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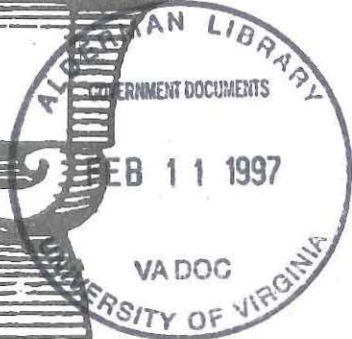
THE VIRGINIA REGISTER

OF REGULATIONS

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JANUARY 20, 1997

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Pages 985 Through 1052

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 new and amended sections of regulations, both as proposed and as finally adopted, 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 and executive orders issued by the Governor, the Virginia Tax Bulletin issued periodically by the Department of Taxation, and notices of 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 intended regulatory action; a basis, purpose, substance and issues statement; an economic impact analysis prepared by the Department of Planning and Budget; the agency's response to the economic impact analysis; a summary; a notice giving the public an opportunity to comment on the proposal; and the text of the proposed regulation.

Following publication of the proposal in the *Virginia Register*, the promulgating agency receives public comments for a minimum of 60 days. The Governor reviews the proposed regulation to determine if it is necessary to protect the public health, safety and welfare, and if it is clearly written and easily understandable. If the Governor chooses to comment on the proposed regulation, his comments must be transmitted to the agency and the Registrar no later than 15 days following the completion of the 60-day public comment period. The Governor's comments, if any, will be published in the *Virginia Register*. Not less than 15 days following the completion of the 60-day public comment period, the agency may adopt the proposed regulation.

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 Registrar and the promulgating agency. The objection will be published in the *Virginia Register*. Within 21 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 agency again publishes the text of the regulation as adopted, highlighting all changes made to the proposed regulation and explaining any substantial changes made since publication of the proposal. A 30-day final adoption period begins upon final publication in the *Virginia Register*.

The Governor may review the final regulation during this time and, if he objects, forward his objection to the Registrar and the agency. In addition to or in lieu of filing a formal objection, the Governor may suspend the effective date of a portion or all of a regulation until the end of the next regular General Assembly session by issuing a directive signed by a majority of the members of the appropriate standing committees and the Governor. The Governor's objection or suspension of the regulation, or both, will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation have substantial impact, he may require the agency to provide an additional 30-day public comment period on the changes. Notice of the additional public comment period required by the Governor will be published in the *Virginia Register*.

The agency shall suspend the regulatory process for 30 days when it receives requests from 25 or more individuals to solicit additional public comment, unless the agency determines that the changes have minor or inconsequential impact.

A regulation becomes effective at the conclusion of the 30-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 21-day extension period; (ii) the Governor exercises his authority to require the agency to provide for additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the period for which the Governor has provided for additional public comment; (iii) the

Governor and the General Assembly exercise their authority to suspend the effective date of a regulation until the end of the next regular legislative session; or (iv) the agency suspends the regulatory process, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 30-day public comment period.

Proposed regulatory action may be withdrawn by the promulgating agency at any time before the regulation becomes final.

EMERGENCY REGULATIONS

If an agency demonstrates that (i) there is an immediate threat to the public's health or safety; or (ii) Virginia statutory law, the appropriation act, federal law, or federal regulation requires a regulation to take effect no later than (a) 280 days from the enactment in the case of Virginia or federal law or the appropriation act, or (b) 280 days from the effective date of a federal regulation, it then requests the Governor's approval to adopt 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 to addressing specifically defined situations and may not exceed 12 months in duration. Emergency regulations are published as soon as possible in the *Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures. To begin promulgating the replacement regulation, the agency must (i) deliver the Notice of Intended Regulatory Action to the Registrar in time to be published within 60 days of the effective date of the emergency regulation; and (ii) deliver the proposed regulation to the Registrar in time to be published within 180 days of the effective date of the emergency regulation. If the agency chooses not 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 (§ 9-6.14:7.1 et seq.) of Chapter 1.1:1 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. **12:8 VA.R. 1096-1106 January 8, 1996**, refers to Volume 12, Issue 8, pages 1096 through 1106 of the *Virginia Register* issued on January 8, 1996.

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The *Virginia Register of Regulations* is published pursuant to Article 7 (§ 9-6.14:22 et seq.) of Chapter 1.1:1 of the Code of Virginia. Individual copies, if available, may be purchased for \$4.00 each from the Registrar of Regulations.

Members of the Virginia Code Commission: **Joseph V. Gartlan, Jr.**, Chairman; **W. Tayloe Murphy, Jr.**, Vice Chairman; **Robert L. Calhoun**; **Russell M. Carneal**; **Bernard S. Cohen**; **Jay W. DeBoer**; **Frank S. Ferguson**; **E. M. Miller, Jr.**; **Jackson E. Reasor, Jr.**; **James B. Wilkinson.**

Staff of the Virginia Register: **E. M. Miller, Jr.**, Acting Registrar of Regulations; **Jane D. Chaffin**, Deputy Registrar of Regulations.

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NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

† Indicates entries since last publication of the *Virginia Register*

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

† Notice of Intended Regulatory Action

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 consider amending regulations entitled: **12 VAC 30-60-10 et seq. Standards Established and Methods Used to Assure High Quality Care, and 12 VAC 30-90-10 et seq. Methods and Standards for Establishing Payment Rates for Long-Term Care.** The purpose of the proposed action is to promulgate changes to policies regarding specialized care services as a result of the study directed by Chapter 912 of the 1996 Appropriations Act. The agency does not intend to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until February 19, 1997.

Contact: Victoria P. Simmons or Roberta J. Jonas, Regulatory Coordinators, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8850 or FAX (804) 371-4981.

VA.R. Doc. No. R97-219; Filed December 31, 1996, 11:02 a.m.

BOARD OF NURSING HOME ADMINISTRATORS

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Nursing Home Administrators intends to consider amending regulations entitled: **18 VAC 95-20-10 et seq. Regulations of the Board of Nursing Home Administrators.** The purpose of the proposed action is to simplify and clarify regulations and to eliminate unnecessary or redundant regulations according to recommendations of Executive Order 15(94). The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-2400 and 54.1-3101 of the Code of Virginia.

Public comments may be submitted until February 19, 1997.

Contact: Elizabeth Kirksey, Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9941 or FAX (804) 662-9943.

VA.R. Doc. No. R97-218; Filed December 31, 1996, 11:45 a.m.

PUBLIC COMMENT PERIODS - PROPOSED REGULATIONS



PUBLIC COMMENT PERIODS REGARDING STATE AGENCY REGULATIONS

Effective July 1, 1995, publication of notices of public comment periods in a newspaper of general circulation in the state capital is no longer required by the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia). Chapter 717 of the 1995 Acts of Assembly eliminated the newspaper publication requirement from the Administrative Process Act. In *The Virginia Register of Regulations*, the Registrar of Regulations has developed this section entitled "Public Comment Periods - Proposed Regulations" to give notice of public comment periods and public hearings to be held on proposed regulations. The notice will be published once at the same time the proposed regulation is published in the Proposed Regulations section of the *Virginia Register*. The notice will continue to be carried in the Calendar of Events section of the *Virginia Register* until the public comment period and public hearing date have passed.

Notice is given in compliance with § 9-6.14:7.1 of the Code of Virginia that the following public hearings and public comment periods regarding proposed state agency regulations are set to afford the public an opportunity to express their views.

BOARDS OF NURSING AND MEDICINE

January 22, 1997 - 1 p.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street,
5th Floor, Richmond, Virginia.

March 21, 1997 -- Public 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 Boards of Nursing and Medicine intend to amend regulations entitled: **18 VAC 90-40-10 et seq. Regulations for Prescriptive Authority for Nurse Practitioners.** The amendments clarify and simplify the regulations and increase the number of nurse practitioners with prescriptive authority who may be supervised by one physician from two to four.

Statutory Authority: §§ 54.1-2400 and 54.1-2957.1 of the Code of Virginia.

Contact: Nancy Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9945 or FAX (804) 662-9943.

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.

BOARDS OF NURSING AND MEDICINE

Title of Regulation: 18 VAC 90-40-10 et seq. Regulations for Prescriptive Authority for Nurse Practitioners (amending 18 VAC 90-40-20, 18 VAC 90-40-50 and 18 VAC 90-40-100).

Statutory Authority: §§ 54.1-2400 and 54.1-2957.01 of the Code of Virginia.

Public Hearing Date: January 22, 1997 - 1 p.m.
Public comments may be submitted until March 21, 1997.

(See Calendar of Events section for additional information)

Basis: Sections 54.1-2400 and 54.1-2957.01 of the Code of Virginia provide the basis for this regulation. Section 54.1-2400 establishes the general powers and duties of the health regulatory boards including the power to establish qualifications for licensure and the responsibility to promulgate regulations. Section 54.1-2957.01 establishes the authority and requirements for licensed nurse practitioners to prescribe Schedule VI drugs with a written protocol and under the supervision of a physician.

Purpose: The purpose of the proposed amendment is to permit physicians to employ up to four nurse practitioners with prescriptive authority in their practices, which will improve the availability of health care to all Virginians. Other amendments are promulgated to clarify and edit these regulations.

Substance: 18 VAC 90-40-20: The proposed amendment would eliminate the exception to authority to prescribe which is provided in statute and is therefore unnecessary in regulation.

18 VAC 90-40-50: Editorial amendments are proposed for improved clarity and readability.

18 VAC 90-40-100 A: An amendment is proposed to conform the regulation with current statute which permits supervision for prescriptive authority of four nurse practitioners by a physician.

Issues:

Issue 1: Definition of "supervision."

While the definition of "supervision" has been eliminated and incorporated into a new definition for "medical direction and supervision" in 18 VAC 90-30-10 (Regulations Governing the Licensure of Nurse Practitioners), the boards did not decide to eliminate the current definition of supervision in these proposed amendments.

Issue 2: Supervision and site visits.

Comments received during regulatory review suggested that the requirement of monthly site visits and chart reviews by

the supervising physician found in 18 VAC 90-40-100 may be too burdensome. The Committee of the Joint Boards considered changing the frequency of visits and chart reviews or amending the language of the regulation. Since statute calls for "periodic" site visits and reviews as required by regulations, the committee recommended changing the word "monthly" to "periodic," random review of patient charts and "periodic" site visits. The Board of Nursing first concurred with the recommendation, but the Board of Medicine rejected the proposed amended language as too indefinite to provide assurance that the supervising physician would be involved in and ultimately responsible for the course of treatment of a patient. By using both words "periodic" and "random" in the regulation, there would be no regulatory guidance for an appropriate standard of care. The Board of Medicine recommended that no amendment be proposed.

The Board of Nursing accepted the decision of the Board of Medicine on the issue of frequency of site visits and chart reviews but has suggested continued review of the regulation to provide a less burdensome rule which will provide assurance of public health and safety.

Issue 3: Need for editorial amendments for clarity and elimination of rules which are repetitious of Code sections.

The boards considered and recommended changes to improve clarity and readability in several parts of the regulation.

An amendment to 18 VAC 90-40-80 suggested during regulatory review to correctly identify the statutory references was unnecessary since the correct cites in state and federal law were published in the Virginia Administrative Code.

Advantages to the licensees and supervising physicians: Clarification of these regulations will answer some questions by applicants and licensees. Since the amendments are primarily editorial, they will have no effect on the practice of nurse practitioners with prescriptive authority.

Disadvantages to the licensees: There are no disadvantages of proposed amendments to licensed nurse practitioners with prescriptive authority.

Advantages or disadvantages to the public: There are no advantages or disadvantages to the public.

Estimated Impact:

A. Projected number of persons affected and their cost of compliance: There are approximately 880 nurse practitioners with prescriptive authority and their supervising physicians who would be affected by amendments to regulation. There will be no cost for compliance by regulated entities or their employers.

B. Cost to the agency for implementation: The boards will incur approximately \$1,000 in cost for printing and mailing final amended regulations to licensees and other interested parties. There will be no additional cost for conducting a

Proposed Regulations

public hearing, which will be held in conjunction with scheduled committee or board meetings.

C. Cost to local governments: There will be no impact of these regulations on local government.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 13 (94). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic effects.

Summary of the Proposed Regulation. The proposed regulation amends current regulations governing the prescriptive authority of nurse practitioners. Only one of the amendments contained in the proposed regulation is likely to have economic consequences. That amendment, based on a statutory change (see Code of Virginia, § 54.1-2957.01 E 2), increases from two to four the number of nurse practitioners with prescriptive authority a physician can supervise.

Estimated Economic Impact. The primary economic consequence of the proposed regulation is likely to be an increase in the demand for the services of nurse practitioners. Nurse practitioners with prescriptive authority provide services that allow supervising physicians to expand the size of their practice. Put simply, a physician supervising four nurse practitioners with prescriptive authority can treat more patients per day than a physician supervising two nurse practitioners with prescriptive authority. Because of this potential increase in productivity, easing restrictions on the number of nurse practitioners with prescriptive authority that a physician can supervise will likely lead to an increase in the demand for nurse practitioners. It would be cost prohibitive to estimate the exact magnitude of this effect, however.

Businesses and Entities Particularly Affected. The proposed regulation particularly affects approximately 880 nurse practitioners with prescriptive authority currently in Virginia, their supervising physicians, and their employers.

Localities Particularly Affected. No localities are particularly affected by the proposed regulation.

Projected Impact on Employment. There is insufficient information to know whether the proposed regulation will actually have an effect on employment, or, if so, the magnitude of that effect. All else equal, however, the proposed regulation could have a positive effect on employment for nurse practitioners.

Effects on the Use and Value of Private Property. The proposed regulation is not anticipated to have a significant effect on the use and value of private property.

Summary of Analysis. DPB anticipates that the primary economic effect of the proposed amendment to the current regulation governing the prescriptive authority of nurse practitioners will likely be an increase in the demand for nurse practitioners.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs with the fiscal impact statement prepared by the Department of Planning and Budget.

Summary:

The proposed amendments (i) remove from 18 VAC 90-40-20 C repetitive language that is in the Code of Virginia and is, therefore, unnecessary; (ii) clarify the requirement for submission of a practice agreement with the renewal application in 18 VAC 90-40-50; and (iii) in 18 VAC 90-40-100, raise the number of nurse practitioners with prescriptive authority who may be supervised by one physician from two to four.

18 VAC 90-40-20. Authority and administration of regulations.

A. ~~Statutory authority.~~ The statutory authority for this chapter is found in §§ 54.1-2957.01, 54.1-3303, 54.1-3401, and 54.1-3408 of the Code of Virginia.

B. Joint boards of nursing and medicine.

1. The Committee of the Joint Boards of Nursing and Medicine shall be appointed to administer this chapter governing prescriptive authority.

2. The boards hereby delegate to the Executive Director of the Virginia Board of Nursing the authority to issue the initial authorization and biennial renewal to those persons who meet the requirements set forth in this chapter. Questions of eligibility shall be referred to the committee.

3. All records and files related to prescriptive authority for nurse practitioners shall be maintained in the office of the Board of Nursing.

~~C. Exception to authority to prescribe. A licensed nurse practitioner who has met the requirements for approval shall have the authority to prescribe within the practice requirements as defined in Part III of this chapter with the exception of those licensed in the category of certified registered nurse anesthetist practitioners for whom this chapter is not applicable.~~

18 VAC 90-40-50. Renewal of prescriptive authority.

An applicant for renewal of prescriptive authority shall:

1. Renew biennially at the same time as the renewal of licensure to practice as a nurse practitioner in Virginia.

2. Submit a completed renewal application along with the renewal fee as prescribed in 18 VAC 90-40-70 of this chapter.

3. ~~Submit with the application for renewal of prescriptive authority a current practice agreement when there is a change, which is signed by the nurse practitioner and the supervising physician and which is acceptable to the~~

~~boards.~~ *Submit a new practice agreement which meets the requirements of 18 VAC 90-40-90 with the renewal application if there has been a change since the last practice agreement was filed.*

18 VAC 90-40-100. Supervision and site visits.

A. Physicians, other than those employed by, or under contract with local health departments, federally funded comprehensive primary care clinics, or nonprofit health care clinics or programs, shall:

1. Supervise and direct, at any one time, no more than ~~two~~ four nurse practitioners with prescriptive authority;
2. Regularly practice in any location in which the licensed nurse practitioner exercises prescriptive authority. A separate practice setting may not be established for the nurse practitioner;
3. Conduct a monthly, random review of patient charts on which the nurse practitioner has entered a prescription for an approved drug or device;
4. Regularly practice in the location in which the certified nurse midwife practices, or in the event that the midwife has established a separate office, the supervising physician shall conduct a monthly site visit and review of patient charts.

B. Physicians employed by, or under contract with local health departments, federally funded comprehensive primary care clinics, or nonprofit health care clinics or programs to provide supervisory services, shall:

1. Supervise and direct, at any one time, no more than four nurse practitioners with prescriptive authority who provide services on behalf of such entities;
2. Regularly practice in such settings or shall make monthly site visits to such settings for chart review and direction;
3. Conduct a monthly, random review of patient charts on which the nurse practitioner has entered a prescription for an approved drug or device.

FORMS

Application for Prescriptive Authority for Licensed Nurse Practitioners, rev. 12/4/92.

Practice Agreement, rev. 12/4/92.

Renewal Notice and Application, C-37128.

COMMONWEALTH OF VIRGINIA
 DEPARTMENT OF HEALTH PROFESSIONS
 BOARDS OF NURSING AND MEDICINE
 6606 WEST BROAD STREET, 4th FLOOR
 RICHMOND, VA 23230-1717
 (804)662-9909

Applying for Prescriptive Authority

I. Application

- A. Provide all requested information in Parts A through G.
- B. Enclose any documentation required or, where applicable, request that transcripts or other information be sent directly to the office of the Board of Nursing.
- C. Sign the affidavit in Part G before a Notary Public.
- D. Attach the required fee and mail the application to the office of the Virginia Board of Nursing at the address shown above.

II. Practice Agreement

- A. In consultation with the supervising physician, complete the practice agreement form. If you prefer, you may use your own design for the practice agreement as long as it contains the required information.
- B. Be sure that all parties sign the agreement.
- C. Mail the completed practice agreement to the Virginia Board of Nursing at the address shown above.
- D. Please note the requirements for reporting changes in the practice agreement in § 3.2.B.2. and 3. of the Regulations for Prescriptive Authority for Nurse Practitioners.

Please contact the Board of Nursing office if you have questions.

Explanatory Note: In § 2.2.2.c. of the Regulations for Prescriptive Authority for Nurse Practitioners, the term "continuing education units" is used. For the purpose of this section of the regulations, the Committee of the Joint Boards of Nursing and Medicine defines one continuing education unit to be equal to one contact hour.

Revised December 4, 1992

For Office Use Only	
Fee Rec'd:	Ack. Snt:
Pt. B Rec'd:	Pt. C Rec'd:
Approval:	
Auth. #0017-	
Date Issd:	

COMMONWEALTH OF VIRGINIA
 DEPARTMENT OF HEALTH PROFESSIONS
 BOARDS OF NURSING AND MEDICINE
 6606 West Broad Street, Fourth Floor
 Richmond, Virginia 23230
 (804) 662-9909

APPLICATION FOR PRESCRIPTIVE AUTHORITY
 FOR LICENSED NURSE PRACTITIONERS

Please provide requested information below and on back of this page.

I hereby make application for approval of prescriptive authority. The following information in support of my application is submitted with a check or money order for \$50, made payable to the Treasurer of Virginia.

PART A. IDENTIFYING INFORMATION

Last Name	First Name	Middle Name	Maiden Name	
Street Address (include Apt. No.)		City	State	Zip Code
Social Security Number	Virginia LNP Number	Date of Birth	Telephone Number	

PART B. REQUIRED QUALIFICATIONS

Circle the number of ONE of the following and provide the documentation indicated.

1. Copy of document that verifies current professional certification as a Nurse Practitioner or nurse-midwife (such as ANCC, NCC, or ACNM); or
2. Transcript or letter sent to the Board of Nursing office from an educational program verifying satisfactory completion of a graduate level course in pharmacology or pharmacotherapeutics obtained as part of your nurse practitioner or nurse-midwifery education within the past five years; or
3. A statement from a supervisor or a personal affidavit in "Part F. Explanations" on the back of this page attesting to no less than 1000 hours of practice in each of the last two years and copies of documents verifying 15 hours of continuing education in each of the last two years; or
4. Evidence of 30 hours of education in pharmacology or pharmacotherapeutics taken within the last five years which includes applicable federal and state laws, prescription writing, drug selection, dosage, route and interactions, information resources, and clinical application related to your area of practice. This evidence must be either an official transcript from the institution offering a formal course or copies of documents verifying non-credit continuing education offerings.

Circle the number of your LNP category. If you have more than one NP license, circle each in which you wish to use prescriptive authority:

- | | | |
|--------------------------|----------------------------|-------------------|
| 01 Adult | 06 Emergency | 12 Maternal/Child |
| 02 Family | 07 Geriatric | 13 Neonatology |
| 03 Pediatric | 09 Certified Nurse Midwife | 14 Women's Health |
| 04 Family Planning | 10 School | |
| 05 Obstetric/Gynecologic | 11 Medical | |

PART C. PRACTICE AGREEMENTS.

Complete and Submit. (Attached form preferred)

(Over)

PART D. EMPLOYER (If Applicable)

Name: _____

Address: _____

Name of Primary Supervising Physician (if different from above): _____

Address (if different from above): _____

PART E. ANSWER THE FOLLOWING QUESTIONS. IF EITHER IS ANSWERED "YES," EXPLAIN IN "PART F" BELOW:

- YES NO 1. Have you ever had disciplinary action taken against your license or certification in Virginia or any other jurisdiction?
- YES NO 2. Is there any investigation of you or action pending against you in Virginia or any other jurisdiction?

PART F. EXPLANATIONS.

PART G. AFFIDAVIT.

TO BE COMPLETED BEFORE A NOTARY PUBLIC.

State of _____ County/City of _____

Name _____, being duly sworn, says that he/she is the person who is referred to in the foregoing application; that the statements contained herein are true; that he/she has complied with all requirements of the law, and that he/she has read and understands this affidavit.

Signature of Applicant

Sworn and subscribed to before me this _____ day of _____, 19_____.

Signature of Notary Public

SEAL

My Commission expires on _____

For Office Use Only
Rec'd _____
App'd _____
Date _____
Licensee _____
Notified _____

VIRGINIA BOARDS OF NURSING AND MEDICINE
PRESCRIPTIVE AUTHORITY FOR
LICENSED NURSE PRACTITIONERS
Practice Agreement

This form is to be completed and submitted with the application for prescriptive authority. Attach additional pages if needed for any section.

Name of Licensed Nurse Practitioner:

Last	First	Middle/Maiden
Social Security Number:		Virginia LNP Number: 0001-
Place of Employment:		Work Telephone Number:

APPROVED FORMULARY INCLUDES:

- 1. Schedule VI drugs and devices with the EXCEPTION of the following: Radioactive drugs; ophthalmic aminoglycosides; ophthalmic steroids; and any compound containing barbituates.
- 2. No controlled substances defined by the State or Federal Controlled Substance Acts as Schedule I through V.

Check the categories of Schedule VI drugs and devices AUTHORIZED by this practice agreement:

- antihistamine drugs
- anti-infective agents
- antineoplastic drugs
- autonomic drugs
- blood derivatives
- blood formation and coagulation
- cardiovascular drugs
- electrolytic, caloric & water balance
- enzymes
- antitussives, expectorants and mucolytic agents
- eye, ear, nose and throat preparations
- central nervous system agents
- contraceptives
- diagnostic agents
- disinfectants
- gastrointestinal drugs
- gold compounds
- heavy metal antagonists
- Hormones and synthetic substitutes
- local anesthetics
- oxytocics
- serums, toxoids and vaccines
- skin and mucous membrane agents
- smooth muscle relaxants
- vitamins
- devices
- other

Although only categories are required on this form, it is expected that the parties to the agreement will identify and periodically review the drugs and devices within the categories as part of the ongoing practice relationship.

List any specific drugs from these categories which the Licensed Nurse Practitioner IS NOT AUTHORIZED TO PRESCRIBE.

Check the applicable statement in this section:

- This is an initial practice agreement.
- This practice agreement replaces one previously submitted and approved.
- This practice agreement is in addition to the one previously submitted and approved.

(Over)

Proposed Regulations

Department of Health Professions
COMMONWEALTH OF VIRGINIA

RENEWAL NOTICE AND APPLICATION

Board of

Telephone

TYPE OF RENEWAL

CURRENT EXPIRATION

RENEWAL PERIOD FROM TO

CURRENT AMOUNT DUE \$

LATE PAYMENT PAY ONLY IF AFTER

INSTRUCTIONS

1. Complete item 1 below if you do not wish to renew.
2. Make any address changes on this application when renewing.
3. Make any name changes on this application and enclose a copy of your marriage license or court order.
4. Note name and license number on all enclosures.
5. Return this application in the enclosed envelope.

1. Check here if you do not wish to renew, and sign below.

Signature

NUMBER:

MAKE CHECKS PAYABLE TO THE "TREASURER OF VIRGINIA"

C 37128

Provide a brief, general description of the prescribing activities authorized by this agreement consistent with the approved formulary and the practice of the nurse practitioner (may include reference to numbers of dosage units, refills, new prescriptions vs. renewals, consultation requirements, or any other limitations or allowed activities):

=====

If the supervising physician is authorized by Virginia law to dispense, a practice agreement may include orders to authorize the nurse practitioner to dispense (does not apply to samples dispensed in the office). If applicable to this practice agreement, such orders may be stated below:

=====

This practice agreement has been reviewed and agreed to by the following parties on

_____ 199__

_____, R.N., L.N.P.P.
Licensed Nurse Practitioner Signature

_____, M.D.
Primary Supervising Physician's Name (print or type)

_____, M.D.
Primary Supervising Physician's Signature

Secondary physician(s) who may be regularly called upon in the absence of the primary supervising physician:

_____, M.D.
Name (print or type)

_____, M.D.
Signature

_____, M.D.
Name (print or type)

_____, M.D.
Signature

EMERGENCY REGULATIONS

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: 12 VAC 30-120-360 et seq. Part VI.
Medallion II (amending 12 VAC 30-120-400).

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

Effective Dates: January 1, 1997, to December 31, 1997.

Summary:

1. **REQUEST:** The Governor is hereby requested to approve this agency's adoption of the emergency regulation entitled HMO Monitoring. This regulation will promulgate federal requirements regarding monitoring HMOs under contract to Medicaid.

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

/s/ Joseph M. Teefey, Director
Date: December 13, 1996

3. **CONCURRENCES:**

/s/ Robert C. Metcalf
Secretary of Health and Human Resources
Date: December 20, 1996

4. **ACTION:**

/s/ George Allen
Governor
Date: December 27, 1996

5. **FILED WITH:**

/s/ Jane D. Chaffin
Deputy Registrar of Regulations
Date: December 31, 1996

DISCUSSION

6. **BACKGROUND:** The section of the State Plan affected by this action is Attachment 2.1 B (12 VAC 30-120-400).

Federal regulations at 42 CFR 434.67 require the State Plan for Medical Assistance to include provisions for monitoring HMOs for violations specified in the federal regulations. At the time DMAS began developing its regulations for the Medallion II program, the federal regulations specified monitoring for violations of four provisions. Monitoring plans for these four provisions were included in the Medallion II proposed regulations and were made permanent in the final regulations.

However, an additional provision has recently been added to the federal regulations, for which monitoring is required. HCFA published, in the March 27, 1996, issue of the Federal Register (61 FR 13430) a rule implementing federal requirements concerning sanctions against HMOs and physician incentive plans as defined in the Omnibus Budget Reconciliation Act of 1990 (OBRA '90). This new rule adds to 42 CFR 434.67 the requirement to monitor for violations of

the physician incentive plan provisions. A subsequent notice postponed the original effective date of May 28, 1996, stating that new effective dates and clarifying language would be published at a later date. In the September 3, 1996, issue of the Federal Register (61 FR 46384), HCFA published the clarifications and new effective dates. States must begin implementing the new rule, including monitoring for compliance, January 1, 1997.

The monitoring plan included in these emergency regulations is drawn directly from the federal requirements for physician incentive plans. The new federal regulations set out specific reporting requirements with which the HMOs must comply (42 CFR 417.479(h)(1) and 42 CFR 434.70). These reporting requirements include such provisions as disclosing the type of incentive plan; the amount and type of stop-loss protection provided to the physicians; and the capitation payments paid to physicians by percent for primary care services, referral services to specialists, and hospital and other types of provider services. DMAS will review the reports submitted by the HMOs to monitor the HMOs' compliance. Additional components may be included in the monitoring plan as the regulations are promulgated through the full APA Process and public comment is received.

Physicians in prepaid health care organizations generally receive fee-for-service payments, salary, or capitation payments (a set dollar amount per patient) for the services they furnish. Financial incentives may be used with the various types of physician payments to encourage appropriate levels of referral services. Referral services are any specialty, inpatient, outpatient, or laboratory services that a physician arranges for but does not provide directly. Prepaid health care organizations may hold physicians or physician groups at risk for all or a portion of the cost of referral services so that they have a financial incentive to arrange for the furnishing of only medically necessary services. If the physician or physician group successfully controls the levels of referral services, the physician or group may receive additional compensation (an incentive payment) from the prepaid health care organization. The incentive payment may take the form of unused capitation, a returned withhold, or a bonus payment.

If the physician or physician group has excessive referrals (as defined by the prepaid health care organization), it may not receive any incentive funds. In addition, the prepaid health care organization may hold the physician or physician group liable for referral costs that exceed a specified threshold. The prepaid health care organization may also increase the physician's or physician group's withhold or make other changes in its incentive arrangements.

The federal regulations, and the requirements for state agencies to monitor for violations of these regulations, is intended to protect the recipients covered under HMOs from constraints in accessing needed services because of any incentives physicians may receive for restricting access or limiting referrals. This provides a clear advantage to the recipients and provides DMAS with one mechanism for ensuring adequate and appropriate provision of services. This action does impose additional reporting requirements on the HMOs.

Emergency Regulations

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

Federal regulations at 42 CFR 434.67 require the State Plan for Medical Assistance to include provisions for monitoring HMOs for violations specified in the federal regulations. HCFA published, in the March 27, 1996, issue of the Federal Register (61 FR 13430) a rule implementing federal requirements concerning sanctions against HMOs and physician incentive plans as defined in OBRA '90. This new rule adds to 42 CFR 434.67 the requirement to monitor for violations of the rule. A subsequent notice postponed the original effective date of May 28, 1996, stating that new effective dates and clarifying language would be published at a later date. In the September 3, 1996, issue of the Federal Register (61 FR 46384), HCFA published the clarifications and new effective dates. States must begin implementing the new rule, including monitoring for compliance, January 1, 1997.

Without an emergency regulation, this amendment to the State Plan cannot become effective until the publication and concurrent comment and review period requirements of the APA's Article 2 are met. Therefore, an emergency regulation is needed to meet the January 1, 1997 effective date established by HCFA.

8. **NEED FOR EMERGENCY ACTION:** The Code § 9-6.14:4.1(C)(5) provides for regulations which an agency finds are necessitated by an emergency situation. To enable the Director, in lieu of the Board of Medical Assistance Services, to comply with 42 CFR 434 and the requirements of 61 FR 46384, he is to include in the State Plan provisions for monitoring HMOs for violations of specified federal requirements. This issue qualifies as an emergency regulation as provided for in § 9-6.14:4.1(C)(5)(ii), because federal regulations require this regulation be effective within 280 days from the enactment of the law or regulation. As such, this regulation may be adopted without public comment with the prior approval of the Governor. Since this emergency regulation will be effective for no more than 12 months and the Director must continue regulating the subject entities, the Department is initiating the Administrative Process Act Article 2 procedures.

9. **FISCAL/BUDGETARY IMPACT:** HMOs under contract to DMAS for coverage of Medicaid clients will be affected by this change if they choose to offer incentive plans to their physicians that base compensation on the use or cost of services furnished. The increase in reporting requirements, according to federal estimates incorporated in that rule-making process, are not expected to affect many HMOs.

Under federal regulations and under the terms of the Medicaid contract, DMAS must monitor for compliance.

DMAS will include monitoring for these provisions as part of its quality and contract monitoring activities.

This change will not affect recipients. This change will not have an impact on the existing budget. There are no localities which are uniquely affected by these regulations as they apply statewide.

10. **RECOMMENDATION:** Recommend approval of this request to adopt this emergency regulation to become effective January 1, 1997. From its effective date, this regulation is to remain in force for one full year or until superseded by final regulations promulgated through the APA. Without an effective emergency regulation, the Department would lack the authority to monitor HMOs using physician incentive plans for compliance with federal regulations and their Medicaid contract.

11. **APPROVAL SOUGHT FOR 12 VAC 30-120-400.** Approval of the Governor is sought for an emergency modification of the Medicaid State Plan in accordance with the Code of Virginia § 9-6.14:4.1(C)(5) to adopt the following regulation:

12 VAC 30-120-400. Quality Control and Utilization Review.

A. DMAS shall rigorously monitor the quality of care provided by the HMOs. DMAS may contract with one or more external quality review organizations to perform focused studies on the quality of care provided by the HMOs. Specifically, DMAS shall monitor to determine if the HMO:

1. Fails substantially to provide the medically necessary items and services required under law or under the contract to be provided to an enrolled recipient and the failure has adversely affected (or has substantial likelihood of adversely affecting) the individual. This shall be monitored through the review of encounter data on a routine basis and other methods determined by DMAS.
2. Imposes on clients premium amounts in excess of premiums permitted. This shall be monitored through surveying a sample of clients at least annually and other methods determined by DMAS.
3. Engages in any practice that discriminates among individuals on the basis of their health status or requirements for health care services, including expulsion or refusal to reenroll an individual, or any practice that could reasonably be expected to have the effect of denying or discouraging enrollment (except as permitted by § 1903(m) of the Social Security Act (42 USC § 1396b(m))) by eligible individuals whose medical conditions or histories indicate a need for substantial future medical services. This shall be monitored through surveying a sample of clients at least annually and other methods determined by DMAS.
4. Misrepresents or falsifies information that it furnishes, under § 1903(m) of the Social Security Act (42 USC § 1396b(m)) to HCFA, DMAS, an individual, or any other entity. This shall be monitored through surveying a sample of clients at least annually and other methods determined by DMAS.

5. Fails to comply with the requirements of 42 CFR 417.479(d) through (g) relating to physician incentive plans, or fails to submit to DMAS its physician incentive plans as required or requested in 42 CFR 434.70. *This shall be monitored through review of the information listed in 42 CFR 417.479(h)(1) as submitted by the HMOs in accordance with the requirements of 42 CFR 434.70.*

B. DMAS shall ensure that data on performance and patient results is collected. Specifically, DMAS shall review, which may include on-site reviews, encounter data submitted by the HMOs as defined in the contracts. This review shall include, but not be limited to:

1. Whether services were properly authorized or excluded,
2. The adequacy and appropriateness of services provided or denied, and
3. Analysis of possible trends in increases or reductions of services.

C. DMAS shall ensure that quality outcomes information is provided to HMOs. DMAS shall ensure that changes which are determined to be needed as a result of quality control or utilization review are made.

VA.R. Doc. No. R97-217; Filed December 31, 1996, 9:25 a.m.

MARINE RESOURCES COMMISSION

MARINE RESOURCES COMMISSION

NOTICE: The Marine Resources Commission is exempted from the Administrative Process Act (§ 9-6.14.4.1 of the Code of Virginia) for the purpose of promulgating certain regulations. However, it is required by § 9-6.14.22 B to publish all final regulations.

Title of Regulation: 4 VAC 20-251-10 et seq. Pertaining to the Taking of Striped Bass (REPEALED).

Statutory Authority: § 28.1-201 of the Code of Virginia.

Effective Date: January 1, 1997.

Preamble:

The provisions of this regulation have been amended and readopted in 4 VAC 20-252-10, Pertaining to the Taking of Striped Bass.

Agency Contact: Deborah Cawthon, Regulatory Coordinator, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

VA.R. Doc. No. R97-210; Filed December 23, 1996, 3:23 p.m.

Title of Regulation: 4 VAC 20-500-10 et seq. Pertaining to the Catching of Eels (amending 4 VAC 20-500-40).

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

Effective Date: January 1, 1997.

Preamble:

This regulation establishes a minimum mesh size and escape panels for eel pots and prohibits the taking of elvers except for research and aquaculture purposes. This regulation is promulgated pursuant to the authority contained in § 28.2-201 of the Code of Virginia. This regulation amends and readopts previous 4 VAC 20-500-10 et seq. which was adopted June 27, 1995, and was effective July 1, 1995. The effective date of this amendment is January 1, 1997.

Agency Contact: Copies of the regulation may be obtained from Deborah Cawthon, Regulatory Coordinator, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

4 VAC 20-500-40. Elvers.

It shall be unlawful for any person to take, catch, or possess elvers from any of the waters of Virginia; provided, however, that elvers may be taken (i) for research only by (i) duly appointed representatives of any institution of higher education in Virginia, or (ii) and by other parties when specifically authorized in writing by the Commissioner of Marine Resources, or (ii) by those persons who are approved for a permit for eel aquaculture by the commission.

/s/ William A. Pruitt
Commissioner

VA.R. Doc. No. R97-212; Filed December 26, 1996, 3:22 p.m.

Title of Regulation: 4 VAC 20-880-10 et seq. Pertaining to Hard Crab and Peeler Pot License Sales (amending 4 VAC 20-880-40 and 4 VAC 20-880-50).

Statutory Authority: §§ 28.2-201 and 28.2-204.1 of the Code of Virginia.

Effective Date: January 1, 1997.

Preamble:

This regulation establishes limits on commercial hard crab pot and peeler pot licenses in 1997 and also establishes daily hard crab pot and peeler pot limits. This regulation is promulgated pursuant to authority contained in §§ 28.2-201 and 28.2-204.1 of the Code of Virginia. The effective date of the amendments is January 1, 1997.

Agency Contact: Copies of the regulation may be obtained from Deborah Cawthon, Regulatory Coordinator, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

4 VAC 20-880-40. Limit on sale of licenses.

A. Sale of hard crab pot or peeler pot licenses for the calendar year ~~1996~~ 1997 shall be limited to the following individuals:

1. Any registered commercial fisherman who held a 1995 or 1996 Virginia hard crab pot license shall be eligible for a ~~1996~~ 1997 hard crab pot license. Any registered commercial fisherman who held a 1995 or 1996 Virginia peeler pot license shall be eligible for a ~~1996~~ 1997 peeler pot license. Registered commercial fishermen who held both a ~~1995~~ Virginia hard crab pot license and a ~~1995~~ Virginia peeler pot license in 1995 or 1996 shall be eligible for both types of licenses in ~~1996~~ 1997.
2. Any registered commercial fisherman who held one or more of the following licenses, crab pot, peeler pot or hard crab pot, during at least two years during the calendar years 1990 through 1994, and who is in compliance with all provisions of 4 VAC 20-610-10 et seq., "Pertaining to Commercial Fishing and Mandatory Harvest Report Reporting."
3. Any registered commercial fisherman who can document to the satisfaction of the commissioner that he was regularly employed as a mate or crew member on a vessel engaged in Virginia's commercial hard crab pot or peeler pot fisheries in 1995.

Exceptions to the above conditions may be granted by the commissioner to a commercially registered fisherman if he finds significant hardship exists for the license applicant. Any applicant denied an exception may appeal the decision to the commission. The applicant shall provide a request to appeal to the commissioner 30 days in advance of the meeting at which the commission will hear the request.

Under no circumstances shall an exception be granted solely on the basis of economic hardship.

B. Individuals shall be limited to the ~~1995~~ 1996 hard crab pot license category in which they held a license, except as provided in subdivision 4 of this section *subsection*.

/s/ William A. Pruitt
Commissioner

VA.R. Doc. No. R97-211; Filed December 26, 1996, 3:22 p.m.

1. Hard crab pot licensees who held a ~~1995~~ 1996 hard crab pot license in Virginia for up to 100 pots shall be limited to a maximum of 100 hard crab pots in ~~1996~~ 1997. It shall be unlawful for any person so licensed to place, set or fish more than 100 hard crab pots in ~~1996~~ 1997.

2. Hard crab pot licensees who held a ~~1995~~ 1996 hard crab pot license in Virginia for up to 300 pots shall be limited to a maximum of 300 hard crab pots ~~on 1996~~ in 1997. It shall be unlawful for any person so licensed to place, set or fish more than 300 hard crab pots in ~~1996~~ 1997.

3. Hard crab pot licensees who held a ~~1995~~ 1996 hard crab pot license in Virginia for up to 500 pots shall be limited to a maximum of 500 hard crab pots in ~~1996~~ 1997. It shall be unlawful for any person so licensed to place, set or fish more than 500 hard crab pots in ~~1996~~ 1997.

4. *Hard crab pot licensees who held a 1995 hard crab pot license in Virginia for up to 100, 300 or 500 pots, but who did not hold a 1996 hard crab license in Virginia, shall be limited to the same maximum amount of crab pots in 1997 as established for those who held a 1996 hard crab pot license as described by subdivisions 1, 2 and 3 of this subsection. In addition, hard crab pot licensees who held a 1995 hard crab pot license in Virginia for over 500 pots shall be limited to a maximum of 500 hard crab pots in ~~1996~~ 1997. It shall be unlawful for any person so licensed to place, set or fish more than 500 hard crab pots in ~~1996~~ 1997.*

C. Individuals who did not hold a 1995 or 1996 hard crab pot license in Virginia and who are licensed in ~~1996~~ 1997 under the provisions of subsection A of this section shall be limited to 100 hard crab pots in ~~1996~~ 1997. *However, any person eligible under the provisions of this chapter for a hard crab pot license for up to 100 pots may receive a license for up to 300 hard crab pots provided that person held a hard crab pot license for crab pots with one or more assistants each year from 1987 through 1993 and also held a hard crab pot license for at least up to 300 pots in 1994.*

4 VAC 20-880-50. Transfers of hard crab pot and peeler pot licenses.

A 1996 1997 commercial hard crab or peeler pot licensee may transfer his license to a member of his immediate family, provided that the family member holds a current commercial registration license. A member of the immediate family shall mean a father, mother, daughter, son, brother, sister, or spouse. A hard crab or peeler pot licensee also may transfer his license to the buyer of his boat and crab pot or peeler pot gear provided that the buyer holds a current commercial registration license. Any transfer of a hard crab pot or peeler pot license shall be in writing and shall be validated by a marine patrol officer.

FORMS

DEPARTMENT OF MINES, MINERALS AND ENERGY

EDITOR'S NOTICE: The following forms have been issued by the Department of Mines, Minerals and Energy. Copies of the forms may be obtained from Cheryl Cashman, Department of Mines, Minerals and Energy, Ninth Street Office Building, 202 North 9th Street, Richmond, VA 23219, telephone (804) 692-3200.

Forms Implementing Chapters 14.2 through 14.4 of Title 45.1 of the Code of Virginia Regarding Coal Mine Safety

Coal Mining Schedule, DM-CM-2, rev. 12/17/96



COMMONWEALTH OF VIRGINIA
DEPARTMENT OF MINES MINERALS AND ENERGY
DIVISION OF MINES
P.O. Drawer 900 * Big Stone Gap, VA 24219

COAL MINING SCHEDULE

Report for Period Beginning _____, 19__ and Ending _____, 19__

SEPARATE REPORTS ARE REQUIRED FOR EACH MINE

MSHA ID NO. _____ MINE INDEX NO. _____

1. Company Name _____
2. Mine Name/Number _____
3. Address _____
4. Location of Mine (County) _____

5. Production - Include all tonnage produced per seam name/number and the method of mining (strip, auger, continuous, longwall, etc.)

Seam Name/Number	Mining Method	Tons Mined	Tons Sold		
			Above 36"	36" and Under	Surface
Totals					

6. PRODUCTION WORKERS - Include the average number of full or part-time employees per pay period who worked or received pay during the year. See the back side of this form for instructions.

Production Workers	Average Number of Employees	Total Hours Worked	Total Days Operated	Total Production Wages
Surface				
Underground				

7. OFFICE WORKERS - Include the average number of full or part-time Virginia employees per pay period and who had assigned duties for this mine during the year. Include officers, clerical help, engineers, and similar employees (omit sales persons). Central office workers may be allocated among several mines or may be reported all at one mine. If central office workers are allocated among several mines, each individual office worker should only be reported once.

Office Workers	Average Number of Employees	Total Hours Worked	Total Days Operated	Total Production Wages
Surface				

8. Indicate total number of hours worked to be used for Coalfield Employment Enhancement Tax Credit:
Add the total number of hours worked for production workers and office workers

Date _____ Signed _____

Telephone _____ Title _____

DM-CM2

Revised 12/17/96

COAL MINING SCHEDULE**General Instructions**

The DM-CM2 report will be filed on a calendar year basis. Fiscal year taxpayers will file an additional DM-CM2 report on a fiscal year basis completed through line 5. Fiscal year taxpayers claiming a credit for coal mined 36 inches or less will submit coal thickness isopach maps with the fiscal year DM-CM2 report.

The reports of tonnage sold and employment shall be consistent with the requirements of the Department of Taxation's Tax Bulletin for the Coalfield Employment Enhancement Tax Credit.

Instructions for calculating the average number of employees per pay period during the year.

In accordance with the Department of Taxation's Tax Bulletin, a Virginia coal mining job will be considered to be any job required to be reported on the MSHA Form 7000-2 by 30 CFR Part 50 as of January 1, 1995 and for which wages are reported on Form VEC-FC-20 pursuant to the Virginia Unemployment Compensation Act (Code of Virginia Section 60.1-1 et seq.).

The average number of employees per pay period shall be calculated by adding the number of full and part-time employees working during each pay period and dividing by the number of pay periods.

EXAMPLE: The following example is based on a mine with 24 pay periods per year. The mine had 23 full-time and 2 part-time employees for 15 pay periods, 22 full time employees for 7 pay periods, and 3 full time employees for 3 pay periods.

- 1) Calculate the total number of employees in each pay period:
 $(25 \text{ employees} \times 15 \text{ pay periods}) + (22 \text{ employees} \times 7 \text{ pay periods}) + (3 \text{ employees} \times 3 \text{ pay periods}) =$
 $(25 \times 15) + (22 \times 7) + (3 \times 3) =$
 $(375) + (154) + (9) =$
538
- 2) Calculate the average number of employees per pay period:
538 total for all pay periods divided by 24 pay periods =
 $538 / 24 =$
22.4 (always round up) = 23

DM-CM2

Revised 12/17/96



COMMONWEALTH OF VIRGINIA
 DEPARTMENT OF MINES, MINERALS AND ENERGY
 DIVISION OF MINED LAND RECLAMATION
 P. O. DRAWER 900; BIG STONE GAP, VA 24219
 TELEPHONE: (540) 523-8206

LICENSE FOR PERFORMANCE
 ACID MINE DRAINAGE RECLAMATION AND CONSTRUCTION
 (Abandoned Mine Land Program)

Project: _____

Owner of Record	Acreage	
Magisterial District	Property Interest*	
City/County	Deed Book No.	Page(s)
Quadrangle		

The owner of record of the aforementioned property, (herein referred to as "Property"), heirs, successors and assignees (hereinafter collectively referred to as "Owner") hereby: (1) warrants to the Department of Mines, Minerals and Energy, Division of Mined Land Reclamation (hereinafter referred to as "Division"), that Owner has the full power, right and authority to grant this license; and (2) grants to the Division, its agents, employees, and/or contractors, a license to enter upon the Property at the Division's own risk, cost and expense, for the purpose of conducting reclamation activities upon said property to restore, reclaim, abate, control, or prevent the adverse effects of coal mining practices, and to do all things necessary or expedient to protect the public health, safety, or general welfare (herein referred to as "Activity").

This license includes the right to enter and to leave the Property and the right to transport such equipment across and upon the Property as the Division may deem necessary to perform the Activity. The term of this consent, which termination in no event will be later than five years from the date hereof, will be for the duration of the Project. For necessary maintenance work, the Division reserves the option to renew this license, for an extended period of time, as agreed upon between the Division and the owner.

The Owner reserves the right to observe the Activity unless it is determined by the Division, in its sole discretion, that it would be unsafe to do so. At the discretion of the Division, other persons may be excluded from any portion of the Property upon which the Activity is being conducted if conditions are unsafe.

All equipment and tools placed upon or within the Property by the Division will remain the property of the Division and may be removed by it at any time.

Nothing contained herein will be deemed to be an expressed or implied waiver of the sovereign immunity of the Commonwealth or its duly authorized representatives, agents and/or employees.

As consideration for the granting of this License, the Division agrees that the following provisions are to be a part hereof:

1. All Activity conducted and/or authorized by the Division on the Property will be at the expense of the Division.
2. The entry upon the Property by the Division, its agents, employees and/or contractors is for the convenience and purposes of the Division and is not upon any business with or for the Owner.
3. The Division acknowledges that while the Activity is being conducted on the Property, the Owner will not be excluded from carrying on his normal activities, including the movement of machinery and equipment.
4. The Division agrees that it will require its contractors, subcontractors, or both, who enter upon the Property to perform the Activity, to maintain insurance coverage to protect the Owner and the Division from liability for negligent acts or omissions on the part of said contractor, subcontractor, or both, as is required under the Division's contract for the Activity, and upon request by the Owner, the Division will furnish evidence of such insurance to the Owner.
5. The Division agrees to provide without cost to the Owner any improvement or modification of roads or lands, that are determined by the Division to be necessary to complete the Activity. Such improvement shall remain for the benefit of the property.
6. This Agreement shall be binding upon and shall inure to the benefit of the heirs, successors and assigns of the parties.

WITNESS the following signatures on this _____ day of _____, 19 _____.

By: _____ Witness: _____

Authorized Agent/Owner

By: _____ Date: _____

Abandoned Mine Land Manager
 Department of Mines, Minerals and Energy
 Division of Mined Land Reclamation

* Property Interest: Surface only, Mineral only, Lessee, or Fee.

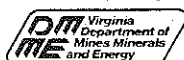
Virginia Register of Regulations
 1002

Title of Regulation: 4 VAC 25-150-10 et seq. Virginia Gas and Oil Regulations.

License to Perform - Plugging of Orphaned Well, DGO-GO-23, 11/96.

License to Perform - Plugging of Well/Bond Forfeiture, DGO-GO-24, 11/96.

Affidavit and Release in Support of Surface Owner's Application to the Virginia Division of Gas and Oil for Use of an Orphaned Well as a Water Well, DGO-GO-25, 11/96.



COMMONWEALTH OF VIRGINIA
DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF GAS AND OIL
P. O. BOX 1416, ABINGDON, VA 24212
TELEPHONE: (540) 676-5423

LICENSE TO PERFORM - PLUGGING OF ORPHANED WELL

Owner of Record				Acreage	
Magisterial District		Deed Book No.		Page(s)	
Property Interest ¹		Property Status		County	
Project Name					

As the legal and rightful owner (or authorized agent acting on behalf thereof) (herein "Landowner") of the property identified in the aforementioned records (herein "Property"), I (we) do hereby (1) warrant to the Division that I (we) have the full power, right and authority to grant this license and (2) grant to the DIVISION OF GAS AND OIL, VIRGINIA DEPARTMENT OF MINES, MINERALS AND ENERGY (herein Division), its agents, employees, or contractors, the right to occupy and use, subject to the terms and conditions of this agreement, said Property to survey, prioritize according to condition, and to plug that certain orphaned well known and identified as the _____ File Number _____ located on the Property, drilled in _____ (herein "Orphaned Well") as required by Va. Code § 45.1-361.40 and the regulations promulgated pursuant thereto (herein "Plugging Activity"). This permission includes the right to enter and to leave the Property, to construct or improve access, to transport such equipment across and upon the Property as the Division may deem necessary to perform the Plugging Activity, and to do all things necessary or expedient to protect the public health, safety, or general welfare.

Entry and Plugging Activity, if any, performed by the Division, its agents, employees, or contractors, is pursuant to the authority granted in the Virginia Gas and Oil Act (Act: §45.1-361.1 et seq., and in particular §§ 45.1-361.3, 45.1-361.27 and 45.1-361.40 of the Code of Virginia), as amended and regulations issued thereunder (4 VAC 25-150, Part I, Article 6, Plugging and Abandonment).

I (we) hereby give this license for the length of time necessary to complete the Plugging Activity described in _____ subject to the Landowner's continued ownership and use of the property, which termination date shall in no event be later than _____. In granting this license, the Landowner (Entity) does not waive any rights conferred upon it by virtue of the language contained in the Act, as amended and regulations issued thereunder. The Division does not waive its rights or responsibilities conferred by the Act.

In consideration for this license, the Division, its agents, employees or contractors agree that the following provisions are to be considered a part of the foregoing License:

1. All Plugging Activity hereunder shall be at the sole expense of the Division.
2. The entry by Division upon the Property is for the convenience and purposes of the Division and is not upon any business with or for the Landowner.
3. The Division is aware of the fact that while it is about said premises and Property, the business activities of the Landowner, including the movement and operation of machinery and equipment, will be conducted and carried on and that Division may be nearby to such business activities.

¹Property Interest - P = Private; C = Company; L = Leaseholder; M = Mineral only; B = Borrow area; & D = Disposal area. (enter all that apply.)



COMMONWEALTH OF VIRGINIA
 DEPARTMENT OF MINES, MINERALS AND ENERGY
 DIVISION OF GAS AND OIL
 P. O. BOX 1416, ARLINGTON, VA 22212
 TELEPHONE: (540) 676-5423

LICENSE TO PERFORM - PLUGGING OF WELL/BOND FORFEITURE

4. Division accepts all of said premises and Property and the structures, machinery, equipment and facilities therein and thereon in the condition they now are and from time to time hereafter may be. Provided that this paragraph does not affect enforcement jurisdiction of the Division under the Act for any gas and/or oil operations occurring on such premises. Nothing contained herein will be deemed to be an expressed or implied waiver of the sovereign immunity of the Commonwealth or its duly authorized representatives, agents and/or employees.
5. Division agrees that it will require any contractor and/or subcontractor utilized to accomplish the Plugging Activity to maintain insurance coverage to protect from any liability for any negligent act or omission on the part of said contractor and/or subcontractor, and to furnish upon request evidence of such insurance to the undersigned landowner(s). All equipment and tools placed upon or within the Property by the Division will remain the property of the Division and may be removed at any time.
6. The Division will, at its expense, substantially restore the Property to its condition prior to changes made by the Division, its agents, contractors or representatives, if any, other than those permanent changes required to accomplish the plugging of the Orphaned Well itself.
7. This assignment shall be binding upon and shall inure to the benefit of the heirs, successors and assigns of the parties.
8. Additional Conditions:

a.	
b.	
c.	
d.	

WITNESS the following signatures this ____ day of _____, 19 ____.

BY:	
AUTHORIZED AGENT/LANDOWNER	

BY:			
AUTHORIZED AGENT LANDOWNER		Witness	

BY:	
Department of Mines, Minerals and Energy Division of Gas and Oil	

Owner of Record		Acreage	
Magisterial District	Deed Book No.	Page(s)	
Property Interest ¹	Property Status	County	
Project Name			

As the legal and rightful owner (or authorized agent acting on behalf thereof) (herein "Landowner") of the property identified in the aforementioned records (herein "Property"), I (we) do hereby (1) warrant to the Division that I (we) have the full power, right and authority to grant this license and (2) grant to the DIVISION OF GAS AND OIL, VIRGINIA DEPARTMENT OF MINES, MINERALS AND ENERGY (herein Division), its agents, employees, or contractors, the right to enter upon said Property to fill and plug that certain well known and identified as the _____, File Number _____, located on the Property, drilled in _____ (herein "Well") as required by Va. Code §§ 45.1-361.27 and 45.1-361.34 and the regulations promulgated pursuant thereto (herein "Plugging Activity"). This permission includes the right to enter and to leave the Property, to construct or improve access, to transport such equipment across and upon the Property as the Division may deem necessary to perform the Plugging Activity, and to do all things necessary or expedient to protect the public health, safety, or general welfare.

Entry and Plugging Activity, if any, performed by the Division, its agents, employees, or contractors, is pursuant to the authority granted in the Virginia Gas and Oil Act (Act: §45.1-361.1 et seq. and in particular §§ 45.1-361.3 and 45.1-361.27 and 45.1-361.40 of the Code of Virginia), as amended and regulations issued thereunder (4 VAC 25-150, Part I, Article 6, Plugging and Abandonment).

I (we) hereby give this license for the length of time necessary to complete the Plugging Activity described in _____ to accomplish the Plugging Activity, subject to the Landowner's continued ownership and use of the property, which termination date shall in no event be later than _____.

In granting this license, the Landowner does not waive any rights conferred upon it by virtue of the language contained in the Act, as amended and regulations issued thereunder. The Division does not waive its rights or responsibilities conferred by the Act.

In the process of conducting the Plugging Activity, certain material such as tanks, pumpjacks, pipe casing, tubing, rods, downhole junk and the like may be encountered and recovered from the Well (herein collectively "Salvage Material").

_____, a. The Landowner does hereby remise, release and quit-claim forever, any and all title, interest, claim and demand which the Landowner may have or acquire in and to the Salvage Material provided that the Division and/or its agents remove the Salvage Material from the property and properly dispose of it in conjunction with Plugging Activity; or

¹ Property Interest - P = Private; C = Company; L = Leaseholder; M = Mineral only; B = Borrow area; D = Disposal area. (enter all that apply.)

b. The Landowner warrants that it/he is the owner of all right, title, interest, claim and demand in and to the Salvage Material, and as the owner of same demands that the Division and/or its agents notify Landowner the nature of Salvage Material that is recovered from the Well, and immediately thereafter deliver up possession of said Salvage Material to the Landowner by depositing it on the Property in the vicinity of the Well. Landowner agrees to indemnify, defend, and hold harmless the Commonwealth of Virginia, its officers, agents, and employees from any claims, damages and actions of any kind or nature, whether at law or in equity, arising from or caused with respect to said Salvage Material.

In consideration for this license, the Division, its agents, employees or contractors agree that the following provisions are to be considered a part of the foregoing license:

1. All Plugging Activity hereunder shall be at the sole expense of the Division.
2. The entry by Division upon the Property is for the convenience and purposes of the Division and is not upon any business with or for the Landowner.
3. The Division is aware of the fact that while it is about said premises and Property, the business activities of the Landowner, including the movement and operation of machinery and equipment, will be conducted and carried on and that Division may be nearby to such business activities.
4. The division accepts all of said premises and Property and the structures, machinery, equipment and facilities therein and thereon in the condition they now are and from time to time hereafter may be. Provided that this paragraph does not affect enforcement jurisdiction of the Division under the Act for any gas and/or oil operations occurring on such premises. Nothing contained herein will be deemed to be an expressed or implied waiver of the sovereign immunity of the Commonwealth or its duly authorized representatives, agents and/or employees.
5. The division agrees that it will require any contractor and/or subcontractor utilized to accomplish the Plugging Activity to maintain insurance coverage to protect from any liability for any negligent act or omission on the part of said contractor and/or subcontractor, and to furnish upon request evidence of such insurance to the undersigned landowner(s). All equipment and tools placed upon or within the Property by the Division will remain the property of the Division and may be removed at any time.
6. The Division will, at its expense, substantially restore the Property to its condition prior to changes made by the Division, its agents, contractors or representatives, if any, other than those permanent changes required to accomplish the plugging of the Orphaned Well itself.
7. This agreement shall be binding upon and shall inure to the benefit of the heirs, successors and assigns of the parties.

8. Additional Conditions:

a.	
b.	
c.	
d.	

WITNESS the following signatures this ____ day of _____, 19____.

BY: _____
 AUTHORIZED AGENT/LANDOWNER

BY: _____	_____
AUTHORIZED AGENT/LANDOWNER	Witness

BY: _____
 Department of Mines, Minerals and Energy
 Division of Gas and Oil



COMMONWEALTH OF VIRGINIA
DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF GAS AND OIL
P. O. BOX 1416, ABINGDON, VA 24212
TELEPHONE: (540) 676-5423

AFFIDAVIT AND RELEASE IN SUPPORT OF
SURFACE OWNER'S APPLICATION TO
THE VIRGINIA DIVISION OF GAS AND OIL
FOR USE OF AN ORPHANED WELL AS A WATER WELL

Va. Code § 45.1-361.40 requires that the Department of Mines, Minerals and Energy, Division of Gas and Oil (herein "Division") survey, prioritize according to condition, and plug orphan wells within the Commonwealth. A Well is defined by the Virginia Gas and Oil Act (herein "Act") to be "any shaft or hole sunk, drilled, bored or dug into the earth or into underground strata for the extraction, injection, or placement of any gaseous or liquid substance, or any shaft or hole sunk or used in conjunction with such extraction, injection or placement"; however, the term well "shall not include any shaft or hole sunk, drilled, bored or dug into the earth for the sole purpose of pumping or extracting therefrom potable, fresh or usable water for household, domestic, industrial, agricultural, or public use". An Orphaned Well is defined by the Act as "any well abandoned prior to July 1, 1950, or for which no records exist concerning its drilling, plugging, or abandonment" (herein "Orphaned Well"). The Division has surveyed the location and condition of an orphan well known and identified as the _____, File Number _____ located at _____ in _____ County, Virginia, drilled in _____ and located on _____ property, the surface estate of which on the date hereof is owned by _____ (herein "Surface Owner") of _____ (address) _____ (herein the surface estate upon which the Orphaned Well is located is referred to as the "Property").

The Surface Owner hereby applies to the Division for reclassification of the Orphaned Well to a Water Well and for the Release of the Orphaned Well from the Division's survey/inventory of Orphaned Wells. In support of its application, the Surface Owner, who being duly sworn according to law, depose(s), say(s) and/or agree(s) as follows:

1. That Surface Owner is the owner of the Property upon which the Orphaned Well is located, said Property has not been conveyed in trust, and Surface Owner is in undisputed possession of said Property.
2. That Surface Owner is currently using the Orphaned Well to supply potable, fresh or usable water for Surface Owner's domestic and/or agricultural water supply.
3. That, if the Division reclassifies the Orphaned Well as a Water Well and releases the Orphaned Well from the Division's survey/inventory of Orphaned Wells, Surface Owner understands that such action is conditioned upon the Orphaned Well not ever being used for the extraction, injection or placement of any gaseous or liquid substance, other than for the pumping or extraction therefrom of potable, fresh or usable water for household, domestic, industrial, agricultural, or public use.
4. That in consideration for the Division granting Surface Owner's application by reclassifying the Orphaned Well as a Water Well and releasing the Orphaned Well from its survey inventory of Orphaned Wells, Surface Owner remises, releases, acquits, satisfies, and forever discharges the Commonwealth of Virginia, its officers, agents and employees, of and from any and all responsibility with respect to the Orphaned Well and from any and all claims, damages and

actions of any kind or nature, whether at law or in equity, arising from, caused by or with respect to the Orphaned Well which Surface Owner ever had, now has, or which any personal representative, successor, heir or assign of said Surface Owner, hereafter can, shall or may have, against the Commonwealth of Virginia, its officers, agents and/or employees. Further, Surface Owner agrees to indemnify, defend and hold harmless the Commonwealth of Virginia, its officers, agents, and employees from any claims, damages and actions of any kind or nature, whether at law or in equity, arising from or caused with respect to the Orphaned Well.

5. That Surface Owner makes this Application, Affidavit and Release for the purpose of inducing the Division to reclassify the Orphaned Well as a Water Well and to release the Orphaned Well from the Division's survey/inventory of Orphaned Wells established pursuant to Va. Code § 45.1-361.40.

Witness _____ Surface Owner's Signature _____

Witness _____

Witness _____ Surface Owner's Signature _____

Witness _____

STATE OF _____)
COUNTY OF _____)

On this _____ day of _____, 19____, before me _____, a Notary Public, duly commissioned and qualified for the State of _____, personally appeared _____, who, being duly sworn, declared that this annexed statement, subscribed is true to the best of his/their knowledge and belief.

In testimony whereof, I have hereunto set my hand and affixed my seal of office, the day and year above written.

Notary Public
My Commission Expires: _____

DIVISIONAL APPROVAL

The Division hereby grants Surface Owner's application to reclassify the Orphaned Well as a Water Well and releases the Orphaned Well from the Division's survey/inventory of Orphaned Wells provided:

- (1) The Orphaned Well is not used for the extraction, injections or placement of any gaseous or liquid substance, other than for the pumping or extraction therefrom of potable, fresh or usable water for household, domestic, industrial, agricultural or public use; and
- (2) The Orphaned Well constitutes no environmental or safety hazard related to its previous use as a gas or oil well.

DONE AND PERFORMED this _____ day of _____, 1996, by Order of the Virginia Gas and Oil Inspector, Department of Mines, Minerals and Energy, Division of Gas and Oil.

Byron Thomas Fulmer
Virginia Gas and Oil Inspector

DGO-GO-25
1196

Page 3 of 3

The Legislative Record

Volume 6 No. 7

December 1996

HJR 55/SJR 36

Joint Subcommittee Studying the Creation of an Insurance Fraud Division

November 26, 1996, Richmond

The joint subcommittee concluded its study of insurance fraud by discussing and adopting final recommendations. During its three previous meetings, the subcommittee heard testimony describing the scope and magnitude of insurance fraud and examined methods used by other jurisdictions to combat this crime.

Proposed Legislation

Draft legislation presented at the second meeting proposed that the Commonwealth define the crime of insurance fraud and establish an insurance fraud division within the State Corporation Commission's (SCC) Bureau of Insurance. This division would consist of investigators with police powers dedicated to investigating and referring to prosecutors cases of insurance fraud. The draft legislation would fund this measure through increased premium assessments against all insurance companies writing policies in the Commonwealth.

Several parties objected to the proposed legislation and debated various provisions during the second and third subcommittee meetings. The SCC opposed the formation of such a unit, stating that the proposal was duplicative of existing law-enforcement authority and unnecessarily expensive. In a letter to the subcommittee, the SCC stated that the Bureau of Insurance lacked the resources to equip, train, and maintain such a unit and noted that funding requirements would raise premium assessments and, ultimately, individual policyholder's rates.

Health and life insurance representatives objected to the increased premium assessments. Representatives for these lines stated

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- 8 HJR 193: Abandoned Waste Sites
- 9 HJR 252: High-Speed Rail
- 9 SJR: 12: Procurement Practices
- 10 SJR 54: Douthat State Park
- 12 SJR 34: Coal Dust
- 12 HJR 196: Future of Public Education
- 13 HJR 230: Employee Assistance Programs
- 13 HJR 33: Sovereign and Charitable Immunity
- 14 SJR 128: Joint Local Activities
- 15 HJR 195: Science and Technology
- 16 HJR 108: Taxing Authority
- 17 HJR 174: Arts Funding
- 17 Childhood and Day Care Commission
- 19 SJR 118: Electric Utility Restructuring

that the bulk of fraud cases involve property and casualty insurers and policyholders. Health and life insurance representatives objected to bearing the funding expense of an activity unrelated to their companies or policyholders. Additionally, the Virginia Trial Lawyers Association expressed concern over the potential

VIRGINIA DIVISION OF LEGISLATIVE SERVICES

Virginia Register of Regulations

for abuse of police powers conferred upon investigators. Specifically, the provisions of the draft legislation dealing with subpoena powers, immunity, and confidentiality were of concern. The trial lawyers also suggested that any measures adopted address fraud committed by insurance companies and their employees and agents as well as by policyholders.

Subcommittee Recommendations

Recognizing fundamental policy differences, Chairman Heilig directed all interested parties to meet with staff from the Bureau of Insurance to formulate a final draft proposal. Several extensive work sessions resulted in the draft proposal presented at the final meeting of the subcommittee, which recommended approval of the first portion of the draft, containing provisions that deal with the codification of the crime of insurance fraud, without dissent. The subcommittee recommended placing these provisions among the other criminal statutes in Title 18 of the Code of Virginia. The measures endorsed define insurance fraud as an offense punishable as larceny. The draft legislation addresses fraud committed by insurance companies as well as by policyholders, defining an insurance transaction as "matters arising out of any relationship among or between an insured, an insurer and a third party for which an insurance policy provides coverage." The draft also contains provisions for restitution by a convicted party as well as notification to licensing authorities upon conviction of a licensed professional.

For the remainder of the meeting, the subcommittee focused on discussion and adoption of the draft legislation establishing a fraud division. These provisions establish within the Bureau of Insurance a Division of Insurance Fraud, to be staffed by attorneys, administrative personnel, and investigators with general police powers. The draft contained alternative funding provisions, one directing assessments against all lines of insurance and another limiting the assessments to property and casualty insurance lines only.

A majority of the subcommittee, including all legislative members, approved the motion to recommend adopting the draft legislation establishing the fraud division. The subcommittee chose to adopt provisions that fund the division through premium assessments against property and casualty insurance lines alone. While the crime of insurance fraud encompasses all lines of insurance, and investigators will refer any suspected fraud to prosecutors, the division will investigate only those acts involving property and casualty insurance matters. The subcommittee expressed the sentiment that the initiation of an anti-fraud effort is reasonably accomplished with such a method of funding and investigating, and the system can be amended in the future.

The Honorable George H. Heilig, Jr., *Chairman*
Legislative Services contact: Robert Omberg



HJR 63

Campaign Finance Reform

December 4, 1996, December 9, 1996, Richmond

A special subcommittee of the House Committee on Privileges and Elections, appointed to examine campaign finance reform issues, presented proposals to the full committee on three topics: education sessions for members and lobbyists; electronic filing of campaign reports; and restrictions on campaign fundraising during legislative sessions. Committee members discussed and questioned the proposals, registered mixed reactions to several recommendations, and guaranteed that the campaign finance reform debate will continue into the 1997 Session.

Background

During the interim, the special subcommittee sought and received advice from legislators, political party and caucus representatives, public interest group spokespersons, lobbyists, media representatives, and others who participated in two public discussion sessions. Those participants worked to pinpoint areas of consensus on campaign finance reform. Smaller task forces then developed more specific recommendations in the areas of consensus. The subcommittee met on December 4, heard comments on a preliminary draft report, made revisions, and reported to the full Privileges and Elections Committee on December 9.

Education

Discussion participants pointed to incidents in other states that illustrate the need for legislators and lobbyists to be alert to issues involving campaign finance activities and legislative activities. Increased costs of political campaigns put pressure on Virginia's reputation for integrity in government, foster media reports suggesting undue influence on elected officials by large contributors with special interests, and undermine public confidence in elected officials.

Participants agreed that education for members and lobbyists would be beneficial and advocated a program that will highlight practical steps to isolate legislative actions from fund-raising activities and outline present legal requirements. In response to these discussions, the leadership and Clerks of the General Assembly and the Secretary of the Commonwealth have already taken the initiative to implement this proposal. An educational program for members and interested lobbyists will be held early in the 1997 Session.

The subcommittee proposed that similar programs be conducted in 1998 and every even-numbered year at the outset of each session following the election of new members. No legislation is proposed on this topic. Attendance would not be mandated, but member participation would be encouraged.

Electronic Filing

The special subcommittee concluded that Virginia should convert its paper-based campaign filing and disclosure system to an automated system with electronic filing and processing capabilities. The subcommittee presented a number of findings:

- ▶ The present system compares favorably with those of other states on the required number and contents of reports, and criticism focuses on the accessibility of reports and information in the reports;
- ▶ The General Assembly laid the groundwork to improve accessibility and shift to an electronic system in 1996 by directing the State Board of Elections to develop standards for an automated or electronic campaign disclosure report system and by appropriating funds that can be used to automate the present system; and
- ▶ Other states have implemented voluntary and mandatory electronic systems at reasonable cost and demonstrated that the technology for electronic filing and processing is available.

The subcommittee proposed that:

- ▶ The State Board of Elections implement the 1996 legislation and accept electronic filings as soon as practicable;
- ▶ Electronic filing be mandated for statewide candidates (Governor, Lieutenant Governor, and Attorney General) and for General Assembly candidates beginning January 1, 1999; and
- ▶ An exemption be available for candidates raising and spending less than \$10,000 in a campaign.

The subcommittee also proposed that the requirement for detailed information on individual contributors be applied to contributors of more than \$200, rather than \$100, as a means of reducing the volume of reported information, focusing on significant contributors, and adjusting for inflation since the \$100 threshold was adopted in 1970.

A number of committee members criticized the call for a mandatory system. Members questioned the appropriateness of requiring candidates to acquire computers and the reliability of the technology. Legislation may be introduced on this topic during the 1997 Session.

Campaign Fund-raising During Legislative Sessions

The subcommittee reported that the participants in its deliberations did not reach a consensus on the issue of overall contribution limits. They recognized the arguments for contribution limits and the problems raised by limits. One serious concern expressed was the possibility that limits would divert money from direct contributions to candidates into other channels, such as independent expenditures and contributions to PACs. This type of diversion dilutes the effectiveness of the candidate's disclosure reports.

Participants agreed, however, that campaign finance activities during regular sessions of the General Assembly create the possibility or appearance that legislative actions are influenced by campaign contributions. There was near consensus that fund-raising activities during the sessions should be restricted.

Approximately half the states now impose restrictions on campaign fund-raising activities during regular legislative sessions. Some states restrict members and the governor from campaign fundraising activities, some limit candidate activities, and some limit lobbyists and others from contributing. Eight states, including Virginia, do not impose either session restrictions or limits on the amount of campaign contributions. Approximately 18 states cap contributions but do not limit session fund-raising activities.

The subcommittee concluded that a ban on the solicitation or acceptance of campaign contributions during the regular session by General Assembly members and the Governor, Lieutenant Governor, and Attorney General (all active participants in the legislative process) is the most clear-cut approach to prevent actual or perceived improper conduct. The ban would separate campaign fund-raising from legislative actions and reduce the perception of improper influence by contributors and improper use of position by officials.

The subcommittee proposed a ban beginning on January 1 and ending with adjournment of the regular session. Committee members expressed support for the concept but questioned the January 1 beginning date and the impact of the ban on an incumbent who faces a challenger for nomination. The challenger who is not an officeholder would be able to raise campaign funds while the incumbent officeholder cannot. Legislation on this issue will be introduced, giving the committee an opportunity for further debate.

The Honorable John J. Davies III, *Chairman*
Legislative Services contact: Mary R. Spain



SJR 86/HJR 198

Joint Subcommittee Studying Handicapped Parking

November 19, 1996, Richmond

In its fifth meeting, the joint subcommittee completed its work session on legislative options to enhance enforcement and decrease abuse of handicapped parking laws.

Re-issuance of Placards

The first item the subcommittee considered was the invalidation of existing disabled parking placards and the re-issu-

ance of newly designed disabled parking placards for the purpose of weeding out those persons who currently use invalid, altered, or counterfeit placards. In a letter distributed to the subcommittee, a representative of the Department of Motor Vehicles (DMV) expressed several reservations about a large-scale invalidation and re-issuance of disabled parking placards. He noted that such a process would (i) result in additional expense to the DMV; (ii) burden persons who hold valid placards; and (iii) create additional enforcement problems. As an alternative to re-issuance, the DMV suggested that the current placard design be altered to include a day, month, and year hole-punch system, a penalty warning, and a misuse "hotline" number. In addition, the department stated that it could begin issuing the new design in January 1997 and that the new placards would be fully distributed within five years, the term of validity for a permanent placard.

In response to the DMV's position, the Vice-Chairman stated that a five-year time frame for placard re-issuance would be too lengthy and urged the subcommittee to consider a quicker re-issuance process. Members also made several suggestions regarding the redesign of the placard, such as using machine-imprinted data, using only a month and year hole-punch system, and expanding the size of the warning and phone number on the proposed design. Ultimately, the subcommittee recommended that the department begin issuing new placards to applicants in January 1997. In September 1998, the point at which it will have attained complete computer records of all placard and plate holders, the DMV would conduct an administrative exchange of all placards. Placard holders will not have to recertify their disability and will be able to exchange their placards either by mail or in person.

Eligibility Requirements

Following its discussion of placard re-issuance, the subcommittee addressed the eligibility requirements for obtaining a disabled parking placard or plate. A member of the subcommittee who currently serves on DMV's Medical Advisory Board stated that of the seven eligibility categories, the miscellaneous category creates the biggest opportunity for abuse and recommended that physicians be required to state a diagnosis and describe their patient's mobility impairment if they certify a patient's disability under the miscellaneous category. The subcommittee agreed with this recommendation.

Alteration, Counterfeiting, and Unauthorized Use

The subcommittee next considered the misuse of placards or plates through alteration, counterfeiting, and unauthorized use. The chief of police for the City of Hampton noted that such activities are quite prevalent in his area and are done willfully, without regard to the needs of the disabled community. After some debate, the subcommittee recommended that the following activities be made Class II misdemeanors: (i) counterfeiting a disabled parking placard or plate; (ii) using a counterfeit placard

or plate; (iii) altering a placard or plate (e.g., extending the expiration date); (iv) unauthorized use of a placard or plate (e.g., a non-disabled driver using a disabled person's placard or plate); (v) knowingly selling or exchanging for consideration a placard or plate; and (vi) fraudulently obtaining a placard or plate. In addition, the subcommittee recommended that providing a placard or plate to a non-disabled driver (not by sale or exchange of consideration) be made a Class III misdemeanor.

Enforcement

In an effort to enhance the enforcement of handicapped parking laws, the subcommittee recommended that placard and plate holders be required to provide either a driver's license or state identification card to law-enforcement officers upon request in order to verify their legitimate use of such indicia. Furthermore, members recommended that officers be authorized to confiscate a placard or plate when they arrest an individual for unauthorized use, alteration, or counterfeiting. Encouraged by the success of the City of Virginia Beach's PEST program (Parking Enforcement Specialist Team), the subcommittee also recommended that all localities be authorized to create similar volunteer parking enforcement units.

At the close of the meeting, staff was instructed to complete a draft report and legislation incorporating the subcommittee's recommendations. Both the report and the proposed legislation will be provided to study members and members of the Technical Advisory Committee for their comments and suggestions. No further meetings are planned unless called by the Chair.

The Honorable Mary Margaret Whipple, *Chair*
Legislative Services contact: Kenneth W. Gibson



HJR 100

Joint Subcommittee to Study Ways to Enhance the Supply of Vital Organs Available for Transplantation in Virginia

November 20, 1996, Richmond

At its third meeting, held at the offices of the United Network for Organ Sharing (UNOS) in Richmond, the subcommittee discussed its findings and recommendations. Included among the non-legislative actions are letters from the subcommittee to:

- The Virginia Department of Education and the State Board of Education to thank them for their support in the development of the voluntary curriculum guide for organ and tissue

donation and transplantation with the Virginia Transplant Council (VTC) and encourage them to promote the availability of the guide to the Commonwealth's local school divisions.

- ▶ The superintendents of every local school division, Virginia Education Association, Virginia Association of School Superintendents, Virginia School Boards Association, Virginia Elementary and Secondary Principals Association, and Virginia Congress of Parents and Teachers to promote the availability of the voluntary curriculum guide.
- ▶ The Department of Health Professions to request that the Boards of Medicine and Nursing promote topics related to organ and tissue donation and transplantation through their newsletters to licensees.
- ▶ The Virginia Medical Society, American College of Emergency Physicians, and other specialized medical associations to request that topics related to organ and tissue donation and transplantation be promoted to members through their publications, journals, and newsletters, and that continuing education courses on organ and tissue donation and transplantation be offered to their members.
- ▶ The curriculum committees of the University of Virginia Medical Center, the Medical College of Virginia, the Medical College of Hampton Roads, and all of the Commonwealth's nursing schools to request that they adopt the national curricula for medical and nursing schools developed by UNOS.
- ▶ The Secretary of Health and Human Resources to encourage the establishment of a VTC Internet presence through a home page and hot-link to other state agencies involved in organ, tissue, and eye donation and transplantation (e.g., Departments of Education, Health, Health Professions, and Motor Vehicles).

Legislation

The legislation recommended by the subcommittee for the 1997 Session includes:

- ▶ A bill to amend the VTC's enabling legislation to permit "successor organizations" of the original statutory members to be on the council, to establish an associate council membership and to designate several associate members, and to create a special non-reverting fund on the books of the comptroller that would allow the council to receive appropriations, contributions, grants, gifts, bequests, etc. A budget amendment to increase the VTC's funding was also recommended.
- ▶ A bill to amend Virginia's Uniform Donor Document to provide that an applicant's failure or refusal to answer the question whether he wishes to be an organ donor shall not result in failure or refusal by the Department of Motor Vehicles (DMV) to issue or renew a Virginia driver's license.
- ▶ A bill to amend Virginia's Health Care Decisions Act to permit an individual, through his Advance Medical Directive, to make an anatomical gift of all or part of his body or to designate another person (an attorney-in-fact) to make the donation decision on his or her behalf before or after his death.
- ▶ A bill to amend Virginia's Uniform Anatomical Gift Act to allow organ procurement organizations and tissue and eye banks to accept donations to individuals specified by the donor, provided that discrimination on the basis of race, national origin, religion, gender, or similar characteristic in such directed donations is prohibited.
- ▶ A resolution requesting a joint agency study by DMV and VTC to determine the best method for the DMV to ask an applicant for a Virginia driver's license if he wishes to be an organ donor and how to indicate that information on his Virginia driver's license and the most efficient and effective means of providing information to Virginia's drivers about organ, tissue, and eye donations.

Other Proposals

Although discussed at length throughout the study, the subcommittee has not yet taken a position on proposals to require Virginia's hospitals, as a condition of licensure, to establish protocols on the "routine referral," "designated requester," and "medical record review" proposals put before the subcommittee. "Routine referral" would require hospitals to contact an organ procurement organization at or near the occurrence of every death within the hospital to determine a patient's suitability for organ, tissue, and eye donations. "Designated requester" ensures that the family of a potential donor is approached by a person specially trained to request family consent for donation. "Medical record review" would permit organ procurement organizations to review the medical records of all patients who die within Virginia's hospitals to provide an opportunity for education and cooperation between the hospital and organ procurement organizations.

According to UNOS, the overall purpose of the three protocols is to increase the identification, referral, and evaluation of potential donors. Nationally, there are between 8,000 and 12,000 potential donors every year. With only about 50 percent of potential donors actually being identified, referred, and evaluated, somewhere between 4,500 and 5,300 organs have actually been recovered, on average, over the last three years. Research confirms that while consent rates for doctors are low (about 15 percent) and nurses are slightly higher, consent rates among organ procurement organizations is at least 50 percent in all studies.

The subcommittee's final meeting has been scheduled for Thursday, January 9, 1997, at 10 a.m. in the Fourth Floor West Conference Room in the General Assembly Building. At that meeting, the subcommittee will review and decide upon its final legislative package for the 1997 Session.

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



HJR 210

Joint Subcommittee Studying Real Estate Practices

December 4, 1996, Richmond

The joint subcommittee has been examining the real estate settlement market to determine whether the current mix of participants and regulatory oversight provides sufficient protection for the general public. It convened its third and final meeting to conduct a public hearing on the study issues and to review proposed legislation. Additionally, the joint subcommittee continued to examine the effect of the Virginia State Bar Council's opinion that conducting real estate settlements constitutes the practice of law.

Public Hearing

Appearing at the public hearing were real estate attorneys, nonlawyer settlement agents, citizens with complaints about lawyer and nonlawyer settlement agents, Realtors, and title insurance company representatives. Citizen complaints included outright theft of settlement proceeds to settlement agent failures to identify important legal issues in real estate transactions. Citizens who as sellers of real estate had had their settlement proceeds misappropriated by settlement agents noted that sellers have no control over selecting settlement agents; that choice is customarily made by purchasers.

Nonlawyer settlement agents warned the joint subcommittee that if the Virginia Supreme Court adopts, by rule, the Bar Council's opinion that real estate settlements are the practice of law, lay settlement companies will be put out of business, the employment they provide eliminated, and a less-expensive avenue for real estate settlements taken away. Real estate settlement attorneys rejoined, however, that in those states where only lawyers may conduct real estate settlements, the overall cost of closing is generally lower. According to information furnished by the Virginia Real Estate Attorneys League (Va.REAL), this is due to a pattern of lawyers charging slightly more for the settlement at the same time they are charging substantially less for the title insurance.

Settlement Agents as Title Insurance Agents

The joint subcommittee has learned that many lawyer and nonlawyer settlement agents are licensed as title insurance agents. Consequently, in addition to collecting fees for conducting the settlement, many settlement agents are concurrently collecting an agent's commission on the sale of title insurance to the purchaser for the benefit of the purchaser and his mortgage lender. According to one lay settlement agent who participated in a lay settlement demonstration presented to the joint

subcommittee at this meeting, settlement agents who are also title insurance agents may collect up to 60 percent of a purchaser's title insurance premium as an agent's commission. Purchasers are not always aware of their settlement agent's dual role, since there is no requirement that such disclosure be made.

Controlled Business Relationships

The joint subcommittee was also advised by a Northern Virginia real estate attorney that a new wrinkle in the real estate settlement industry is controlled business relationships. For example, it is becoming increasingly common for closing functions to be integrated under an umbrella organization or relationship. Some lenders have affiliated title/settlement companies; loan officers, as employees, are paid referral fees to steer title/settlement business to affiliated companies. In a similar fashion, some real estate brokerage firms have affiliated lending and title/settlement companies; realty managers are paid referral fees to promote real estate agent steering of lender business to affiliated lenders and title/settlement companies. A representative of the Virginia Association of Realtors pointed out, however, that while Realtors may and do refer business to settlement agents and lenders, actual referral fees are prohibited by federal and state anti-kickback statutes.

Vertical arrangements between title insurers, lenders, settlement agents, and Realtors are said to be established through subsidiaries, joint ventures, and exclusivity arrangements. Moreover, real estate purchasers are reportedly given financial incentives to utilize designated lenders, title insurers, and settlement agents. These controlled referrals, the speaker emphasized, may deny purchasers an opportunity to shop in a competitive market for these services on the basis of price and quality. Members of the joint subcommittee expressed interest in learning more about this new issue, noting that continuing this study in 1997 might provide an opportunity for further examination.

Legislative Proposals

The joint subcommittee concluded its 1996 work by reviewing legislation proposed by one of its members as well as a measure presented by the Coalition for Choice in Real Estate Closings, an association representing title companies, banks, realtors, and lay settlement agents. Senator Richard Saslaw requested the joint subcommittee's endorsement of a bill to prohibit the Supreme Court's issuance of any rule restricting the conducting of real estate closings to attorneys. The motion to recommend failed.

The coalition presented a legislative proposal that would require all persons engaged in conducting real estate settlements as settlement agents to be licensed as attorneys, title insurance companies, title insurance agents, or real estate brokers. The legislation would be applicable to transactions involving four or fewer residential units; state and federally regulated financial institutions (and their subsidiaries and affiliates) would be

exempt from the bill's licensing requirements. The coalition's proposal also requires settlement agents to (i) maintain at least \$100,000 in errors and omissions or malpractice insurance coverage, (ii) secure fidelity bonds or employee dishonesty insurance providing at least \$100,000 in coverage, and (iii) submit to annual escrow account audits. Settlement agents are required by the bill to maintain separate escrow accounts for depositing settlement funds; settlement funds may be disbursed only pursuant to a written agreement. The joint subcommittee took no formal vote on this recommendation.

Final Recommendation

The joint subcommittee ultimately approved a motion recommending to the 1997 General Assembly that the HJR 210 study be continued during the interim between the 1997 and 1998 Sessions. It further recommended that the joint subcommittee's 1997 activities include (i) further examination of the coalition's proposal, (ii) an analysis of the controlled business relationships issue, and (iii) continued discussion concerning protection for the general public in real estate settlements. In approving this motion, the joint subcommittee concluded its 1996 activities.

The Honorable William K. Barlow, *Chairman*
Legislative Services contact: Arlen K. Bolstad



HJR 160

Commission on the Future of Transportation in Virginia

November 25, 1996, Richmond

Chairman Robinson opened the meeting by announcing the appointment of a 19-member Advisory Committee on Transportation Needs. This panel will work with data supplied by Virginia's state transportation agencies and local governments to assess the Commonwealth's transportation needs and report its findings to the full commission some time after the adjournment of the 1997 Session of the General Assembly. This report will form a basis of the full commission's later deliberations concerning transportation needs and the resources required to meet them.

Nongovernmental Organizations

The commission heard comments from representatives of nongovernmental organizations: the Virginia Transportation Alliance, the Virginia Chamber of Commerce, and the Northern Virginia Roundtable. According to one representative, Virginia's businesses and the Commonwealth's economic "grass roots" realize that an adequate and safe transportation system is essential to prosperity and economic development. She urged the panel to report on Virginia's transportation needs and sources

of transportation funding during the summer of 1997 and to submit a final report on matching the needs with funding sources to the 1998 Session of the General Assembly. From Northern Virginia's point of view, Virginia's first transportation priority must be the replacement of the Woodrow Wilson Bridge across the Potomac, the second priority should be the construction of the Western Transportation Corridor to provide a route for long-distance north-south traffic to use in bypassing the Washington metropolitan area, and the third priority should be more and better coordination and linkage among transportation modes throughout Virginia.

Secretary of Transportation

Sharing with the commission his own view of the Commonwealth's transportation needs and resources, Virginia's Secretary of Transportation observed that efforts to produce an analysis of transportation needs would, of necessity, be a subjective exercise involving more art than science. Given this situation, he felt that the assessment provided by him to the General Assembly in 1994 was probably "as good as you'll get, give or take a few billion." He recommended that the commission (i) focus on the largest projects with the largest costs, (ii) assess the needs of mass transit entirely separately from other transportation needs, and (iii) keep maintenance of existing transportation resources as the very highest priority. As Congress moves closer to crafting a federal transportation program to replace the Intermodal Surface Transportation Assistance Act (ISTEA) in the fall of 1997, it seems more likely that Virginia will be a major beneficiary of changes between ISTEA and its successor program. In responding to questions, the secretary said he does not support revision of the highway funding formulas at the present, prefers to look for unique funding sources for very large, expensive projects that the present formulas cannot accommodate, and does not support any increase in transportation taxes.

Tidewater

The director of transportation of the Hampton Roads Transportation District Commission provided the commission with statistical and other analysis generally supportive of the proposition that the dollar costs of needed transportation construction projects and maintenance of existing transportation infrastructure are growing and that revenues available to meet those needs are at best static and, in some scenarios, are declining. He warned that if no new revenues are made available to support Virginia's transportation programs, very soon revenues would not only be inadequate to undertake new construction, but would be inadequate even to meet maintenance needs. He suggested further that this "funding gap" is particularly evident in the Tidewater region.

Mass Transit

An administrator in the Virginia Department of Rail and Public Transportation and the executive director of the Peninsula Transportation District Commission briefed the panel on

the state of public transit in Virginia. Statistics presented showed mass transit in Virginia generally to be in the grip of a vicious cycle of declining revenues leading to declining service leading to declining ridership leading to further declining revenues. This bleak picture was rendered even more dreary through rapidly declining amounts of federal aid to mass transit nationwide. The Peninsula representative urged (i) the creation of a "core" state aid program that would provide mass transit with full, stable, and reliable funding, (ii) establishment of a separate state program to fund new mass transit service (in order to avoid "diluting" aid to existing service), (iii) supplementing other mass transit programs with a separate mechanism for funding research and development dealing with mass transit technology, and (iv) the authorization of regional motor fuel taxes to support regional mass transit programs. Both speakers favored analysis of mass transit needs separately from analysis of other transportation needs.

Staff Reports

The meeting's final presentations were made by House Appropriations and Senate Finance Committee staff outlining issues, questions, and choices that the commission will need to address as its work proceeds. Chairman Robinson requested staff from the Division of Legislative Services to prepare draft legislation extending the commission's mandate beyond that provided for in HJR 160. This draft will provide for an interim report on Virginia's transportation needs by September 15, 1997, with a final report to the Governor and General Assembly by December 20, 1997.

The Honorable William P. Robinson, Jr., *Chairman*
Legislative Services contact: Alan B. Wambold



HJR 193

Joint Subcommittee on Abandoned Solid or Hazardous Waste Sites

November 18, 1996, Richmond

As many as 400 abandoned waste sites in Virginia may pose substantial risks to human health. The joint subcommittee is continuing to grapple with issues of identifying and administering these sites and paying for their cleanup.

Defining Abandoned Waste Sites

The cost of remediating abandoned waste sites turns on the definition used. The joint subcommittee is considering draft legislation defining an abandoned waste site as property where solid waste or other regulated substance has been improperly managed, which is not occupied or regularly operated, and where

the owner is unable to pay for its remediation. It would also include waste sites where the owner has ceased to exist or cannot be determined or which have escheated to the Commonwealth.

Under the proposal being considered by the joint subcommittee, abandoned waste sites would be administered by a foundation charged with prioritizing the sites and developing plans for their remediation. One remediation option would allow the foundation to enter into cooperative agreements for voluntary site cleanup, with the remediating party being eligible for tax reductions, grants, and other incentives.

Private Party Participation

Mitretek Systems, Inc., a nonprofit organization, asked the joint subcommittee to consider using it to perform many of the functions that would be required of an abandoned waste site foundation. With experience in contaminated site assessments, Mitretek suggested that it can help the Commonwealth in its efforts to prioritize waste sites and administer remediation efforts. Mitretek, a tax-exempt 501 (c) (3) corporation, can finance its costs through charitable contributions and sole source contractor payments.

Cleanup Cost Projections

According to the Department of Environmental Quality (DEQ), the cost of remediating the nearly 400 abandoned waste sites with greater-than-negligible risk is an estimated \$286 million. Another 600 sites are believed to pose negligible risks to human health. The estimate of the number of sites is based on an analysis of a sample of 250 waste sites conducted by Ogden Environmental and Energy Services. Of the sites analyzed, 117 were determined not to meet the definition of "abandoned." The results from abandoned sites were then extrapolated to the list of 2,015 waste sites identified by the DEQ. The department identified the sectors to which the largest projected cleanup costs are attributable as wood products and preservation (\$69.7 million), landfills (\$51.2 million), dumps (\$36.6 million), automotive (\$24.6 million), and metal foundry and smelting (\$20 million).

Funding Options

States with abandoned waste site programs utilize a variety of sources to fund their cleanup, including disposal and generator fees, product fees, permit fees, general funds, and cost recovery from responsible parties. Several of these revenue sources are used by the Commonwealth to fund other programs. Examples in Virginia include the litter tax, the petroleum storage tank fee, the waste tire tax, the forest product tax, the soft drink excise tax, and civil penalties.

Development of a funding strategy will require the Commonwealth to identify the total cleanup cost, the length of the cleanup effort, and the corresponding cost per year. Staff recommended

that a remediation funding program target sites identified as having high priority and adopt a 20-year cleanup cycle. Based on the DEQ estimate of the cost of remediating sites posing a greater than negligible risk, the annual cost would be approximately \$15 million.

Options for discussion included disposal fees, product fees, permit fees, civil penalties, and general funds. The joint subcommittee will consider whether any product fees can be based on the proportionate cost of remediating waste sites attributable to the product or sector. Issues before the joint subcommittee include identifying funding options, determining required fee levels, and incorporating funding proposals into draft legislation.

The joint subcommittee will meet in December to discuss funding options and to hold a public hearing.

The Honorable R. Creigh Deeds, *Chairman*
Legislative Services contact: Franklin D. Munyan



HJR 252

High-Speed Rail System Commission

November 15, 1996, Fairfax

Virginia Railway Express

The core of the High-Speed Rail System Commission's last meeting of 1996 was a briefing by the director of the Department of Rail and Public Transportation comparing ridership and costs of operation of Virginia Railway Express (VRE) with similar operations elsewhere. The director felt that VRE's ability to cover 52.8 percent (\$8,519,735) of its total operating costs (\$16,142,523) for fiscal year 1996 from farebox revenues was quite good, especially considering VRE's service is only about two years old.

The director used operating costs per passenger mile to compare VRE with other commuter rail systems. VRE's costs of \$0.24 per passenger mile compared very favorably with SEPTA's (Philadelphia) \$0.46, New Jersey Transit's \$0.32, and even Metro North's (New York) \$0.29; it was very close to MARC's (Maryland) \$0.23, but was far higher than MERTAs (Chicago) \$0.18. Using the American Automobile Association's per-mile operating cost estimate for passenger cars (\$0.37.7) he calculated that a typical VRE user would spend \$25.43 per month on commuting, while a drive-alone commuter would spend \$32.49 per month for the same travel. This, he argued, shows that VRE's service is cost-competitive with similar operations and also competitive with single-occupant-vehicle commuting.

Commission Recommendations

Following the presentation on VRE, the commission unanimously agreed to recommend three pieces of legislation in its report to the Governor and the 1997 General Assembly:

- ▶ A joint resolution continuing the commission's study for an additional year and providing for CSX Corporation's participation in that study;
- ▶ A joint resolution endorsing efforts already underway to improve railroad tracks and signals between Richmond and Washington; and
- ▶ A joint resolution urging continued cooperation by the Department of Rail and Public Transportation with the states of Maryland, North Carolina, and Tennessee in seeking improvements to intercity rail transportation.

The commission will meet again at the call of the Chairman, following the 1997 Session of the General Assembly.

The Honorable Donald S. Beyer, Jr., *Chairman*
Legislative Services contact: Alan B. Wambold



SJR 12

Joint Subcommittee Studying State Government Procurement Practices and Procedures

December 6, 1996, Richmond

Based on a number of factors, including Virginia's policy to encourage the development of small business and businesses owned by women and minorities, and the Department of General Services Procurement Manual, which provides for expanded solicitation procedures to include minority-owned businesses, the joint subcommittee expressed concern over the low representation of minority-owned businesses in state procurement as reported in JLARC's 1995 study, *Minority-Owned Business Participation in State Contracts*.

As a result, the joint subcommittee, at its second meeting, heard from 14 state agencies concerning their policies and procedures as they relate to minority-owned business solicitation and participation in each agency's procurement of goods and services. Invited to participate were both large and small agencies and agencies both above and below the 3.9 percent average for minority-owned business participation in state contracts, as reported in the JLARC study.

Generally, the joint subcommittee heard that many agencies attempted to seek minority-owned business participation in all of their discretionary purchasing. Discretionary purchasing

authority was defined as a purchase where the agency had no restrictions as to which vendor could be awarded the purchase. Excluded from discretionary purchasing were mandatory state contracts established by the Department of General Services and sole source exemptions authorized under the Virginia Public Procurement Act. All agencies participating in the meeting were requested to provide to the subcommittee the number of contracts let for the previous year and the number of minority vendors who were awarded such contracts.

At its next meeting, the joint subcommittee will formulate legislative recommendations for the 1997 Session. The next meeting of the joint subcommittee has tentatively been set for the first week of the session.

The Honorable L. Louise Lucas, *Chair*
Legislative Services contact: Maria J.K. Everett



SJR 54

Joint Subcommittee Studying the Feasibility of Developing Douthat State Park

October 24, 1996, Douthat State Park

At its second meeting, the subcommittee received presentations on Douthat State Park's current infrastructure needs, not including bond projects; efforts to develop a promotion and marketing strategy for Virginia's state park system and particularly Douthat; and a profile of the Kentucky state park system and its experience with developing resort-type parks.

Current Infrastructure Needs

The director of the Division of State Parks discussed the infrastructure needs of Douthat, apart from the bond projects. The division has developed a list of maintenance reserve projects for the park system, two of which are planned for Douthat. One project is completing replacement of the park's water line, at a cost of approximately \$519,000, to be done in conjunction with the \$493,000 bond project for the development of a new water system. Alleghany county has been adamant in its position that any system should meet the needs of the county as well as the park. The state not only has to decide whether it wants to continue to operate its own system or come under the county's system, but also whether the system that is ultimately developed should have enough capacity to account for future growth of the park. In addition, the water lines in the park need to be replaced because of their age (constructed in 1936) and their state of disrepair.

The second project involves heating and cooling of the restaurant and includes the replacement of windows, installation

of insulation and a heating system for the restaurant so its operation can be extended to a longer season, heating and air conditioning of the kitchen, and enclosure of the restaurant's porch with windows. For this project, \$141,000 remains to be spent.

The maintenance reserve critical list for the future (next fiscal year) includes two projects for Douthat: (i) a \$100,000 upgrade to the restaurant's septic system and (ii) a \$40,000 upgrade of the dump station drainfield. Since the drainfields are the only system in the park to dispose of sewage, any proposed future development of the park would require the replacement of the current on-site disposal system, which is limited in its capacity to treat increased quantities of wastewater. The Health Department indicated, in its letter of October 18, 1996, that such a new system "would be very expensive due to the degree of treatment that would be required (pristine receiving stream with primary contact recreation downstream) and the typical cost of operation of a wastewater treatment plant."

Chairman Trumbo suggested that any estimate of infrastructure costs should also include 1.5 miles of road improvements, at a cost of \$400,000-\$450,000 per mile, and the cost of possibly dredging the lake to improve lake-related recreational activities (fishing).

Virginia Dam Safety Act and Douthat Lake Dam

The director of the Division of Dam Safety within the Department of Conservation and Recreation discussed Virginia's dam safety program and how the program's requirements affect the operation of the dam at Douthat State Park. Currently, there are 470 dams regulated by the program, of which the state owns 30. Of the eight dams owned by state parks, two (Douthat Lake Dam and Hungry Mother Dam) have been deficient for several years.

The agency had been "hopeful for several years that the required engineering expertise could be brought to bear for the Douthat and Hungry Mother dams and that their rehabilitation can progress in a timely manner." It now appears the agency has contracted with qualified professionals to complete the necessary work on the dams in a timely and cost-effective manner. The major deficiency in both dams is a lack of adequate spillway capacity. The Douthat dam is a Class I dam, meaning that if it were to fail there would quite likely be loss of life. Since the dam at Douthat is considered a high potential hazard dam, the dam safety program requires that it be designed to handle a probable maximum flood (PMF), the largest flood that can reasonably be expected to occur in the area (i.e., 28-inch flood in a six-hour period). Douthat dam's current spilling capacity is about one-fourth of what it should be in order to handle such an event and protect human life. It will be costly to provide such capacity: approximately \$2.6 million in park bond money has been allocated for Douthat dam reconstruction.

Promotion and Marketing

The director of the Virginia Tourism Corporation, a non-stock, non-profit corporation, described his organization's efforts to promote and market not only Douthat, but also Virginia's state parks. He noted that the passage of recent legislation reorganizing the state economic development and tourism activities has given his organization more flexibility in marketing the state's attractions nationally and internationally. While his organization has established rules and procedures, it no longer has to follow certain mandates (e.g., procurement system procedures) associated with being a state agency. The corporation's role is the same as when it operated as the Division of Tourism—that of reaching out to bring visitors to the state, which translates into additional revenue and jobs for Virginia.

Research has indicated that outdoor adventure has great potential to bring people to Virginia. The state recently dedicated \$1 million in advertising to outdoor recreation. Next spring, there will be two ads specifically highlighting the outdoors experience. In the newly-edited travel book, there will be a more extensive insert on Virginia's state parks, and one of the features of the insert will be the lake at Douthat. All the material is provided to the 10 local welcome centers and 45 information centers.

The state, in conjunction with Virginia Tech, is developing a destination web site, which contains 6,500 pages. Within the home page a person can go through a number of sites to obtain information on state parks or can directly access data about a specific state park. There is one page devoted to Douthat. The web site has had about 2,000 virtual visitors (i.e., persons examining at least 10 of the pages or downloading the information) per day.

In response to questions regarding how best to promote Douthat, the director suggested that any promotion should include both the park and the larger community, with the park serving as the site of the various activities. For instance, summer festivals, fishing contests, and mountain biking have been very successful events in other regions. In fact, the Homestead has discussed with the state officials the possibility of promoting a 100-mile mountain biking race. The park could be a major venue for such an event.

Kentucky Resort Parks

Because the authorizing resolution requested the subcommittee to examine the feasibility of expanding recreational opportunities at Douthat, the director of the Division of Resort Parks for the Commonwealth of Kentucky was invited to discuss his state's experience with resort types of recreational facilities. The Kentucky system consist of 49 parks, 15 of which are resort parks with the 16th under development. He characterized his department as "a state agency that does hotel business." Because of the business perspective of the department, the state park system is under the Tourism Secretariat and not under natural resources, as is the case in Virginia.

The resort parks for the last fiscal year generated \$33.5 in net sales while expending \$41.4 million. The resort parks offer amenities ranging from the type of recreational opportunities found at Douthat to those found in the resort parks in the western part of the state, which provide 18-hole golf courses, a 300-slip marina, a 250-site camping area, a facility that seats 1,000, and a 75-room lodge. Resort parks have had mixed results in Kentucky. Powell County in southern Kentucky, in which a resort park is located, generated approximately \$6 million more in tourism than the adjacent county, which has no resort park. On the other hand, resort parks have not been as successful as originally hoped. In the 1960s, it was thought that a resort park in a rural area would spur private development, generating jobs and additional revenue. That has only happened with respect to the larger parks.

In examining the Douthat situation, the Kentucky representative indicated that a number of problems would have to be resolved before considering whether to convert Douthat to a resort park. First, there was a need to upgrade the park's infrastructure, such as roads and the sewer and water system. Second, successful resort parks have one of the following three elements:

1. *A substantial natural attraction.* An example of this in Kentucky is Cumberland Falls Resort Park, which has the largest waterfall east of the Mississippi, except for Niagara Falls. This park has no golf course or other man-made attractions;
2. *A large body of water* (in excess of 2,500 acres); or
3. *A significant man-made amenity*, such as a championship golf course.

Kentucky's most successful parks have two of these elements, and the unsuccessful parks have none. Thus, he did not think that building a lodge at Douthat without a significant attraction (man-made or natural) would be a net revenue generator.

Subcommittee Discussion

The chairman led a discussion focusing on the following short-term and long term issues:

- ▶ A golf course developer would probably be reluctant to invest in such an enterprise, in light of existing facilities at the Homestead and 200 tournament-type golf courses in Virginia.
- ▶ Senator Hanger recommended that when funds are spent on infrastructure, consideration should be given to both immediate and longer range development needs.
- ▶ Chairman Trumbo, with the approval of members of the subcommittee directed that a letter be written to Allegheny County and the Department of Conservation and Recreation requesting that they cooperate in the development of a municipal water system and that such a system be designed to expand its capacity to meet the future needs of both parties.

The Honorable Malfourd W. Trumbo, *Chairman*
Legislative Services contact: Martin G. Farber



SJR 34**Joint Subcommittee
Studying Measures to
Reduce Emissions from
Coal-Carrying Railroad Cars**

December 4, 1996, Richmond

Members' opening remarks showed a clear consensus supporting the view that, in response to the efforts of the subcommittee, actions taken by Virginia's railroads—particularly Norfolk Southern—and coal companies whose product is transported by those railroads, have significantly reduced the amounts of coal dust escaping from moving railroad cars. Norfolk Southern's vice president for coal marketing observed that, through "profiling and crusting" (lowering the coal in railroad cars below the tops of the cars and spraying the contents with a crusting agent), "we're close to solving the problem of dusting from moving trains."

The Norfolk Southern representative reported that:

- ▶ The number of complaints received by the railroad has fallen from 52 last year to 15 this year.
- ▶ A "compliance monitor" to identify "dusty" eastbound coal trains has been installed near Windsor, Virginia.
- ▶ Another monitor will be installed, at a different location, to do the same for westbound trains.
- ▶ Contractual arrangements are in place with coal producers to ensure profiling and crusting of coal most susceptible to dusting.
- ▶ Continuing efforts are being made to further reduce coal dust emissions from coal loading marine terminals at Lambert's Point in Norfolk.

The subcommittee heard complaints from three citizens about the coal dust plume associated with Norfolk Southern's coal dumping operations at Lambert's Point. In subcommittee discussions that followed, a consensus agreed that the issue of coal dust emissions from coal dumping facilities was a sufficiently distinct issue to justify concluding the present study, focused on coal dust emissions from moving railroad cars.

Staff was instructed to prepare a final report on the subcommittee's operations for submission to the Governor and 1997 Session of the General Assembly, including draft legislation requesting Virginia's railroads to provide brief annual updates to the members of the General Assembly on the industry's continuing efforts to reduce coal dust emissions from moving trains.

The Honorable Madison E. Marye, *Chairman*
Legislative Services contact: Alan B. Wambold

**HJR 196****Commission on the Future
of Public Education****Public Hearings**

The Commission on the Future of Public Education held seven public hearings across Virginia from mid-October through mid-December. The hearings took place at local area high schools and one vocational center in the following localities: Wise, Norfolk, Halifax, Richmond, Harrisonburg, Falls Church, and Roanoke. At the hearings, a total of 217 speakers addressed the commission. All who attended were asked to complete a brief survey to obtain additional input. Representation was strong from local area teachers, administrators and parents; the business community; and special interest groups, particularly technology, math, science, vocational education, and the arts.

SOL

Several issues were repeated throughout the hearings. Speakers often commented on the new Standards of Learning (SOL), many expressing reservations about how to incorporate the new standards into an already crowded curriculum. Concerns were raised over lack of updated equipment and sufficient staff development to enable teachers to implement the new SOL.

Business Community

The business community expressed a desire to be involved in the education process, particularly through apprenticeship, mentoring, and partnership programs. Numerous speakers noted the rapidly changing work environment and the need for education to keep pace. Business representatives expressed a vested interest in the employability of students as the future work force, and technical proficiency received much attention as a necessary skill. Recommendations made to the commission included businesses and educators using the same standards to measure student competency, increasing vocational education opportunities, and providing more hands-on work experience, both for students and teachers, as a part of the education experience.

Suggestions

Parents, administrators, and teachers offered ideas to improve the classroom, such as a smaller pupil-teacher ratio; an alternative educational environment for disruptive students; increased specialized professional help for student needs, including more career and guidance counselors; and passing or promoting only those students who meet the standards. Several speakers suggested a longer school day or year. The need for improved facilities, especially to accommodate new technology, was identified at each public hearing.

The full commission will meet throughout the 1997 Session to continue to review many of the suggestions and ideas offered at the hearings. Individuals who promoted model programs or contributed solutions of special interest may be invited back to speak to the commission during the session. The commission is charged with producing recommendations for the 1998 General Assembly.

The Honorable William W. Bennett, Jr., *Chairman*
Legislative Services contact: Linda Knopp



HJR 230

Joint Subcommittee Studying the Licensure of Employee Assistance Programs and Professionals

November 26, 1996, Richmond

At the joint subcommittee's third meeting, members conducted a work session and heard public comment regarding the need for regulation of employee assistance programs and professionals.

Public Comment

A representative of the Virginia Counselors Association urged the subcommittee to strictly define the scope of the employee assistance profession to ensure that employee assistance professionals (EAPs) who are not trained in counseling do not provide such treatment. Also recommending that the subcommittee clearly define the scope of the profession was a speaker from the Virginia Manufacturers Association, who noted that of the 21 VMA members he surveyed, five supported EAP regulation, 14 opposed it, and two were undecided. He also suggested that the subcommittee consider forms of regulation less intrusive than licensure (e.g., registration or certification), and he raised the issue of whether out-of-state EAPs serving Virginia employees would be regulated. Members also heard testimony from the director of Virginia Power's employee assistance program who noted that professional regulation is necessary to maintain quality control and ensure that the EAPs are providing "core technology" services.

Work Session

The work session focused on a model licensure bill provided by the Employee Assistance Professional Association (EAPA). According to EAPA estimates, there are approximately 1,100 potential regulants in Virginia and of that total, 119 are Certified Employee Assistance Professionals (CEAP). Members of the EAPA expressed their support for licensure and recom-

mended that the study (i) require the incorporation of core technologies to conduct a lawful practice as an EAP and (ii) provide strict standards of confidentiality in any regulatory bill that may be introduced.

Staff explained the licensure process but also described such alternatives to licensure as registration, certification, and misdemeanor penalties for unlawful practice and breach of confidentiality. Staff also recommended that the Department of Professional and Occupational Regulation (DPOR) be the agency under which an EAP regulatory program be placed. After much discussion, the subcommittee requested staff to draft a licensure bill incorporating the study's recommendations and directed staff to obtain a cost analysis for EAP regulation by the DPOR.

Next Meeting

The subcommittee plans to meet again on January 7, 1997. The anticipated agenda includes a discussion of the licensure bill and DPOR cost analysis for the regulation of employee assistance professionals. An opportunity for public comment will be provided.

The Honorable L. Karen Darner, *Chair*
Legislative Services contact: Kenneth W. Gibson



HJR 33

Joint Subcommittee Studying Sovereign and Charitable Immunity

December 1, 1996, Richmond

The joint subcommittee's third meeting focused on charitable immunity. The American Red Cross, the United Way of Virginia, the YMCA, and the Virginia Trial Lawyers Association (VTLA) made presentations.

Red Cross

The American Red Cross noted that more than two-thirds of its Virginia chapters are volunteer only; that volunteers are the lifeblood of the organization and perform senior and middle level tasks, assume supervisory and training responsibilities, and deliver client services; that volunteers and paid staff are treated identically for questions of liability because they perform the same work, are held to the same high standards and run the same risks; and that volunteers are the reason that the Red Cross can deliver cost-effective and high-quality services. The Red Cross emphasized that charitable immunity and tort liability issues directly affect its ability to provide service and that the basis of its tort liability is the principle of supervision and control.

The Red Cross stated that the organization assumes liability for situations where it is in a position to control work conditions and work performance. The policy states that it assumes fully its corporate and moral responsibility of providing tort liability coverage to staff, paid and volunteer, under the same insurance program. The Red Cross tries to settle most injury losses, when a person is injured due to Red Cross acts or omission, by paying the costs and expenses an injured person incurs. A balance must be struck between assisting the community and helping to pay an injured person's expenses. The Red Cross supported HB 1854 of 1995, establishing a Volunteer Immunity and Charitable Organization Liability Limitation Act; however, it also supports the Virginia Supreme Court's ruling in *Moore v. Warren*, which provides better protection for volunteers by extending charitable immunity to a charity's volunteers.

Any change in policy that opens volunteers to suit will deplete the Red Cross' resources of volunteers and donations. When asked how the *Warren* decision and its policy to settle claims can coexist, the Red Cross emphasized that it paid the medical costs and expenses incurred, but that *Moore* was seeking award above and beyond medical bills. The Red Cross pointed out that a law change would have less impact on it than it may have on other charities, and so it is also advocating, on behalf of other charities, the defeat of legislation that would deplete resources. Finally, the Red Cross reaffirmed that those who encourage volunteerism and benefit from volunteers must be willing to accept the costs and responsibilities associated with volunteer involvement.

United Way and YMCA

The United Way perceived a need for a balancing of interest between the injured person, the people of the Commonwealth, and the government. Many charities are performing good work, and government benefits by not having to provide the contributions, time, and work force, which can take enormous resources. Financially, a small charity could not withstand a large claim against it, and recruitment of volunteers may be strained if immunity is waived. The United Way pointed out that the General Assembly, in its passage of § 8.01-220.1:1 relating to immunity for officers, directors and trustees of 501(c) organizations, recognized the need of volunteers and their immunity from liability. When asked about HB 1854 of 1995, the United Way said there is value in limiting a volunteer's exposure to liability. The YMCA noted that donations would be discouraged if volunteers or charities lost the protection of immunity and noted further that it is the public policy currently to protect these funds.

VTLA

The trial lawyers stated that the doctrine of charitable immunity is founded in common law, has been modified by the courts, and that only beneficiaries of the charity's good works are unable to sue the charity. The VTLA referred to the *Davidson* decision, which refers to a two-part test developed to determine

whether an organization is charitable: (1) whether the organization's articles of incorporation have a charitable or eleemosynary purpose and (2) whether the organization is in fact operated consistently with that purpose and not for gain, profit, or advantage. The VTLA stated that it is hard to tell when immunity exists because each case is fact driven and for that reason all charities carry insurance.

Subcommittee Recommendations

The joint subcommittee considered six bills carried over from the 1996 Session of the General Assembly, all relating to immunity: HBs 996, 1040, and 1041; and SBs 399, 472, and 524. The subcommittee recommended that all six bills be heard by the full House Courts of Justice Committee at its meeting on December 20th.

At its next meeting, the joint subcommittee will consider two pieces of draft legislation that will: (1) include localities in the tort claims act and (2) enact a volunteer limited liability and immunity act.

The Honorable Joseph P. Johnson, Jr., *Chairman*
Legislative Services contact: C. William Cramm III



SJR 128

Use of Incentives for Joint Activities by Localities

December 13, 1996, Richmond

The joint subcommittee met for its second and final meeting to hear the draft guidelines prepared by the Governor's Advisory Committee and to develop and approve final findings and recommendations for the Governor and the 1997 General Assembly.

Draft Guidelines

Following appointment in October, the Governor's Advisory Committee met with the staff of the Department of Housing and Community Development (DHCD). The draft guidelines presented by the Governor's Advisory Committee address four principles identified by the committee as vital to the success of any regional incentive program.

1. Regions need guidance to move forward, preferably with specific guidelines and guidance.
2. Regional competitiveness will improve only if meaningful standards are developed and enforced.
3. Any program must have flexibility to address the unique characteristics of each regional partnership.
4. Participation by sectors, both private and public, is necessary for the program to succeed.

These principles guided the advisory committee as it formulated the criteria and requirements for a region to qualify for a share of the funds available under the Regional Competitiveness Act (see the *Legislative Record*, September 1996, page 9). These guidelines encourage regional configurations of localities that are of sufficient scale to address regional competitiveness issues while also reducing or eliminating regional fragmentation. The guidelines require all key decision-makers in a region to participate as members of the partnership. The committee defined key decision-makers as mayors and chief administrative officers from each member locality, corporate leaders, presidents of institutions of higher learning located in the region, chairmen of local school boards, and board chairs of local civic associations.

The committee recognized the need to maintain accountability by requiring a forward-looking approach to regional planning. To qualify for available funds, each participating regional partnership must invite public participation when adopting a strategic plan. The plan will include an analysis of key demographic and economic trends that compare the region to competitor regions outside the Commonwealth. The plan must compare the last 10 years' demographics in the following areas: median family income change, job creation and loss, and private sector investment trends. Additionally, the plan must compare regional income disparity during the last five years as measured by the differences in median family income levels among the region's localities. The department will assess progress towards addressing regional competitiveness issues and delivery of proposed joint activities by requiring and comparing clearly defined, measurable outcomes.

The draft guidelines establish a system that involves (i) defining a regional partnership, (ii) forming a regional partnership, and (iii) submitting an application for incentive funding. While it will need adjustments following the initial application and distribution, the schedule will evolve and eventually require localities to turn in applications in July to receive funds the following July.

The proposed scoring system weighs heavily in favor of joint activities that have significant impact on regional economic competitiveness and that improve or strengthen cooperative working relationships among local governments. Emphasis was placed on the concept that the types of activity that are important can and will vary from region to region and that a well-prepared regional plan will highlight the activities that are needed to meet the goals of the program and the act. DHCD will monitor the progress of each region by requiring annual reports that identify progress in reaching implementation milestones described in the funding application.

Subcommittee Recommendations

In providing legislative oversight to the program, the joint subcommittee examined (i) how to measure the progress in meeting the goals of regional cooperation, and (ii) what joint activities should qualify for full or partial credit under the pro-

gram. During discussion, the joint subcommittee formulated and adopted the following recommendations.

The level and timing of funding for the program was discussed first, including recommending that the Governor and the General Assembly provide sums sufficient to ensure the success of the Regional Competitiveness Act. Recognizing the need for staff overview and monitoring, the subcommittee recommended that an appropriate sum be budgeted to DHCD as necessary for proper staffing and monitoring of the program. The subcommittee also recommended approval of the fund distribution schedule presented in the draft guidelines.

The subcommittee recommended that the Governor's Advisory Committee continue in its current role of overseeing the implementation of the program. Additionally, each member should serve at the pleasure of the Governor, and the Governor should appoint a representative from the Urban Partnership. The subcommittee recommended that each partnership enact bylaws that adequately define the partnership and that these bylaws specify a process for determining the distribution of regional competitiveness funds to participating localities. All members of a partnership must unanimously agree upon the fund distribution formula. Recognizing that many regional partnerships may use existing organizations, the subcommittee recommended amending the language of the Regional Competitiveness Act to allow member localities, by unanimous consent, to direct the funds to the partnership organization.

While concluding its recommendations, the joint subcommittee urged the DHCD to implement the Regional Competitiveness Act with stringent adherence to the legislation's goal of eliminating critical gaps and improving the competitive situation of each region in the Commonwealth.

The Honorable Stephen D. Newman, *Chairman*
Legislative Services contact: Robert Omberg



HJR 195

Joint Subcommittee on Science and Technology

December 2, 1996, Richmond

At its second meeting, the subcommittee took reports from the technical advisory committees that had been established to examine HJR 195's nine study objectives. Significant among the recommendations adopted by the subcommittee that do not require legislation are:

- ▶ Encouraging chairmen of existing standing legislative committees to establish subcommittees, as necessary and appropriate, on particular issues or legislation related to science and technology within the committee's broader jurisdiction.
- ▶ Establishing a Caucus on Science and Technology as a joint,

informal, bipartisan caucus comprised of members from the House of Delegates and the Senate.

- ▶ Continuing to examine the appropriateness of and necessity for creating standing legislative committees on science and technology through the Joint Rules Committee's ongoing study of the legislative process.

The subcommittee's 1997 legislative recommendations are to:

- ▶ Establish a permanent Joint Commission on Science and Technology in the legislative branch of state government. In lieu of a commission, continue the HJR 195 subcommittee.
- ▶ Authorize the use of digital signatures by public agencies.
- ▶ Create a "nurture fund" that will allow the Center for Innovative Technology to capitalize on mid-term projects with commercial potential (e.g., Wallops Island Space Flight Facility, Thomas Jefferson National Accelerator Facility, etc.).
- ▶ Request the State Corporation Commission to study (i) the effectiveness of its current "rate cap" (or "price cap") regulation among Virginia's local exchange companies; (ii) the feasibility and projected costs of establishing (a) an "E" ("Education") rate for the Commonwealth's schools, colleges, universities, and libraries; (b) a "G" ("Government") rate for the Commonwealth's schools, colleges, universities, libraries, and all other state and local government agencies; and (c) discounts for the Commonwealth's schools, colleges, universities, libraries, and all other state and local government agencies; and (iii) the effect of the Federal Telecommunications Act of 1996 and the Federal Communication Commission's implementation rules upon these approaches.
- ▶ Request the Library of Virginia to develop a five-year strategic information technology plan for the Commonwealth's public library system and to identify how that system will contribute to achieving the Commonwealth's long-term technology goals. The plan should include specific findings and recommendations and the projected costs thereof, such as the minimum technological standards for Virginia's public libraries (e.g., per-capita ratio of computer workstations to population served). To assist in the development of the strategic plan, the subcommittee recommended a \$600,000 appropriation in fiscal year 1997 to fund 12 pilot projects (two in each of the six regions of the Virginia Library Association that serve the Commonwealth).
- ▶ Request the State Council for Higher Education and the Center for Innovative Technology to study the education, training, and development of Virginia's work force, which will be required to meet the needs of the information age and high-technology employers.

The subcommittee's final meeting has been scheduled for Tuesday, January 7, 1997, at 2 p.m. in the Fourth Floor West Conference Room in the General Assembly Building. At that meeting, the subcommittee will review its final legislative package for the 1997 Session.

The Honorable Kenneth R. Plum, *Chairman*
Legislative Services contact: Diane E. Horvath



HJR 108

Commission on State and Local Government Responsibility and Taxing Authority

December 16, 1997, Richmond

Drafting Subcommittee Proposals

The commission held a public hearing on proposals made by the drafting subcommittee regarding the transfer of certain services and revenues from the localities to the state. The proposals were as follows:

1. The state shall increase its share of funding of the educational standards of quality from 55 percent statewide to 60 percent statewide beginning July 1, 1999, with fiscal year 1999-2000. Cost is approximately \$193 million in the first year.
2. The state shall fund its own current share of the costs of providing state-mandated social services beginning July 1, 1999, with fiscal year 1999-2000. Cost is approximately \$90 million in the first year.
3. The state shall fund 100 percent of its state-mandated program of health services beginning July 1, 1999, with fiscal year 1999-2000. This shall not preclude any locality's discretion to expand services to its residents at local cost, nor shall it have any effect on local ability to assume responsibility for local operating of health services, at the option of the local government. Cost is approximately \$45 million the first year.
4. The state shall assume authority for the business license (BPOL) tax and remove it from local control simultaneous to the state's assumption of the service costs outlined above. Value of the BPOL tax is about \$327 million per year.

Public Opinion Regarding Proposals

The majority of individuals offering opinions on the proposals were representatives from a cross-section of local governments—urban, rural, large, small. And they were overwhelmingly opposed to the proposals, especially the fourth one regarding the transfer of the BPOL tax. Towns, in particular, were concerned about such a transfer because the BPOL revenues comprise a substantial portion of their budgets. Also, most towns do not offer any of the services mentioned in proposals 1 through 3 so they would be giving up a revenue source and getting nothing in return. All of the localities wanted more details about the proposals in order to determine a more accurate fiscal impact.

The business community, represented by the Virginia Chamber of Commerce, supported the fourth proposal wholeheartedly and reiterated its goal of repealing the BPOL tax in the near future. It did not, however, suggest any replacement revenue producer.

Action by the Commission

No action was taken by the commission regarding the proposals. Instead, it was the consensus that more thought and analysis need to be given to these proposals, and possibly others, next year. A resolution continuing the commission's work will be offered during the 1997 General Assembly Session.

The Honorable Donald S. Beyer, Jr., *Chairman*
Legislative Services contact: Joan E. Putney



HJR 174

Commission Studying Creative Solutions for Funding for the Arts in the Commonwealth

December 18, 1996, Richmond

At its final meeting, the commission recommended two pieces of legislation that will strengthen the state's long-term commitment to promoting the arts in the Commonwealth.

\$1 Per Capita

In the mid-1980s, Virginia's leaders in government, business, and the arts embraced a public funding goal of one dollar per capita to be allocated for support of the Virginia Commission for the Arts. By the 1989-1990 fiscal year, state and federal funding of the commission had exceeded \$5.5 million and Virginia was within a few hundred thousand dollars of reaching the dollar-per-capita goal. However, the recession of 1989, coupled with a change in the spending priorities of Virginia's new administration, resulted in substantial and disproportionate cuts to the commission, and Virginia's support plummeted to 30 cents per person. Even though some of the funding for the commission has been restored over the past several years through modest increases proposed by the General Assembly, Virginia still ranks third from the bottom of all states in its support of the arts.

In assessing the state's contribution to the arts, the study commission determined that appropriating one dollar per capita for the Virginia Commission for the Arts is still a realistic goal that will demonstrate the state's long-term commitment to the arts while stimulating matching contributions from the private

sector. Based on this assessment, the study commission recommended introducing a resolution at the 1997 session that would reaffirm the General Assembly's goal of annually appropriating one dollar per capita for the support of the Virginia Commission for the Arts.

Virginia Arts Foundation

Creating a secured future for the arts was the major objective of the commission's second recommendation: to introduce legislation to establish a Virginia Arts Foundation. The foundation would be administered by a board of trustees, consisting of the current members of the Virginia Commission for the Arts, who would manage a special, nonreverting fund to be known as the Virginia Arts Foundation Fund. Interest and income earned on the fund would be used to promote the arts in the Commonwealth by assisting the commission in fulfilling its statutory responsibilities in awarding grants to artists, arts and other not-for-profit organizations, educational institutions, educators, and local governments. The principal in the fund would consist of discretionary direct appropriations, tax refunds designated on an income tax checkoff, revenue-sharing proceeds from a special license plate, and private gifts and donations.

To eliminate any appearance of direct competition between the foundation and nonprofit organizations for private funds, the foundation would be prohibited from actively soliciting private donations for the fund. Also, the foundation would be prohibited from making expenditures for the first three years from the annual interest and income earned on the fund in order to allow it to grow. During this time, the foundation would continue to explore and make recommendations concerning other possible dedicated revenue sources for the fund.

The Honorable Marian Van Landingham, *Chairman*
Legislative Services contact: Ginny Edwards



Commission on Early Childhood and Child Day Care Programs

December 5, 1996, Richmond

The second 1996 meeting of the commission was convened to hear about proposed regulations, the impact of welfare reform on child care, the day care fee system, early childhood curriculum, and other topics.

Child Day Center Regulations

Presentations were made to the commission from people who support and oppose the proposed child day center regulations.

The chair of the Child Day Care Council, the entity revising the current regulations, explained the standards that will affect over 2,300 licensed child care centers in the Commonwealth. They are being revised pursuant to an executive order so that new regulations will be conducive to the welfare of children, less burdensome or intrusive, and understandable. The goal of the regulations is to reduce risks to children, promote provider flexibility, be easy to implement, be easily enforced, and respect and support the role of parents. The two proposed changes that have received the most attention, staff qualifications and ratios, were defended. It was argued that the educational qualifications for directors had been broadened rather than reduced, and the teacher/pupil ratios that were increased were not unusually high. It was also stressed that the proposed regulations are tolerant of and respect philosophical differences by eliminating a singular approach to theory and training. Lastly, the commission was reminded that these are minimum, not maximum, standards, and that the public comment period has not yet begun.

Some commission members noted the overwhelming amount of negative correspondence they have received on the issue of the regulations. In response to questions, the speaker noted that she agreed with the proposed regulations because they will allow employees with on-the-job knowledge to be promoted, giving those who have not completed a formal education a chance for upward mobility. Last, she explained the expanded ratio as being 1:15 for 4-year olds, and 1:15 for a balanced, mixed-age grouping of children aged three through six.

The executive director of the Proprietary Child Care Association of Virginia applauded the proposed regulations, saying that they support the principles of parent choice, academic freedom, and fair competition. The group also supports the new Child Care and Development Block Grant (CCDBG) state plan.

Welfare Reform

A representative from The Urban Institute presented a study published last year, *Increasing Participation in Work and Work-Related Activities: Lessons from Five State Welfare Reform Demonstration Projects*. She explained a change in thinking about child care. Since four funding streams used to exist, fragmentation was abundant and children were thought of in terms of the different type of funding available for them. Since welfare reform has become a reality, however, the goal is to have seamless child care. The basic challenge of welfare reform is that going to work brings about the need for child care, raising the issues of cost, funding, demand, and supply. Each state in the study dealt with these issues differently, with varied results. Some states, because of long waiting lists, funded child care for welfare recipients at the expense of low-income families. Other states attempted to deal with the shortage of adequate supply by relaxing requirements on unregulated providers, to much opposition. In sum, a note of caution was given: as states move to a work-oriented welfare system, they will have to rethink the way child care services are provided.

Child Day Care Fee System

Several presentations were made on the fee system, which can be thought of as a co-payment for subsidized child care services. A representative from the Department of Social Services (DSS) explained the purposes of the fee system as attempting to provide child day care subsidies for families leaving welfare or families striving to remain independent of welfare on a sliding fee basis and striving to promote self-sufficiency. The current fee scale, which requires for most customers a fee of 10 percent of gross income, was implemented in 1994 after a lengthy public comment period. Waivers are allowed for alternate fee scales when local conditions justify. Eligibility for the program is generally 50 percent of state median income. The fee system has grown from a small, optional program to a very large service that aids thousands of families and children each year. However, it was noted, the need still far exceeds current resources, as over 9,000 eligible families remain on local waiting lists for fee system subsidies.

The department conducted a survey earlier this year. The findings are as follows:

- ▶ 70 percent of those responding agree that the 10 percent scale is fair and should be retained.
- ▶ 11 percent of respondents feel that the 10 percent amount is too high.
- ▶ If fees were waived for all cases below the federal poverty level (rather than 50 percent of state median income), caseloads would have to be reduced by 1/4 to 1/2, and more families would be added to local waiting lists.

A representative from the Head Start program in Roanoke gave background information on the fee system, questioned the quality of life for parents paying the fee, and wondered where the additional money for the fee payment comes from in these low-income families.

The Virginia League of Social Services Executives also presented information on what it finds as disturbing characteristics of the existing programs. The problems are as follows: (i) funding inconsistencies make it hard for parents and local agencies alike to make long-range plans; (ii) the accessibility and availability of funds and care is lacking; and (iii) problems of equity exist because of different eligibility and fee requirements across programs. The league made several recommendations to the commission, among them retaining the current sliding fee structure.

Early Childhood Curriculum

As a follow-up to discussions of a previous commission meeting, the assistant chancellor of the Virginia Community College System (VCCS) discussed the early childhood curriculum offered and stressed that it is in no way politicized. Moreover, the VCCS does not endorse students or faculty joining any particular professional organization, nor does it prohibit them from

so doing. Joining such organizations is a personal decision, not a system decision.

Other Issues

The commissioner of Social Services briefed the commission on several issues.

Head Start Expansion Program: Provides administrative funding for 11 Head Start programs in Virginia, serving 751 children. Virginia has agreed to set aside \$1 million from CCDBG funds for Head Start expansion.

Child Day Care Financing Program: Provides loans for child care providers to make improvements to meet licensing standards. Funds from the CCDBG were discontinued on October 1, 1996, but the DSS will provide up to \$175,000 to fund outstanding loans. Future funding is to be determined.

Head Start Collaboration Grant: The application was submitted, and the grant was awarded to Virginia. A position description for Head Start coordinator is being developed.

Licensing Information Line: Provides information on the child care licensing process, child care provider training, and parenting tips. The phone line, funded by the DSS licensing unit, is answered during work hours, while voice mail takes calls at other times. Approximately 75 calls were received over a three-month period.

Child Care on the Internet: Lists information about child care providers. Hard copies will be distributed to public libraries and made available to all parents.

Child Care Development Fund (CCDF): Consolidates all major federal child day care funding for AFDC/TANF recipients and low-income working families. It has mandatory, matching, and discretionary components, totaling almost \$95 million. The DSS is in the process of creating a child care advisory group, which will make recommendations on what to include in the July 1, 1997, CCDF state plan.

The Honorable Stanley C. Walker, *Chairman*
Legislative Services contact: Cheryl L. Jackson



SJR 118

Joint Subcommittee Examining the Restructuring of the Electric Utility Industry

November 15, 1996, Charlottesville

The joint subcommittee met to receive information about written responses to the Virginia State Corporation Commission's (SCC) staff recommendations concerning electrical utility restructuring in Virginia. The meeting was held in conjunction with an SCC-sponsored forum on the restructuring phenomenon. A representative of a hearing and air conditioner contractors trade association also appeared before the joint subcommittee to express concern about public utility competition with association members for maintenance and repair of electric appliances and heating and cooling systems. Finally, the joint subcommittee tentatively approved a draft resolution to continue the study in 1997.

Responses to SCC Staff Recommendations

In a report to the SCC presented to the joint subcommittee at its last meeting (see the *Legislative Record*, November 1996, page 6) the SCC's Energy Division staff recommended that Virginia take a go-slow approach in electric utility restructuring. Since Virginia is a low-cost state, SCC staff observed, the Commonwealth has little to gain by becoming a leader in electricity retail restructuring. The staff recommended, however, several steps Virginia can take in the meantime—some of which are contingent upon whether a decision is made to begin a transition to retail competition.

SCC staff recommendations included unbundling prices for all utility services and renegotiating current contracts between electric utilities and high-cost, non-utility generators. Staff also recommended that utility policies on conservation and load management programs should be reviewed. Responses filed with the SCC came principally from electric utilities, whose responses ranged from full support to strong disagreement with the SCC's positions.

Allegheny Power, for example, advocates a rapid transition to retail competition, while Virginia Power was more supportive of slower movement. Old Dominion Power, on the other hand, supports unbundling of power generation and distribution, keeping distribution regulated while permitting competition in power generation. Industrial customers' comments were consistent with testimony previously submitted to the joint subcommittee: retail competition should be implemented in Virginia as quickly as possible.

Utility Competition with Heating and Air Conditioning Contractors

A representative of the Air Conditioning Contractors of America (ACCA) appeared before the joint subcommittee to express his organization's concerns about competition from public utilities. The focal point of ACCA's concern is the recent acquisition by a Virginia public utility of a subsidiary for the purpose of entering the electric appliance and equipment warranty repairs market. ACCA had opposed the utility's application for SCC approval of this affiliated relationship.

The SCC approved the utility's use of this subsidiary for commercial and industrial warranty service, but the application for residential service was withdrawn. ACCA expressed concern that this issue (entering the residential market) was far from resolved and that this power company and others could take advantage of their size and—in the case of this utility—a current customer base of nearly two million to compete unfairly with small HVAC companies for warranty and repair work. As an example of utilities' potential market power, ACCA representatives cited the case of Baltimore Gas & Electric, which report-

edly purchased a subsidiary that is currently selling nearly 40 percent of all appliances sold at retail in the Baltimore area. The joint subcommittee did learn, however, that ACCA is working toward finding a middle ground with the utilities on this issue. In the meantime, however, it is working on proposed legislation for the 1997 Session designed to limit utilities' range of operation in affiliated transactions.

Proposal to Continue Study

The joint subcommittee examined a draft of a proposed resolution continuing the subcommittee's work in 1997. While expressing preliminary support for the resolution, the joint subcommittee also expressed interest in SCC recommendations for modifications to the resolution's language and will examine them and comments from groups interested in the study at the next meeting. The joint subcommittee will convene its final meeting in Richmond on January 7, 1997.

The Honorable Jackson R. Reasor, *Chairman*
Legislative Services Contact: Arlen K. Bolstad



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

FOR SUBSCRIPTION INFORMATION, CONTACT:
Special Projects
Division of Legislative Services
910 Capitol Street, 2nd Floor
Richmond, Virginia 23219
(804) 786-3591



GENERAL NOTICES/ERRATA

Symbol Key

† Indicates entries since last publication of the *Virginia Register*

DEPARTMENT OF ENVIRONMENTAL QUALITY

Virginia Coastal Resources Management Program

Notice to the Public Regarding Coastal Needs Assessment and Strategy

The Coastal Program is updating its Coastal Needs Assessment and Strategy under Section 309 of the Coastal Zone Management Act. Section 309 is a voluntary coastal zone enhancement grants program which encourages states to develop program changes in one or more of nine coastal zone enhancement areas, including wetlands, public access, coastal hazards, cumulative and secondary impacts, energy and government facility siting, marine debris, ocean resources, special area management plans and aquaculture. The Coastal Needs Assessment and Strategy will evaluate the Commonwealth of Virginia's priority needs for improvement in the above areas, and develop a strategy for addressing these top priority needs. A Draft Assessment and Strategy Outline is available for review. For copies of this draft outline, or to submit written comments, please write Laura McKay, Virginia Coastal Program, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23219, or call (804) 698-4320. Comments must be received by January 21, 1997.

COMMISSION ON LOCAL GOVERNMENT

† Schedule of Assessments of Mandates on Local Government

Pursuant to the provisions of §§ 2.1-7.1 and 15.1-945.3(6) of the Code of Virginia, the following schedule, established by the Commission on Local Government and approved by the Secretary of Administration and Governor Allen, represents the precise timetable which the listed executive agencies will follow in conducting their assessments of the new and newly identified state and federal mandates on local governments which they administer. In conducting these assessments, agencies will follow the process established by Executive Memorandum 5-94 which became effective April 22, 1994.

For further information call Larry McMillan, Senior Policy Analyst, Commission on Local Government, at (804) 786-6508.

COMMERCE AND TRADE SECRETARIAT

Department of Housing and Community Development

Mandate: Building Maintenance Code
Type: Regulation of Optional Activities
Statutory Authority: Code of Virginia, Title 36, Chapter 6
Assessment Schedule: Start Date: 7-1-97

End Date: 9-30-97

EDUCATION SECRETARIAT

Department of Education

Mandate: Reduced Class Size Grant
Type: Condition of Financial Aid
Statutory Authority: Item 164, 1994-96 Appropriations Act (Ch. 966, 1994 *Acts of Assembly*)
Assessment Schedule: Start Date: 2-1-97
End Date: 4-30-97

Mandate: At-Risk Four-Year-Old Preschool Grant
Type: Condition of Financial Aid
Statutory Authority: Item 164, 1994-96 Appropriations Act (Ch. 966, 1994 *Acts of Assembly*)
Assessment Schedule: Start Date: 2-1-97
End Date: 4-30-97

Mandate: School/Community Health Center
Type: Condition of Financial Aid
Statutory Authority: Item 162, 1994-96 Appropriations Act (Ch. 966, 1994 *Acts of Assembly*)
Assessment Schedule: Start Date: 2-1-97
End Date: 4-30-97

FINANCE SECRETARIAT

Department of the Treasury

Mandate: Virginia Public Building Authority Jail Construction Reimbursement Program
Type: Regulation of Optional Activity
Statutory Authority: Code of Virginia §§ 53.1-82.2 and 53.1-82.3
Assessment Schedule: Start Date: 7-1-98
End Date: 9-30-98

HEALTH AND HUMAN RESOURCES SECRETARIAT

Department of Health

Mandate: Certificate of Public Need Requirements for Local Health Facilities
Type: Regulation of Optional Activity
Statutory Authority: Code of Virginia §§ 32.1-12 and 32.1-102 et seq.
Assessment Schedule: Start Date: 7-1-97
End Date: 9-30-97

Mandate: Local Clinical Laboratory Requirements
Type: Regulation of Optional Activity
Statutory Authority: Interagency Agreement between Virginia Dept. of Health and Secretary of Health and Human Services (Federal) to carry out the Social Security Act §§ 1864 and 1874
Assessment Schedule: Start Date: 7-1-97
End Date: 9-30-97

Department of Rehabilitative Services

Mandate: Spinal Cord Central Registry
Type: Compulsory Order
Statutory Authority: Code of Virginia § 51.5-11
Assessment Schedule: Start Date: 1-2-98
End Date: 3-31-98

Department of Social Services

Mandate: AmeriCorps Grant
Type: Condition of Financial Aid
Statutory Authority: National and Community Trust Act of 1993
Assessment Schedule: Start Date: 6-30-97
End Date: 12-31-97

NATURAL RESOURCES SECRETARIAT

Department of Environmental Quality

Mandate: Sewage Sludge Permit
Type: Regulation of Optional Activity
Statutory Authority: Code of Virginia § 62.1-44.19:3
Assessment Schedule: Start Date: 5-1-97
End Date: 7-31-97

Mandate: Waste Tire Grant
Type: Condition of Financial Aid
Statutory Authority: Code of Virginia §§ 10.1-1422.1 through 10.1-1422.4
Assessment Schedule: Start Date: 5-1-97
End Date: 7-31-97

PUBLIC SAFETY SECRETARIAT

Department of Criminal Justice Services

Mandate: Court-Appointed Special Advocate Program
Type: Regulation of Optional Activity
Statutory Authority: Code of Virginia §§ 9-173.6 through 9-173.8
Assessment Schedule: Start Date: 2-1-97
End Date: 4-30-97

Mandate: Comprehensive Community Corrections Program
Type: Regulation of Optional Activity
Statutory Authority: Code of Virginia §§ 53.1-82.1 and 53.1-180 through 53.1-185.3
Assessment Schedule: Start Date: 2-1-97
End Date: 4-30-97

Department of Fire Programs

Mandate: Training Standards for Fire Marshals
Type: Regulation of Optional Activity
Statutory Authority: Code of Virginia §§ 27-34.2 and 27-34.2:1
Assessment Schedule: Start Date: 3-1-97
End Date: 5-31-97

Department of State Police

Mandate: Criminal Firearms Clearinghouse
Type: Compulsory Order
Statutory Authority: Code of Virginia § 52-25.1
Assessment Schedule: Start Date: 9-1-97
End Date: 11-30-97

TRANSPORTATION SECRETARIAT

Department of Motor Vehicles

Mandate: Vehicle Registration Withholding Program
Type: Regulation of Optional Activity
Statutory Authority: Code of Virginia § 46.2-752(J)
Assessment Schedule: Start Date: 10-1-97
End Date: 12-31-97

Department of Rail and Public Transportation

Mandate: Transportation Services for Individuals with Disabilities
Type: Condition of Financial Aid
Statutory Authority: Americans with Disabilities Act of 1990 (Federal); P.L. 101-336 (Federal)
Assessment Schedule: Start Date: 11-1-97
End Date: 1-31-98

Mandate: Drug and Alcohol Testing in Transit Operations
Type: Condition of Financial Aid
Statutory Authority: Omnibus Transportation Employee Testing Act of 1991 (Federal)
Assessment Schedule: Start Date: 11-1-97
End Date: 1-31-98

Department of Transportation

Mandate: Local Transportation Improvement District
Type: Regulation of Optional Activity
Statutory Authority: Code of Virginia § 33.1-409 et seq.
Assessment Schedule: Start Date: 2-1-97
End Date: 2-28-97

Mandate: Safety Improvement Program
Type: Condition of Financial Aid
Statutory Authority: 23 USC 133(d)(1) (Federal)
Assessment Schedule: Start Date: 10-1-97
End Date: 10-31-97

DEPARTMENT OF REHABILITATIVE SERVICES

† Notice of Mailing List Update

Any individuals, groups, and organizations who are interested in (i) advising the department in developing or amending existing regulations or (ii) receiving notice of the department's public meetings to solicit comments regarding the department's state regulations or state plans for federal and state programs for individuals with disabilities should contact the department to be added to the mailing list. Please include name and title, organization's name, and mailing address. The deadline is February 14, 1997. Respond to Mary Lutkenhaus, Department of Rehabilitative Services,

General Notices/Errata

P.O. Box K300, Richmond, VA 23288-0300, telephone toll-free 1-800-552-5019 (Voice or TDD), or FAX (804) 662-7696.

DEPARTMENT OF SOCIAL SERVICES

Notice of Public Comment Period

Pursuant to Public Law 104-193, Virginia has filed its State Plan for its Temporary Assistance for Needy Families program with the United States Department of Health and Human Services. The State Plan will become effective following a 45-day comment period beginning on December 6, 1996.

A public hearing on the TANF State Plan will be conducted by the Virginia State Board of Social Services on January 17, 1997. It will take place at 2 p.m. at the University of Virginia, Minor Hall, Room 125, Charlottesville, Virginia 22903. Parking is available at the Newcomb Hall Bookstore. The public is invited to attend and to comment.

Written comment may be submitted through January 20, 1997, to:

Clarence H. Carter, Commissioner
Department of Social Services
Theater Row Building
730 East Broad Street
Richmond, Virginia 23219
ATTENTION: TANF STATE PLAN COORDINATOR

Copies of the TANF State Plan may be obtained from the Department of Social Services by calling Karen Williamson at (804) 692-2422 or by writing to Ms. Williamson at: Department of Social Services, Theater Row Building, 730 East Broad Street, Richmond, Virginia 23219.

STATE WATER CONTROL BOARD

† Enforcement Action Proposed Consent Special Order Griffin Pipe Products Company Lester-Penn Coal & Oil Corporation H. C. Lester, Inc.

The State Water Control Board and the Department of Environmental Quality propose to issue Consent Special Orders to:

1. Griffin Pipe Products Company for its plant in Lynchburg. The order will require actions to bring the plant into full compliance with state laws and regulations for wastewater and stormwater treatment and discharge. Specifically, the start date for toxicity management program (TMP) biological monitoring is delayed for two years on stormwater discharges affected by a recent air consent order.
2. The Lester-Penn Coal & Oil Corporation for its aboveground storage tank facility in Martinsville. The order will give Lester-Penn a revised schedule for completing an approvable Oil Discharge Contingency

Plan, obtaining containment certification under the Pollution Prevention Regulation, and submitting notification and registration forms for all tank changes. A civil charge of \$1,250 is included as part of the order.

3. H. C. Lester, Inc., for its aboveground storage tank facility in Collinsville, Henry County. This order will give Lester a revised schedule for completing leak detection and fulfilling all requirements for approval of its Oil Discharge Contingency Plan. Because the order is occasioned by violations of a letter of agreement, a civil charge of \$500 is part of this agreement.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive written comments relating to the proposed amendment until February 19, 1997. Comments should be addressed to James F. Smith, West Central Regional Office, Department of Environmental Quality, 3019 Peters Creek Road, N.W., Roanoke, VA 24019, or FAX (540) 562-6725, and should refer to the Griffin Pipe Products Company, Lester-Penn Coal & Oil Corporation, or H. C. Lester, Inc. Order.

The proposed orders may be examined at the Department of Environmental Quality, Office of Enforcement and Compliance Auditing, 629 East Main Street, P.O. Box 10009, Richmond, VA 23240-0009 or at the Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, VA 24019. Copies of the orders may be obtained in person or by mail from these offices.

† Enforcement Action Proposed Consent Special Order Wrangler, Inc. Stony Run Trailer Park Rockingham Redi-Mix

The State Water Control Board proposes to take enforcement action against the following:

1. Wrangler Inc. The company has agreed to the terms of a Consent Special Order to address violations of the State Water Control Law and regulations as a result of an unpermitted discharge of process wastewater to an unnamed tributary of Hawksbill Creek in Luray, Virginia. Under the terms of this order, the company has made system modifications to prevent future spills to state waters. The company has further agreed to work with the Town of Luray to develop a pretreatment permit with technically-based limits to protect the Luray wastewater treatment facility from any potential interference or pass-through caused by its discharge.
2. Gwynne Jewell and Henry Pettit, d/b/a Stony Run Trailer Park. The owners of the trailer park have agreed to the terms of a Consent Special Order to address violations of the State Water Control Law and regulations as a result of an unpermitted discharge of sewage to Stony Run Creek in Page County, Virginia. Under the terms of this order, the company has reconnected the broken force main connecting the trailer park to the Stanley wastewater treatment facility. The owners have

Department of Rehabilitative Services

Mandate: Spinal Cord Central Registry
Type: Compulsory Order
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TRANSPORTATION SECRETARIAT

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Mandate: Local Transportation Improvement District
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DEPARTMENT OF REHABILITATIVE SERVICES

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Any individuals, groups, and organizations who are interested in (i) advising the department in developing or amending existing regulations or (ii) receiving notice of the department's public meetings to solicit comments regarding the department's state regulations or state plans for federal and state programs for individuals with disabilities should contact the department to be added to the mailing list. Please include name and title, organization's name, and mailing address. The deadline is February 14, 1997. Respond to Mary Lutkenhaus, Department of Rehabilitative Services,

General Notices/Errata

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DEPARTMENT OF SOCIAL SERVICES

Notice of Public Comment Period

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Written comment may be submitted through January 20, 1997, to:

Clarence H. Carter, Commissioner
Department of Social Services
Theater Row Building
730 East Broad Street
Richmond, Virginia 23219

ATTENTION: TANF STATE PLAN COORDINATOR

Copies of the TANF State Plan may be obtained from the Department of Social Services by calling Karen Williamson at (804) 692-2422 or by writing to Ms. Williamson at: Department of Social Services, Theater Row Building, 730 East Broad Street, Richmond, Virginia 23219.

STATE WATER CONTROL BOARD

† Enforcement Action

Proposed Consent Special Order
Griffin Pipe Products Company
Lester-Penn Coal & Oil Corporation
H. C. Lester, Inc.

The State Water Control Board and the Department of Environmental Quality propose to issue Consent Special Orders to:

1. Griffin Pipe Products Company for its plant in Lynchburg. The order will require actions to bring the plant into full compliance with state laws and regulations for wastewater and stormwater treatment and discharge. Specifically, the start date for toxicity management program (TMP) biological monitoring is delayed for two years on stormwater discharges affected by a recent air consent order.
2. The Lester-Penn Coal & Oil Corporation for its aboveground storage tank facility in Martinsville. The order will give Lester-Penn a revised schedule for completing an approvable Oil Discharge Contingency

Plan, obtaining containment certification under the Pollution Prevention Regulation, and submitting notification and registration forms for all tank changes. A civil charge of \$1,250 is included as part of the order.

3. H. C. Lester, Inc., for its aboveground storage tank facility in Collinsville, Henry County. This order will give Lester a revised schedule for completing leak detection and fulfilling all requirements for approval of its Oil Discharge Contingency Plan. Because the order is occasioned by violations of a letter of agreement, a civil charge of \$500 is part of this agreement.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive written comments relating to the proposed amendment until February 19, 1997. Comments should be addressed to James F. Smith, West Central Regional Office, Department of Environmental Quality, 3019 Peters Creek Road, N.W., Roanoke, VA 24019, or FAX (540) 562-6725, and should refer to the Griffin Pipe Products Company, Lester-Penn Coal & Oil Corporation, or H. C. Lester, Inc. Order.

The proposed orders may be examined at the Department of Environmental Quality, Office of Enforcement and Compliance Auditing, 629 East Main Street, P.O. Box 10009, Richmond, VA 23240-0009 or at the Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, VA 24019. Copies of the orders may be obtained in person or by mail from these offices.

† Enforcement Action
Proposed Consent Special Order
Wrangler, Inc.
Stony Run Trailer Park
Rockingham Redi-Mix

The State Water Control Board proposes to take enforcement action against the following:

1. Wrangler Inc. The company has agreed to the terms of a Consent Special Order to address violations of the State Water Control Law and regulations as a result of an unpermitted discharge of process wastewater to an unnamed tributary of Hawksbill Creek in Luray, Virginia. Under the terms of this order, the company has made system modifications to prevent future spills to state waters. The company has further agreed to work with the Town of Luray to develop a pretreatment permit with technically-based limits to protect the Luray wastewater treatment facility from any potential interference or pass-through caused by its discharge.
2. Gwynne Jewell and Henry Pettit, d/b/a Stony Run Trailer Park. The owners of the trailer park have agreed to the terms of a Consent Special Order to address violations of the State Water Control Law and regulations as a result of an unpermitted discharge of sewage to Stony Run Creek in Page County, Virginia. Under the terms of this order, the company has reconnected the broken force main connecting the trailer park to the Stanley wastewater treatment facility. The owners have

further agreed to the payment of a civil charge in settlement of this violation.

3. Rockingham Redi-Mix in Rockingham County, Virginia. Rockingham Redi-Mix has agreed to the terms of a Consent Special Order to address violations of the State Water Control Law and regulations as a result of an unpermitted discharge of process wastewater from its ready-mix operation to state waters.

Rockingham Redi-Mix has applied for issuance of a VPA Permit to manage pollutants at its facility. The Department of Environmental Quality is currently developing regulations for a VPDES general permit for the ready-mix concrete industry, which will be available within two years. In recognition of this delayed availability, the board and Rockingham Redi-Mix propose to enter into a Consent Special Order designed to assure compliance with all applicable State Water Control Board laws and regulations until the general permit becomes available. The order provides for implementation of Best Management Practices to prevent discharges from the facility to state waters, and requires the company to comply with the board's VPA Permit Regulation and to register for a general permit as soon as it becomes available.

The board will receive written comments relating to the proposed Consent Special Orders until February 19, 1997. Comments should be addressed to Elizabeth V. Scott, Department of Environmental Quality, Post Office Box 1129, Harrisonburg, Virginia 22801, and should refer to the Consent Special Order for Wrangler, Inc., Stony Run Trailer Park, or Rockingham Redi-Mix.

The proposed orders may be examined at the Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia 22801. Copies of the orders may be obtained in person or by mail from this office.

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 FAX two copies and do not follow up with a mailed copy. Our FAX number is: (804) 692-0625.

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 OBJECTIONS - RR08

ERRATA

STATE AIR POLLUTION CONTROL BOARD

Title of Regulation: 9 VAC 5-91-10 et seq. Regulations for the Control of Motor Vehicle Emissions in the Northern Virginia Area.

Publication: 13:5 VA.R. 549-595 November 25, 1996.

Correction to Final Regulation:

Page 556, column 2, 9 VAC 5-91-30, D 4 b, last line after "in lieu of," delete "such extension" and insert "the one-year emission validation period authorized by this subsection"

Page 560, column 1, 9 VAC 5-91-160 D, line 6, after "9 VAC 5-90-10 et seq.," delete "(repealed)"

Page 571, column 2, 9 VAC 5-91-430 B, line 1, after "The test sequence shall consist of" insert "first chance and, if applicable, second chance tests in"

Page 577, column 1, 9 VAC 5-91-490 C, line 4, after "gasoline" insert "containing less than 85% ethanol or methanol"

Page 578, column 2, 9 VAC 5-91-540 B, line 3, change "requirement" to "requirements"

Page 580, column 1, 9 VAC 5-91-650 C, line 2, change "Bar 90" to "Bar 97"

CRIMINAL JUSTICE SERVICES BOARD

EDITOR'S NOTE: The Registrar's office inadvertently omitted 6 VAC 20-170-1010 from the printing of the Regulations Relating to Private Security Services (6 VAC 20-170-10 et seq.) in the Final Regulations section of 13:8 VA.R.

Title of Regulation: 6 VAC 20-170-10 et seq. Regulations Relating to Private Security Services.

Publication: 13:8 VA.R. 900-929 January 6, 1997.

Correction to Final Regulation:

Page 928, column 1, following subdivision 25 of 6 VAC 20-170-1000, insert:

6 VAC 20-170-1010. Authority of the director.

A. In addition to the authority conferred by law, the director and his appointed agents are vested with the authority to administer oaths or affirmations for the purpose of receiving

General Notices/Errata

complaints and conducting investigations of violations of this chapter. The director, or agents appointed by him, shall be sworn to enforce the statutes and regulations pertaining to private security services businesses and private security services business personnel and shall have the authority to serve and execute any warrant, paper or process issued by any court or magistrate within jurisdiction of the department.

B. Further, in addition to the authority granted in § 9-6.14:13 of the Code of Virginia to issue subpoenas, the director, or a designated subordinate, shall have the right to make an ex parte application to the circuit court for the city or county wherein evidence sought is kept or wherein a licensee does business for the issuance of a subpoena duces tecum in furtherance of the investigation of a sworn complaint within the jurisdiction of the department.

C. The department may conduct hearings and issue cease and desist orders to persons who engage in activities prohibited by this chapter but do not hold a valid license, ~~certificate~~ certification or registration. Any person in violation of a cease and desist order entered by the department shall be subject to all of the remedies provided by law and, in addition, shall be subject to a civil penalty payable to the party injured by the violation.

D. The director may summarily suspend a license, certification or registration under this chapter without a hearing, simultaneously with the filing of a formal complaint and notice for a hearing, if the director finds that the continued operations of the licensee or registrant would constitute a life-threatening situation, or has resulted in personal injury or loss to the public or to a consumer, or which may result in imminent harm, personal injury or loss.

DEPARTMENT OF MOTOR VEHICLES

Title of Regulation: 24 VAC 20-110-10 et seq. T&M Vehicle, Trailer, and Motorcycle Dealer Advertising Practices and Enforcement Regulations.

Publication: 13:8 VA.R. 929-932 January 6, 1997.

Correction to Final Regulation:

Page 930, 24 VAC 20-110-20, column 1, definition of "New Motor Vehicle," line 2, after "motor" insert "vehicle"

Page 930, 24 VAC 20-110-20, column 2, definition of "Trailer," line 6, after "watercraft" insert "trailers"

Page 932, 24 VAC 20-110-60, column 1, line 1, strike "This chapter and the provisions of Chapter 19 (§46.2-1900 et seq.), Chapter 19.1 (§46.2-1992 et seq.), and Chapter 19.2 (§46.2-1993 et seq.)" insert "This chapter and the provisions of Article 9 (§ 46.2-1990 et seq.) of Chapter 19, Article 9 (§ 46.2-1992.84 et seq.) of Chapter 19.1, and Article 9 (§ 46.2-1993.81 et seq.) of Chapter 19.2"

CALENDAR OF EVENTS

Symbol 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

January 21, 1997 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Richmond, Virginia.♿
(Interpreter for the deaf provided upon request)

A meeting to discuss regulatory review, committee reports, disciplinary cases, and other matters requiring board action. A public comment period will be held at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the board 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 Accountancy, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-2474 or (804) 367-9753/TDD ☎

GOVERNOR'S ADVISORY BOARD ON AGING

January 20, 1997 - 6 p.m. -- Open Meeting
January 21, 1997 - 8 a.m. -- Open Meeting
Department for the Aging, 700 East Franklin Street, 10th Floor, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A meeting to conduct board business.

Contact: Kimlah Hyatt, Staff to the Board, Department for the Aging, 700 E. Franklin St., 10th Floor, Richmond, VA 23219-2327, telephone (804) 225-2801, FAX (804) 371-8381, toll-free 1-800-552-3402, or (804) 225-2271/TDD ☎

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Board of Agriculture and Consumer Services

† **February 20, 1997 - 9 a.m.** -- Open Meeting
Department of Agriculture and Consumer Services,
Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia.♿

A regular meeting of the board to discuss issues related to Virginia agriculture. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact Roy Seward at least five days before the meeting date so that suitable arrangements can be made.

Contact: Roy Seward, Secretary, Board of Agriculture and Consumer Services, P.O. Box 1163, Suite 211, Richmond, VA 23218, telephone (804) 786-3535.

Virginia Aquaculture Advisory Board

† **January 30, 1997 - 10:30 a.m.** -- Open Meeting
Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A special meeting of the board to discuss initial questions on the potential transfer of permitting and regulation of freshwater fish farms from the Department of Game and Inland Fisheries to the Virginia Department of Agriculture and Consumer Services. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact T. Robins Buck at least five days before the meeting date so that suitable arrangements can be made.

Contact: T. Robins Buck, Secretary, Virginia Aquaculture Advisory Board, P.O. Box 1163, Suite 211, Richmond, VA 23218, telephone (804) 371-6094.

Calendar of Events

Virginia Corn Board

† **February 13, 1997 - 8 a.m.** -- Open Meeting
† **February 14, 1997 - 8 a.m.** -- Open Meeting
Richmond Airport Sheraton, 4700 South Laburnum Avenue, Richmond, Virginia.

The board will hear FY 1996-97 project reports and FY 1997-98 project proposals and make funding decisions. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact Phil Hickman at least five days before the meeting date so that suitable arrangements can be made.

Contact: Philip T. Hickman, Program Director, Virginia Corn Board, 1100 Bank St., Room 1005, Richmond, VA 23219, telephone (804) 371-6157 or FAX (804) 371-7786.

Virginia Farmers' Market Board

† **February 18, 1997 - 1:30 p.m.** -- Open Meeting
Donaldson Brown Hotel and Conference Center, College Avenue and Otey Street, Conference Room F, Blacksburg, Virginia. ♿

The board will convene for the winter board meeting to hear reports from two shipping point farmers' markets, the Eastern Shore of Virginia Farmers' Market and the Southwest Virginia Farmers' Market. In addition, the board will hear plans from interested producer organizations concerning the proposed construction of two additional shipping point markets in the system, the Southwest Virginia Farmers' Market and the Northern Neck of Virginia Farmers' Market. The two additional markets will bring the total to four markets in the Virginia Farmers' Market System. Board members will hear and approve minutes of the last meeting and the board's financial statement. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact Susan Simpson at least five days before the meeting date so that suitable arrangements can be made.

Contact: Susan Simpson, Special Programs Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Suite 1002, Richmond, VA 23219, telephone (804) 786-2112 or FAX (804) 371-7785.

Virginia Horse Industry Board

February 4, 1997 - 10 a.m. -- Open Meeting
Virginia Cooperative Extension, Charlottesville-Albemarle Unit, 168 Spotnap Road, Lower Level Meeting Room, Charlottesville, Virginia. ♿

A meeting to review the budget for the current fiscal year, review equine health issues as presented by the State Veterinarian's Office, and consider marketing efforts, plans and projects. The board will entertain

public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact Andrea S. Heid at least five days before the meeting date so that suitable arrangements can be made.

Contact: Andrea S. Heid, Equine Marketing Specialist, Department of Agriculture and Consumer Services, 1100 Bank St., Richmond, VA 23219, telephone (804) 786-5842.

Virginia Plant Pollination Advisory Board

February 7, 1997 - 10 a.m. -- Open Meeting
Washington Building, 1100 Bank Street, 4th Floor Conference Room, Richmond, Virginia. ♿

A regular meeting to receive reports from members on the past year's activity in their respective disciplines at it relates to apiculture, pollination, education, and the production of food and fiber in the Commonwealth, and to consider matters for the future in the aforementioned categories. At the conclusion of this business, the board will entertain public comments for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact the agency at least five days before the meeting date so that suitable arrangements can be made.

Contact: Robert G. Wellemeier, Secretary-Treasurer, Department of Agriculture and Consumer Services, 234 West Shirley Ave., Warrenton, VA 22186, telephone (540) 347-6380, FAX (540) 347-6384, or (804) 371-6344/TDD ♿

Virginia Soybean Board

† **March 5, 1997 - 8 a.m.** -- Open Meeting
† **March 6, 1997 - 8 a.m.** -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia.

The board will hear FY 1996-97 project reports and FY 1997-98 project proposals and make funding decisions. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact Phil Hickman at least five days before the meeting date so that suitable arrangements can be made.

Contact: Philip T. Hickman, Program Director, Virginia Soybean Board, 1100 Bank St., Suite 1005, Richmond, VA 23219, telephone (804) 371-6157 or FAX (804) 371-7786.

Virginia Winegrowers Advisory Board

January 21, 1997 - 10 a.m. -- Open Meeting
The Boar's Head Inn, 200 Ednam Drive, Charlottesville, Virginia. ♿

A regular quarterly meeting to include committee and treasurer's reports. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact Mary E. Davis-Barton at least 10 days before the meeting date so that suitable arrangements can be made.

Contact: Mary E. Davis-Barton, Secretary, Virginia Winegrowers Advisory Board, 1100 Bank St., Room 1010, Richmond, VA 23219, telephone (804) 371-7685.

ALCOHOLIC BEVERAGE CONTROL BOARD

January 23, 1997 - 9:30 a.m. -- Open Meeting
February 3, 1997 - 9:30 a.m. -- Open Meeting
February 20, 1997 - 9:30 a.m. -- Open Meeting
March 3, 1997 - 9:30 a.m. -- Open Meeting
March 17, 1997 - 9:30 a.m. -- Open Meeting
March 31, 1997 - 9:30 a.m. -- Open Meeting
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. ☎

A meeting to receive and discuss reports from and activities of staff members.

Contact: W. Curtis Coleburn, Secretary to the Board, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 367-0712 or FAX (804) 367-1802.

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

Board for Land Surveyors

† **January 25, 1997 - 9 a.m.** -- Open Meeting
Williamsburg Lodge, 310 South England Street, Williamsburg, Virginia. ☎

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514 or (804) 367-9753/TDD ☎

ASSISTIVE TECHNOLOGY LOAN FUND AUTHORITY

† **January 23, 1997 - 1 p.m.** -- Open Meeting
Department of Environmental Quality, Innsbrook Corporate Center, 4949 Cox Road, Training Conference Room, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A quarterly meeting to conduct board business.

Contact: Michael Scione, Assistive Technology Loan Fund Authority Staff, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23230, telephone (804) 662-7606, toll-free 1-800-552-5019/TDD and Voice, or (804) 662-9040/TDD ☎

COMPREHENSIVE SERVICES ACT FOR AT RISK YOUTH AND THEIR FAMILIES

State Management Team

January 21, 1987 - 10 a.m. -- Open Meeting
St. Joseph's Villa, 8000 Brook Road, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to discuss and recommend policy and procedure to the State Executive Council. Please contact Pamela Fitzgerald Cooper or Gloria Jarrell to be added to the agenda.

Contact: Gloria Jarrell or Pamela Fitzgerald Cooper, Secretary, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, 109 Governor St., Richmond, VA 23219, telephone (804) 371-2177 or FAX (804) 371-0091.

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

February 20, 1997 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☎

A general board meeting. Public comments will be received for 15 minutes at the beginning of the meeting.

Contact: Senita Booker, Program Support Technician Senior, Board of Audiology and Speech-Language Pathology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7390, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

Legislative/Regulatory Committee

January 31, 1997 - 10 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☎

A meeting to discuss proposed regulations of the board. No public comment will be received.

Contact: Senita Booker, Program Support Technician Senior, Board of Audiology and Speech-Language Pathology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7390, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

Calendar of Events

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

Northern Area Review Committee

February 11, 1997 - 10 a.m. -- Open Meeting
Chesapeake Bay Local Assistance Department, 805 East Broad Street, Suite 701, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to review Chesapeake Bay Preservation Area programs for the Northern Area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the meeting; however, written comments are welcome.

Contact: Carolyn J. Elliott, Executive Secretary, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440, FAX (804) 225-3447 or toll-free 1-800-243-7229/TDD ☎

Regulatory Committee and Regulation Advisory Committee

† **February 24, 1997 - 10 a.m.** -- Open Meeting
† **March 10, 1997 - 10 a.m.** -- Open Meeting
Department of Social Services, 730 East Broad Street, Conference Room 3, Lower Level, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A joint meeting of the Chesapeake Bay Local Assistance Department's Regulatory Committee and the board's Regulation Advisory Committee, composed of stakeholders, to discuss amendments to the Chesapeake Bay Preservation Area Designation and Management Regulations (9 VAC 10-20-10 et seq.).

Contact: Scott Crafton, Regulatory Coordinator, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440; FAX (804) 225-3447, or toll-free 1-800-243-7229/TDD ☎

Southern Area Review Committee

February 11, 1997 - 2 p.m. -- Open Meeting
Chesapeake Bay Local Assistance Department, 805 East Broad Street, Suite 701, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to review 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. No comments from the public will be entertained at the meeting; however, written comments are welcome.

Contact: Carolyn J. Elliott, Executive Secretary, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-

3440, FAX (804) 225-3447 or toll-free 1-800-243-7229/TDD ☎

STATE CHILD FATALITY REVIEW TEAM

January 22, 1997 - 10 a.m. -- Open Meeting
State Corporation Commission, Tyler Building, 1300 East Main Street, 3rd Floor Conference Room, Richmond, Virginia. ☎

A meeting to (i) discuss the status of ongoing studies; (ii) review data collection and analysis issues; and (iii) update the team on any new legislative or administrative matters. The second part of this meeting will be closed for specific case discussion.

Contact: Suzanne J. Keller, Coordinator, 9 N. 14th St., Richmond, VA 23219, telephone (804) 786-1048, FAX (804) 371-8595, or toll-free 1-800-447-1706.

COMPENSATION BOARD

January 30, 1997 - 11 a.m. -- Open Meeting
February 27, 1997 - 11 a.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, P.O. Box 710, Richmond, VA 23218-0710, telephone (804) 786-0786, FAX (804) 371-0235, or (804) 786-0786/TDD ☎

DEPARTMENT OF CONSERVATION AND RECREATION

Board of Conservation and Recreation

January 29, 1997 - 10:30 a.m. -- Open Meeting
Department of Conservation and Recreation, 203 Governor Street, Room 200, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A general business meeting to receive an update on the status of the Stormwater Management Regulations regulatory action.

Contact: Leon E. App, Conservation and Development Programs Supervisor, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-4570, FAX (804) 786-6124, or (804) 786-2121/TDD ☎

Falls of the James Scenic River Advisory Board

February 6, 1997 - Noon -- Open Meeting
Planning Commission Conference Room, City Hall, 900 East Broad Street, 5th Floor, Richmond, Virginia.

A meeting to discuss 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, FAX (804) 371-7899, or (804) 786-2121/TDD

Moormans Scenic River Advisory Board

February 13, 1997 - 1 p.m. -- Open Meeting
Albemarle County Office, 401 McIntire Road, Charlottesville, Virginia.

A meeting to discuss river issues.

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, FAX (804) 371-7899, or (804) 786-2121/TDD

Rappahannock Scenic River Advisory Board

February 19, 1997 - 6 p.m. -- Open Meeting
Riverview Restaurant, 1101 Sophia Street, Fredericksburg, Virginia.

A meeting to discuss river issues.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899, or (804) 786-2121/TDD

BOARD FOR CONTRACTORS

January 30, 1997 -- Public 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 Contractors intends to adopt regulations entitled: **18 VAC 50-30-10 et seq. Tradesman Certification Program Regulations.** The purpose of the proposed regulation is to provide for the certification of tradesmen by establishing fees, entry requirements, standards of practice and conduct, and other administrative procedures.

Statutory Authority: §§ 54.1-201 and 54.1-1102 of the Code of Virginia.

Contact: Steven L. Arthur, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2945.

Disciplinary Committee

February 4, 1997 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation
3600 West Broad Street, Richmond, Virginia.

A meeting to review board member reports and summaries from informal fact-finding conferences held pursuant to the Administrative Process Act, and to review consent order offers in lieu of further disciplinary proceedings. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least two weeks prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: Michelle Couch, Legal Assistant, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8524.

Recovery Fund Committee

March 18, 1997 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.

A meeting to consider claims 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 interpreter services should contact Holly Erickson at least two weeks prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: Holly Erickson, Assistant Administrator, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8561.

DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

Advisory Board

February 5, 1997 - 10 a.m. -- Open Meeting
Department for the Deaf and Hard-of-Hearing, Washington Building, 1100 Bank Street, 11th Floor, Richmond, Virginia.
(Interpreter for the deaf provided upon request)

A quarterly business meeting of the advisory board. Public comment will be received with advance notice.

Contact: Gloria Cathcart, Human Services Program Specialist, Department for the Deaf and Hard-of-Hearing, Washington Bldg., 1100 Bank St., 11th Floor, Richmond, VA 23219, telephone (804) 371-7892 (V/TTY), toll-free 1-800-552-7917(V/TTY), FAX (804) 371-7882.

Calendar of Events

BOARD OF DENTISTRY

January 23, 1997 - 8 a.m. -- Open Meeting

January 24, 1997 - 9 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A panel of the board to conduct formal hearings to hear disciplinary cases. This is a public meeting; however, no public comment will be taken.

Contact: Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA

January 24, 1997 - 1 p.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A business meeting to receive committee reports, and review consent orders, minutes, and general requests made to the board. Public comment will be taken for a 20-minute period beginning at 1 p.m..

Contact: Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906 or (804) 662-7197/TDD

Advertising Committee

January 23, 1997 - 3:30 p.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss minutes of the December 13 meeting, and any recommendations that will be presented at the board meeting on Friday, January 24. This is a public meeting, however, no public comment will be taken.

Contact: Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906 or (804) 662-7197/TDD

Continuing Education Committee

January 23, 1997 - 2 p.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss dental hygiene audits, expanding the continuing education provider list, and disciplinary issues. This is a public meeting; however, no public comment will be taken.

Contact: Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906 or (804) 662-7197/TDD

Examination Committee

January 24, 1997 - 3:30 p.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss calibration exercises with board members in preparation for the upcoming clinical examinations. This is a public meeting, however, no public comment will be taken.

Contact: Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906 or (804) 662-7197/TDD

Executive Committee

January 23, 1997 - 1:30 p.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss general issues affecting the board. This is a public meeting, however, no public comment will be taken.

Contact: Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906 or (804) 662-7197/TDD

Legislative/Regulatory Committee

January 23, 1997 - 3 p.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss minutes of the November 22 meeting, and any recommendations that will be presented at the board meeting on Friday, January 24. This is a public meeting, however, no public comment will be taken.

Contact: Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906 or (804) 662-7197/TDD

BOARD OF EDUCATION

† February 27, 1997 - 9 a.m. -- Open Meeting

James Monroe Building, 101 North 14th Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting of the Board of Education and the Board of Vocational Education. The agenda is available upon request.

Contact: James E. Laws, Jr., Administrative Assistant to the Superintendent for Board Relations, Department of

Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2540 or toll-free 1-800-292-3820.

VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP

January 22, 1997 - 10 a.m. -- Open Meeting
Department of Economic Development, 901 East Byrd Street, 9th Floor, Richmond, Virginia. ☎

A meeting of the Board of Directors of the Virginia Tourism Corporation.

Contact: Judy Bulls, Executive Assistant to the President, Virginia Economic Development Partnership, 901 E. Byrd St., 19th Floor, Richmond, VA 23219, telephone (804) 371-8174 or FAX (804) 786-1919.

LOCAL EMERGENCY PLANNING COMMITTEE - PRINCE WILLIAM COUNTY, MANASSAS CITY, AND MANASSAS PARK CITY

† January 27, 1997 - 1:30 p.m. -- Open Meeting
One County Complex Court, Potomac Conference Room, Prince William, Virginia. ☎

A multi-jurisdictional local emergency planning committee meeting to discuss issues related to hazardous substances in the jurisdictions. SARA Title III provisions and responsibilities for hazardous material emergency response planning.

Contact: John E. Medici, Hazardous Materials Officer, One County Complex Court, Internal Zip MC470, Prince William, VA 22192, telephone (703) 792-6800.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Virginia Ground Water Protection Steering Committee

January 21, 1997 - 9 a.m. -- Open Meeting
State Corporation Commission, Tyler Building, 1300 East Main Street, 8th Floor Conference Room, Richmond, Virginia. ☎

A meeting concerning ground water protection issues. All interested persons are welcome to attend. Meeting minutes and agenda are available from Mary Ann Massie.

Contact: Mary Ann Massie, Environmental Program Planner, Department of Environmental Quality, P. O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4042 or FAX (804) 698-4032.

STATE EXECUTIVE COUNCIL

† January 31, 1997 - 9 a.m. -- Open Meeting
Department of Social Services, 730 East Broad Street, Lower Level, Room 2, Richmond, Virginia.

A regular monthly meeting to develop and recommend programmatic and fiscal policies, oversee the administration of funds appropriated under the Comprehensive Services Act, and advise the Governor.

Contact: Alan G. Saunders, Director, Comprehensive Services Act, 730 E. Broad St., Richmond, VA 23219, telephone (804) 786-5394.

VIRGINIA FIRE SERVICES BOARD

January 23, 1997 - 10 a.m. -- Public Hearing
Department of Fire Programs, James Monroe Building, 101 North 14th Street, 18th Floor, Richmond, Virginia.

A public hearing to discuss (i) the contract package, (ii) financial considerations, and (iii) the use of considerations for the burn buildings.

Contact: Bobby L. Stanley, Jr., Executive Director, Department of Fire Programs, Monroe Bldg., 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220.

DEPARTMENT OF GENERAL SERVICES

Design/Build Construction Management Review Board

February 21, 1997 - 10 a.m. -- Open Meeting
Department of General Services, 805 East Broad Street, Room 116, Richmond, Virginia. ☎

A meeting of the board to conduct general business and review any submissions by local governing bodies for proposed use of design/build construction management for specific construction projects. The board meets the third Friday of each month.

Contact: Nathan I. Broocke, Director, Division of Engineering and Buildings, Department of General Services, 805 E. Broad St., Room 101, Richmond, VA 23219, telephone (804) 786-3263 or (804) 786-6152/TDD ☎

DEPARTMENT OF HEALTH (STATE BOARD OF)

† January 23, 1997 - 10 a.m. -- Open Meeting
Virginia Hospital and Healthcare Association, Conference Room D, Glen Allen, Virginia. ☎ (Interpreter for the deaf provided upon request)

A worksession of the board.

Contact: Paul W. Matthias, Staff to Board of Health, Department of Health, 1500 E. Main St., Richmond, VA 23219, telephone (804) 371-2909 or FAX (804) 786-4616.

Calendar of Events

† **January 24, 1997 - 9 a.m.** -- Open Meeting
Henrico County Government Center, 3rd Floor Conference Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A business meeting.

Contact: Paul W. Matthias, Staff to Board of Health, Department of Health, 1500 E. Main St., Richmond, VA 23219, telephone (804) 371-2909 or FAX (804) 786-4616.

† **January 24, 1997 - 10 a.m.** -- Public Hearing
Department of Health, Main Street Station, 1500 East Main Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A public hearing to receive input into the comprehensive plan for use of funding available under the Ryan White C.A.R.E. Act, Title II, for grant year 1997.

Contact: Anne Elam, R.N., Public Health Nurse Supervisor, Department of Health, Bureau of STD/AIDS, 1500 E. Main St., Room 112, Richmond, VA 23219, telephone (804) 371-8294 or FAX (804) 225-3517.

HOPEWELL INDUSTRIAL SAFETY COUNCIL

February 4, 1997 - 9 a.m. -- Open Meeting

March 4, 1997 - 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 Services Coordinator, 300 N. Main St., Hopewell, VA 23860, telephone (804) 541-2298.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

† **January 27, 1997 - 9 a.m.** -- Open Meeting
Department of Housing and Community Development, The Jackson Center, 501 North 2nd Street, First Floor Board Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular monthly business meeting of the board will immediately follow morning committee meetings. Public comment will be received.

Contact: Stephen W. Calhoun, CPA, Manager, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7015, FAX (804) 371-7092 or (804) 371-7089/TDD

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† **January 28, 1997 - 11 a.m.** -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting of the Board of Commissioners to (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month; and (iv) consider such other matters and take such other actions as it may deem appropriate. Various committees of the Board of Commissioners may also meet before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 782-1986.

STATEWIDE INDEPENDENT LIVING COUNCIL

January 23, 1997 - 10 a.m. -- Open Meeting
Department for the Visually Handicapped, 397 Azalea Avenue, Library and Resource Center, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct regular business.

Contact: Jim Rothrock, Statewide Independent Living Council Staff, 1802 Marroit Rd., Richmond, VA 23229, telephone (804) 673-0119, FAX (804) 282-7112, toll-free 1-800-552-5019/TDD and Voice, or e:mail jarothrock@aol.com.

VIRGINIA INSURANCE COUNSELING AND ADVOCACY PROJECT ADVISORY COUNCIL

January 29, 1997 - 10 a.m. -- Open Meeting
Department for the Aging, 700 East Franklin Street, 10th Floor, Richmond, Virginia.

A meeting to conduct advisory council business.

Contact: Kimlah Hyatt, Program Coordinator, Department for the Aging, 700 E. Franklin St., 10th Floor, Richmond, VA 23219, telephone (804) 225-2801, FAX (804) 371-8381, toll-free 1-800-552-3402, or (804) 225-2271/TDD

DEPARTMENT OF LABOR AND INDUSTRY

Safety and Health Codes Board

January 23, 1997 - 10 a.m. -- Public Hearing
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia.

February 28, 1997 -- Public 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 Safety and Health Codes Board intends to adopt regulations entitled: **16 VAC 25-35-10 et seq. Regulation Concerning Certified Lead Contractor Notification, Lead Project Permits and Permit Fees.** The proposed regulation requires all

certified lead contractors who engage in lead abatement projects in Virginia with a contract value of \$2,000 or more to notify the Department of Labor and Industry in writing at least 20 days before the beginning of such lead project. Such notification shall be provided on a department form accompanied by the payment of a lead project permit fee. The regulation also requires filing of amended notifications prior to changes in or cancellation of lead abatement projects.

Statutory Authority: §§ 40.1-22(5) and 40.1-51.20 of the Code of Virginia.

Public comments may be submitted until February 28, 1997, to Bonnie H. Robinson, Regulatory Coordinator, Department of Labor and Industry, 13 South 13th Street, Richmond, VA 23219.

Contact: Clarence H. Wheeling, Director of Occupational Health Compliance, Department of Labor and Industry, 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-0574, FAX (804) 786-8418, or (804) 786-2376/TDD ☎

COMMISSION ON LOCAL GOVERNMENT

February 17, 1997 - 10 a.m. -- Open Meeting
Smithfield area; site to be determined.

Oral presentations regarding the Town of Smithfield and Isle of Wight County Voluntary Settlement Agreement. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 8th Street Office Bldg., Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TDD ☎

February 17, 1997 - 7 p.m. -- Public Hearing
Smithfield area; site to be determined.

A public hearing regarding the Town of Smithfield and Isle of Wight County Voluntary Settlement Agreement. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 8th Street Office Bldg., Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TDD ☎

LONGWOOD COLLEGE

Board of Visitors

January 30, 1997 - 1 p.m. -- Open Meeting
Omni Charlottesville Hotel, Preston II Room, Charlottesville, Virginia. ☎

A meeting to conduct routine business of the Facilities and Services Committee and Finance Committee of the Longwood Board of Visitors.

Contact: Patricia P. Cormier, President, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004 or FAX (804) 395-2821.

January 30, 1997 - 4 p.m. -- Open Meeting
Omni Charlottesville Hotel, Preston II Room, Charlottesville, Virginia. ☎

A meeting of the Academic Affairs/Student Affairs Committees to conduct routine business.

Contact: Patricia P. Cormier, President, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2001 or FAX (804) 395-2821.

January 31, 1997 - 9:30 a.m. -- Open Meeting
Omni Charlottesville Hotel, Preston II Room, Charlottesville, Virginia. ☎

A meeting to conduct routine business.

Contact: Patricia P. Cormier, President, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004 or FAX (804) 395-2821.

MARINE RESOURCES COMMISSION

† **January 28, 1997 - 9:30 a.m. -- Open Meeting**
† **February 25, 1997 - 9:30 a.m. -- Open Meeting**
† **March 25, 1997 - 9:30 a.m. -- Open Meeting**
Marine Resources Commission, 2600 Washington Avenue, 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; 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; shellfish leasing. Meetings are open to the public. Testimony will be taken under oath from parties addressing agenda items on permits and licensing. Public comments will be 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: Laverne Lewis, Secretary to the Commission, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607-0756, telephone (757) 247-2261, toll-free 1-800-541-4646 or (757) 247-2292/TDD ☎

Calendar of Events

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

February 18, 1997 - 10 a.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia.

A meeting of the board to consider policy issues relating to Medicaid.

Contact: Cynthia A. Klisz, Board Liaison, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-8099 or FAX (804) 371-4981.

February 21, 1997 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled: **12 VAC 30-70-10 et seq. Methods and Standards for Establishing Payment Rates-Inpatient Hospital Services and 12 VAC 30-80-10 et seq. Methods and Standards for Establishing Payment Rates--Other Types of Care.** The purpose of the proposed action is to promulgate a new reimbursement methodology (diagnosis related groupings) for inpatient hospital services to replace the current per diem methodology.

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

Public comments may be submitted until February 21, 1997, to Scott Crawford, Division of Financial Operations, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria Simmons or Roberta Jonas, Regulatory Coordinators, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8854 or FAX (804) 371-4981.

February 21, 1997 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to consider adopting regulations entitled: **12 VAC 30-100-250 through 12 VAC 30-100-370 et seq. HIV Premium Assistance Program.** The purpose of the proposed regulation is to promulgate permanent regulations for the administration of the HIV Premium Assistance Program consistent with § 32.1-330.1 of the Code of Virginia.

Statutory Authority: §§ 32.1-325 and 32.1-330.1 of the Code of Virginia.

Public comments may be submitted until February 21, 1997, to Michael Lupien, Division of Program Delivery Systems,

Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria Simmons or Roberta Jonas, Regulatory Coordinators, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8854 or FAX (804) 371-4981.

† March 18, 1997 - 10 a.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia.

A meeting to discuss medical assistance services policy and to take action on issues pertinent to the board.

Contact: Cynthia A. Klisz, Board Liaison, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-8099 or FAX (804) 371-4981.

BOARD OF MEDICINE

January 24, 1997 - 1 p.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.

March 7, 1997 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medicine intends to amend regulations entitled: **18 VAC 85-80-10 et seq. Regulations for the Certification of Occupational Therapists.** The purpose of the proposed amendments is to update the identification of the national accreditation body for occupational therapy, clarify the clinical supervision of uncertified persons practicing occupational therapy, and reduce the application fee for certification.

Statutory Authority: §§ 54.1-2400 and 54.1-2956.1 through 54.1-2956.5 of the Code of Virginia.

Contact: Warren W. Koontz, M.D., Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7423 or FAX (804) 662-9943.

Informal Conference Committee

January 24, 1997 - 9 a.m. -- Open Meeting
Marriott Hotel, 50 Kingsmill Road, Williamsburg, Virginia.

The Informal Conference Committee, composed of three members of the board, will inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 A 7 and A 15 of the Code of Virginia. Public comment will not be received.

Contact: Lorraine McGehee, Acting Deputy Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor,

Richmond, VA 23230-1717, telephone (804) 662-7693, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

Legislative Committee

† January 24, 1997 - 1 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia ☎ (Interpreter for the deaf provided upon request)

The committee will meet to (i) discuss legislative issues related to board activities and regulation, (ii) review any pending regulations pursuant to regulatory review or legislative action, and (iii) consider any other information that shall come before the committee. There will be a public comment period during the first 15 minutes on agenda items.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

Advisory Committee on Radiologic Technologists

† January 31, 1997 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 3, Richmond, Virginia ☎ (Interpreter for the deaf provided upon request)

A meeting to review public comments and make recommendations to the board regarding the regulatory review of 18 VAC 85-101-10 et seq. Regulations Governing the Licensure of Radiologic Technologists and Radiologic Technologists-Limited. There will be a public comment period during the first 15 minutes on agenda items.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

Telemedicine Subcommittee

† January 31, 1997 - 1 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 3, Richmond, Virginia ☎ (Interpreter for the deaf provided upon request)

A meeting to discuss the issue of telemedicine. There will be a 10 minute public comment period on agenda items.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

STATE MILK COMMISSION

February 19, 1997 - 10:30 a.m. -- Open Meeting
900 Natural Resources Drive, 2nd Floor Board Room, Charlottesville, Virginia ☎

A regular meeting to (i) discuss industry issues, distributor licensing, Virginia base transfers, Virginia baseholding license amendments, regulations, and fiscal matters and (ii) receive reports from the staff of the Milk Commission. The commission may consider other matters pertaining to its responsibilities. Any persons who require accommodations in order to participate in the meeting should contact Edward C. Wilson, Jr., at least five days prior to the meeting date so that suitable arrangements can be made.

Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, 200 N. 9th St., Suite 1015, Richmond, VA 23219-3414, telephone (804) 786-2013 or (804) 786-2013/TDD ☎

MOTOR VEHICLE DEALER BOARD

January 21, 1997 - 10 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia ☎ (Interpreter for the deaf provided upon request)

A meeting to conduct general board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the Motor Vehicle Dealer Board at (804) 367-1100 at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act. A tentative agenda will be provided upon request by contacting the Motor Vehicle Dealer Board. A public comment period will be provided at the beginning of the meeting. Public comment will be subject to the board's guidelines for public comment.

Contact: Mary Beth Blevins, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

Advertising Committee

January 20, 1997 - 3 p.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia ☎ (Interpreter for the deaf provided upon request)

A meeting to conduct general board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the Motor Vehicle Dealer Board at (804) 367-1100 at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act. A

Calendar of Events

tentative agenda will be provided upon request by contacting the Motor Vehicle Dealer Board. A public comment period will be provided at the beginning of the meeting. Public comment will be subject to the board's guidelines for public comment.

Contact: Mary Beth Blevins, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

January 20, 1997 - 10 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct general board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the Motor Vehicle Dealer Board at (804) 367-1100 at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act. A tentative agenda will be provided upon request by contacting the Motor Vehicle Dealer Board. A public comment period will be provided at the beginning of the meeting. Public comment will be subject to the board's guidelines for public comment.

Contact: Mary Beth Blevins, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

Dealer Practices Committee

January 20, 1997 - 1 p.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct general board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the Motor Vehicle Dealer Board at (804) 367-1100 at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act. A tentative agenda will be provided upon request by contacting the Motor Vehicle Dealer Board. A public comment period will be provided at the beginning of the meeting. Public comment will be subject to the board's guidelines for public comment.

Contact: Mary Beth Blevins, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

Finance Committee

January 21, 1997 - 9 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct general board business will immediately follow the conclusion of the Advertising Committee meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the Motor Vehicle Dealer Board at (804) 367-1100 at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act. A tentative agenda will be provided upon request by contacting the Motor Vehicle Dealer Board. A public comment period will be provided at the beginning of the meeting. Public comment will be subject to the board's guidelines for public comment.

Contact: Mary Beth Blevins, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

Franchise Review and Advisory Committee

January 21, 1997 - 9 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Executive Conference Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct general board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the Motor Vehicle Dealer Board at (804) 367-1100 at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act. A tentative agenda will be provided upon request by contacting the Motor Vehicle Dealer Board. A public comment period will be provided at the beginning of the meeting. Public comment will be subject to the board's guidelines for public comment.

Contact: Mary Beth Blevins, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

Transaction Recovery Fund Committee

January 20, 1997 - 9:15 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct general board business will immediately follow the conclusion of the Licensing Committee meeting. Persons desiring to participate in

the meeting and requiring special accommodations or interpreter services should contact the Motor Vehicle Dealer Board at (804) 367-1100 at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act. A tentative agenda will be provided upon request by contacting the Motor Vehicle Dealer Board. A public comment period will be provided at the beginning of the meeting. Public comment will be subject to the board's guidelines for public comment.

Contact: Mary Beth Blevins, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

VIRGINIA MUSEUM OF FINE ARTS

Buildings and Ground Committees

NOTE: CHANGE IN MEETING DATE AND TIME

January 21, 1997 - 12:30 p.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Conference Room, Richmond, Virginia. ☞

A meeting to discuss renovation of the Center for Education and Outreach, and ongoing projects. Public comment will not be received at the meeting.

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221-2466, telephone (804) 367-0553.

VIRGINIA MUSEUM OF NATURAL HISTORY

Board of Trustees

January 23, 1997 - 9 a.m. -- Open Meeting
The Jefferson Hotel, Franklin and Adams Streets, Richmond, Virginia. ☞

A meeting to include reports from the development, executive, finance, legislative, marketing, nominating, outreach, personnel, planning and facilities, and research and collections committees. Public comment will be received following the approval of the minutes of the October meeting.

Contact: Rhonda J. Knighton, Administrative Staff Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (540) 666-8616 or (540) 666-8638/TDD ☞

January 23, 1997 - 8 a.m. -- Open Meeting
The Jefferson Hotel, Lemaire, Franklin and Adams Streets, Richmond, Virginia. ☞

A meeting of the Development Committee to discuss development issues.

Contact: Rhonda J. Knighton, Administrative Staff Assistant, Virginia Museum of Natural History, 1001 Douglas Ave.,

Martinsville, VA 24112, telephone (540) 666-8616 or (540) 666-8638/TDD ☞

† January 23, 1997 - Noon -- Open Meeting
The Jefferson Hotel, Franklin and Adams Streets, Richmond, Virginia. ☞

A meeting of the Marketing Committee to analyze marketing issues relative to the Dinosaurs! exhibit.

Contact: Rhonda J. Knighton, Administrative Staff Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (540) 666-8616 or (540) 666-8638/TDD ☞

BOARD OF NURSING

† January 27, 1997 - 1 p.m. -- Open Meeting

† January 30, 1997 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☞ (Interpreter for the deaf provided upon request)

A panel of the Board of Nursing will conduct formal hearings. Public comment will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9943 or (804) 662-7197/TDD ☞

† January 28, 1997 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☞ (Interpreter for the deaf provided upon request)

A regular meeting to consider matters relating to 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.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9943 or (804) 662-7197/TDD ☞

† January 29, 1997 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☞ (Interpreter for the deaf provided upon request)

The board will conduct formal hearings.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9943 or (804) 662-7197/TDD ☞

Special Conference Committee

† January 27, 1997 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☞ (Interpreter for the deaf provided upon request)

Calendar of Events

A Special Conference Committees will conduct informal conferences with licensees and certificate holders to determine what, if any, action should be recommended to the Board of Nursing. The Education Special Conference Committee will meet to review proposals and reports and prepare recommendations for the board. Public comment will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

BOARDS OF NURSING AND MEDICINE

† **January 22, 1997 - Noon** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A Special Conference Committee comprised of members of the Joint Boards of Medicine and Nursing will conduct informal conferences with licensees. Public comment will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

† **January 22, 1997 - 1 p.m.** -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.

† **March 21, 1997** -- Public 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 Boards of Nursing and Medicine intend to amend regulations entitled: **18 VAC 90-40-10 et seq. Regulations for Prescriptive Authority for Nurse Practitioners.** The amendments clarify and simplify the regulations and increase the number of nurse practitioners with prescriptive authority who may be supervised by one physician from two to four.

Statutory Authority: §§ 54.1-2400 and 54.1-2957.1 of the Code of Virginia.

Contact: Nancy Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9945 or FAX (804) 662-9943.

BOARD OF PROFESSIONAL COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS

January 24, 1997 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Professional

Counselors and Marriage and Family Therapists intends to amend regulations entitled: **18 VAC 115-40-10 et seq. Regulations Governing the Certification of Rehabilitation Providers.** The purpose of the proposed amendment is to establish educational and experience requirements for certification.

Statutory Authority: §§ 54.1-2400 and 54.1-3505 of the Code of Virginia.

Contact: Janet Delorme, Deputy Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9575 or FAX (804) 662-9943.

February 6, 1997 - 1 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☎

An informal conference will be held pursuant § 9-6.14:11 of the Code of Virginia. Public comment will not be heard.

Contact: Evelyn B. Brown, Executive Director, or Joyce Williams, Administrative Assistant, Board of Professional Counselors and Marriage and Family Therapists, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9912 or FAX (804) 662-9943.

February 7, 1997 - 8:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☎

An Executive Committee meeting to review credentials will begin at 8:30 a.m. Public comment will not be heard. At 10 a.m. there will be regular meeting to (i) conduct general board business; (ii) consider committee reports, correspondence, and any other matters under the jurisdiction of the board; and (iii) conduct regulatory review. There will be a 30-minute general public comment period beginning at 10:15 a.m.

Contact: Evelyn B. Brown, Executive Director, or Joyce D. Williams, Administrative Assistant, Board of Professional Counselors and Marriage and Family Therapists, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9912 or FAX (804) 662-9943.

REAL ESTATE BOARD

† **February 20, 1997 - 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 the board at least two weeks prior to the meeting. The department fully complies with the Americans with Disabilities Act.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, or (804) 367-9753/TDD ☎

Education Committee

† **February 20, 1997 - 8 a.m.** -- Open Meeting
 Department of Professional and Occupational Regulation,
 3600 West Broad Street, Richmond, Virginia. ♿

A general business meeting of the committee. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least two weeks prior to the meeting. The department fully complies with the Americans with Disabilities Act.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8509, FAX (804) 367-2475, or (804) 367-9753/TDD ♿

Fair Housing Subcommittee

† **February 20, 1997 - 8 a.m.** -- Open Meeting
 Department of Professional and Occupational Regulation,
 3600 West Broad Street, Richmond, Virginia. ♿

A general business meeting of the subcommittee. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least two weeks prior to the meeting. The department fully complies with the Americans with Disabilities Act.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8509, FAX (804) 367-2475, or (804) 367-9753/TDD ♿

**DEPARTMENT OF REHABILITATIVE SERVICES
 (BOARD OF)**

January 23, 1997 - 10 a.m. -- Open Meeting
 Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly business meeting of the board.

Contact: John R. Vaughn, Commissioner, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23230, telephone (804) 662-7010, toll-free 1-800-552-5019/TDD and Voice or (804) 662-9040/TDD ♿

RICHMOND HOSPITAL AUTHORITY

Board of Commissioners

January 23, 1997 - 5 p.m. -- Open Meeting
 Richmond Nursing Home, 1900 Cool Lane, 2nd Floor, Classroom, Richmond, Virginia. ♿

A monthly board meeting to discuss nursing home operations and related matters.

Contact: Marilyn H. West, Chairman, Richmond Hospital Authority, P.O. Box 548, Richmond, VA 23204-0548, telephone (804) 782-1938.

**SEWAGE HANDLING AND DISPOSAL APPEALS
 REVIEW BOARD**

† **January 29, 1997 - 10 a.m.** -- Open Meeting
 Sheraton Inn Richmond Airport, 4700 South Laburnum Avenue, Salon A/B, Richmond, Virginia. ♿

The board will 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 12 VAC 5-610-10 et seq. Sewage Handling and Disposal Regulations.

Contact: Raphia Lewis, Secretary to the Board, Sewage Handling and Disposal Appeals Review Board, 1500 E. Main St., Suite 115, P.O. Box 2448, Richmond, VA 23218, telephone (804) 225-4018.

VIRGINIA SMALL BUSINESS ADVISORY BOARD

† **January 27, 1997 - 10 a.m.** -- Open Meeting
 Department of Business Assistance, Riverfront Towers West, 901 East Byrd Street, 19th Floor Board Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The advisory board advises the Virginia Department of Business Assistance, Secretary of Commerce and Trade, and the Governor on small business issues. Members will discuss current concerns of small businesses in their districts; the board will develop clear statements of these concerns, and make recommendations for resolving them.

Contact: Anne Godfrey, Administrative Assistant, Department of Economic Development, 901 E. Byrd St., 19th Floor, Richmond, VA 23219-0798, telephone (804) 371-8253, FAX (804) 225-3384, or (804) 371-0327/TDD ♿

VIRGINIA STUDENT ASSISTANCE AUTHORITIES

† **January 21, 1997 - 9:30 a.m.** -- Open Meeting
 411 East Franklin Street, 2nd Floor Board Room, Richmond, Virginia. ♿

A general business meeting of the Board of Directors.

Contact: Cheryl B. Farmer, Executive Assistant, 411 E. Franklin St., Suite 300, Richmond, VA 23219, telephone (804) 775-4648, FAX (804) 775-4679 or toll-free 1-800-792-5626.

TREASURY BOARD

February 20, 1997 - 9 a.m. -- Open Meeting
 James Monroe Building, 101 North 14th Street, Treasury Board Room, 3rd Floor, Richmond, Virginia. ♿

Calendar of Events

In January and February 1997 the board will meet on the third Thursday rather than the third Wednesday.

Contact: Gloria J. Hatchel, Administrative Assistant, Department of the Treasury, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 371-6011.

DEPARTMENT FOR THE VISUALLY HANDICAPPED (BOARD OF)

January 22, 1997 - 1:30 p.m. -- Open Meeting
Department for the Visually Handicapped, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The board is responsible for advising the Governor, the Secretary of Health and Human Resources, the Commissioner, and the General Assembly on the delivery of public services to the blind and the protection of their rights. The board also reviews and comments on policies, budgets and requests for appropriations for the department. At this regular quarterly meeting, the board members will receive information regarding department activities and operations, review expenditures from the board's institutional fund, and discuss other issues raised by board members.

Contact: Katherine C. Proffitt, Executive Secretary Senior, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140, toll-free 1-800-622-2155, or (804) 371-3140/TDD

Vocational Rehabilitation Advisory Council

March 1, 1997 - 10 a.m. -- Open Meeting
Department for the Visually Handicapped, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The council meets quarterly to advise the Department for the Visually Handicapped on matters related to vocational rehabilitation services for blind and visually impaired citizens of the Commonwealth.

Contact: James G. Taylor, Vocational Rehabilitation Program Director, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140, toll-free 1-800-622-2155, or (804) 371-3140/TDD

VIRGINIA VOLUNTARY FORMULARY BOARD

February 6, 1997 - 10:30 a.m. -- Open Meeting
Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia.

A meeting to review public hearing comments and new product data for drug products pertaining to the Virginia Voluntary Formulary.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Virginia Voluntary Formulary, James Monroe Bldg.,

101 N. 14th St., Room S-45, Richmond, VA 23219, telephone (804) 786-4326.

STATE WATER CONTROL BOARD

January 21, 1997 - 11 a.m. -- Public Hearing
City of Lexington Municipal Building, 300 East Washington Street, 2nd Floor Conference Room, Lexington, Virginia.

January 22, 1997 - 11 a.m. -- Public Hearing
Prince William County Administration Center, 1 County Complex, McCoart Building, Board Chambers, Prince William, Virginia.

January 23, 1997 - 11 a.m. -- Public Hearing
James City County Board of Supervisors Room, 101 C. Mounts Bay Road, Building C, Williamsburg, Virginia.

February 10, 1997 -- Public 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 Water Control Board intends to adopt regulations entitled: **9 VAC 25-193-10 et seq. General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Ready-Mixed Concrete Plants.** The proposed regulation establishes a general permit for the ready-mixed concrete plant category of wastewater discharges under the Virginia Pollutant Discharge Elimination System.

Question and Answer Period: A question and answer period will be held one half hour prior to the public hearing at the same location. Interested citizens will have an opportunity to ask questions pertaining to the proposal at that time.

Accessibility to Persons with Disabilities: The public hearing will be held at facilities believed to be accessible to persons with disabilities. Any person with questions should contact Ms. Lily Choi at the address given below. Persons needing interpreter services for the deaf should notify Ms. Choi no later than January 10, 1997.

Request for Comments: The board is seeking written comments from interested persons on both the proposed regulatory action and the draft permit, as well as comments regarding the costs and benefits of the proposal or any other alternatives. Written comments on the proposed issuance of the permit and on the proposed regulation must be received no later than 4 p.m. on February 10, 1997, and should be submitted to Ms. Choi. Comments shall include the name, address, and telephone number of the writer, and shall contain a complete, concise statement of the factual basis for comments. Only those comments received within this period will be considered by the board.

Other Information: The department has conducted analyses on the proposed regulation related to the basis, purpose, substance, issues and estimated impacts. These are available upon request from Ms. Choi at the address below.

Statutory Authority: § 62.1-44.15(10) of the Code of Virginia.

Contact: Lily Choi, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4054.

Technical Advisory Committee

† **January 28, 1997 - 9 a.m.** -- Open Meeting
 † **March 4, 1997 - 9 a.m.** -- Open Meeting
 Department of Environmental Quality, 629 East Main Street,
 First Floor Training Room, Richmond, Virginia. (Interpreter
 for the deaf provided upon request)

A meeting to discuss the reissuance of the board's
 general permit regulation governing discharges from the
 cleanup of petroleum from underground storage tanks (9
 VAC 25-120-10 et seq.).

Contact: Richard Ayers, Technical Services Administrator,
 Department of Environmental Quality, 629 E. Main St.,
 Richmond, VA 23219, telephone (804) 698-4075 or FAX
 (804) 698-4032.

INDEPENDENT

STATE LOTTERY BOARD

January 22, 1997 - 9:30 a.m. -- Open Meeting
 State Lottery Department, 900 East Main Street, Richmond,
 Virginia. (Interpreter for the deaf provided upon request)

A regular meeting of the board. Public comment will be
 received at the beginning of the meeting.

Contact: Barbara L. Robertson, Board, Legislative and
 Regulatory Coordinator, State Lottery Department, 900 E.
 Main St., Richmond, VA 23219, telephone (804) 692-7774 or
 FAX (804) 692-7775.

LEGISLATIVE

Notice to Subscribers

Legislative meetings held during the Session of the General
 Assembly are exempted from publication in *The Virginia
 Register of Regulations*. You may call Legislative Information
 for information on standing committee meetings. The
 number is (804) 786-6530.

CHRONOLOGICAL LIST

OPEN MEETINGS

January 20

Aging, Governor's Advisory Board on
 Motor Vehicle Dealer Board
 - Advertising Committee
 - Dealer Licensing Committee
 - Dealer Practices Committee
 - Transaction Recovery Fund Committee

January 21

Accountancy, Board for
 Aging, Governor's Advisory Board on

Agriculture and Consumer Services, Department of
 - Virginia Winegrowers Advisory Board
 At Risk Youth and Their Families, Comprehensive
 Services for
 - State Management Team
 Environmental Quality, Department of
 - Virginia Ground Water Protection Steering
 Committee
 Motor Vehicle Dealer Board
 - Finance Committee
 - Franchise Review and Advisory Committee
 Museum of Fine Arts, Virginia
 - Building and Grounds Committee
 † Student Assistance Authorities, Virginia
 - Board of Directors

January 22

Child Fatality Review Team, State
 Economic Development Partnership, Virginia
 Lottery Board, State
 † Nursing and Medicine, Boards of
 Visually Handicapped, Board for the

January 23

Alcoholic Beverage Control Board, Virginia
 † Assistive Technology Loan Fund Authority
 Dentistry, Board of
 † Health, State Board of
 Independent Living Council, Statewide
 † Museum of Natural History, Virginia
 - Development Committee
 - Board of Trustees
 Rehabilitative Services, Board of
 Richmond Hospital Authority
 - Board of Commissioners

January 24

Dentistry, Board of
 † Health, State Board of
 † Medicine, Board of
 - Legislative Committee

January 25

† Architects, Professional Engineers, Land Surveyors
 and Landscape Architects, Board for
 - Board for Land Surveyors

January 27

† Emergency Planning Committee, Local - Prince
 William County, Manassas City and Manassas Park City
 † Housing and Community Development, Board of
 † Nursing, Board of
 † Small Business Advisory Board, Virginia

January 28

† Housing Development Authority, Virginia
 † Marine Resources Commission
 † Nursing, Board of

January 29

Aging, Department for the
 - Virginia Insurance Counseling and Advocacy Project
 Advisory Council
 Conservation and Recreation, Board of
 † Nursing, Board of

Calendar of Events

† Sewage Handling and Disposal Appeals Review Board

January 30

† Agriculture and Consumer Services, Department of
- Virginia Aquaculture Advisory Board
Compensation Board
Longwood College
- Board of Visitors
† Nursing, Board of

January 31

Audiology and Speech-Language Pathology, Board of
- Legislative/Regulatory Committee
† Executive Council, State
Longwood College
- Board of Visitors
† Medicine, Board of
- Advisory Committee on Radiologic Technologists
- Telemedicine Subcommittee

February 3

Alcoholic Beverage Control Board, Virginia

February 4

Agriculture and Consumer Services, Department of
- Virginia Horse Industry Board
Contractors, Board for
- Disciplinary Committee
Hopewell Industrial Safety Council

February 5

Deaf and Hard-of-Hearing, Department for the
- Advisory Board

February 6

Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board
Professional Counselors and Marriage and Family
Therapists, Board of
Voluntary Formulary Board, Virginia

February 7

Agriculture and Consumer Services, Department of
- Virginia Plant Pollination Advisory Board
Professional Counselors and Marriage and Family
Therapists, Board of

February 11

Chesapeake Bay Local Assistance Board
- Northern Area Review Committee
- Southern Area Review Committee

February 12

Conservation and Recreation, Department of
- Moormans Scenic River Advisory Board

February 13

† Agriculture and Consumer Services, Department of
- Virginia Corn Board

February 14

Agriculture and Consumer Services, Department of
- Virginia Corn Board

February 17

Local Government, Commission on

February 18

† Agriculture and Consumer Services, Department of
- Virginia Farmers' Market Board
Medical Assistance Services, Board of

February 19

Conservation and Recreation, Department of
- Rappahannock Scenic River Advisory Board
Milk Commission, State

February 20

† Agriculture and Consumer Services, Board of
Alcoholic Beverage Control Board, Virginia
Audiology and Speech Language Pathology, Board of
† Real Estate Board
- Education Committee
- Fair Housing Subcommittee
Treasury Board

February 21

General Services, Department of
- Design/Build Construction Management Review
Board

February 24

† Chesapeake Bay Local Assistance Department
- Regulatory Committee and Regulation Advisory
Committee

February 25

† Marine Resources Commission

February 27

Compensation Board
† Education, Board of

March 1

Visually Handicapped, Department for the
- Vocational Rehabilitation Advisory Council

March 3

Alcoholic Beverage Control Board, Virginia

March 4

Hopewell Industrial Safety Council
† Water Control Board, State
- Technical Advisory Committee

March 5

† Agriculture and Consumer Services, Department of
- Virginia Soybean Board

March 6

† Agriculture and Consumer Services, Department of
- Virginia Soybean Board

March 10

† Chesapeake Bay Local Assistance Department
- Regulatory Committee and Regulation Advisory
Committee

March 17

Alcoholic Beverage Control Board, Virginia

March 18

Contractors, Board for
† Medical Assistance Services, Board of

March 25

† Marine Resources Commission

March 31

Alcoholic Beverage Control Board, Virginia

PUBLIC HEARINGS

January 21

Water Control Board, State

January 22

† Nursing and Medicine, Boards of
Water Control Board, State

January 23

Fire Services Board, Virginia
Labor and Industry, Department of
- Safety and Health Codes Board
Water Control Board, State

January 24

† Health, State Department of

February 17

Local Government, Commission on

