint consignment agents on state-owned or state-leased facilities.

## § 13. Endangered and threatened species. Adoption of federal list; additional species enumerated.

A. The board hereby adopts the Federal Endangered and Threatened Species List, Endangered Species Act of December 28, 1973 (16 U.S.C. 1531-1543), as amended, and declares all species listed thereon to be endangered or threatened species in the Commonwealth.

B. In addition to the provisions of subsection A, the following species are declared endangered or threatened in this Commonwealth, and are afforded the protection provided by Article 6, Chapter 5, Title 29.1 of the Code of Virginia:

### 1. Fish:

#### Endangered:

Dace, Tennessee	Phoxinus Tennesseeensis
Darter, duskytail	Etheostoma sp
Darter, sharphead	Etheostoma acuticeps
Darter, variegate	Etheostoma variatum
Sunfish, blackbanded	Enneacanthus chaetodon

#### Threatened:

Darter, Carolina	Etheostoma collis
Darter, Tippecanoe	Etheostoma tippecanoe
Darter, greenfin	Etheostoma chlorbranchium
Darter, longhead	Percina macrocephala
Darter, western sand	Ammocrypta clara
Madtom, orange-fin	Noturus gilberti
Paddlefish	Polyodon spathula
Shiner, emerald	Notropis atherinoides
Shiner, steelcolor	Cyprinella whipplei
Shiner, whitemouth	Notropis alborus

### 2. Amphibians:

#### Endangered:

Salamander, eastern tiger	Ambystoma tigrinum
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#### Threatened:

Salamander, Mabee's	Ambystoma mabeei
Treefrog, barking	Hyla gratiosa

### 3. Reptiles:

#### Endangered:

Rattlesnake, canebrake	Crotalus horridus atricaudatus
Turtle, bog	Clemmys muhlenbergii
Turtle, chicken	Deirochelys reticularia



# Proposed Regulations

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likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range within the Commonwealth.

§ 15. Structures on department-owned lands and national forest lands.

A. It shall be unlawful to construct, maintain or occupy any permanent structure, except by permit, on department-owned lands and national forest lands. This provision shall not apply to structures, stands or blinds provided by the department.

B. It shall be unlawful to maintain any temporary dwelling on department-owned lands for a period greater than 14 consecutive days. Any person constructing or occupying any temporary structure shall be responsible for complete removal of such structures when vacating the site.

C. It shall be unlawful to construct, maintain or occupy any tree stand on department-owned lands and national forest lands ; provided, that portable tree stands which are not permanently affixed may be used.

§ 16. Nuisance species designated.

A. The board hereby designates the following species as nuisance species pursuant to § 29.1-100 of the Code of Virginia.

1. Mammals:

- a. House mouse (*Mus musculus*).
- b. Norway rat (*Rattus norvegicus*).
- c. Black rat (*Rattus rattus*).
- d. Coyote (*Canis latrans*).

2. Birds:

- a. European starling (*Sturnus vulgaris*).
- b. English (house) sparrow (*Passer domesticus*).
- c. Pigeon (Rock Dove) (*Columba livia*).

B. It shall be unlawful to take, possess, transport or sell all other wildlife species not classified as game, furbearer or nuisance, or otherwise specifically permitted by law or regulation.

§ 17. Taking and possession of certain rodents for private use.

Except as otherwise provided for in the Code of Virginia and regulations of the board, it shall be lawful to take and possess no more than three individuals of any single species of rodents (order Rodentia) for private use except

for those species listed as game or furbearers, endangered or threatened (Code of Virginia, § 29.1-568), or listed as special concern, including the following:

- 1. Allegheny woodrat (*Neotoma floridana*).
- 2. Pungo mouse (*Peromyscus leucopus easti*).
- 3. Rock vole (*Microtus chrotorrhinus carolinensis*).
- 4. Cotton mouse (*Peromyscus gossypinus gossypinus*).

§ 18. Taking of invertebrates.

A. Earthworms.

Earthworms may be taken at any time for private or commercial use.

B. Other invertebrates.

Except as otherwise provided for in §§ 3.1-1020 through 3.1-1030 and 29.1-418 of the Code of Virginia and in VR 325-01-1, § 13, VR 325-01-2 and VR 325-03-5, § 1 invertebrates, other than those listed in endangered or threatened, may be taken for private use.

§ 19. Definitions; "designated stocked trout waters."

When used in regulations of the board, "designated stocked trout waters" will include those waters that are stocked with harvestable-sized trout and are listed by the director in the annual Trout Stocking Plan. *These waters will only be considered designated stocked trout waters from October 1 through June 15, both dates inclusive, except for fee fishing waters covered by VR 325-03-1, § 12, and urban fishing waters covered by VR 325-03-2, § 17.* Designated stocked trout waters are either posted by the department with appropriate "stocked trout waters" signs or are posted as fee fishing areas under VR 325-03-1, § 12 .

§ 20. Fees for miscellaneous permits.

A. Pursuant to §§ 29.1-417, 29.1-418, 29.1-422, 29.1-743 and other applicable provisions of the Code of Virginia, except as provided by these regulations the following fees shall be paid by applicants for the specified permits before any such permit may be issued.

Boat Ramp Special Use

Nonprofit Public Use .....	\$10
Private/Commercial Use .....	\$50
Boat Regattas/Tournaments .....	\$50/day
Collect and Sell .....	\$50
Commercial Nuisance Animals .....	\$25

# Proposed Regulations

Deer Farming .....	\$350
Exhibitors	
Commercial Use .....	\$50
Educational/Scientific Use .....	\$20
Exotic Importation and Holding .....	\$10
Field Trial .....	\$25
Hold for Commercial Use .....	\$10
Propagation	
Commercial Use .....	\$50
Private Use .....	\$20
Licensed Shooting Preserves .....	\$20
Rehabilitation .....	\$10
Scientific Collection .....	\$20
Special Hunting Permit .....	\$10
Striped Bass Tournament .....	\$10
Threatened & Endangered Species .....	\$20
Trout Catch-Out Pond .....	\$50
Wolf Hybrid – Individual	
Nonneutered .....	\$20/animal
Neutered .....	\$10/animal
Wolf Hybrid – Kennel .....	\$100

B. Veterinarians shall not be required to pay a permit fee or to obtain a permit to hold wildlife temporarily for medical treatment.

V.A.R. Doc. No. R94-1213; Filed August 31, 1994, 11:42 a.m.

\* \* \* \* \*

**Title of Regulation:** VR 325-01-2. Importation, Possession, Sale, Etc., of Animals.

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

**Public Hearing Date:** October 13, 1994 - 10 a.m.

**Summary:**

*The amendments (i) clarify that this regulation applies*

*to only native or naturalized albino amphibians and reptiles; and (ii) add the red shiner (Cyprinella lutrensis) to the list of nonnative (exotic) fish that cannot be imported, possessed, or sold without obtaining a special permit from the department.*

VR 325-01-2. Importation, Possession, Sale, Etc., of Animals.

§ 1. Possession, importation, sale, etc., of wild animals.

Under the authority of §§ 29.1-103 and 29.1-521 of the Code of Virginia it shall be unlawful to take, possess, import, cause to be imported, export, cause to be exported, buy, sell, offer for sale or liberate within the Commonwealth any wild animal unless otherwise specifically permitted by law or regulation. Unless otherwise stated, for the purposes of identifying species regulated by the board, when both the scientific and common names are listed, the scientific reference to genus and species will take precedence over common names.

§ 2. Permit required to import, liberate or possess predatory or undesirable animals or birds.

Under the authority of § 29.1-542 of the Code of Virginia, live wolves or coyotes, or birds or animals otherwise classed as predatory or undesirable, may not be imported into the Commonwealth or liberated therein, or possessed therein, except under a special permit of the board. Before such permit is issued, the importer shall make application to the department, giving the place of origin, the name and address of the exporter and a certificate from a licensed and accredited practicing veterinarian, or certified fish pathologist, certifying that the animal to be imported is not manifesting any signs of infectious, contagious, or communicable disease.

§ 3. Exclusions.

This regulation does not ~~ever~~ prohibit the possession, importation, and sale of native or naturalized albino reptiles and albino amphibians, native or naturalized albino reptiles, or those domestic animals as defined in VR 325-01-1, § 5.

§ 4. Importation requirements, possession and sale of nonnative (exotic) animals.

A. Permit required.

A special permit is required and may be issued by the department, if consistent with the department's fish and wildlife management program, to import, possess, or sell wolves, wolf hybrids or those nonnative (exotic) animals listed below that the board finds and declares to be predatory or undesirable within the meaning and intent of § 29.1-542 of the Code of Virginia, in that their introduction into the Commonwealth will be detrimental to the native fish and wildlife resources of Virginia:

AMPHIBIANS:

# Proposed Regulations

Order	Family	Genus/Species	Common Name				
Anura	Bufo	Bufo marinus	Giant or marine toad*				Mongoose, and Possas
	Pipidae	Xenopus spp.	Tongueless or African clawed frog	Herpestidae	All Species		Mongoose*
Caudata	Ambystomatidae	Ambystoma tigrinum mavortium	Barred tiger salamander	Protelidae	Proteles cristatus		Aardwolf*
		A. t. diaboli	Gray tiger salamander	Felidae	All Species		Cats*
	A. t. melanostictum		Blotched tiger salamander	Chiroptera	All Species		Bats*
				Lagomorpha	Lepus europeaeus		European hare
				Oryctolagus cuniculus		European rabbit	

MOLLUSKS:

Order	Family	Genus/Species	Common Name	Order	Family	Genus/Species	Common Name
				Veneroida	Dreissenidae	Dreissena polymorpha	Zebra mussel

REPTILES:

Order	Family	Genus/Species	Common Name	Order	Family	Genus/Species	Common Name
				Squamata	Alligatoridae	All Species	Alligators, caimans*
					Colubridae	Boiga illegetularis	Brown tree snake*
					Crocodylidae	All Species	Crocodiles*
					Gavialidae	All Species	Gavials*

### B. Temporary possession permit for certain animals.

Notwithstanding the permitting requirements of subsection A, a person, company or corporation possessing any nonnative (exotic) animal, designated with an asterisk (\*) in subsection A, prior to July 1, 1992, must declare such possession in writing to the department by January 1, 1993. This written declaration shall serve as a permit for possession only, is not transferable, and must be renewed every five years. This written declaration must include species name, common name, number of individuals, date(s) acquired, sex (if possible), estimated age, height or length, and other characteristics such as bands and band numbers, tatoos, registration numbers, coloration, and specific markings. Possession transfer will require a new permit according to the requirements of this subsection.

### C. Exception for certain monk parakeets.

A permit is not required for monk parakeets (quakers) that have been captive bred and are closed-banded.

### D. Exception for parts or products.

A permit is not required for parts or products of those nonnative (exotic) animals listed in subsection A that may be used in the manufacture of products or used in scientific research, provided that such parts or products be packaged outside the Commonwealth by any person, company, or corporation duly licensed by the state in which the parts originate. Such packages may be transported into the Commonwealth, consistent with other state laws and regulations, so long as the original package remains unbroken, unopened and intact until its point of destination is reached. Documentation concerning the type and cost of the animal parts ordered, the purpose and date of the order, point and date of shipping, and date of receiving shall be kept by the person, business or

MAMMALS:

Order	Family	Genus/Species	Common Name
Artiodactyla	Suidae	All Species	Pigs or Hogs*
	Cervidae	All Species	Deer*
Carnivora	Canidae	All Species	Wild Dogs*, Wolves, Coyotes or hybrids thereof, Jackals and Foxes
	Ursidae	All Species	Bears*
	Procyonidae	All Species	Raccoons and* Relatives
	Mustelidae	All Species	Weasels, Badgers,* Skunks and Otters
		Except Mustela putorius furo	Ferret
	Viverridae	All Species	Civets, Genets,* Lingsangs,

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institution ordering such nonnative (exotic) animal parts. Such documentation shall be open to inspection by a representative of the Department of Game and Inland Fisheries.

## E. Exception for certain mammals.

Nonnative (exotic mammals listed in subsection A that are imported or possessed by dealers, exhibitors, transporters, and researchers who are licensed or registered by the United States Department of Agriculture under the Animal Control Act (7 U.S.C. §§ 2131 et. seq.) will be deemed to be permitted pursuant to this section, provided that those individuals wanting to import such animals notify the department 24 hours prior to importation with a list of animals to be imported, a schedule of dates and locations where those animals will be housed while in the Commonwealth, and a copy of the current license(s) or registration(s) from the U.S. Department of Agriculture, and further provided that such animals shall not be liberated within the Commonwealth.

## F. Exemptions for hybrids between dogs (*Canus familiaris*) and wolves (*Canus lupus*).

A permit will not be required to import, possess or sell hybrids between domestic dogs (*Canus familiaris*) and wolves (*Canus lupus*) until July 1, 1993.

## G. All other nonnative (exotic) animals.

All other nonnative (exotic) animals, not listed in subsection A may be possessed and sold; provided, that such animals shall be subject to all applicable local, state, and federal laws and regulations, including those that apply to threatened/endangered species, and further provided, that such animals shall not be liberated within the Commonwealth.

V.A.R. Doc. No. R94-1213; Filed August 31, 1994, 11:42 a.m.

\* \* \* \* \*

### Title of Regulation: VR 325-02-27. Permits.

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

Public Hearing Date: October 13, 1994 - 10 a.m.

### Summary:

*The amendments clarify that this regulation includes all wild animals and not just game animals.*

VR 325-02-27. Permits.

§ 1. Poisoning of wild birds and wild animals destroying crops or property.

Notwithstanding the provisions of VR 325-02-1, § 5, the

department may issue permits authorizing the putting out of poison for the purpose of killing wild birds and wild animals where they are destructive to crops or other property. Where such permits are issued, the poisoning shall be under the supervision of employees of the department.

§ 2. Collection of specimens of wild birds for scientific purposes.

Holders of permits issued under § 29.1-418 of the Code of Virginia to collect specimens of wild birds and their nests, with the eggs or young found therein, for scientific or museum purposes, shall report to the department on January 1 of each year the number of each species taken and the purpose for which collected.

§ 3. Breeding game birds and game animals for propagation and stocking; records.

Holders of permits issued under § 29.1-417 of the Code of Virginia to breed and rear wild game birds and wild animals in captivity and to sell and ship them alive for propagation or stocking shall keep a record showing the number of each species on hand, the number acquired and the number sold.

§ 4. Breeding game birds and game animals for propagation and stocking; labeling packages.

Packages containing wild birds and wild animals raised under a permit for propagation purposes shall bear labels showing the name and address of the breeder and the contents of the package.

§ 5. Breeding game birds and game animals for propagation and stocking; confinement; inspection.

Birds and animals raised under a permit for propagation purposes must be confined in a sanitary escape-proof enclosure. Such enclosure shall be open to inspection by representatives of the department at all times.

§ 6. Holding ~~wild birds~~ or wild animals for exhibition or advertising purposes.

Where an exhibit is educational and purposeful in nature, ~~wild game birds and wild game animals~~ may be exhibited ~~under~~ with a permit provided for in § 29.1-417 of the Code of Virginia, under such restrictions and conditions as the board may prescribe. ~~Where such a permit is issued for an exhibit which is not educational or purposeful in nature, such permit shall authorize the person to whom issued to hold only nongame wild animals and nongame wild birds as are listed in the application for the permit.~~

§ 7. Stuffing or mounting birds and animals; possession of game legally taken.

A holder of a permit to stuff and mount birds and

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animals or parts thereof for compensation or sale, as provided for in § 29.1-415 of the Code of Virginia may have in possession for such purpose only birds and animals which were legally taken.

§ 8. Stuffing or mounting birds and animals - records; inspections.

A. A holder of a permit to stuff or mount birds and animals shall keep a complete record of all transactions. Such records shall include the species to be mounted or tanned; the date of receipt; the name, address and telephone number of the person for whom the work is being performed; the name of the person who killed the specimen (if different from above); the hunting license or Virginia driving license number of such person; the county where the specimen was taken or, if taken out-of-state, the state in which it was taken; and the date the completed work was returned to the customer. Such records shall be retained for three years. These records, and the premises where such business is conducted, shall be open to inspection by representatives of the department during normal business hours.

B. Upon receipt of any specimen of wildlife, a holder of a permit shall immediately affix to such specimen a tag bearing the designation of the species, the name and address of the customer and the date the specimen was killed. Such tag shall remain affixed to the specimen, except when the specimen is actually in the process of being worked on, until it is delivered to the customer. A numbered tag, with numbers corresponding to the number of the line entry of the records required in subsection A of this section, may be used in lieu thereof.

§ 9. Breeding pheasants; records.

The holder of a permit provided for by §§ 29.1-417 and 29.1-514 of the Code of Virginia to breed pheasants in captivity and to sell and ship the same alive for breeding, or to kill, sell and ship the same for use as food shall keep a record of the number raised or acquired, number sold and the number on hand.

§ 10. Breeding pheasants; labeling packages.

Packages containing pheasants raised under a permit from the department shall bear a label giving the name and address of the breeders and the contents of the package.

§ 11. Breeding pheasants; confinement; inspection.

Pheasants raised under a permit from the department shall be confined in sanitary escape-proof enclosures, which shall be open to inspection by representatives of the department at all times.

§ 12. Repealed.

§ 13. Repealed.

§ 14. Shooting wild birds and wild animals from stationary vehicle by disabled person. *Repealed.*

Any person, upon application to a game warden and the presentation of a medical doctor's written statement that such person is permanently unable to walk, may, in the discretion of such game warden, be issued a permit to shoot wild birds and wild animals from a stationary vehicle during established open hunting seasons and in accordance with other existing laws and regulations. Such permit will be issued on a form provided by the department, which may authorize shooting from a stationary vehicle not less than 300 feet from nor across any public road or highway, and only when the bearer is properly licensed to hunt. Such permit shall be nontransferable, and any permit found in the possession of any person not entitled to such permit shall be subject to immediate confiscation by a game warden. Deer of either sex may be taken under the provisions of this permit in those counties where deer hunting is permitted.

§ 15. Duty to comply with permit conditions.

A permit holder shall comply with all terms and conditions of any permit issued by the Department of Game and Inland Fisheries pursuant to Title 29.1 of the Code of Virginia and the regulations of the board pertaining to hunting, fishing, trapping, taking, attempting to take, possession, sale, offering for sale, transporting or causing to be transported, importing or exporting of any wild bird, wild animal or fish.

§ 16. *Possession and display of a validation card or permit to hunt.*

*Every person required to obtain a validation card or permit to hunt must carry the validation card and permit on his person when hunting and shall present it immediately upon demand of any officer whose duty it is to enforce the game and inland fish laws. Penalty for violation of this section is prescribed by § 29.1-505 of the Code of Virginia.*

V.A.R. Doc. No. R94-1213; Filed August 31, 1994, 11:42 a.m.

\* \* \* \* \*

Title of Regulation: VR 325-03-1. Fishing Generally.

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

Public Hearing Date: October 13, 1994 - 10 a.m.

Summary:

*The amendments (i) eliminate the closed season for trout, allowing for year-round trout fishing, to become effective July, 1995; (ii) clarify that the term creel limit includes live possession of fish; (iii) include a creel limit of four per day for striped bass in the*

*Meherrin, Nottoway, Blackwater (Chowan Drainage), North Landing and Northwest Rivers and their tributaries plus Back Bay; (iv) reduce the creel limit for white bass from 25 to 5 in New River and Claytor Lake from the Buck Dam on New River in Carroll County downstream to the Claytor Lake Dam; (v) add a reference to VR 325-03-2, § 12.1 that will be necessary if VR 325-03-2, § 12.1 is not rescinded as proposed; (vi) clarify a permit is required to propagate and sell live game fish, or artificially raised catfish; (vii) add a new section numbered § 5 to prohibit the use of fish as bait in Lick Creek in Smyth and Bland counties and Bear Creek in Smyth County, including their tributaries; (viii) clarify that written approval from the department is required to stock fish into inland waters, except privately owned ponds and lakes; (ix) clarify that a National Forest Permit is not required to fish in the Jackson River below Gathright Dam and Wilson Creek below Douthat Lake in Alleghany and Bath counties; (x) rescind § 11 in its entirety, only if the amendment to eliminate the need for a trout license during the summer and fall months is adopted (see VR 325-01-1, § 19); (xi) establish a starting date for permit requirements at fee fishing areas if the year-round trout season amendment (see VR 325-03-1, § 1) is adopted; (xii) allow the director to temporarily suspend the need for a special permit at fee areas if conditions cause suspension of trout stocking; (xiii) clarify that children-only fishing areas at Douthat State Park are reserved for children under 12 years of age; and (xiv) clarify that fee fishing areas are designated stocked trout waters.*

## VR 325-03-1. Fishing Generally.

### § 1. Continuous open season for all species ~~except trout~~.

Except as otherwise specifically provided by sections appearing in this regulation, there shall be a continuous open season for fishing to take all species of fish ~~except trout~~ (effective July 1, 1995).

### § 2. Creel limits.

The creel limits (including live possession) for the various species of fish shall be as follows:

1. Largemouth, smallmouth and spotted bass, five a day in the aggregate.
2. Landlocked striped bass and landlocked striped bass X white bass hybrids, in the aggregate, four a day; except, that in Smith Mountain Reservoir and its tributaries, including the Roanoke River upstream to Niagara Dam, the limit shall be two a day in the aggregate. For anadromous (coastal) striped bass above the fall line in all coastal rivers, the limit shall be zero (catch and release only). *The creel limit on striped bass in the Meherrin, Nottoway, Blackwater (Chowan Drainage), North Landing and Northwest Rivers and their tributaries plus Back Bay shall be*

*four per day.*

3. White bass, 25 per day, *except that in New River and Claytor Lake from the Buck Dam on New River in Carroll County downstream to the Claytor Lake Dam, the limit shall be five per day.*

4. Walleye or yellow pike perch and chain pickerel or jackfish, eight a day of each; except, that in Gaston Reservoir and Buggs Island (Kerr) Reservoir there shall be no daily limit for chain pickerel or jackfish.

5. Northern pike and muskellunge, two a day.

6. Sauger, eight per day.

7. Bluegill (bream) and other sunfish, excluding crappie (silver perch), rock bass (redeye) and Roanoke bass, 50 a day in the aggregate; crappie (silver perch) and rock bass (redeye), 25 a day of each species; Roanoke bass, 5 a day on the Nottoway and Meherrin rivers and their tributaries. There shall be no limit on any of the species included in this subdivision 7 in Gaston and Buggs Island (Kerr) Reservoirs and that portion of the New River from the Virginia-North Carolina state line downstream to the confluence of the New and Little Rivers in Grayson County.

8. American shad and hickory shad, in the James River above the fall line (14th Street Bridge), in the Meherrin River above Emporia Dam and , in the Chickahominy River above Walkers Dam, in the Appomattox River above Harvell Dam, in the Mattaponi River and Pamunkey River above the Route 360 bridge, and in the Rappahannock River above the Route 1 bridge, zero (catch and release only). Alewife and blueback herring in the James River above Boshers Dam, in the Meherrin River above Emporia Dam, in the Chickahominy River above Walkers Dam, in the Appomattox River above Harvell Dam, in the South Anna River above the U.S. Route 1 bridge, and in the Rappahannock River above Embrey Dam, zero (catch and release only).

### § 3. Size limit.

Except as provided in this regulation and VR 325-03-2, §§ 5, 11, 12, 12.1, and 13, there shall be no size limit on any species of fish.

1. There shall be a 30-inch minimum size limit on muskellunge, and a 20-inch minimum size limit on northern pike, landlocked striped bass (rockfish) and landlocked striped bass X white bass hybrids.

2. There shall be a 14-inch minimum size limit on largemouth, smallmouth and spotted bass in Occoquan Reservoir from the reservoir dam upstream to the Lake Jackson Dam on Occoquan Creek and upstream to the Yates Ford Bridge (Route 612) on Bull Run

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Creek. It shall be unlawful to have any such bass less than 14 inches in length in one's possession on the above described waters of this reservoir.

3. There shall be a 12-inch minimum size limit on largemouth, smallmouth and spotted bass in the Chickahominy, Claytor, Philpott and Flannagan Reservoirs, and in Lake Moomaw (Gathright Project). It shall be unlawful to have any largemouth, smallmouth or spotted bass less than 12 inches in length in one's possession while on any of the waters mentioned in the preceding sentence.

4. There shall be a 14-inch minimum size limit on largemouth, smallmouth and spotted bass on the Roanoke (Staunton) and Dan Rivers and their tributaries and impoundments (Gaston, John Kerr, Leesville and Smith Mountain Reservoirs) downstream from Niagara Dam on the Roanoke River and the Brantly Steam Plant Dam on the Dan River; except, that as many as two of such bass of a lesser size caught in such waters may be retained in the creel, but no more than two such bass may be in possession on such waters that are less than 14 inches in length.

5. It shall be unlawful to have any largemouth, smallmouth or spotted bass from 12 to 15 inches in length, both inclusive, in one's possession on North Anna Reservoir and its tributaries, on Briery Creek Lake (Prince Edward County), on Chesdin Reservoir or the Appomattox River from the Brasfield (Chesdin) Dam to Bevel's Bridge on Chesterfield County Route 602, on Beaverdam Reservoir (Loudoun County) and on the waters of Quantico Marine Reservation.

6. It shall be unlawful to have any smallmouth, largemouth or spotted bass from 11 to 14 inches in length, both inclusive, in one's possession on the Shenandoah River, including the North and South Forks downstream from the Route 42 bridge on the North Fork and from the confluence of the North and South Rivers on the South Fork below Port Republic; on the New River from Claytor Dam to the West Virginia boundary line; on the James River from the confluence of the Jackson and Cowpasture rivers downstream to the Interstate 95 bridge at Richmond; on North Fork Pound Reservoir; or on the Clinch River within the boundaries of Scott, Wise, Russell or Tazewell Counties.

7. It shall be unlawful to have any largemouth, smallmouth or spotted bass less than 15 inches in length from March 1 through June 15, both inclusive, in the Virginia tidal tributaries of the Potomac River upstream of the Route 301 Bridge. There shall be no size limit for largemouth, smallmouth or spotted bass from June 16 through the last day of February in those tributaries.

8. It shall be unlawful to have any Roanoke bass less than eight inches in length in one's possession on the

Nottoway and Meherrin rivers and their tributaries.

§ 4. Sale of freshwater molluscs, mussels, game fish or catfish prohibited.

It shall be unlawful to sell, offer for sale or buy any species of freshwater mollusc or mussel, game fish or catfish, provided that this shall not apply to game fish sold alive for propagation purposes, or *catfish artificially raised, by a holder of a Permit to Propagate and Sell Certain Wildlife or Permit to Hold and Sell Certain Wildlife*, or sold pursuant to VR 325-03-02, §§ 15 and 16, or to any catfish taken from tidewater or ~~artificially raised~~.

§ 5. *Fish used as bait prohibited in certain waters.*

*It shall be unlawful to use any species of fish as bait in the waters and tributaries of Lick Creek in Smyth and Bland counties and Bear Creek in Smyth County.*

§ 6. ~~Permit~~ *Approval* required to stock fish into inland waters.

It shall be unlawful to stock any species of fish into any inland waters of the Commonwealth, without first obtaining a ~~permit~~ *written approval* to do so from the department. Nothing in this section shall be construed as restricting the use of native and naturalized species of fish in privately-owned ponds and lakes.

§ 7. Use of certain mechanical devices in tail waters of Kerr Dam.

It shall be unlawful to dispatch a lure by means of any mechanical device other than rod and reel in the tail waters of Kerr Dam for a distance of 600 yards below that dam.

§ 8. Fishing, collecting bait, etc., in tail waters of Leesville Dam.

It shall be unlawful to fish, attempt to fish, assist others in fishing or collect or attempt to collect bait while wading in any of the waters of the Roanoke River from Leesville Dam downstream a distance of 840 feet to a permanent overhead cable; provided, that this shall not be construed to prohibit persons from fishing from behind the safety railings of the Leesville Access Structure built by the department.

§ 9. Exception to requirement of national forest permit.

A national forest permit, as provided for in § 29.1-408 of the Code of Virginia shall not be required to fish from national forest lands in the North and South forks of the Shenandoah River or, in Skidmore Lake in Rockingham County or, in Lake Moomaw (Gathright Project), in the Jackson River below Gathright Dam, and in Wilson Creek downstream of Douthat Lake in Alleghany and Bath Counties.

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§ 10. Department-owned or controlled lakes, ponds or streams; General regulations.

A. Motors and boats.

Unless otherwise posted at each recognized entrance to any department-owned or controlled lake or pond or stream, the use of boats propelled by gasoline motors, sail or mechanically operated recreational paddle wheel is prohibited. Department employees and other government agency officials may use gasoline motors in the performance of official duties.

B. Method of fishing.

Taking any fish at any department-owned or controlled lake or pond by any means other than by use of one or more attended poles with hook and line attached is prohibited.

C. Hours for fishing.

Unless otherwise posted at each recognized entrance to any department-owned or controlled lake, pond or stream, the hours of use shall be from one hour before sunrise to one hour after sunset.

D. Seasons; hours and methods of fishing; size and creel limits; hunting.

The open seasons for fishing, as well as fishing hours, methods of taking fish and the size, possession and creel limits, and hunting, for department-owned or department-controlled lakes, ponds or streams shall conform to the general regulations of the board unless otherwise excepted by posted notice displayed at each recognized entrance to the lake, pond or stream, in which case the posted regulations shall be in effect.

E. Other uses.

Camping overnight or building fires, except in developed and designated areas, swimming, wading in public fishing lakes, except by fishermen actively engaged in fishing and trapping for furbearers, is prohibited. Trapping may be authorized by special permit from the warden when requested to issue such permit or permits by the fish division.

F. Fishing tournaments, etc.

It shall be unlawful to organize, conduct, supervise or solicit entries for fishing tournaments, rodeos or other fishing events on waters owned by the department, for which prizes are offered, awarded or accepted, either in money or other valuable considerations.

§ 11. ~~Department-owned or controlled lakes, ponds or streams; Silver Lake. Repealed.~~

A. Season.

~~Except as otherwise provided in subsection B of this section, it shall be lawful to fish in Silver Lake in Rockingham County only during the season for taking trout.~~

B. ~~Carp taken by gig or bow and arrow.~~

~~Notwithstanding the provisions of subsection A of this section, it shall be lawful to take carp in Silver Lake by gig or by bow and arrow from 7 a.m. to 10 p.m., Eastern Standard Time, weekdays only, from May 10 through August 10, both dates inclusive.~~

§ 12. Department-owned or controlled lakes, ponds or streams; special daily permit for fishing in Clinch Mountain Wildlife Management Area, Douthat State Park Lake and Crooked and Wilson creeks.

It shall be unlawful to fish in the Clinch Mountain Wildlife Management Area (except in Little Tumbling Creek), in Douthat State Park Lake and in Wilson Creek both above the lake to the park boundary and downstream to the lower USFS boundary, and in the Crooked Creek fee fishing area in Carroll County without having first paid to the department for such privilege a daily use fee. Such daily use fee shall be in addition to all other license fees provided by law. Upon payment of the daily use fee the department shall issue a special permit which shall be signed and carried by the person fishing. This fee will be required from the opening day of trout season ~~third Saturday in March~~ through Labor Day at Clinch Mountain Wildlife Management Area (except Little Tumbling Creek) and at Crooked Creek fee fishing area in Carroll County, and from the opening day of trout season ~~third Saturday in March~~ through September 30 at Douthat State Park Lake and Wilson Creek, *except that the director may temporarily suspend fee requirements if conditions cause suspension of trout stocking*. During the remainder of the year, these waters will revert to designated stocked trout waters and a trout license will be required *except as provided in VR 325-01-1, § 19*. Upon written request from Douthat State Park and subsequent approval from the department, the department may recognize clearly marked children only fishing areas within Douthat State Park. Within these "children only" areas, children 12 years old or less may fish without the daily use fee if accompanied by a fully licensed adult who has purchased a valid daily permit. *No person over 12 years of age may fish in these children-only areas. During the fee fishing season these waters will be subject to VR 325-03-2, §§ 6, 8, and 9, as it relates to designated stocked trout waters.*

§ 13. Special provision applicable to a portion of Witcher Creek (Cedar Key) within Smith Mountain Lake.

It shall be lawful to fish using only bait with a single point unweighted bait hook (no artificial lures allowed) in that portion of Witcher Creek in Smith Mountain Lake from behind the no wake buoy line at the mouth of the cove known as Cedar Key to the back of the cove from April 15 to May 31, both dates inclusive. For the purpose

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of this regulation, a single point unweighted bait hook is defined as a hook that does not have a weight affixed to the hook. Any other weight must be attached to the line at least 12 inches above the hook (no weights below the hook).

## § 14. Permits required for striped bass fishing rodeos; etc.

No person shall organize, conduct, supervise, or solicit entries for, striped bass fishing tournaments, rodeos, or other striped bass fishing events on the inland waters of this Commonwealth, for which prizes are offered, awarded, or accepted, either in money or other valuable considerations, without having applied for and obtained a permit from the department to do so. Exercising a due regard for the distribution, local abundance, economic value, breeding habits, and natural growth potential of striped bass in the affected public water, the director is authorized on behalf of the board to issue or deny permits pursuant to this section, and to establish such special rules for each tournament as may be deemed necessary, after consulting with the state fish biologist and with the approval of the board's fish committee as designated from time to time by the chairman. Failure to comply with all special rules and other provisions of any permit issued pursuant to this section may be deemed grounds for denying the permittee a permit for a similar event to be held within three years from the date of such failure of compliance.

## § 15. Shooting certain fish in Clinch River in Scott County.

It shall be lawful for any person holding a current license to fish to shoot suckers, redhorse and carp with a rifle, during the hours of sunrise to sunset, from April 15 to May 31, both inclusive, in the waters of the Clinch River within the limits of Scott County; except, that it shall be unlawful to shoot fish on Sunday, or within the limits of any town, or from any bridge. No more than 20 such fish may be so taken during any one day. All persons engaged in the shooting or the retrieval of fish pursuant to this section shall have in their possession a current fishing license.

V.A.R. Doc. No. R94-1213; Filed August 31, 1994, 11:42 a.m.

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### Title of Regulation: VR 325-03-2. Trout Fishing.

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

Public Hearing Date: October 13, 1994 - 10 a.m.

### Summary:

*The amendments (i) drop the reference to "season" and "opening day" for taking trout, to become effective July 1, 1995, if the year-round trout season amendment (see VR 325-03-1, § 1) is adopted; (ii)*

*rescind § 2 in its entirety, to become effective July 1, 1995, if the year-round trout season amendment (see VR 325-03-1, § 1) is adopted; (iii) reduce the creel limit for trout from six to two fish per day in Flannagan, Moomaw, and Philpott reservoirs; (iv) rescind § 4 in its entirety so that the trout creel limit at fee fishing areas is the same as the statewide trout limit of six per day; (v) increase the minimum size limit of trout from 10 to 16 inches in Flannagan, Moomaw, and Philpott reservoirs; (vi) rescind § 7 in its entirety, effective July 1, 1995, if the year-round trout season amendment (see VR 325-03-01, § 1) is adopted; (vii) add portions of Green Cove Creek in Washington County from Route 859 downstream to its mouth and Whitetop Laurel Creek in Washington County upstream from the first railroad trestle above Taylor Valley to the mouth of Green Cove Creek at Creek Junction to the list of special regulation trout streams requiring use of only artificial lures with single hooks and a 12-inch minimum trout size limit; (viii) add a portion of the South Fork Holston River in Smyth County from a sign posted at the Jefferson National Forest boundary downstream from the confluence of the South Fork and Comers Creek upstream for approximately two miles to a sign posted at the upper Jefferson National Forest boundary to the list of special regulation trout streams requiring use of only artificial lures with single hooks, two trout per day creel limit, and 16-inch minimum trout size limit; (ix) add a portion of Mossy Creek in Augusta County upstream from the Augusta/Rockingham County line to a sign posted at the confluence of Joseph's Spring to the list of streams requiring the use of only artificial flies with single hooks, two trout per day limit, and 16-inch minimum size limit; (x) rescind § 12.1 in its entirety to move the Mossy Creek special regulation trout stream section from a 20-inch to a 16-inch minimum size limit (see VR 325-03-2, § 12); (xi) amend § 13, which is for special regulation trout streams requiring use of only artificial lures and a nine-inch minimum trout size limit, by deleting Green Cove and Whitetop Laurel Creeks, adding a portion of Big and Little Wilson Creeks and their tributaries in Grayson County within the Grayson Highland State Park and the Jefferson National Forest Mount Rogers National Recreation Area, and deleting the special eight-inch minimum size limit exception for Conway River; (xii) add a portion of Roaring Fork and its tributaries upstream from the FS 886 stream crossing in Tazewell County and in that section of the South Fork Holston River and its tributaries within the boundaries of the Buller Fish Culture Station in Smyth County to the special catch and release trout streams; and (xiii) add two weeks to the catch and release fishing season in delayed harvest trout streams by extending the ending date from May 15 to May 31.*

VR 325-03-2. Trout Fishing.

# Proposed Regulations

## § 1. Season; general open season.

Except as otherwise specifically provided in the sections appearing in this regulation, the open season *there shall be a year-round season* for taking trout shall be from 9 a.m. the third Saturday in March through February 1, both dates inclusive. Except for the first day, . However, angling during the season in designated stocked trout waters shall *only* be permitted from 5 a.m. until one hour after sunset.

## § 2. Season; continuous open season. *Repealed.*

### A. Certain lakes and reservoirs.

It shall be lawful to fish for trout in Moomaw (Gathright Project), Flannagan, South Holston and Philpott reservoirs at any time.

### B. Commercially operated fishing ponds.

There shall be a continuous open season for taking trout in any department authorized commercially operated fishing ponds without creel or hour restrictions.

### C. Trout fishing preserves.

There shall be a continuous open season for taking trout in any stream which the department has authorized to be operated as a trout fishing preserve without creel or hour restrictions. Such authorization will be given by the department only when such stream is stocked with trout at the owner's expense in an annual quantity approved by the department subsequent to the owner's application for tentative approval. Such preserves shall be deemed to be within the purview of § 29-1-612 of the Code of Virginia and shall not be exempt from license requirements.

## § 3. Creel limit; generally.

Except as otherwise specifically provided in the sections appearing in this regulation, the daily creel limit for taking trout shall be six , *except the daily creel limit shall be two in Flannagan, Moomaw and Philpott reservoirs .*

## § 4. Creel limit; Clinch Mountain Wildlife Management Area; Douthat State Park Lake; Wilson Creek; Crooked Creek fee fishing area. *Repealed.*

The daily creel limit for taking trout in the Clinch Mountain Wildlife Management Area (except in Little Tumbling Creek), in Douthat State Park Lake and in Wilson Creek both above the lake to the park boundary and downstream to the lower USFS boundary, and in the Crooked Creek fee fishing area in Carroll County shall be five.

## § 5. Size limit.

Except as otherwise specifically provided by the sections appearing in this regulation, there shall be a seven-inch

minimum size limit on trout generally and a ~~10-inch~~ 16-inch minimum size limit on trout in Flannagan, Moomaw and Philpott Reservoirs.

## § 6. Methods and equipment used in fishing.

All seines, nets and the use of more than one rod or one line by any one person are prohibited while fishing in designated stocked trout waters, except it shall be lawful to use a hand-landing net to land fish legally hooked in all waters.

It shall be unlawful to fish with more than one hook attached to a single line in designated stocked trout waters and such hook must be used with bait or artificial lures; provided, however, this shall not be construed to prohibit the use of artificial lures with more than one hook.

## § 7. Fishing in designated stocked trout water prohibited except during open season. *Repealed (Effective July 1, 1995.)*

It shall be unlawful to fish in designated stocked trout waters except during the open season for taking trout. Fishing may continue in nondesignated stocked trout waters and wild trout streams during the closed season for taking trout, but all trout caught during this closed season must be immediately released, except as otherwise specifically provided in the sections appearing in this regulation.

## § 8. Fishing in certain waters after obtaining creel limit of trout prohibited.

It shall be unlawful to fish in designated stocked trout waters or in the waters covered by §§ 11, 12, 12.1, 13, and 14.1 (during the period from May 16 through September 30) of this regulation after the daily creel limit of trout is obtained.

## § 9. Feeding or baiting trout prohibited in designated stocked trout waters.

It shall be unlawful to feed or bait trout in designated stocked trout waters of the Commonwealth.

## § 10. "Artificial lure with single hook" defined.

For the purposes of this regulation "artificial lure with single hook" shall mean any single point hook lure (with no multiple point hooks) and shall include manufactured or handmade flies, spinners, plugs, spoons and facsimiles of live animals, but shall not be construed to include artificial fish eggs.

## § 11. Special provisions applicable to certain portions of *Green Cove Creek*, Jackson River, Smith Creek and , Snake Creek and *Whitetop Laurel Creek* .

It shall be lawful to fish using only artificial lures with single hooks in that portion of *Green Cove Creek* in

# Proposed Regulations

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*Washington County from Route 859 downstream to its mouth, Jackson River in Bath County from the swinging bridge located just upstream from the mouth of Muddy Run, upstream 3.0 miles to the last ford on FS 481D, in that portion of Smith Creek in Alleghany County from the Clifton Forge Reservoir Dam downstream to a sign at the Forest Service boundary above the C & O Dam, and on Snake Creek in Carroll County upstream from its mouth to Hall's Fork on Big Snake Fork and to the junction of Routes 922 and 674 on Little Snake Fork, and in Whitetop Laurel Creek in Washington County upstream from the first railroad trestle above Taylor Valley to the mouth of Green Cove Creek at Creek Junction.* All trout caught in these waters under 12 inches in length shall be immediately returned to the water unharmed. It shall be unlawful for any person to have in his possession any bait or any trout under 12 inches in length in these areas.

§ 12. Special provisions applicable to certain portions of Buffalo Creek, Dan River, Sinking Creek, Smith Creek and , Smith River , Mossy Creek, and South Fork Holston River .

A. It shall be lawful year around to fish using only artificial lures with single hooks in that portion of Buffalo Creek in Rockbridge County from the confluence of Colliers Creek upstream 2.9 miles to the confluence of North and South Buffalo Creeks, in that portion of Smith River in Henry County from signs below the east bank of Towne Creek for a distance of approximately three miles downstream and , in that portion of the Dan River in Patrick County from Talbott Dam approximately six miles downstream to a sign posted just upstream from the confluence of Dan River and Townes Reservoir and in that portion of the South Fork Holston River in Smyth County from a sign posted at the Jefferson National Forest boundary downstream from the confluence of the South Fork and Comers Creek upstream for approximately two miles to a sign posted at the upper Jefferson National Forest boundary .

B. It shall be lawful year around to fish using only artificial flies with single hooks in that portion of Mossy Creek in Augusta County upstream from the Augusta/Rockingham County line to a sign posted at the confluence of Joseph's Spring, in that portion of Sinking Creek in Giles County from a cable and department sign 0.4 miles below the State Route 703 low-water bridge upstream 1.8 miles to a cable and department sign 0.1 miles above the Reynolds Farm covered bridge, in that portion of Sinking Creek in Craig County from a cable and department sign 1.0 mile below the State Route 642 Bridge upstream to a cable and department sign 0.5 miles above the State Route 642 Bridge, and in that portion of Smith Creek in Rockingham County from a sign posted 1.0 miles below the confluence of Lacy Spring to a sign posted 0.4 miles above Lacy Spring.

C. The daily creel limit in these waters shall be two trout a day year around and the size limit shall be 16 inches or more in length. All trout caught in these waters

under 16 inches in length shall be immediately returned to the water unharmed. It shall be unlawful for any person to have in his possession any bait or any trout under 16 inches in length in these areas.

§ 12-1. Special provision applicable to certain portions of Mossy Creek: *Repealed.*

It shall be lawful year around to fish using only artificial flies with single hooks in that portion of Mossy Creek in Augusta County upstream from the Augusta/Rockingham County line to a sign posted at the confluence of Joseph's Spring. The daily creel limit in these waters shall be one trout a day year around and the size limit shall be 20 inches or more in length. All trout caught in these waters under 20 inches in length shall be immediately returned to the water unharmed. It shall be unlawful for any person to have in his possession any bait or any trout under 20 inches in length in this area.

§ 13. Special provision applicable to certain portions of Big Wilson Creek, Conway River, Green Cove Creek, Little Stony Creek, Little Wilson Creek, North Creek, North Fork Buffalo River, St. Mary's River , Whitetop Laurel and Ramsey's Draft.

It shall be lawful to fish using only artificial lures with single hooks in that portion of the Conway River and its tributaries in Greene and Madison counties within the Rapidan Wildlife Management Area, in that portion of Green Cove Creek in Washington County from Route 859 downstream to its mouth, in that portion of Big and Little Wilson Creeks and their tributaries in Grayson County within the Grayson Highland State Park and the Jefferson National Forest Mount Rogers National Recreation Area, in that portion of Little Stony Creek in Giles County within the Jefferson National Forest, in that portion of Little Stony Creek in Shenandoah County within the George Washington National Forest, in that portion of North Creek in Botetourt County and its tributaries upstream from the first bridge above North Creek Campground, in the North Fork Buffalo River and its tributaries in Amherst County within the George Washington National Forest, in that portion of St. Mary's River in Augusta County and its tributaries upstream from the gate at the George Washington National Forest property line, in that portion of Whitetop Laurel in Washington County upstream from the first railroad trestle above Taylor Valley to the mouth of Green Cove Creek at Creek Junction, and in that portion of Ramsey's Draft and its tributaries in Augusta County within the George Washington National Forest. All trout caught in the Conway River and its tributaries under eight inches in length and all trout caught in the other above named streams these waters under nine inches in length shall be immediately returned to the water unharmed. It shall be unlawful for any person to have in his possession any bait ; any trout under eight inches in length on the Conway River or its tributaries or any trout under nine inches in length on the other above named streams while in these areas .

# Proposed Regulations

§ 14. Special provision applicable to Stewarts Creek Trout Management Area; certain portions of Dan, Rapidan, South Fork Holston and Staunton rivers, the East Fork of Chestnut Creek, Roaring Fork, and their tributaries.

It shall be lawful year around to fish for trout using only artificial lures with single hooks within the Stewarts Creek Trout Management Area in Carroll County, in the Rapidan and Staunton rivers and their tributaries upstream from a sign at the Lower Shenandoah National Park boundary in Madison County, in the Dan River and its tributaries between the Townes Dam and the Pinnacles Hydroelectric Project powerhouse in Patrick County and in the East Fork of Chestnut Creek (Farmer's Creek) and its tributaries upstream from the Blue Ridge Parkway in Grayson and Carroll counties, and in Roaring Fork and its tributaries upstream from the FS 886 stream crossing in Tazewell County and in that section of the South Fork Holston River and its tributaries within the boundaries of the Buller Fish Culture Station in Smyth County. All trout caught in these waters must be immediately returned to the water. No trout may be in possession at any time in these areas.

§ 14-1. Special provisions applicable to certain portions of Back Creek, North River and South River.

It shall be lawful to fish from October 1 through May 15 May 31, both dates inclusive, using only artificial lures with single hooks in Back Creek (Bath County) from the Route 600 bridge just below the Virginia Power Back Creek Dam downstream 1.5 miles to the Route 600 bridge at the lower boundary of the Virginia Power Recreational Area, in the North River (Augusta County) from the base of Elkhorn Dam downstream 1.5 miles to a sign posted at the head of Staunton City Reservoir and in the South River from the Second Street Bridge upstream 2.4 miles to the base of Rife Loth Dam in the city of Waynesboro. From October 1 through May 15 May 31, all trout caught in these waters must be immediately returned to the water unharmed, and it shall be unlawful for any person to have in possession any bait or trout. During the period of May 16 June 1 through September 30, these waters shall revert to general trout regulations and the above restrictions will not apply.

§ 14-2. Special provisions applicable to certain portion of Jackson River.

It shall be unlawful to creel or possess trout on that portion of the Jackson River from Gathright Dam downstream to the Westvaco Dam at Covington. Such closure shall end when special regulations pertaining to trout fishing on such portion of the Jackson River are enacted by the Board of Game and Inland Fisheries.

§ 15. Bills of sale for trout creeled in commercially operated fishing ponds.

The operator of a commercially operated fishing pond shall be required to furnish each fisherman taking trout

therein a bill of sale, which shall include the name of the fisherman, date, species and number of trout creeled. The fisherman shall retain this bill of sale as long as the fish are in his possession and a duplicate thereof shall remain with the operator of the commercially operated fishing pond and be made available for inspection by all authorized department personnel.

§ 16. Trout artificially raised for human consumption.

A. Permit required.

It shall be unlawful to raise artificially raise brown trout, brook trout or rainbow trout for human consumption or to import into Virginia such trout for human consumption without first having obtained a permit from the department so to do.

B. Records.

Any person who shall artificially raise brown trout, brook trout or rainbow trout for sale for human consumption or who shall import into the Commonwealth such trout for such purpose shall keep a record of the number and species, the number raised or, if imported, from whom purchased.

C. Inspection of premises or establishments.

Any establishment raising trout or ordering, importing or possessing trout, as provided for in subsection A of this section, shall be open to inspection at all reasonable hours to any representative of the department.

D. Notice on menu of eating establishments serving trout.

Any eating establishment serving brown trout, brook trout or rainbow trout shall advertise on the menu that such trout are artificially raised.

§ 17. Special provisions applicable to Urban Fishing Program waters.

Waters selected by the director for inclusion into the Urban Fishing Program will be considered designated stocked trout waters only from November 1 through April 30, thus a trout license is not required from May 1 through October 31. In addition, trout may be creeled from these waters year around and the daily trout creel limit shall be four.

V.A.R. Doc. No. R94-1213; Filed August 31, 1994, 11:42 a.m.

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Title of Regulation: VR 325-03-3. Seines and Nets.

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

# Proposed Regulations

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Public Hearing Date: October 13, 1994 - 10 a.m.

## Summary:

*The amendments (i) add Franklin, Henry, and Patrick counties to legal areas for haul seine use; (ii) add time of year and gear type restrictions; (iii) require county game warden notification prior to use; (iv) restrict the use of haul seines in six specific streams or stream sections in Franklin and Patrick counties; and (v) include Lick Creek in Smyth and Bland counties and Bear Creek in Smyth County among waters where the use of seines, traps, and nets is prohibited.*

## VR 325-03-3. Seines and Nets.

### § 1. Haul seines to take fish for sale.

#### A. Authorization to take fish for sale.

A haul seine permit shall authorize the person to whom issued to take fish for sale as specified with a haul seine from the waters designated in this section.

#### B. Permit holder to be present when seine operated.

The holder of a haul seine permit must be present with the same at all times when it is being operated. The holder, however, may have others to assist him and such persons assisting are not required to have a permit.

#### C. Length and size of nets.

The length of haul seine nets shall not be more than 500 yards. The size of mesh shall be 1-1/2 inch bar mesh.

D. Season and fish to be taken in Chesapeake City; set nets prohibited.

In the Northwest River, the open season to take carp, grinnel, or bowfin, and catfish, generally known in that section as roundfish, and herring with a haul seine shall be from November 1 through May 15, both dates inclusive. All set nets shall be prohibited in the Northwest River.

#### E. Season and fish to be taken in Virginia Beach City.

In Back Bay and its natural tributaries (not including Lake Tecumseh and Red Wing Lake), North Landing River from the North Carolina line to Pungo Ferry (not including Blackwater River), the open season to take all fish, except game fish, with a haul seine shall be from November 1 through March 31, both dates inclusive.

#### F. Season and fish to be taken in Southampton County.

In the Nottoway River, from Cary's Bridge to the North Carolina line, the open season to take shad, herring, mullet, and suckers, only, with a haul seine shall be from March 1 through May 15, both dates inclusive.

G. Labeling packages containing fish taken with haul seine.

It shall be unlawful for any person to ship or otherwise transport any package, box or other receptacle containing fish taken under a haul seine permit unless the same bears a label showing the name and address of the owner of the seine and a statement of the kind of fish contained therein.

#### H. Reporting.

The holder of a permit to take fish for sale by means of haul seines shall keep a record of the pounds of fish taken by species and location (name and county of water body), and the pounds of each species sold.

### § 2. Haul seines to take fish for personal use.

#### A. Authorization to take fish for personal use.

Pursuant to §§ 29.1-412 and 29.1-416 of the Code of Virginia, a permit to use a haul seine to take fish for personal use authorizes the holder of such permit to take nongame fish (*except for those species listed in VR 325-01-1, § 13*) with a haul seine for private table use, but not for sale; *only in the counties of Franklin, Henry and Patrick, and in those waters as specified in § 29.1-531 of the Code of Virginia in the county for which such permit is issued, except as otherwise prohibited in VR 325-03-1, § 10, VR 325-03-2, § 6 and , VR 325-03-3, § 6 , and in waters listed in subsection F of this regulation .*

#### B. Holder to be present when seine operated.

The holder of a permit to take fish with a haul seine for personal use must be present when the seine is being operated but may have other persons to assist him who are not required to have a permit. *However, those assisting the permittee or handling live fish or both must meet the fishing license requirements of the Commonwealth.*

#### C. Length and size of haul seines.

*The length of a haul seine to take fish for personal use shall not be more than 50 feet in length. The minimum size of mesh shall be 1-1/2-inch bar mesh (3-inch stretch mesh).*

#### D. Season to take fish with a haul seine.

*The season to take fish with a haul seine for personal use shall be from July 1 through September 30, both dates inclusive.*

#### E. Department notification required to use a haul seine.

*Persons permitted to use a haul seine for personal use must notify the local county game warden a minimum of 48 hours prior to use.*

*F. Haul seine use restricted in certain areas.*

*The use of haul seines for personal use is prohibited in the following stream sections of Franklin and Patrick counties:*

## FRANKLIN COUNTY

*Roanoke River from County Route 634 crossing upstream to the Roanoke/Franklin County line.*

## PATRICK COUNTY

*Smith River from Philpott Lake upstream including headwaters.*

*Rock Castle Creek from its confluence with Smith River upstream, including headwaters.*

*Dan River from VA/NC state line upstream to County Route 631 crossing.*

*Poorhouse Creek from its confluence with North Fork Mayo River upstream including headwaters.*

*North Fork Mayo River from its confluence with Poorhouse Creek upstream.*

### § 3. Gill nets.

#### A. Authorization to take fish.

A gill net permit shall authorize the holder thereof to take nongame fish during the times and in the waters and for the purposes provided for in this section. Such gill net shall not be more than 300 feet in length. The mesh size shall be not less than 1-1/2-inch bar or square mesh (3-inch stretch mesh). Each net shall be identified by a department tag provided with such permit. Only one department tag will be issued per gill net permit, and these must have matching numbers. Persons intending to operate more than one net must purchase matching number permits and tags for each net. All nets must be checked daily and all game fish returned to the wild.

B. Permit holder to be present when gill net is being set and checked for fish.

The holder of a gill net permit must be present with the net at all times when it is being set and checked for fish. The holder may have others to assist him, and such persons assisting are not required to have a permit. However, those assisting the permittee must meet the fishing license requirements of the Commonwealth.

#### C. Time and place permitted in Southampton County.

Gill nets may be used in Southampton County only in the Nottoway River from Cary's Bridge to the North Carolina line from March 1 through May 15, both dates inclusive, to take fish for private table use only and not

for sale.

D. Times and places permitted in Virginia Beach City; fish which may be taken.

Gill nets may be used in Virginia Beach City in Back Bay and its natural tributaries (not including Lake Tecumseh and Red Wing Lake) and North Landing River from the North Carolina line to Pungo Ferry (not including Blackwater River) for the taking of mullet only for table use and also for sale from July 1 through November 1, both dates inclusive; and for the taking of other nongame fish, except mullet, for table use and also for sale from November 1 through March 31, both dates inclusive. Gill nets set in Back Bay waters shall be at least 300 feet from any other net and at least 300 feet from the shoreline. All such nets must be marked at both ends and at least every 100 feet along the length of the net with a five-inch by 12-inch minimum dimensions float.

### § 4. Dip nets; generally.

#### A. Authorization to take fish with dip nets.

A county dip net permit shall authorize the holder to take shad, herring, mullet and suckers, in the county named on the face of the permit with a dip net in inland waters, except where otherwise prohibited by local legislation or by the sections appearing in this regulation.

B. Persons required to have permit; inspection by game wardens.

A dip net permit shall be required for all persons using or assisting in the use of a dip net and permits shall be carried at all times while using such nets and shall be subject to inspection by game wardens.

#### C. Release of certain fish netted.

All fish, except shad, herring, mullet, suckers and carp, when taken with a dip net shall be returned to the water alive with as little injury as possible.

#### D. Special provisions applicable only to suckers.

The following special provisions shall apply only to the taking of suckers, with a dip net:

1. Not more than 20 may be taken by any person in one day;
2. The open season for taking same with a dip net shall be from February 15 through May 15, both dates inclusive; and
3. Dip nets for taking such fish shall not be more than six feet square.

### § 5. Dip nets; hedging prohibited.

# Proposed Regulations

It shall be unlawful to use hedging in connection with dip nets in the public inland streams.

§ 6. Seines, traps and nets prohibited in certain areas.

A. It shall be unlawful to use seines and nets of any kind for the taking of fish from the public waters of the Roanoke (Staunton) and Dan Rivers in Campbell, Charlotte, Halifax and Pittsylvania counties, and in the City of Danville; provided, however, this section shall not be construed to prohibit the use of hand-landing nets for the landing of fish legally hooked or the taking of fish bait from these waters pursuant to the provisions of VR 325-03-5.

B. In Lick Creek in Smyth and Bland counties, and in Bear Creek in Smyth County, it shall be unlawful to use seines, nets or traps; provided, however, this section shall not be construed to prohibit the use of hand-landing nets for the landing of fish legally hooked.

§ 7. Repealed.

V.A.R. Doc. No. R94-1213; Filed August 31, 1994, 11:42 a.m.

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**Title of Regulation:** VR 325-03-5. Aquatic Invertebrates, Amphibians, Reptiles and Nongame Fish.

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

**Public Hearing Date:** October 13, 1994 - 10 a.m.

**Summary:**

*The amendments (i) clarify that salamanders cannot be sold as bait; (ii) clarify that threatened and endangered species cannot be collected and sold; (iii) clarify that a permit is required for commercial bait operations that sell native minnows or chubs; (iv) clarify that a permit is required to sell snapping turtles, crayfish, and hellgrammites; (v) clarify that certain amphibians and reptile species can be captive bred and sold under a permit issued by the department; and (vi) prohibit the sale of salamanders, except nonnative (exotic) newts.*

VR 325-03-5. Aquatic Invertebrates, Amphibians, Reptiles and Nongame Fish.

§ 1. Taking aquatic invertebrates, amphibians, reptiles and nongame fish for private use.

A. Possession limits.

Except as otherwise provided for in § 29.1-418 of the Code of Virginia, VR 325-01-1, § 13 and the sections of this regulation, it shall be lawful to capture and possess live for private use and not for sale no more than five

individuals of any single native or naturalized (as defined in VR 325-01-1 § 5) species of amphibian and reptile and 20 individuals of any single native or naturalized (as defined in VR 325-01-1 § 5) species of aquatic invertebrate and nongame fish unless specifically listed below:

1. The following species may be taken in unlimited numbers from inland waters statewide: carp, bowfin, longnose gar, mullet, bullhead catfish, suckers, gizzard shad, blueback herring, white perch, yellow perch, alewife, stoneroller (hornyhead), fathead minnow, golden shiner and goldfish.

2. The following species may be taken in unlimited numbers from inland waters below the fall line: channel catfish, white catfish and blue catfish.

3. For the purpose of this regulation, "fish bait" shall be defined as native or naturalized species of minnows and chubs (Cyprinidae), salamanders, crayfish, and hellgrammites. The possession limit for taking "fish bait" shall be 50 individuals in aggregate, unless said person has purchased "fish bait" and has a receipt specifying the number of individuals purchased by species, *except salamanders which cannot be sold pursuant to the provisions of VR 325-03-5, § 6*. However, stonerollers (hornyheads), fathead minnows, golden shiners and goldfish may be taken and possessed in unlimited numbers as provided for in subdivision 1 of this subsection.

4. The daily limit for bullfrogs and snapping turtles shall be 15 and bullfrogs and snapping turtles may not be taken from the banks or waters of designated stocked trout waters.

B. Methods of taking species in subsection A.

Except as otherwise provided for in the Code of Virginia, VR 325-01-1, § 13, other regulations of the board, and except in any waters where the use of nets is prohibited, the species listed in subsection A may only be taken by hand, hook and line, with a seine not exceeding four feet in depth by 10 feet in length, an umbrella type net not exceeding five by five feet square, small minnow traps with throat openings no larger than one inch in diameter, cast nets not to exceed six feet in radius and hand-held bow nets with diameter not to exceed 20 inches and handle length not to exceed eight feet (such cast net and hand-held bow nets when so used shall not be deemed dip nets under the provisions of § 29.1-416 of the Code of Virginia). Bullfrogs may also be taken by gigging or bow and arrow and, from private waters, by firearms no larger than .22 caliber rimfire.

C. Areas restricted from taking mollusks.

Except as provided for in §§ 29.1-418 and 29.1-568 of the Code of Virginia, it shall be unlawful to take mussels and the spiny riversnail (*Io fluviialis*) in the Tennessee drainage in Virginia (Clinch, Powell and the North, South

and Middle Forks of the Holston Rivers and tributaries), and it shall be unlawful to take mussels in the James River and tributaries west of U.S. Route 29 and in the entire North Fork of the Shenandoah River.

#### D. Areas restricted from taking salamanders.

Except as provided for in §§ 29.1-418 and 29.1-568 of the Code of Virginia, it shall be unlawful to take salamanders in Grayson Highlands State Park and on National Forest lands in the Jefferson National Forest in those portions of Grayson, Smyth and Washington counties bounded on the east by State Route 16, on the north by State Route 603 and on the south and west by U.S. Route 58.

#### § 2. Taking minnows and chubs for sale.

##### A. "Haul seine" defined.

"Haul seine," as used in this section, when used in the inland waters of the Commonwealth above where the tide ebbs and flows, shall mean a haul seine not exceeding four feet in depth by 15 feet in length, and when used in the public inland waters below where the tide ebbs and flows, shall mean a haul seine not exceeding four feet in depth by 100 feet in length. Such a term shall be construed also to include umbrella type nets without limit as to size and also small minnow traps with throat openings no larger than one inch in diameter.

##### B. Permit required.

~~Except as provided for in VR 325-01-1, § 13, It shall be unlawful~~ *lawful* to take minnows and chubs (Cyprinidae) for sale from the inland waters of the Commonwealth ~~without having with a permit therefor~~ as provided for in § 29.1-416 of the Code of Virginia, *except that it is unlawful to take threatened and endangered species as listed in VR 325-01-1, § 13.*

##### C. Permit holder to be present when seine operated; persons assisting.

The holder of a permit to seine for minnows and chubs (Cyprinidae) must be present at all times when the seine is being operated to catch minnows and chubs (Cyprinidae). Persons assisting in the operation of the haul seine need not obtain permits.

##### D. Records.

The holder of a permit to take minnows and chubs (Cyprinidae) for sale shall keep a record of the approximate number of minnows and chubs (Cyprinidae) taken by location (name and county of water body) and sold, together with the amount received therefor.

##### E. Commercial bait operations.

Commercial bait operations *must have a Permit to Hold and Sell Certain Wildlife or a Permit to Propagate and*

*Sell Certain Wildlife. With the exception of those species listed in VR 325-01-1, § 13, these operations may possess and sell unlimited quantities of minnows and chubs (Cyprinidae), when possession is accompanied by a valid invoice or bill of sale from an individual permitted under subsection B of this section or from a properly permitted aquaculture facility in Virginia or out-of-state.*

#### § 3. Taking of snapping turtles, crayfish and hellgrammites for sale.

It shall be lawful to take *and sell* snapping turtles, crayfish and hellgrammites ~~for sale with a Permit to Collect and Sell Snapping Turtles, Crayfish and Hellgrammites or a Permit to Hold and Sell Certain Wildlife under such restrictions and conditions as the board may prescribe.~~

#### § 4. Releasing game fish from nets, traps, etc.

It shall be unlawful in the inland waters of the Commonwealth to take game fish in a seine, net pot or trap, and all game fish caught in such seines, nets, pots or traps shall immediately be returned without injury to the waters from which taken.

#### § 5. Propagation and sale of certain amphibians and reptiles.

*It shall be lawful to propagate and sell certain native species of captive bred amphibians and reptiles with a Permit to Propagate and Sell Certain Wildlife or a Permit to Hold and Sell Certain Wildlife under such restrictions and conditions as the board may prescribe.*

#### § 6. Prohibit the sale of salamander species.

*It shall be unlawful to sell any species of salamander with the exception of nonnative newts (Salamandridae).*

VAR. Doc. No. R94-1213; Filed August 31, 1994, 11:42 a.m.

## BOARD OF MEDICINE

**REGISTRAR'S NOTICE:** The following regulation is exempt from the Administrative Process Act pursuant to § 9-6.14.4.1 A 18 of the Code of Virginia, which excludes the Board of Medicine when specifying therapeutic pharmaceutical agents for the treatment of certain conditions of the human eye and its adnexa by certified optometrists pursuant to § 54.1-2957.2.

**Title of Regulation:** VR 465-09-01. Certification for Optometrists to Prescribe for and Treat Certain Diseases, including Abnormal Conditions, of the Human Eye and Its Adnexa with Certain Therapeutic Pharmaceutical Agents.

**Statutory Authority:** §§ 54.1-2400 and 54.1-2957.2 of the Code of Virginia.

# Proposed Regulations

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Public Hearing Date: N/A.

Summary:

*The amendment adds Levocabastine as a therapeutic agent to the Optometric Formulary as established in § 54.1-2957.2 of the Code of Virginia. The addition to the formulary is consistent with appropriate standards of care for the eye and its adnexa.*

*The amendment responds to continuing review of the regulations for the certification of optometrists to prescribe and treat certain diseases or abnormal conditions of the eye with therapeutic pharmaceutical agents.*

VR 465-09-01. Certification for Optometrists to Prescribe for and Treat Certain Diseases, including Abnormal Conditions, of the Human Eye and Its Adnexa with Certain Therapeutic Pharmaceutical Agents.

## PART I. GENERAL PROVISIONS.

### § 1.1. Definitions.

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

*“Approved school”* means those optometric and medical schools, colleges, departments of universities or colleges or schools of optometry or medicine currently accredited by the Council on Postsecondary Accreditation or by the United States Department of Education.

*“Board”* means the Virginia Board of Medicine.

*“Certification”* means the Virginia Board of Medicine certifying an optometrist to prescribe for and treat certain diseases, including abnormal conditions, of the human eye and its adnexa and administer certain therapeutic pharmaceutical agents.

*“Certified optometrist”* means an optometrist who holds a current license to practice optometry in the Commonwealth of Virginia, is certified to use diagnostic pharmaceutical agents by the Virginia Board of Optometry, and has met all of the requirements established by the Virginia Board of Medicine to treat certain diseases, including abnormal conditions, of the human eye and its adnexa with certain therapeutic pharmaceutical agents.

*“Examination”* means an examination approved by the Board of Medicine for certification of an optometrist to prescribe for and treat certain diseases, including abnormal conditions, of the human eye and its adnexa with certain therapeutic pharmaceutical agents.

*“Invasive modality”* means any procedure in which human tissue is cut, altered, or otherwise infiltrated by

mechanical or other means. Invasive modalities include surgery, lasers, ionizing radiation, therapeutic ultrasound, medication administered by injection, and the removal of foreign bodies from within the tissues of the eye. For purposes of these regulations, the administration of a topical agent specified in § 4.3 of these regulations is not considered an invasive modality.

*“Postgraduate clinical training”* means a postgraduate program approved by the board to be eligible for certification.

*“Protocol”* means a prescribed course of action developed by the certified optometrist which defines the procedures for responding to any patient's adverse reaction or emergency.

### § 1.2. Public Participation Guidelines.

Separate Board of Medicine regulations, VR 465-01-01-465-01-1:1, entitled Public Participation Guidelines, which provide for involvement of the public in the development of all regulations of the Virginia Board of Medicine, are incorporated by reference in these regulations.

## PART II. APPLICATION FOR CERTIFICATION EXAMINATION.

### § 2.1. Application for certification by examination.

An applicant for certification by examination shall be made on forms provided by the board. Such application shall include the following information and documents:

1. A complete application form;
2. The fee specified in § 7.1 of these regulations to be paid at the time of filing the application;
3. Additional documents required to be filed with the application are:
  - a. A letter from the Virginia Board of Optometry certifying that:
    - (1) The applicant holds a current license to practice optometry in Virginia, and
    - (2) The applicant is certified to use diagnostic pharmaceutical agents;
  - b. Documented evidence of satisfactory completion of the postgraduate optometric training approved and prescribed by the board or documentation of graduate optometric training equivalent to the postgraduate optometric training required by the board;
  - c. Verification of licensure status in other states from the Board of Examiners in Optometry or appropriate regulatory board or agency.

## PART III. EXAMINATION.

### § 3.1. Examination for certification.

The following general provisions shall apply to optometrists who apply to take the board's examination for certification to prescribe for and treat certain diseases, including abnormal conditions, of the human eye and its adnexa with certain therapeutic pharmaceutical agents.

A. The certification examination for an optometrist to prescribe for and treat certain diseases, including abnormal conditions, of the human eye and its adnexa with certain therapeutic pharmaceutical agents shall be in one part.

B. A candidate for certification by the board who fails the examination following three attempts shall take additional postgraduate training approved by the board to be eligible to take further examinations, as required in § 6.1.

## PART IV. SCOPE OF PRACTICE FOR AN OPTOMETRIST CERTIFIED TO USE THERAPEUTIC DRUGS.

### § 4.1. Certification.

An optometrist, currently licensed by the Board of Optometry, who has completed didactic and clinical training to ensure an appropriate standard of medical care for the patient and has met all other requirements and has passed an examination administered by the board, shall be certified to administer and prescribe certain therapeutic pharmaceutical agents in the treatment of certain diseases, including abnormal conditions, of the human eye and its adnexa.

### § 4.2. Diseases and conditions which may be treated by an optometrist.

Diseases and conditions which may be treated by an optometrist certified by the board are:

1. Hordeolum, conjunctivitis, blepharitis, chalazion, and dry eye.
2. Superficial foreign bodies of the eye and its adnexa which can be treated by noninvasive modalities.
3. Superficial epithelial damage secondary to contact lens wear provided that no corneal opacity is present.

### § 4.3. Therapeutic pharmaceutical agents.

Therapeutic pharmaceutical agents which a certified optometrist may administer and prescribe are all topical and are as follows:

1. Tetracycline

2. Erythromycin
3. Bacitracin
4. Polymyxin B/Bacitracin
5. Chlorotetracycline
6. Sodium Sulfacetamide - 10%
7. Sodium Sulfacetamide - 30%
8. Sulfisoxazole - 4.0%
9. Sulfacetamide - 15% / Phenylephrine - 0.125%
10. Cromolyn Sodium - 4.0%
11. Naphazoline HCl - 0.1%
12. Phenylephrine HCl - 0.125% / Pheniramine Maleate - 0.5%
13. Phenylephrine HCl - 0.12% / Pyrilamine Maleate - 0.1% / Antipyrine - 0.1%
14. Naphazoline HCl - 0.025% / Pheniramine Maleate - 0.3%
15. Naphazoline HCl - 0.05% / Antazoline Phosphate - 0.5%
16. Hydroxypropyl Cellulose Ophthalmic Insert
17. Polytrim Ophthalmic Solution
18. Neomycin
19. *Levocabastine*

### § 4.4. Standards of practice.

A. A certified optometrist after diagnosing and treating a patient who has a disease or condition as defined in § 4.2, which disease or condition failed to improve appropriately, usually within 72 hours, shall refer the patient to an ophthalmologist. A patient with a superficial corneal abrasion which does not improve significantly within 24 hours shall be referred to an ophthalmologist.

B. The certified optometrist shall establish a written protocol for the management of patient emergencies and referrals to physicians.

C. The list in § 4.3 does not preclude optometrists treating emergency cases of anaphylactic shock with intra-muscular epinephrine, such as obtained from a beesting kit.

D. The treatment of certain diseases, including abnormal conditions, of the human eye and its adnexa with the

# Proposed Regulations

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administration of certain therapeutic pharmaceutical agents by certified optometrists is prohibited in children five years of age or younger.

## PART V. RENEWAL OF CERTIFICATION.

### § 5.1. Renewal of certification.

Every optometrist certified by the board shall renew his certification biennially on or before July 1 and pay the prescribed fee in § 7.1 in each odd number year.

### § 5.2. Expiration of certification.

An optometrist who allows his certification to expire shall be considered not certified by the board. An optometrist who proposes to resume the treatment of certain diseases, including abnormal conditions, of the human eye and its adnexa and administer certain therapeutic pharmaceutical agents shall make a new application for certification and pay a fee prescribed in § 7.1.

## PART VI. POSTGRADUATE TRAINING.

### § 6.1. Postgraduate training required.

Every applicant applying for certification to prescribe for and treat certain diseases, including abnormal conditions, of the human eye and its adnexa with certain therapeutic pharmaceutical agents shall be required to complete a full-time approved postgraduate optometric training program prescribed by the board or to document that his graduate optometric program contained equivalent elements to the postgraduate optometric program approved by the board.

A. The approved postgraduate program shall be the Ocular Therapy for the Optometric Practitioner #750B conducted by the Pennsylvania College of Optometry or any other postgraduate optometric program approved by the board.

B. Upon completing the required postgraduate optometric training program, the applicant may apply to sit for the certification examination administered by the board.

C. The certification examination shall be a one-part comprehensive examination in accordance with § 3.1 of these regulations.

## PART VII. FEES.

### § 7.1. Fees required by the board.

A. Application fee for the examination to be certified to prescribe for and treat certain diseases, including abnormal conditions, of the human eye and its adnexa

with certain therapeutic pharmaceutical agents shall be \$300. The examination fee is nonrefundable. An applicant may, upon written request 21 days prior to the scheduled examination and payment of a \$100 fee, be rescheduled for the next administration of the examination.

B. The fee for biennial renewal of certification shall be \$125.

C. The fee for reinstating an expired certification shall be \$150.

D. The fee for a letter of good standing/verification to another state for a license shall be \$10.

E. The fee for reinstatement of a revoked certificate shall be \$750.

VA.R. Doc. No. R94-1214; Filed August 31, 1994, 10:46 a.m.

# FINAL REGULATIONS

For information concerning Final Regulations, see information page.

## Symbol Key

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

## DEPARTMENT OF GAME AND INLAND FISHERIES (BOARD OF)

**NOTICE:** This regulation, VR 325-02-27, is exempt from the Administrative Process Act pursuant to § 9-6.14:4.1 A of the Code of Virginia when promulgating wildlife management regulations; however, it is required by § 9-6.14:22 to publish all proposed and final regulations.

**Title of Regulations:** VR 325-02. Game.  
VR 325-02-27. Permits.

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

**Effective Date:** October 19, 1994.

### Summary:

*The amendments (i) rescind § 14, which is an unnecessary regulation since § 29.1-521.3 of the Code of Virginia now provides for the shooting of wild birds and wild animals from stationary vehicles by disabled persons; and (ii) add a new section to require the possession of a validation card or permit when such a card or permit is required to hunt and to display such a card or permit upon demand of any officer.*

**Agency Contact:** Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000.

### VR 325-02. GAME.

VR 325-02-27. Permits.

§ 1. Poisoning of wild birds and wild animals destroying crops or property.

Notwithstanding the provisions of VR 325-02-1, § 5, the department may issue permits authorizing the putting out of poison for the purpose of killing wild birds and wild animals where they are destructive to crops or other property. Where such permits are issued, the poisoning shall be under the supervision of employees of the department.

§ 2. Collection of specimens of wild birds for scientific purposes.

Holders of permits issued under § 29.1-418 of the Code of Virginia to collect specimens of wild birds and their

nests, with the eggs or young found therein, for scientific or museum purposes, shall report to the department on January 1 of each year the number of each species taken and the purpose for which collected.

§ 3. Breeding game birds and game animals for propagation and stocking; records.

Holders of permits issued under § 29.1-417 of the Code of Virginia to breed and rear wild game birds and wild animals in captivity and to sell and ship them alive for propagation or stocking shall keep a record showing the number of each species on hand, the number acquired and the number sold.

§ 4. Breeding game birds and game animals for propagation and stocking; labeling packages.

Packages containing wild birds and wild animals raised under a permit for propagation purposes shall bear labels showing the name and address of the breeder and the contents of the package.

§ 5. Breeding game birds and game animals for propagation and stocking; confinement; inspection.

Birds and animals raised under a permit for propagation purposes must be confined in a sanitary escape-proof enclosure. Such enclosure shall be open to inspection by representatives of the department at all times.

§ 6. Holding wild birds or wild animals for exhibition or advertising purposes.

Where an exhibit is educational and purposeful in nature, wild game birds and wild game animals may be exhibited under a permit provided for in § 29.1-417 of the Code of Virginia, under such restrictions and conditions as the board may prescribe. Where such a permit is issued for an exhibit which is not educational or purposeful in nature, such permit shall authorize the person to whom issued to hold only nongame wild animals and nongame wild birds as are listed in the application for the permit.

§ 7. Stuffing or mounting birds and animals; possession of game legally taken.

A holder of a permit to stuff and mount birds and animals or parts thereof for compensation or sale, as provided for in § 29.1-415 of the Code of Virginia may have in possession for such purpose only birds and animals which were legally taken.

§ 8. Stuffing or mounting birds and animals - records;

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inspections.

A. A holder of a permit to stuff or mount birds and animals shall keep a complete record of all transactions. Such records shall include the species to be mounted or tanned; the date of receipt; the name, address and telephone number of the person for whom the work is being performed; the name of the person who killed the specimen (if different from above); the hunting license or Virginia driving license number of such person; the county where the specimen was taken or, if taken out-of-state, the state in which it was taken; and the date the completed work was returned to the customer. Such records shall be retained for three years. These records, and the premises where such business is conducted, shall be open to inspection by representatives of the department during normal business hours.

B. Upon receipt of any specimen of wildlife, a holder of a permit shall immediately affix to such specimen a tag bearing the designation of the species, the name and address of the customer and the date the specimen was killed. Such tag shall remain affixed to the specimen, except when the specimen is actually in the process of being worked on, until it is delivered to the customer. A numbered tag, with numbers corresponding to the number of the line entry of the records required in subsection A of this section, may be used in lieu thereof.

## § 9. Breeding pheasants; records.

The holder of a permit provided for by §§ 29.1-417 and 29.1-514 of the Code of Virginia to breed pheasants in captivity and to sell and ship the same alive for breeding, or to kill, sell and ship the same for use as food shall keep a record of the number raised or acquired, number sold and the number on hand.

## § 10. Breeding pheasants; labeling packages.

Packages containing pheasants raised under a permit from the department shall bear a label giving the name and address of the breeders and the contents of the package.

## § 11. Breeding pheasants; confinement; inspection.

Pheasants raised under a permit from the department shall be confined in sanitary escape-proof enclosures, which shall be open to inspection by representatives of the department at all times.

§§ 12, 13. Repealed.

## § 14. ~~Shooting wild birds and wild animals from stationary vehicle by disabled person. Repealed.~~

~~Any person, upon application to a game warden and the presentation of a medical doctor's written statement that such person is permanently unable to walk, may, in the discretion of such game warden, be issued a permit to~~

~~shoot wild birds and wild animals from a stationary vehicle during established open hunting seasons and in accordance with other existing laws and regulations. Such permit will be issued on a form provided by the department, which may authorize shooting from a stationary vehicle not less than 300 feet from nor across any public road or highway, and only when the bearer is properly licensed to hunt. Such permit shall be nontransferable, and any permit found in the possession of any person not entitled to such permit shall be subject to immediate confiscation by a game warden. Deer of either sex may be taken under the provisions of this permit in those counties where deer hunting is permitted.~~

## § 15. Duty to comply with permit conditions.

A permit holder shall comply with all terms and conditions of any permit issued by the Department of Game and Inland Fisheries pursuant to Title 29.1 of the Code of Virginia and the regulations of the board pertaining to hunting, fishing, trapping, taking, attempting to take, possession, sale, offering for sale, transporting or causing to be transported, importing or exporting of any wild bird, wild animal or fish.

## § 16. *Possession and display of a validation card or permit to hunt.*

*Every person required to obtain a validation card or permit to hunt must carry the validation card and permit on his person when hunting and shall present it immediately upon demand of any officer whose duty it is to enforce the game and inland fish laws. Penalty for violation of this section is prescribed by § 29.1-505 of the Code of Virginia.*

VA.R. Doc. No. R94-1211; Filed August 31, 1994, 11:42 a.m.

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Title of Regulation: **VR 325-04-2. Motorboat Numbering.**

Statutory Authority: § 29.1-701 of the Code of Virginia.

Effective Date: January 1, 1995.

### Summary:

*Prior to this amendment, § 1 of this regulation required individuals applying for a certificate of number for a motorboat to indicate on the application the "locality of principal use." This information was used by the commissioners to issue personal property taxation notices. The use of "locality of principal use" for the issuance of personal property taxation notices is not in conformity with the Code of Virginia.*

*Section 58.1-3511 of the Code of Virginia requires commissioners of revenue to use the locality in which the boats are "normally garaged, docked, or parked"*

as the basis for personal property taxation assessments on motorboats. Since many motorboats are used in localities that are different than the locality in which the boat is normally kept, reporting registrations to the commissioners based on the "locality of principal use" means that commissioners of revenue are assessing boats based on where the boats are used, not where they are kept. This is not in conformity with the Code of Virginia. Adoption of this change enables the department to gather information on and report motorboat registrations to the commissioners of revenue in conformity with § 58.1-3511 of the Code of Virginia.

The federal Soldiers' and Sailor's Civil Relief Act (Act) provided certain exemptions from local personal property taxation assessments for individuals who are on active military duty. The Department of Game and Inland Fisheries has not in the past asked individuals to indicate military status at the time an application is submitted for a motorboat registration. As a result, residents who are eligible for assessment relief have been required to complete additional paperwork at the local level. The agency has been requested by representatives of the commissioners of revenue to collect military status information and report it to them annually. Such reporting enables the commissioners to provide the assessment relief envisioned by federal law without requiring their constituents to complete additional paperwork. Regulatory action gives the Department of Game and Inland Fisheries the authority to require individuals to notify the agency in the event there is a change in military status. This is necessary to prevent individuals from continuing to receive assessment relief once they go off active duty status and to enable the agency to ensure the accuracy of the reports sent to the commissioners.

## VR 325-04-2. Motorboat Numbering.

### § 1. Application for certificate of number.

An application or renewal application for a certificate of number for a motorboat, as required by Chapter 7 of Title 29.1 of the Code of Virginia, shall contain the following information: The name and address of owner, the county or city where such boat is principally used, normally garaged, docked or parked, present number on boat (if any), hull material (wood, fiberglass, metal, inflatable, other), type of propulsion (outboard, inboard and inboard/outboard, auxiliary sail-outboard, inboard), type of fuel (gas, diesel, electric), make and year built (if known), length overall, statement as to use (pleasure, livery, dealer, manufacturer, commercial passenger, commercial fishing, commercial other), a statement by applicant of current military status, a statement of ownership by applicant and signature of owner.

### § 2. Information shown on certificate.

The certificate of number for a motorboat shall show the following: The name and address of owner, number issued, make, hull material, type of propulsion, length overall, use and expiration date.

### § 3. Numbering pattern.

The motorboat number assigned shall consist of the symbol "VA" identifying the Commonwealth followed by not more than four arabic numerals and two capital letters, in sequence, separated by a hyphen or equivalent space in accordance with the serial numerically and alphabetically; e.g., "VA-1-A" or "VA-1234-BB." Since the letters "I," "O" and "Q" may be mistaken for arabic numbers, all letter sequences using "I," "O" and "Q" shall be omitted.

### § 4. Display of numbers.

The numbers assigned for a motorboat shall be painted on or attached to each side of the forward half of the vessel to which issued in such a position as to provide clear legibility for identification; provided, that on vessels so configured that a number on the hull or superstructure would not be easily visible, the number must be painted on or attached to a backing plate that is attached to the forward half of the vessel so that the number is visible from each side of the vessel. The numbers shall read from left to right and shall be in block characters of good proportion not less than three inches in height. The numbers shall be a color which will contrast with the color of the background and so maintained as to be clearly visible and legible; i.e., dark numbers on a light background or light numbers on a dark background.

§ 5. Report of transfer of ownership of motorboat; notification of theft or recovery of vessel, or loss or destruction of certificate ; and notification of change in military status .

Whenever a motorboat for which there exists a certificate of number changes ownership, the seller shall report such transfer to the department on a form provided by the department. The holder of a certificate of number shall notify the department within 15 days of the theft or recovery of a vessel, or the loss or destruction of a valid certificate of number , or when there has been a change in military status .

### § 6. Application for duplicate certificate of number.

In the event of loss, a duplicate certificate of number may be applied for on a form to be provided by the department, accompanied by a fee of \$.50. Not more than one certificate for a motorboat number may be in existence at any time.

§ 7. When certificate invalid; removal of numbers and surrender of certificate.

A certificate of number shall be invalid:

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1. When the vessel is documented, or required to be documented; or
2. Sixty days after the vessel is no longer principally used in the Commonwealth by when the certificate was issued; or
3. The owner loses his interest in the vessel through legal process; or
4. The certificate of number is cancelled and recalled by the department pursuant to § 29.1-702A of the Code of Virginia.

When a certificate of number becomes invalid for any reason the person whose name appears on the certificate as owner shall remove the numbers from the vessel, and, within 15 days, surrender the invalid certificate to the department.

VA.R. Doc. No. R94-1212; Filed August 31, 1994, 11:42 a.m.

# STATE CORPORATION COMMISSION

AT RICHMOND, AUGUST 18, 1994

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUE940050

Ex Parte: In the matter of adopting rules to govern the safety of master-metered natural gas systems pursuant to § 56-257.2 of the Code of Virginia

## ORDER FOR NOTICE AND COMMENT

Section 56-257.2 of the Code of Virginia authorizes the Commission to regulate the safety of natural gas facilities comprising a master-metered gas system as defined by federal regulations, except master-metered systems served by natural gas distribution systems owned and operated by a county, city or town. Under § 56-257.2, the Commission may adopt such rules and regulations as are necessary to promote pipeline safety in the Commonwealth.

The Commission proposes to adopt by reference Parts 191 and 192 of Title 49 of the Code of Federal Regulations as the minimum pipeline safety regulations applicable to jurisdictional master-metered gas systems, along with the additional requirements specified in Appendix A to this order.

IT APPEARING that the public should be afforded the opportunity to file written comments concerning the Commission's proposal and to request a hearing before the Commission on any substantive objection which cannot be presented effectively in writing, accordingly;

IT IS ORDERED:

(1) That this matter be assigned Case No. PUE940050 and all associated papers be filed therein;

(2) That, on or before October 10, 1994, any person may submit comments in support of, or in opposition to, the Commission's adoption of the gas safety rules and other requirements in Parts 191 and 192 of Title 49 of the Code of Federal Regulations and specified in Appendix A to this order with the Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23216;

(3) That, on or before October 10, 1994, any person who desires to be heard on the proposed regulations and other requirements shall file with the Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23216 a written request for such hearing together with a statement of reasons why their position cannot be expressed adequately in writing to the Commission;

(4) That the Division of Energy Regulation shall publish the following notice once in the Virginia Register and once as classified advertising in major newspapers of general circulation in the Commonwealth, publication to be completed by September 26, 1994:

## PUBLIC NOTICE

Pursuant to Virginia Code Section 56-257.2, the State Corporation Commission ("Commission") proposes to adopt parts 191 and 192 of Title 49 of Code of Federal Regulations ("C.F.R.") as the minimum gas pipeline safety regulations applicable to jurisdictional master-metered gas systems in Virginia. Additionally, the Commission proposes that the master-metered systems report certain gas incidents in accordance with Section 191.5 (b) (1) through (b) (5) of Title 49 C.F.R. to the Commission's Division of Energy Regulation.

Any person desiring to file written comments concerning this matter or to request a formal hearing on an objection which cannot be presented effectively in writing shall, on or before October 10, 1994 send such comments or request for hearing to the Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23216. A request for a hearing must state a substantive objection to the Commission's proposal and the reasons it cannot be presented effectively in writing. If the Commission does not receive any proper requests for hearing, the aforementioned gas safety regulations may be adopted without hearing. Further information regarding this matter may be obtained from the Commission's Division of Energy Regulation, P.O. Box 1197, Richmond, Virginia 23209 or by telephone (804) 371-9611.

(5) That, on or before October 10, 1994, the Division of Energy Regulation shall file with the Clerk of the Commission proof of publication of the notice prescribed herein.

AN ATTESTED COPY of this Order shall be sent to the Commission's Division of Energy Regulation and the Office of General Counsel.

## APPENDIX A

### RULES GOVERNING THE SAFETY OF MASTER-METERED NATURAL GAS SYSTEMS

(1) These rules are adopted pursuant to § 56-257.2 of the Code of Virginia to establish safety and inspection requirements for master-metered natural gas systems as defined by federal regulations promulgated under the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. § 1671 et seq.), as amended.

(2) Parts 191 and 192 of Title 49 of the Code of Federal Regulations are hereby adopted by reference

# State Corporation Commission

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as the minimum pipeline safety regulations applicable to master-metered systems within the Commission's jurisdiction under § 56-257.2.

(3) That telephonic notices regarding incidents involving master-metered gas systems shall be made, at the earliest practicable moment following discovery of the incident, to the Commission's Division of Energy Regulation during the Division's daily hours and to the Commission's Manager of Gas Pipeline Safety (pager number (804) 351-4100) during all other times. Such notices shall include the information listed in Section 191.5 (b) (1) through (b) (5) of Title 49 C.F.R.

(4) That the Commission's Division of Energy Regulation may require certain written reports from the jurisdictional master-metered systems to aid the Commission staff in administering an effective gas pipeline safety program.

(5) That the Commission's Division of Energy Regulation shall be empowered to submit and sign on behalf of the Commission, such forms and applications as necessary to assure participation in natural gas pipeline safety programs, as deemed advisable by the Commission to assure an effective safety program in Virginia, but that the Commission Comptroller shall be empowered to sign on behalf of the Commission those applications and forms pertaining to grants or reimbursement of expenses incurred by the Commission in conducting the gas pipeline safety program in Virginia.

V.A.R. Doc. No. R94-1204; Filed August 22, 1994, 11:15 a.m.

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# STATE LOTTERY DEPARTMENT

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DIRECTOR'S ORDER NUMBER THIRTY-ONE (94)

SPECIAL LICENSING PROGRAM; DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

/s/ Richard G. Wilkinson  
Interim Director  
Date: August 24, 1994

VA.R. Doc. No. R94-1207; Filed August 29, 1994, 10:12 a.m.

In accordance with the authority granted by Section 58.1-4006 of the Code of Virginia, and as provided by Section 1.4B of State Lottery Department Instant Game Regulations, VR 447-02-1, and Section 2.3B of State Lottery Department On-Line Game Regulations, VR 447-02-2, I hereby publish additional criteria for the licensing of Virginia Department of Alcoholic Beverage Control (ABC) retail locations as lottery retailers. This order amplifies and conforms to the duly adopted State Lottery Department regulations for the conduct of instant and on-line game lotteries.

This order is available for inspection and copying during normal business hours at the State Lottery Department Headquarters, 2201 West Broad Street, Richmond, Virginia, and at each of the State Lottery Department Regional Offices. A copy may be requested by mail by writing to: Office of the Director, State Lottery Department, 2201 West Broad Street, Richmond, Virginia 23220.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect, unless amended or rescinded by further Director's Order.

/s/ R. G. Wilkinson  
Interim Director  
Date: August 15, 1994

VA.R. Doc. No. R94-1206; Filed August 29, 1994, 10:12 a.m.

DIRECTOR'S ORDER NUMBER THIRTY-THREE (94)

VIRGINIA'S FORTY-FOURTH INSTANT GAME LOTTERY; "MONEY BAGS," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Section 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's forty-fourth instant game lottery, "Money Bags." These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 2201 West Broad Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Marketing Division, State Lottery Department, P. O. Box 4689, Richmond, Virginia 23220.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

# MARINE RESOURCES COMMISSION

## MARINE RESOURCES COMMISSION

### EMERGENCY REGULATION

Title of Regulation: VR 450-01-0050. Pertaining to Grey Trout (Weakfish).

Statutory Authority: § 28.2-201 of the Code of Virginia.

Effective Dates: August 23, 1994, through September 22, 1994.

#### Preamble:

*This regulation establishes limitations on the commercial and recreational harvest of weakfish in order to reduce the fishing mortality rate and to rebuild the severely depleted stock of weakfish. The limitations include minimum size limits, gear restrictions and season limits for the commercial fishery and minimum size and bag limits for the recreational fishery.*

VR 450-01-0050. Pertaining to Grey Trout (Weakfish).

#### § 1. Authority, repeal of prior regulations, effective date.

A. This regulation is promulgated pursuant to the authority contained in § ~~28.2-201~~ 28.2-210 of the Code of Virginia.

B. This regulation repeals prior VR 450-01-0050 which was promulgated by the Marine Resources Commission and made effective July ~~1, 1992~~ 29, 1994 .

C. The effective date of this regulation is July ~~29~~ August 23, 1994.

#### § 2. Purpose.

The purpose of this regulation is to achieve a 25% reduction in the weakfish fishing mortality rate during the April 1, 1994, through March 31, 1995, period, thereby reducing the probability of recruitment failure and stock collapse and to allow for a rebuilding of the spawning stock. This regulation responds to the mandatory requirements of the Atlantic Coastal Fisheries Cooperative Management Act (Public Law 103-206), in accordance with the Interstate Weakfish Fishery Management Plan of the Atlantic States Marine Fisheries Commission.

#### § 3. Definition.

"Weakfish (Grey Trout)" shall include any fish of the species *Cynoscion regalis*.

#### § 4. Minimum size limits ; tolerances .

A. It shall be unlawful for any person fishing with pound net or haul seine to possess any grey trout less than nine inches in length.

B. It shall be unlawful for any person fishing with gill nets to possess any grey trout less than 12 inches in length.

C. It shall be unlawful for any trawl boat to land any grey trout in Virginia that are less than 12 inches in length.

D. It shall be unlawful for any person fishing with hook-and-line, rod-and-reel, or hand line to possess any grey trout less than 14 inches in length.

E. It shall be unlawful for any person using any gear type not specified in subsection A, B, C or D of this section to possess any grey trout less than nine inches in length.

F. Length is measured in a straight line from the tip of the nose to the tip of the tail.

#### § 5. Gear restrictions.

It shall be unlawful for any trawl boat or vessel to land grey trout in Virginia while possessing on board any trawl net having a cod-end mesh less than three inches, stretched measure.

#### § 6. Commercial fishing season.

A. It shall be unlawful for any person fishing with pound net to possess any grey trout from August ~~1~~ 28 through September ~~9~~ October 31, 1994 ; ~~except as provided in subsection B of this section .~~

~~B. Any pound net fisherman who holds 2, 3 or 4 pound net licenses as of August 5, 1994, and forfeits one of those licenses shall be eligible to possess grey trout during the August 1 through September 9, 1994, period. Any pound net fisherman who holds 5, 6 or 7 pound net licenses as of August 5, 1994, and forfeits two of those licenses shall be eligible to possess grey trout during the August 1 through September 9, 1994, period. Any pound net fisherman who holds 8, 9 or 10 pound net licenses as of August 5, 1994, and forfeits three of those licenses shall be eligible to possess grey trout during the August 1 through September 9, 1994, period.~~

~~C. Any pound net licensee who forfeits one or more licensed pound net stands may retain his priority rights to such locations for future licensing until April 1, 1995.~~

~~D. B. It shall be unlawful for any person fishing with gill net to possess any grey trout from August 1 through October 18, 1994, and December 9, 1994, through March 31, 1995.~~

~~E. C. It shall be unlawful for any person fishing with haul seine to possess any grey trout from August 25, 1994, through March 31, 1995.~~

~~F. D. It shall be unlawful for any trawl boat to land any~~

# Marine Resources Commission

grey trout in Virginia from October 12 through November 30, 1994.

## § 7. Daily bag limit.

A. It shall be unlawful for any person fishing with hook-and-line, rod-and-reel, or hand line to possess more than 10 grey trout. Any grey trout taken after the bag limit of 10 fish has been reached shall be returned to the water immediately.

B. The daily bag limit of grey trout when fishing from a boat shall be equal to the number of legally eligible persons on board multiplied by 10.

C. Charter, party and head boat captains are ultimately responsible for the retention of the legal number of grey trout aboard their vessels.

## § 8. Penalty.

As set forth in § 28.2-903 of the Code of Virginia, any person, firm or corporation violating any provision of this regulation shall be guilty of a Class 3 misdemeanor.

V.A.R. Doc. No. R94-1208; Filed August 29, 1994, 12:23 p.m.

## FINAL REGULATION

**NOTICE:** The Marine Resources Commission is exempted from the Administrative Process Act (§ 9-6.14:4.1 of the Code of Virginia); however, it is required by § 9-6.14:22 B to publish all final regulations.

Title of Regulation: VR 450-01-0059. Pertaining to the Taking of Bluefish.

Statutory Authority: § 28.2-201 of the Code of Virginia.

Effective Date: September 1, 1994.

### Preamble:

*This regulation establishes a daily bag limit of 10 bluefish for hook-and-line anglers and a commercial harvest quota of 1,217,660 pounds. The purpose of these limits is to protect spawning stocks and prevent recruitment overfishing. This regulation responds to the requirements of the Interstate Fishery Management Plan for the Bluefish Fishery, as adopted by the Atlantic States Marine Fisheries Commission (ASMFC) and the Mid-Atlantic Fishery Management Council (MAFMC).*

VR 450-01-0059. Pertaining to the Taking of Bluefish.

## § 1. Authority, effective date; prior regulation.

A. This regulation is promulgated pursuant to the authority contained in § 28.2-201 of the Code of Virginia.

B. The effective date of this regulation is December 1, 1990. This regulation amends VR 450-01-0059 which was promulgated and made effective December 1, 1990.

C. This regulation replaces emergency regulation VR 450-01-0059 which was promulgated and made effective October 23, 1990. The effective date of this regulation is September 1, 1994.

## § 2. Purpose.

Stock assessment information indicates that bluefish stocks along the Atlantic Coast are fully exploited and show signs of declining abundance. Both the 1993 coastwide commercial and recreational landings were below the average for 1979-1993 landings. The One purpose of this regulation is to control the hook-and-line harvest of bluefish (which constitutes approximately 90% 77% of the fishing coastwide), in cooperation with MAFMC and other coastal states, to prevent overfishing. A second purpose is to establish a commercial quota system for Virginia bluefish landings. The ASMFC and MAFMC approved a coastwide quota system to control commercial landings in 1994 because the commercial fishery is projected to equal or exceed the 20% of total (recreational and commercial) landings limit established for this fishery.

## § 3. Daily Bluefish bag limit.

A. It shall be unlawful for any person fishing with hook and line, rod and reel, spear, gig or other recreational gear, or licensed for commercial hook-and-line fishing, to possess more than 10 bluefish per day. The provisions of this subsection shall not apply to persons harvesting bluefish with licensed commercial gear nor to persons possessing bluefish taken by licensed commercial gear. Any bluefish taken after the bag limit of 10 fish has been reached shall be returned to the water immediately.

B. When fishing from any a boat or vessel, the daily possession bag limit shall be equal to the number of persons on board the boat or vessel multiplied by 10. Possession of the legal number of bluefish is the responsibility of the vessel captain or operator.

## § 4. Commercial landings quota.

A. During the period of January 1, 1994, through December 31, 1994, commercial landings of bluefish shall be limited to 1,217,660 pounds.

B. It shall be unlawful for any person to harvest for commercial purposes or to land bluefish for sale, after the commercial landings quota as described in subsection A of this section has been attained.

C. When it is projected that 95% of the commercial landings quota has been realized, a notice will be posted to close commercial harvest and landings from the bluefish fishery within five days of posting.

# Marine Resources Commission

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§ 4. § 5. Penalty.

As set forth in § 28.2-903 of the Code of Virginia, any person, firm, or corporation violating any provision of the regulation shall be guilty of a Class 3 misdemeanor.

V.A.R. Doc. No. R94-1209; Filed August 31, 1994, 11:44 a.m.

# The LEGISLATIVE RECORD

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## HJR 100: Joint Subcommittee Studying the Commonwealth's Adoption Laws

August 5, 1994, Richmond

Two sets of prospective adoptive parents urged the subcommittee to reconsider Virginia's adoption laws regarding the execution of parental consent. In both instances the prospective adoptive parents met the birth mother prior to the birth and took the baby home from the hospital. The birth mother executed consent, but revoked it within the revocation period. One birth mother revoked her consent when the infant was one month old but did not come for the child until two weeks later. In the other instance the child was two months old when consent was revoked but due to a series of legal problems continued to live with the prospective adoptive parents until the age of six months.

In Virginia there are two types of adoption—parental placement and agency placement. In parental placement adoptions, consent cannot be executed until 10 days after the child's birth and can be revoked for 15 days after it is executed. Children are often much older than 25 days before consent becomes final, because the 15 day revocation period does not begin until valid consent is executed. In an agency adoption, consent is revocable until the child is 25 days old and for 15 days after the entrustment agreement is signed.

### Interested Organizations

The National Council for Adoption (NCFCA) is an associa-

tion of 135 private nonprofit adoption agencies (four of which are licensed in Virginia) and over 4,000 adoptive parents, birth parents, and adopted persons, whose mission is to actively promote and ensure sound and ethical adoption practices. Of the 50,000 domestic unrelated adoptions in the United States annually, very few are contested, although several contested cases received a lot of media attention. NCFCA advocates a "best interest of the child" provision in adoption laws, the establishment of a putative father registry, and close examination of the parenting ability of an unmarried birth father who wishes to block an adoption that is desired by the birth mother. NCFCA suggested that many areas of Virginia law do not need changes, but some provisions of the Uniform Adoption Act recently adopted by the National Conference of Commissioners on Uniform State Laws might improve Virginia's laws.

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**Families for Private Adoption**, a group of approximately 400 families from Virginia and the metropolitan Washington area, who have or who are in the process of going through the independent adoption process, spoke in support of existing Virginia law regarding independent adoptions.

The **American Academy of Adoption Attorneys**, a national organization of 250 attorneys with expertise in adoption law practice (16 of whom practice in Virginia), stated that the system for adoption in Virginia is working and serving the public interest, as well as the interests of all of the parties involved in adoption, but volunteered to work with the subcommittee to establish an even better system. According to the academy, parental placement consent delays are problematic and occur because of crowded court dockets, the unavailability of one or both birth parents, or failure of the parties to act promptly. The academy also noted that Virginia is somewhat unusual in requiring both an in-court consent and a revocation period after the in-court consent is given and questioned whether it is necessary to have both.

The **Coalition for Adoption Reform**, composed of the membership of all of Virginia's search and support groups and some individual professionals, promotes openness, honesty, and fairness in adoption through legislative and administrative change. The coalition believes strongly that any change in adoption laws and policies must consider the rights, needs, and perspectives of all members of the adoption triad—adoptees, birth parents and adoptive parents—and that the best interests of adopted children can be served only when everyone's rights and needs are balanced. The decision to place a child for adoption is extremely serious and should not be rushed. Because parental placement consent often cannot be given until far beyond a child's 10th day of life due to crowded court dockets, children are left in legal limbo, birth parents' desire to finalize their decision is unnecessarily delayed, and adoptive parents' anxieties are heightened.

**Coordinators/2**, a licensed child-placing agency that assists birth parents who make an adoption plan for their child and places children currently in foster care with adoptive families, stated that the time frame for consent should be no less than 10 days. The decision to make an adoption plan is a process that is often begun before a child is born, re-evaluated once the baby is born, and cannot be made until the birth mother has time to recuperate from delivery, understand and begin to feel the loss, and be sure the reasons for making the adoption plan still exist.

A joint committee of the **Virginia Association of Child Placing Agencies (VALCPA)** and **Adoption Development Outreach Planning Team (ADOPT)** studying termination of parental rights stated that the termination issues that exist for parental placement adoptions also exist for agency placements. At the request of this committee, Delegate Marshall introduced HB 1413 (1994), which allows a best interests of the child hearing if a birth parent revokes consent or if more than 15 days have elapsed following the birth parent's failure to appear at a hearing to execute consent, for which the parent received notice

and had no good cause for failing to appear. The bill also provides that under certain circumstances there is no legal presumption in favor of any party in a best interest hearing. Further, the bill provides that the knowing and intentional provision of false information or concealment of information which is material to an adoptive placement is a Class 5 felony. The bill was carried over to the 1995 General Assembly Session in the House Committee on Courts of Justice.

### Future Meetings

At future meetings the subcommittee will hear information on the birth parents' perspective, the number of adoptions and births in Virginia, putative father registries in other states, criminalizing the provision of false information in the adoption process, parental consent provisions of the Uniform Adoption Act and a list of suggested improvements in adoption law to be prepared by the American Academy of Adoption Attorneys.



The Honorable Linda T. Puller, *Chairman*  
Legislative Services Contact: Jessica F. Bolececk

## SJR 141: Joint Subcommittee Studying Marketing and Financing Practices Associated with Preneed Funeral Contracts

*August 10, 1994, Richmond*

Legislation governing the sale of preneed funeral contracts within the Commonwealth was first enacted in 1989, when these transactions were made subject to state regulatory authority. That law has not been substantially modified since then, and this joint subcommittee will determine whether its provisions are adequate in today's preneed marketing environment.

### Preneed Contracts

Preneed funeral contracts enable an individual to make an advance purchase of his funeral arrangements and to establish a payment source when the services are performed. These contracts, marketed and sold by funeral establishments, are typically two or more interrelated agreements that detail (i) a funeral products and services sales contract, and (ii) the sales contract's funding source. Trusts and insurance policies fund most preneed contracts, but a purchaser may prepay the full sales price directly to the funeral establishment.

Preneed contracts provide consumers an opportunity to establish a guaranteed price for goods and services provided at a future date. Funeral expenses have risen significantly during the past several years. Consequently, many buy these contracts

to ensure adequate funding for the kind and quality of funeral arrangements they desire.

The sale of preneed contracts has evolved into an significant source of funeral industry revenues. John Moore, president of a preneed funding company, testified that preneed contract sales by Virginia funeral establishments since 1989 have exceeded \$200 million, with current annual sales estimated at \$50 million. The average age of preneed contract purchasers is 75, according to Moore, suggesting the need for close legislative scrutiny of an industry that combines a vulnerable purchasing group with high dollar volume.

Persons licensed by the Board of Funeral Directors and Embalmers are the only authorized sellers of preneed contracts in the Commonwealth; the funeral establishment is the important "point of sale." It also serves as an intermediary between the preneed purchaser and preneed funding sources in most cases. How a funeral establishment chooses to address the funding issue, however, is largely within its discretion. Funeral home representatives may elect to advise preneed customers of both insurance and trust funding options; they may choose to suggest one option alone.

### Funding Options

One funding option, preneed term life insurance, illustrates the growth of the preneed funding industry. United Family Life, a Georgia-based insurance company, for example, has expanded its preneed term life insurance sales operations to 43 states, including Virginia. In Virginia, a number of funeral directors are licensed to sell life insurance, and they serve as agents for insurers marketing preneed policies. Some funeral establishments reportedly engage the services of licensed insurance agents for the purpose of selling preneed insurance.

Preneed customers are offered an array of preneed insurance products, including single- and multiple-premium policies. Policies without cash value are available to purchasers wanting to ensure that their funeral arrangement's funding source is not counted as an asset in determining Medicaid eligibility. Additionally, some customers make irrevocable assignments of their policies in trust for the same purpose.

Financial institutions, including Chesapeake Bank, a Northern Neck concern, are also capitalizing on the expanding market for preneed trust services. Douglas Monroe, Chesapeake Bank's president, told the subcommittee that his bank's preneed trust business has grown substantially since 1982 when the bank first offered preneed trusts. Chesapeake currently offers trust services through 150-200 funeral establishments located across the Commonwealth.

Trust options parallel their insurance counterparts in some respects: installment trusts are available, and some preneed purchasers make irrevocable assignments of their interests in preneed trusts for Medicaid purposes. Monroe said that his bank pays no compensation to funeral directors who facilitate the use

of Chesapeake's trust services in establishing preneed trusts. He believes that preneed funding programs, such as Chesapeake's, that keep preneed payments within the Commonwealth offer greater accountability to the consuming public.

### Current Regulation

The Board of Funeral Directors and Embalmers, the licensing authority for Virginia's funeral practitioners, has regulated the sale of preneed contracts in Virginia since 1989. The board conducts random audits of funeral establishments' preneed contract records, paying particular attention to contracts' funding provisions. Additionally, the board investigates complaints and inquiries received from the purchasers of preneed contracts, or from their next of kin. According to a board representative, however, the board does not informally intervene in preneed contract disputes or attempt to mediate them outside of formal administrative proceedings.

Since 1989, the board has formally investigated and commenced administrative proceedings in connection with 18 complaints related to preneed contracts. Six involved disclosure violations; 12 related to improper handling of preneed contract payments. These complaints included charges under preneed law and regulations that funeral directors had (i) commingled preneed payments with funeral establishment operating funds, (ii) failed to provide copies of executed preneed agreements to purchasers, and (iii) failed to purchase and store caskets for preneed customers from whom payment for this service had been received under the terms of preneed agreements.

The board's executive director, Meredyth Partridge, testified that all of the 18 preneed complaints processed by the board (comprising 17 percent of all board-investigated complaints since 1989) were satisfactorily resolved following the board's administrative intervention. Financial loss was averted in all cases—including eight cases in which the board held that funeral establishments had mishandled preneed contract payments in violation of Virginia's preneed laws and regulations.

### Issues

Individuals contacting the board about preneed contracts have reportedly expressed concern about the following areas: (i) the rights given next-of-kin under current law to override a preneed contract's provisions, (ii) an overlap in regulatory jurisdiction between the board and the Virginia State Corporation Commission concerning complaints related to trusts and insurance policies funding preneed contracts; (iii) the inability of funeral establishments to secure statutorily required bonding when retaining a percentage of preneed payments or storing prepaid merchandise; (iv) difficulties experienced by preneed customers in transferring their preneed contracts from one funeral home to another; and (v) aggressive sales practices resulting in purchasers buying more elaborate funeral arrangements than intended.

Representatives of the funeral industry's professional asso-

ciations, including the Virginia Funeral Directors Association and the Virginia Morticians Association, emphasized the limited number of preneed-related complaints adjudicated by the board since 1989. This, they suggested, was indicative of a regulatory scheme that is working satisfactorily under current law and regulations. The AARP's Virginia director, Robert Haas, indicated that additional regulation of the preneed market is needed, and proposed that sellers of both preneed funeral and preneed cemetery arrangements be registered and regularly audited. Several members of the subcommittee expressed interest in broadening the study's scope to include preneed cemetery contracts.

### Next Meeting

The subcommittee will meet again in October to convene a public hearing on the preneed marketing and financing issues presented by the study resolution and brought into focus by the first meeting's testimony.



The Honorable Harvey B. Morgan, *Chairman*  
Legislative Services Contact: Arlen K. Bolstad

## HJR 281: Joint Subcommittee Studying Regional Delivery of Governmental Services

*August 16, 1994, Richmond*

### Organizational Meeting

HJR 281 (1994) directs the Joint Subcommittee Studying Regional Delivery of Governmental Services in the Urban Regions of the Commonwealth to study the most effective means of promoting regional delivery of services in urban areas. The executive director of the Commission on Local Government, the sole speaker during the meeting, provided the subcommittee with background information, including a history of county, city and town relations and a summary of what other study subcommittees and commissions have done in this area during the last 25 years.

### Earlier Commissions

In 1968, the Virginia Metropolitan Area Study Commission (**Hahn Commission**) recommended the Virginia Area Development Act, which called for the division of the Commonwealth into planning districts. Today there are 21 such districts. The act also authorized a means for advancing from the level of planning district to that of a service district, but no planning district has ever instituted such a change. The Joint Legislative Audit and Review Commission (JLARC) is currently conducting a study of the Virginia Area Development Act and the planning

districts in particular. Its report will be available early this fall.

The Commission on City and County Relationships (**Stuart Commission**) proposed its recommendations in 1975. As a result, legislation was passed between 1975 and 1980 that immunized urban counties from annexation, allowed any county to seek annexation immunity through the courts, created more stringent requirements for towns that plan to seek city status, provided that cities may waive annexation authority in exchange for revenue sharing agreement with counties, and created the Commission on Local Government.

Then in 1990, the Commission on Local Government Structures and Relationships (**Grayson Commission**) suggested a moratorium on annexations by cities. However, cities with a population of less than 125,000 could revert to town status or dependent city status. It also recommended simplifying the annexation process by making it less adversarial. Finally, the Grayson Commission proposed financing for localities that developed innovative plans to deal with regional problems. Legislation containing this proposal died during the 1991 General Assembly Session.

### Current Situation

The joint subcommittee agreed that counties, cities and towns have considerable latitude within the statutory law to work out problems among themselves. However, problems still exist and encouraging localities to take advantage of the law to eliminate such problems is essential to effective delivery of government services.

Virginia is unique in having cities totally independent from counties and towns. Other states do not have the same annexation problems partly because their cities are not independent, but are part of their counties. However, the General Assembly is limited in how it may change the annexation laws, because the Constitution of Virginia prohibits changing localities' boundaries by means of a special act of the legislature. The Grayson Commission suggested allowing annexation decisions to be made by an administrative panel with oversight by the courts, rather than having the courts decide. No action has ever been taken on this suggestion.

### Future Meetings

While no definite future meeting topics were decided, a number of ideas were discussed, including plans to address certain concerns in Roanoke that may be useful to other areas in the Commonwealth, presentations by local board members from around the Commonwealth to express their suggestions for solutions, and reports on how other localities throughout the country have dealt with similar regional problems.



The Honorable C. Richard Cranwell, *Chairman*  
Legislative Services contact: Joan E. Putney

## HJR 143: Joint Subcommittee Studying the Virginia Consumer Protection Act

*July 22, 1994, Richmond*

The joint subcommittee, created by HJR 143 (1994), was established to study issues related to the Virginia Consumer Protection Act (VCPA), specifically, investigation, enforcement, funding, coverage, and private right of action.

### Consumers Group's Proposals

At the initial meeting of the joint subcommittee, the Virginia Citizens Consumer Council proposed the following changes to the VCPA:

1. Tighten and clarify the language in § 59.1-199(A) that excludes from the VCPA those aspects of consumer transactions "authorized" by state or federal law or regulation.
2. Strike the exclusion from the VCPA in § 59.1-199(D) for certain regulated industries, such as banks, savings and loan associations, small loan companies, and public service companies and insurance companies regulated by the State Corporation Commission or comparable federal agency.
3. Expand the scope of the VCPA's unlawful acts or practices from "fraudulent" acts or practices to "fraudulent or unfair" or "fraudulent or unconscionable" acts or practices.
4. Authorize the Attorney General to issue civil investigative demands.
5. Create, within the Office of the Attorney General, a revolving fund to receive moneys generated by VCPA cases for the purpose of increasing public investigation and enforcement at the state and local levels.
6. Expand the powers of the Commissioner of the Department of Agriculture and Consumer Services by enhancing the commissioner's investigatory authority and by authorizing the commissioner to issue cease and desist orders and to publish warnings to the public in newspapers.
7. Authorize the Board of the Department of Agriculture and Consumer Services to promulgate regulations under the VCPA for industry-wide practices.
8. Continue to fund the Department of Agriculture and Consumer Services' toll-free consumer hotline through annual budget amendments.
9. Increase statutory damages to double or triple damages and increase statutory minimum damages to \$500.
10. Authorize additional civil remedies, including injunctive relief and restitution, in private actions brought under the VCPA.
11. Resolve an arguable conflict between §§ 59.1-204(B) and 59.1-207 with regard to attorney's fees by mandating an award of attorney's fees to: (i) successful private plaintiffs for both intentional and unintentional violations; (ii) successful private plaintiffs for intentional violations and in the discretion of the court for unintentional violations; or (iii) successful private

plaintiffs for both intentional and unintentional violations and defendants in any frivolous action.

12. Establish a clear statute of limitations for filing a private action under the VCPA and adopt the standards found in Title 8.01.
13. Authorize enhanced penalties when "vulnerable" consumers, such as the elderly or disabled, successfully establish a violation of the VCPA.
14. Authorize class action lawsuits against a single supplier who commits repeated or ongoing violations of the VCPA.
15. Criminalize certain violations of the VCPA.

### Next Meeting

The subcommittee will next meet on Thursday, September 1, at 10:00 a.m. in House Room D of the General Assembly Building in Richmond. During the first hour, the subcommittee will take testimony from representatives of the State Corporation Commission, the business and retail community, the private bar, and senior Virginians. The second hour will be a public hearing. In a preliminary work session after the public hearing, the subcommittee expects to begin its discussions of the proposals listed above and any others suggested to the subcommittee.



The Honorable Mitchell Van Yahres, *Chairman*  
Legislative Services contact: Diane E. Horvath

## HJR 75: Joint Subcommittee Studying Educational Museums

*August 9, 1994, Richmond*

The joint subcommittee reviewed and revised draft legislation establishing the Virginia Educational and Cultural Entities Fund, to be administered by the Department of Education. The fund would supply grants for operating costs, special projects, and reserve funds for eligible nonstate educational and cultural entities. The draft defined nonstate educational or cultural entities as those nonstate institutions, museums, foundations, performing arts organizations, or other organizations that are educational or esthetic in purpose, have professional staff, own and exhibit tangible objects (or, in the case of foundations, whose exclusive mission is the funding of non-profit exhibiting museums or cultural organizations) and are not units of state or local government. Excluded from this definition are those entities that receive state funds as a subgrantee of a state agency, such as the Virginia Commission for the Arts.

All grant applicants must certify as to federal tax exempt status, the availability of matching funds equal to the grant amount, and compliance with federal and state laws addressing

civil rights and the rights of the disabled. Eligible nonstate entities must have been accredited by the American Association of Museums or must meet other eligibility criteria established by the department. These alternative criteria address educational mission and economic impact, attendance and size of population served, community support and service, staff qualifications, insurance and security measures, and demonstrated fiscal responsibility. Once deemed eligible for a grant, a nonstate entity remains eligible for an award for six years; the entity must reapply after six years for a subsequent grant. Grants would be awarded on a biennial basis and could not exceed in any one year 40 percent of the institution's operating budget for the previous year. The measure included a second enactment clause that makes those nonstate agencies that received a direct appropriation in the 1994-96 biennial budget automatically eligible for awards until July 1, 2002.

Discussion focused on the definition of "nonstate museums"; staff was directed to modify the definition to replace references to "private" institutions with "nonstate." In addition, the definition is to be modified to clearly encompass zoos and other institutions. Subcommittee members agreed that further consideration was necessary to determine the appropriate administering entity—such as the Department or Secretary of Education. Members also agreed that increased funding was needed for the Virginia Commission for the Arts.

The joint subcommittee directed staff to share a copy of the revised draft with the Secretary of Education, the Superintendent of Public Instruction, and nonstate museums across the Commonwealth, and to summarize and present any comments from the nonstate museums at the next subcommittee meeting, which is scheduled for September.



The Honorable A. Victor Thomas, *Co-Chairman*  
The Honorable Stanley C. Walker, *Co-Chairman*  
Legislative Services contact: Kathleen G. Harris

## **HJR 283: Blue Ridge Economic Development Commission**

*August 11, 1994, Hollins College*

Senator Frank Nolen, vice chairman of the commission, summarized the actions of the 1994 Session of the General Assembly on the commission's legislative recommendations. Of particular interest were budget amendments that provided funding for programs whose activities are important to the Blue Ridge region.

Programs funded for the 1994-96 biennium included the Governor's Economic Development Opportunity Fund (\$8.5 million for the biennium), the Blue Ridge Regional Education

and Training Council (\$75,000 each year), the Division of Tourism's Statewide Regional Matching Grants Program (\$100,000 each year), and the Roanoke Export Development Office (\$75,000 each year).

Several smaller programs of interest to the Blue Ridge region, including two programs of the Blue Ridge Economic Development Advisory Council, were unfunded.

The commission heard presentations from representatives of the Virginia Department of Economic Development (VDED), the Division of Tourism, the Virginia Department of Transportation (VDOT), and the Blue Ridge Safety Network Pilot Project.

### **Economic Development**

The director of VDED reported to the commission that VDED's goal is to increase the flow of business and industry prospects into the Commonwealth by aggressive marketing. An increase in the number of prospects will increase the number of companies that ultimately choose to locate or expand in Virginia, which, in turn, will spur overall economic development.

To date, VDED is working on 73 domestic, 30 international, and 12 retention and expansion project files. In order to increase the prospect flow into the Commonwealth and make Virginia a more competitive force among southeastern states, VDED plans to provide enhanced training for agency personnel, utilize direct-mail marketing, and develop a "red carpet" program for economic development consultants who are researching prospective sites for their clients.

### **Tourism**

VDED expects Disney's America to have a major impact on tourism in Virginia. For example, VDED currently prints 750,000 Virginia travel guides. With matching grant dollars from Disney, VDED will increase publication by an additional one million. Another example of Disney's impact is the unique information center to be constructed at the park. In an attempt to encourage visitors to explore other parts of Virginia and lengthen their stays, the center will feature numerous other events and attractions located throughout the Commonwealth.

Disney's America is also expected to increase economic development generally throughout the Commonwealth. For example, a recent study by VDED showed that as a result of increased "pass-through" activity related to Disney's America, Roanoke would gain 150 new jobs. Also, the number of inquiries from businesses and industries considering a move to Virginia is up since the public announcement of Disney's America.

### **Highways**

As part of the "smart highway" project, a six-mile connector between Blacksburg and I-81, Virginia Tech has applied for a grant from the Federal Highway Administration to build a two-

mile test bed. Within the next two years, the design of the project should be completed and construction underway.

Interstate 73 was identified in 1991's federal ISTEA legislation to connect Detroit, Michigan, and Charleston, South Carolina. In March of this year, Virginia's Commonwealth Transportation Board (CTB) recommended that the Virginia portion of I-73 follow Route 460 from West Virginia through Giles County and Blacksburg to Roanoke, then track U.S. 220 south through Franklin and Henry counties and Martinsville and into North Carolina. The U.S. House of Representatives recently approved a National Highway System bill that includes this route through Virginia, but the Senate has not yet acted on the measure. In related legislative action, CTB was appropriated \$500,000 in federal money to continue to study Virginia's preference for the I-73 route.

### Safety Project

The Safety Network grew out of a need to educate employers—particularly those with fewer than 200 employees—about Occupational, Health, and Safety (OSHA) standards in an effort to reduce work-related injuries and deaths in the Commonwealth. Participation in the project is voluntary, and over 150 companies, one union, and several associations are participating in the project.

In addition to four separate categories of membership participation, the network has divided into agricultural, construction, and manufacturing subcommittees. Through a number of educational seminars and demonstrations, the network has addressed the issue of workplace safety in those respective areas.

The Virginia Department of Labor and Industry originally selected the Blue Ridge region for the pilot project because the relative number of work-related injuries (as measured by worker's compensation claims) is greater in relation to the number of jobs and because the rate of mortality for work-related injuries is much higher than in any other part of the Commonwealth. So far this year, 32 people have died in work-related accidents in Virginia, as compared to a total of 26 in 1993. Nine of the 1994 deaths have occurred in the Blue Ridge region.

### Next Meeting

The commission will next meet on Thursday, October 13, at 10:00 a.m. in the moot courtroom of the law school at Washington and Lee University in Lexington. The anticipated agenda will include presentations from economic development organizations and councils in the Blue Ridge region.



The Honorable R. Creigh Deeds, *Chairman*  
Legislative Services contact: Diane E. Horvath

## HJR 101: Joint Subcommittee Studying the Financial Impact of Third Party Reimbursement on the Commonwealth's Pharmacies

*July 15, 1994, Richmond*

Continuing the pace set during its June meeting, the joint subcommittee's second meeting included substantive presentations and a site visit to observe the operations of a mail-order pharmacy. In his opening remarks, Chairman Melvin noted the joint subcommittee's intent to focus on competitive fairness, including price differentials. HB 842, carried over to the 1995 Session in the House Committee on Health, Welfare and Institutions, embodies many of these issues and will be examined by the joint subcommittee as part of its next two meetings.

### DUR Intervention Program

Dr. Carol B. Pugh, associate professor of pharmacy at MCV, presented findings from the Medicaid Drug Utilization Review (DUR) Annual Report, specifically related to the prospective DUR intervention program. In 1993, the cost-savings portion of the DUR program concentrated on antiulcer medications. Known as H<sub>2</sub>-receptor antagonists, these costly medications are highly effective and have relative few side effects. Frequently, patients in acute episodes are started on full dose therapy and, because of the lack of side effects, continue on high dosages of these drugs for much longer than necessary.

Reasoning that decreases in utilization would result in reduced costs, the Department of Medical Assistance Services (DMAS) initiated the antiulcer drug utilization study at the suggestion of the Virginia Pharmacists' Association (VPhA). Named *Check for Health*, this program required significant VPhA efforts to promote effective cooperation between its members and DMAS. On a strictly voluntary basis, pharmacists were asked to check the prescription records of patients on these antiulcer drugs for duration and intensity of therapy and to call the patients' physicians when the diagnosis and duration or intensity of the therapy appeared incompatible. Pharmacists were also asked to file intervention reports with the Department. As deemed appropriate, the pharmacist then suggested to the physician and the patient that the treatment could either be discontinued or the dosage could be significantly reduced. This effort resulted in approximately \$1.4 million in Medicaid pharmacy budget savings and dramatically demonstrated the cost effectiveness of pharmacy counseling and intervention services. Further, no increase in inpatient or physician services for ulcers and related diagnoses could be detected as a result of decreased antiulcer drug dosages.

During discussions with Dr. Pugh, the subcommittee expressed support for continuing this kind of intervention and the possibility of prospective onsite review of prescriptions being

used to produce savings in other third-party reimbursement programs.

### Site Visit

Caremark, a health services company with both a strong managed care emphasis and a multifaceted patient care focus, is an international organization providing many services, including home care, mail-order pharmacy, and other prescription drug benefit services. Mail-order pharmacy services are delivered from four sites in Illinois, Texas, Florida, and Virginia. The Ashland facility, which operates five days a week for 10 hours a day, processes an average of 6,100 prescriptions per day. Ninety-five percent of the orders received through the mail or over the telephone are completed within 48 hours. Twenty-four hour patient counseling is available every day through a toll-free telephone number.

Each order form requires the patient to note allergies and health conditions, with a new form accompanying the filled order. Upon entry of the order and confirmation of eligibility, drug utilization review (DUR) is conducted by a pharmacist. Therapy duplication and early refills, fraud and abuse, and drug and allergy reactions are reviewed, and identified problems are transmitted to a clinical pharmacy station where a pharmacist evaluates the flagged concerns and either confirms the order as submitted or seeks revision of the prescription from the patient's physician.

Every prescription is sealed in a plastic bag and bar coded to match the proper drug and dosage at the beginning of the dispensing process. As the prescription proceeds through this process, computerized quality control mechanisms as well as a final three-pronged verification by a pharmacist, a technician,

and a packager eliminates errors, such as mismatched prescriptions or bar codes. The mailing label, as required by federal law, does not identify the company or the product. Drugs that must be maintained at cold temperatures or used within short periods are specially packaged and delivered.

A secured area is used for the dispensing of Schedules II, III, IV, and V controlled substances and for a limited amount of compounding. Many prescriptions are prepackaged to match commonly used dosages, and other pills and capsules are counted automatically by machines. Narcotics are counted by hand and machine. Although company executives were unable to cite an error rate, they noted that Caremark has never been disciplined by a state licensure board and has never been the subject of a lawsuit alleging a dispensing error.

### Future Meetings

With the conclusion of the Caremark tour, the joint subcommittee finished its scheduled site visits. The next two meetings, already planned for August 19 and September 1, will be combination work sessions and public hearings, with the August focus on the concerns of community pharmacies and managed care pharmacies and the September focus on manufacturers' pricing methods, insurance concerns, and other issues. However, every related issue will be open for discussion at both meetings. Preliminary recommendations may also be discussed during the September meeting. All interested parties are urged to participate in the hearings.



The Honorable Kenneth R. Melvin, *Chairman*  
Legislative Services contact: Norma E. Szakal

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



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*The Legislative Record* is also published in *The Virginia Register of Regulations*, 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 of Regulations*.

# SCHEDULES FOR COMPREHENSIVE REVIEW OF REGULATIONS

Governor George Allen issued and made effective Executive Order Number Fifteen (94) on June 21, 1994. This Executive Order was published in The Virginia Register of Regulations on July 11, 1994 (10:21 VA.R. 5457-5461 July 11, 1994). The Executive Order directs state agencies to conduct a comprehensive review of all existing regulations to be completed by January 1, 1997, and requires a schedule for the review of regulations to be developed by the agency and published in The Virginia Register of Regulations. This section of The Virginia Register has been reserved for the publication of agencies' review schedules. Agencies will receive public comment on the following regulations listed for review.

## DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (BOARD OF)

**VR 125-01-1. Procedural Rules for the Conduct of Hearings Before the Board and Its Hearing Officers and the Adoption or Amendment of Regulations.**

**VR 125-01-2. Advertising.**

**VR 125-01-3. Tied House.**

**VR 125-01-4. Requirements for Product Approval.**

**VR 125-01-5. Retail Operations.**

**VR 125-01-6. Manufacturers and Wholesalers Operations.**

**VR 125-01-7. Other Provisions.**

Public comments may be submitted through November 18, 1994, to Sara M. Gilliam, Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia 23220. Comments may be faxed to FAX (804) 367-1802 if the original paperwork is also mailed.

**Contact:** Sara M. Gilliam, Assistant Secretary to the Board, Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, VA 23220, telephone (804) 367-0617 or FAX (804) 367-1802.

## DEPARTMENT OF FORESTRY

**VR 312-01-1:1. Public Participation Guidelines.**

Written or oral comments may be submitted until October 28, 1994, to Ronald S. Jenkins, Virginia Department of Forestry, P.O. Box 3758, Charlottesville, Virginia 22903.

**Contact:** Ronald S. Jenkins, Administrative Assistant, Department of Forestry, P.O. Box 3758, Charlottesville, VA 22903, telephone (804) 977-6555.

## VIRGINIA RACING COMMISSION

Review of the following regulations shall be completed by December 1, 1994:

**VR 662-01-02. Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering.**

**Part I. General Provisions.**

**Part II. Licensure.**

**Part III. Pari-Mutuel Wagering.**

**Part IV. Distribution of Purse Money.**

**VR 662-02-04. Limited Licenses.**

**VR 662-02-05. Satellite Facilities.**

Public comments on the above may be submitted through November 1, 1994.

\* \* \*

Review of the following regulations shall be completed by March 1, 1995:

**VR 662-03-01. Racing Officials.**

**VR 662-03-02. Participants.**

**VR 662-03-03. Stewards.**

**VR 662-03-04. Commission Veterinarian.**

**VR 662-03-05. Formal Hearings.**

Public comments on the above may be submitted through February 1, 1995.

\* \* \*

Review of the following regulations shall be completed by May 1, 1995:

**VR 662-04-01. Horses.**

**VR 662-04-02. Entries.**

**VR 662-04-03. Claiming Races.**

**VR 662-04-04. Virginia Breeders Fund.**

Public comments on the above may be submitted through April 3, 1995.

\* \* \*

Review of the following regulations shall be completed by June 1, 1995:

**VR 662-05-01. Conduct of Flat Racing.**

**VR 662-05-02. Conduct of Standardbred Racing.**

# Schedules for Comprehensive Review of Regulations

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**VR 662-05-03. Conduct of Jump Racing.**

**VR 662-05-04. Conduct of Quarter Horse Racing.**

Public comments on the above may be submitted through May 1, 1995.

The comprehensive review of regulations shall be completed by June 1, 1995.

Following the completion of the comprehensive review, the Virginia Racing Commission shall complete an annual review of its regulations by the second Wednesday of November of each year and any proposed changes shall be considered at the Commission's December meeting.

**Contact:** William A. Anderson, Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363.

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# GENERAL NOTICES/ERRATA

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<b>Symbol Key †</b>
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† Indicates entries since last publication of the Virginia Register
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## GENERAL NOTICES

### DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ALCOHOLIC BEVERAGE CONTROL BOARD)

#### † Notice to the Public

Pursuant to the Virginia Department of Alcoholic Beverage Control's "Public Participation Guidelines for Adoption or Amendment of Regulations" (VR 125-01-1, Part V of the Regulations of the Virginia Department of Alcoholic Beverage Control), the board will conduct a public meeting on Thursday, June 1, 1995, at 10 a.m. in its Hearing Room, First Floor, A.B.C. Board, Main Offices, 2901 Hermitage Road, Richmond, Virginia, to receive comments and suggestions concerning the adoption, amendment or repeal of board regulations. Any group or individual may file with the board a written petition for the adoption, amendment or repeal of any regulation. Any such petition shall contain the following information, if available.

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

The board may also consider any other request for regulatory change at its discretion. All petitions or requests for regulatory change should be submitted to the board no later than Friday, November 18, 1994.

The board will also be appointing an ad hoc advisory panel consisting of persons on its general mailing list who will be affected by or interested in the adoption, amendment or repeal of board regulations. This panel will consider regulation proposals, make recommendations, assist in development of draft language and provide such advice as the board may request. Anyone interested in serving on such panel should notify the contact person

identified below by Friday, November 18, 1994, requesting that their name be placed on the general mailing list.

Petitions for regulatory change and requests to be appointed to the ad hoc advisory panel should be sent to Sara M. Gilliam, Assistant Secretary to the Board, 2901 Hermitage Road, Richmond, Virginia 23220, or may be faxed to (804) 367-1802 if the original paperwork is also mailed.

Applicable laws or regulations (authority to adopt regulations): §§ 4.1-103 12, 4.1-111, 4.1-112, 4.1-113 and 9-6.14:1 et seq. of the Code of Virginia; VR 125-01-1 § 5.1, Board Regulations.

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

FOR FURTHER INFORMATION CONTACT: Sara M. Gilliam, Assistant Secretary, Department of Alcoholic Beverage Control, P.O. Box 27491, Richmond, Virginia 23261, telephone (804) 367-0617.

### STATE BOARD OF HEALTH

#### Legal Notice of Opportunity to Comment on Proposed State Plan of Operations and Administration of Special Supplemental Food Program for Women, Infants, and Children (WIC) for Federal Fiscal Year 1995

Pursuant to the authority vested in the State Board of Health by § 32.1-12 of the Code of Virginia and in accordance with the provisions of Title 9, Chapter 1.1:1 of Public Law 95-627, notice is hereby given of a public comment period to enable the general public to participate in the development of the Special Supplemental Food Program for Women, Infants, and Children (WIC) for Federal Fiscal Year 1995.

Written comments on the proposed plan will be accepted in the office of the Director, Division of Public Health Nutrition, Virginia Department of Health, 1500 East Main Street, Room 132, Richmond, Virginia 23219 until 5 p.m. on October 5, 1994.

The proposed State Plan for WIC Program Operations and Administration may be reviewed at the office of your health district headquarters during public business hours beginning September 5, 1994. Please contact your local health department for the location of this office in your area.

# General Notices/Errata

## VIRGINIA CODE COMMISSION

### NOTICE TO STATE AGENCIES

**Mailing Address:** Our 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 371-0169.

### 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

## ERRATA

### CHILD DAY-CARE COUNCIL

Title of Regulation: VR 175-08-01. Minimum Standards for Licensed Child Day Centers Serving Children of Preschool Age or Younger.

Publication: 10:24 V.A.R. 5790-5827 August 22, 1994.

#### Correction to Proposed Regulation:

Page 5793, column 1, Exemption 9 of definition of "Child day center," after "organized" insert "competitive"

Page 5794, column 2, definition of "Aide" under "Staff positions," line 2, change "leader/child" to "leader or child"

Page 5794, column 2, definition of "Program director"

under "Staff positions," line 2, change "director/coordinator" to "director or coordinator"

Page 5795, § 2.3, line 3, after "sponsor" insert ","

Page 5802, § 3.12, subdivision B 4 a, line 1, change "or" to "of"

Page 5809, § 5.6, subdivision 1, line 3, after "supervisor" insert ","

Page 5809, § 5.6, subdivision 2, line 2, after "supervisor" insert ","

Page 5809, § 5.7, line 3, after "supervisor" insert ","

Page 5811, § 6.9, subdivision 4, line 2, after "background" insert ","

Page 5815, § 7.4, line 1, after "7.3" insert "of these regulations"

Page 5815, § 7.7, line 1, change "was" to "wash"

Page 5820, § 8.39, line 1, after "8.39" insert "A."

Page 5820, § 8.39, paragraph 2, at the beginning of line 1, insert "B."

Page 5820, § 8.39, paragraph 3, at the beginning of line 1, insert "C."

Page 5824, § 9.22, under "Preliminary Exercises, line 5, after "...exactness, how to pour." insert "Indirect preparation for writing."

Page 5824, § 9.22, under "Preliminary Exercises, column 2, line 2, change "Pressing" to "Dressing"

Page 5825, § 9.22, column 1, under the heading entitled "Function of Words," after "Article; Adjective" insert ","

Page 5825, § 9.22, column 2, under the heading entitled "HISTORY," after "Artifacts, Pictures" insert ","

\* \* \* \* \*

Title of Regulation: VR 175-09-01. Minimum Standards for Licensed Child Day Centers Serving School Age Children.

Publication: 10:24 V.A.R. 5827-5862 August 22, 1994.

#### Correction to Proposed Regulation:

Page 5841, § 3.21, line 7, change "three year" to "three-year"

Page 5842, § 4.1, subdivision C 2 a, line 2, after "." insert ","

Page 5847, § 5.18, subdivision 6, line 2, after "indicated in" insert "subdivisions 1 through 5 of"

Page 5856, § 8.42, line 2, change "vaccinated if applicable against" to "vaccinated, if applicable, against"

Page 5860, § 9.22, under "Preliminary Exercises, line 4, after "...exactness, how to pour." insert "Indirect preparation for writing."

Page 5860, § 9.22, under the heading entitled "Care of the Person," line 2, change "Pressing" to "Dressing"

Page 5860, § 9.22, top of column 2, insert "SENSORIAL - Aid to child's processes of classification"

Page 5861, § 9.22, column 1, under the heading entitled "Function of Words," after "Article; Adjective" insert ","

Page 5861, § 9.22, column 2, under the heading entitled "HISTORY," after "Artifacts, Pictures" insert ","

Page 4025, first column, 4 should read "...manufacture pure silicon or semiconductor grade silicon or both are not required to monitor for cadmium..."

Page 4030, first column, 2.b. should read "... dates and times or the anticipated time or both when the..."

Page 4033, second column, D.a(1), line 11, should read "... exposed to precipitation: fueling stations, vehicle and equipment maintenance ; ~~vehicle and equipment~~ or cleaning areas or both, loading/unloading areas, locations..."

Page 4035, first column, g(1) should read "... results of any test or evaluation or both for the presence of nonstorm water discharges, the evaluation criteria or testing method used, the date of any testing ; ~~the date~~ of or evaluation or both , and the on-site drainage points..."

Page 4035, first column, h should read "...vegetative, or stabilization measures , or any combination thereof, to be used to..."

Page 4036, second column, 5th line should read "...diversionary structures , or any combination thereof shall be provided. At a..."

Page 4036, second column, b(1)(b) should read "...integrity testing plan, or other equivalent measures or any combination thereof .

Page 4037, first column, 13th line should read "...or other equivalent measures ; or any combination thereof .

Page 4039, first column, B 3 should read "...manner that ~~neither~~ the monitoring ~~nor~~ or limitation requirements or both are not violated.

Page 4039, first column, C should read "...noncompliance with any limitations(s) or conditions or both specified in this permit, ...determine the nature and impact of the noncomplying limitations(s) or conditions or both .

Page 4041, first column, Q 2 should read "...the constituents or characteristics or both of the discharge..."

\* \* \* \* \*

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Title of Regulation: VR 460-02-2.6100:1. Eligibility Conditions and Requirements: Guardianship Fees in Post-Eligibility Treatment of Income.

Publication: 10:16 VA.R. 4338-4339 May 2, 1994.

Correction to Final Regulation:

Page 4339, B 1 a, line 2 should read:

Individuals.....\$ 30 PLUS \*  
Couples.....\$ 60 PLUS \*

Page 4339, B 1 a (1), line 1 should read "\*\*(1) Patients in institutions who participate in work..."

Page 4339, B 1 a (2), line 1 should read "\*\*(2) Patients receiving institutional or home- and..."

STATE WATER CONTROL BOARD

Title of Regulation: VR 680-14-16. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Storm Water Discharges Associated with Industrial Activity from Heavy Manufacturing.

Publication: 10:15 VA.R. 4018-4041 April 18, 1994.

Changes to Final Regulation:

Title of Regulation: VR 680-14-17. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Storm Water Discharges Associated with Industrial Activity from Light Manufacturing Facilities.

Publication: 10:15 VA.R. 4041-4061 April 18, 1994.

Changes to Final Regulation:

# General Notices/Errata

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Page 4050, first column 2.b. should read "...dates and times or the anticipated time *or both* when the..."

Page 4055, first column, g(1) should read "...results or any test or evaluation *or both* for the presence of nonstorm water discharges, the evaluation criteria or testing method use, the date of any testing or evaluation *or both* , and the on-site drainage points..."

Page 4055, first column h should read "...vegetative, or stabilization measures , *or any combination thereof*, to be used to..."

Page 4056, second column, first line should read "...diversionary structures , *or any combination thereof*, shall be provided. At a..."

Page 4056, second column, b(1)(b) should read "...integrity testing plan, or other equivalent measures *or any combination thereof* ."

Page 4057, first column, 10th line should read "...integrity testing plan, or other equivalent measures , *or any combination thereof* ."

Page 4058, second column, B 3 should read "...manner that the monitoring *or* limitation requirements *or both* are not violated."

Page 4059, first column, C should read "...noncompliance with any limitation(s) or conditions *or both* specified in this permit, ...determine the nature and impact of the noncomplying limitations(s) or conditions *or both* ."

Page 4061, first column, 2 should read "...the constituents *or* characteristics *or both* of the discharge..."

\* \* \* \* \*

**Title of Regulation:** VR 680-14-18. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Storm Water Discharges Associated with Industrial Activity from Transportation Facilities, Landfills, Land Application Sites and Open Dumps, Materials Recycling Facilities, and Steam Electric Power Generating Facilities.

**Publication:** 10:15 VA.R. 4061-4084 April 18, 1994.

**Changes to Final Regulation:**

Page 4072, second column, 2.b should read "...dates and times or the anticipated time *or both* when thej..."

Page 4076, second column, first line should read "...and equipment maintenance or cleaning areas *or both* , loading/unloading areas, locations..."

Page 4077, second column, g(1) should read "...results

of any test or evaluation *or both* for the presence of nonstorm water discharges, the evaluation criteria or testing method use, the date of any testing or evaluation *or both* , and the on-site drainage points..."

Page 4078, first column, third line should read "...vegetative, or stabilization measures , *or any combination thereof*, to be used to..."

Page 4079, first column, a should read "...diversionary structures , *or any combination thereof*, shall be provided. At a..."

Page 4079, first column, b(1)(b) should read "...integrity testing plan, or other equivalent measures *or any combination thereof* ."

Page 4079, second column, (3) should read "...spill contingency and integrity testing plan; or other equivalent measures , *or any combination thereof* ."

Page 4081, second column, B 3 should read "...manner that the monitoring or limitation requirements *or both* are not violated."

Page 4081, second column, c should read "...noncompliance with any limitation(s) or conditions *or both* specified in this permit, ...determine the nature and impact of the noncomplying limitation(s) or conditions *or both* ."

Page 4083, second column, Q 2 should read "...the constituents or characteristics *or both* of the discharge..."

\* \* \* \* \*

**Title of Regulation:** VR 680-14-19. Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Storm Water Discharges from Construction Sites.

**Publication:** 10:15 VA.R. 4084-4099 April 18, 1994.

**Changes to Final Regulation:**

Page 4090, second column, 2.b should read "...dates and times or the anticipated time *or both* when the..."

Page 4095, first column, (3) should read "...compliance with applicable state or local waste disposal *or both* , sanitary sewer or septic system..."

Page 4095, second column, E.1 should read "...plan, the contractors(s) or subcontractor(s) *or both* that will..."

Page 4096, first column, A.1.c should read "...manner that the monitoring ~~and~~ or limitation requirements *or both* are not violated."

Page 4096, second column, B should read "...noncompliance with any limitation(s) or conditions *or both* specified in this permit, ...determine the nature and impact of the noncomplying limitation(s) or conditions *or both*."

\* \* \* \* \*

**Title of Regulation: VR 680-14-20. General Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Nonmetallic Mineral Mining.**

**Publication: 10:15 VA.R. 4099-4114 April 18, 1994.**

**Changes to Final Regulation:**

Page 4101, first column, 12 should read "...waste water treatment ~~and/or~~ *or* reuse/recycle system(s) *or both* ;"

Page 4106, first column, a(1) should read "...vehicle and equipment maintenance ; ~~vehicle and equipment~~ *or* cleaning areas *or both* , loading/unloading areas,..."

Page 4107, first column, g should read "...vegetative, or stabilization measures , *or any combination thereof*, to be used to..."

Page 4108, second column, F.2.b should read "...dates and times or the anticipated time *or both* when the..."

Page 4111, first column, B.1 should read "...works *or both* and disposal of all wastes shall be in ...operational *or both* , are identified in the future which could..."

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# CALENDAR OF EVENTS

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## Symbols Key

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

### NOTICE

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

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

### VIRGINIA CODE COMMISSION

### EXECUTIVE

#### BOARD FOR ACCOUNTANCY

**September 22, 1994 - 10 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ♿

An informal fact-finding conference in regard to the Board for Accountancy v. Mary K. Musgrove. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at (804) 367-8500. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request for accommodation at least two weeks in advance for consideration.

**Contact:** Carol A. Mitchell, Assistant Director, Board for Accountancy, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8524.

**October 18, 1994 - 10 a.m.** – Open Meeting  
**October 19, 1994 - 8 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 4th Floor, Richmond, Virginia. ♿

An open meeting to conduct review and disposition of applications, correspondence, enforcement files, regulatory review and any other matters which may require board action. A public comment period will be scheduled during the meeting. No public comment will be accepted after that period. However, the meeting is

open to the public. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made for any appropriate accommodation. The department fully complies with the Americans with Disabilities Act.

**Contact:** Nancy Taylor Feldman, Assistant Director, Board for Accountancy, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590.

#### GOVERNOR'S ADVISORY BOARD ON AGING

† **October 5, 1994 - 4 p.m.** – Open Meeting  
† **October 6, 1994 - 10 a.m.** – Open Meeting  
Holiday Inn - Central, 3207 North Boulevard, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A general meeting of the board.

**Contact:** Bill Peterson, Board Staff, Department for the Aging, 700 E. Franklin St., 10th Floor, Richmond, VA 23219, telephone (804) 225-2803, toll-free 1-800-552-3402 or (804) 225-2271/TDD ☎

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

**September 28, 1994 - 9 a.m.** – Open Meeting  
Washington Building, 1100 Bank Street, Room 204,  
Richmond, Virginia. ♿

At this regular meeting, the board plans to discuss regulations and fiscal matters and will receive reports from the staff of the Department of Agriculture and Consumer Services. The board may consider other matters relating to its responsibilities. At the conclusion of other business, the board will review public comments for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Roy E. Seward at least five days before the meeting so that suitable arrangements can be made.

**Contact:** Roy E. Seward, Secretary to the Board, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 211, Richmond, VA 23219, telephone (804) 786-3535 or (804) 371-6344/TDD ☎

## Pesticide Control Board

**October 13, 1994 - 10 a.m.** – Open Meeting  
**October 14, 1994 - 9 a.m.** – Open Meeting  
**October 15, 1994 - 8 a.m.** – Open Meeting  
Holiday Inn, I-81 and U.S. 50, 1054 Millwood Avenue,  
Winchester, Virginia. ☒

The board will conduct its normal quarterly meeting. During the meeting the board will engage in strategic planning, develop goals and objectives for the board's activities, and tour apple orchards in the Winchester area to observe pesticide management. Portions of the meeting may be held in closed session, pursuant to § 2.1-344 of the Code of Virginia. The public will have an opportunity to comment on any matter not on the board's agenda at 9 a.m., October 14, 1994. Any person who needs any accommodations in order to participate at the meeting should contact Dr. Marvin A. Lawson at least 10 days before the meeting so that suitable arrangements can be made.

**Contact:** Dr. Marvin A. Lawson, Program Manager, Office of Pesticide Management, Department of Agriculture and Consumer Services, P.O. Box 1163, 1100 Bank St., Room 401, Richmond, VA 23209, telephone (804) 371-6558.

## Virginia Winegrower's Advisory Board

† **November 1, 1994 - 10 a.m.** – Open Meeting  
Boar's Head Inn and Sports Club, Route 250 West, Tack Room, Charlottesville, Virginia. ☒ (Interpreter for the deaf provided upon request)

A meeting to hear committee and project monitor reports and review old and new business. Public comment is welcome following the conclusion of board business. Any person who needs any accommodation in order to participate at the meeting should contact Mary Davis-Barton at least 14 days before the meeting date so that suitable arrangements can be made.

**Contact:** Mary Davis-Bacon, Secretary, Virginia Winegrower's Advisory Board, 1100 Bank St., Suite 1009, Richmond, VA 23219, telephone (804) 786-0481.

## ALCOHOLIC BEVERAGE CONTROL BOARD

**September 19, 1994 - 9:30 a.m.** – Open Meeting  
Alcoholic Beverage Control Board, 2901 Hermitage Road,  
Richmond, Virginia. ☒

A meeting to receive and discuss reports and activities from staff members. Other matters not yet determined.

**Contact:** Robert N. Swinson, Secretary to the Board, Alcoholic Beverage Control Board, 2901 Hermitage Road, P. O. Box 27491, Richmond, VA 23261, telephone (804) 367-0616.

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

**September 29, 1994 - 9 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Conference Room 4, Richmond,  
Virginia. ☒

A meeting to (i) approve minutes from the May 12, 1994, meeting; (ii) review correspondence; and (iii) review enforcement files.

**Contact:** Janice S. Beck, Acting Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514 or (804) 367-9753/TDD ☎

## Board for Land Surveyors

**September 28, 1994 - 9 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Conference Room 2, Richmond,  
Virginia. ☒

A meeting to (i) review minutes from the May 11, 1994, meeting; (ii) review correspondence; (iii) review enforcement files; and (iv) review applications.

**Contact:** Janice S. Beck, Acting Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514 or (804) 367-9753/TDD ☎

## VIRGINIA ASBESTOS LICENSING BOARD

**September 21, 1994 - 9 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation,  
3600 W. Broad Street, Conference Room 3, Richmond,  
Virginia. ☒

A general meeting.

**Contact:** David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595 or (804) 367-9753/TDD ☎

## AUCTIONEERS BOARD

**September 20, 1994 - 9 a.m.** – Public Hearing  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Conference Room 2, Richmond,  
Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Auctioneers Board intends to repeal regulations entitled: **VR 150-01-2. Rules and Regulations for the Virginia Board of**

# Calendar of Events

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**Auctioneers and adopt regulations entitled: VR 150-01-2.1. Rules and Regulations for the Virginia Board of Auctioneers.** The proposed regulations establish entry requirements for licensure of auctioneers and auction firms, examination for licensure, licensure by reciprocity, standards of practice regarding advertising, contract, escrow accounts, records and the standards of conduct for auctioneers. The proposed regulations are a result of legislative amendments enacted to § 54.1-603 of the Code of Virginia, which repealed the registration and certification program for auctioneers and established a single licensure program.

Statutory Authority: §§ 54.1-201 and 54.1-602 of the Code of Virginia.

**Contact:** Willie Fobbs, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514.

**September 20, 1994 - 9 a.m. – Open Meeting**  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 2, Richmond, Virginia. ☒

A meeting to (i) approve minutes from the June 7, 1994, meeting; (ii) review correspondence; and (iii) review enforcement files.

**Contact:** Janice S. Beck, Acting Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514 or (804) 367-9753/TDD ☎

## BOARD FOR BARBERS

† **October 3, 1994 - 9 a.m. – Open Meeting**  
† **December 5, 1994 - 9 a.m. – Open Meeting**  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☒

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Karen W. O'Neal. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request for accommodation at least two weeks in advance for consideration of your request.

**Contact:** Karen W. O'Neal, Assistant Director, Board for Barbers, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500.

\* \* \* \* \*

**October 3, 1994 - 9 a.m. – Public Hearing**  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

**November 5, 1994 –** 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 for Barbers intends to amend regulations entitled: **VR 170-01-1.1. Board for Barbers Regulations.** The purpose of the proposed amendments is to establish the requirements for licensure of barbers, barber instructors, barber shops and barber schools, including a fee adjustment.

Statutory Authority: § 54.1-201 of the Code of Virginia.

**Contact:** Karen W. O'Neal, Assistant Director, Board for Barbers, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-0500.

## CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

### Southern Area Review Committee

**September 28, 1994 - 10 a.m. – Open Meeting**  
Chesapeake Bay Local Assistance Department, 8th Street Office Building, 8th and Broad Streets, 7th Floor, Conference Room, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

The committee will review local Chesapeake Bay Preservation Area programs for the Southern Area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. Public comment will not be received at the committee meeting. Written comments, however, are welcome.

**Contact:** Receptionist, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Richmond, VA 23219, telephone (804) 225-3440 or toll free 1-800-243-7229/TDD ☎

## CHILD DAY-CARE COUNCIL

**October 11, 1994 - 4 p.m. – Public Hearing**  
Wytheville Community College, 1000 East Main Street, Grayson Hall Commons, Wytheville, Virginia.

**October 13, 1994 - 3 p.m. – Public Hearing**  
Verona Government Office, 4801 Lee Highway, Verona, Virginia.

**October 17, 1994 - 4 p.m. – Public Hearing**  
Norfolk City Council Chambers, 810 Union Street, Hall Building, 11th Floor, Norfolk, Virginia.

**October 19, 1994 - 4 p.m. – Public Hearing**  
Fairfax Government Center, 12011 Government Center Parkway, Human Services Building, 2nd Floor, Room 230, Fairfax, Virginia.

**October 22, 1994 –** 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 Child Day-Care Council intends to amend regulations entitled: **VR 175-08-01. Minimum Standards for Licensed Child Day Centers Serving Children of Preschool Age or Younger.** The purpose of the proposed amendments is to incorporate therapeutic child development and special needs child day standards into the child day center regulations, as well as review the existing standards for clarity and appropriateness.

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

Written comments may be submitted until October 22, 1994, to Peg Spangenthal, Chair, Child Day-Care Council, 730 East Broad Street, Richmond, Virginia 23219.

**Contact:** Peggy Friedenber, Policy Analyst, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1820.

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**October 11, 1994 - 4 p.m. – Public Hearing**  
Wytheville Community College, 1000 East Main Street, Grayson Hall Commons, Wytheville, Virginia.

**October 13, 1994 - 3 p.m. – Public Hearing**  
Verona Government Office, 4801 Lee Highway, Verona, Virginia.

**October 17, 1994 - 4 p.m. – Public Hearing**  
Norfolk City Council Chambers, 810 Union Street, Hall Building, 11th Floor, Norfolk, Virginia.

**October 19, 1994 - 4 p.m. – Public Hearing**  
Fairfax Government Center, 12011 Government Center Parkway, Human Services Building, 2nd Floor, Room 230, Fairfax, Virginia.

**October 22, 1994 –** 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 Child Day-Care Council intends to amend regulations entitled: **VR 175-09-01. Minimum Standards for Child Day Centers Serving School Age Children.** The purpose of the proposed amendments is to incorporate therapeutic child development and special needs child day standards into the child day center regulations, as well as review the existing standards for clarity and appropriateness.

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

Written comments may be submitted until October 22, 1994, to Peg Spangenthal, Chair, Child Day-Care Council, 730 East Broad Street, Richmond, Virginia 23219.

**Contact:** Peggy Friedenber, Policy Analyst, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1820.

## STATE BOARD FOR COMMUNITY COLLEGES

**September 22, 1994 - 9 a.m. – Open Meeting**  
James Monroe Building, 101 North 14th Street, 15th Floor, Richmond, Virginia.

A regularly scheduled meeting.

**Contact:** Joy S. Graham, Assistant Chancellor, Public Affairs, Virginia Community College System, 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126 or (804) 371-8504/TDD ☎

## COMPENSATION BOARD

**September 28, 1994 - 1 p.m. – Open Meeting**  
Ninth Street Office Building, 202 North Ninth Street, 9th Floor, Room 913/913A, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A routine business meeting.

**Contact:** Bruce W. Haynes, Executive Secretary, Compensation Board, P. O. Box 710, Richmond, VA 23206-0686, telephone (804) 786-3886/TDD ☎

## DEPARTMENT OF CONSERVATION AND RECREATION

### Catoctin Creek Scenic River Advisory Board

† **October 28, 1994 - 2 p.m. – Open Meeting**  
The Frame Shop (next door to Taylorstown store), Taylorstown, Virginia.

A meeting to review river issues and programs.

**Contact:** Richard G. Gibbons, Environmental Program 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 (804) 786-2121/TDD ☎

### Board on Conservation and Development of Public Beaches

† **October 3, 1994 - 10:30 a.m. – Open Meeting**  
† Holiday Inn, 1010 West Ocean View Avenue, Norfolk, Virginia. ☒

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

**Contact:** Susan M. Townsend, Program Support Technician, Department of Conservation and Recreation, P.O. Box

# Calendar of Events

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1024, Gloucester, VA 23062, telephone (804) 642-7121.

## BOARD FOR CONTRACTORS

**September 22, 1994 - 10 a.m.** – Public Hearing  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Conference Rooms 4A and 4B,  
Richmond, Virginia.

**November 4, 1994** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Contractors intends to **repeal** regulations entitled: **VR 220-01-2, Board for Contractors Regulations**, and **adopt** regulations entitled: **VR 220-01-2:1, Board for Contractors Regulations**. The purpose of the proposed regulation is to adjust application and renewal fees, to add and clarify definitions, to promulgate requirements for Class C contractors in accordance with new statutory requirements, and to amend its standards of practice and conduct.

Statutory Authority: §§ 54.1-113, 54.1-201 and 54.1-1102 of the Code of Virginia.

**Contact:** Geralde W. Morgan, Assistant Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-2785.

**September 28, 1994 - 9 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 4th Floor Conference Room,  
Richmond, Virginia. ☐

A regular quarterly meeting of the board will address policy and procedure issues, and review and render decisions on matured complaints against licensees. The meeting is open to the public; however, a portion of the board's business may be discussed in executive session. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact A.R. Wade. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request for accommodation at least two weeks in advance for consideration.

**Contact:** A.R. Wade, Assistant Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8582 or (804) 367-9753.

† **October 13, 1994 - 9 a.m.** – Open Meeting  
† **October 14, 1994 - 9 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ☐

A formal hearing in regard to the Board for Contractors v. Tomac Corporation. File Number

93-01269.

**Contact:** A.R. Wade, Assistant Director, Board for Contractors, 3600 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 367-0946.

## Applications Review Committee

**September 27, 1994 - 10 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ☐

A regular meeting. The committee will review applications with convictions and complaints for Class A, B and C contractor's licenses.

**Contact:** Elizabeth Y. Kirksey, Assistant Administrator, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785.

## Recovery Fund Committee

**September 21, 1994 - 9 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ☐

A meeting to consider claims filed against the Virginia Contractor Transaction Recovery Fund. This meeting will be open to the public; however, a portion of the discussion may be conducted in executive session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact Christine Martine at (804) 367-8561. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request for accommodation at least two weeks in advance for consideration of your request.

**Contact:** Holly Erickson, Assistant Administrator, Board for Contractors, 3600 W. Broad St., Richmond, VA 23219, telephone (804) 367-8561.

## BOARD FOR COSMETOLOGY

**September 19, 1994 - 10 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ☐

A meeting to conduct an informal fact-finding conference in regard to: Board for Cosmetology v. Babette A. Cross (Grady), 10 a.m.; Board for Cosmetology v. Nekicia M. Copling, 11 a.m.; Board for Cosmetology v. Debbie Cargill Terry, noon. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request for accommodation at least two weeks in advance for consideration.

**Contact:** Carol A. Mitchell, Assistant Director, Board for Cosmetology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8524.

**September 19, 1994 - 10:30 a.m. – Open Meeting**  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ☐

A meeting to conduct informal fact-finding conferences in regard to the Board for Cosmetology v. Personality Beauty School. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request for accommodation at least two weeks in advance for consideration.

**Contact:** Carol A. Mitchell, Assistant Director, Board for Cosmetology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8524.

**September 26, 1994 - 10 a.m. – Open Meeting**  
† **November 7, 1994 - 10 a.m. – Open Meeting**  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ☐

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Karen O'Neal. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request for accommodations at least two weeks in advance for consideration of your request.

**Contact:** Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230 telephone (804) 367-0500 or (804) 367-9753/TDD ☐

## DEPARTMENT OF CRIMINAL JUSTICE SERVICES (CRIMINAL JUSTICE SERVICES BOARD)

**October 5, 1994 - 9 a.m. – Public Hearing**  
General Assembly Building, 910 Capitol Street, House Room D, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Criminal Justice Services Board intends to adopt regulations entitled: **VR 240-01-15. Rules Relating to Compulsory Minimum Training Standards For Radar Operators.** The proposed regulations include specific training requirements for public law-enforcement officers employed by state and local law-enforcement agencies who operate radar as part of their assigned duties. These training standards include 18 performance based training objectives which each officer required to operate radar must meet prior to being able to

operate the unit. Training for radar operators under the proposed regulations may be done at the employing agency by a certified radar operator instructor and records of the training provided are to be maintained by the employing agency. Retraining is required by December 31 of every third calendar year to ensure that the operating officer has retained proficiency in the operation of the speed measurement device. Provisions are available for the exemption or partial exemption of the training requirement based upon previous training and experience.

Statutory Authority: § 9-170(3a) of the Code of Virginia.

Written comments may be submitted through August 26, 1994, to L.T. Eckenrode, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219.

**Contact:** Paula Scott-Dehetre, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-4000.

## BOARD OF DENTISTRY

**September 22, 1994 - 8:30 a.m. – Open Meeting**  
Williamsburg Lodge, 310 South England Street,  
Williamsburg, Virginia. ☐

The board will review public comments on the licensure by endorsement provision of VR 255-01-1 as required by the Administrative Process Act as a result of gubernatorial objection to proposed regulation. This is a public meeting. A 20-minute public comment period will be held at 8:40 a.m.; however, no other public comment will be taken. If the board completes its review of the regulations prior to 6 p.m. on September 22, then regular board business will be conducted at that time.

**Contact:** Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906.

**September 23, 1994 - 8:30 a.m. – Open Meeting**  
Williamsburg Lodge, 310 South England Street,  
Williamsburg, Virginia. ☐

The board will conduct board business and receive committee reports.

**Contact:** Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906.

## DEPARTMENT OF EDUCATION (STATE BOARD OF)

**September 29, 1994 - 8:30 a.m. – Public Hearing**  
General Assembly Building, 910 Capitol Street, Senate Room B, Richmond, Virginia.

# Calendar of Events

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**October 7, 1994** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Education intends to amend regulations entitled: **VR 270-01-0009. Regulations Governing Literary Loan Applications in Virginia.** These regulations are being amended to include language required by the 1989 and 1990 sessions of the General Assembly relating to the ceiling on indebtedness to the fund and consolidation incentives; to include changes by the 1991 session to § 22.1-140 of the Code of Virginia; to include changes by the 1994 session to § 22.1-146 of the Code of Virginia; and to increase the maximum loan amount from \$2.5 million to \$5 million per project.

Statutory Authority: §§ 22.1-140 and 22.1-142 et seq. of the Code of Virginia.

**Contact:** Kathryn S. Kitchen, Division Chief, Department of Education, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2025 or toll-free 1-800-292-3820.

**September 29, 1994 - 8:30 a.m.** – Open Meeting

**October 27, 1994 - 8:30 a.m.** – Open Meeting

**November 17, 1994 - 8:30 a.m.** – Open Meeting

General Assembly Building, 910 Capitol Square, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The Board of Education and the Board of Vocational Education will hold a regularly scheduled meeting. Business will be conducted according to items listed on the agenda. The agenda is available upon request.

**Contact:** James E. Laws, Jr., Administrative Assistant for Board Relations, Department of Education, P.O. Box 2120, Richmond, VA 23216-2120, telephone (804) 225-2924 or toll-free 1-800-292-3820.

## LOCAL EMERGENCY PLANNING COMMITTEE - GLOUCESTER COUNTY

† **October 26, 1994 - 6:30 p.m.** – Open Meeting

Gloucester County Administration Building, 6582 Main Street, Conference Room, Gloucester, Virginia. ♿

The fall quarterly meeting. Matters to come before the committee include an annual update of the plan, appointment of a nominating committee and discussion of an annual exercise.

**Contact:** Georgette N. Hurley, Assistant County Administrator, P.O. Box 329, Gloucester, VA 23061, telephone (804) 693-4042 or (804) 693-1478/TDD ☎

## LOCAL EMERGENCY PLANNING COMMITTEE - WINCHESTER

† **October 5, 1994 - 3 p.m.** – Open Meeting

Shawnee Fire Company, 2333 Roosevelt Boulevard, Winchester, Virginia.

A meeting to review and distribute the contingency plan if received from the publisher.

**Contact:** L.A. Miller, Fire Chief, Winchester Fire and Rescue Department, 126 N. Cameron St., Winchester, VA 22601, telephone (703) 662-2298.

## DEPARTMENT OF ENVIRONMENTAL QUALITY

† **October 13, 1994 - 7:30 p.m.** – Open Meeting

Department of Environmental Quality, Innsbrook Corporate Center, 4900 Cox Road, Board Room, Glen Allen, Virginia.

† **October 27, 1994 - 7:30 p.m.** – Open Meeting

Roanoke County Administration Center, 5294 Bernard Drive, Board of Supervisor's Meeting Room, Roanoke, Virginia.

Pursuant to § 10.1-1184 of the Code of Virginia, representatives of the State Air Pollution Control Board, State Water Control Board, Virginia Waste Management Board and the Department of Environmental Quality will hold a joint public forum to receive public comments about environmental issues of concern to the Commonwealth. Additionally, a brief overview of the Department of Environmental Quality's reorganization and the department's regulatory review program will be presented.

**Contact:** Cindy M. Berndt, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 762-4378.

## Technical Advisory Committee on Financial Assurance Regulations for Solid Waste Management Facilities

**September 22, 1994 - 10 a.m.** – Open Meeting

Department of Environmental Quality, 629 East Main Street, 4th Floor Conference Room, Richmond, Virginia. ♿

A meeting to assist the department in formulation of the draft of the Financial Assurance Regulations.

**Contact:** Wladimir Gulevich, Ph.D., P.E., Director, Office of Regional Planning and Development, Department of Environmental Quality, P. O. Box 10009, Richmond, VA 23240-0009, telephone (804) 762-4218 or (804) 762-4021/TDD ☎

## VIRGINIA MUSEUM OF FINE ARTS

### Collections Committee

† **September 19, 1994 - 2 p.m.** – Open Meeting  
Virginia Museum of Fine Arts, 2800 Grove Avenue, in the  
Galleries, Richmond, Virginia. ☒

A meeting to consider art objects for acquisition.

**Contact:** Emily C. Robertson, Secretary of the Museum,  
Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond,  
VA 23221-2466, telephone (804) 367-0553.

### Finance Committee

† **September 22, 1994 - 11 a.m.** – Open Meeting  
Virginia Museum of Fine Arts, 2800 Grove Avenue,  
Conference Room, Richmond, Virginia. ☒

A meeting to review the annual budget and the  
1993-94 year-end budget.

**Contact:** Emily C. Robertson, Secretary of the Museum,  
Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond,  
VA 23221-2466, telephone (804) 367-0553.

### Board of Trustees

† **September 22, 1994 - Noon** – Open Meeting  
Virginia Museum of Fine Arts, 2800 Grove Avenue,  
Auditorium, Richmond, Virginia. ☒

The first meeting of the season, including reports from  
the president, director and committees, and a budget  
review and consideration of art acquisitions.

**Contact:** Emily C. Robertson, Secretary of the Museum,  
Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond,  
VA 23221-2466, telephone (804) 367-0553.

## DEPARTMENT OF GAME AND INLAND FISHERIES (BOARD OF)

† **October 13, 1994 - 10 a.m.** – Open Meeting  
† **October 14, 1994 - 10 a.m.** – Open Meeting  
Department of Game and Inland Fisheries, 4010 West  
Broad Street, Richmond, Virginia. ☒ (Interpreter for the  
deaf provided upon request)

The board intends, based upon public input received  
at a series of statewide meetings, to adopt changes  
governing seasons, bag limits, methods of take and  
possession of fish and nongame wildlife. It may also  
take final action on a regulation that will provide for  
the use of nontoxic shot other than steel shot for the  
taking of waterfowl and coots. It reserves the right to  
expand or restrict the regulations proposed at its  
August 25 and 26, 1994 meeting, as necessary for the  
proper management of fish and wildlife resources.

Also, regulation changes may be proposed relating to  
the sale of unclaimed taxidermy mounts; the  
possession, transportation and release of wildlife by  
animal control officers; and commercial nuisance  
wildlife handlers. In addition, the topics of shooting  
preserves and fox pens may be discussed.

Administrative and procedural issues may also be  
discussed by the board. The board will also hold an  
executive session during this meeting, and committee  
chairmen of board committees may request committee  
meetings in conjunction with this meeting or  
thereafter.

Please note: The Board of Game and Inland Fisheries  
has changed its meeting procedure. Public comment is  
now accepted on the first meeting day, and if the  
board completes its agenda, they will not convene a  
meeting on October 14.

**Contact:** Belle Harding, Secretary to the Director,  
Department of Game and Inland Fisheries, 4010 W. Broad  
St., P.O. Box 11104, Richmond, VA 23230, telephone (804)  
367-1000.

## GEORGE MASON UNIVERSITY

### Board of Visitors

† **September 21, 1994 - 4 p.m.** – Open Meeting  
George Mason University, Mason Hall, Board Room D23,  
Fairfax, Virginia. ☒

The annual meeting of the Board of Visitors, whereby  
the board will elect officers, hear reports of the  
standing committees of the board, and act on those  
recommendations presented by the standing  
committees. The Student Affairs Committee will meet  
at 6:30 p.m. on September 20, 1994. Standing  
committees will meet during the day on September 21,  
1994, beginning at 9 a.m.

**Contact:** Ann Wingblade, Administrative Assistant, Office of  
the President, George Mason University, Mason Hall,  
Fairfax, VA 22030-4444, telephone (703) 993-8704.

## HAZARDOUS MATERIALS TRAINING COMMITTEE

† **September 28, 1994 - 1 p.m.** – Open Meeting  
Radisson Hotel, 1900 Pavilion Drive, Virginia Beach,  
Virginia.

A meeting to discuss curriculum course development  
and review existing hazardous materials courses.  
Individuals with a disability, as defined in the  
Americans with Disabilities Act of 1990 desiring to  
attend this meeting should contact the agency 10 days  
prior to the event so as to ensure appropriate  
accommodations are provided.

# Calendar of Events

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**Contact:** George B. Gotschalk, Jr., Department of Criminal Justice Services, 803 E. Broad St., Richmond, VA 23219, telephone (804) 786-8001.

## VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

**October 25, 1994 - 9:30 a.m. – Open Meeting**  
Blue Cross/Blue Shield, 2015 Staples Mill Road, Richmond, Virginia. ☎

A monthly meeting.

**Contact:** Kim Bolden Walker, Public Relations Coordinator, Virginia Health Services Cost Review Council, 805 E. Broad St., 6th Floor, Richmond, VA 23219, telephone (804) 786-6371.

## BOARD FOR HEARING AID SPECIALISTS

**October 8, 1994 – 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 for Hearing Aid Specialists intends to amend regulations entitled: **VR 375-01-02. Board of Hearing Aid Specialists Regulations.** The proposed regulations define additional terminology, clarify entry criteria for licensure, establish examination provisions incorporating board policy, clarify renewal and reinstatement procedures and the provisions regarding standards of practice and conduct, and adjust licensing fees as needed in accordance with § 54.1-113 of the Code of Virginia. All other amendments are for clarity, simplicity and readability.

Statutory Authority §§ 54.1-113 and 54.1-201 of the Code of Virginia.

**Contact:** Karen O'Neal, Assistant Director, Board for Hearing Aid Specialists, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500.

## COMMISSION ON THE FUTURE OF HIGHER EDUCATION IN VIRGINIA

**October 20, 1994 - 10 a.m. – Open Meeting**  
General Assembly Building, 910 Capitol Square, Senate Room A, Richmond, Virginia. ☎

The commission was created by SJR 139 and is charged with considering a variety of topics that are of interest to higher education in Virginia.

**Contact:** Anne M. Pratt or Pam Landrum, 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2629 or (804) 225-2632.

## STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

**September 25, 1994 – Written comments may be submitted until this date.**

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Council of Higher Education for Virginia intends to adopt regulations entitled: **VR 380-04-01. Virginia Postsecondary Review Entity Regulations.** The proposed regulations establish the procedures and standards by which the SPRE may review institutions participating in the Title IV, HEA programs.

Statutory Authority: §§ 23-9.6:1 and 23-261 of the Code of Virginia.

**Contact:** Richard Myers, State Council of Higher Education for Virginia, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-3189.

† **September 27, 1994 - Time to be announced – Open Meeting**  
Virginia Beach, Virginia.

A general business meeting. For additional information and exact meeting time and location call the council.

**Contact:** Anne Pratt, Associate Director, State Council of Higher Education for Virginia, 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2629.

## BOARD OF HISTORIC RESOURCES AND THE STATE REVIEW BOARD

† **September 21, 1994 - 10 a.m. – Open Meeting**  
Virginia Historical Society, 428 North Boulevard, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A joint meeting of the boards to discuss the 1994-95 work program for the Department of Historic Resources.

**Contact:** Margaret Peters, Information Director, Department of Historic Resources, 221 Governor St., Richmond, VA 23219, telephone (804) 786-3143 or (804) 786-1934/TDD ☎

## VIRGINIA HISTORIC PRESERVATION FOUNDATION

† **September 19, 1994 - 10:30 a.m. – Open Meeting**  
Audio-teleconference meeting; public can attend at 221 Governor Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A general business meeting.

**Contact:** Margaret Peters, Information Director, Department of Historic Resources, 221 Governor St., Richmond, VA 23219, telephone (804) 786-3143 or (804) 786-1934/TDD ☎

## HOPEWELL INDUSTRIAL SAFETY COUNCIL

October 4, 1994 - 9 a.m. - Open Meeting  
November 1, 1994 - 9 a.m. - Open Meeting  
Hopewell Community Center, Second and City Point Road, Hopewell, Virginia. ☎ (Interpreter for the 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 North Main Street, Hopewell, VA 23860, telephone (804) 541-2298.

## HJR NO. 76 INTERNET STAFF STUDY TEAM

September 22, 1994 - 10 a.m. - Open Meeting  
Department of Information Technology, Richmond Plaza Building, 3rd Floor, Richmond, Virginia. ☎

A meeting to study whether the Commonwealth needs to establish protocols and guidelines regarding in-state access to the myriad files and components available through the Internet.

**Contact:** Marty Gillespie, Department of Information Technology, Director of Security, 110 S. 7th St., 3rd Floor, Richmond, VA 23219, telephone (804) 344-5705.

## DEPARTMENT OF LABOR AND INDUSTRY

### Migrant and Seasonal Farmworkers Board

† October 5, 1994 - 10 a.m. - Open Meeting  
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular meeting of the board.

**Contact:** John Crisanti, Director, Enforcement Policy, Department of Labor and Industry, 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2384 or (804) 786-2376/TDD ☎

## STATE LAND EVALUATION ADVISORY COUNCIL

September 20, 1994 - 1 p.m. - Open Meeting  
Department of Taxation, 2220 West Broad Street, Richmond, Virginia. ☎

A meeting to adopt suggested ranges of values for agricultural, horticultural, forest and open-space land use and the use-value assessment program

**Contact:** Ronald W. Wheeler, Executive Assistant, Department of Taxation, 3600 W. Broad St., Richmond, VA 23219, telephone (804) 367-6920.

## STATE COUNCIL ON LOCAL DEBT

September 21, 1994 - 11 a.m. - Open Meeting  
James Monroe Building, 101 N. 14th Street, 3rd Floor, Treasury Board Conference Room, Richmond, Virginia. ☎

A regular meeting subject to cancellation unless there are action items requiring the council's consideration. Persons interested in attending should call one week prior to the meeting date to ascertain whether or not the meeting is to be held as scheduled.

**Contact:** Gary Ometer, Debt Manager, Department of the Treasury, P. O. Box 1879, Richmond, VA 23215, telephone (804) 225-4928.

## LONG-TERM CARE COUNCIL

### Advisory Committee on Consolidation of Long-Term Care and Agency Services

September 23, 1994 - 10 a.m. - Open Meeting  
Monroe Towers, 101 North 14th Street, Room B, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to discuss state-level consolidation of long-term care and aging services and provide guidance to the Secretary of Health and Human Resources in developing a plan to ensure the coordination and enhancement of service delivery.

**Contact:** Cathy Saunders, Director, Long-Term Care Council, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-2912.

## STATE LOTTERY BOARD

September 26, 1994 - 10 a.m. - Open Meeting  
State Lottery Department, 2201 West Broad Street, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

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

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23220, telephone (804) 367-3106 or (804) 367-3000/TDD ☎

## MARINE RESOURCES COMMISSION

**September 27, 1994 - 9:30 a.m. – Open Meeting**  
Marine Resources Commission, 2600 Washington Avenue,  
4th Floor, Room 403, Newport News, Virginia. ☎  
(Interpreter for the deaf provided upon request)

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; and policy and regulatory issues.

The commission will hear and decide fishery management items at approximately noon. Items to be heard are as follows: regulatory proposals, fishery management plans, fishery conservation issues, licensing, and shellfish leasing.

Meetings are open to the public. Testimony is taken under oath from parties addressing agenda items on permits and 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:** Sandra S. Schmidt, Secretary to the Commission, Marine Resources Commission, P. O. Box 756, Newport News, VA 23607-0756, telephone (804) 247-8088, toll free 1-800-541-4646 or (804) 247-2292/TDD ☎

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

**September 20, 1994 - 10 a.m. – Open Meeting**  
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia. ☎

An open meeting to discuss medical assistance services and take action on issues pertinent to the board.

**Contact:** Patricia Sykes, Board Liaison, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7958.

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**October 21, 1994 –** Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **VR 460-03-3.1100. Amount,**

**Duration, and Scope of Services: (Reimbursement for Organ Transplant Services).** The purpose of this proposal is to amend the state plan to clarify the requirements and process for determining the level of reimbursement available for covered transplant services.

As a result of court action in which the Department of Medical Assistance Services (DMAS) was required to reimburse providers for covered transplantation services, DMAS developed the current state plan amendment. At that time, emergency (and subsequently final) regulations were promulgated which stated that reimbursement for covered transplant services and any other medically necessary transplantation procedures that are determined to not be experienced or investigational would be based upon a rate negotiated with providers on an individual basis, or a flat rate by procedure, or by procedure and facility.

This proposed regulation is intended to describe more specifically the reimbursement process that has been in effect since the promulgation of the current regulation. In summary, reimbursement for covered liver, heart, and bone marrow transplant services and any other medically necessary transplantation procedures shall be a fee based upon the greater of a prospectively determined, procedure-specific, flat fee determined by the agency, or a prospectively determined, procedure-specific percentage of usual and customary charges. The flat fee reimbursement will cover all procurement costs, hospital costs, and physician costs, including such physicians as radiologists, pathologists, oncologists, surgeons, etc., but will not include pre- and post-hospitalization for the transplant procedure or pre-transplant evaluation. In addition, reimbursement for approved transplant procedures that are performed out of state will be made in the same manner as reimbursement for procedures performed in state.

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

Written comments may be submitted through October 21, 1994, to Betty Cochran, Director, Division of Quality Care Assurance, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8850.

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**September 23, 1994 –** Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of

Medical Assistance Services intends to adopt regulations entitled: **VR 460-01-53, 460-01-53.1, 460-01-53.2, and 460-02-4.1730. Liens and Recoveries: OBRA 93 Estate Recoveries.** The purpose of this action is to amend the Plan for Medical Assistance concerning estate recoveries consistent with the requirements of OBRA 93 § 13612 and of §§ 32.1-326.1 and 32.1-327 of the Code of Virginia. The process of recovering funds when they have been expended for persons who had their own resources, but did not use them for their own medical care, returns general fund dollars to the Commonwealth.

Sections 32.1-326.1 and 32.1-327 of the Code of Virginia provide for the recovery, by the Title XIX agency, of expenditures for certain services from the estates of recipients. The Omnibus Budget Reconciliation Act of 1993 § 13612 (OBRA 93) permitted the recovery of Title XIX expended funds from the estates of individuals for all Medicaid covered services. The inclusion of states' estate recovery policies in their state plans for medical assistance was required by the cited OBRA section. Since 1984, DMAS has exercised its authority under state law and recovered expenditures for all Medicaid covered services. The fact that the new federal law makes recovery of institutional payments mandatory, but this degree of recovery an option for states lacking similar state authority, is what causes this regulatory action to be subject to the Article 2 requirements of the Administrative Process Act.

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

Written comments may be submitted through September 23, 1994, to Jesse R. Garland, Director, Fiscal Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8850.

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**September 23, 1994** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14.7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **VR 460-02-4.1920, Methods and Standards for Establishing Payment Rates—Other Types of Care; VR 460-03-4.1921, Fees for Pediatric and Obstetric CPT Procedures; VR 460-03-4.1924, State Agency Fee Schedule: Resource Based Relative Value Scale.** The purpose of this proposal is to implement a new medical and surgical fee schedule for the agency which is based on the federal RBRVS. The program reimburses fee-for-service providers the

lower of the state agency fee schedule or their actual charge to the general public. The 1994 Appropriations Act § 1-88(313)(W) directs the Board of Medical Assistance Services (BMAS) to develop a RBRVS-based physician fee schedule for approval by the HCFA. RBRVS-based reimbursement links the fee for a service to research-based estimates of the resources necessary to provide that service.

Prior to January 1, 1992, HCFA also used a fee schedule based on provider charges to reimburse physicians for their services rendered to Medicare beneficiaries. However, HCFA concluded that the fees it paid for services did not have a consistent, rational relationship to the actual resources utilized to provide those services. Therefore, HCFA developed a RBRVS-based fee schedule. HCFA assigned a "relative value" to each service expressed in relative value units (RVUs). HCFA computes the fee for a service by multiplying its RVUs times one of three conversion factors (CFs) which it developed for different types of services. The Department of Medical Assistance Services (DMAS) is amending HCFA's RVUs for its RBRVS-based fee schedule. DMAS will use HCFA's CFs after they have been adjusted by an additional factor to maintain budget neutrality. DMAS may revise the additional factor whenever HCFA updates its RVUs or CFs so that no change in expenditure will result solely from such update. DMAS will estimate RBRVS-type fees for services that have no HCFA RVUs and use existing fees for services for which it is unable to estimate an RBRVS-type fee. The RBRVS-based fees will be effective July 1, 1995, and will be phased in over a three-year period. There will be one fee schedule for the entire state with no geographic adjusters.

Implementation of the RBRVS-based fee schedule will affect each provider differently depending on the types of services provided since the allowable fee will increase for some services and decrease for others. The agency projects no significant negative issues involved in implementing this proposed change. The primary advantage of this regulation is that reimbursement for primary care services will be enhanced.

This change to the fee schedule is undertaken only after obtaining input from the physician community. During 1993, DMAS convened an advisory committee composed of physicians selected by professional societies throughout the state. After several months of deliberation, a majority of this group voted to recommend to the department that it proceed to seek authorization to implement a RBRVS-based fee schedule. The details of the present proposal are consistent with the recommendations of the committee. All physician providers and some nonphysician providers (such as nurse practitioners) throughout the state will be affected. Provided there are no changes in the types of services provided as a result of the

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new fee schedule, there should be no impact on Medicaid recipients and the implementation of the new fee schedule should be budget neutral. Medicaid spent approximately \$205 million (total funds) for these services in SFY 94, and expects to spend \$244.8 million (total funds) in SFY 95. There are no localities which are uniquely affected by these regulations as they apply statewide.

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

Written comments may be submitted through September 23, 1994, to Scott Crawford, Manager, Division of Cost Settlement and Audit, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8850.

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**October 7, 1994** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **VR 460-03-4.1940:1. Nursing Home Payment System (Balloon Loan Financing)**. The purpose of this action is to amend the State Plan for Medical Assistance to specifically address existing reimbursement policies relating to balloon loan financing, in light of regulations addressing refinancing for nursing facilities. This amendment is the result of policies adopted by the Board of Medical Assistance Services on December 14, 1992, regarding refinancing of balloon loans in response to requests by providers that DMAS establish a policy for balloon loan financing based on current State Plan language. This action incorporates the specific language of the balloon loan financing policy into the State Plan.

The Nursing Home Payment System (NHPS) provides that costs incurred due to a refinancing cannot exceed the total costs that would have been allowable had the refinancing not occurred. This could be interpreted to prohibit reimbursement for the refinancing of a balloon loan at the expiration of the term of the original note since payment of the balloon principal would eliminate the debt on the nursing facility and the associated interest cost to the Medicaid program. Providers were asking for a specific policy to address balloon loan financing due to the reluctance of financial institutions to make long-term loans to the health care industry.

The department developed this policy in 1992 to accommodate the needs of the provider community at

a minimum cost to the Medicaid program. Under this policy as promulgated, § 2.4 of the NHPS would permit the refinancing of a balloon loan as limited by the procedures.

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

Written comments may be submitted until October 7, 1994, to Richard Weinstein, Manager, Division of Cost Settlement, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-8850.

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**November 4, 1994** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medical Assistance Services intends to amend regulations entitled: **VR 460-02-2.2100:1, Coverage and Conditions of Eligibility (Attachment 2.2-A); VR 460-02-2.6100:1, Eligibility Conditions and Requirements (Attachment 2.6-A); VR 460-03-2.6101:1, Income Eligibility Levels (Supplement 1 to Attachment 2.6-A); More Liberal Income Disregards (Supplement 8a to Attachment 2.6-A); and VR 460-03-2.6108.2, More Liberal Methods of Treating Resources under § 1902(r)(2) of the Act (Supplement 8b to Attachment 2.6-A); Expanded Coverage for Children Ages 6 to 19**. The purpose of these amendments is to conform existing policy with federal requirements regarding the placement of eligibility policy within the state plan.

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

Written comments may be submitted through November 4, 1994, to Ann Cook, Department of Medical Assistance Services, Division of Policy and Research, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8850.

## Drug Utilization Review Board

**September 22, 1994 - 3 p.m.** – Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia.

A regular meeting of the board to conduct routine business. A brief organizational meeting of the Medicaid Prior Authorization Advisory Committee will also be held.

**Contact:** Carol B. Pugh, Pharm.D., DUR Program Consultant, Client Services Division, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-3820.

## BOARD OF MEDICINE

**October 13, 1994 - 8 a.m.** – Open Meeting  
**October 14, 1994 - 8 a.m.** – Open Meeting  
**October 15, 1994 - 8 a.m.** – Open Meeting  
**October 16, 1994 - 8 a.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Rooms 1, 2, 3 and 4, Richmond, Virginia. ☒

The board will meet on Thursday, October 13, 1994, in open session, to conduct general board business, receive committee reports, and discuss any other items which may come before the board. The board will also meet on October 13, 14, 15 and 16 to review reports, interview licensees, and make decisions on disciplinary matters. The board will also review any regulations that may come before it. The board will entertain public comments during the first 15 minutes on agenda items

**Contact:** Eugenia K. Dorson, Deputy Executive Director, Discipline, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9923 or (804) 662-7197/TDD ☎

## Credentials Committee

**October 14, 1994 - 8:15 a.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Rooms 3 and 4, Richmond, Virginia. ☒

The committee will meet in open and closed session to conduct general business, interview and review medical credentials of applicants applying for licensure in Virginia, and to discuss any other items which may come before the committee. The committee will receive public comments of those persons appearing on behalf of candidates.

**Contact:** Eugenia K. Dorson, Deputy Executive Director, Discipline, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9923 or (804) 662-7197/TDD ☎

## Advisory Board on Physical Therapy

† **November 4, 1994 - 9 a.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 1, Richmond, Virginia. ☒  
(Interpreter for the deaf provided upon request)

The board will meet to (i) elect officers; (ii) receive reports; (iii) review and discuss NAFTA and licensure report; and (iv) discuss such other business that may

become before the Advisory Board.

Special note: The proposed amendment to the regulations will not be discussed at this meeting. A special meeting will be scheduled to respond to written comments. The chairman will entertain public comments following the adoption of the agenda for 10 minutes on agenda items.

**Contact:** Eugenia K. Dorson, Deputy Executive Director, Discipline, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9923 or (804) 662-7197/TDD ☎

## DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES (STATE BOARD OF)

† **September 28, 1994 - 10 a.m.** – Open Meeting  
Eastern State Hospital, Williamsburg, Virginia. ☒

A regular monthly meeting. Agenda to be published on September 21, 1994. Agenda can be obtained by calling Jane Helfrich.

Sunday Informal session 8 p.m.

Monday Committee meetings 9 a.m.  
Regular session 10 a.m.

**Contact:** Jane V. Helfrich, Board Administrator, State Mental Health, Mental Retardation and Substance Abuse Services Board, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3921.

## State Human Rights Committee

**September 23, 1994 - 9 a.m.** – Open Meeting  
Western State Hospital, 1301 Richmond Avenue, Staunton, Virginia. ☒

A meeting to discuss any and all Department of Mental Health, Mental Retardation and Substance Abuse Services Office of Human Rights statewide issues, and facility (15) human rights issues.

**Contact:** Elsie D. Little, Director, Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Human Rights, 109 Governor St., Richmond, VA 23225, telephone (804) 786-3988 or (804) 371-8977/TDD ☎

## VIRGINIA MILITARY INSTITUTE

### Board of Visitors

† **October 29, 1994 - 8:30 a.m.** – Open Meeting  
Virginia Military Institute, Smith Hall Board Room, Lexington, Virginia. ☒

# Calendar of Events

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A regular meeting of the Board of Visitors. Committee reports will be received.

**Contact:** Colonel Edwin L. Dooley, Jr., Secretary to the Board, Virginia Military Institute, Superintendent's Office, Lexington, VA 24450, telephone (703) 464-7206 or FAX (703) 464-7660.

## BOARD OF NURSING

**September 19, 1994 - 9 a.m. - Open Meeting**

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Rooms 2 and 3, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

Two special conference committees will conduct informal conferences in the morning. A panel of the Board of Nursing will conduct formal hearings in the afternoon. Public comment will not be received.

**Contact:** Corinne F. Dorsey, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909 or (804) 662-7197/TDD ☎

**September 20, 1994 - 9 a.m. - Open Meeting**

**September 21, 1994 - 9 a.m. - Open Meeting**

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A regular meeting to consider matters relating to nursing education programs, discipline of licensees, licensure by examination and other matters under the jurisdiction of the board. Public comment will be received during an open forum beginning at 11 a.m. on Tuesday, September 20, 1994.

**Contact:** Corinne F. Dorsey, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909 or (804) 662-7197/TDD ☎

**September 22, 1994 - 8:30 a.m. - Open Meeting**

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A panel of the board will conduct formal hearings. If the agenda for the panel is not filled with formal hearings, two special conference committees will conduct informal conferences as time permits. Public comment will not be received.

**Contact:** Corinne F. Dorsey, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909 or (804) 662-7197/TDD ☎

## BOARD FOR OPTICIANS

**October 14, 1994 - 10 a.m. - Open Meeting**  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. ☒

An open meeting to (i) conduct review and disposition of applications, (ii) review correspondence; (iii) review enforcement files; (iv) conduct regulatory review; and (v) review any other matters requiring board action. A public hearing on proposed regulations will follow at 7:30 p.m. A public comment period will be scheduled during the meeting. No public comment will be accepted after that period; however, the meeting is open to the public. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made for appropriate accommodations. The department fully complies with the Americans with Disabilities Act.

**Contact:** Nancy Taylor Feldman, Assistant Director, Board for Opticians, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590.

## VIRGINIA OUTDOORS FOUNDATION

**† October 3, 1994 - 10 a.m. - Open Meeting**  
Monroe Building, 101 North 14th Street, 3rd Floor, Treasury Board Conference Room, Richmond, Virginia. ☒

A general business meeting. Agenda available on request.

**Contact:** Leslie H. Grayson, Acting Executive Director, Virginia Outdoors Foundation, P.O. Box 322, Aldie, VA 22001, telephone (703) 327-6118.

## VIRGINIA POLYGRAPH EXAMINERS ADVISORY BOARD

**September 20, 1994 - 10 a.m. - Open Meeting**  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. ☒

A meeting to administer the Polygraph Examiners Licensing examination to eligible examiner interns and to consider other matters which may require board action. A public comment period will be scheduled during the meeting. No public comment will be accepted after that period; however, the meeting is open to the public. Any person who needs any accommodation in order to participate in the meeting should contact Nancy T. Feldman at least 10 days before the meeting date so that suitable arrangements can be made.

**Contact:** Nancy T. Feldman, Assistant Director, Department

of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590.

## PRIVATE SECURITY SERVICES ADVISORY BOARD

**October 26, 1994 - 9 a.m. – Open Meeting**  
Sheraton Oceanfront, 36th and Atlantic Avenues, Virginia Beach, Virginia. ☒

A meeting to discuss private security industry issues.

**Contact:** Roy Huhta, Assistant, Department of Criminal Justice Services, Private Security Section, P.O. Box 10110, Richmond, VA 23240-9998, telephone (804) 786-4700.

## BOARD OF PROFESSIONAL COUNSELORS

† **September 23, 1994 - 9 a.m. – Open Meeting**  
Department of Health Professions, 6606 West Broad Street, Richmond, Virginia. ☒

Informal conferences will be held at 9 a.m., 11 a.m., and 1 p.m. Public comment will not be heard.

**Contact:** Evelyn B. Brown, Executive Director, or Bernice Parker, Administrative Assistant, Board of Professional Counselors, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-7328.

## BOARD OF PROFESSIONAL AND OCCUPATIONAL REGULATION

**September 27, 1994 - 10 a.m. – Open Meeting**  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☒

A regular quarterly meeting of the board. Agenda items include discussion of survey results from survey on locksmiths, final recommendation on property manager study of 1993, and election of chairperson and vice-chairperson.

**Contact:** Joyce K. Brown, Secretary to the Board, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8564 or (804) 367-9753/TDD ☎

**September 27, 1994 - 7 p.m. – Public Hearing**  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☒

**October 6, 1994 - 7 p.m. – Public Hearing**  
Holiday Inn Tanglewood, 4468 Starkey Road, S.W., Roanoke, Virginia. ☒

**October 11, 1994 - 7 p.m. – Public Hearing**  
Holiday Inn Tysons Corner, 1960 Chain Bridge Road,

McLean, Virginia. ☒

**October 13, 1994 - 7 p.m. – Public Hearing**  
Norfolk City Council Chamber, 810 Union Street, City Hall Building, 11th Floor, Norfolk, Virginia. ☒

The board will conduct a public hearing in connection with its study of the feasibility of establishing a licensing program for locksmiths. The study is a result of House Joint Resolution 181 and Senate Joint Resolution 134, both of which passed in the 1994 session of the Virginia General Assembly.

**Contact:** Joyce K. Brown, Secretary to the Board, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8564 or (804) 367-9753/TDD ☎

## PROTECTION AND ADVOCACY FOR INDIVIDUALS WITH MENTAL ILLNESS ADVISORY COUNCIL

† **October 20, 1994 - 9 a.m. – Open Meeting**  
Shoney's Inn, 7007 West Broad Street, Conference Room 110, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A regular bimonthly council meeting. Time is provided for public comment at the start of the meeting.

**Contact:** Kenneth Shores, PAIMI Coordinator, Department for Rights of Virginians with Disabilities, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 225-2042 or toll-free 1-800-552-3962 VOICE/TDD ☎

## BOARD OF PSYCHOLOGY

**September 20, 1994 - 10 a.m. – Open Meeting**  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A meeting to conduct general board business. Public comment will be received.

**Contact:** Evelyn Brown, Executive Director, Board of Psychology, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9913.

## Credentials Committee

**September 20, 1994 - 8:30 a.m. – Open Meeting**  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☒

The committee will conduct an informal credentials conference in accordance with §§ 9-6.14:11 and 54.1-2400(7) of the Code of Virginia to determine the eligibility of an applicant for program of study acceptance. No public comment will be received.

# Calendar of Events

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**Contact:** Evelyn Brown, Executive Director, Board of Psychology, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9913.

## RAPPAHANNOCK-RAPIDAN DIVISION OF COURT SERVICES EXECUTIVE BOARD

**September 19, 1994 - 5:30 p.m. – Open Meeting**  
1300 Sunset Lane, Suite 3110, Culpeper, Virginia. ☒  
(Interpreter for the deaf provided upon request)

A quarterly business meeting of the District Nine Virginia Alcohol Safety Action Program. Items for review include (i) program deficit; (ii) program activities; (iii) personnel; and (iv) and new legislation

**Contact:** R. Dean Irvine, Director, 1300 Sunset Lane, Suite 3110, Culpeper, VA 22701, telephone (703) 829-7379.

## REAL ESTATE APPRAISER BOARD

† **September 23, 1994 - 10 a.m. – Open Meeting**  
Department of Professional and Occupational Regulation,  
3600 West Broad Street Richmond, Virginia. ☒

A meeting to conduct informal fact-finding conferences in regard to the Real Estate Appraiser Board v. William H. Thompson, Jr., at 10 a.m.; and the Real Estate Appraiser Board v. George H. Barnett, Jr., at 11 a.m. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request for accommodation at least two weeks in advance for consideration of your request.

**Contact:** Carol A. Mitchell, Assistant Director, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8524.

**September 20, 1994 - 10 a.m. – Open Meeting**  
† **November 1, 1994 - 10 a.m. – Open Meeting**  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ☒

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Karen W. O'Neal. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request for accommodations at least two weeks in advance for consideration of your request.

**Contact:** Karen W. O'Neal, Assistant Director, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500 or (804) 367-9753/TDD ☒

## Complaints Committee

† **October 11, 1994 - 10 a.m. – Open Meeting**  
† **November 16, 1994 - 10 a.m. – Open Meeting**  
† **December 6, 1994 - 10 a.m. – Open Meeting**  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ☒

A meeting to review complaints prior to the board meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Karen W. O'Neal. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request for accommodation at least two weeks in advance for consideration of your request.

**Contact:** Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500 or (804) 367-9753/TDD ☒

## REFORESTATION OF TIMBERLANDS BOARD

**September 21, 1994 - 10 a.m. – Open Meeting**  
Department of Forestry Headquarters Building, 900 Natural Resources Drive, Charlottesville, Virginia.

A meeting to conduct general business and to review accomplishments.

**Contact:** Phil T. Grimm, Assistant Chief, Forest Management, P.O. Box 3758, Charlottesville, VA 22903, telephone (804) 977-6555.

## STATE REHABILITATION ADVISORY COUNCIL

**September 23, 1994 - 10 a.m. – Open Meeting**  
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia.

A regular quarterly meeting.

**Contact:** Dr. Ronald C. Gordon, Commissioner, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23230, telephone (804) 662-7010, toll-free 1-800-552-5019 or (804) 662-9040/TDD ☒

## VIRGINIA RESOURCES AUTHORITY

**October 11, 1994 - 9:30 a.m. – Open Meeting**  
Virginia Resources Authority The Mutual Building, 909 East Main Street, Board Room, Suite 607, Richmond, Virginia.

The board will meet to approve minutes of the meeting of September 13, 1994; to review the authority's operations for the prior months; and to

consider other matters and take other actions as it 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., Virginia Resources Authority, 909 E. Main St., Suite 607, Richmond, VA 23219, telephone (804) 644-3100 or FAX (804) 644-3109.

**SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD**

September 21, 1994 - 10 a.m. - Open Meeting

County of Henrico, Administrative Building, 4301 East Parham Road, Board of Supervisors Board Room, Richmond, Virginia. ☒

A meeting to hear all administrative appeals of denials of onsite sewage disposal systems permits pursuant to §§ 32.1-166.1 et seq. and 9-6.14:12 of the Code of Virginia and VR 355-34-02.

Contact: Constance G. Talbert, Secretary to the Board, 1500 E. Main St., P.O. Box 2448, Suite 117, Richmond, VA 23218, telephone (804) 786-1750.

**DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)**

October 7, 1994 - Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to amend regulations entitled: **VR 615-01-29. Aid to Families with Dependent Children (AFDC) Program - Disregarded Income and Resources.** The proposed regulation modifies AFDC regulations to require that all bona fide loans be disregarded in the evaluation of financial eligibility for benefits. The regulation defines what is required for a loan to be considered bona fide.

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

Written comments may be submitted through October 7, 1994, to Constance O. Hall, AFDC Program Manager, Division of Benefit Programs, Department of Social Services, 730 East Broad Street, Richmond, Virginia 23219-1849.

Contact: Peggy Friedenberg, Policy Analyst, Department of Social Services, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1820.

**BOARD OF SOCIAL WORK**

† September 29, 1994 - 3 p.m. - Open Meeting

† September 30, 1994 - 8:30 a.m. - Open Meeting

Department of Health Professions, 6606 West Broad Street, Conference Room 4, Richmond, Virginia.

A regular meeting to consider committee reports, act on correspondence and discuss any other matters under the jurisdiction of the board.

Contact: Evelyn B. Brown, Executive Director, or Arnice N. Covington, Administrative Assistant, Board of Social Work, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9914.

**VIRGINIA SOIL AND WATER CONSERVATION BOARD**

September 26, 1994 - 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 Soil and Water Conservation Board intends to amend regulations entitled: **VR 625-02-00. Erosion and Sediment Control Regulations.** Sections 10.1-502 and 10.1-561 of the Code of Virginia authorize the Virginia Soil and Water Conservation Board to promulgate regulations to implement the Erosion and Sediment Control Law. This action is necessary to amend the existing regulations which became effective September 13, 1990, due to the passage of Chapter 925 of the 1993 Virginia Acts of Assembly and other legislative changes since last amendment. The regulations establish minimum statewide standards for the control of soil erosion, sediment deposition and nonagricultural runoff from land-disturbing activities that must be met in local erosion and sediment control programs, and also by state agencies that conduct land-disturbing activities. Land-disturbing activities include, but are not limited to, clearing, grading, excavating, transporting and filling of land.

Statutory Authority: §§ 10.1-502 and 10.1-561 of the Code of Virginia.

Contact: James P. Edmonds, Urban Conservation Engineer, Department of Conservation and Recreation, 203 Governor St., Suite 206, Richmond, VA 23219, telephone (804) 786-3997 or FAX (804) 786-1798.

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September 26, 1994 - 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 Soil and Water Conservation Board intends to adopt regulations entitled: **VR 625-02-01. Erosion and Sediment Control**

# Calendar of Events

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**Certification Regulations.** The proposed regulations establish minimum statewide standards for the certification of erosion and sediment control plan reviewers, inspectors, and program administrators. The regulations provide four classifications of certification: Program Administrator, Plan Reviewer, Inspector, and Combined Administrator. In addition, the regulations provide for eligibility requirements, fees, examinations, applications, and discipline of certified personnel. Training will be based upon the Erosion and Sediment Control Law and attendant regulations which establish minimum statewide standards for the control of soil erosion, sediment deposition and nonagricultural runoff from land-disturbing activities. Land-disturbing activities include, but are not limited to, clearing, grading, excavating, transporting and filling of land. Certification will be based upon completion of the training programs, work experience or combination thereof, plus obtaining a passing grade on the certification test. Recertification and decertification are also covered by the regulations.

Statutory Authority: §§ 10.1-502 and 10.1-561 of the Code of Virginia.

**Contact:** James P. Edmonds, Urban Conservation Engineer, Department of Conservation and Recreation, 203 Governor St., Suite 206, Richmond, VA 23219, telephone (804) 786-3997 or FAX (804) 786-1798.

## TRANSPORTATION SAFETY BOARD

**September 20, 1994 - 8:30 a.m. – Open Meeting**  
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. ☒

A quarterly meeting to review and recommend federal grants.

**Contact:** Bill Dennis, Executive Assistant, Transportation Safety Board, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23220, telephone (804) 367-2593 or (804) 367-1773/TDD ☎

## TREASURY BOARD

**September 21, 1994 - 9 a.m. – Open Meeting**  
James Monroe Building, 101 North 14th Street, Treasury Board Room, 3rd Floor, Richmond, Virginia. ☒

A regular meeting of the board.

**Contact:** Gloria J. Hatchel, Administrative Assistant to the Treasurer, Department of the Treasury, 101 N. 14th St., 3rd Floor, Richmond, VA 23219, telephone (804) 371-6011.

## VIRGINIA VETERANS CARE CENTER

### Board of Trustees

**September 30, 1994 - 1 p.m. – Open Meeting**  
**NOTE: CHANGE IN LOCATION**  
Virginia Veterans Care Center, 4550 Shenandoah Avenue, Roanoke, Virginia. ☒

A meeting of the Board of Trustees to review the operations of the Virginia Veterans Care Center.

**Contact:** John T. Plichta, Executive Director, Virginia Veterans Care Center, P.O. Box 6334, Roanoke, VA 24017-6334, telephone (804) 857-6074, toll-free 1-800-220-8387 or (804) 342-8810/TDD ☎

## VIRGINIA VOLUNTARY FORMULARY BOARD

**October 27, 1994 - 10:30 a.m. – Open Meeting**  
Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia.

A meeting to consider public hearing comments and review new product data for products pertaining to the Virginia Voluntary Formulary.

**Contact:** James K. Thomson, Bureau of Pharmacy Services, Virginia Voluntary Formulary Board, 109 Governor St., Room B1-9, Richmond, VA 23219, telephone (804) 786-4326.

## VIRGINIA WASTE MANAGEMENT BOARD

**October 7, 1994 – Written comments may be submitted through this date.**

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Waste Management Board intends to adopt regulations entitled **VR 672-20-20. Regulation Governing Management of Coal Combustion By-Products.** The purpose of the proposed regulation is to provide for the use of coal combustion by-products and to establish appropriate standards for siting, design, construction, operation and administrative procedures pertaining to their use, reuse, or reclamation. The board seeks specific comments regarding clarification or the need for testing schedules (frequency/volumes) for TCLP tests for coal combustion by-products as presented in § 4.1 C 4.

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

Written comments may be submitted through October 7, 1994, to Deborah G. Pegram, Hearing Reporter, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240-0009.

**Contact:** Walt Gulevich, Office Director, Department of

Environmental Quality, P. O. Box 10009, Richmond, Virginia, 23240-0009, telephone (804) 762-4218.

## STATE WATER CONTROL BOARD

† **September 29, 1994 - 10:30 a.m.** – Open Meeting  
Municipal Building, 112 North Main Street, Board of Supervisor's Room, Bridgewater, Virginia.

The Department of Environmental Quality's staff is scheduling a series of meetings of the North River Surface Water Management Area Advisory Group. The duties of this advisory group is to assist in determining the appropriateness of a designation, the boundaries of the proposed area, and the adequacy of data. The group must also evaluate the data to determine the minimum instream flow level that will activate the surface water withdrawal permits and sets the various stages of conservation plans. Other tentative scheduled meetings are Thursday, November 17, 1994, and December 15, 1994. Contact should be made prior to the meeting date so as to be informed of any changes in the time of the meeting, location or meeting cancellation.

**Contact:** Thomas Felvey, Program Manager, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 527-5092.

## BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

### NOTE: CHANGE IN MEETING TIME

**October 6, 1994 - 10 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. ☒

An open meeting to conduct regulatory review and other matters which may require board action. Also, a public hearing on proposed regulatory changes will be held at 7:30 p.m. A public comment period will be scheduled during the meeting. No public comment will be accepted after that period; however, the meeting is open to the public. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Nancy Taylor Feldman, Assistant Director, Board for Waterworks and Wastewater Works Operators, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590.

## VIRGINIA WORKER'S COMPENSATION COMMISSION

† **October 7, 1994 - 2 p.m.** – Public Hearing

General Assembly Building, 910 Capitol Square, House Room C, Richmond, Virginia. ☒

A public hearing regarding managed care, care utilization review and other methods of medical cost containment in workers' compensation cases. Speakers will be limited to 10 minutes each and should preregister. Copies of proposals under consideration may be obtained from the Commission's Comptroller's office after September 20, 1994.

**Contact:** Lois E. Tunstall, Administrative Staff Assistant, Virginia Worker's Compensation Commission, 1000 DMV Dr., Richmond, VA 23220, telephone (804) 367-0580.

## LEGISLATIVE

### JOINT COMMISSION STUDYING THE MANAGEMENT OF THE COMMONWEALTH'S WORKFORCE

† **October 13, 1994 - 2 p.m.** – Public Hearing  
George Mason University, Mason Hall, Board Room, Fairfax, Virginia.

The Joint Commission will receive public comments on its proposed recommendations regarding the management of the Commonwealth's workforce. The commission will receive comment on (i) compensation and employee benefits; (ii) career development and training; (iii) work and family policies; (iv) human resources planning and organization; and (v) quality improvement. Individuals who wish to receive a copy of the Workforce Commission's recommendations may contact John McE. Garrett at the number listed below.

Serving with Senator Holland on the Joint Commission are: Delegate Robert B. Ball, Sr. of Henrico County, Vice-Chairman; Senator Hunter B. Andrews of Hampton; Senator Stanley C. Walker of Norfolk; Senator Joseph B. Benedetti of Richmond City; Delegate George H. Heilig, Jr. of Norfolk; Delegate Robert D. Hull of Fairfax County; Delegate John S. Reid of Henrico; Delegate Lacey E. Putney of Bedford County; and Delegate Watkins M. Abbitt, Jr. of Appomattox.

**Contact:** John McE. Garrett, P.O. Box 396, Richmond, VA 23203, telephone (804) 786-5742.

### COMMISSION ON POPULATION GROWTH AND DEVELOPMENT

**October 12, 1994 - 10 a.m.** – Open Meeting  
**October 13, 1994 - 10 a.m.** – Open Meeting  
The Williamsburg Lodge, Williamsburg, Virginia.

A meeting of the commission to review the proposed

# Calendar of Events

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Virginia Growth Strategies Act, implementation to date of the Virginia Geographic Information Network, and a draft Regionalism: Shared Decision Making paper.

**Contact:** Katherine L. Imhoff, Executive Director, Commission on Population Growth and Development, General Assembly Building, 910 Capitol St., Room 519B, Richmond, VA 23219, telephone (804) 371-4949.

## Executive Committee

**November 7, 1994 - 10 a.m. – Open Meeting**

General Assembly Building, 910 Capitol Square, 6th Floor Conference Room, Richmond, Virginia. ☒

A meeting of the committee to review the Virginia Growth Strategies Act and to discuss recommendations from the October commission meeting.

**Contact:** Katherine L. Imhoff, Executive Director, Commission on Population Growth and Development, General Assembly Building, 910 Capitol St., Room 519B, Richmond, VA 23219, telephone (804) 371-4949.

## VIRGINIA CODE COMMISSION

† **September 26, 1994 - 10 a.m. – Open Meeting**

General Assembly Building, 910 Capitol Square, Senate Room A, Richmond, Virginia.

A regular monthly business meeting. Lawyers Cooperative Publishing will present mock-up of the Virginia Administrative Code.

**Contact:** Joan W. Smith, Registrar of Regulations, General Assembly Building, 910 Capitol Street, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

## Title 15.1 Recodification Task Force

**September 28, 1994 - 10 a.m. – Open Meeting**

**October 20, 1994 - 10 a.m. – Open Meeting**

General Assembly Building, 910 Capitol Street, 6th Floor Conference Room, Richmond, Virginia. ☒

A meeting to review working documents for Title 15.1 recodification.

**Contact:** Michelle L. Browning, Operations Staff Assistant, Division of Legislative Services, General Assembly Building, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

## CHRONOLOGICAL LIST

### OPEN MEETINGS

#### September 19

Alcoholic Beverage Control Board  
Cosmetology, Board for  
† Historic Preservation Foundation, Virginia  
† Museum of Fine Arts, Virginia  
- Collections Committee  
Nursing, Board of  
Rappahannock-Rapidan Division of Court Services  
Executive Board

#### September 20

Auctioneers Board  
Land Use Advisory Council, State  
Medical Assistance Services, Board of  
Nursing, Board of  
Polygraph Examiners Advisory Board, Virginia  
Psychology, Board of  
- Credentials Committee  
Real Estate Appraiser Board  
Transportation Safety Board, Virginia

#### September 21

Asbestos Licensing Board, Virginia  
Contractors, Board for  
† George Mason University  
- Board of Visitors  
† Historic Resources and the State Review Board,  
Board of  
Local Debt, State Council on  
Nursing, Board of  
Reforestation of Timberlands Board  
Sewage Handling and Disposal Appeals Review Board  
Treasury Board

#### September 22

Accountancy, Board for  
Community Colleges, State Board for  
Dentistry, Board of  
Environmental Quality, Department of  
- Technical Advisory Committee on Financial  
Assurance Regulations for Solid Waste Management  
Facilities  
HJR No. 76 Internet Staff Study Team  
Medical Assistance Services, Department of  
- Drug Utilization Review Board  
Mental Health, Mental Retardation and Substance  
Abuse Services, Department of  
- State Human Rights Committee  
† Museum of Fine Arts, Virginia  
- Finance Committee  
- Board of Trustees  
Nursing, Board of

#### September 23

Aging, Department of  
- Advisory Committee on Consolidation of Long-Term

# Calendar of Events

Care and Aging Services  
Dentistry, Board of  
† Professional Counselors, Board of  
† Real Estate Appraiser Board  
Rehabilitation Advisory Council, State

## September 26

Cosmetology, Board for  
Lottery Board, State  
† Virginia Code Commission

## September 27

Contractors, Board for  
- Applications Review Committee  
† Higher Education for Virginia, State Council of  
Marine Resources Commission  
Professional and Occupational Regulation, Board of

## September 28

Agriculture and Consumer Services, Board of  
Chesapeake Bay Local Assistance Board  
- Southern Area Review Committee  
Compensation Board  
Contractors, Board for  
† Hazardous Materials Training Committee  
Land Surveyors, Virginia Board for  
† Mental Health, Mental Retardation and Substance  
Abuse Services, State Board of  
Virginia Code Commission  
- Title 15.1 Recodification Task Force

## September 29

Architects, Professional Engineers, Land Surveyors and  
Landscape Architects, Board for  
Education, Board of  
† Social Work, Board of  
† Water Control Board, State

## September 30

† Social Work, Board of  
Virginia Veterans Care Center  
- Board of Trustees

## October 3

† Barbers, Board for  
† Conservation and Recreation, Department of  
- Board on Conservation and Development of Public  
Beaches  
† Outdoors Foundation, Virginia

## October 4

Hopewell Industrial Safety Council

## October 5

† Aging, Governor's Advisory Board on  
† Emergency Planning Committee, Local - Winchester  
† Labor and Industry, Department of  
- Migrant and Seasonal Farmworker's Board

## October 6

† Aging, Governor's Advisory Board on

Waterworks and Wastewater Works Operators, Board  
for

## October 11

† Real Estate Appraiser Board  
- Complaints Committee  
Resources Authority, Virginia

## October 12

Population Growth and Development, Commission on

## October 13

Agriculture and Consumer Services, Department of  
- Pesticide Control Board  
† Contractors, Board for  
† Environmental Quality, Department of  
† Game and Inland Fisheries, Board of  
Medicine, Board of  
Population Growth and Development, Commission on

## October 14

Agriculture and Consumer Services, Department of  
- Pesticide Control Board  
† Contractors, Board for  
† Game and Inland Fisheries, Board of  
Medicine, Board of  
- Credentials Committee  
Opticians, Board for

## October 15

Agriculture and Consumer Services, Department of  
- Pesticide Control Board  
Medicine, Board of

## October 16

Medicine, Board of

## October 18

Accountancy, Board for

## October 19

Accountancy, Board for

## October 20

Higher Education, Commission on the Future of  
† Protection and Advocacy for Individuals with Mental  
Illness Advisory Council  
Virginia Code Commission  
- Title 15.1 Recodification Task Force

## October 26

† Emergency Planning Committee, Local - Gloucester  
County  
Private Security Services Advisory Board  
Health Services Cost Review Council, Virginia

## October 27

Education, Board of  
† Environmental Quality, Department of  
Voluntary Formulary Board, Virginia

# Calendar of Events

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## October 28

- † Conservation and Recreation, Department of
- Catoctin Creek Scenic River Advisory Board

## October 29

- † Virginia Military Institute
- Board of Visitors

## November 1

- † Agriculture and Consumer Services, Department of
- Virginia Winegrower's Advisory Board
- Hopewell Industrial Safety Council
- † Real Estate Appraiser Board

## November 4

- † Medicine, Board of
- Advisory Board on Physical Therapy

## November 7

- † Cosmetology, Board for
- Population Growth and Development, Commission on
- Executive Committee

## November 16

- † Real Estate Appraiser Board
- Complaints Committee

## November 17

- Education, Board of

## December 5

- † Barbers, Board for

## December 6

- † Real Estate Appraiser Board
- Complaints Committee

Professional and Occupational Regulation, Board of

## October 7

- † Worker's Compensation Commission, Virginia

## October 11

- Child Day Care Council
- Professional and Occupational Regulation, Board of

## October 13

- Child Day-Care Council
- † Management of the Commonwealth's Workforce, Joint Commission Studying the
- Professional and Occupational Regulation, Board of

## October 17

- Child Day-Care Council

## October 19

- Child Day-Care Council

## PUBLIC HEARINGS

## September 20

- Auctioneers Board

## September 22

- Contractors, Board for

## September 27

- Professional and Occupational Regulation, Board of

## September 29

- Education, Department of

## October 3

- Barbers, Board for

## October 5

- Criminal Justice Services, Department of

## October 6