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THE VIRGINIA REGISTER INFORMATION PAGE

THE VIRGINIA REGISTER OF REGULATIONS is an official state publication issued every other week throughout the year. Indexes are published quarterly, and are cumulative for the year. 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*. In addition, the *Virginia Register* is a source of other information about state government, including petitions for rulemaking, emergency regulations, 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 Joint Commission on Administrative Rules (JCAR) or the appropriate standing committee of each house 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 body, 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 legislative body 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 objection 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 and no earlier than 15 days from publication of the readopted action.

Proposed regulatory action may be withdrawn by the promulgating agency at any time before the regulation becomes final.

FAST-TRACK RULEMAKING PROCESS

Section 2.2-4012.1 of the Code of Virginia provides an exemption from certain provisions of the Administrative Process Act for agency regulations deemed by the Governor to be noncontroversial. To use this process, Governor's concurrence is required and advance notice must be provided to certain legislative committees. Fast-track regulations will become effective on the date noted in the regulatory action if no objections to using the process are filed in accordance with § 2.2-4012.1.

EMERGENCY REGULATIONS

Pursuant to § 2.2-4011 of the Code of Virginia, an agency, upon consultation with the Attorney General, and at the discretion of the Governor, may adopt emergency regulations that are necessitated by an emergency situation. An agency may also adopt an emergency regulation when Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or less from its enactment. 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 no more than 12 months in duration; however, may be extended for six months under certain circumstances as provided for in § 2.2-4011 D. 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) file the Notice of Intended Regulatory Action with the Registrar within 60 days of the effective date of the emergency regulation and (ii) file the proposed regulation with the Registrar 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 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2 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. **23:7 VA.R. 1023-1140 December 11, 2006**, refers to Volume 23, Issue 7, pages 1023 through 1140 of the *Virginia Register* issued on December 11, 2006.

The Virginia Register of Regulations is published pursuant to Article 6 (§ 2.2-4031 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia.

Members of the Virginia Code Commission: **R. Steven Landes**, Chairman; **John S. Edwards**, Vice Chairman; **Ryan T. McDougle**; **Robert Hurt**; **Robert L. Calhoun**; **Frank S. Ferguson**; **E.M. Miller, Jr.**; **Thomas M. Moncure, Jr.**; **James F. Almand**; **Jane M. Roush**.

Staff of the Virginia Register: **Jane D. Chaffin**, Registrar of Regulations; **June T. Chandler**, Assistant Registrar.

PUBLICATION SCHEDULE AND DEADLINES

This schedule is available on the *Register's* Internet home page (<http://register.state.va.us>).

August 2009 through June 2010

<u>Volume: Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
INDEX 3 Volume 25		
		July 2009
25:25	July 29, 2009	August 17, 2009
25:26	August 12, 2009	August 31, 2009
FINAL INDEX Volume 25		
		October 2009
26:1	August 26, 2009	September 14, 2009
26:2	September 9, 2009	September 28, 2009
26:3	September 23, 2009	October 12, 2009
26:4	October 7, 2009	October 26, 2009
26:5	October 21, 2009	November 9, 2009
26:6	November 4, 2009	November 23, 2009
26:7	November 17, 2009 (Tuesday)	December 7, 2009
INDEX 1 Volume 26		
		January 2010
26:8	December 2, 2009	December 21, 2009
26:9	December 15, 2009 (Tuesday)	January 4, 2010
26:10	December 29, 2009 (Tuesday)	January 18, 2010
26:11	January 13, 2010	February 1, 2010
26:12	January 27, 2010	February 15, 2010
26:13	February 10, 2010	March 1, 2010
26:14	February 24, 2010	March 15, 2010
INDEX 2 Volume 26		
		April 2010
26:15	March 10, 2010	March 29, 2010
26:16	March 24, 2010	April 12, 2010
26:17	April 7, 2010	April 26, 2010
26:18	April 21, 2010	May 10, 2010
26:19	May 5, 2010	May 24, 2010
26:20	May 19, 2010	June 6, 2010

*Filing deadlines are Wednesdays unless otherwise specified.

CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

The table printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Spring 2009 VAC Supplement includes final regulations published through *Virginia Register* Volume 25, Issue 12, dated February 16, 2009, and fast-track regulations published through Virginia Register Volume 25, Issue 11, dated February 2, 2009). Emergency regulations, if any, are listed, followed by the designation "emer," and errata pertaining to final regulations are listed. Proposed regulations are not listed here. The table lists the sections in numerical order and shows action taken, the volume, issue and page number where the section appeared, and the effective date of the section.

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 2. Agriculture			
2 VAC 5-100-10 through 2VAC5-100-40	Repealed	25:16 VA.R. 2831	5/13/09
2 VAC 5-320-10	Erratum	25:13 VA.R. 2565	--
2 VAC 5-325-10	Erratum	25:13 VA.R. 2565	--
2 VAC 5-330-30	Erratum	25:13 VA.R. 2565	--
2 VAC 5-330-30	Amended	25:15 VA.R. 2710	3/9/09
2 VAC 5-340-140	Erratum	25:13 VA.R. 2565	--
2 VAC 5-340-170	Erratum	25:13 VA.R. 2565	--
2 VAC 5-350-20	Erratum	25:13 VA.R. 2565	--
2 VAC 5-370-10	Erratum	25:13 VA.R. 2566	--
2 VAC 5-380-10	Erratum	25:13 VA.R. 2566	--
2 VAC 5-390-20	Erratum	25:13 VA.R. 2566	--
2 VAC 5-390-80	Erratum	25:13 VA.R. 2566	--
2 VAC 5-400-10	Erratum	25:13 VA.R. 2566	--
2 VAC 5-440-20	Erratum	25:13 VA.R. 2566	--
Title 3. Alcoholic Beverages			
3 VAC 5-50-230 emer	Added	25:11 VA.R. 1929	1/13/09-1/12/10
Title 4. Conservation and Natural Resources			
4 VAC 20-260-30 emer	Amended	25:21 VA.R. 3783	6/1/09-6/30/09
4 VAC 20-260-30	Amended	25:23 VA.R. 4189	7/1/09
4 VAC 20-270-10 emer	Amended	25:14 VA.R. 2591	2/26/09-3/28/09
4 VAC 20-270-30 emer	Amended	25:14 VA.R. 2591	2/26/09-3/28/09
4 VAC 20-270-30	Amended	25:16 VA.R. 2831	3/26/09
4 VAC 20-270-40 emer	Amended	25:14 VA.R. 2592	2/26/09-3/28/09
4 VAC 20-270-40	Amended	25:16 VA.R. 2832	3/26/09
4 VAC 20-270-40	Amended	25:21 VA.R. 3783	6/1/09
4 VAC 20-270-50	Amended	25:21 VA.R. 3784	6/1/09
4 VAC 20-270-55 emer	Amended	25:14 VA.R. 2592	2/26/09-3/28/09
4 VAC 20-270-55	Amended	25:16 VA.R. 2832	3/26/09
4 VAC 20-270-58	Amended	25:21 VA.R. 3784	6/1/09
4 VAC 20-270-60 emer	Amended	25:14 VA.R. 2592	2/26/09-3/28/09
4 VAC 20-320-70	Amended	25:21 VA.R. 3784	6/1/09
4 VAC 20-395-10	Amended	25:19 VA.R. 3289	6/30/09
4 VAC 20-395-20	Amended	25:19 VA.R. 3289	6/30/09
4 VAC 20-395-30	Amended	25:19 VA.R. 3290	6/30/09
4 VAC 20-395-40	Amended	25:19 VA.R. 3290	6/30/09
4 VAC 20-450-30	Amended	25:21 VA.R. 3785	6/1/09
4 VAC 20-490-20	Amended	25:14 VA.R. 2593	3/1/09
4 VAC 20-490-30	Amended	25:14 VA.R. 2595	3/1/09

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 20-490-40	Amended	25:14 VA.R. 2595	3/1/09
4 VAC 20-490-41	Amended	25:14 VA.R. 2595	3/1/09
4 VAC 20-530-10 emer	Amended	25:14 VA.R. 2596	2/26/09-3/28/09
4 VAC 20-530-20 emer	Amended	25:14 VA.R. 2596	2/26/09-3/28/09
4 VAC 20-530-31 emer	Amended	25:14 VA.R. 2597	2/26/09-3/28/09
4 VAC 20-530-31	Amended	25:16 VA.R. 2833	3/26/09
4 VAC 20-530-40 emer	Amended	25:14 VA.R. 2597	2/26/09-3/28/09
4 VAC 20-560-40 emer	Amended	25:19 VA.R. 3292	5/1/09-5/30/09
4 VAC 20-620-70	Amended	25:14 VA.R. 2597	3/1/09
4 VAC 20-650-10	Amended	25:21 VA.R. 3785	6/1/09
4 VAC 20-650-20	Amended	25:21 VA.R. 3786	6/1/09
4 VAC 20-650-30	Amended	25:21 VA.R. 3787	6/1/09
4 VAC 20-670-20	Amended	25:21 VA.R. 3788	6/1/09
4 VAC 20-670-25	Amended	25:21 VA.R. 3788	6/1/09
4 VAC 20-670-30	Amended	25:21 VA.R. 3788	6/1/09
4 VAC 20-670-40	Amended	25:21 VA.R. 3789	6/1/09
4 VAC 20-700-20	Amended	25:14 VA.R. 2598	3/1/09
4 VAC 20-880-30	Amended	25:21 VA.R. 3789	6/1/09
4 VAC 20-950-30	Amended	25:16 VA.R. 2833	4/1/09
4 VAC 20-1040-25	Amended	25:21 VA.R. 3789	6/1/09
4 VAC 20-1090-30	Amended	25:21 VA.R. 3790	6/1/09
4 VAC 20-1120-31	Added	25:21 VA.R. 3792	7/1/09
4 VAC 20-1120-32	Added	25:21 VA.R. 3792	7/1/09
4 VAC 20-1140-20	Amended	25:21 VA.R. 3793	6/1/09
4 VAC 20-1200-10	Added	25:16 VA.R. 2834	4/1/09
4 VAC 20-1200-20	Added	25:16 VA.R. 2834	4/1/09
4 VAC 20-1200-30	Added	25:16 VA.R. 2834	4/1/09
4 VAC 20-1210-10 emer	Added	25:16 VA.R. 2835	3/26/09-4/24/09
4 VAC 20-1210-10	Added	25:19 VA.R. 3293	4/30/09
4 VAC 20-1210-20 emer	Added	25:16 VA.R. 2835	3/26/09-4/24/09
4 VAC 20-1210-20	Added	25:19 VA.R. 3293	4/30/09
4 VAC 20-1210-30 emer	Added	25:16 VA.R. 2835	3/26/09-4/24/09
4 VAC 20-1210-30	Added	25:19 VA.R. 3293	4/30/09
4 VAC 25-31 (Forms)	Amended	25:16 VA.R. 2835	--
4 VAC 25-40-25	Amended	25:20 VA.R. 3478	7/8/09
4 VAC 25-40-90	Amended	25:20 VA.R. 3478	7/8/09
4 VAC 25-40-120	Amended	25:20 VA.R. 3478	7/8/09
4 VAC 25-40-130	Amended	25:20 VA.R. 3479	7/8/09
4 VAC 25-40-190	Amended	25:20 VA.R. 3479	7/8/09
4 VAC 25-40-260	Amended	25:20 VA.R. 3479	7/8/09
4 VAC 25-40-350	Amended	25:20 VA.R. 3479	7/8/09
4 VAC 25-40-365	Added	25:20 VA.R. 3479	7/8/09
4 VAC 25-40-410	Amended	25:20 VA.R. 3479	7/8/09
4 VAC 25-40-720	Amended	25:20 VA.R. 3479	7/8/09
4 VAC 25-40-780	Amended	25:20 VA.R. 3479	7/8/09
4 VAC 25-40-800	Amended	25:20 VA.R. 3480	7/8/09
4 VAC 25-40-810	Amended	25:20 VA.R. 3481	7/8/09
4 VAC 25-40-880	Amended	25:20 VA.R. 3481	7/8/09
4 VAC 25-40-890	Amended	25:20 VA.R. 3482	7/8/09
4 VAC 25-40-893	Added	25:20 VA.R. 3482	7/8/09
4 VAC 25-40-925	Added	25:20 VA.R. 3482	7/8/09

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 25-40-1095	Added	25:20 VA.R. 3482	7/8/09
4 VAC 25-40-1600	Amended	25:20 VA.R. 3482	7/8/09
4 VAC 25-40-2790	Amended	25:20 VA.R. 3482	7/8/09
4 VAC 25-40-2800	Amended	25:20 VA.R. 3482	7/8/09
4 VAC 25-40-2980	Amended	25:20 VA.R. 3482	7/8/09
4 VAC 25-40-3050	Repealed	25:20 VA.R. 3482	7/8/09
4 VAC 25-40-3060	Repealed	25:20 VA.R. 3483	7/8/09
4 VAC 25-40-3070	Repealed	25:20 VA.R. 3483	7/8/09
4 VAC 25-40-3080	Repealed	25:20 VA.R. 3483	7/8/09
4 VAC 25-40-3090	Repealed	25:20 VA.R. 3483	7/8/09
4 VAC 25-40-3110	Repealed	25:20 VA.R. 3483	7/8/09
4 VAC 25-40-3120	Repealed	25:20 VA.R. 3483	7/8/09
4 VAC 25-40-3800	Amended	25:20 VA.R. 3483	7/8/09
4 VAC 25-40-3830	Amended	25:20 VA.R. 3483	7/8/09
4 VAC 25-40-3840	Amended	25:20 VA.R. 3483	7/8/09
4 VAC 25-40-3990	Amended	25:20 VA.R. 3484	7/8/09
4 VAC 25-40-4060	Amended	25:20 VA.R. 3484	7/8/09
4 VAC 25-40-4061	Added	25:20 VA.R. 3484	7/8/09
4 VAC 25-40-4062	Added	25:20 VA.R. 3484	7/8/09
4 VAC 25-40-4063	Added	25:20 VA.R. 3484	7/8/09
4 VAC 25-40-4064	Added	25:20 VA.R. 3484	7/8/09
4 VAC 25-40-4065	Added	25:20 VA.R. 3484	7/8/09
4 VAC 25-40-4066	Added	25:20 VA.R. 3484	7/8/09
4 VAC 25-40-4240	Amended	25:20 VA.R. 3485	7/8/09
4 VAC 25-40-4260	Amended	25:20 VA.R. 3485	7/8/09
4 VAC 25-40-4400	Amended	25:20 VA.R. 3485	7/8/09
4 VAC 25-130 (Forms)	Amended	25:16 VA.R. 2836	--
4 VAC 50-60-10	Amended	25:16 VA.R. 2838	7/1/09
4 VAC 50-60-1100 through 4VAC50-60-1140	Amended	25:16 VA.R. 2849-2851	7/1/09
4 VAC 50-60-1150	Amended	25:16 VA.R. 2851	5/13/09
4 VAC 50-60-1160 through 4 VAC 50-60-1180	Amended	25:16 VA.R. 2853-2868	7/1/09
4 VAC 50-60-1182	Added	25:16 VA.R. 2869	7/1/09
4 VAC 50-60-1184	Added	25:16 VA.R. 2869	7/1/09
4 VAC 50-60-1186	Added	25:16 VA.R. 2870	7/1/09
4 VAC 50-60-1188	Added	25:16 VA.R. 2871	7/1/09
4 VAC 50-60-1190	Amended	25:16 VA.R. 2871	7/1/09
Title 5. Corporations			
5 VAC 5-20-10	Amended	25:14 VA.R. 2601	3/11/09
5 VAC 5-20-20	Amended	25:14 VA.R. 2601	3/11/09
5 VAC 5-20-80	Amended	25:14 VA.R. 2602	3/11/09
5 VAC 5-20-90	Amended	25:14 VA.R. 2602	3/11/09
5 VAC 5-20-100	Amended	25:14 VA.R. 2602	3/11/09
5 VAC 5-20-120 through 5 VAC 5-20-150	Amended	25:14 VA.R. 2603-2604	3/11/09
5 VAC 5-20-170	Amended	25:14 VA.R. 2604	3/11/09
5 VAC 5-20-180	Amended	25:14 VA.R. 2605	3/11/09
5 VAC 5-20-240 through 5 VAC 5-20-280	Amended	25:14 VA.R. 2605-2608	3/11/09
Title 6. Criminal Justice and Corrections			
6 VAC 15-80-10	Amended	25:24 VA.R. 4289	9/3/09
6 VAC 15-80-211	Added	25:24 VA.R. 4292	9/3/09
6 VAC 20-20-25	Amended	25:22 VA.R. 4027	1/1/10
6 VAC 20-50-21	Amended	25:22 VA.R. 4029	1/1/10

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 8. Education			
8 VAC 20-80-10 through 8 VAC 20-80-190	Repealed	25:21 VA.R. 3849	7/7/09
8 VAC 20-81-10 through 8 VAC 20-81-340	Added	25:21 VA.R. 3849	7/7/09
8 VAC 20-81-210	Errata	25:23 VA.R. 4262	--
8 VAC 20-131-5	Amended	25:21 VA.R. 3850	7/31/09
8 VAC 20-131-30	Amended	25:21 VA.R. 3851	7/31/09
8 VAC 20-131-50	Amended	25:21 VA.R. 3852	7/31/09
8 VAC 20-131-60	Amended	25:21 VA.R. 3857	7/31/09
8 VAC 20-131-80	Amended	25:21 VA.R. 3859	7/31/09
8 VAC 20-131-100	Amended	25:21 VA.R. 3859	7/31/09
8 VAC 20-131-140	Amended	25:21 VA.R. 3860	7/31/09
8 VAC 20-131-210	Amended	25:21 VA.R. 3860	7/31/09
8 VAC 20-131-270	Amended	25:21 VA.R. 3861	7/31/09
8 VAC 20-131-280	Amended	25:21 VA.R. 3862	7/31/09
8 VAC 20-131-290	Amended	25:21 VA.R. 3863	7/31/09
8 VAC 20-131-300	Amended	25:21 VA.R. 3864	7/31/09
8 VAC 20-131-310	Amended	25:21 VA.R. 3866	7/31/09
8 VAC 20-131-325	Amended	25:21 VA.R. 3867	7/31/09
8 VAC 20-131-360	Amended	25:21 VA.R. 3867	7/31/09
8 VAC 20-521-60	Amended	25:19 VA.R. 3295	7/15/09
8 VAC 20-650-30	Amended	25:19 VA.R. 3297	7/15/09
Title 9. Environment			
9 VAC 5-10-20	Amended	25:12 VA.R. 2059	4/2/09
9 VAC 5-20-21	Amended	25:19 VA.R. 3298	6/24/09
9 VAC 5-30-15	Amended	25:19 VA.R. 3302	6/24/09
9 VAC 5-30-80	Amended	25:19 VA.R. 3302	6/24/09
9 VAC 5-80-1170	Amended	25:19 VA.R. 3302	6/24/09
9 VAC 5-80-1615	Amended	25:20 VA.R. 3492	7/23/09
9 VAC 5-80-1625	Amended	25:20 VA.R. 3503	7/23/09
9 VAC 5-80-1695	Amended	25:20 VA.R. 3504	7/23/09
9 VAC 5-80-1915	Added	25:20 VA.R. 3505	7/23/09
9 VAC 5-80-1925	Amended	25:20 VA.R. 3506	7/23/09
9 VAC 5-80-1935	Amended	25:20 VA.R. 3507	7/23/09
9 VAC 5-80-1945	Amended	25:20 VA.R. 3507	7/23/09
9 VAC 5-80-1955	Amended	25:20 VA.R. 3508	7/23/09
9 VAC 5-80-1965	Amended	25:20 VA.R. 3508	7/23/09
9 VAC 5-80-2010	Amended	25:20 VA.R. 3508	7/23/09
9 VAC 5-80-2020	Amended	25:20 VA.R. 3518	7/23/09
9 VAC 5-80-2140	Amended	25:20 VA.R. 3518	7/23/09
9 VAC 5-80-2195	Added	25:20 VA.R. 3519	7/23/09
9 VAC 5-80-2200	Amended	25:20 VA.R. 3520	7/23/09
9 VAC 5-80-2210	Amended	25:20 VA.R. 3520	7/23/09
9 VAC 5-80-2220	Amended	25:20 VA.R. 3521	7/23/09
9 VAC 5-80-2230	Amended	25:20 VA.R. 3522	7/23/09
9 VAC 5-80-2240	Amended	25:20 VA.R. 3522	7/23/09
9 VAC 20-80 (Forms)	Amended	25:18 VA.R. 3149	--
9 VAC 25-32-480	Erratum	25:15 VA.R. 2804	--
9 VAC 25-151-10	Amended	25:19 VA.R. 3306	6/24/09
9 VAC 25-151-40 through 9 VAC 25-151-290	Amended	25:19 VA.R. 3308-3379	6/24/09
9 VAC 25-151-310 through 9 VAC 25-151-370	Amended	25:19 VA.R. 3379-3385	6/24/09
9 VAC 25-190-10	Amended	25:19 VA.R. 3385	6/24/09

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-190-20	Amended	25:19 VA.R. 3386	6/24/09
9 VAC 25-190-50	Amended	25:19 VA.R. 3386	6/24/09
9 VAC 25-190-60	Amended	25:19 VA.R. 3387	6/24/09
9 VAC 25-190-65	Added	25:19 VA.R. 3388	6/24/09
9 VAC 25-190-70	Amended	25:19 VA.R. 3389	6/24/09
9 VAC 25-260-275	Added	25:23 VA.R. 4190	8/20/09
9 VAC 25-580 (Forms)	Amended	25:18 VA.R. 3154	--
9 VAC 25-720-50	Amended	25:20 VA.R. 3523	7/8/09
9 VAC 25-720-60	Erratum	25:19 VA.R. 3464	--
9 VAC 25-720-60	Amended	25:20 VA.R. 3531	7/8/09
9 VAC 25-720-90	Amended	25:20 VA.R. 3544	7/8/09
9 VAC 25-720-110	Amended	25:20 VA.R. 3546	7/8/09
9 VAC 25-720-120	Amended	25:12 VA.R. 2247	4/2/09
Title 10. Finance and Financial Institutions			
10 VAC 5-10-10	Amended	25:24 VA.R. 4299	7/14/09
10 VAC 5-160-10	Amended	25:23 VA.R. 4191	7/1/09
10 VAC 5-160-70	Repealed	25:23 VA.R. 4193	7/1/09
10 VAC 5-160-80	Repealed	25:23 VA.R. 4193	7/1/09
10 VAC 5-200-60	Amended	25:14 VA.R. 2609	3/1/09
10 VAC 5-200-110	Amended	25:14 VA.R. 2609	3/1/09
10 VAC 5-200-130	Added	25:14 VA.R. 2613	3/1/09
Title 11. Gaming			
11 VAC 10-20-330	Amended	25:18 VA.R. 3162	6/1/09
11 VAC 10-50-30	Amended	25:17 VA.R. 3005	5/27/09
11 VAC 10-70-20	Amended	25:15 VA.R. 2712	4/15/09
11 VAC 10-70-90	Amended	25:15 VA.R. 2712	4/15/09
11 VAC 10-110-90	Amended	25:19 VA.R. 3407	6/1/09
11 VAC 10-120-80	Amended	25:17 VA.R. 3006	5/27/09
11 VAC 10-180-10	Amended	25:17 VA.R. 3007	5/27/09
11 VAC 10-180-35	Amended	25:17 VA.R. 3007	5/27/09
11 VAC 10-180-70	Amended	25:17 VA.R. 3008	5/27/09
11 VAC 10-180-80	Amended	25:17 VA.R. 3009	5/27/09
11 VAC 10-180-110	Amended	25:17 VA.R. 3010	5/27/09
11 VAC 15-22-10	Amended	25:23 VA.R. 4194	8/19/09
11 VAC 15-22-20	Amended	25:23 VA.R. 4196	8/19/09
11 VAC 15-22-30	Amended	25:23 VA.R. 4196	8/19/09
11 VAC 15-22-110	Amended	25:23 VA.R. 4198	8/19/09
11 VAC 15-31-10	Amended	25:23 VA.R. 4200	8/19/09
11 VAC 15-31-20	Amended	25:23 VA.R. 4201	8/19/09
11 VAC 15-31-50	Amended	25:23 VA.R. 4203	8/19/09
Title 12. Health			
12 VAC 5-67-10 emer	Added	25:4 VA.R. 658	11/1/08-10/31/09
12 VAC 5-67-20 emer	Added	25:4 VA.R. 658	11/1/08-10/31/09
12 VAC 5-67-30 emer	Added	25:4 VA.R. 658	11/1/08-10/31/09
12 VAC 5-195-20	Amended	25:22 VA.R. 4063	7/6/09
12 VAC 5-195-30	Amended	25:22 VA.R. 4063	7/6/09
12 VAC 5-195-70	Amended	25:22 VA.R. 4064	7/6/09
12 VAC 5-195-140	Amended	25:22 VA.R. 4065	7/6/09
12 VAC 5-195-180	Amended	25:22 VA.R. 4065	7/6/09
12 VAC 5-195-190	Amended	25:22 VA.R. 4066	7/6/09
12 VAC 5-195-280 through 12 VAC 5-195-340	Amended	25:22 VA.R. 4067-4071	7/6/09

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12 VAC 5-195-360	Amended	25:22 VA.R. 4071	7/6/09
12 VAC 5-195-370	Amended	25:22 VA.R. 4072	7/6/09
12 VAC 5-195-380	Repealed	25:22 VA.R. 4072	7/6/09
12 VAC 5-195-390	Amended	25:22 VA.R. 4072	7/6/09
12 VAC 5-195-400	Amended	25:22 VA.R. 4073	7/6/09
12 VAC 5-195-410	Amended	25:22 VA.R. 4073	7/6/09
12 VAC 5-195-420	Amended	25:22 VA.R. 4073	7/6/09
12 VAC 5-195-450	Amended	25:22 VA.R. 4073	7/6/09
12 VAC 5-195-460	Amended	25:22 VA.R. 4073	7/6/09
12 VAC 5-195-480 through 12 VAC 5-195-550	Amended	25:22 VA.R. 4074-4076	7/6/09
12 VAC 5-195-580	Amended	25:22 VA.R. 4076	7/6/09
12 VAC 5-195-590	Amended	25:22 VA.R. 4077	7/6/09
12 VAC 5-195-600	Amended	25:22 VA.R. 4079	7/6/09
12 VAC 5-195-610	Amended	25:22 VA.R. 4081	7/6/09
12 VAC 5-195-630	Amended	25:22 VA.R. 4081	7/6/09
12 VAC 5-195-640	Amended	25:22 VA.R. 4081	7/6/09
12 VAC 5-195-660	Amended	25:22 VA.R. 4082	7/6/09
12 VAC 5-195-670	Amended	25:22 VA.R. 4083	7/6/09
12 VAC 5-230-540	Amended	25:13 VA.R. 2316	4/1/09
12 VAC 5-230-550	Amended	25:13 VA.R. 2317	4/1/09
12 VAC 5-230-560	Amended	25:13 VA.R. 2317	4/1/09
12 VAC 5-481-451	Amended	25:21 VA.R. 3888	8/6/09
12 VAC 30-10-150	Amended	25:14 VA.R. 2614	4/15/09
12 VAC 30-10-560	Amended	25:21 VA.R. 3898	7/23/09
12 VAC 30-10-930	Amended	25:14 VA.R. 2615	4/15/09
12 VAC 30-20-90	Amended	25:14 VA.R. 2615	4/15/09
12 VAC 30-20-140	Repealed	25:21 VA.R. 3899	7/23/09
12 VAC 30-20-141	Added	25:21 VA.R. 3900	7/23/09
12 VAC 30-20-210	Amended	25:20 VA.R. 3571	7/23/09
12 VAC 30-20-500	Amended	25:14 VA.R. 2618	4/15/09
12 VAC 30-20-520	Amended	25:14 VA.R. 2618	4/15/09
12 VAC 30-30-10	Amended	25:20 VA.R. 3577	7/9/09
12 VAC 30-30-20	Amended	25:21 VA.R. 3902	7/23/09
12 VAC 30-40-10	Erratum	25:19 VA.R. 3464	--
12 VAC 30-40-10	Amended	25:20 VA.R. 3574	7/23/09
12 VAC 30-40-105	Added	25:21 VA.R. 3904	7/23/09
12 VAC 30-40-280	Amended	25:21 VA.R. 3904	7/23/09
12 VAC 30-40-290 emer	Amended	25:1 VA.R. 35	8/27/08-8/26/09
12 VAC 30-40-290	Amended	25:21 VA.R. 3905	7/23/09
12 VAC 30-50-10	Amended	25:14 VA.R. 2618	4/15/09
12 VAC 30-50-226 emer	Amended	25:22 VA.R. 4085	7/1/09-6/30/10
12 VAC 30-50-420 emer	Amended	25:22 VA.R. 4089	7/1/09-6/30/10
12 VAC 30-50-430 emer	Amended	25:22 VA.R. 4091	7/1/09-6/30/10
12 VAC 30-60-200	Added	25:21 VA.R. 3907	7/23/09
12 VAC 30-60-500	Added	25:20 VA.R. 3586	7/9/09
12 VAC 30-70-50 emer	Amended	25:23 VA.R. 4205	7/2/09-7/1/10
12 VAC 30-80-20 emer	Amended	25:23 VA.R. 4208	7/2/09-7/1/10
12 VAC 30-80-30	Amended	25:21 VA.R. 3909	7/23/09
12 VAC 30-80-40 emer	Amended	24:25 VA.R. 3617	8/4/08-8/3/09
12 VAC 30-80-40	Amended	25:19 VA.R. 3408	7/1/09
12 VAC 30-80-95	Amended	25:12 VA.R. 2251	4/2/09

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12 VAC 30-80-190 emer	Amended	25:1 VA.R. 41	8/27/08-8/26/09
12 VAC 30-80-200 emer	Amended	25:23 VA.R. 4209	7/2/09-7/1/10
12 VAC 30-110-40	Amended	25:14 VA.R. 2619	4/15/09
12 VAC 30-110-370	Amended	25:14 VA.R. 2619	4/15/09
12 VAC 30-110-380	Repealed	25:14 VA.R. 2619	4/15/09
12 VAC 30-110-670	Amended	25:14 VA.R. 2620	4/15/09
12 VAC 30-110-680	Amended	25:14 VA.R. 2620	4/15/09
12 VAC 30-110-700	Amended	25:14 VA.R. 2620	4/15/09
12 VAC 30-110-720	Amended	25:14 VA.R. 2620	4/15/09
12 VAC 30-110-741	Amended	25:14 VA.R. 2623	4/15/09
12 VAC 30-110-980	Amended	25:14 VA.R. 2623	4/15/09
12 VAC 30-110-990	Repealed	25:14 VA.R. 2623	4/15/09
12 VAC 30-110-1000	Repealed	25:14 VA.R. 2623	4/15/09
12 VAC 30-110-1040	Amended	25:14 VA.R. 2623	4/15/09
12 VAC 30-110-1500	Added	25:21 VA.R. 3912	7/23/09
12 VAC 30-120-70	Amended	25:20 VA.R. 3599	7/9/09
12 VAC 30-120-90	Amended	25:20 VA.R. 3600	7/9/09
12 VAC 30-120-140	Amended	25:14 VA.R. 2624	4/15/09
12 VAC 30-120-140	Amended	25:20 VA.R. 3602	7/9/09
12 VAC 30-120-140	Errata	25:23 VA.R. 4262	--
12 VAC 30-120-211	Amended	25:20 VA.R. 3605	7/9/09
12 VAC 30-120-213	Amended	25:20 VA.R. 3608	7/9/09
12 VAC 30-120-225	Amended	25:20 VA.R. 3609	7/9/09
12 VAC 30-120-229	Amended	25:20 VA.R. 3612	7/9/09
12 VAC 30-120-237	Amended	25:20 VA.R. 3613	7/9/09
12 VAC 30-120-247	Amended	25:20 VA.R. 3614	7/9/09
12 VAC 30-120-700	Amended	25:20 VA.R. 3616	7/9/09
12 VAC 30-120-710	Amended	25:20 VA.R. 3619	7/9/09
12 VAC 30-120-754	Amended	25:20 VA.R. 3620	7/9/09
12 VAC 30-120-758	Amended	25:20 VA.R. 3621	7/9/09
12 VAC 30-120-762	Amended	25:20 VA.R. 3622	7/9/09
12 VAC 30-120-770	Amended	25:20 VA.R. 3623	7/9/09
12 VAC 30-120-900	Amended	25:20 VA.R. 3625	7/9/09
12 VAC 30-120-910	Amended	25:19 VA.R. 3410	7/1/09
12 VAC 30-120-910	Amended	25:20 VA.R. 3627	7/9/09
12 VAC 30-120-920	Amended	25:20 VA.R. 3628	7/9/09
12 VAC 30-120-970	Amended	25:20 VA.R. 3630	7/9/09
12 VAC 30-120-1500	Amended	25:20 VA.R. 3632	7/9/09
12 VAC 30-120-1550	Amended	25:20 VA.R. 3634	7/9/09
12 VAC 30-120-2000	Added	25:20 VA.R. 3636	7/9/09
12 VAC 30-120-2010	Added	25:20 VA.R. 3637	7/9/09
12 VAC 30-130-260	Amended	25:14 VA.R. 2626	4/15/09
12 VAC 30-130-270	Amended	25:14 VA.R. 2626	4/15/09
12 VAC 30-130-290	Amended	25:14 VA.R. 2627	4/15/09
12 VAC 30-130-370	Repealed	25:14 VA.R. 2628	4/15/09
12 VAC 30-130-380	Amended	25:14 VA.R. 2628	4/15/09
12 VAC 30-130-410	Repealed	25:14 VA.R. 2628	4/15/09
12 VAC 30-130-540	Amended	25:14 VA.R. 2629	4/15/09
12 VAC 30-130-750	Amended	25:20 VA.R. 3576	7/23/09
12 VAC 30-130-780	Repealed	25:20 VA.R. 3576	7/23/09
12 VAC 30-130-790	Amended	25:20 VA.R. 3576	7/23/09

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12 VAC 30-130-800	Amended	25:14 VA.R. 2630	4/15/09
12 VAC 30-130-820	Amended	25:14 VA.R. 2632	4/15/09
12 VAC 30-130-890	Amended	25:14 VA.R. 2633	4/15/09
12 VAC 30-130-910	Amended	25:14 VA.R. 2634	4/15/09
12 VAC 30-141-60	Amended	25:14 VA.R. 2635	4/15/09
12 VAC 30-141-120	Amended	25:14 VA.R. 2635	4/15/09
12 VAC 30-141-660 emer	Amended	25:10 VA.R. 1854	12/22/08-12/21/09
12 VAC 30-141-660	Amended	25:16 VA.R. 2969	5/13/09
12 VAC 30-141-720	Amended	25:14 VA.R. 2635	4/15/09
12 VAC 30-141-740	Amended	25:19 VA.R. 3411	7/1/09
12 VAC 30-141-760	Amended	25:14 VA.R. 2635	4/15/09
12 VAC 30-150-40	Amended	25:14 VA.R. 2636	4/15/09
12 VAC 35-45-10 through 12 VAC 35-45-210	Repealed	25:21 VA.R. 3912	8/6/09
12 VAC 35-46-10 through 12 VAC 35-46-1140	Added	25:21 VA.R. 3914-3950	8/6/09
12 VAC 35-46-480	Erratum	25:24 VA.R. 4354	--
12 VAC 35-190-10	Amended	25:23 VA.R. 4211	8/19/09
12 VAC 35-190-21	Amended	25:23 VA.R. 4212	8/19/09
12 VAC 35-190-30	Amended	25:23 VA.R. 4212	8/19/09
12 VAC 35-190-41	Amended	25:23 VA.R. 4212	8/19/09
12 VAC 35-190-51	Amended	25:23 VA.R. 4213	8/19/09
Title 13. Housing			
13 VAC 5-63-220	Amended	25:17 VA.R. 3013	6/1/09
13 VAC 5-100-10	Amended	25:13 VA.R. 2363	2/12/09
13 VAC 5-100-20	Amended	25:13 VA.R. 2364	2/12/09
13 VAC 10-40-20	Amended	25:21 VA.R. 3951	6/5/09
13 VAC 10-40-40	Amended	25:21 VA.R. 3954	6/5/09
13 VAC 10-40-50	Amended	25:21 VA.R. 3954	6/5/09
13 VAC 10-40-120	Amended	25:21 VA.R. 3956	6/5/09
13 VAC 10-40-130	Amended	25:21 VA.R. 3957	6/5/09
13 VAC 10-40-140	Amended	25:21 VA.R. 3960	6/5/09
13 VAC 10-40-160	Amended	25:21 VA.R. 3961	6/5/09
13 VAC 10-40-170	Amended	25:21 VA.R. 3961	6/5/09
13 VAC 10-40-220	Amended	25:21 VA.R. 3961	6/5/09
13 VAC 10-180-120	Added	25:23 VA.R. 4213	7/1/09
Title 14. Insurance			
14 VAC 5-43-10	Added	25:19 VA.R. 3413	5/15/09
14 VAC 5-43-20	Added	25:19 VA.R. 3413	5/15/09
14 VAC 5-43-30	Added	25:19 VA.R. 3414	5/15/09
14 VAC 5-170-20	Amended	25:18 VA.R. 3186	5/21/09
14 VAC 5-170-30	Amended	25:18 VA.R. 3186	5/21/09
14 VAC 5-170-50	Amended	25:18 VA.R. 3188	5/21/09
14 VAC 5-170-60	Amended	25:18 VA.R. 3188	5/21/09
14 VAC 5-170-70	Amended	25:18 VA.R. 3190	5/21/09
14 VAC 5-170-75	Added	25:18 VA.R. 3194	5/21/09
14 VAC 5-170-80	Amended	25:18 VA.R. 3196	5/21/09
14 VAC 5-170-85	Added	25:18 VA.R. 3197	5/21/09
14 VAC 5-170-150	Amended	25:18 VA.R. 3199	5/21/09
14 VAC 5-170-215	Added	25:18 VA.R. 3237	5/21/09
Title 16. Labor and Employment			
16 VAC 15-21-30	Amended	25:20 VA.R. 3639	7/24/09
16 VAC 25-80-10	Repealed	25:23 VA.R. 4230-4231	8/20/09

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16 VAC 25-90-1910.9	Added	25:20 VA.R. 3639-3640	7/15/09
16 VAC 25-90-1910.95	Amended	25:20 VA.R. 3639-3640	7/15/09
16 VAC 25-90-1910.134	Amended	25:20 VA.R. 3639-3640	7/15/09
16 VAC 25-90-1910.156	Amended	25:20 VA.R. 3639-3640	7/15/09
16 VAC 25-90-1910.303	Amended	25:20 VA.R. 3640	7/15/09
16 VAC 25-90-1910.304	Amended	25:20 VA.R. 3640	7/15/09
16 VAC 25-90-1910.1001	Amended	25:20 VA.R. 3639-3640	7/15/09
16 VAC 25-90-1910.1003	Amended	25:20 VA.R. 3639-3640	7/15/09
16 VAC 25-90-1910.1017	Amended	25:20 VA.R. 3639-3640	7/15/09
16 VAC 25-90-1910.1018	Amended	25:20 VA.R. 3639-3640	7/15/09
16 VAC 25-90-1910.1020	Added	25:23 VA.R. 4230-4231	8/20/09
16 VAC 25-90-1910.1025	Amended	25:20 VA.R. 3639-3640	7/15/09
16 VAC 25-90-1910.1026	Amended	25:20 VA.R. 3639-3640	7/15/09
16 VAC 25-90-1910.1027	Amended	25:20 VA.R. 3639-3640	7/15/09
16 VAC 25-90-1910.1028	Amended	25:20 VA.R. 3639-3640	7/15/09
16 VAC 25-90-1910.1029	Amended	25:20 VA.R. 3639-3640	7/15/09
16 VAC 25-90-1910.1030	Amended	25:20 VA.R. 3639-3640	7/15/09
16 VAC 25-90-1910.1043	Amended	25:20 VA.R. 3639-3640	7/15/09
16 VAC 25-90-1910.1044	Amended	25:20 VA.R. 3639-3640	7/15/09
16 VAC 25-90-1910.1045	Amended	25:20 VA.R. 3639-3640	7/15/09
16 VAC 25-90-1910.1047	Amended	25:20 VA.R. 3639-3640	7/15/09
16 VAC 25-90-1910.1048	Amended	25:20 VA.R. 3639-3640	7/15/09
16 VAC 25-90-1910.1050	Amended	25:20 VA.R. 3639-3640	7/15/09
16 VAC 25-90-1910.1051	Amended	25:20 VA.R. 3639-3640	7/15/09
16 VAC 25-90-1910.1052	Amended	25:20 VA.R. 3639-3640	7/15/09
16 VAC 25-90-1915.1001	Amended	25:20 VA.R. 3639-3640	7/15/09
16 VAC 25-90-1915.1026	Amended	25:20 VA.R. 3639-3640	7/15/09
16 VAC 25-100-1915.9	Added	25:20 VA.R. 3639-3640	7/15/09
16 VAC 25-120-1917.5	Added	25:20 VA.R. 3639-3640	7/15/09
16 VAC 25-120-1917.71	Amended	25:20 VA.R. 3641	7/15/09
16 VAC 25-130-1918.5	Added	25:20 VA.R. 3639-3640	7/15/09
16 VAC 25-130-1918.85	Amended	25:20 VA.R. 3641	7/15/09
16 VAC 25-175	Errata	25:22 VA.R. 4172	--
16 VAC 25-175-1926.60	Amended	25:20 VA.R. 3639-3640	7/15/09
16 VAC 25-175-1926.62	Amended	25:20 VA.R. 3639-3640	7/15/09
16 VAC 25-175-1926.761	Amended	25:20 VA.R. 3639-3640	7/15/09
16 VAC 25-175-1926.1101	Amended	25:20 VA.R. 3639-3640	7/15/09
16 VAC 25-175-1926.1126	Amended	25:20 VA.R. 3639-3640	7/15/09
16 VAC 25-175-1926.1127	Amended	25:20 VA.R. 3639-3640	7/15/09
16 VAC 25-175-1926.20	Added	25:20 VA.R. 3639-3640	7/15/09
Title 18. Professional and Occupational Licensing			
18 VAC 5-21-30 emer	Amended	25:20 VA.R. 3643	5/14/09-5/13/10
18 VAC 10-20-683	Erratum	25:15 VA.R. 2804	--
18 VAC 25-21-150	Amended	25:24 VA.R. 4302	10/1/09
18 VAC 30-20-160	Amended	25:20 VA.R. 3656	7/8/09
18 VAC 30-20-185	Added	25:20 VA.R. 3656	7/8/09
18 VAC 48-20-10 through 18 VAC 48-20-800	Added	25:20 VA.R. 3657-3678	7/9/09
18 VAC 48-50-10 through 18 VAC 48-50-200 emer	Added	25:5 VA.R. 1095-1100	11/13/08-11/12/09
18 VAC 48-60-13	Added	25:15 VA.R. 2769	5/15/09
18 VAC 48-60-17	Added	25:15 VA.R. 2769	5/15/09
18 VAC 48-60-20	Amended	25:15 VA.R. 2770	5/15/09

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 48-60-60	Amended	25:15 VA.R. 2770	5/15/09
18 VAC 60-20-16	Amended	25:17 VA.R. 3015	7/1/09
18 VAC 60-20-190	Amended	25:16 VA.R. 2970	5/13/09
18 VAC 65-20-10	Amended	25:20 VA.R. 3679	7/8/09
18 VAC 65-20-60	Amended	25:17 VA.R. 3016	7/1/09
18 VAC 65-20-60	Amended	25:20 VA.R. 3679	7/8/09
18 VAC 65-20-435	Amended	25:20 VA.R. 3679	7/8/09
18 VAC 65-20-436	Added	25:20 VA.R. 3680	7/8/09
18 VAC 65-30-180	Amended	25:17 VA.R. 3016	7/1/09
18 VAC 76-10-10 through 18 VAC 76-10-70	Amended	25:23 VA.R. 4232-4234	7/1/09
18 VAC 76-10-90	Repealed	25:23 VA.R. 4234	7/1/09
18 VAC 76-20-60	Amended	25:16 VA.R. 2971	5/13/09
18 VAC 76-20-70	Amended	25:16 VA.R. 2971	5/13/09
18 VAC 76-40-20	Amended	25:18 VA.R. 3239	7/1/09
18 VAC 85-20-21	Amended	25:23 VA.R. 4234	8/19/09
18 VAC 85-40-25	Amended	25:23 VA.R. 4235	8/19/09
18 VAC 85-50-21	Added	25:23 VA.R. 4235	8/19/09
18 VAC 85-80-10 emer	Amended	25:5 VA.R. 1104	11/1/08-10/31/09
18 VAC 85-80-25	Amended	25:23 VA.R. 4235	8/19/09
18 VAC 85-80-26 emer	Amended	25:5 VA.R. 1104	11/1/08-10/31/09
18 VAC 85-80-40 emer	Amended	25:5 VA.R. 1104	11/1/08-10/31/09
18 VAC 85-80-45 emer	Amended	25:5 VA.R. 1105	11/1/08-10/31/09
18 VAC 85-80-50 emer	Amended	25:5 VA.R. 1105	11/1/08-10/31/09
18 VAC 85-80-61 emer	Repealed	25:5 VA.R. 1105	11/1/08-10/31/09
18 VAC 85-80-65 emer	Amended	25:5 VA.R. 1105	11/1/08-10/31/09
18 VAC 85-80-70 emer	Amended	25:5 VA.R. 1105	11/1/08-10/31/09
18 VAC 85-80-72 emer	Amended	25:5 VA.R. 1105	11/1/08-10/31/09
18 VAC 85-80-73 emer	Amended	25:5 VA.R. 1106	11/1/08-10/31/09
18 VAC 85-80-80 emer	Amended	25:5 VA.R. 1106	11/1/08-10/31/09
18 VAC 85-80-90 emer	Amended	25:5 VA.R. 1106	11/1/08-10/31/09
18 VAC 85-80-100 emer	Amended	25:5 VA.R. 1107	11/1/08-10/31/09
18 VAC 85-80-110 emer	Amended	25:5 VA.R. 1107	11/1/08-10/31/09
18 VAC 85-80-111 emer	Added	25:5 VA.R. 1108	11/1/08-10/31/09
18 VAC 85-101-26	Added	25:23 VA.R. 4235	8/19/09
18 VAC 85-110-36	Added	25:23 VA.R. 4235	8/19/09
18 VAC 85-120-30	Amended	25:23 VA.R. 4235	8/19/09
18 VAC 85-130-31	Added	25:23 VA.R. 4235	8/19/09
18 VAC 90-20-35	Amended	25:17 VA.R. 3017	7/1/09
18 VAC 90-20-36	Amended	25:21 VA.R. 3973	7/22/09
18 VAC 90-20-200	Amended	25:22 VA.R. 4101	12/31/09
18 VAC 90-25-15	Amended	25:17 VA.R. 3017	7/1/09
18 VAC 90-30-100	Amended	25:17 VA.R. 3017	7/1/09
18 VAC 90-50-20	Amended	25:17 VA.R. 3017	7/1/09
18 VAC 90-60-20	Amended	25:17 VA.R. 3018	7/1/09
18 VAC 90-60-90	Amended	25:16 VA.R. 2972	5/13/09
18 VAC 90-60-91	Added	25:16 VA.R. 2972	5/13/09
18 VAC 90-60-92	Added	25:16 VA.R. 2973	5/13/09
18 VAC 95-20-10	Amended	25:19 VA.R. 3418	6/24/09
18 VAC 95-20-70	Amended	25:19 VA.R. 3420	7/1/09
18 VAC 95-20-70	Errata	25:22 VA.R. 4172	--
18 VAC 95-20-175	Amended	25:19 VA.R. 3419	6/24/09

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18 VAC 95-20-390	Amended	25:19 VA.R. 3419	6/24/09
18 VAC 95-30-10	Amended	25:19 VA.R. 3420	6/24/09
18 VAC 95-30-30	Amended	25:19 VA.R. 3420	7/1/09
18 VAC 95-30-30	Errata	25:22 VA.R. 4172	--
18 VAC 105-20-60	Amended	25:18 VA.R. 3240	7/1/09
18 VAC 110-20 (Forms)	Amended	25:24 VA.R. 4335	--
18 VAC 110-20-10 emer	Amended	25:17 VA.R. 3018	4/10/09-4/9/10
18 VAC 110-20-10 through 18 VAC 110-20-70	Amended	25:24 VA.R. 4303-4309	9/2/09
18 VAC 110-20-20 emer	Amended	25:3 VA.R. 464	9/23/08-9/22/09
18 VAC 110-20-21	Added	25:17 VA.R. 3025	7/1/09
18 VAC 110-20-80 through 18 VAC 110-20-104	Amended	25:24 VA.R. 4310-4312	9/2/09
18 VAC 110-20-106 through 18 VAC 110-20-120	Amended	25:24 VA.R. 4312-4314	9/2/09
18 VAC 110-20-130	Amended	25:24 VA.R. 4314	9/2/09
18 VAC 110-20-140	Amended	25:24 VA.R. 4314	9/2/09
18 VAC 110-20-180 through 18 VAC 110-20-210	Amended	25:24 VA.R. 4315-4317	9/2/09
18 VAC 110-20-240	Amended	25:24 VA.R. 4317	9/2/09
18 VAC 110-20-270	Amended	25:24 VA.R. 4318	9/2/09
18 VAC 110-20-275	Amended	25:24 VA.R. 4319	9/2/09
18 VAC 110-20-280	Amended	25:24 VA.R. 4320	9/2/09
18 VAC 110-20-286	Added	25:24 VA.R. 4320	9/2/09
18 VAC 110-20-320	Amended	25:24 VA.R. 4321	9/2/09
18 VAC 110-20-340	Amended	25:24 VA.R. 4321	9/2/09
18 VAC 110-20-350	Amended	25:24 VA.R. 4321	9/2/09
18 VAC 110-20-355	Amended	25:24 VA.R. 4322	9/2/09
18 VAC 110-20-391	Added	25:24 VA.R. 4322	9/2/09
18 VAC 110-20-395	Amended	25:24 VA.R. 4322	9/2/09
18 VAC 110-20-400 emer	Amended	25:17 VA.R. 3021	4/10/09-4/9/10
18 VAC 110-20-410	Amended	25:24 VA.R. 4322	9/2/09
18 VAC 110-20-425	Amended	25:24 VA.R. 4323	9/2/09
18 VAC 110-20-440	Amended	25:24 VA.R. 4324	9/2/09
18 VAC 110-20-450	Amended	25:24 VA.R. 4325	9/2/09
18 VAC 110-20-460	Amended	25:24 VA.R. 4325	9/2/09
18 VAC 110-20-490	Amended	25:24 VA.R. 4325	9/2/09
18 VAC 110-20-500	Amended	25:24 VA.R. 4327	9/2/09
18 VAC 110-20-520 through 18 VAC 110-20-555	Amended	25:24 VA.R. 4327-4331	9/2/09
18 VAC 110-20-535	Added	25:24 VA.R. 4328	9/2/09
18 VAC 110-20-536	Added	25:24 VA.R. 4328	9/2/09
18 VAC 110-20-570	Amended	25:24 VA.R. 4331	9/2/09
18 VAC 110-20-580	Amended	25:24 VA.R. 4332	9/2/09
18 VAC 110-20-590	Amended	25:24 VA.R. 4332	9/2/09
18 VAC 110-20-610	Amended	25:24 VA.R. 4333	9/2/09
18 VAC 110-20-620	Amended	25:24 VA.R. 4333	9/2/09
18 VAC 110-20-621	Amended	25:24 VA.R. 4333	9/2/09
18 VAC 110-20-622	Amended	25:24 VA.R. 4333	9/2/09
18 VAC 110-20-680 through 18 VAC 110-20-710	Amended	25:24 VA.R. 4333-4335	9/2/09
18 VAC 110-20-740 emer	Added	25:17 VA.R. 3021	4/10/09-4/9/10
18 VAC 110-20-750 emer	Added	25:17 VA.R. 3021	4/10/09-4/9/10
18 VAC 110-20-760 emer	Added	25:17 VA.R. 3021	4/10/09-4/9/10
18 VAC 110-20-770 emer	Added	25:17 VA.R. 3022	4/10/09-4/9/10
18 VAC 110-20-780 emer	Added	25:17 VA.R. 3022	4/10/09-4/9/10
18 VAC 110-20-790 emer	Added	25:17 VA.R. 3022	4/10/09-4/9/10

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18 VAC 110-20-800 emer	Added	25:17 VA.R. 3022	4/10/09-4/9/10
18 VAC 110-50-20 emer	Amended	25:3 VA.R. 466	9/23/08-9/22/09
18 VAC 112-20-25	Amended	25:17 VA.R. 3025	7/1/09
18 VAC 112-20-81	Added	25:18 VA.R. 3240	6/10/09
18 VAC 112-20-90	Amended	25:18 VA.R. 3241	6/10/09
18 VAC 112-20-130	Amended	25:18 VA.R. 3241	6/10/09
18 VAC 112-20-131	Amended	25:18 VA.R. 3241	6/10/09
18 VAC 112-20-150	Amended	25:18 VA.R. 3242	6/10/09
18 VAC 115-20-45	Amended	25:20 VA.R. 3704	7/23/09
18 VAC 115-20-100	Amended	25:22 VA.R. 4103	8/5/09
18 VAC 115-20-130	Amended	25:20 VA.R. 3704	7/23/09
18 VAC 115-30-110	Amended	25:22 VA.R. 4103	8/5/09
18 VAC 115-40-38	Amended	25:22 VA.R. 4103	8/5/09
18 VAC 115-50 (Forms)	Amended	25:24 VA.R. 4338	--
18 VAC 115-50-40	Amended	25:20 VA.R. 3706	7/23/09
18 VAC 115-50-40	Amended	25:24 VA.R. 4336	9/2/09
18 VAC 115-50-60	Amended	25:24 VA.R. 4336	9/2/09
18 VAC 115-50-90	Amended	25:22 VA.R. 4103	8/5/09
18 VAC 115-50-110	Amended	25:20 VA.R. 3706	7/23/09
18 VAC 115-60-50	Amended	25:20 VA.R. 3708	7/23/09
18 VAC 115-60-110	Amended	25:22 VA.R. 4104	8/5/09
18 VAC 115-60-130	Amended	25:20 VA.R. 3709	7/23/09
18 VAC 120-40-15	Amended	25:15 VA.R. 2774	5/14/09
18 VAC 120-40-85	Added	25:15 VA.R. 2774	5/14/09
18 VAC 120-40-240	Amended	25:15 VA.R. 2774	5/14/09
18 VAC 120-40-411.1	Amended	25:15 VA.R. 2775	5/14/09
18 VAC 125-20 (Forms)	Amended	25:24 VA.R. 4339	--
18 VAC 125-20-120	Amended	25:17 VA.R. 3026	7/1/09
18 VAC 125-20-121	Amended	25:24 VA.R. 4338	9/2/09
18 VAC 125-20-122	Amended	25:24 VA.R. 4339	9/2/09
18 VAC 125-30-50	Amended	25:20 VA.R. 3711	7/8/09
18 VAC 125-30-80	Amended	25:17 VA.R. 3026	7/1/09
18 VAC 125-30-80	Amended	25:20 VA.R. 3712	7/8/09
18 VAC 130-20-30	Erratum	25:15 VA.R. 2804	--
18 VAC 140-20-100	Amended	25:18 VA.R. 3247	7/1/09
18 VAC 160-20-10	Amended	25:19 VA.R. 3421	7/1/09
18 VAC 160-20-74	Amended	25:19 VA.R. 3424	7/1/09
18 VAC 160-20-76	Amended	25:19 VA.R. 3424	7/1/09
18 VAC 160-20-80	Amended	25:19 VA.R. 3425	7/1/09
18 VAC 160-20-82	Added	25:19 VA.R. 3425	7/1/09
18 VAC 160-20-84	Added	25:19 VA.R. 3426	7/1/09
18 VAC 160-20-90	Amended	25:19 VA.R. 3427	7/1/09
18 VAC 160-20-94	Added	25:19 VA.R. 3429	7/1/09
18 VAC 160-20-96	Added	25:19 VA.R. 3430	7/1/09
18 VAC 160-20-97	Added	25:19 VA.R. 3431	7/1/09
18 VAC 160-20-98	Added	25:19 VA.R. 3432	7/1/09
18 VAC 160-20-102	Amended	25:19 VA.R. 3433	7/1/09
18 VAC 160-20-104	Amended	25:19 VA.R. 3433	7/1/09
18 VAC 160-20-106	Amended	25:19 VA.R. 3433	7/1/09
18 VAC 160-20-109	Amended	25:19 VA.R. 3434	7/1/09
18 VAC 160-20-140	Amended	25:19 VA.R. 3435	7/1/09

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18 VAC 160-20-145	Added	25:19 VA.R. 3435	7/1/09
18 VAC 160-20-150	Amended	25:19 VA.R. 3436	7/1/09
Title 19. Public Safety			
19 VAC 30-200-10	Added	25:12 VA.R. 2272	4/2/09
Title 20. Public Utilities and Telecommunications			
20 VAC 5-314-10 through 20 VAC 5-314-170	Added	25:20 VA.R. 3716-3758	5/21/09
Title 21. Securities and Retail Franchising			
21 VAC 5-10-40	Amended	25:22 VA.R. 4106	7/1/09
21 VAC 5-20-60	Amended	25:22 VA.R. 4106	7/1/09
21 VAC 5-20-70	Amended	25:22 VA.R. 4107	7/1/09
21 VAC 5-20-90	Amended	25:22 VA.R. 4108	7/1/09
21 VAC 5-20-130	Amended	25:22 VA.R. 4108	7/1/09
21 VAC 5-20-135	Added	25:22 VA.R. 4108	7/1/09
21 VAC 5-20-150	Amended	25:22 VA.R. 4109	7/1/09
21 VAC 5-20-160	Amended	25:22 VA.R. 4109	7/1/09
21 VAC 5-30-80	Amended	25:22 VA.R. 4109	7/1/09
21 VAC 5-40-30	Amended	25:22 VA.R. 4110	7/1/09
21 VAC 5-45-20	Amended	25:22 VA.R. 4111	7/1/09
21 VAC 5-80-10	Amended	25:22 VA.R. 4112	7/1/09
21 VAC 5-80-70	Amended	25:22 VA.R. 4112	7/1/09
21 VAC 5-80-110	Amended	25:22 VA.R. 4113	7/1/09
21 VAC 5-80-130	Amended	25:22 VA.R. 4113	7/1/09
21 VAC 5-80-140	Repealed	25:22 VA.R. 4114	7/1/09
21 VAC 5-80-145	Added	25:22 VA.R. 4115	7/1/09
21 VAC 5-80-160	Amended	25:22 VA.R. 4119	7/1/09
21 VAC 5-110-10	Amended	25:22 VA.R. 4124	7/1/09
21 VAC 5-110-40	Amended	25:22 VA.R. 4125	7/1/09
21 VAC 5-110-50	Amended	25:22 VA.R. 4125	7/1/09
21 VAC 5-110-55	Amended	25:22 VA.R. 4126	7/1/09
21 VAC 5-110-65	Amended	25:22 VA.R. 4127	7/1/09
21 VAC 5-110-75	Amended	25:22 VA.R. 4128	7/1/09
21 VAC 5-110-80	Amended	25:22 VA.R. 4129	7/1/09
21 VAC 5-110-95	Amended	25:22 VA.R. 4130	7/1/09
Title 22. Social Services			
22 VAC 30-40-10 through 22 VAC 30-40-150	Amended	25:21 VA.R. 3973-3984	7/22/09
22 VAC 30-40-160	Added	25:21 VA.R. 3984	7/22/09
22 VAC 30-50-10	Amended	25:24 VA.R. 4340	9/3/09
22 VAC 30-50-20	Amended	25:24 VA.R. 4340	9/3/09
22 VAC 30-50-30	Amended	25:24 VA.R. 4340	9/3/09
22 VAC 30-50-50	Amended	25:24 VA.R. 4340	9/3/09
22 VAC 30-50-60	Amended	25:24 VA.R. 4341	9/3/09
22 VAC 30-50-70	Amended	25:24 VA.R. 4341	9/3/09
22 VAC 30-50-80	Amended	25:24 VA.R. 4341	9/3/09
22 VAC 30-50-90	Amended	25:24 VA.R. 4341	9/3/09
22 VAC 30-50-100	Amended	25:24 VA.R. 4342	9/3/09
22 VAC 30-50-110	Amended	25:24 VA.R. 4342	9/3/09
22 VAC 30-50-120	Added	25:24 VA.R. 4343	9/3/09
22 VAC 40-35-5	Repealed	25:19 VA.R. 3438	7/1/09
22 VAC 40-35-10	Amended	25:19 VA.R. 3438	7/1/09
22 VAC 40-35-20	Amended	25:19 VA.R. 3440	7/1/09
22 VAC 40-35-40	Amended	25:23 VA.R. 4236	8/19/09

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22 VAC 40-35-40 through 22 VAC 40-35-120	Amended	25:19 VA.R. 3441-3446	7/1/09
22 VAC 40-35-125	Repealed	25:19 VA.R. 3446	7/1/09
22 VAC 40-35-126	Repealed	25:19 VA.R. 3446	7/1/09
22 VAC 40-35-127	Repealed	25:19 VA.R. 3447	7/1/09
22 VAC 40-35-128	Repealed	25:19 VA.R. 3447	7/1/09
22 VAC 40-35-130	Amended	25:19 VA.R. 3447	7/1/09
22 VAC 40-41-10	Amended	25:23 VA.R. 4236	9/1/09
22 VAC 40-41-20	Amended	25:23 VA.R. 4237	9/1/09
22 VAC 40-41-40	Amended	25:23 VA.R. 4238	9/1/09
22 VAC 40-41-50	Amended	25:23 VA.R. 4238	9/1/09
22 VAC 40-41-55	Amended	25:23 VA.R. 4239	9/1/09
22 VAC 40-41-60	Amended	25:23 VA.R. 4239	9/1/09
22 VAC 40-72-10	Amended	25:19 VA.R. 3448	8/1/09
22 VAC 40-72-160	Amended	25:19 VA.R. 3453	8/1/09
22 VAC 40-72-210	Amended	25:19 VA.R. 3453	8/1/09
22 VAC 40-72-660	Amended	25:19 VA.R. 3454	8/1/09
22 VAC 40-72-670	Amended	25:19 VA.R. 3455	8/1/09
22 VAC 40-170-10 through 22 VAC 40-170-230	Repealed	25:19 VA.R. 3456	7/1/09
22 VAC 40-211-10 through 22 VAC 40-211-110	Added	25:24 VA.R. 4343-4351	9/2/09
22 VAC 40-410-10	Repealed	25:23 VA.R. 4239	9/1/09
22 VAC 40-410-20	Repealed	25:23 VA.R. 4239	9/1/09
22 VAC 40-411-10 through 22 VAC 40-411-220	Added	25:23 VA.R. 4239-4245	9/1/09
22 VAC 40-570-10 through 22 VAC 40-570-100	Repealed	25:23 VA.R. 4239	9/1/09
22 VAC 40-640-10 through 22 VAC 40-640-80	Repealed	25:23 VA.R. 4239	9/1/09
22 VAC 40-670-10	Amended	25:21 VA.R. 3988	8/6/09
22 VAC 40-670-20	Amended	25:21 VA.R. 3988	8/6/09
22 VAC 40-675-10	Amended	25:21 VA.R. 3990	8/6/09
22 VAC 40-675-60 through 22 VAC 40-675-100	Amended	25:21 VA.R. 3990-3991	8/6/09
22 VAC 40-740-10	Amended	25:23 VA.R. 4248	9/1/09
22 VAC 40-740-15	Amended	25:23 VA.R. 4250	9/1/09
22 VAC 40-740-50	Amended	25:23 VA.R. 4250	9/1/09
Title 23. Taxation			
23 VAC 10-210-310	Amended	25:22 VA.R. 4155	9/19/09
Title 24. Transportation and Motor Vehicles			
24 VAC 30-92-10 through 24 VAC 30-92-150	Added	25:15 VA.R. 2777-2801	3/9/09
24 VAC 30-280-20 through 24 VAC 30-280-70	Repealed	25:19 VA.R. 3456	7/1/09
24 VAC 30-281-10	Added	25:19 VA.R. 3457	7/1/09
24 VAC 30-300-10	Repealed	25:19 VA.R. 3457	4/29/09
24 VAC 30-301-10	Added	25:19 VA.R. 3458	4/29/09
24 VAC 30-301-20	Added	25:19 VA.R. 3458	4/29/09

PETITIONS FOR RULEMAKING

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF SOCIAL WORK

Agency Decision

Title of Regulation: 18VAC140-20. Regulations Governing the Practice of Social Work.

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

Name of Petitioner: Carol A. Gauzens.

Nature of Petitioner's Request: To amend qualifications for supervisors to require a licensee wishing to provide supervision for a resident to complete and keep record of a one-time only (or renewable every 10 years, or must be renewed if supervisor has been inactive as a supervisor for five or more years) 14-contact hour or three credit course in supervision. The supervisor shall be responsible for keeping on record proof of such course being completed.

Agency Decision: Request denied.

Statement of Reasons for Decision: The board did not elect to amend its regulations because the requirement for 14 hours of continuing education relating to supervision within a five-year period is not unreasonable. There are a number of professional courses (live and on-line) that would enable a licensee to fulfill the required hours as part of the 75 hours of continuing education required during a five-year period.

Agency Contact: Evelyn B. Brown, Executive Director, Board of Social Work, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4441, FAX (804) 527-4435, or email evelyn.brown@dhp.virginia.gov.

VA.R. Doc. No. R09-21; Filed July 17, 2009, 2:17 p.m.

BOARD OF SOCIAL WORK

Agency Decision

Title of Regulation: 18VAC140-20. Regulations Governing the Practice of Social Work.

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

Name of Petitioner: Shirley A. Johnson.

Nature of Petitioner's Request: To amend qualifications for licensure by allowing a person who holds a degree in a related field of study and has been licensed for 10 or more years as a licensed social worker in another state to be licensed in Virginia.

Agency Decision: Request denied.

Statement of Reasons for Decision: The board decided against amending its regulations for licensure and to retain its

current educational requirements. Since there is variety among state licensure requirements and some social workers have been "grandfathered" into licensure, it is necessary to ensure all licensees in Virginia have substantially equivalent education.

Agency Contact: Evelyn B. Brown, Executive Director, Board of Social Work, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4441, FAX (804) 527-4435, or email evelyn.brown@dhp.virginia.gov.

VA.R. Doc. No. R09-23; Filed July 17, 2009, 2:17 p.m.

NOTICES OF INTENDED REGULATORY ACTION

TITLE 11. GAMING

VIRGINIA RACING COMMISSION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the Virginia Racing Commission intends to consider amending the following regulations: **11VAC10-60, Regulations Pertaining to Horse Racing With Pari-Mutuel Wagering: Participants.** The purpose of the proposed action is to allow the Virginia Racing Commission to collect a higher fee for permits issued to the participants of horse racing. The fee schedule has remained constant since the first Satellite Wagering Facility began operation in 1996. A cost per permit issued analysis was performed and it was determined that it costs the Virginia Racing Commission \$64.31 for each permit that is issued. It is the intent of the Virginia Racing Commission to increase the amount charged for a permit and at the same time reduce the commission's costs so that the end result will be that the commission breaks even on the issuance of permits in the future.

The agency does not intend to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: § 59.1-369 of the Code of Virginia.

Public Comments: Public comments may be submitted until 5 p.m. on September 18, 2009.

Agency Contact: David S. Lermond, Jr., Regulatory Coordinator, Virginia Racing Commission, 10700 Horsemen's Lane, New Kent, VA 23024, telephone (804) 966-7404, FAX (804) 966-7418, or email david.lermond@vrc.virginia.gov.

VA.R. Doc. No. R09-1942; Filed July 28, 2009, 3:38 p.m.

BOARD OF NURSING

Notice of Intended Regulatory Action

Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the Board of Nursing has WITHDRAWN the Notice of Intended Regulatory Action for **18VAC90-40, Regulations for Prescriptive Authority for Nurse Practitioners**, relating to establishing standards for the management of chronic pain. The Notice of Intended Regulatory Action was published in 23:11 VA.R. 1656 February 5, 2007.

Agency Contact: Jay P. Douglas, R.N., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Richmond, VA 23233-1463, telephone (804) 367-4515, FAX (804) 527-4455, or email jay.douglas@dhp.virginia.gov.

VA.R. Doc. No. R07-118; Filed May 21, 2009, 3:17 p.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF MEDICINE

Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the Board of Medicine has WITHDRAWN the Notice of Intended Regulatory Action for **18VAC85-50, Regulations Governing the Practice of Physician Assistants**, which was published in 23:20 VA.R. 3116 June 11, 2007.

Agency Contact: William L. Harp, M.D., Executive Director, Board of Medicine, 9960 Mayland Dr., Suite 300, Richmond, VA 23233-1463, telephone (804) 367-4621, FAX (804) 527-4429, or email william.harp@dhp.virginia.gov.

VA.R. Doc. No. R07-237; Filed May 21, 2009, 3:23 p.m.

REGULATIONS

For information concerning the different types of regulations, see the Information Page.

Symbol Key

Roman type indicates existing text of regulations. Underscored language indicates proposed new text. Language that has been stricken indicates proposed text for deletion. Brackets are used in final regulations to indicate changes from the proposed regulation.

TITLE 4. CONSERVATION AND NATURAL RESOURCES

BOARD OF GAME AND INLAND FISHERIES

REGISTRAR'S NOTICE: The Board of Game and Inland Fisheries is exempt from the Administrative Process Act pursuant to § 2.2-4002 A 3 of the Code of Virginia when promulgating regulations regarding the management of wildlife. The board is required by § 2.2-4031 of the Code of Virginia to publish all proposed and final wildlife management regulations, including length of seasons and bag limits allowed on the wildlife resources within the Commonwealth of Virginia.

Final Regulation

Title of Regulation: 4VAC15-20. Definitions and Miscellaneous: in General (amending 4VAC15-20-65).

Statutory Authority: §§ 29.1-103, 29.1-501, and 29.1-502 of the Code of Virginia.

Effective Date: August 1, 2009.

Agency Contact: Phil Smith, Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341 or email phil.smith@dgif.virginia.gov.

Summary:

The amendment makes a title of hunting privilege consistent with similar titles by adding the word "and." The board did not adopt the proposed special license for hunting bear; therefore, the proposed changes related to this special license are eliminated.

4VAC15-20-65. Hunting, trapping, and fishing license and permit fees.

In accordance with the authority of the board under § 29.1-103 (16) of the Code of Virginia, the following fees are established for hunting, trapping, and fishing licenses and permits:

Virginia Resident Licenses to Hunt	
Type license	Fee
Resident License to Hunt, for licensees 16 years of age or older	\$17.00
County or City Resident License to Hunt in County or City of Residence Only, for licensees 16 years of age or older	\$10.00
Resident Senior Citizen Annual License to Hunt, for licensees 65 years of age or older	\$6.00
Resident Junior License to Hunt, for licensees 12 through 15 years of age, optional for licensees under 12 years of age	\$7.50
Resident Youth Combination License to Hunt, and to hunt bear, deer, and turkey, to hunt with bow and arrow during archery hunting season, and to hunt with muzzleloading guns during muzzleloading hunting season, for licensees under 16 years of age	\$15.00
Resident Sportsman License to Hunt and Freshwater Fish, and to hunt bear, deer, and turkey, to hunt with bow and arrow during archery hunting season, to hunt with muzzleloading guns during muzzleloading hunting season, and to fish in designated stocked trout waters (also listed under Virginia Resident Licenses to Fish)	\$102.00
Resident Junior Lifetime License to Hunt, for licensees under 12 years of age at the time of purchase	\$250.00
Resident Lifetime License to Hunt, for licensees at the time of purchase:	
through 44 years of age	\$255.00
45 through 50 years of age	\$205.00
51 through 55 years of age	\$155.00
56 through 60 years of age	\$105.00
61 through 64 years of age	\$55.00
65 years of age and over	\$15.00
Totally and Permanently Disabled Resident Special Lifetime License to Hunt	\$10.00

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Service-Connected Totally and Permanently Disabled Veteran Resident Lifetime License to Hunt and Freshwater Fish (also listed under Virginia Resident Licenses to Fish)	\$10.00
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Virginia Resident Licenses for Additional Hunting Privileges	
Type license or permit	Fee
Resident [Bear,] Deer [,] and Turkey Hunting License, for licensees 16 years of age or older	\$17.00
Resident Junior [Bear,] Deer [,] <u>and</u> Turkey Hunting License, for licensees under 16 years of age	\$7.50
[Resident Bear Hunting License]	[\$25.00]
Resident Archery License to Hunt with bow and arrow during archery hunting season	\$17.00
Resident Crossbow License to Hunt with crossbow during archery hunting season	\$17.00
Resident Muzzleloading License to Hunt during muzzleloading hunting season	\$17.00
Resident Bonus Deer Permit	\$17.00

Virginia Nonresident Licenses to Hunt	
Type license	Fee
Nonresident License to Hunt, for licensees 16 years of age or older	\$85.00
Nonresident Three-Day Trip License to Hunt	\$45.00
Nonresident Youth License to Hunt, for licensees:	
under 12 years of age	\$12.00
12 through 15 years of age	\$15.00
Nonresident Youth Combination License to Hunt, and to hunt bear, deer, and turkey, to hunt with bow and arrow during archery hunting season, and to hunt with muzzleloading guns during muzzleloading hunting season, for licensees under 16 years of age	\$30.00
Nonresident Lifetime License to Hunt	\$505.00

Virginia Nonresident Licenses for Additional Hunting Privileges	
Type license or permit	Fee
Nonresident [Bear,] Deer [,] and Turkey Hunting License, for licensees:	
16 years of age or older	\$65.00
12 through 15 years of age	\$15.00
under 12 years of age	\$12.00
[Nonresident Bear Hunting License]	[\$150.00]
Nonresident Archery License to Hunt with bow and arrow during archery hunting season	\$30.00
Nonresident Crossbow License to Hunt with crossbow during archery hunting season	\$30.00
Nonresident Muzzleloading License to Hunt during muzzleloading hunting season	\$30.00
Nonresident Shooting Preserve License to Hunt within the boundaries of a licensed shooting preserve	\$17.00
Nonresident Bonus Deer Permit	\$30.00

Miscellaneous Licenses or Permits to Hunt	
Type license or permit	Fee
Waterfowl Hunting Stationary Blind in Public Waters License	\$22.50
Waterfowl Hunting Floating Blind in Public Waters License	\$40.00
Public Access Lands for Sportsmen Permit to Hunt, Trap, or Fish on Designated Lands (also listed under Miscellaneous Licenses or Permits to Fish)	\$17.00

Virginia Resident and Nonresident Licenses to Trap	
Type license	Fee
Resident License to Trap, for licensees 16 years of age or older	\$40.00
County or City Resident License to Trap in County or City of Residence Only	\$15.00
Resident Junior License to Trap, for licensees under 16 years of age	\$10.00
Resident Senior Citizen License to Trap, for licensees 65 years of age or older	\$6.00

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Resident Senior Citizen Lifetime License to Trap, for licensees 65 years of age or older	\$15.00	through 44 years of age	\$255.00
Totally and Permanently Disabled Resident Special Lifetime License to Trap	\$10.00	45 through 50 years of age	\$205.00
Service-Connected Totally and Permanently Disabled Veteran Resident Lifetime License to Trap	\$10.00	51 through 55 years of age	\$155.00
		56 through 60 years of age	\$105.00
		61 through 64 years of age	\$55.00
Nonresident License to Trap	\$155.00	65 years of age and over	\$15.00
Virginia Resident Licenses to Fish		Totally and Permanently Disabled Resident Special Lifetime License to Freshwater Fish	\$10.00
		Service-Connected Totally and Permanently Disabled Veteran Resident Lifetime License to Hunt and Freshwater Fish (also listed under Virginia Resident Licenses to Hunt)	\$10.00
Type license	Fee	Virginia Nonresident Licenses to Fish	
Resident License to Freshwater Fish	\$17.00	Type license	Fee
County or City Resident License to Freshwater Fish in County or City of Residence Only	\$10.00	Nonresident License to Freshwater Fish	\$35.00
Resident License to Freshwater Fish, for licensees 65 years of age or older	\$6.00	Nonresident License to Freshwater Fish in Designated Stocked Trout Waters	\$35.00
Resident License to Fish in Designated Stocked Trout Waters	\$17.00	Nonresident License to Freshwater and Saltwater Fish	\$47.00
Resident License to Freshwater and Saltwater Fish	\$29.00	Nonresident License to Freshwater Fish for Five Consecutive Days	\$15.00
Resident License to Freshwater Fish for Five Consecutive Days	\$10.00	Nonresident License to Freshwater and Saltwater Fish for Five Consecutive Days	\$20.00
Resident License to Freshwater and Saltwater Fish for Five Consecutive Days	\$15.00	Nonresident Special Lifetime License to Freshwater Fish	\$505.00
Resident Sportsman License to Hunt and Freshwater Fish, and to hunt [bear,] deer, and turkey, to hunt with bow and arrow during archery hunting season, to hunt with muzzleloading guns during muzzleloading hunting season, and to fish in designated stocked trout waters (also listed under Virginia Resident Licenses to Hunt)	\$102.00	Nonresident Special Lifetime License to in Fish in Designated Stocked Trout Waters	\$505.00
		Miscellaneous Licenses or Permits to Fish	
Resident Special Lifetime License to Freshwater Fish, for licensees at the time of purchase:		Type license or permit	Fee
through 44 years of age	\$255.00	Permit to Fish for One Day at Board-Designated Stocked Trout Fishing Areas with Daily Use Fees	\$3.50; effective January 1, 2007: \$5.50
45 through 50 years of age	\$205.00	Public Access Lands for Sportsmen Permit to Hunt, Trap, or Fish on Designated Lands (also listed under Miscellaneous Licenses or Permits to Hunt)	\$17.00
51 through 55 years of age	\$155.00		
56 through 60 years of age	\$105.00	Special Guest Fishing License	\$55.00
61 through 64 years of age	\$55.00	V.A.R. Doc. No. R09-1957; Filed July 31, 2009, 12:38 p.m.	
65 years of age and over	\$15.00		
Resident Special Lifetime License to Fish in Designated Stocked Trout Waters, for licensees at the time of purchase:			

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Final Regulation

Title of Regulation: 4VAC15-40. **Game: in General (amending 4VAC15-40-60, 4VAC15-40-170, 4VAC15-40-210; adding 4VAC15-40-195).**

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

Effective Date: August 1, 2009.

Agency Contact: Phil Smith, Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341 or email phil.smith@dgif.virginia.gov.

Summary:

The amendments (i) add crossbow to several provisions pertaining to the use or possession of weapons for hunting; (ii) replace the word "gun" with the word "firearm"; (iii) prohibit possession or transportation of a loaded firearm or loaded crossbow in or on any vehicle at any time on national forest and department owned lands; (iv) add a primer or battery to the definition of a loaded muzzleloading firearm; (v) define a loaded crossbow; (vi) change the word "leghold" to "foothold" in regard to traps; (vii) provide the option of using trap tags with a permanent identification number issued by the department instead of the trapper's name and address; (viii) require that body-gripping traps that are completely submerged by water be visited by the trapper at least once every 72 hours; and (ix) clarify that foothold traps with teeth on the jaws or foothold traps with a jaw spread exceeding 6½ inches may not be set on land. The board did not adopt the proposed special license for hunting bears, and this new section is deleted.

[~~4VAC15-40-22. Special license for hunting bear.~~

~~There shall be a special license to hunt bears that shall be in addition to the state resident license to hunt or state nonresident license to hunt. The fee for the special bear license shall be \$25 for a resident and \$150 for a nonresident.]~~

4VAC15-40-60. Hunting with dogs or possession of weapons in certain locations during closed season.

A. Department-owned lands west of the Blue Ridge Mountains and national forest lands statewide. It shall be unlawful to have in possession a bow, crossbow, or ~~a gun~~ which any firearm that is not unloaded and cased or dismantled on all national forest lands statewide and on department-owned lands and on other lands managed by the department under cooperative agreement located in counties west of the Blue Ridge Mountains except during the period when it is lawful to take bear, deer, grouse, pheasant, quail, rabbit, raccoon, squirrel, turkey, or waterfowl on these lands.

B. Department-owned lands east of the Blue Ridge Mountains. It shall be unlawful to have in possession a bow, crossbow, or ~~gun~~ which any firearm that is not unloaded and cased or dismantled on department-owned lands and on other lands managed by the department under cooperative agreement located in the counties east of the Blue Ridge Mountains except during the period when it is lawful to take bear, deer, grouse, pheasant, quail, rabbit, raccoon, squirrel, turkey, waterfowl or migratory gamebirds on these lands.

C. Certain counties. Except as otherwise provided in 4VAC15-40-70, it shall be unlawful to have either a shotgun or a rifle in one's possession when accompanied by a dog in the daytime in the fields, forests or waters of the counties of Augusta, Clarke, Frederick, Page, Shenandoah and Warren, and in the counties east of the Blue Ridge Mountains, except Patrick, at any time except the periods prescribed by law to hunt game birds and animals.

D. Shooting ranges and authorized activities. The provisions of this section shall not prohibit the conduct of any activities authorized by the board or the establishment and operation of archery and shooting ranges on the lands described in subsections A, B and C of this section. The use of firearms, crossbows, and bows in such ranges during the closed season period will be restricted to the area within the established range boundaries. Such weapons shall be required to be unloaded and cased or dismantled in all areas other than the range boundaries. The use of firearms, crossbows, or bows during the closed hunting period in such ranges shall be restricted to target shooting only and no birds or animals shall be molested.

E. It shall be unlawful to chase with a dog or train dogs on national forest lands or department-owned lands except during authorized hunting, chase, or training seasons that specifically permit these activities on these lands or during raccoon hound field trials on these lands between September 1 and March 31, both dates inclusive, that are sanctioned by bona fide national kennel clubs and authorized by permits required and issued by the department and the U.S. Forest Service.

F. It shall be unlawful to possess or transport ~~a~~ any loaded ~~gun~~ firearm, or loaded crossbow in or on any vehicle at any time on national forest lands or department-owned lands.

G. The provisions of this section shall not prohibit the possession, transport and use of loaded firearms by employees of the Department of Game and Inland Fisheries while engaged in the performance of their authorized and official duties, nor shall it prohibit possession and transport of loaded concealed handguns where the individual possesses a concealed handgun permit as defined in § 18.2-308 of the Code of Virginia.

H. Meaning of "possession" of bow, crossbow, or firearm and definition of "loaded ~~gun~~ crossbow" and "loaded

firearm." For the purpose of this section, the word "possession" shall include, but not be limited to, having any bow, crossbow, or firearm in or on one's person, vehicle or conveyance. For the purpose of this section, a "loaded ~~gun~~ firearm" shall be defined as a firearm in which ammunition is chambered or loaded in the magazine or clip when such magazine or clip is ~~found~~ engaged or partially engaged in a firearm. The definition of a loaded muzzleloading ~~gun~~ firearm will include a ~~gun~~ which muzzleloading firearm that is capped, or has a charged pan, or has a primer or battery installed in the firearm. The definition of a "loaded crossbow" is a crossbow that is cocked and has either a bolt or arrow engaged or partially engaged on the shooting rail or track of the crossbow, or with a "trackless crossbow" when the crossbow is cocked and a bolt or arrow is nocked.

4VAC15-40-170. Marking of traps by person setting.

Any person setting or in possession of a steel ~~leghold~~ foothold or body gripping trap or snare shall have it marked by means of a nonferrous metal tag bearing ~~his~~ the name and address of the trapper or an identification number issued by the department. This requirement shall not apply to landowners on their own land, nor to a bona fide tenant or lessee within the bounds of land rented or leased by him, nor to anyone transporting any such trap from its place of purchase.

4VAC15-40-195. Visiting completely submerged, body-gripping traps.

Body-gripping traps that are completely submerged by water must be visited at least once every 72 hours.

4VAC15-40-210. Restricted use of certain steel foothold traps.

It shall be unlawful to set ~~above the ground on land~~ any steel foothold trap with teeth set upon the jaws or with a maximum inside jaw spread exceeding 6-1/2 inches measured perpendicular to the hinges.

VA.R. Doc. No. R09-1958; Filed July 31, 2009, 12:39 p.m.

Final Regulation

Title of Regulation: 4VAC15-50. **Game:** Bear (amending 4VAC15-50-10, 4VAC15-50-20, 4VAC15-50-70, 4VAC15-50-71, 4VAC15-50-110, 4VAC15-50-120; adding 4VAC15-50-21, 4VAC15-50-22).

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

Effective Date: August 1, 2009.

Agency Contact: Phil Smith, Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 W. Broad Street, Richmond, VA 23230, telephone (804) 367-8341 or email phil.smith@dgif.virginia.gov.

Summary:

The amendments adjust the time periods of the bear hunting general firearms season, in multiple localities; adjust the time periods of the bear hunting muzzleloading firearms seasons, in multiple localities; add two weeks to the statewide bear archery season so that it is concurrent with the early deer archery season; allow for bear hunters with a muzzleloading firearms hunting license to possess a muzzleloading gun when and where the special archery bear season overlaps the early special muzzleloading bear season; adjust the bear hunting seasons' limits on the numbers of bear that may be taken, in multiple localities; prohibit the use of dogs for bear hunting in certain areas; remove the second week from the hound training season in certain counties; and define weapons possession.

Changes from the proposed include that the board had proposed to establish a bear hunting license, separating the bear hunting privilege off from the existing bear-deer-turkey hunting license. In 4VAC15-50 this would have required two minor wording changes in 4VAC15-50-81; the board chose to not establish the proposed license, and therefore the language change in 4VAC15-50-81 was not needed and was not adopted.

4VAC15-50-10. Open season; generally.

Except as otherwise provided by local legislation and with the specific exceptions provided in the sections appearing in this chapter, it shall be lawful to hunt bear from the fourth Monday in November through the first Saturday in January, both dates inclusive, except in the counties of Accomack, Amelia, Appomattox, ~~Arlington~~, Brunswick, Buckingham, Campbell, ~~Caroline~~, ~~Charles City~~, Charlotte, ~~Chesterfield~~, ~~Clarke~~, Cumberland, Dinwiddie, ~~Essex~~, ~~Fairfax~~, ~~Fauquier~~, ~~Fluvanna~~, ~~Frederick~~, ~~Gloucester~~, ~~Goochland~~, Greensville, Halifax, ~~Hanover~~, ~~Henrico~~, Isle of Wight, ~~James City~~, ~~King and Queen~~, ~~King George~~, ~~King William~~, ~~Lancaster~~, ~~Loudoun~~, ~~Louisa~~, Lunenburg, ~~Mathews~~, Mecklenburg, Middlesex, ~~New Kent~~, Northampton, ~~Northumberland~~, Nottoway, ~~Orange~~, Pittsylvania, ~~Powhatan~~, Prince Edward, Prince George, ~~Prince William~~, ~~Richmond~~, Southampton, Spotsylvania, Stafford, ~~Surry~~, ~~and Sussex~~, ~~Westmoreland~~, and York; and in the cities of Hampton, Newport News, and Norfolk.

4VAC15-50-20. Open season; first Monday in December and for 11 consecutive hunting days following in certain counties or portions of counties and on the Clinch Mountain and Hidden Valley Wildlife Management Areas and on Department of Forestry lands in Washington and Russell counties.

It shall be lawful to hunt bear from the first Monday in December and for 11 consecutive hunting days following, both dates inclusive, ~~on the Clinch Mountain and Hidden Valley Wildlife Management Areas, on Department of Forestry lands in Washington and Russell counties, and in the~~

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counties of Buchanan, Campbell (west of Norfolk Southern Railroad), Carroll, Dickenson, Floyd, Franklin, Grayson, Henry, Lee, Montgomery (south of Interstate 81), Patrick, Pittsylvania (west of Norfolk Southern Railroad), Pulaski (south of Interstate 81), ~~Roanoke (south of Interstate 81)~~, Russell, Scott, Smyth (south of Interstate 81), ~~Tazewell (that part north of Route 19 that is west of Route 16)~~, Washington (south of Interstate 81 and that part north of Interstate 81 that is west of Route 19), Wise, and Wythe (south of Interstate 81)

4VAC15-50-21. Open season; second Monday in December and for five consecutive hunting days following in certain counties or portions of counties.

It shall be lawful to hunt bear from the second Monday in December and for five consecutive hunting days following in the counties of Amelia, Appomattox, Brunswick, Buckingham, Campbell (east of Norfolk Southern Railroad), Charlotte, Cumberland, Dinwiddie, Greensville, Halifax, Isle of Wight, Lunenburg, Mecklenburg, Nottoway, Pittsylvania (east of Norfolk Southern Railroad), Prince Edward, Prince George, Southampton, Surry, and Sussex.

4VAC15-50-22. Open season; Saturday prior to the fourth Monday in November through the first Saturday in January, both dates inclusive, in certain counties or portions of counties.

It shall be lawful to hunt bear from the Saturday prior to the fourth Monday in November through the first Saturday in January, both dates inclusive, in the counties of Alleghany, Augusta (west of Interstate 81), Bath, Botetourt (west of Interstate 81), Highland, Roanoke (north of Interstate 81), Rockbridge (west of Interstate 81), Rockingham (west of Interstate 81), and Shenandoah (west of Interstate 81).

4VAC15-50-70. Bow and arrow hunting.

A. It shall be lawful to hunt bear during the special archery season with bow and arrow from the ~~second~~ first Saturday in October through the Saturday ~~Friday~~ prior to the ~~second~~ third Monday in November, both dates inclusive.

B. It shall be unlawful to carry firearms while hunting with bow and arrow during the special archery seasons, except that a muzzleloading gun, as defined in 4VAC15-50-71, may be in the possession of a properly licensed muzzleloading gun hunter when and where the early special archery bear season overlaps the early special muzzleloading bear season.

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

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

E. It shall be lawful for persons with permanent physical disabilities, who are in full compliance with the requirements of 4VAC15-40-20 B, to hunt bear subject to the provisions of subsections A through D of this section. For the purpose of the application of subsections A through D to this subsection the phrase "bow and arrow" includes crossbow.

4VAC15-50-71. Muzzleloading gun hunting.

A. ~~It~~ Except as otherwise provided by specific exceptions in this chapter, it shall be lawful to hunt bear during the special muzzleloading season with muzzleloading guns from the Tuesday ~~Saturday~~ prior to the ~~third~~ second Monday in November ~~and for three consecutive hunting days following, through the Friday prior to the third Monday in November,~~ both dates inclusive, except in ~~Alleghany, Amherst, Augusta (west of Interstate 81 and that part east of Interstate 81 that is south of Interstate 64), Bath, Bedford, Bland, Botetourt, Buchanan, Campbell (west of Norfolk Southern Railroad), Carroll, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania (west of Norfolk Southern Railroad), Pulaski, Roanoke, Rockbridge, Rockingham (west of Interstate 81), Russell, Scott, Shenandoah (west of Interstate 81), Smyth, Tazewell, Washington, Wise and Wythe counties and in the cities of Chesapeake, Suffolk and Virginia Beach.~~

B. It shall be lawful to hunt bear during the special muzzleloading season with muzzleloading guns from the Saturday prior to the first Monday in November through the Friday prior to the third Monday in November, both dates inclusive, in the counties (including the cities and towns within) of Accomack, Caroline, Charles City, Chesterfield, Culpeper, Essex, Fauquier, Fairfax, Fluvanna, Gloucester, Goochland, Hanover, Henrico, James City, King George, King William, King and Queen, Lancaster, Loudoun, Louisa, New Kent, Northampton, Northumberland, Orange, Powhatan, Prince William, Richmond, Spotsylvania, Stafford, Mathews, Middlesex, Westmoreland, and York and in the cities of Hampton, Newport News, Norfolk, and Portsmouth.

~~B. C.~~ It shall be unlawful to hunt bear with dogs during any special season for hunting with muzzleloading guns.

~~C. D.~~ A muzzleloading gun, for the purpose of this section, means a single shot weapon, excluding muzzleloading pistols, .45 caliber or larger, firing a single projectile or sabot (with a .38 caliber or larger projectile) of the same caliber loaded from the muzzle of the weapon and propelled by at least 50 grains of black powder (or black powder equivalent or smokeless powder).

~~D. E.~~ It shall be unlawful to have in immediate possession any firearm other than a muzzleloading gun while hunting with a muzzleloading gun in a special muzzleloading season.

4VAC15-50-81. Validating tags and checking bear by licensee or permittee.

A. Any person killing a bear shall, before removing the carcass from the place of kill, validate an appropriate tag on their special license for hunting bear [, deer, and turkey] or special permit by completely removing the designated notch area from the tag. Place of kill shall be defined as the location where the animal is first reduced to possession. It shall be unlawful for any person to validate (notch) a bear tag from any special license for hunting bear [, deer, and turkey] or special permit prior to the killing of a bear. A bear tag that is mistakenly validated (notched) prior to the killing of a bear must be immediately voided by the licensee or permittee by writing, in ink, the word "VOID" on the line provided on the license tag.

B. Upon killing a bear and validating (notching) a license tag or special permit, as provided above, the licensee shall, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever occurs first, and without unnecessary delay, present the carcass and validated (notched) license tag or special permit to an authorized bear checking station or to an appropriate representative of the department in the county or adjoining county in which the bear was killed. Upon presentation of the carcass and validated (notched) license tag or special permit to the bear checking station, the licensee shall surrender or allow to be removed one premolar tooth from the carcass. At such time, the person checking the carcass will be given a game check card. The successful hunter shall then immediately record the game check card number, in ink, on the line provided adjacent to the license tag that was validated (notched) in the field. The game check card must be kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, the game check card must be securely attached to the carcass.

C. It shall be unlawful for any person to destroy the identity (sex) of any bear killed unless and until the license tag or special permit is validated (notched) and checked as required by this section. Successful bear hunters are allowed to dismember the carcass to pack it out from the place of kill, after an appropriate license tag has been validated (notched) as required above, as long as the sex of the animal remains identifiable and all the parts of the carcass are present when the bear is checked at an authorized bear checking station. Any bear found in the possession of any person without a validated (notched) license tag or documentation that the bear has been checked at an authorized bear checking station as required by this section shall be forfeited to the Commonwealth to be disposed of as provided by law.

4VAC15-50-110. Use of dogs in hunting bear.

A. It shall be unlawful to use dogs for the hunting of bear during the open season for hunting deer in the counties west of the Blue Ridge Mountains and in the counties of Amherst

(west of U.S. Route 29), Bedford, and Nelson (west of Route 151); and within the boundaries of the national forests.

B. It shall be unlawful to use dogs for the hunting of bear during the first 12 hunting days of the open season for hunting deer in the counties of Greene and Madison.

C. It shall be unlawful to use dogs for the hunting of bear in the counties of Campbell (west of Norfolk Southern Railroad), Carroll (east of the New River), Fairfax, Floyd, Franklin, Grayson (east of the New River), Henry, Loudoun, Montgomery (south of Interstate 81), Patrick, Pittsylvania (west of Norfolk Southern Railroad), Pulaski (south of Interstate 81), ~~and~~ Roanoke (south of Interstate 81), Wythe (southeast of the New River or that part bounded by Route 21 on the west, Interstate 81 on the north, the county line on the east, the New River on the southeast and Cripple Creek on the south); in the city of Lynchburg; and on Amelia, Chester F. Phelps, G. Richard Thompson, and Pettigrew wildlife management areas.

4VAC15-50-120. Bear hound training season.

A. Except as otherwise specifically provided in the sections appearing in this chapter, it shall be lawful to chase black bear with dogs, without capturing or taking, in all counties and cities or in the portions in which bear hunting is permitted except in the counties of Accomack, Amelia, Appomattox, Brunswick, Buckingham, Campbell, Caroline, Carroll, Charles City, Charlotte, Chesterfield, Clarke, Cumberland, Dinwiddie, Essex, Fairfax, Fauquier, Floyd, Fluvanna, Franklin, Frederick, Gloucester, Goochland, Grayson, Greensville, Halifax, Hanover, Henrico, Henry, Isle of Wight, James City, King & Queen, King George, King William, Lancaster, Loudoun, Louisa, Lunenburg, Mathews, Mecklenburg, Middlesex, Montgomery (south of Interstate 81), New Kent, Northampton, Northumberland, Nottoway, Orange, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince George, Prince William, Pulaski (south of Interstate 81), Richmond, ~~Roanoke (south of a continuous line formed by Route 785, Route 311 and Route 779), Roanoke (south of a continuous line formed by Route 785, Route 311 and Route 779)~~ (south of Interstate 81), Smyth (south of Interstate 81), Southampton, Spotsylvania, Stafford, Surry, Sussex, Washington (south of Interstate 81), Westmoreland, Wythe (south of Interstate 81), and York, and in the cities of Hampton, Newport News and Norfolk, from the second Saturday in August through the last Saturday in September. ~~It shall be unlawful to have in immediate possession a firearm, bow or any weapon or device capable of taking a black bear while participating in the bear hound training season.~~

B. ~~Except as otherwise specifically provided in the sections appearing in this chapter, it~~ It shall be lawful to chase black bear with dogs, without capturing or taking, in the counties of Brunswick, Greensville, Lunenburg, and Mecklenburg from the first Monday in December ~~and for~~ for ~~five~~ five consecutive hunting days following, both dates inclusive, ~~except bear dog~~

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~~training will be unlawful on Sunday in these counties during this period. It shall be unlawful to have in immediate possession a firearm, bow or any weapon or device capable of taking a black bear while participating in the bear hound training season.~~

C. It shall be unlawful to have in possession a firearm, bow, crossbow or any weapon capable of taking a black bear while participating in the bear hound training season. The meaning of "possession" for the purpose of this section shall include, but not be limited to, having a firearm, bow, crossbow or any weapon capable of taking a black bear in or on one's person, vehicle, or conveyance.

VA.R. Doc. No. R09-1960; Filed July 31, 2009, 12:39 p.m.

Final Regulation

Title of Regulation: 4VAC15-70. Game: Bobcat (amending 4VAC15-70-50).

Statutory Authority: §§ 29.1-103, 29.1-501, and 29.1-502 of the Code of Virginia.

Effective Date: August 1, 2009.

Agency Contact: Phil Smith, Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341 or email phil.smith@dgif.virginia.gov.

Summary:

The amendment exempts licensed taxidermists who ship bobcat pelts out of state for tanning purposes or individuals who ship bobcat pelts out of state to be tanned for personal use from the requirement to affix a Convention on International Trade in Endangered Species (CITES) tag to the animal pelt.

4VAC15-70-50. Pelts to be sealed before sale, etc.

It shall be unlawful to buy, sell, barter, traffic or trade in, bargain for, solicit for, purchase, or transport out of the Commonwealth, any bobcat pelts until the pelts have been sealed by an agent or other individual designated by the department. This requirement shall not apply to licensed taxidermists who ship bobcat pelts out of state for tanning purposes or to individuals who ship bobcat pelts out of state to be tanned for personal use. All bobcat pelts or unskinned carcasses required to be sealed under the provisions of this section must be sealed not later than April 1 of the license year in which the animal is taken.

VA.R. Doc. No. R09-1959; Filed July 31, 2009, 12:40 p.m.

Final Regulation

Title of Regulation: 4VAC15-90. Game: Deer (amending 4VAC15-90-21, 4VAC15-90-70, 4VAC15-90-80, 4VAC15-90-90, 4VAC15-90-91; adding 4VAC15-90-23).

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

Effective Date: August 1, 2009.

Agency Contact: Phil Smith, Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341 or email phil.smith@dgif.virginia.gov.

Summary:

The amendments adjust the time periods of the deer hunting general firearms season in multiple localities; adjust the time periods of the deer hunting muzzleloading firearms seasons in multiple localities; allow deer hunters with a muzzleloading license to possess a muzzleloading gun when and where the early special archery deer season overlaps the early special muzzleloading deer season; adjust the deer hunting seasons' limits on the numbers of deer that may be taken in multiple localities; adjust the deer hunting seasons' days in multiple localities during which deer of either sex may be taken; and establish a youth deer hunting day, with certain restrictions, for hunters 15 years of age and under.

Changes from the proposed include (i) removing the exception that prohibited the taking of either-sex deer in three counties on youth deer hunting day and (ii) allowing a muzzleloading gun to be carried while bow-and-arrow deer hunting during the overlap of any muzzleloading season with any archery season. In addition, the board did not adopt proposed amendments liberalizing the taking of either-sex deer with bonus deer permits in four counties or establishing a bear hunting license, separating the bear hunting privilege from the existing bear-deer-turkey hunting.

4VAC15-90-21. Four-week open season; certain cities, towns, and counties or parts thereof.

It shall be lawful to hunt deer on the Saturday prior to the third Monday in November and for 24 consecutive hunting days following in the counties (including the cities and towns within) of Floyd, Franklin, Henry, and Patrick ~~and~~ Pittsylvania (west of Norfolk Southern Railroad).

4VAC15-90-23. Youth deer hunting day.

It shall be lawful for deer hunters 15 years of age and under, when in compliance with all applicable laws and license requirements, to hunt deer on the last Saturday in September when accompanied and directly supervised by an adult who has a valid Virginia hunting license on his person or is exempt from purchasing a hunting license except in Fairfax.

Loudoun, and Prince William counties. Deer of either-sex may be taken on this special youth deer hunting day [~~except in Buchanan, Dickenson, and Wise counties where only antlered deer may be taken~~]. Adult hunters accompanying youth deer hunters on this day may not carry or discharge weapons. Blaze orange is required for all persons [~~participating in the hunt~~ hunting any species or any person accompanying a hunter] on this day unless otherwise exempted by state law. Deer hunting with dogs is prohibited.

4VAC15-90-70. Bow and arrow hunting.

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

B. In addition to the season provided in subsection A of this section, it shall be lawful to hunt deer during the late special archery season with bow and arrow from the Monday following the close of the general firearms season on deer through the first Saturday in January, both dates inclusive, in all cities, towns, and counties west of the Blue Ridge Mountains (except Clarke County and on non-national forest lands in Frederick County) and in the counties (including the cities and towns within) of Amherst (west of U.S. Route 29), Bedford, Campbell (west of Norfolk Southern Railroad), Franklin, Henry, Nelson (west of Route 151), Patrick and ~~Pittsylvania (west of Norfolk Southern Railroad) and~~ on the Chester F. Phelps Wildlife Management Area and on national forest lands in Frederick County and from December 1 through the first Saturday in January, both dates inclusive, in the cities of Chesapeake, Suffolk (east of the Dismal Swamp line) and Virginia Beach.

C. Deer of either sex may be taken full season during the special archery seasons as provided in subsections A and B of this section (except on PALS (Public Access Lands) in Dickenson County where it shall be unlawful to take antlerless deer during the special archery seasons provided for in subsections A and B of this section).

D. It shall be unlawful to carry firearms while hunting with bow and arrow during the special archery seasons, except that a muzzleloading gun, as defined in 4VAC15-90-80, may be in the possession of a properly licensed muzzleloading gun hunter when and where [~~the early a~~] special archery deer season overlaps [~~the early a~~] special muzzleloading deer season.

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

F. It shall be unlawful to use dogs when hunting with bow and arrow during any special archery season.

G. For the purpose of the application of subsections A through I to this section, the phrase "bow and arrow" includes crossbows.

H. It shall be lawful to hunt antlerless deer during the special urban archery season with bow and arrow from the first Saturday in September through the Friday prior to the first Saturday in October, both dates inclusive, and from the Monday following the first Saturday in January through the last Saturday in March, both dates inclusive, within the incorporated limits of any city or town in the Commonwealth (except in the cities of Chesapeake, Suffolk, and Virginia Beach) and the counties of Fairfax and York provided that its governing body submits by certified letter to the department prior to April 1, its intent to participate in the special urban archery season. Any city, town, or county no longer participating in this season shall submit by certified letter to the department prior to April 1 notice of its intent not to participate in the special urban archery season.

I. It shall be lawful to hunt antlerless deer during the special antlerless archery season with bow and arrow from the first Saturday in September through the Friday prior to the first Saturday in October, both dates inclusive, in Loudoun and Prince William counties, except on department-owned lands.

4VAC15-90-80. Muzzleloading gun hunting.

A. It shall be lawful to hunt deer during the early special muzzleloading season with muzzleloading guns from the Saturday prior to the first Monday in November through the Friday prior to the third Monday in November, both dates inclusive, in all cities, towns, and counties where deer hunting with a rifle or muzzleloading gun is permitted, except in the cities of Chesapeake, Suffolk (east of the Dismal Swamp Line) and Virginia Beach.

B. It shall be lawful to hunt deer during the late special muzzleloading season with muzzleloading guns starting 18 consecutive hunting days immediately prior to and inclusive of the first Saturday in January, in all cities, towns, and counties west of the Blue Ridge Mountains (except Clarke County and on non-national forest lands in Frederick County), and east of the Blue Ridge Mountains in the counties (including the cities and towns within) of Amherst (west of U.S. Route 29), Bedford, Campbell (west of Norfolk Southern Railroad), Franklin, Henry, Nelson (west of Route 151), Patrick ~~and Pittsylvania (west of Norfolk Southern Railroad)~~ and on national forest lands in Frederick County and in the cities of Chesapeake, Suffolk (east of the Dismal Swamp line), and Virginia Beach.

C. Deer of either sex may be taken during the entire early special muzzleloading season ~~in all cities, towns, and counties east of the Blue Ridge Mountains (except on national forest lands, state forest lands, state park lands except Occoneechee State Park, department owned lands and Philpott Reservoir) and on the second Saturday only east of the Blue Ridge~~

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~~Mountains on state forest lands, state park lands except Oconeechee State Park, department-owned lands and on Philpott Reservoir. Deer of either sex may be taken during the entire early special muzzleloading season on Oconeechee State Park. Deer of either sex may be taken during the early special muzzleloading season only on the second Monday in November in all counties west of the Blue Ridge Mountains (except Clarke, Buchanan, Dickenson, Floyd, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise, and in Grayson Highlands State Park and national forest lands in Grayson County, and on private lands in Frederick, Roanoke, and Warren counties) and on national forest and department-owned lands in Roanoke County and on national forest lands in Frederick and Warren counties and on national forest lands in Amherst, Bedford, and Nelson counties. Additionally, deer of either sex may be taken during the entire early special muzzleloading season in Clarke and Floyd counties and on private lands in Frederick, Roanoke and Warren counties, unless otherwise noted below:~~

~~- Deer of either sex may be taken on the second Saturday only of the early special muzzleloading season on state forest lands, state park lands (except Oconeechee State Park), department-owned lands and Philpott Reservoir.~~

~~- Antlered bucks only—no either sex deer hunting days during the early special muzzleloading season on national forest lands in Amherst, Bedford, and Nelson counties.~~

~~D. Deer of either sex may be taken during the entire late special muzzleloading season in the counties (including the cities and towns within) of Amherst (west of U.S. Route 29 except on national forest lands), Bedford (except on national forest lands), Campbell (west of Norfolk Southern Railroad), Franklin, Henry, Nelson (west of Route 151 except on national forest lands), Patrick, and Pittsylvania (west of Norfolk Southern Railroad). It shall be lawful to hunt deer of either sex during the last six days of the late special muzzleloading season in all counties west of the Blue Ridge Mountains (except Buchanan, Dickenson, Floyd, in Grayson Highlands State Park and national forest lands in Grayson, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise, and on private lands in Roanoke and Warren Counties) and on national forest and department owned lands in Roanoke County and on national forest lands in Warren County and on national forest lands in Amherst, Bedford, Frederick, and Nelson counties and in the cities of Chesapeake, Suffolk (east of the Dismal Swamp line), and Virginia Beach. Provided further it shall be lawful to hunt deer of either sex during the last day only of the late special muzzleloading season in the counties of Lee, Russell, Scott, Smyth, Tazewell, and Washington and in Grayson Highlands State Park and national forest lands in Grayson County. Additionally, deer of either sex may be taken during the entire late special muzzleloading season in Floyd County and on private lands in Roanoke and Warren Counties. on the second Saturday~~

~~only during the early special muzzleloading season west of the Blue Ridge Mountains unless otherwise noted below:~~

~~- Deer of either sex may be taken during the entire early special muzzleloading season in Clarke and Floyd counties and on private lands in Carroll, Frederick, Grayson, Montgomery, Roanoke, and Warren counties.~~

~~- Antlered bucks only—no either sex deer hunting days during the early special muzzleloading season in Buchanan, Dickenson, Lee, Russell, Smyth, Tazewell, Washington, and Wise counties and on national forest lands in Alleghany, Botetourt, Frederick, Grayson, Page, Rockingham, Scott, Shenandoah, Warren, and on national forest and department-owned lands in Augusta, Bath, Highland, and Rockbridge counties and on Grayson Highlands State Park and on private lands west of Routes 613 and 731 in Rockingham County.~~

~~E. Deer of either sex may be taken during the last six days of the late special muzzleloading season unless otherwise listed below:~~

~~- Deer of either sex may be taken full season during the entire late special muzzleloading season in the counties (including the cities and towns within) of Amherst (west of U.S. Route 29 except on national forest lands), Bedford (except on national forest lands), Campbell (west of Norfolk Southern Railroad), Floyd, Franklin, Henry, Nelson (west of Route 151, except on national forest lands), and Patrick and on private lands in Carroll, Grayson, Montgomery, Roanoke and Warren counties.~~

~~- Deer of either sex may be taken the last day only during the late special muzzleloading season in Dickenson (north of Route 83), Lee, Russell, Scott, Smyth, Tazewell, Washington, and Wise counties and on national forest lands in Alleghany, Amherst, Bedford, Botetourt, Frederick, Grayson, Nelson, Page, Rockingham, Shenandoah, and Warren counties, and on national forest and department-owned lands in Augusta, Bath, Highland, and Rockbridge counties and on private lands west of Routes 613 and 731 in Rockingham County and Grayson Highlands State Park.~~

~~- Antlered bucks only—no either-sex deer hunting days during the late special muzzleloading season in Buchanan and Dickenson (south of Route 83).~~

~~E. F. Deer of either sex may be taken full season during the special muzzleloading seasons within the incorporated limits of any city or town in the Commonwealth that allows deer hunting except in the counties of Buchanan, Dickenson, and Wise and in the cities of Chesapeake, Suffolk, and Virginia Beach.~~

~~F. G. It shall be unlawful to hunt deer with dogs during any special season for hunting with muzzleloading guns.~~

~~G. H.~~ A muzzleloading gun, for the purpose of this section, means a single shot weapon, excluding muzzleloading pistols, .45 caliber or larger, firing a single projectile or sabot (with a .38 caliber or larger projectile) of the same caliber loaded from the muzzle of the weapon and propelled by at least 50 grains of black powder (or black powder equivalent or smokeless powder).

~~H. I.~~ It shall be unlawful to have in immediate possession any firearm other than a muzzleloading gun while hunting with a muzzleloading gun in a special muzzleloading season.

4VAC15-90-90. Bag limit, bonus deer permits and special antlerless provision for youth hunters and earn a buck.

A. The bag limit for deer east of the Blue Ridge Mountains (except on national forest lands in Amherst, Bedford, and Nelson counties) is two per day, six per license year, three of which must be antlerless [~~except that a fourth deer of either sex may be taken in Greensville, Southampton, Surry, and Sussex counties using a designated tag on the bonus deer permit~~].

B. The bag limit for deer west of the Blue Ridge Mountains and on national forest lands in Amherst, Bedford, and Nelson counties is one per day, five per license year, three of which must be antlerless. ~~Only one antlered buck may be taken during the special early muzzleloading season per hunter.~~ Only one antlered buck taken in Shenandoah County per license year may have less than four antler points one inch or longer on one side of the antlers.

C. Except as noted in subsection E below, ~~antlerless~~ antlerless deer may be taken only during designated either-sex deer hunting days during the special archery seasons, special muzzleloading seasons, and the general firearms season.

D. Bonus deer permits shall be valid on private land in counties and cities where deer hunting is permitted (except Buchanan, Dickenson, and Wise counties) during the special archery seasons, special muzzleloading seasons, and the general firearms season. Bonus deer permits shall be valid on public lands, including state parks, state forests, national wildlife refuges, military areas, etc., as authorized by the managing agency. Unless otherwise posted or authorized in writing for wildlife management areas by the department, or for national forest lands by the U.S. Forest Service, the use of bonus permits is prohibited on department-owned and national forest lands. Bonus deer permits shall be valid for antlerless deer only [~~except that one designated either sex tag may be used per license year in Greensville, Southampton, Surry, and Sussex counties~~]. Deer taken on bonus permits shall count against the daily bag limit but are in addition to the seasonal bag limit.

E. Deer hunters 15 years of age and under, including those exempt from purchasing a hunting license, when in compliance with all applicable laws and license requirements,

may take one antlerless deer per license year on days other than designated either-sex deer hunting days during the special muzzleloading seasons or the general firearms season in all counties that have at least one either-sex deer hunting day during the general firearms deer season.

F. Earn a buck. At least one antlerless deer must be taken on private lands in Bedford, Fairfax, Fauquier, Franklin, Loudoun, Patrick, Prince William, or Roanoke counties before the second antlered deer of the license year may be taken on private lands in any of these counties. Furthermore, at least two antlerless deer must have been taken on private lands in Bedford, Fairfax, Fauquier, Franklin, Loudoun, Patrick, or Prince William counties before the third antlered deer of the license year may be taken on private lands in any of these counties.

4VAC15-90-91. General firearms season either-sex deer hunting days.

A. During the general firearms deer season, deer of either sex may be taken within:

Accomack County: full season.

Albemarle County: full season.

Alleghany County: the second Saturday and the last two hunting days.

-National forest lands: ~~the second Saturday and~~ the last hunting day.

Amelia County: the second and third Saturdays and the last ~~six~~ 12 hunting days.

~~Amelia WMA: the second and third Saturdays and the last six hunting days.~~

Amherst County (east of U.S. Route 29): the second, third, and fourth Saturdays and the last 24 hunting days.

Amherst County (west of U.S. Route 29): full season.

-National forest lands: ~~the second Saturday and~~ the last hunting day.

Appomattox County: the second and third Saturdays and the last ~~six~~ 12 hunting days.

-Appomattox-Buckingham State Forest: the second ~~Saturday~~ and third Saturdays.

-Featherfin WMA: the second, third, and fourth Saturdays and the last 24 hunting days.

Arlington County: full season.

Augusta County: the second Saturday and the last six hunting days.

-National forest and department-owned lands: ~~the second Saturday and~~ the last hunting day.

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Bath County: the second Saturday and the last two hunting days.

-National forest and department-owned lands: ~~the second Saturday and~~ the last hunting day.

Bedford County: full season.

-National forest lands: ~~the second Saturday and~~ the last hunting day.

Bland County: the second Saturday and the last six hunting days.

-National forest lands: the second Saturday and the last hunting day.

Botetourt County: full season.

-National forest lands: ~~the second Saturday and~~ the last hunting day.

Brunswick County: the second and third Saturdays and the last ~~six~~ 12 hunting days.

Buchanan County: antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken.

Buckingham County: the second and third Saturdays and the last ~~six~~ 12 hunting days.

-Horsepen Lake WMA: the second and third Saturdays and the last six hunting days.

-Appomattox-Buckingham State Forest: the second ~~Saturday and third Saturdays.~~

-Featherfin WMA: the second, third, and fourth Saturdays and the last 24 hunting days.

Campbell County (east of Norfolk Southern Railroad): the second, third, and fourth Saturdays and the last 24 hunting days.

Campbell County (west of Norfolk Southern Railroad): full season.

Caroline County: the second ~~and~~, third, and fourth Saturdays and the last ~~six~~ 24 hunting days.

Carroll County: full season.

-National forest and department-owned lands: the second Saturday and the last hunting day.

Charles City County: ~~the second and third Saturdays and the last 12 hunting days~~ full season.

-Chickahominy WMA: antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken.

Charlotte County: the second and third Saturdays and the last ~~six~~ 12 hunting days.

Chesapeake (City of): ~~the first and second Saturdays following October 1st and the last 12 hunting days~~ full season.

Chesterfield County: ~~the second and third Saturdays and the last 12 hunting days~~ full season.

Clarke County: full season.

Craig County: ~~the second Saturday and the last six hunting days~~ full season.

-National forest lands: the second Saturday and the last hunting day.

Culpeper County: ~~the second, third, and fourth Saturdays and the last 24 hunting days~~ full season.

-Chester F. Phelps WMA: the second Saturday.

Cumberland County: the second and third Saturdays and the last ~~six~~ 12 hunting days.

-Cumberland State Forest: the second ~~Saturday and third Saturdays.~~

Dickenson County: antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken.

Dinwiddie County: the second and third Saturdays and the last ~~six~~ 12 hunting days.

Essex County: ~~the second, third, and fourth Saturdays and the last 24 hunting days~~ full season.

Fairfax County: full season (restricted to certain parcels of land by special permit).

Fauquier County: full season.

-G. Richard Thompson WMA: the second Saturday and the last hunting day.

-Chester F. Phelps WMA: the second Saturday.

Floyd County: full season.

Fluvanna County: second and third Saturdays and the last ~~six~~ 12 hunting days.

Franklin County: full season.

-Philpott Reservoir: the second Saturday and the last six hunting days.

-Turkeycock Mountain WMA: the second ~~Saturday and third Saturdays~~ and the last ~~two~~ six hunting days.

Frederick County: full season

-National forest lands: ~~the second Saturday and~~ the last hunting day.

Giles County: ~~the second Saturday and the last six hunting days~~ full season.

-National forest lands: the second Saturday and the last hunting day.

Gloucester County: ~~the second, third, and fourth Saturdays and the last 24 hunting days~~ full season.

Goochland County (east of U.S. Route 522): the second, third, and fourth Saturdays and the last 24 hunting days.

Goochland County (west of U.S. Route 522): the second and third Saturdays and last ~~six~~ 12 hunting days.

Grayson County: full season.

-National forest lands and ~~portions of Grayson Highland Highlands~~ State Park ~~open to hunting: the second Saturday and~~ the last hunting day.

Greene County: ~~the second, third, and fourth Saturdays and the last 24 hunting days~~ full season.

Greensville County: full season.

Halifax County: the second, third, and fourth Saturdays and the last 24 hunting days.

Hanover County: the second, third, and fourth Saturdays and the last 24 hunting days.

Henrico County: ~~the second, third, and fourth Saturdays and the last 24 hunting days~~ full season.

Henry County: full season.

-Fairystone Farms WMA, Fairystone State Park, and Philpott Reservoir: the second Saturday and the last six hunting days.

-Turkeycock Mountain WMA: the second ~~Saturday~~ and third Saturdays and the last ~~two~~ six hunting days.

Highland County: the second Saturday and the last two hunting days.

-National forest and department-owned lands: ~~the second Saturday and~~ the last hunting day.

Isle of Wight County: full season.

-Ragged Island WMA: antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken.

James City County: ~~the second and third Saturdays and last 12 hunting days~~ full season.

King and Queen County: ~~the second, third, and fourth Saturdays and the last 24 hunting days~~ full season.

King George County: the second ~~and~~ third, and fourth Saturdays and the last ~~12~~ 24 hunting days.

King William County: the second ~~and~~ third, and fourth Saturdays and the last ~~12~~ 24 hunting days.

Lancaster County: ~~the second, third, and fourth Saturdays and the last 24 hunting days~~ full season.

Lee County: the second Saturday and the last two hunting days.

-National forest lands: antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken.

Loudoun County: full season.

Louisa County: the second and third Saturdays and the last ~~six~~ 12 hunting days.

Lunenburg County: the second and third Saturdays and the last ~~six~~ 12 hunting days.

Madison County: ~~the second, third, and fourth Saturdays and the last 24 hunting days~~ full season.

-Rapidan WMA: the second, third, and fourth Saturdays and the last 24 hunting days.

Mathews County: the second ~~and~~ third, and fourth Saturdays and last ~~12~~ 24 hunting days.

Mecklenburg County: the second and third Saturdays and the last ~~six~~ 12 hunting days.

-Dick Cross WMA: the second and third Saturdays and the last six hunting days.

Middlesex County: the second ~~and~~ third, and fourth Saturdays and last ~~12~~ 24 hunting days.

Montgomery County: full season.

-National forest lands: the second Saturday and the last hunting day.

Nelson County (east of Route 151): the second, third, and fourth Saturdays and the last 24 hunting days.

-James River WMA: the second Saturday and the last six hunting days.

Nelson County (west of Route 151): full season.

-National forest lands: ~~the second Saturday and~~ the last hunting day.

New Kent County: ~~the second, third, and fourth Saturdays and the last 24 hunting days~~ full season.

Northampton County: full season.

Northumberland County: ~~the second, third, and fourth Saturdays and the last 24 hunting days~~ full season.

Nottoway County: the second and third Saturdays and the last ~~six~~ 12 hunting days.

Orange County: ~~the second, third, and fourth Saturdays and the last 24 hunting days~~ full season.

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Page County: the second Saturday and the last two hunting days.

-National forest lands: ~~the second Saturday and~~ the last hunting day.

Patrick County: full season.

-Fairystone Farms WMA, Fairystone State Park, and Philpott Reservoir: the second Saturday and the last six hunting days.

Pittsylvania County (~~east of Norfolk Southern Railroad~~): the second, third, and fourth Saturdays and the last 24 hunting days.

-White Oak Mountain WMA: the second Saturday and the last hunting day.

~~Pittsylvania County (west of Norfolk Southern Railroad): full season.~~

Powhatan County: the second ~~and~~, third, and fourth Saturdays and the last ~~12~~ 24 hunting days.

-Powhatan WMA: the second and third Saturdays and the last six hunting days.

Prince Edward County: the second and third Saturdays and the last ~~six~~ 12 hunting days.

-Briery Creek WMA: the second and third Saturdays and the last six hunting days.

-Featherfin WMA: the second, third, and fourth Saturdays and the last 24 hunting days.

-Prince Edward State Forest: the second ~~Saturday and~~ third Saturdays.

Prince George County: the second ~~and~~, third, and fourth Saturdays and the last ~~six~~ 24 hunting days.

Prince William County: full season.

Pulaski County: ~~the second Saturday and the last six hunting days~~ full season.

-National forest lands: the second Saturday and the last hunting day.

Rappahannock County: ~~the second, third, and fourth Saturdays and the last 24 hunting days~~ full season.

Richmond County: ~~the second, third, and fourth Saturdays and the last 24 hunting days~~ full season.

Roanoke County: full season.

-National forest and department-owned lands: the second Saturday and the last hunting day.

Rockbridge County: the second Saturday and the last two hunting days.

-National forest and department-owned lands: ~~the second Saturday and~~ the last hunting day.

Rockingham County: the second Saturday and the last six hunting days.

-National forest lands and private lands west of Routes 613 and 731: ~~the second Saturday and~~ the last hunting day.

Russell County: the second Saturday and the last two hunting days.

~~-Clinch Mountain WMA, Hidden Valley WMA, and state forest lands: the second Saturday and~~ the Channels State Forest: the last hunting day.

Scott County: the second Saturday and the last six hunting days.

-National forest lands: antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken.

Shenandoah County: full season.

-National forest lands: ~~the second Saturday and~~ the last hunting day.

Smyth County: the second Saturday and the last ~~two~~ six hunting days.

~~-National forest lands, Clinch Mountain WMA, and Hidden Valley WMA~~ Hungry Mother State Park: the second Saturday and the last hunting day.

Southampton County: full season.

Spotsylvania County: the second, third, and fourth Saturdays and the last 24 hunting days.

Stafford County: the second, third, and fourth Saturdays and the last 24 hunting days.

~~Suffolk (City of; east of the Dismal Swamp line): the first and second Saturdays following October 1st and the last 12 hunting days):~~ full season.

~~Suffolk (City of; west of the Dismal Swamp line): the second, third, and fourth Saturdays and the last 24 hunting days.~~

Surry County: full season.

-Carlisle Tract of the Hog Island WMA: antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken.

Sussex County: full season.

Tazewell County: the second Saturday and the last two hunting days.

-National forest lands, Clinch Mountain WMA, and Hidden Valley WMA: ~~the second Saturday and~~ the last hunting day.

Virginia Beach (City of): ~~the first and second Saturdays following October 1 and the last 12 hunting days~~ full season.

Warren County: full season.

-National forest lands: ~~the second Saturday and~~ the last hunting day.

Washington County: the second Saturday and the last ~~two~~ six hunting days.

-National forest lands, Clinch Mountain WMA, Hidden Valley WMA, and ~~state forest lands: the second Saturday and~~ the Channels State Forest: the last hunting day.

Westmoreland County: ~~the second, third, and fourth Saturdays and the last 24 hunting days~~ full season.

Wise County: antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken.

Wythe County: ~~the second Saturday and the last six hunting days~~ full season.

-National forest lands and Big Survey WMA: the second Saturday and the last hunting day.

York County: full season.

B. Except as provided in the subsection A of this section, deer of either sex may be taken full season during the general firearms deer season within the incorporated limits of any city or town, state park, national wildlife refuge, or military installation that allows deer hunting.

4VAC15-90-231. Validating tags and checking deer by licensee or permittee.

A. Any person killing a deer shall, before removing the carcass from the place of kill, validate an appropriate tag on his special license for hunting [bear,] deer [,] and turkey, bonus deer permit, or special permit by completely removing the designated notch area from the tag. Place of kill shall be defined as the location where the animal is first reduced to possession. It shall be unlawful for any person to validate (notch) a deer tag from any special license for hunting [bear,] deer [,] and turkey, bonus deer permit, or special permit prior to the killing of a deer. A deer tag that is mistakenly validated (notched) prior to the killing of a deer must be immediately voided by the licensee or permittee by writing, in ink, the word "VOID" on the line provided on the license tag.

B. Upon killing a deer and validating (notching) a license tag, bonus deer permit or special permit, as provided above, the licensee or permittee shall, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever

occurs first, and without unnecessary delay, present the carcass and validated (notched) license tag, bonus deer permit or special permit to an authorized checking station or to an appropriate representative of the department in the county or adjoining county in which the deer was killed or report the kill through the department's automated harvest reporting system. At such time, the person checking or reporting the carcass will be given a game check card furnished by the department or a confirmation number from the automated reporting system. The successful hunter shall then immediately record the game check card number or confirmation number, in ink, on the line provided on the tag that was validated (notched) in the field. If checked at a big game check station, the game check card must be kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, the game check card must be securely attached to the carcass. If the kill is reported using the automated harvest reporting system, no check card is required as long as the hunter who killed the animal is in possession of the carcass. If the automated harvest reported carcass is left unattended or transferred to the possession of another individual, written documentation including the successful hunter's full name, the date the animal was killed, and the confirmation number must be created and kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, this written documentation must be securely attached to the carcass.

C. It shall be unlawful for any person to destroy the identity of the sex of any deer killed unless and until the license tag, bonus deer permit or special permit is validated (notched) and checked as required by this section. Successful deer hunters are allowed to dismember the carcass to pack it out from the place of kill, after an appropriate license tag has been validated (notched) as required above, as long as they do not destroy the identity of the sex and all the parts of the carcass are present when the deer is checked at a big game check station or reported through the automated harvest reporting system. Any deer found in the possession of any person without a validated (notched) license tag or documentation that the deer has been checked (via a big game check station or the automated harvest reporting system) as required by this section shall be forfeited to the Commonwealth to be disposed of as provided by law.

VA.R. Doc. No. R09-1961; Filed July 31, 2009, 12:40 p.m.

Final Regulation

Title of Regulation: **4VAC15-170. Game: Otter (amending 4VAC15-170-21, 4VAC15-170-30).**

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

Effective Date: August 1, 2009.

Agency Contact: Phil Smith, Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad

Regulations

Street, Richmond, VA 23230, telephone (804) 367-8341 or email phil.smith@dgif.virginia.gov.

Summary:

The amendments (i) establish a uniform trapping season and bag limit for river otters in all counties west of the Blue Ridge Mountains by opening counties that are currently closed and (ii) exempt licensed taxidermists who ship otter pelts out of state for tanning purposes or individuals who ship otter pelts out of state to be tanned for personal use from the requirement to affix a CITES tag to the animal pelt.

4VAC15-170-21. Open season for trapping in certain counties west of the Blue Ridge Mountains; carcass presented to department agent; season bag limit.

A. It shall be lawful to trap otter in all counties west of the Blue Ridge Mountains from December 1 through the last day of February, both dates inclusive, ~~in the counties of Augusta, Alleghany, Bath, Bland, Botetourt, Carroll, Craig, Floyd, Giles, Grayson, Montgomery, Pulaski, Roanoke, Rockbridge, and Wythe.~~

B. The entire skinned carcass of all otters trapped in counties west of the Blue Ridge Mountains must be presented to an agent of the department within three days of capture.

C. The season bag limit for trapping otter shall be two per trapper in counties west of the Blue Ridge Mountains ~~where otter trapping is permitted.~~

4VAC15-170-30. Pelts to be sealed before sale, etc.

It shall be unlawful to buy, sell, barter, exchange, traffic or trade in, bargain for, solicit for, purchase or transport out of the Commonwealth, any otter pelts until the pelts have been sealed by an agent of the department. This requirement shall not apply to licensed taxidermists who ship otter pelts out of state for tanning purposes or to individuals who ship otter pelts out of state to be tanned for personal use. All otter pelts required to be sealed under the provisions of this chapter must be sealed not later than April 1 of the license year in which the animal is taken.

VA.R. Doc. No. R09-1962; Filed July 31, 2009, 12:41 p.m.

Final Regulation

Title of Regulation: **4VAC15-210. Game: Raccoon (amending 4VAC15-210-20).**

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

Effective Date: August 1, 2009.

Agency Contact: Phil Smith, Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341 or email phil.smith@dgif.virginia.gov.

Summary:

The amendments (i) allow raccoon chase, without capturing or taking, on national forest and department-controlled lands in the counties of Bland, Buchanan, Craig, Dickenson, Giles, Lee, Montgomery north of I-81, Pulaski north of I-81, Russell, Scott, Smyth north of I-81, Tazewell, Washington north of I-81, Wise, and Wythe north of I-81, from the second Saturday in August through the last Saturday in September and (ii) add crossbow to the list of weapons and items that one may not have in possession during raccoon chase without capturing or taking.

4VAC15-210-20. Open season; counties west of Route 29; possession of certain devices unlawful.

A. It shall be lawful to chase raccoon with dogs, without capturing or taking, on private lands in all counties and portions of counties west of Route 29 and in the counties of Loudoun (west of Route 15); Prince William (west of Route 15); and on Fairystone Farms, G. Richard Thompson, Rapidan, and Turkeycock Wildlife Management Areas from August 1 through May 31, both dates inclusive. ~~It shall be unlawful to have in possession a firearm, bow, axe, saw, or any tree climbing device while hunting during this chase season. The meaning of "possession" for the purpose of this section shall include, but not be limited to, having these devices in or on one's person, vehicle or conveyance while engaged in the act of chasing.~~

B. It shall be lawful to chase raccoon with dogs, without capturing or taking, on national forest and department-controlled lands in the counties of Bland, Buchanan, Craig, Dickenson, Giles, Lee, Montgomery (north of Interstate 81), Pulaski (north of Interstate 81), Russell, Scott, Smyth (north of Interstate 81), Tazewell, Washington (north of Interstate 81), Wise, and Wythe (north of Interstate 81) from the second Saturday in August through the last Saturday in September.

C. It shall be unlawful to have in possession a firearm, bow, crossbow, axe, saw, or any tree climbing device while hunting during this chase season. The meaning of "possession" for the purpose of this section shall include, but not be limited to, having these devices in or on one's person, vehicle, or conveyance while engaged in the act of chasing.

VA.R. Doc. No. R09-1963; Filed July 31, 2009, 12:42 p.m.

Final Regulation

Title of Regulation: **4VAC15-230. Game: Squirrel (amending 4VAC15-230-21, 4VAC15-230-60, 4VAC15-230-61).**

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

Effective Date: August 1, 2009.

Agency Contact: Phil Smith, Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341 or email phil.smith@dgif.virginia.gov.

Summary:

The amendments (i) make it lawful during the spring squirrel season to hunt squirrel on private lands and on the Featherfin, Hardware River, Little North Mountain, Merrimac Farms, and Rapidan wildlife management areas; (ii) remove the prohibition on using dogs to hunt squirrels during the spring season; (iii) allow the hunting of fox squirrel in the counties of Albemarle, Bedford, Franklin, Greene, Patrick, and Prince William; (iv) add private lands and Little North Mountain, Merrimac Farms, and Rapidan wildlife management areas to the lands on which fox squirrel may be hunted in the spring season; and (v) remove the prohibition on using dogs to hunt fox squirrels during the spring season.

4VAC15-230-21. Spring season for gray and red squirrel on certain wildlife management areas.

~~A.~~ It shall be lawful to hunt gray and red squirrels from the first Saturday in June through the third Saturday in June, both dates inclusive, on private lands and on Amelia Wildlife Management Area, Big Survey Wildlife Management Area, Briery Creek Wildlife Management Area, Chickahominy Wildlife Management Area, Dick Cross Wildlife Management Area, Dismal Swamp Wildlife Management Area, Fairystone Wildlife Management Area (including Fairystone State Park and Philpott Reservoir), Featherfin Wildlife Management Area, Goshen Wildlife Management Area, Hardware River Wildlife Management Area, Havens Wildlife Management Area, Hog Island Wildlife Management Area (Carlisle Tract only), Horsepen Wildlife Management Area, James River Wildlife Management Area, Little North Mountain Wildlife Management Area, Merrimac Farms Wildlife Management Area, Pettigrew Wildlife Management Area, Phelps Wildlife Management Area, Powhatan Wildlife Management Area (including the Goochland Tract), Rapidan Wildlife Management Area, Thompson Wildlife Management Area, Turkeycock Mountain Wildlife Management Area, and White Oak Mountain Wildlife Management Area.

~~B. It shall be unlawful to hunt gray and red squirrels with dogs during the spring squirrel season.~~

4VAC15-230-60. Fox squirrel. Open season; first Saturday in September through January 31.

It shall be lawful to hunt fox squirrel from the first Saturday in September through January 31, both dates inclusive, in the counties of Albemarle, Alleghany, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Carroll, Clarke, Craig, Culpeper, Dickenson, Fauquier, Floyd, Franklin, Frederick, Giles, Grayson, Greene, Highland, Lee, Loudoun, Madison,

Montgomery, Orange, Page, Patrick, Prince William, Pulaski, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Tazewell, Washington, Warren, Wise and Wythe.

4VAC15-230-61. Spring season for fox squirrel on certain wildlife management areas.

~~A.~~ It shall be lawful to hunt fox squirrels from the first Saturday in June through the third Saturday in June, both dates inclusive, on private lands in all counties open to fox squirrel hunting during the regular squirrel season, and on Big Survey Wildlife Management Area, Goshen Wildlife Management Area, Havens Wildlife Management Area, Little North Mountain Wildlife Management Area, Merrimac Farms Wildlife Management Area, Phelps Wildlife Management Area, Rapidan Wildlife Management Area, and Thompson Wildlife Management Area.

~~B. It shall be unlawful to hunt fox squirrels with dogs during the spring squirrel season.~~

VA.R. Doc. No. R09-1964; Filed July 31, 2009, 12:42 p.m.

Final Regulation

Title of Regulation: **4VAC15-240. Game: Turkey (amending 4VAC15-240-81, 4VAC15-240-91).**

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

Effective Date: August 1, 2009.

Agency Contact: Phil Smith, Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341 or email phil.smith@dgif.virginia.gov.

Summary:

The amendments require hunters to use the automated harvest reporting system to report wild turkeys killed in the spring gobbler season, rather than present turkey carcasses at game check station; remove references to presenting a turkey carcass at an authorized check station; and require license exempt hunters to use the automated harvest reporting system to report turkeys killed in the spring gobbler season.

The board did not adopt proposed amendments pertaining to changes to the fall turkey season and special licenses for hunting bear.

4VAC15-240-10. Open season; generally.

Except as otherwise specifically provided in the sections appearing in this chapter, it shall be lawful to hunt turkeys from the Saturday prior to the last Monday in October and for [11 ~~12~~] consecutive hunting days following; on Thanksgiving Day; and on the Monday nearest December 9 through the first Saturday in January, both dates inclusive.

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4VAC15-240-11. Open season; certain counties and areas; Saturday prior to the last Monday in October and for [11 ~~12~~] hunting days following, on Thanksgiving Day, and on the Monday closest to December 2 through the last Saturday in December, both dates inclusive.

Except as otherwise specifically provided in the sections appearing in this chapter, it shall be lawful to hunt turkeys in counties, cities and towns east of the Blue Ridge Mountains except Amherst (west of U.S. Route 29), Bedford, Campbell (west of Norfolk Southern Railroad), Franklin, Henry, Nelson (west of Route 151), Patrick and Pittsylvania (west of Norfolk Southern Railroad) from the Saturday prior to the last Monday in October and for [11 ~~12~~] consecutive hunting days following, on Thanksgiving Day, and on the Monday nearest December 2 through the last Saturday in December, both dates inclusive.

4VAC15-240-20. Open season; certain counties and areas; Saturday prior to the last Monday in October and for [11 ~~12~~] hunting days following, and on Thanksgiving Day.

It shall be lawful to hunt turkeys on the Saturday prior to the last Monday in October and for [11 ~~12~~] consecutive hunting days following, and on Thanksgiving Day in the counties of Accomack, Buchanan, Isle of Wight, Northampton, Prince George, Southampton, Surry, and Sussex and the City of Suffolk.

4VAC15-240-31. Open season; certain counties and areas; Saturday prior to the last Monday in October and for [11 ~~12~~] hunting days following, on Thanksgiving Day, and on the Monday closest to December 2 and for 11 hunting days following.

It shall be lawful to hunt turkeys on the Saturday prior to the last Monday in October and for [11 ~~12~~] consecutive hunting days following, on Thanksgiving Day, and on the Monday closest to December 2 and for 11 hunting days following in the counties of Charles City, Gloucester, James City, King George, Lancaster, Mathews, Middlesex, New Kent, Northumberland, Richmond, Westmoreland, and York (except on Camp Peary).

4VAC15-240-81. Validating tags and checking turkey by licensee.

A. Any person killing a turkey shall, before removing the carcass from the place of kill, validate an appropriate tag on his special license for hunting [bear,] deer [,] and turkey by completely removing the designated notch area from the tag. Place of kill shall be defined as the location where the animal is first reduced to possession. It shall be unlawful for any person to validate (notch) a turkey tag from any special license for hunting [bear,] deer [,] and turkey prior to the killing of a turkey. A turkey tag that is mistakenly validated (notched) prior to the killing of a turkey must be immediately voided by the licensee by writing, in ink, the word "VOID" on the line provided on the tag.

B. Upon killing a turkey and validating (notching) a license tag, as provided above, the licensee shall, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever occurs first, and without unnecessary delay, ~~present the carcass and validated (notched) license tag to an authorized checking station or to an appropriate representative of the department in the county or adjoining county in which the turkey was killed or report their spring kill (as provided by 4VAC15-240-40) through the department's automated harvest reporting system. At such time, the person checking or reporting the carcass will be given a game check card furnished by the department or a confirmation number from the automated harvest reporting system. The successful hunter shall then immediately record the game check card number or confirmation number, in ink, on the line provided on the license tag that was validated (notched) in the field. If checked at a big game check station, the game check card must be kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, the game check card must be securely attached to the carcass. If a spring season kill is reported using the automated harvest reporting system, no check card is required as long as the hunter who killed the animal is in possession of the carcass.~~ If the automated harvest reported spring carcass is left unattended or transferred to the possession of another individual, written documentation including the successful hunter's full name, the date the animal was killed, and the confirmation number must be created and kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, this written documentation must be securely attached to the carcass.

C. It shall be unlawful for any person to destroy the identity of the sex of any turkey killed unless and until the license tag is validated (notched) and ~~checked~~ reported using the automated harvest reporting system as required by this section. Any turkey found in the possession of any person without a validated (notched) license tag or documentation that the turkey has been ~~checked (via a big game check station or the automated harvest reporting system)~~ reported using the automated harvest reporting system as required by this section shall be forfeited to the Commonwealth to be disposed of as provided by law.

4VAC15-240-91. Checking turkey by persons exempt from license requirement or holding a license authorization number.

A. Upon killing a turkey, any person exempt from the license requirement as described in § 29.1-301 of the Code of Virginia, or issued a complimentary license as prescribed in § 29.1-339, or the holder of a permanent license issued pursuant to § 29.1-301 E, or the holder of a Virginia license authorization number issued by a telephone or electronic media agent pursuant to § 29.1-327 B shall, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever comes first, and without unnecessary delay,

present the carcass to an authorized checking station or to any appropriate representative of the department in the county or adjoining county in which the turkey was killed or report their spring kill (as provided by 4VAC15-240-40) through the department's automated harvest reporting system. At such time, the person ~~checking or~~ reporting the carcass shall be given a ~~game check card furnished by the department or a~~ confirmation number from the automated harvest reporting system. ~~If checked at a big game check station, the game check card must be kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, the game check card must be securely attached to the carcass.~~ If a spring-season kill is reported using the automated harvest reporting system, the successful hunter shall immediately create written documentation including the successful hunter's full name, the date the animal was killed, and the confirmation number. This written documentation must be kept in possession with the carcass until the carcass is processed. If the automated harvest reported carcass is transferred to the possession of another individual, the written documentation must be transferred with the carcass to the individual and kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, this written documentation must be securely attached to the carcass.

B. It shall be unlawful for any person to destroy the identity of the sex of any turkey killed until the turkey is ~~checked reported using the automated harvest reporting system~~ as required by this section. Any turkey that has not been ~~checked (via a big game check station or the automated harvest reporting system)~~ reported using the automated harvest reporting system as required by this section found in the possession of any person exempt from license requirements or holding a license authorization number shall be forfeited to the Commonwealth to be disposed of as provided by law.

VA.R. Doc. No. R09-1965; Filed July 31, 2009, 12:43 p.m.

Final Regulation

Title of Regulation: **4VAC15-270. Game: Firearms (amending 4VAC15-270-20, 4VAC15-270-80).**

Statutory Authority: §§ 29.1-1-501 and 29.1-502 of the Code of Virginia.

Effective Date: August 1, 2009.

Agency Contact: Phil Smith, Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341 or email phil.smith@dgif.virginia.gov.

Summary:

The amendments (i) remove the City of Suffolk from the list of counties and cities where hunting bear and deer with rifles is prohibited and (ii) include crows on the list of species that may be hunted with unplugged shotguns.

4VAC15-270-20. Rifles prohibited in hunting bear and deer in certain counties and cities.

Except as otherwise provided in 4VAC15-270-30 of this chapter or by local ordinance, it shall be unlawful to use a rifle of any caliber for the hunting of bear and deer in the counties of Chesterfield, Isle of Wight, New Kent, Southampton and Sussex and in the ~~cities~~ City of Chesapeake ~~and Suffolk (that portion formerly Nansemond County);~~ however, nothing in this section shall prohibit the use of muzzleloading guns, as described in 4VAC15-90-80 F, for hunting deer during the late special muzzleloading deer season in the City of Chesapeake.

4VAC15-270-80. Shotgun shell capacity for nonmigratory game, crows, and migratory game birds.

A. It shall be lawful to hunt nonmigratory game and crows with unplugged shotguns.

B. It shall be unlawful to hunt migratory game birds with a shotgun capable of holding more than three shells in the magazine and chamber combined, unless otherwise authorized by the director and consistent with applicable federal regulations.

VA.R. Doc. No. R09-1966; Filed July 31, 2009, 12:43 p.m.

MARINE RESOURCES COMMISSION

Emergency Regulation

Title of Regulation: **4VAC20-1220. Pertaining to Separation Between Nets (adding 4VAC20-1220-10 through 4VAC20-1220-40).**

Statutory Authority: §§ 28.2-201 and 28.2-210 of the Code of Virginia.

Effective Dates: July 29, 2009, through August 28, 2009.

Agency Contact: Jane Warren, Agency Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002, or email betty.warren@mrc.virginia.gov.

Summary:

This chapter establishes (i) a minimum distance of 300 yards separating any net and the side or end of any fixed fishing device (pound net, fyke net, or staked gill net); (ii) a limited process for obtaining a variance to the required distance, and (iii) an appeal process available to anyone whose request for a variance is denied by the commissioner.

Regulations

CHAPTER 1220

PERTAINING TO SEPARATION BETWEEN NETS

4VAC20-1220-10. Purpose.

The purpose of this emergency chapter is to (i) establish a minimum distance separating any net and the side or end of any fixed fishing device; (ii) establish a limited process whereby the commissioner may grant a variance to the required distance; and (iii) establish an appeal process that shall be available to anyone whose request for a variance is denied by the commissioner.

4VAC20-1220-20. Definitions.

The following words when used in this chapter shall have the following meaning unless the context clearly indicates otherwise.

"Fixed fishing device" means a pound net, fyke net, or staked gill net.

4VAC20-1220-30. Required distance between nets.

It is unlawful to place a net within 300 yards of the side or end of any fixed fishing device unless in the same row.

4VAC20-1220-40. Application and appeals process.

A. Any person licensed to set a fixed fishing device may apply to the commissioner for a variance to the requirement established in 4VAC20-1220-30. Such application shall be provided by the fixed fishing device license holder in writing to the commissioner.

B. A variance will be granted if the commissioner determines that the setting of a net 300 yards from the fixed fishing device will significantly impact the catch of the fixed device.

C. The commissioner will not grant a variance to place any net less than 300 yards from a fixed fishing device.

D. Any applicant denied a variance by the commissioner may appeal that denial to the commission. Such appeal shall be made by the fixed fishing device license holder in writing and submitted to the commission at least 30 days prior to the date of the meeting at which the request will be heard.

VA.R. Doc. No. R09-2066; Filed July 29, 2009, 2:26 p.m.

DEPARTMENT OF MINES, MINERALS AND ENERGY

Forms

NOTICE: The following forms have been filed by the Department of Mines, Minerals and Energy. The forms are available for public inspection at the Department of Mines, Minerals and Energy, Washington Building, 1100 Bank Street, 8th Floor, Richmond, VA 23219-3638, at regional office of the Department of Mines, Minerals and Energy, or at the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, VA 23219. Copies of the

forms and the addresses of the regional offices may be obtained from David Spears, Regulatory Coordinator, Department of Mines, Minerals and Energy, Washington Building, 1100 Bank Street, 8th Floor, Richmond, VA 23219-3638, telephone (804) 692-3212 or email david.spears@dmme.virginia.gov.

Titles of Regulations: 4VAC25-20. Board of Coal Mining Examiners Certification Requirements.

4VAC25-31. Reclamation Regulations for Mineral Mining.

4VAC25-130. Coal Surface Mining Reclamation Regulations.

4VAC25-150. Virginia Gas and Oil Regulation.

4VAC25-170. Geothermal Energy Regulations.

Effective Date: August 17, 2009.

FORMS (4VAC25-20)

Application for Certification Examination, DM-BCME-1 (~~rev. 6/07~~) (rev. 5/09).

Verification of Work Experience, DM-BCME-2 (rev. 10/05).

Verification of Training Completed for General Coal Miner Certification, DM-BCME-3 (~~rev. 6/07~~) (rev. 5/09).

Application for Recertification: DMLR Endorsement/Blaster's Certification, DMLR-BCME-3 (rev. 6/95).

Verification for Training Completed for Continuing Education, DM-BCME-4 (rev. 10/05).

Application for DMLR Endorsement: Blaster's Certification (Coal Surface Mining Operation), DMLR-BCME-4 (rev. 6/95).

Advanced First Aid Practical Stations & CPR (Written & Practical), DM-BCME-5 (rev. 10/05).

FORMS (4VAC25-31)

Permit/License Application, DMM-101 (rev. 2/06).

Notice of Application to Mine, DMM-103 (rev. 2/06).

Statement Listing the Names and Addresses of Adjoining Property Owners, DMM-103a (rev. 9/99); included in DMM-103 Notice of Application to Mine.

Yearly Progress Report, DMM-105 (rev. 2/06).

Surety Bond, DMM-107 (~~rev. 2/06~~) (rev. 4/09).

Legend, DMM-109 (rev. 2/06).

Relinquishment of Mining Permit, DMM-112 (rev. 2/06).

Request for Amendment, DMM-113 (rev. 2/06).

Consolidated Biennial Report of Waivered Counties, Cities, and Towns, DMM-116 (rev. 2/06).

Biennial Waivered Counties, Cities, and Towns, Report of Individual Mining Companies, DMM-117 (rev. 2/06).

Consent for Right of Entry, DMM-120 (rev. 12/99).

Mineral Mining Annual Tonnage Report, DMM-146 (rev. 2/06).

Mineral Mining Annual Report for Contractors, DMM-146c (rev. 12/08).

DMM Application Checklist, DMM-148 (rev. 2/06).

Request for Release of Mine Map, DMM-155 (rev. 2/06).

Notice of Operator Intent, DMM-156 (rev. 2/06).

License Renewal/Transfer Application, DMM-157 (rev. 2/06).

Permit Transfer Acceptance, DMM-161 (rev. 2/06).

Permit Renewal Checklist, DMM-163 (rev. 3/06).

Certification of No Change, DMM-164 (rev. 3/06).

Surety Bond Rider, DMM-167 (rev. 2/06).

General Permit for Sand and Gravel Operations Less Than Ten Acres in Size, DMM-168 (eff. 9/03).

Certificate of Deposit, DMM-169 (eff. 2/06).

FORMS (4VAC25-130)

~~Anniversary Notification Report Form~~, DMLR-PT-028 (~~eff. 11/07~~) (rev. 3/09).

~~Anniversary Notification~~, DMLR-PT-028b (eff. 11/07).

~~Change Order Justification~~, DMLR-AML-065 (eff. 8/99).

Ground Water Monitoring Report, DMLR-PT-101 (rev. 11/99).

Application for Exemption Determination (Extraction of Coal Incidental to the Extraction Of Other Minerals), DMLR-211 (~~rev. 4/96~~) (rev. 3/09).

~~Applicant Violator System (AVS) Ownership Control Information~~, DMLR-AML-003 (rev. 1/95).

Consent for Right of Entry-Exploratory, DMLR-AML-122 (rev. 3/98).

Consent for Right of Entry-Construction, DMLR-AML-123 (rev. 3/98).

~~Consent for Right of Entry Construction Lien Waiver~~, DMLR-AML-174 (rev. 3/91).

License for Performance-Acid Mine Drainage Investigations and Monitoring (Abandoned Mine Land Program), DMLR-AML-175c (11/96).

License for Performance-Acid Mine Drainage Reclamation and Construction (Abandoned Mine Land Program), DMLR-AML-176c, (rev. 12/96).

Consent for Right of Entry-Ingress/Egress, DMLR-AML-177 (rev. 3/98).

Application for Recertification: DMLR Endorsement/Blaster's Certification, DMLR-BCME-03 (~~rev. 5/05~~) (rev. 3/09).

Application for DMLR Endorsement: Blaster's Certification (Coal Surface Mining Operation), DMLR-BCME-04 (~~rev. 5/05~~) (rev. 3/09).

Geology and Hydrology Information Part A through E, DMLR-CP-186 (rev. 3/86).

~~Sediment and Pond Design Data Sheet~~, DMLR-CP-187 (rev. 12/85).

Notice of Temporary Cessation, DMLR-ENF-220 (~~rev. 2/96~~) (rev. 3/09).

~~Application for Small Operator's Assistance~~, DMLR-OA-106 (rev. 12/85).

Lands Unsuitable Petition, DMLR-OA-131 (rev. 12/85).

~~Application for Permit for Coal Exploration and Reclamation Operations (which Remove More Than 250 Tons) and NPDES~~, DMLR-PS-062 (rev. 12/85).

Chapter 19-Statement for Third Party-Certificate of Deposit, DMLR-PS-093 (rev. 12/85).

Cognovit Note, Part I and II, DMLR-PS-095 (rev. 12/85).

~~Application Coal Surface Mining Reclamation Fund~~, DMLR-PS-162 (rev. 7/89).

Application for Performance Bond Release of ~~Bond Estimated Cost~~, DMLR-PS-212 (rev. 3/88) DMLR-PT-212 (rev. 3/09)

~~Application for Release of Bond Reclamation Fund~~, DMLR-PS-213 (rev. 3/88).

Example-Waiver (300 Feet from Dwelling), DMLR-PT-223 (rev. 2/96).

Analysis, Premining vs Postmining Productivity Comparison (Hayland/Pasture Land Use), DMLR-PT-012 (~~eff. 8/03~~) (rev. 3/09).

Surety Bond, DMLR-PT-013 (~~rev. 9/04~~) (rev. 8/07).

Surety Bond-Federal Lands, DMLR-PT-013A (~~rev. 10/95~~) (rev. 3/09).

Surety Bond Rider, DMLR-PT-013B (~~rev. 9/04~~) (rev. 8/07).

Map Legend, DMLR-PT-017 (~~rev. 2/05~~) (rev. 3/09).

Certificate of Deposit ~~Example~~, DMLR-PT-026 (~~rev. 9/04~~) (rev. 8/07).

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Form Letter From Banks Issuing a CD as Performance Bond for Mining on Federal Lands, DMLR-PT-026A (~~rev. 8/03~~) (rev. 8/07).

Operator's Seeding Report, DMLR-PT-011 (~~rev. 3/06~~) (rev. 3/09).

Request for Relinquishment, DMLR-PT-027 (~~rev. 4/96~~) (rev. 3/09).

Water Supply Inventory List, DMLR-PT-030 (~~rev. 4/96~~) (rev. 3/09).

Application for Permit for Coal Surface Mining and Reclamation Operations and National Pollutant Discharge Elimination ~~Systems~~ System (NPDES), DMLR-PT-034 (rev. 2/99).

Request for DMLR Permit Data, DMLR-PT-034info (eff. 11/07).

Certification - Application for Permit: Coal Surface Mining and Reclamation Operations, DMLR-PT-034D (~~rev. 8/07~~) (rev. 3/09).

Coal Exploration Notice, DMLR-PT-051 (~~rev. 11/98~~) (rev. 3/09).

Well Construction Data Sheet, DMLR-WCD-034D (rev. 5/04).

Sediment Basin Design Data Sheet, DMLR-PT-086 (~~rev. 10/95~~) (rev. 3/09).

Impoundment Construction and Annual Certification, DMLR-PT-092 (~~rev. 10/95~~) (rev. 3/09).

Road Construction Certification, DMLR-PT-098 (~~rev. 10/95~~) (rev. 3/09).

Ground Water Monitoring Report, DMLR-PT-101 (~~rev. 2/95~~) (rev. 3/09).

Rainfall Monitoring Report, DMLR-PT-102 (rev. 8/98).

Pre-Blast Survey, DMLR-PT-104 (~~rev. 10/95~~) (rev. 3/09).

Excess Spoil Fills and Refuse Embankments Construction Certification, DMLR-PT-105 (~~rev. 2/09~~) (rev. 3/09).

Stage-Area Storage Computations, DMLR-PT-111 (~~rev. 10/95~~) (rev. 3/09).

NPDES Discharge Monitoring Report, DMLR-PT-119 (~~rev. 2/95~~) (rev. 3/09).

Water Monitoring Report-Electronic File/Printout Certification, DMLR-PT-119C (~~rev. 5/95; included in DMLR PT 119~~) (rev. 3/09).

Coal Surface Mining Reclamation Fund Application, DMLR-PT-162 (~~rev. 4/96~~) (rev. 3/09).

Conditions-Coal Surface Mining Reclamation Fund, DMLR-PT-167 (~~rev. 10/95~~) (rev. 3/09).

Coal Surface Mining Reclamation Fund Tax Reporting Form, DMLR-PT-178 (~~rev. 10/95~~) (rev. 3/09).

Surface Water Monitoring Report, DMLR-PT-210 (~~rev. 8/98~~) (rev. 3/09).

Application For Performance Bond Release, DMLR-PT-212 (~~rev. 4/96~~) (rev. 3/09).

Public Notice: Application for Transfer, Assignment, or Sale of Permit Rights under Chapter 19 of Title 45.1 of the Code of Virginia, DMLR-PT-219 (~~8/96~~) (rev. 3/09).

Public Notice: Application for Bond Reduction Under Chapter 19 of Title 45.1 of the Code of Virginia —~~Cost Estimate~~, Phase I, DMLR-PT-225 (~~rev. 4/96~~) (rev. 3/09).

Public Notice: Application for Bond Reduction Under Chapter 19 of Title 45.1 of the Code of Virginia —~~Cost Estimate~~, Phase II, DMLR-PT-226 (~~rev. 4/96~~) (rev. 3/09).

Public Notice: Application for Bond Reduction Under Chapter 19 of Title 45.1 of the Code of Virginia —~~Cost Estimate~~, Phase III, DMLR-PT-227 (~~rev. 4/96~~) (rev. 3/09).

Public Notice: Application for Bond Reduction Under Chapter 19 of Title 45.1 of the Code of Virginia —~~Pool Bonding~~, Incremental Bond Reduction, DMLR-PT-228 (~~rev. 4/96~~) (rev. 3/09).

~~Public Notice: Application for Bond Reduction Under Chapter 19 of Title 45.1 of the Code of Virginia —Pool Bonding, Entire Permit Bond Reduction, DMLR PT 229 (rev. 9/95).~~

~~Public Notice: Application for Bond Reduction Under Chapter 19 of Title 45.1 of the Code of Virginia —Pool Bonding, Entire Permit Bond Release, DMLR PT 230 (rev. 4/96).~~

Verification of Public Display of Application, DMLR-PT-236 (8/01).

Affidavit (Permit Application Information: Ownership and Control Information and Violation History Information), DMLR-PT-240 (~~rev. 7/07~~) (rev. 3/09).

Stream Channel Diversion(s) Certification, DMLR-PT-233 (~~rev. 2/96~~) (rev. 3/09).

Quarterly Acid-Base Monitoring Report, DMLR-PT-239 (~~rev. 6/95~~) (rev. 3/09).

Affidavit (No Legal Change in a Company's Identity), DMLR-PT-250 (~~rev. 12/98~~) (rev. 3/09).

~~Blasting Plan Data, DMLR PT 103 (rev. 4/96).~~

Affidavit (Reclamation Fee Payment), DMLR-PT-244 (~~rev. 7/07~~) (rev. 3/09).

Application-National Pollutant Discharge Elimination System (NPDES) Permit-Short Form C, DMLR-PT-128 (~~rev. 5/96~~) (rev. 3/09).

National Pollutant Discharge Elimination System (NPDES) ~~Short Form C Instructions~~ Application Instructions, DMLR-PT-128A (~~rev. 5/96~~) (rev. 3/09).

Impoundment Inspection Report, DMLR-PT-251 (~~rev. 12/93~~) (rev. 3/09).

~~Water Sample Tag~~, DMLR TS 107 (~~rev. 3/83~~).

Surface Water Baseline Data Summary, DMLR-TS-114 (~~rev. 4/82~~).

Diversion Design Computation Sheet, DMLR-TS-120 (~~rev. 12/85~~).

Sediment Channel Design Data Sheet, DMLR-TS-127 (~~rev. 12/85~~).

Virginia Stream Survey, DMLR-TS-217 (~~rev. 1/87~~).

Line Transect-Forest Land Count, DMLR-PT-224 (~~rev. 2/96~~) (rev. 3/09).

Applicant Violator System (AVS) Ownership & Control Information, DMLR-AML-003 (~~rev. 4/97~~).

~~Application for Permit Renewal Coal Surface Mining and Reclamation Operations~~, DMLR PT 034R (~~eff. 6/97~~).

Application for Coal Exploration Permit and National Pollutant Discharge Elimination System Permit, DMLR-PT-062 (formerly DMLR-PS-062) (~~rev. 6/97~~) (rev. 3/09).

~~Conditions Coal Surface Mining Reclamation Fund~~, DMLR PT 167 (~~rev. 10/95~~).

~~Vibration Observations~~, DMLR ENF 032V (~~eff. 9/97~~).

~~Application for Small Operator Assistance~~, DMLR PT 106 (formerly CP 106) (~~rev. 9/97~~).

Application-National Pollutant Discharge Elimination System Application Instructions, DMLR-PT-128 (~~rev. 9/97~~).

~~Blasting Plan Data~~, DMLR PT 103 (~~rev. 10/97~~).

~~Request for Relinquishment~~, DMLR-PT-027 (~~rev. 1/98~~).

Written Findings, DMLR-PT-237 (~~rev. 1/98~~).

Irrevocable Standby Letter of Credit, DMLR-PT-255 (~~rev. 9/04~~) (rev. 8/07).

Confirmation of Irrevocable Standby Letter of Credit, DMLR-PT-255A (~~eff. 8/03~~).

Affidavit DMLR-AML-312 (~~eff. 7/98~~).

Indemnity Agreement - Self Bond, DMLR-PT-221 (~~eff. 12/07~~).

Permittee Consent to Service by Electronic Mail, DMLR-PT-265 (~~eff. 1/09~~) (rev. 3/09).

FORMS (4VAC25-150)

Registration Form, DGO-GO-A, ~~rev. 1/98~~ (rev. 6/09).

Application for a New Permit, Permit Modification, or Transfer of Permit Rights, DGO-GO-1 (~~rev. 11/99~~) (rev. 6/09).

Operator's Surety Bond, DGO-GO-2 (~~rev. 11/99~~) (rev. 6/09).

Operator's Cash Bond, DGO-GO-3 (~~rev. 11/99~~) (rev. 6/09).

Notice of Application for a Permit or Permit Modification, DGO-GO-4 (~~rev. 11/99~~) (rev. 6/09).

Persons Receiving Official Notice of Permit Application or Permit Modification, DGO-GO-5, ~~rev. 1/98~~ (rev. 6/09).

Notice by Publication of an Application for a Permit, DGO-GO-6, ~~rev. 1/98~~ (rev. 6/09).

Well Location Plat, DGO-GO-7, ~~rev. 1/98~~.

Information Sheet for Applications to Transfer Permit Rights, DGO-GO-8, ~~rev. 1/98~~ (rev. 6/09).

Technical Data Sheet for Permit Applications Under § 45.1-361.29, DGO-GO-9 (~~Rev. 10/96~~) (rev. 6/09).

Technical Data Sheet for Gathering Pipelines and Associated Facilities, DGO-GO-10, ~~rev. 1/98~~ (rev. 6/09).

Technical Data Sheet for Permit Modification to Plug or Replug, DGO-GO-11 (~~rev. 11/99~~) (rev. 6/09).

Operations Plan -- Checklist, DGO-GO-12 (~~rev. 11/99~~) (rev. 6/09).

~~Operations Plan -- Checklist~~, DGO-GO-12A (~~7/95; included in DGO-GO-12~~).

Drilling Report, DGO-GO-14, ~~rev. 1/98~~ (rev. 6/09).

Completion Report, DGO-GO-15, ~~rev. 1/98~~ (rev. 6/09).

Application for Disposal of Pit or Produced Fluids, DGO-GO-16, ~~rev. 1/98~~ (rev. 6/09).

Application to Complete Abandoned Gas or Oil Well as a Water Well, DGO-GO-17, ~~rev. 1/98~~ (rev. 6/09).

Plugging Affidavit, DGO-GO-18 (~~rev. 11/99~~) (rev. 6/09).

Monthly Gas Production Report, DGO-GO-19 (~~rev. 11/99~~) (rev. 6/09).

Monthly Oil Production, DGO-GO-20 (~~rev. 11/99~~) (rev. 6/09).

Notice of Right to Object, DGO-GO-21 (~~rev. 11/99~~) (rev. 6/09).

License to Perform -- Plugging of Orphaned Well, DGO-GO-23 (~~rev. 11/99~~) (rev. 6/09).

License to Perform -- Plugging of Well/Bond Forfeiture, DGO-GO-24 (~~rev. 11/99~~) (rev. 6/09).

Affidavit and Release in Support of Surface Owner's Application to the Virginia Division of Gas and Oil for Use

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of an Orphaned Well as a Water Well, DGO-GO-25 (~~rev. 11/99~~) (rev. 6/09).

FORMS (4VAC25-170)

Registration Form for Drillers, Owners and Operators of Geothermal Wells, DGO-G-01 (~~rev. 6/89~~) (rev. 6/09).

Application for Exploration Permit, DGO-G-02 (~~rev. 6/89~~) (rev. 6/09).

~~Application Appendix for Exploration Permit if the Well Work Involves Drilling, Redrilling or Deepening, DGO-G-02A (~~rev. 6/89; included in DGO-G-02~~) (rev. 6/09).~~

Geothermal Resource Well Operator's Bond, DGO-G-03 (~~rev. 6/89~~) (rev. 6/09).

Release of Geothermal Resource Well Operator's Surety Bond, DGO-G-03A (rev. 6/09).

Geothermal Well Plat, DGO-G-04 (rev. 6/89).

Certification of Location of New Well, DGO-G-04A (~~rev. 6/89; included in DGO-G-04~~) (rev. 6/09).

Report on Completion of Well Work, DGO-G-05 (~~rev. 6/89~~) (rev. 6/09).

Report ~~on~~ of Completion of Work if Drilling, Redrilling or Deepening is Involved, DGO-G-05A (~~rev. 6/89; included in DGO-G-5~~) (rev. 6/09).

Notice of Intent to Plug or Abandon, and Affidavit, DGO-G-05B (~~rev. 6/89; included in DGO-G-5~~) (rev. 6/09).

Casing and Tubing Program, DGO-G-05C (~~rev. 6/89; included in DGO-G-5; included in DGO-G-5~~) (rev. 6/09).

Driller's Log, DGO-G-05D (~~rev. 6/89; included in DGO-G-5~~) (rev. 6/09).

Notice of Intent to Proceed, DGO-G-06 (~~rev. 6/89~~) (rev. 6/09).

Geothermal Resource Production or Injection Report, DGO-G-07 (~~rev. 6/89~~) (rev. 6/09).

Groundwater Monitoring Report, DGO-G-08 (~~rev. 6/89~~) (rev. 6/09).

Geothermal Fluid Monitoring Report, DGO-G-09 (~~rev. 6/89~~) (rev. 6/09).

Notification of Chemical Cleaning of a Geothermal Well, DGO-G-10 (~~rev. 6/89~~) (rev. 6/09).

Surveyor's Report on Subsidence, DGO-G-11 (~~rev. 6/89~~) (rev. 6/09).

Application for Reclassification of a Geothermal Area, DGO-G-12 (~~rev. 6/89~~) (rev. 6/09).

Request for Permission to Engage in Sequential Utilization, DGO-G-13 (~~rev. 6/89~~) (rev. 6/09).

Application for Exemption from Injection Requirement, DGO-G-14 (~~rev. 6/89~~) (rev. 6/09).

V.A.R. Doc. No. R09-1936; Filed July 22, 2009, 9:12 a.m.

TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

Proposed Regulation

Title of Regulation: **8VAC20-70. Regulations Governing Pupil Transportation (amending 8VAC20-70-10, 8VAC20-70-40, 8VAC20-70-100, 8VAC20-70-110, 8VAC20-70-130, 8VAC20-70-140, 8VAC20-70-150, 8VAC20-70-160, 8VAC20-70-170, 8VAC20-70-180, 8VAC20-70-200, 8VAC20-70-220, 8VAC20-70-230, 8VAC20-70-280, 8VAC20-70-300, 8VAC20-70-350, 8VAC20-70-360, 8VAC20-70-370, 8VAC20-70-380, 8VAC20-70-420, 8VAC20-70-430, 8VAC20-70-450, 8VAC20-70-460, 8VAC20-70-480, 8VAC20-70-490, 8VAC20-70-510, 8VAC20-70-525; adding 8VAC20-70-31, 8VAC20-70-271, 8VAC20-70-359, 8VAC20-70-411, 8VAC20-70-435; repealing 8VAC20-70-310).**

Statutory Authority: §§ 22.1-16, 22.1-176 and 22.1-177 of the Code of Virginia.

Public Hearing Information:

September 24, 2009 - 7 p.m. - Robert E. Lee High School, 6540 Franconia Road, Springfield, VA

September 24, 2009 - 7 p.m. - Glenvar Middle School, 4555 Malus Drive, Salem, VA

September 24, 2009 - 7 p.m. - Jolliff Middle School, 1021 Jolliff Road, Chesapeake, VA

Public Comments: Public comments may be submitted until 5 p.m. on October 16, 2009.

Agency Contact: Dr. Margaret N. Roberts, Office of Policy and Communications, Department of Education, P.O. Box 2120, 101 N. 14th Street, 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, or email margaret.roberts@doe.virginia.gov.

Basis: The scope of legal authority is defined by Article VIII, § 4, Constitution of Virginia, which vests in the Board of Education the general supervision of the public school system.

Section 22.1-16 of the Code of Virginia provides the board with general authority to promulgate "such regulations as may be necessary to carry out its powers and duties...."

Section 22.1-176 of the Code of Virginia authorizes the board to promulgate regulations relating to fees for school transportation.

Section 22.1-177 of the Code of Virginia gives the board general authority to make regulations relating to the construction, design, operation, equipment, and color of public school buses and the authority to issue an order prohibiting the operation on public streets and highways of any public school bus that does not comply with such regulations.

Section 22.1-178 of the Code of Virginia additionally sets forth requirements for school bus drivers and authorizes the board to furnish forms to school divisions to obtain information from applicants for employment as school bus drivers as required in statute.

Purpose: The revised Regulations Governing Pupil Transportation to address new state laws passed since 2004, as well as new federal requirements. Current state law does not require students to ride public school buses. The revision of these regulations will help to ensure the safety of children riding public school buses. Providing safe, free transportation to and from school for children in Virginia will reduce the need for parents to transport their children.

Substance: Substantive changes are made to the existing regulations as follows:

1. Definitions have been updated to conform to those in the 2005 National School Transportation Specifications and Procedures document.
2. Requirements for school activity buses are clarified.
3. Language has been included prohibiting driving more than 13 hours in a 24-hour period per § 46.2-812 of the Code of Virginia.
4. Restrictions on standees on school bus have been changed.
5. Language has been included for safety instruction of grades 9 through 12 students who ride school buses.
6. Language has been included to change the maintenance inspection from 30 operating days or every 2,500 miles to every 45 calendar days.
7. Language has been included regarding the operational assessments conducted by the Department of Education.
8. Language has been included to change the review of routes from once a year to twice a year.
9. Language has been included on the use of nonsequential lighting system use at railroad crossings.
10. Language has been included on records retention for pupil transportation records.
11. Language has been included providing further explanation of training and including new transportation directors in this training.

12. Language has been included for instructors to meet the requirements of a school bus driver and to have at least two years of experience.

13. Language has been included providing further explanation of what should be covered in annual in-service training. The times for in-service training have been updated.

14. The pretrip safety inspection requirement has been clarified, and updates to the procedure as outlined in the Preventive Maintenance Manual have been included.

15. The requirement to report minor bus crashes by divisions has been eliminated.

Issues: The Regulations Governing Pupil Transportation is being revised to improve the safety and efficiency of children riding public school buses.

Section 46.2-812 of the Code of Virginia requires that no person shall drive any motor vehicle on the highways of the Commonwealth for more than 13 hours in any period of 24 hours or for a period that when added to the time such person may have driven in any other state would make an aggregate of more than 13 hours in any 24-hour period.

Changes to instruction of directors, drivers, and students are included. Requiring new transportation directors to attend the "Train the Trainer" sessions will provide them a good overall view of what is required of bus drivers. Training for students in grades 9 through 12 will help ensure that students who may not always ride a bus know the rules for riding a bus and also know where the emergency exits are located. Topics for training and in-service are included to assist the school divisions in providing appropriate training in areas of concern.

Requiring instructors to meet the requirements of a school bus driver and have at least two years of experience will ensure the instructors know what is required of a school bus driver.

The use of the nonsequential lighting system is different from the lighting system on older buses, in particular, at railroad crossings. This requirement would be covered in training sessions each year.

The Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. The Board of Education (Board) proposes several amendments to these regulations including: 1) updating definitions to conform to the 2005 National School Transportation Specifications and Procedures, 2) adding numerous clarifications, 3) no longer permitting school divisions to have students standing during school bus rides for the first 30 instructional days of school, 4) mandating that all high school students receive additional training on the rules for motorists approaching a stopped school bus and on safe following

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distances when operating a personal vehicle, 5) amending the required minimum frequency of school bus maintenance inspections, 6) no longer requiring that bus collisions where no one is injured and damage is less than \$1,000 be reported to the Department of Education (Department), 7) requiring that school bus routes, school sites, and safety of pupils at designated school bus stops shall be reviewed at least twice each year rather than just once, 8) requiring that new transportation directors/supervisors employed by school divisions shall complete the "Train the Trainer" class conducted by the Department, and 9) requiring that school bus driver instructors meet the requirements of a school bus driver and have at least 2 years experience.

Result of Analysis. The benefits likely exceed the costs for one or more proposed changes. There is insufficient data to accurately compare the magnitude of the benefits versus the costs for other changes.

Estimated Economic Impact

Under current regulations school divisions can plan to have students standing during school bus rides for the first 30 instructional days of school while routes are adjusted. The proposed text indicates the school divisions can no longer have overcrowded buses at the beginning of the school year as routes are adjusted to match student needs. School staff will need to put in greater effort to have routes planned to match students' needs prior to the first day of school, and to make faster adjustments when overcrowding is encountered due to unexpected demand. This may require a small addition in staff time, but will likely significantly improve safety for those students who no longer will need to stand on moving buses. This proposed change will thus likely produce a net benefit.

The Board proposes to require that students in grades 9 through 12 shall receive additional training on the rules for motorists approaching a stopped school bus and on safe following distances when operating a personal vehicle. According to the Department the additional training could for example take place during one school auditorium assembly each year. Some extra training on these rules may result in modest improvement in road safety. On the other hand it will require some additional school time that could be used productively in other ways. There is insufficient information to determine if the benefit from the potential modest improvement in road safety exceeds the opportunity cost of school time spent on this instruction rather than on other productive activities.

Under the current regulations all school buses and school activity vehicles used to transport public school pupils to and from school and school activity events shall be inspected and maintained by competent mechanics at least once every 30 operating days or every 2,500 miles traveled. The Board proposes to amend the minimum frequency of inspections and maintenance to at least once every 45 calendar days. This will

not significantly affect most schools, but will affect some divisions where some buses run short routes and may take considerably longer than 30 operating days or 45 calendar days to reach 2,500 miles. Some extra time by mechanics may be needed to comply with the proposed required minimum frequency of 45 calendar days; but vehicles do deteriorate with time as well as with usage when not maintained. Thus, the proposed amendment does likely provide benefit in increasing the likelihood that school buses remain safe for their passengers.

School divisions currently must report all crashes to the Department through a web based system. The Board proposes to no longer require that bus collisions where no one is injured and damage is less than \$1,000 be reported to the Department. According to the Department this will save school divisions across the Commonwealth the filing of at least 1,000 reports annually. Since filing reports take approximately 30 minutes per incident¹ this will save school divisions cumulatively at least 500 hours of staff time. Since the Department does not believe it needs this data, this proposal clearly produces net benefit.

The Board also proposes to require that new transportation directors/supervisors employed by school divisions complete the "Train the Trainer" class conducted by the Department. The intent of this requirement is to ensure that directors understand the responsibilities required of school bus drivers, and to give them a good overview of the laws and regulations governing pupil transportation. The training lasts three to four days and is offered about six times during the summer at different locations around the Commonwealth and has a \$25 fee. There are approximately ten new transportation directors/supervisors each year.

Businesses and Entities Affected. The proposed amendments affect the 132 school divisions in the Commonwealth.

Localities Particularly Affected. The proposed amendments do not disproportionately affect particular localities.

Projected Impact on Employment. The proposed amendments are unlikely to significantly affect employment.

Effects on the Use and Value of Private Property. The proposed amendments are unlikely to significantly affect the use and value of private property.

Small Businesses: Costs and Other Effects. The proposed amendments are unlikely to significantly affect small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact. The proposed amendments are unlikely to significantly affect small businesses.

Real Estate Development Costs. The proposed amendments will not significantly affect real estate development costs.

Legal Mandate. The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Administrative Process Act and Executive Order Number 36 (06). Section 2.2-4007.04 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. Further, if the proposed regulation has adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.

¹ Time estimate by Department of Education

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency agrees with the economic impact analysis done by the Department of Planning and Budget. The agency will continue to examine the economic and administrative impact of the regulations as they progress through the Administrative Process Act process.

Summary:

The proposed amendments include (i) updating definitions to conform to the 2005 National School Transportation Specifications and Procedures; (ii) adding numerous clarifications; (iii) prohibiting school divisions from having students stand during school bus rides during the first 30 instructional days of the school year; (iv) mandating that all high school students receive additional training on the rules for motorists approaching a stopped school bus and on safe following distances when operating a personal vehicle; (v) amending the required minimum frequency of school bus maintenance inspections; (vi) eliminating the requirement that bus collisions be reported to the Department of Education when no one is injured and damage is less than \$1,000; (vii) requiring review of school bus routes, school sites, and safety of pupils at designated school bus stops at least twice each year rather than just once; (viii) requiring new transportation

directors/supervisors employed by school divisions to complete the "Train the Trainer" class conducted by the Department of Education; and (ix) requiring school bus driver instructors to meet the requirements of a school bus driver and have at least two years experience.

Part I
Definitions

8VAC20-70-10. Definitions.

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

"Classroom instruction" means training provided by a qualified driver instructor through lectures, demonstrations, audio-visual presentations, computer-based instruction, driving simulation devices, or similar means. Instruction occurring outside a classroom is included if it does not involve actual operation of a school bus and its components by the student.

"Color-black" means federal standard No. 595, black.

"Color-yellow" means national school bus yellow ~~SBMTC~~ School Bus Manufacturers Technical Council (SBMTC) color standard 008.

"Multifunction School Activity Bus (MFSAB)" or "school activity bus" means a school bus whose purposes do not include transporting students to and from home or school bus stops as defined in 49 CFR 571.3. This subcategory of school bus meets all Federal Motor Vehicle Safety Standards (FMVSS) for school buses and meets all regulations for school buses, except the traffic control devices, identification, color, use of cruise control, and seating requirements.

"Nonconforming bus" means any vehicle designed to carry more than 10 passengers that is used to transport children to or from school or school-related activities that does not meet the federal standards, 49 CFR Part 571, specific to school buses or multifunction school activity buses. These vehicles are not approved for transporting students to and from school or school-related activities.

"School bus" means any motor vehicle ~~described in this chapter as "Type A1 and A2," "Type B1 and B2," "Type C," or "Type D," which is designed and used for the transportation of pupils, which is other than a station wagon, automobile, truck, or commercial bus that is (i) designed and used primarily for the transportation of pupils to and from public, private, or religious schools, or for the transportation of pupils who are physically handicapped to and from a sheltered workshop; (ii) painted yellow with the words "School Bus" in black letters of a specified size on the front and rear; and which is (iii) equipped with the required warning devices as stated prescribed in § 46.2-100 § 46.2-1090 of the Code of Virginia. A yellow school bus may have a white roof provided such vehicle is painted in accordance~~

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with regulations and specifications of the Department of Education.

~~Note: This definition includes school buses owned and operated by school boards, private contractors, local governments, and transit systems that are used for the transportation of public school pupils.~~

"Specially equipped bus" means a school bus designed, equipped, or modified to accommodate students with special needs.

"Type A school bus" means a ~~van~~ conversion ~~of~~ bus constructed utilizing a cutaway front-section vehicle with a left side driver's door. ~~The entrance door is behind the front wheels.~~ This definition includes two classifications. Type A1, with a Gross Vehicle Weight Rating (GVWR) ~~less than or equal to 10,000~~ of 14,500 pounds or less; and Type A2, with a GVWR greater than ~~10,000~~ 14,500 pounds, but less than or equal to 21,500 pounds.

"Type B school bus" means a bus ~~with a body~~ constructed utilizing a stripped chassis. The entrance door is behind the front wheels. This definition includes two classifications: Type B1, with a GVWR ~~less than or equal to~~ of 10,000 pounds or less; and Type B2, with a GVWR greater than 10,000 pounds.

"Type C (Conventional) school bus" means ~~a bus with a body constructed utilizing a~~ installed upon a flat-back cowl chassis with a hood and ~~front fender assembly~~ fenders. ~~The entrance door is behind the front wheels.~~ This definition shall include two classifications: Type C1, with a GVWR range of 17,500 pounds with a design seating capacity range from 16 to 30 persons; and Type C2 with a GVWR of more than 21,500 pounds with a design seating capacity for more than 30 persons. The engine is in front of the windshield and the entrance door is behind the front wheels. Both Type C1 and Type C2 must be equipped with dual rear tires.

"Type D school bus" means a bus with a body constructed utilizing a stripped chassis. The entrance door is ahead of the front wheels. This bus is also known as a rear engine or front engine transit style school bus.

"Vehicle" means any vehicle owned or operated by, or owned or operated by any person under contract by, a county, city, town, or school board in which any school pupils or personnel are transported at public expense from any public school.

8VAC20-70-31. Driving more than 13 hours in a 24-hour period prohibited.

Pursuant to § 46.2-812 of the Code of Virginia, no person shall operate any school bus, school activity bus, or school activity vehicle for more than 13 hours in any period of 24 hours or for a period that when added to the time such person may have driven any vehicle in any other state would make an aggregate of more than 13 hours in any 24-hour period.

Drivers of other commercial vehicles shall report all hours driven prior to operating a school bus, school activity bus, or school activity vehicle.

No owner of any vehicle shall cause or permit a vehicle to be driven in violation of this section.

8VAC20-70-40. Seating.

The number of pupils who may ride a school bus shall be determined by the total number who can be seated on the seat cushion facing forward, safely seated within the seating compartment, and shall not exceed the manufacturer's capacity. ~~During the first 30 instructional days of the school year standees may be permitted for short distances in the aisle back of the driver's seat.~~ Pupils may not be permitted to stand ~~after the first 30 instructional days,~~ except under unforeseen temporary emergency conditions and for short distances as identified by the local school board.

8VAC20-70-100. Passenger restraint belts.

Pupils riding in school buses required by federal law to be equipped with passenger restraint belts shall wear them as required by state or federal law while the bus is in motion. ~~See Federal Motor Vehicle Safety Standards No. 209 and 210.~~

8VAC20-70-110. Pupil rider transportation safety instruction.

Pupil ~~rider safety~~ transportation instruction shall be included in the school curriculum, including demonstration and practices of safety procedures.

1. At the Pre-K-1 grade levels, initial safety training shall occur during the first week of school with additional training on a periodic basis during the year. Students in grades 9 through 12 shall receive additional training on the rules for motorists approaching a stopped school bus and on safe following distances when operating a personal vehicle.
2. Emergency exit drills shall be practiced by all pupil riders at least twice a year, the first occurring during the first 30 instructional days and the second in the second semester and shall include the school bus driver. Summer session evacuation drills should be performed as needed.
3. A copy of bus rider safety rules shall be sent to parents at the beginning of the school year. The information shall include a request that parents or their designee accompany their young children to and from the bus stop.

8VAC20-70-130. Maintenance inspection.

All school buses ~~and~~ school activity vehicles, and school vehicles used to transport public school pupils to and from school and school activity events shall ~~be inspected and maintained~~ undergo a Level 2 maintenance inspection as prescribed in the Preventive Maintenance Manual for Virginia

School Buses by competent mechanics ~~immediately~~ before being used ~~in the fall for each new school year and a Level 1 inspection at least once every 30 operating days or every 2,500 miles traveled~~ 45 calendar days after the start of the new school year. The inspections and maintenance shall be conducted in accordance with provisions of the "Preventive Maintenance Manual for Virginia School Buses, ~~March 2003~~" (November 2008) and recorded on the prescribed inspection forms or in a format approved by the Department of Education. If the inspection and maintenance are not made in a shop operated by the school board or the local governing body, the school board shall designate one or more inspection centers to make the inspections and require a copy of the results of the inspections to be furnished to the division superintendent. School division compliance with the foregoing maintenance inspection requirement shall be subject to verification by the Department of Education.

Subject to funds being available, the Department of Education shall conduct random operational assessments during the school year of school divisions' pupil transportation operations to ensure statutes, regulations, and specifications are being met. The Department of Education shall establish procedures for conducting the random operational assessments.

Maintenance and service personnel shall be encouraged to attend approved workshops or training institutes and shall receive all necessary service and maintenance publications for equipment serviced.

8VAC20-70-140. ~~Crash/incident~~ Crash reporting.

A report, on forms or in a format furnished by the Department of Education, of any crashes ~~or incidents~~ involving school buses, pupils, and personnel who ride school or activity buses (including injury or death while crossing the road, waiting at bus stops, etc.) shall be sent to the Pupil Transportation Service, Department of Education by the division superintendent or designee at least once a month. The report shall give the apparent cause of the crash ~~or incident~~ and the extent of injuries to pupils or others. The division superintendent or designee shall notify the Pupil Transportation Service of any school bus crash ~~or incident~~ involving serious injuries, requiring professional medical treatment, or death within the next working day from the date of the crash ~~or incident~~.

A vehicle crash occurs when property damage is \$1,000 or more or when persons are injured. ~~An incident occurs when property damage is \$999 or less and there are no injured individuals.~~

The Department of Education shall publish on its website an annual report of the number of crashes involving school buses, pupils, and personnel who ride school or activity buses (including incidents of injury or death while crossing the road, waiting at bus stops, etc.) in each division.

8VAC20-70-150. Route schedule.

All school buses in operation shall be scheduled to maximize safety and efficiency. The schedule shall show the time the bus starts in the morning, the time it leaves each point at which pupils are picked up, ~~and~~ the time of arrival at school, ~~and the time of drop off at home in the afternoon.~~ One copy of such schedule shall be kept in the bus and secured when the bus is unattended, and one copy shall be kept in the office of the division superintendent or designee.

8VAC20-70-160. Review of routes.

School bus routes, school sites, and safety of pupils at designated school bus stops shall be reviewed at least ~~one~~ twice each year, once each semester. Bus routes shall be reviewed for safety hazards, and fuel conservation, and to assure ~~maximum~~ the most efficient use of buses. Local school administrators shall evaluate the safety of pupils at bus stops periodically and shall at the request of the local school board report the results annually to the school board. Hazardous or unusual situations, to include railway crossings, shall be marked on the route sheet and made available to drivers and substitutes.

A written vehicular and pedestrian traffic control plan for each existing school site shall be reviewed annually for safety hazards. All new school site plans shall include provisions that promote vehicular and pedestrian safety.

8VAC20-70-170. Railway crossings.

School buses shall stop, as required by law, at railway grade crossings. The School buses equipped with a nonsequential lighting system must have these lighting systems deactivated when approaching a railroad grade crossing and the 4-way hazard lights shall be activated when approaching the railway grade crossing and shall be deactivated before crossing the track. The bus driver shall turn off all noisy equipment, open the entrance door of the bus and determine when it is safe for the vehicle to cross the railroad tracks. The entrance door shall be closed when the bus is in motion. No stop need be made at any grade crossing where traffic is directed by a police law-enforcement officer or a green traffic-control signal as stated in § 46.2-886 of the Code of Virginia.

8VAC20-70-180. ~~Driver reports~~ Ridership and miles report.

School boards shall require that a report on the number of pupils transported and miles traveled ~~made by all school bus drivers to principals or other designated school officials~~ submitted to designated school officials.

8VAC20-70-200. Identification and lights covering.

The lettered identification and traffic warning lights on the front and rear of school buses shall be covered with opaque detachable material when ~~they~~ school buses are used for purposes other than to transport pupils on regular routes to

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and from school, ~~or~~ on special trips to participate in contests of various kinds, ~~and~~ or for supplementary education purposes as required by § 22.1-183 of the Code of Virginia. This does not apply when the bus is being used to transport elderly or mentally or physically handicapped persons.

8VAC20-70-220. Passage restriction.

No object shall be placed on any bus carrying passengers that will restrict the access to any exit, restrict the freedom of motion of the driver for proper operation of the vehicle, or where displacement of such objects may result in personal injury to passengers.

8VAC20-70-230. Required materials.

All vehicles used primarily to transport students to and from school or school-related activities shall carry reflective triangles, first aid kit, body fluid clean-up kit and fire extinguisher.

8VAC20-70-271. Records retention.

School division documents related to pupil transportation shall be retained in accordance with local policy and guidelines from the Virginia State Library.

Part III

Requirements for School Bus Drivers

8VAC20-70-280. Requirements for school bus drivers both for employment and continued employment.

~~Sections~~ Section 22.1-178, ~~46.2-339, and 46.2-340~~ of the Code of Virginia ~~require~~ requires drivers of school and activity buses to:

1. Have a physical examination of a scope prescribed by the Board of Education with the advice of the Medical Society of Virginia and furnished on a form prescribed by the Board of Education showing the results of such examination.
 - a. No person shall drive a school bus unless that person is physically qualified to do so and has submitted a School Bus Driver's Application For Physician's Certificate signed by the applicant and the doctor or a licensed nurse practitioner for the applicable employment period.
 - b. The physical form describes the basic physical qualifications for school bus drivers; however, the examining physician or licensed nurse practitioner shall make the final determination of the individual's physical capacity to operate a school bus based upon their assessment of the individual's overall physical condition.
2. Furnish a statement or copy of records from the Department of Motor Vehicles showing that the person, within the preceding five years, has not been convicted of a charge of driving under the influence of intoxicating liquors or drugs, convicted of a charge of refusing to take a blood or breath test, convicted of a felony, or assigned to

any alcohol safety action program or driver alcohol rehabilitation program pursuant to § 18.2-271.1 of the Code of Virginia or, within the preceding 12 months, has not been convicted of two or more moving traffic violations or has not been required to attend a driver improvement clinic by the Commissioner of the Department of Motor Vehicles pursuant to ~~§ 46.2-497~~ § 46.2-498 of the Code of Virginia.

3. Furnish a statement signed by two reputable persons who reside in the school division or in the applicant's community that the person is of good moral character.
4. Exhibit a license showing the person has successfully undertaken the examination prescribed by § 46.2-339 of the Code of Virginia.
5. Be at least 18 years old.
6. Submit to testing for alcohol and controlled substances that is in compliance with the Omnibus Transportation Employee Testing Act of 1991 (Public Law 102-143, Title V) as amended and that is in compliance with 49 CFR Parts 40 and 382.

8VAC20-70-300. Required documents.

The documents required pursuant to subdivisions 1 and 2 of 8VAC20-70-280 shall be furnished annually prior to the anniversary date of the employment to operate a school bus.

8VAC20-70-310. Filing. (Repealed.)

~~The documents required pursuant to this section shall be filed with, and made a part of, the records of the school board employing such person as a school bus operator.~~

8VAC20-70-350. Training.

No person shall operate a school or activity bus transporting pupils unless the person has:

1. Received classroom, demonstration, and behind-the-wheel instruction in accordance with a program developed by the Department of Education pursuant to § 22.1-181 of the Code of Virginia.
2. Completed a minimum of 24 classroom hours and 24 hours of behind-the-wheel training. A minimum of 10 of the 24 hours of behind-the-wheel time shall involve the operation of a bus with pupils on board while under the direct on-board supervision of a designated bus driver trainer. ~~Drivers of Type D buses must complete eight additional hours of training behind the wheel.~~ All drivers shall receive training in the operation of a Type D bus and transportation of students with special needs. buses representative of the type used in the school division in which they will be employed and in the transportation of students with special needs. Classroom instruction means training provided by a qualified driver instructor through lectures, demonstrations, audio-visual presentations,

computer-based instruction, driving simulation devices, or similar means. Instruction occurring outside a classroom is included if it does not involve actual operation of a school bus and its components by the student. Behind-the-wheel training does not include time spent riding in a school bus or observing operation of a school bus when the student is not in control of the vehicle.

The superintendent or his designee shall maintain a record showing that the applicant has completed the training and has been approved to operate a school or activity bus.

3. New transportation directors/supervisors employed by school divisions shall complete the "Train the Trainer" class conducted by the Department of Education within a year after being employed in this position.

8VAC20-70-359. Requirements for school bus driver instructors.

Instructors must meet the requirements of a school bus driver and have at least two years experience operating a Class B type vehicle.

8VAC20-70-360. In-service training.

In-service training (~~at least two hours before opening~~ before the opening of schools the school year and ~~at least two hours during the second half of the school year~~) year devoted to improving the skills, attitudes, and knowledge, including orientation to maximize benefits of using safety programs and safety components shall be provided to all school or activity bus drivers. In-service training shall include, but is not limited to, the following topics: basic motor vehicle laws, related administrative codes, pre-trip inspection procedures, student discipline and conduct, drug and alcohol testing procedures and policies, fuel conservation, safety, emergency procedures, student information and confidentiality, and local policies and procedures as required by the division's transportation department. A copy of the agenda for each in-service training event shall be on file.

8VAC20-70-370. Supervision.

The drivers of school and activity buses shall be under the general direction and control of the division superintendent or designee, and shall also be accountable to the principal of the school to which pupil transportation is provided.

8VAC20-70-380. Pre-trip safety inspection.

~~The~~ Prior to the initial transporting of children each day, the drivers of school and activity buses shall perform a daily pre-trip safety inspection of the vehicle prior to transporting children. The items checked and recorded shall be at least equal to the pre-trip inspection procedure as prescribed in the Preventive Maintenance Manual for Virginia School Buses (November 2008) issued by the Department of Education.

8VAC20-70-411. Driver trainers.

Driver trainers must meet the requirements of 8VAC20-70-280 and 8VAC20-70-350 and have at least two years experience operating a Class B vehicle.

8VAC20-70-420. Instructor course certificate.

Local school bus driver training instructors shall hold a certificate for completion of an instructor course conducted or approved by the Department of Education and shall attend a recertification course every five years. Certification expires at the end of calendar year five.

8VAC20-70-430. Driver data.

The names and driver license numbers of persons operating school and activity buses and other vehicles used to transport pupils shall be submitted to the Department of Motor Vehicles annually as required by § 46.2-340 of the Code of Virginia.

8VAC20-70-435. Filing.

The documents required pursuant to 8VAC20-70-280, 8VAC20-70-350, 8VAC20-70-360, 8VAC20-70-400, and 8VAC20-70-420 shall be filed with, and made a part of, the records of the school board employing such person as a school bus operator.

8VAC20-70-450. Minimum ~~standards~~ specifications.

Minimum ~~standards~~ specifications are applicable to all school buses and school activity ~~vehicles~~ buses, new or used, procured by purchase, lease or operational contract from another person or entity.

Part IV

General Requirements for School Buses in Virginia

8VAC20-70-460. Specifications.

It is the intent of the Board of Education to accommodate new equipment and technology that will better facilitate the safe and efficient transportation of students. When a new technology, piece of equipment, or component is desired to be applied to ~~the~~ a school bus, it must have the approval of the Virginia Department of Education and must meet the following criteria:

1. The technology, equipment, or component shall not compromise the effectiveness or integrity of any major safety system.
2. The technology, equipment, or component shall not diminish the safety of the interior of the bus.
3. The technology, equipment, or component shall not create additional risk to students who are boarding or exiting the bus or are in or near the school bus loading zone.

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4. The technology, equipment, or component shall not require undue additional activity or responsibility for the driver.

5. The technology, equipment, or component shall generally increase efficiency or safety, or both, of the bus, generally provide for a safer or more pleasant experience for the occupants and pedestrians in the vicinity of the bus, or shall generally assist the driver and make his many tasks easier to perform.

~~Buses~~ School buses and school activity ~~vehicles~~ buses must conform to the specifications relative to construction and design effective on the date of procurement. Any variation from the specifications, in the form of additional equipment or changes in style of equipment, without prior approval of the Department of Education, is prohibited. The Department of Education shall issue specifications and standards for public school buses to reflect desired technology or safety improvements for the then current model year.

8VAC20-70-480. Bus identification.

All publicly owned, part publicly owned, or contract school buses, transporting pupils to and from public school, shall be painted a uniform color, national school bus yellow, and shall be identified and equipped as outlined in the ~~standards and~~ specifications.

8VAC20-70-490. Purchase.

The responsibility for purchasing school buses and school activity ~~vehicles~~ buses which meet state and federal requirements rests with division superintendents and local school boards.

A schedule for the replacement of buses on a continuing basis shall be developed and implemented by each school division.

8VAC20-70-510. Vehicles powered by alternative fuels.

A. The Board of Education will continue to promote the use of alternative fuels for school buses. Any vehicle powered by alternative fuels will be subject to inspection and approval by the Virginia Department of Education.

B. Local school divisions, in consultation with the Department of Education, may purchase and use school buses using alternative fuels as covered in § 22.1-177 of the Code of Virginia.

C. Installation of alternative fuel tanks and fuel systems shall comply with all applicable Federal Motor Vehicles Safety Standards (FMVSS) 301, 49 CFR Part 571, and all applicable fire codes.

~~D. A sign with black letters on clear or school bus yellow background, indicating the type of alternative fuel being used, may be placed on the side of the bus near the entrance door.~~

~~No sign shall be more than 4 3/4 inches long or more than 3-1/4 inches high.~~

Part V

School Activity Vehicles Buses

8VAC20-70-525. Regulations and standards.

~~Activity vehicles~~ A. School activity buses owned or operated under contract by or for the school board, which are used solely to transport pupils to and from school activity events, shall comply with all applicable regulations and standards prescribed for school buses except as noted in this part.

~~1. B.~~ Exceptions, general regulations.

~~a. An activity vehicle~~ 1. Pursuant to § 46.2-871 of the Code of Virginia, an activity bus transporting school pupils shall be operated at a safe, legal speed ~~not in excess of 55 miles per hour.~~

~~b. 2.~~ No standees shall be permitted.

~~c. The eight inch school bus lettered identification and traffic warning devices shall be removed by the local school division as required by §§ 46.2-100 and 46.2-1090 of the Code of Virginia. The name of the school division or individual school shall be placed on both sides of the vehicle.~~

~~d. 3.~~ Stops for the purpose of loading or discharging pupils on the travel portion of the highway shall not be permitted.

~~2. Exceptions, minimum standards for school buses in Virginia.~~

~~a. School activity vehicles shall not be painted national school bus yellow.~~

~~b. Other types of seats and increased spacing may be used provided all provisions of FMVSS 222, 49 CFR § 571.222, are met.~~

NOTICE: The forms used in administering the above regulation are not being published; however, the name of each form is listed below. The forms are available for public inspection by contacting the agency contact for this regulation, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS (8VAC20-70)

School Bus Driver's Application for Physician's Certificate (rev. 4/08).

DOCUMENTS INCORPORATED BY REFERENCE (8VAC20-70)

Preventive Maintenance Manual for Virginia School Buses, ~~March 2003~~ November 2008, Virginia Department of Education.

**STATE COUNCIL OF HIGHER EDUCATION FOR
VIRGINIA**

Final Regulation

REGISTRAR'S NOTICE: The State Council of Higher Education for Virginia is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4002 B 4 of the Code of Virginia, which exempts regulations relating to grants of state or federal funds or property.

Title of Regulation: **8VAC40-150. Virginia Two-Year College Transfer Grant Program Regulations (adding 8VAC40-150-10 through 8VAC40-150-100).**

Statutory Authority: § 23-38.10:9 of the Code of Virginia.

Effective Date: July 31, 2009.

Agency Contact: Linda H. Woodley, Regulatory Coordinator, State Council of Higher Education for Virginia, James Monroe Bldg., 101 North 14th Street, 9th Floor, Richmond, VA 23219, telephone (804) 371-2938, FAX (804) 786-2027, or email lindawoodley@schev.edu.

Summary:

These regulations are adopted for the implementation and administration of a scholarship program for two-year college graduates transferring to a Virginia four-year college or university. The regulations provide definitions; institutional application to participate procedures; eligibility criteria for initial, renewal, and summer awards; amount and refund of awards; use of funds; and responsibilities of the council and participating institutions.

CHAPTER 150

**VIRGINIA TWO-YEAR COLLEGE TRANSFER GRANT
PROGRAM REGULATIONS**

8VAC40-150-10. Definitions.

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

"Academic year" means the enrollment period that normally extends from late August to May or early June and that is normally comprised of two semesters (fall and spring) or three quarters (fall, winter, and spring).

"Accredited institution" means any institution approved to confer degrees pursuant to Chapter 21.1 (§ 23-276.1 et seq.) of Title 23 of the Code of Virginia."

"Approved course of study" means a curriculum of courses at the undergraduate level leading to a first bachelor's degree. Programs in the 39.xxx series, as classified in the National Center for Education Statistics' Classification of Instructional

Programs (CIP), provide religious training or theological education and are not approved courses of study.

"Award" means a grant from state funds appropriated for the Virginia Two-Year College Transfer Grant Program (CTG).

"Award year" means the 12-month enrollment period during which a college or university holds classes, normally comprised of (i) one fall semester, one spring semester, and a summer session or (ii) one fall quarter, one winter quarter, one spring quarter, and a summer session. For purposes of awarding funds for this program, the summer will be treated as a trailing term.

"Cost of attendance" means the sum of tuition, required fees, room, board, books and supplies, and other education-related expenses as determined by an institution for purposes of awarding federal Title IV student financial assistance.

"Council" means the State Council of Higher Education for Virginia or its designated staff.

"Domiciliary resident of Virginia" means a student who is determined by a participating institution to meet the eligibility requirements specified by § 23-7.4 of the Code of Virginia.

"Expected family contribution" or "EFC" means the amount a student and the student's family is expected to contribute toward the cost of college attendance. The EFC is calculated using information provided on the Free Application for Federal Student Aid. The institution may exercise professional judgment to adjust the student's EFC, as permitted under federal law, based on factors that affect the family's ability to pay.

"Financial need" means a maximum expected family contribution of \$8,000 based on a standard nine-month academic year.

"First-time entering freshman" means a student attending any institution for the first time at the undergraduate level. Includes students enrolled in the fall term who attended college for the first time in the immediate prior summer term. Also includes students who entered with advanced standing (college credits earned before high school graduation).

"Free Application for Federal Student Aid" or "FAFSA" means the needs analysis form provided by the United States Department of Education, which is completed annually by students applying for federal Title IV student financial assistance and need-based financial aid programs sponsored by the Commonwealth of Virginia and that results in the calculation of the expected family contribution.

"Full-time study" means enrollment for at least 12 credit hours per semester or its equivalent in quarter hours at the undergraduate level. The total hours counted will not include courses taken for audit, but may include required developmental or remedial courses and other elective courses

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that normally are not counted toward a degree at the participating institution.

"Participating institution of higher education" or "participating institution" means a four-year public or private nonprofit accredited institution within the Commonwealth of Virginia whose primary purpose is to provide undergraduate collegiate education and not to provide religious training or theological education.

"Program" means the Virginia Two-Year College Transfer Grant.

"Quarter" means a division of an academic year approximately 10 to 11 weeks in length from the first day of classes through the last day of exams for the fall, winter, and spring enrollment periods.

"Satisfactory academic progress" means acceptable progress towards completion of an approved course of study as defined by the institution for the purposes of eligibility under § 668 of the Federal Compilation of Student Financial Aid Regulations.

"Semester" means a division of an academic year approximately 15 to 16 weeks in length from the first day of classes through the last day of exams for the fall and spring enrollment periods.

"Student" means an undergraduate student who is entitled to in-state tuition charges pursuant to § 23-7.4 of the Code of Virginia.

"Summer session" means a division of an award year consisting of one or more summer sessions normally extending from late May to August, exclusive of the participating institution's fall, winter, and spring terms.

"Term" means the fall semester or quarter, winter quarter, spring semester or quarter, or summer session.

8VAC40-150-20. Institutional application to participate.

In order to participate in the program, institutions not previously approved by the council to participate must file a formal application with the council no later than January 31 of the calendar year preceding the calendar year in which fall semester or quarter awards would first be available to students. Virginia public four-year institutions and accredited private institutions participating in the Virginia Tuition Assistance Grant Program need not apply.

Applications shall be addressed to the council and shall include:

1. Estimates of the number of students who would be eligible to receive awards under the program in the first and second year of participation;
2. A copy of the Fiscal Operations Report and Application to Participate in Federal Student Financial Aid Programs (FISAP); and

3. Certifications from the institution's chief executive officer that the institution:

- a. Meets eligibility requirements for participation;
- b. Will furnish whatever data the council may request in order to verify its institutional eligibility claims;
- c. Will promptly notify the council within 30 days following any change in governance or mission that may affect the institution's status as an eligible institution; and
- d. By its governing body, has authorized its adherence to the requirements of this chapter, as the same are now constituted or hereafter amended, until such time as the institution may withdraw from participation in the program.

Applications must be approved and all documents must be on file before any funds are disbursed.

8VAC40-150-30. Eligibility criteria for an initial award.

In order to receive an award, the student must:

1. Be a domiciliary resident of Virginia;
2. Be a first-time entering freshman no earlier than fall 2007;
3. Have received an associate's degree at a Virginia two-year public institution of higher education;
4. Have a cumulative grade point average of at least 3.0 on a 4.0 scale upon completion of the associate's degree program;
5. Have enrolled into a participating institution by the fall term following completion of the associate's degree;
6. Be enrolled for full-time study in an approved course of study;
7. Have applied for financial aid by completing the FAFSA by the institution's published deadline;
8. Demonstrate financial need; and
9. Have complied with federal selective service registration requirements, unless the following apply:
 - a. The requirement to register has terminated or become inapplicable; and
 - b. The student shows by preponderance of the evidence that failure to register was not a knowing and willful failure to register and that the student complies with federal selective service registration requirements prior to disbursement of funds.

8VAC40-150-40. Amount of awards.

Awards are subject to the following limitations:

1. Standard awards are set at a maximum of \$1,000 per award year, which is allocated at \$500 per term for up to

two terms per award year. For institutions not on a semester-based calendar, council staff will determine an equivalent award per term.

2. An additional \$1,000 per year is available to students enrolled into an eligible science, teaching, engineering, mathematics, or nursing degree (STEMN) program, which is allocated at \$500 per term for up to two terms per award year. For institutions not on a semester-based calendar, council staff will determine an equivalent award per term.

3. If the general appropriation is insufficient to provide a full award to all eligible students, then the awards for all students shall be reduced proportionately.

4. Degree programs eligible for the additional amount will be identified in the council's guidance document: CTG Addendum – Eligible STEMN Degree Programs.

5. Eligibility for the additional STEMN award must be checked prior to each disbursement of funds.

6. An award received by a student under the program is applied to the student's tuition and fees and cannot be prorated or reduced by the institution except in cases when the award, when combined with all other financial assistance (exclusive of the student's EFC), exceeds the student's cost of attendance.

7. CTG recipients must have their state need-based financial aid eligibility reduced by the amount of the CTG award. For purposes of recalculating eligibility for the Commonwealth Award or Virginia Guaranteed Assistance Program (VGAP) grant, the student's tuition and fees are reduced by the amount of the CTG award. These adjusted tuition and fees are then used to recalculate the CTG recipient's cost of attendance used to determine the student's eligibility for the Commonwealth Award or VGAP. In no case should a student's CTG and Commonwealth Award combine to exceed tuition and fees or the CTG and VGAP combine to exceed tuition, fees, and a book allowance.

8VAC40-150-50. Refund of awards.

A student who receives an award and who, during a term, withdraws from the institution that made the award must surrender the balance of the award. The tuition refund policy in effect at the institution will determine the amount that must be reclaimed by the institution.

8VAC40-150-60. Summer session awards.

Institutions may elect to award during trailing summer sessions as long as the student does not exceed the maximum annual award amount specified in 8VAC40-150-40.

8VAC40-150-70. Renewability of awards.

Awards may be renewed for a maximum of two award years. Students shall be limited to a total period of no more

than three award years or 70 attempted credit hours. Awards may be renewed provided that the student continues to be enrolled full-time in an approved course of study, maintains domicile in Virginia per § 23-7.4 of the Code of Virginia and annually:

1. Applies for financial aid by completing the FAFSA by the institution's published deadline;

2. Demonstrates continued financial need;

3. Maintains a grade point average of at least 3.0 on a 4.0 scale; and

4. Maintains satisfactory academic progress.

Students transferring from one participating institution to another shall be considered renewal students if they received an award during the prior year provided they met renewal criteria.

Students who do not initially receive an award may be considered for renewal awards provided that they meet initial eligibility criteria and continue to meet renewal criteria.

Once a student loses his classification as CTG-eligible, the student cannot reestablish such eligibility.

8VAC40-150-80. Use of funds.

A student may receive funds through one institution only. If a student is enrolled concurrently at two participating institutions and there is a formal consortium agreement in place, the student may receive funding based on the combined enrollment.

8VAC40-150-90. Responsibility of the council.

The council shall collect such student-specific information as is necessary for the operation of the program and other information deemed necessary by the council.

8VAC40-150-100. Responsibility of participating institutions.

A. Virginia public two-year colleges shall verify that the student meets the program's academic portion of the initial eligibility criteria, which includes:

1. Initial enrollment as a first-time entering freshman no earlier than fall 2007;

2. Receipt of an associate's degree; and

3. Cumulative grade point average of at least a 3.0 on a 4.0 scale upon completion of an associate's degree program.

B. Participating institutions shall:

1. Verify students meeting initial and renewal eligibility criteria not otherwise verified by the two-year college;

2. Provide reports by term to the council indicating the number of eligible students enrolled;

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3. Provide annual reports to the council that will include, but not be limited to, information describing the students served, the awards received, and the number and value of awards;

4. Upon request by a student transferring to another participating institution, forward information about the student's CTG eligibility;

5. Establish and maintain financial records that accurately reflect all program transactions as they occur. The institution shall establish and maintain general ledger control accounts and related subsidiary accounts that identify each program transaction and separate those transactions from all other institutional financial activity; and

6. Ensure that all unused funds are returned to the council no later than the end of the fiscal year or 20 working days after receiving written request from the council, whichever is sooner.

VA.R. Doc. No. R09-2031; Filed July 28, 2009, 10:10 a.m.

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

NOTICE: The following forms have been filed by the Department of Environmental Quality. The forms are available for public inspection at the Department of Environmental Quality, 629 East Main Street, Richmond, Virginia, or at the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia 23219. Copies of the forms may be obtained from Cindy Berndt, Director of Regulatory Affairs, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, VA 23218, (804) 698-4378, or email cindy.berndt@deq.virginia.gov.

Forms

Title of Regulation: **9VAC25-32. Virginia Pollution Abatement (VPA) Permit Regulation.**

FORMS (9VAC25-32)

Virginia Pollution Abatement Permit Application, General Instructions, revised ~~2008~~ 4/2009.

Virginia Pollution Abatement Permit Application, Form A, All Applicants, revised ~~4/08~~ 4/2009.

Virginia Pollution Abatement Permit Application, Form B, Animal Waste, revised 10/95.

Virginia Pollution Abatement Permit Application, Form C, Industrial Waste, revised 10/95.

Virginia Pollution Abatement Permit Application, Form D, Municipal Effluent and Biosolids, revised ~~2/08~~ 4/2009.

Application for a Biosolids Use Permit, 2007.

Application for Land Application Supervisor Certification, (eff. 1/08).

VA.R. Doc. No. R09-1967; Filed May 5, 2009, 12:29 p.m.

Forms

Title of Regulation: **9VAC25-740. Water Reclamation and Reuse Regulation.**

FORMS (9VAC25-740)

Water Reclamation and Reuse Addendum to an Application for a Virginia Pollutant Discharge Elimination System Permit or a Virginia Pollution Abatement Permit, ~~9/3/2008~~ 6/1/2009.

VA.R. Doc. No. R09-2020; Filed June 9, 2009, 1:16 p.m.

TITLE 10. FINANCE AND FINANCIAL INSTITUTIONS

STATE CORPORATION COMMISSION

Final Regulation

REGISTRAR'S NOTICE: The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 2.2-4002 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.

Title of Regulation: **10VAC5-161. Mortgage Loan Originators (adding 10VAC5-161-10 through 10VAC5-161-60).**

Statutory Authority: §§ 6.1-431.21 and 12.1-13 of the Code of Virginia.

Effective Date: August 17, 2009.

Agency Contact: Nicholas C. Kyrus, Deputy Commissioner, State Corporation Commission, Bureau of Insurance, P. O. Box 1197, Richmond, VA 23218, telephone (804) 371-9690, FAX (804) 371-9416, or email nick.kyrus@scc.virginia.gov.

Summary:

The regulations implement the provisions of Chapters 273 and 453 of the 2009 Acts of Assembly relating to licensure of individual mortgage loan originators. The regulations specify the individuals subject to licensure; prescribe the conditions, fees, and procedure for licensing; prescribe the conditions, fees, and procedure for annual license renewal; establish the amount of surety bond necessary for

licensing; and specify the reports and notices required in connection with licensing.

Modifications to the regulations since initial publication of the proposed regulations include (i) making amendments to 10VAC5-161-20 A 3 to conform to other parts of the regulations, (ii) increasing the time period under 10VAC5-161-60 C within which certain notices must be given, and (iii) other clarifying and technical changes.

AT RICHMOND, JULY 17, 2009

Ex Parte: In re: Proposed Rules Governing
Licensing of Mortgage Loan Originators

CASE NO. BFI-2009-00290

ORDER ADOPTING A REGULATION

By Order entered herein on May 6, 2009, the State Corporation Commission ("Commission") directed that notice be given of proposed adoption of a regulation pursuant to § 6.1-431.20 of the Code of Virginia. Notice of the proposed regulation was published in the Virginia Register of Regulations on May 25, 2009, and the proposed regulation was posted on the Commission's website. Interested parties were afforded the opportunity to file written or electronic comments in favor of or against the proposal on or before June 22, 2009. The Commissioner of Financial Institutions ("Commissioner") mailed copies of the aforesaid Order and the proposed regulation to all licensees under Chapter 16 of Title 6.1 of the Code of Virginia and other interested persons. Four written or electronic comments were filed including written comments filed by counsel for the Virginia Mortgage Lenders Association ("VMLA") and by counsel for the Virginia Housing Development Authority ("VHDA").

A hearing in this case was convened before the Commission in its courtroom at 10:00 a.m. on July 9, 2009. Counsel for the Commissioner appeared, presented argument in support of the proposed regulation, and presented a revised version of the proposed regulation to the Commission which included certain revisions suggested by comments filed in the case. Counsel for the VMLA appeared and presented argument, and a representative of Republic Mortgage Insurance Company also commented, in support of written comments filed by VMLA.

THE COMMISSION, having considered the record, the proposed regulation with modifications submitted by counsel for the Commissioner, and argument and testimony heard in the case, concludes that the proposed regulation, with modifications, will promote the efficient administration of Chapter 16.1 of Title 6.1 of the Code of Virginia and should be adopted. The modifications include (1) substitution of new subdivision 10 VAC 5-161-20 A 3 for that subsection as originally proposed, with conforming changes to other parts of the regulation, (2) increasing the time period under

10 VAC 5-161-60 C within which certain notices must be given, and (3) other clarifying and technical changes.

THEREFORE IT IS ORDERED THAT:

(1) The proposed regulation, as modified, attached hereto is adopted effective August 17, 2009.

(2) The Commission's Division of Information Resources shall send a copy of this Order, including a copy of the attached regulation, to the Virginia Registrar of Regulations for publication in the Virginia Register of Regulations.

(3) This Order and the attached regulation shall be posted on the Commission's website at <http://www.scc.virginia.gov/case>.

(4) This case is dismissed from the Commission's docket of active cases.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to the Commissioner of Financial Institutions, who shall forthwith mail a copy of this Order and the attached regulation to all licensed mortgage lenders and brokers and such other interested persons as he may designate.

CHAPTER 161
MORTGAGE LOAN ORIGINATORS

10VAC5-161-10. Definitions.

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

"Bureau" means the State Corporation Commission's Bureau of Financial Institutions.

"Licensee," "mortgage loan originator," "person," "registered mortgage loan originator," "registry," "residential mortgage loan," and "unique identifier" shall have the meanings ascribed to them in § 6.1-431.1 of the Code of Virginia.

10VAC5-161-20. Individuals subject to licensure.

A. [~~In order to act as a mortgage loan originator on~~ On] or after July 1, 2010, the following individuals must obtain a license:

1. Individuals acting as mortgage loan originators who are employees or exclusive agents of persons licensed under Chapter 16 (§ 6.1-408 et seq.) of Title 6.1 of the Code of Virginia;

2. Individuals, other than registered mortgage loan originators, acting as mortgage loan originators who are employees or exclusive agents of persons exempt from licensure under Chapter 16 (§ 6.1-408 et seq.) of Title 6.1 of the Code of Virginia; and

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3. Individuals acting as [~~independent contractors performing residential mortgage loan processing and underwriting activities~~ mortgage loan originators who are not employees or exclusive agents of either persons licensed under Chapter 16 (§ 6.1-408 et seq.) of Title 6.1 of the Code of Virginia or exempt from such licensure].

B. Individuals who are coemployees of professional employer organizations or staffing services shall be deemed to be employees of the client company.

10VAC5-161-30. License application procedure.

A. Applications for a mortgage loan originator license shall be made through the registry in accordance with instructions from the registry and the bureau. In connection with such applications, the individual seeking a license shall furnish the registry all required information concerning his identity, personal history and experience, and fingerprints, and shall pay or cause to be paid through the registry required registry fees and an application fee of \$150.

B. Within five days after [~~registration~~ submitting an application for a mortgage loan originator license] with the registry, a bond with corporate surety on a commission-approved form and in an amount conforming to 10VAC5-161-50 shall be filed with the bureau, together with such further information as the bureau may require concerning the applicant's qualifications for licensure. In the case of individuals described in 10VAC5-161-20 A 1 and 2, the bond shall be filed [(or documentation shall be filed indicating that the applicant is covered by a bond previously filed)] by the person for whom the applicant will perform mortgage loan origination services. Filing of a bond under this subsection by a person licensed under Chapter 16 (§ 6.1-408 et seq.) of Title 6.1 of the Code of Virginia shall constitute compliance with § 6.1-413 of the Code of Virginia if the bond is in the amount required under § 6.1-413 of the Code of Virginia. In the case of individuals described in 10VAC5-161-20 A 3, the bond shall be filed by the individual applicant. In either case the person filing the bond shall, unless such information is contained in a prior filing under Chapter 16 of Title 6.1 of the Code of Virginia, simultaneously provide information to the bureau concerning his or its dollar volume of residential mortgage loans originated [~~processed, or underwritten~~] during the immediately preceding calendar year.

C. If the bureau requests information to complete a deficient application and the information is not received within 60 days of the bureau's request, the application shall be deemed abandoned unless a request for an extension of time is received and approved by the bureau prior to the expiration of the 60-day period.

10VAC5-161-40. Conditions of licensure and renewals.

A. A mortgage loan originator license will be granted only if the individual meets the following conditions:

1. Application is made in accordance with 10VAC5-161-30;

2. The individual has obtained a unique identifier from the registry;

3. [~~The individual has never had a mortgage loan originator license revoked by any governmental authority;~~

~~3- 4.] The individual's criminal history record contains no disqualifying convictions under § 6.1-431.8 of the Code of Virginia;~~

[~~4- 5.] The individual has completed the prelicensing education prescribed by § 6.1-431.9 of the Code of Virginia [; ;]~~

[~~5- 6.] The individual has achieved an acceptable score on the qualified written test prescribed by § 6.1-431.10 of the Code of Virginia; and~~

[~~6- 7.] The individual possesses the financial responsibility, character, and general fitness required for licensure [by § 6.1-431.7 of the Code of Virginia].~~

B. Licenses shall be subject to renewal each calendar year unless granted within 90 days before the end of the preceding calendar year. In order to renew a license, a licensee must [~~apply for renewal~~ renew] through the registry on or before the end of the current license year in accordance with instructions from the registry and the bureau. The licensee shall furnish the registry and the bureau all required information and documentation and shall pay or cause to be paid through the registry all required registry fees and a license renewal fee of \$100.

C. A mortgage loan originator license will be renewed only if the licensee meets the following conditions:

1. License renewal application is made in accordance with subsection B of this section;

2. The licensee continues to meet the conditions for initial licensure; and

3. The licensee has obtained the continuing education prescribed in § 6.1-431.11 of the Code of Virginia.

D. If a licensee fails to timely meet the conditions specified in subsection C of this section, but meets such conditions before March 1 of a renewal year and pays a reinstatement fee of \$30, his license will be reinstated.

10VAC5-161-50. Surety bond amount.

The surety bond amount required to be filed and maintained by or on behalf of the licensee shall be set and adjusted as necessary annually by the bureau in accordance with the following scale [;] based upon residential mortgage loans originated [~~processed or underwritten, as the case may be,~~] during the preceding calendar year:

<u>LOANS</u>	<u>BOND AMOUNT</u>
\$0 - \$5,000,000	\$25,000
\$5,000,001 - \$20,000,000	\$50,000
\$20,000,001 - \$50,000,000	\$75,000
\$50,000,001 - \$100,000,000	\$100,000
over \$100,000,000	\$150,000

10VAC5-161-60. Required reports and notices.

A. On or before March 1 of each year, each person for whom an individual described in 10VAC5-161-20 A 1 or 2 performs services shall file an annual report with the bureau stating the amount of residential mortgage loans made or brokered during the preceding calendar year, identifying all licensees performing services for that person, and providing such additional information as the bureau may require. Timely filing of the annual report required by Chapter 16 (§ 6.1-408 et seq.) of Title 6.1 of the Code of Virginia by a person licensed under that chapter shall constitute compliance with this subsection by that person if the annual report contains the information specified in this subsection.

B. On or before March 1 of each year, each licensee who is an individual described in 10VAC5-161-20 A 3 shall file an annual report with the bureau stating the amount of residential mortgage loans [~~processed or underwritten~~ originated during the preceding calendar year] and providing such additional information as the bureau may require.

C. Each licensee shall give notice to the bureau, either directly for a notice under subdivision 1 of this subsection or through the registry for other notices required by this section, within [~~five~~ 15] days after the occurrence of any of the following events:

1. Cessation of activities for which a license is required, upon receipt of which notice the individual's license will be placed in inactive status and the individual shall not engage in activities requiring licensure under this chapter until such time as the individual meets the description in 10VAC5-161-20 A 1, 2, or 3 and other provisions of this chapter;
2. Termination of employment or exclusive agency as a mortgage loan originator for a person licensed or exempt from licensing under Chapter 16 of Title 6.1 of the Code of Virginia, upon receipt of which notice the individual's license will be placed in inactive status and the individual shall not engage in activities requiring licensure under this chapter until such time as the individual meets the description in 10VAC5-161-20 A 1, 2, or 3 and other provisions of this chapter;
3. Commencement of employment or exclusive agency as a mortgage loan originator for a new person licensed or exempt from licensing under Chapter 16 of Title 6.1 of the

Code of Virginia, in which event the new person shall comply with the surety bond filing requirements of 10VAC5-161-30 B and 10VAC5-161-50; or

4. Surrender of a license, in which case the licensee shall mail his license to the bureau immediately upon giving notice of surrender of the license.

VA.R. Doc. No. R09-1904; Filed July 20, 2009, 9:16 a.m.

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Notice of Extension of Emergency Regulation

Title of Regulation: 12VAC30-80. Methods and Standards for Establishing Payment Rates; Other Types of Care (amending 12VAC30-80-40).

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

Effective Dates: August 4, 2008, through December 31, 2009.

The Department of Medical Assistance Services requested an extension of the above-referenced emergency regulation, relating to maximum acquisition cost reimbursement of specialty drugs, pursuant to § 2.2-4011 of the Code of Virginia. The emergency regulation was published in 24:25 VA.R. 3617-3619 August 18, 2008 (<http://register.dls.virginia.gov/vol24/iss25/v24i25.pdf>).

The Governor approved the department's request to extend the expiration date of the emergency regulation until December 31, 2009, in accordance with § 2.2-4011 D of the Code of Virginia.

Agency Contact: Keith Hayashi, Project Manager, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 225-2773, or email keith.hayashi@dmas.virginia.gov.

VA.R. Doc. No. R08-1319; Filed August 3, 2009, 5:18 p.m.

Notice of Extension of Emergency Regulation

Title of Regulation: 12VAC30-80. Methods and Standards for Establishing Payment Rates; Other Types of Care (amending 12VAC30-80-30, 12VAC30-80-190).

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

Effective Dates: August 27, 2008, through December 31, 2009.

The Department of Medical Assistance Services requested an extension of the above-referenced emergency regulation, relating to recalibration of Resource Based Relative Value

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System physician rates and implementation of site of service differentials, pursuant to § 2.2-4011 of the Code of Virginia. The emergency regulation was published in 25:1 VA.R. 41-43 September 15, 2008 (<http://register.dls.virginia.gov/vol25/iss01/v25i01.pdf>).

The Governor approved the department's request to extend the expiration date of the emergency regulation until December 31, 2009, in accordance with § 2.2-4011 D of the Code of Virginia.

Agency Contact: William J. Lessard, Project Manager, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 225-4593, FAX (804) 371-8892, or email william.lessard@dmas.virginia.gov.

VA.R. Doc. No. R09-1331; Filed August 3, 2009, 5:18 p.m.

Final Regulation

REGISTRAR'S NOTICE: The following regulatory action is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 4 c of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation. The Department of Medical Assistance Services will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **12VAC30-141. Family Access to Medical Insurance Security Plan (amending 12VAC30-141-660).**

Statutory Authority: § 32.1-351 of the Code of Virginia.

Effective Date: September 16, 2009.

Agency Contact: Brian McCormick, Regulatory Supervisor, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-8856, FAX (804) 786-1680, or email brian.mccormick@dmas.virginia.gov.

Summary:

This action implements a mandate in § 403 of the Children's Health Insurance Program Reauthorization Act (CHIPRA) of 2009 (P. L. 111-3) that applies certain managed care quality safeguards to the federal State Children's Health Insurance Program. This action allows those children who are assigned to a managed care health insurance plan (MCHIP) in an area where there is only one contracted MCHIP to request reassignment to the traditional fee-for-service delivery and payment system as an alternative.

12VAC30-141-660. Assignment to managed care.

A. Except for children enrolled in the Virginia Birth-Related Neurological Injury Compensation Program established pursuant to Chapter 50 (§ 38.2-5000 et seq.) of Title 38.2 of the Code of Virginia, all eligible enrollees shall be assigned in managed care through the department or the central processing unit (CPU) under contract to DMAS. FAMIS recipients, during the preassignment period to a PCP or MCHIP, shall receive Title XXI benefits via fee-for-service utilizing a FAMIS card issued by DMAS. After assignment to a PCP or MCHIP, benefits and the delivery of benefits shall be administered specific to the type of managed care program in which the recipient is enrolled. DMAS shall contract with MCHIPs to deliver health care services for infants born to mothers enrolled in FAMIS for the month of birth plus two additional months regardless of the status of the newborn's application for FAMIS. If federal funds are not available for those months of coverage, DMAS shall use state funding only.

1. MCHIPs shall be offered to enrollees in certain areas.
 2. In areas with one contracted MCHIP, all enrollees shall be assigned to that contracted MCHIP.
 3. In areas with multiple contracted MCHIPs or in PCCM areas without contracted MCHIPs, enrollees shall be assigned through a random system algorithm; provided however, all children within the same family shall be assigned to the same MCHIP or primary care provider (PCP), as is applicable.
 4. In areas without contracted MCHIPs, enrollees shall be assigned to the primary care case management program (PCCM) or into the fee-for-service component. All children enrolled in the Virginia Birth-Related Neurological Injury Compensation Program shall be assigned to the fee-for-service component.
 5. Enrolled individuals residing in PCCM areas without contracted MCHIPs or in areas with multiple MCHIPs, will receive a letter indicating that they may select one of the contracted MCHIPs or primary care provider (PCP) in the PCCM program, in each case, which serve such area. Enrollees who do not select an MCHIP/PCP as described above, shall be assigned to an MCHIP/PCP as described in subdivision 3 of this section.
 6. Individuals assigned to an MCHIP or a PCCM who lose and then regain eligibility for FAMIS within 60 days will be re-assigned to their previous MCHIP or PCP.
- B. Following their initial assignment to a MCHIP/PCP, those enrollees shall be restricted to that MCHIP/PCP until their next annual eligibility redetermination, unless appropriately disenrolled by the department.

1. During the first 90 calendar days of managed care assignment, an enrollee may request reassignment for any

reason from that MCHIP/PCP to another MCHIP/PCP serving that geographic area. Such reassignment shall be effective no later than the first day of the second month after the month in which the enrollee requests reassignment.

2. ~~Reassignment is available only in areas with the PCCM program or where multiple MCHIPs exist.~~ If multiple MCHIPs exist, enrollees may only request reassignment to another MCHIP serving that geographic area. In PCCM areas, an enrollee may only request reassignment to another PCP serving that geographic area. In areas with only one MCHIP, enrollees may request reassignment to fee-for-service.

3. After the first 90 calendar days of the assignment period, the enrollee may only be reassigned from one MCHIP/PCP to another MCHIP/PCP or to fee-for-service in areas with only one MCHIP upon determination by DMAS that good cause exists pursuant to subsection C of this section.

C. Disenrollment for good cause may be requested at any time.

1. After the first 90 days of assignment in managed care, enrollees may request disenrollment from DMAS based on good cause. The request must be made in writing to DMAS and cite the reasons why the enrollee wishes to be reassigned. The department shall establish procedures for good cause reassignment through written policy directives.

2. DMAS shall determine whether good cause exists for reassignment.

VA.R. Doc. No. R09-2024; Filed July 24, 2009, 10:37 a.m.

STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

Final Regulation

Title of Regulation: 12VAC35-200. Regulations for Respite and Emergency Care Admission to Mental Retardation Facilities (amending 12VAC35-200-10, 12VAC35-200-20, 12VAC35-200-30).

Statutory Authority: §§ 37.2-203 and 37.2-807 of the Code of Virginia.

Effective Date: September 16, 2009.

Agency Contact: Dawn Traver, Office of Mental Retardation Services, Department of Behavioral Health and Developmental Services, P.O. Box 1797, 1220 Bank Street, Richmond, VA 23218-1797, telephone (757) 253-4316, FAX (757) 253-5440, or email dawn.traver@co.dmhmrsas.virginia.gov.

Summary:

This action revises the statutory references to reflect the recent recodification of Title 37.1 to Title 37.2 of the Code

of Virginia. Changes are made to definitions of "authorized representative," "mental retardation," and several other terms for clarity and consistency with the Code of Virginia and other regulations of the board. The application process and requirements for admissions for respite and emergency services are clarified. The application materials are revised to require a statement from the individual, family member, or authorized representative specifically requesting services in the facility.

Since the publication of the proposed regulation some language and terminology are revised for clarity, consistency with other regulations, and in response to public comments. For example, "case management community services board" is replaced with "community services board" for clarification in response to comments received. The term "intellectual disability" is inserted after "mental retardation" to be consistent with common use in the field and to respond to public comment. None of the revisions substantively change the process or the requirements for respite or emergency care admissions to state training centers.

Summary of Public Comments and Agency's Response: A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

**CHAPTER 200
REGULATIONS FOR [~~RESPIRE AND~~] EMERGENCY
[~~AND RESPIRE~~] CARE ADMISSION TO MENTAL
~~RETARDATION FACILITIES STATE TRAINING~~
CENTERS**

12VAC35-200-10. Definitions.

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

"Applicant" ~~means a person for whom respite care or emergency care services are sought.~~

"Authorized representative" means a person permitted by law or regulations to authorize the disclosure of information or consent to treatment and services, including medical treatment, or for the participation in human research on behalf of an individual who lacks the mental capacity to make these decisions.

["~~Case management community services board~~] (CSB) ["~~or CSB~~" means a citizens board established pursuant to] § 37.1-195 [~~§ 37.2-501~~ of the Code of Virginia that serves the area in which an adult resides or in which a minor's parent, guardian or] legally [authorized representative resides.] The case management CSB is responsible for case management, liaison with the facility when an individual is admitted to a state training center, and predischarge planning.

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If an individual, or the parents, guardian or legally authorized representative on behalf of an individual, chooses to reside in a different locality after discharge from the facility, the community services board serving that locality becomes the case management CSB and works with the original case management CSB, the individual receiving services and the state facility to effect a smooth transition and discharge. [For the purpose of these regulations, CSB also includes a behavioral health authority established pursuant to § 37.2-602 of the Code of Virginia.]

"Catastrophe" means an unexpected or imminent change in an individual's living situation or environment that poses a risk of serious physical or emotional harm to that individual.

"Commissioner" means the Commissioner of the Department of [Mental Health, Mental Retardation and Substance Abuse Behavioral Health and Developmental] Services.

["Community services board" or "CSB" means a public body established pursuant to § 37.2-501 of the Code of Virginia. For the purpose of these regulations, CSB also includes a behavioral health authority established pursuant to § 37.2-602 of the Code of Virginia.]

"Discharge plan" or "~~pre~~discharge plan" means a written plan prepared by the [ease management] CSB [providing case management.] in consultation with the [state facility training center] pursuant to ~~§ 37.1-197.1~~ [§ 37.2-505 §§ 37.2-505 and 37.2-837] of the Code of Virginia. This plan is prepared when the individual is admitted to the [facility training center] and documents the [planning for] services [after to be provided upon] discharge.

"Emergency ~~care~~ admission" means the temporary [placement acceptance] of an individual with mental retardation [in (intellectual disability) into] a [facility training center] when immediate care is necessary ~~due to a catastrophe~~ and no other community alternatives are available. ~~The total number of days that emergency or respite care services, or both, are used shall not exceed 21 consecutive days or 75 days in a calendar year. This emergency care is not intended as a means of providing evaluation and program development services, nor is it intended to be used to obtain treatment of medical or behavioral problems.~~

["Facility" means a state training center for individuals with mental retardation under the supervision and management of the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services.]

"Guardianship Guardian" means:

1. For minors -- ~~An~~ an adult who is either appointed by the court as a legal guardian of ~~said~~ a minor or exercises the rights and responsibilities of legal custody by delegation

from a biological or adoptive parent upon provisional adoption or otherwise by operation of law.

2. For adults -- a person appointed by the court who is responsible for the personal affairs of an incapacitated adult under the order of appointment. The responsibilities may include making decisions regarding the individual's support, care, health, safety, habilitation, education and therapeutic treatment. Refer to definition of "incapacitated person" at ~~§ 37.1-134.6~~ § 37.2-1000 of the Code of Virginia.

"Individual" means a person for whom respite or emergency services are sought.

"Least Less restrictive setting" means the treatment and conditions of treatment that, separately or in combination, are service location that is no more intrusive or restrictive of freedom than reasonably necessary to achieve a substantial therapeutic benefit and protection from harm (to self and others) based on an individual's needs.

"Legally authorized representative" means a person permitted by law or regulations to give informed consent for disclosure of information and give informed consent to treatment including medical treatment on behalf of an individual who lacks the mental capacity to make these decisions.

"Mental retardation ["(intellectual disability)"] means the substantial subaverage general intellectual functioning that originates during the developmental period and is associated with impairment in adaptive behavior a disability, originating before the age of 18 years, characterized concurrently by (i) significantly subaverage intellectual functioning as demonstrated by performance on a standardized measure of intellectual functioning, administered in conformity with accepted professional practice, that is at least two standard deviations below the mean; and (ii) significant limitations in adaptive behavior as expressed in conceptual, social, and practical adaptive skills.

"Respite [care]" means the placement of an individual with mental retardation in a state facility when placement is solely for the purpose of providing [temporary care and support to an individual with mental retardation because of medical or other urgent conditions of the] caretaking [person providing care.] The total number of days that respite or emergency care services, or both, are used is not to exceed 21 consecutive days or 75 days in a calendar year. Respite care services are not intended as a means of providing evaluations and program development services, nor are they intended to be used to obtain treatment of medical or behavioral problems or both. [care provided to an individual with mental retardation (intellectual disability) on a short-term basis because of the emergency absence of or need to provide routine or periodic relief of the primary caregiver for the individual. Services are specifically designed to provide

temporary, substitute care for that which is normally provided by the primary caregiver.

"Training center" means a facility operated by the Department of Behavioral Health and Developmental Services for the treatment, training, or habilitation of persons with mental retardation (intellectual disability).]

12VAC35-200-20. Respite [care] admission.

A. Applications for respite [care] in [~~state facilities training centers~~] shall be processed through the [~~ease management~~] CSB [~~providing case management~~]. A parent, guardian, or ~~legally~~ authorized representative seeking respite [care ~~services~~] for an individual with mental retardation [(intellectual disability)] shall apply first to the CSB that serves the area where the ~~applicant individual~~, or if a minor, his parent, ~~or guardian, or legally authorized representative~~ is currently residing. If the ~~ease management~~ CSB determines that respite [care ~~services~~] for the ~~applicant individual~~ [~~are is~~] not available in the community, it shall forward an application to the [~~facility training center~~] serving individuals with mental retardation [(intellectual disability)] from that geographic section of the state in which the ~~applicant individual~~ or his parent, ~~or guardian, or legally authorized representative~~ is currently residing.

The application shall include:

1. An application for services;
2. A medical history indicating the presence of any current medical problems as well as the presence of any known communicable disease. In all cases, the application shall include any currently prescribed medications as well as any known medication allergies;
3. A social history and current status;
4. A psychological evaluation that ~~has been performed in the past three years unless the facility director or designee determines that sufficient information as to the applicant's abilities and needs is included in other reports received reflects the individual's current functioning;~~
5. A current individualized education plan for school aged ~~applicants individuals~~ unless the [~~facility training center~~] director or designee determines that sufficient information as to the ~~applicant's individual's~~ abilities and needs is included in other reports received;
6. A vocational assessment for ~~adult applicants adults~~ unless the [~~facility training center~~] director or designee determines that sufficient information as to the ~~applicant's individual's~~ abilities and needs is included in other reports received;
7. A statement from the ~~ease management~~ CSB that respite [care ~~services is not available in the community~~] for the ~~applicant individual~~ [~~are not available in the community~~]; and

8. A statement from the ~~ease management~~ CSB that the appropriate arrangements ~~will be~~ are being made to return the individual to the CSB within the time frame required under this regulation; and

9. A statement from the individual, a family member, or authorized representative specifically requesting services in the [~~facility training center~~].

B. Determination of eligibility for respite [care] services shall be based upon the following criteria:

1. The ~~applicant individual~~ has a ~~primary~~ diagnosis of mental retardation [(intellectual disability)] and ~~functions on a level that~~ meets the [~~facility's training center's~~] regular admission criteria;
2. The ~~applicant's individual's~~ needs for ~~care and supervision~~ are such that, in the event of a need for temporary care, respite [care ~~services~~] would not be available in a less restrictive setting; and
3. The [~~facility training center~~] has appropriate resources to meet the ~~care and supervision~~ needs of the ~~applicant individual~~.

~~Within a reasonable time of the receipt of the completed application~~ By the end of the next working day following receipt of a complete application package, the [~~facility training center~~] director, or ~~his~~ designee, shall provide written notice of his decision to the ~~ease management~~ CSB. This notice shall state the reasons for the decision.

If it is determined that the ~~applicant individual~~ is not eligible for respite [care], the person seeking respite [care ~~services~~] may ask for reconsideration of the decision by submitting a written request for such reconsideration to the commissioner. Upon receipt of such request, the commissioner ~~or designee~~ shall notify the [~~facility training center~~] director and the [~~facility training center~~] director shall forward the application packet and related information to the commissioner ~~or designee~~ within 48 hours. The commissioner ~~or designee~~ shall ~~also~~ provide an opportunity for the person seeking respite [care ~~services~~] to submit for consideration any additional information or reasons as to why the admission should be approved. The commissioner shall render a written decision on the request for reconsideration within 10 days of the receipt of such request and notify all involved parties. The commissioner's decision shall be binding.

C. Respite [care] ~~is~~ shall be provided in [~~state facilities training centers~~] under the following conditions:

1. The length of the respite [care] stay at the [~~facility training center~~] shall not exceed ~~21 consecutive days or a total of 75 days in a calendar year~~ the limits [defined established] in § 37.2-807 of the Code of Virginia;
2. Information on file at the facility is current;

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~~3. 2.~~ Space and adequate staff coverage are available on a [~~unit~~ residential living area] with an appropriate peer group for the applicant individual and suitable resources to meet his ~~care and supervision~~ needs; and

~~4. 3.~~ [A physical examination performed by the facility's health service personnel at the time of the respite care admission has determined that the applicant's individual's health care needs can be met by the facility's resources during the scheduled respite care stay The training center has resources to meet the individual's health care needs during the scheduled respite stay as determined by a physical examination performed by the training center's health service personnel at the time of the respite admission].

If for any reason a person admitted for respite [care services] is not discharged at the agreed upon time, the ~~ease management~~ CSB shall develop a an updated discharge plan as provided in §§ ~~37.1-98 and 37.1-197.1~~ §§ 37.2-505 and 37.2-837 of the Code of Virginia.

Respite ~~care~~ shall not be used as a mechanism to circumvent the [~~standard voluntary~~] admissions procedures as provided in § ~~37.1-65.1~~ § 37.2-806 of the Code of Virginia. [~~No person who is admitted to a training center~~] in response to [~~under the provisions of this chapter shall, during the time of such respite~~] care [admission, be eligible for admission to any training center] in response to § ~~37.1-65.1~~ [~~under § 37.2-806 of the Code of Virginia.~~]

12VAC35-200-30. Emergency care admission.

A. In the event of a catastrophe change in an individual's circumstances necessitating immediate, short-term care for an individual with mental retardation [(intellectual disability)], [~~emergency care admission may be requested by~~] a parent, guardian, or legally authorized representative [may request emergency admission] by calling the ~~ease management~~ CSB [serving the area where the individual, or in the case of a minor, his parent or guardian resides]. [~~If~~ Under these circumstances if] the ~~ease management~~ CSB determines that [respite] care services for the applicant individual are not available in the community, it may request an emergency admission to the [facility training center] serving that geographic area [~~in which the~~] applicant [~~individual, or in case of a minor, his parent, or guardian~~], or legally authorized representative [resides].

The ~~ease management~~ CSB shall make every effort to obtain the same case information required for respite ~~care~~ admissions, as described in 12VAC35-200-20 A, before [assuming the training center assumes] responsibility for the care of the individual in need of emergency services. However, if the information is not available, this requirement may temporarily be waived if, and only if, arrangements have been made for receipt of the required information within 48 hours of the emergency ~~care~~ admission.

B. Acceptance for emergency ~~care admissions~~ admission shall be based upon the following criteria:

1. A catastrophe change in the individual's circumstances has occurred requiring immediate alternate arrangements to protect the individual's health and safety;

2. The individual has a primary diagnosis of mental retardation [(intellectual disability)] and functions on a level that meets the [facility's training center's] regular admissions criteria;

3. All other alternate care resources in the community have been explored and found to be unavailable;

4. Space is available on a [~~unit~~ residential living area] with appropriate resources to meet the individual's ~~care and supervision~~ needs;

5. The [facility's training center's] health services personnel have determined that the individual's health care needs can be met by the [facility's training center's] resources; and

6. The length of the emergency ~~care~~ stay at the [facility will training center shall] not exceed 21 consecutive days or a total of 75 days in a calendar year the limits [defined established] in § 37.2-807 of the Code of Virginia.

C. Within 24 hours of receiving a request for emergency ~~care~~ admission, the [facility training center] director, or his designee, [will shall] inform the ~~ease management~~ CSB whether the applicant individual is eligible for emergency ~~care~~ admission and whether the [facility training center] is able to provide emergency ~~care~~ services.

If the [facility training center] is able to provide emergency ~~care~~ services, arrangements shall be made to effect the admission as soon as possible.

If the [facility training center] is unable to provide emergency ~~care~~ services to an eligible applicant individual, the [facility training center] director or designee shall provide written notice of this determination to the ~~ease management~~ CSB and may offer [in consultation with department staff] to try to obtain emergency ~~care~~ services from another appropriate facility.

If for any reason a person admitted to a [facility training center] for emergency ~~care~~ services is not discharged at the agreed upon time, the ~~ease management~~ CSB shall develop a discharge plan as provided in §§ ~~37.1-98 and 37.1-197.1~~ §§ 37.2-505 and 37.2-837 of the Code of Virginia.

VA.R. Doc. No. R07-134; Filed July 17, 2009, 3:28 p.m.



TITLE 15. JUDICIAL

VIRGINIA STATE BAR

Final Regulation

REGISTRAR'S NOTICE: The Virginia State Bar is exempt from the Administrative Process Act in accordance with § 2.2-4002 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.

Title of Regulation: 15VAC5-80. Regulations Under the Virginia Consumer Real Estate Settlement Protection Act (amending 15VAC5-80-20, 15VAC5-80-30, 15VAC5-80-40).

Statutory Authority: § 6.1-2.25 of the Code of Virginia.

Effective Date: July 31, 2009.

Agency Contact: Mary Yancey Spencer, Deputy Executive Director, Virginia State Bar, 707 East Main Street, Richmond, VA 23219, telephone (804) 775-0575 or email spencer@vsb.org.

Summary:

The amendments delete nonattorney settlement agents from those required to register with the Virginia State Bar. This conforms the regulations to Chapter 256 of the 2009 Acts of Assembly, which shifted the responsibility to register nonattorney settlement agents to the appropriate licensing agencies.

15VAC5-80-20. Definitions.

The following words and terms when used in this chapter shall have the following meanings; unless the context clearly indicates otherwise.

"Attorney" means a person licensed as an attorney under Chapter 39 (§ 54.1-3900 et seq.) of Title 54.1 of the Code of Virginia and who is an active member of the Virginia State Bar in good standing under the Rules of the Virginia Supreme Court.

"Bar" means the Virginia State Bar.

"Board" means the Virginia Real Estate Board.

"CRESPA" means the Virginia Consumer Real Estate Settlement Protection Act (§ 6.1-2.19 et seq. of the Code of Virginia). Unless otherwise defined herein, all terms in these regulations shall have the meanings set forth in CRESPA.

"Disciplinary board" means the Virginia State Bar Disciplinary Board.

~~"Financial institution" has the meaning set forth in § 6.1-2.1 of the Code of Virginia.~~

"First dollar coverage" means an insurance policy which obligates the company issuing the policy to pay covered claims in their entirety, up to the policy limits, regardless of the presence of a deductible amount to which the company may be entitled as a reimbursement from the insured.

"SCC" means the Virginia State Corporation Commission.

~~"These regulations" means 15VAC5-80-10 et seq., Regulations under the Virginia Consumer Real Estate Settlement Protection Act.~~

15VAC5-80-30. Registration; reregistration; required fee.

~~Every licensed attorney, title insurance company, title insurance agent or real estate broker, as well as every financial institution authorized to do business in Virginia under any of the provisions of Title 6.1 of the Code of Virginia, or under federal law, and every subsidiary or affiliate of any such financial institution, now providing or offering, or intending to provide or offer, escrow, closing or settlement services as a settlement agent with respect to real estate transactions in Virginia shall register with the Bar on or before September 29, 1997, using the registration form available from the Bar for that purpose. Settlement agents beginning to provide or offer such services after July 1, 1997, shall register with the Bar prior to doing so. The registration requirement in this paragraph shall not apply to attorney settlement agents unless they provide or offer to provide escrow, settlement, and closing services for real estate subject to CRESPA, i.e., real estate containing not more than four residential dwelling units. Thus, for example, attorneys who handle only commercial real estate transactions are not subject to these regulations.~~

Every settlement agent shall thereafter reregister after notice on a schedule established by the Bar, providing updated registration information. Every settlement agent shall have a continuing duty to advise the Bar of any change in name, address, or other pertinent registration data that occurs between registrations.

The fee for each registration and reregistration shall be \$35 for an individual attorney settlement agent and \$100 for a settlement agent which is a corporation or other legal entity authorized to register in that capacity. The Bar reserves the right to adjust the fee as necessary within the statutory limit of \$100. The prescribed fee shall accompany each registration or reregistration in the form of a check made payable to the Treasurer of Virginia.

Registration is subject to revocation or suspension if the Bar or other appropriate licensing authority finds the settlement agent out of compliance with CRESPA or regulations issued thereunder.

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15VAC5-80-40. Unauthorized practice of law guidelines; investigation of complaints.

The Bar will issue guidelines under CRESPA and in consultation with the SCC and the board to assist settlement agents in avoiding and preventing the unauthorized practice of law in connection with the furnishing of escrow, closing, or settlement services. In conformity with CRESPA, the rules of the Virginia Supreme Court and the Bar's UPL opinions, these guidelines will delineate activities which can and cannot be carried out by registered nonattorney settlement agents in conducting settlements. The guidelines will be revised from time to time as necessary.

~~A copy of the~~ The guidelines will be available on the Bar's website and provided by the Bar appropriate licensing authority to each registered settlement agent at the time of initial registration and at each reregistration. The guidelines will also be published by the Bar in the Virginia Lawyer Register and furnished to the SCC, the board, and all other state and federal agencies that regulate financial institutions, as well as to members of the general public upon request. The guidelines may be photocopied as necessary.

The Bar will continue to receive and investigate unauthorized practice of law complaints in the real estate settlement area, as well as in other fields, under its unauthorized practice of law rules and procedures.

If the Bar receives complaints against nonattorney settlement agents that do not allege the unauthorized practice of law, it will refer the complaints to the appropriate licensing authority that has jurisdiction over the subject of the complaint. If the complaint involves an attorney settlement agent's noncompliance with 15VAC5-80-30, the Bar will conduct an informal investigation. If the Bar believes a violation has occurred, it will notify the attorney settlement agent in writing. If the apparent violation is not rectified within 30 days, the Bar will ~~refer the matter to the appropriate licensing authority for further enforcement action~~ investigate the alleged violations pursuant to 15VAC5-80-50 D.

NOTICE: The forms used in administering the above regulation are not being published; however, the name of each form is listed below. The forms are available for public inspection by contacting the agency contact for this regulation, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS (15VAC5-80)

~~Settlement Agent Official Registration Form for a Corporation or Other Legal Entity (eff. 4/97).~~

~~Settlement Agent Official Registration Form for an Individual Attorney, Broker or Title Agent (eff. 1/98) (rev. 7/09).~~

~~Settlement Agent Official Re-Registration Reregistration Form for an Individual Attorney, Broker or Title Agent (eff. 2/98) (rev. 7/09).~~

~~Virginia Attorney Real Estate Settlement Agent Financial Responsibility Certification (eff. 2/98) (rev. 5/08).~~

~~Bond for Attorney Settlement Agents (eff. 5/97) Agent - Principal as Individual (rev. 7/09).~~

~~Bond for Attorney Settlement Agent - Principal as Law Firm (rev. 7/09).~~

~~Settlement Agent Official Renewal Form for Corporation or Other Entity.~~

VA.R. Doc. No. R09-1635; Filed July 31, 2009, 4:23 p.m.

TITLE 16. LABOR AND EMPLOYMENT

SAFETY AND HEALTH CODES BOARD

Final Regulation

Titles of Regulations: **16VAC25-90. Federal Identical General Industry Standards (29 CFR Part 1910) (repealing 16VAC25-90-1910.269 (p)(1)(ii)).**

16VAC25-97. Reverse Signal Operation Safety Requirements for Motor Vehicles, Machinery and Equipment in General Industry and the Construction Industry (adding 16VAC25-97-10 through 16VAC25-97-50).

16VAC25-175. Federal Identical Construction Industry Standards (29 CFR Part 1926) (repealing 16VAC25-175-1926.601 (b)(4), 16VAC25-175-602 (a)(9)(ii), 16VAC25-175-1926.952 (a)(3)).

Statutory Authority: § 40.1-22 of the Code of Virginia.

Effective Date: September 18, 2009.

Agency Contact: John Crisanti, Planning and Evaluation Manager, Department of Labor and Industry, Powers Taylor Building, 13 South 13th Street, Richmond, VA 23219, telephone (804) 786-4300, FAX (804) 786-8418, or email john.crisanti@doli.virginia.gov.

Summary:

This regulatory action repeals the back-up alarm requirements in the current regulations at 1910.269(p)(1)(ii), 1926.601(b)(4), 1926.602(a)(9)(ii), and 1926.952(a)(3) and establishes a new, comprehensive regulation, 16VAC25-97. 16VAC25-97 prohibits construction and general industry vehicles, machinery, and equipment (hereafter referred to as covered vehicles) from being operated in reverse unless the vehicle has a reverse signal alarm audible above the surrounding noise level,

and either the vehicle is backed up only when a designated observer or ground guide signals that it is safe to do so or, before operating the covered vehicle in reverse, the driver visually determines that no employee is in the path of the covered vehicle. Work procedures and training requirements are provided for designated observers/ground guides and drivers/operators of covered equipment.

Summary of Public Comments and Agency's Response: A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

16VAC25-90-1910.269. Electric power generation, transmission, and distribution.

* * *

(p) Mechanical equipment – (1) General requirements.

* * *

~~(ii) No vehicular equipment having an obstructed view to the rear may be operated on off highway jobsites where any employee is exposed to the hazards created by the moving vehicle, unless:~~

~~(A) The vehicle has a reverse signal alarm audible above the surrounding noise level, or~~

~~(B) The vehicle is backed up only when a designated employee signals that it is safe to do so.~~

* * *

CHAPTER 97
REVERSE SIGNAL OPERATION SAFETY
REQUIREMENTS FOR MOTOR VEHICLES,
MACHINERY AND EQUIPMENT IN GENERAL
INDUSTRY AND THE CONSTRUCTION INDUSTRY

16VAC25-97-10. Applicability.

This chapter shall apply to all general industry and construction industry vehicles, machinery or equipment capable of [~~traveling~~ operating] in reverse and with an obstructed view to the rear (hereafter referred to as "covered vehicles"), whether intended for operation in off-road work zones or over the road transportation or hauling.

16VAC25-97-20. Definitions.

The phrase "obstructed view to the rear" means anything that interferes with the overall view of the operator of the vehicle to the rear of the vehicle at ground level, and includes, but is not limited to, such obstacles as any part of the vehicle (e.g., structural members); its load (e.g., gravel, dirt, machinery parts); its height relative to ground level viewing; damage to windows or side mirrors, etc., used for rearview movement of the vehicle; restricted visibility due to weather

conditions (e.g., heavy fog, heavy snow); or work being done after dark without proper lighting.

16VAC25-97-30. Covered vehicle requirements.

[A.] No employer shall [~~use~~ operate] any covered vehicle [in reverse] unless:

1. The covered vehicle has a reverse signal alarm audible above the surrounding noise level [~~is~~] and

2. [a.] ~~The covered vehicle is [backed-up operated in reverse] only when a designated observer or ground guide signals that it is safe to do so [; or~~

b. Before operating the covered vehicle in reverse, the driver visually determines that no employee is in the path of the covered vehicle.

B. Covered vehicles that were not equipped with a reverse-signal alarm upon manufacture or were not later retrofitted with an alarm are exempt from subdivision A 1 of this section. If the manufacturer of the covered vehicle offered the employer a reverse signal alarm retrofit package at a reasonable and economically feasible cost, and the employer did not have the retrofit package installed, this exemption does not apply.

C. Where immediate correction is not feasible, covered vehicles equipped with a reverse signal alarm that is not operational or is not functioning properly shall be either:

1. Operated in reverse only when a designated observer or ground guide signals that it is safe to do so; or

2. Removed from service until the reverse signal alarm is repaired.

D. Covered vehicles with operable video or similar technological capability used by the driver and capable of providing the driver with a full view behind the vehicle are exempt from subdivision A 2 a of this section.

E. To the extent that any federal Department of Transportation (DOT) regulation applies to covered vehicles conflicts with this chapter, the DOT regulation shall take precedence].

16VAC25-97-40. Responsibilities while engaged in [~~signaling reverse signal operation~~] activities.

A. While [~~engaged in signaling activities,~~ an employee is functioning as] the designated observer/ground guide [during reverse signaling activities (e.g., collecting tickets from drivers, giving verbal instructions to drivers, signaling to drivers once reverse operation of the covered vehicle has begun), the designated observer/ground guide] shall:

[~~1. Have no other assigned duties;~~

2. 1.] Not engage in any [~~other~~] activities [~~unrelated to back-up operations~~] other than those related to the covered vehicle being signaled;

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~~[3. 2.] Not use personal cellular phones, personal head phones, or similar items that could pose a distraction for the designated observer/ground guide;~~

~~[4. 3.] Be provided with and wear during daytime operations a safety vest or jacket in orange, yellow, strong yellow green, or fluorescent versions of these colors [; reflective warning garments]; [and~~

~~5. 4.] Be provided with and wear during nighttime operations a safety vest or jacket with retroreflective material in orange, yellow, white, silver, strong yellow green, or a fluorescent version of these colors and shall be visible at a minimum distance of 1,000 feet [;~~

~~5. Not cross behind in close proximity to a covered vehicle while it is operating in reverse;~~

~~6. Always maintain visual contact with the driver of the covered vehicle while it is operating in reverse; and~~

~~7. Maintain a safe working distance from the covered vehicle];~~

~~B. [No When using a designated observer/ground guide, no] driver of a covered vehicle shall [travel operate] in reverse unless they maintain constant visual contact with the designated observer/ground guide. If visual contact is lost, the driver shall immediately stop the vehicle until visual contact is regained and a positive indication is received from the designated observer/ground guide to restart [back-up reverse] operations.~~

~~[C. Except as provided for in subsections A and B of this section, employees shall not enter or cross the path in close proximity to a covered vehicle while it is operating in reverse.]~~

16VAC25-97-50. Training.

~~A. Prior to permitting an employee to engage in any covered activity under this chapter, the employer shall ensure that each driver of a covered vehicle and each designated observer/ground guide is trained in the requirements of this chapter.~~

~~B. Refresher training shall be provided by the employer for any driver of a covered vehicle or any designated observer/ground guide when the driver or designated observer/ground guide has:~~

~~1. Been observed to violate the requirements of this chapter;~~

~~2. Been involved in an accident or near miss accident; or~~

~~3. Received an evaluation that reveals that the driver or designated [signaler observer/ground guide] is not operating under this chapter in a safe manner.~~

[16VAC25-97-60. Exemptions.

~~A. Covered vehicles with video or similar technological capability to provide the driver with a full view behind the vehicle are exempt from subdivision 2 of 16VAC25-97-30.~~

~~B. Covered vehicles are exempt from subdivision 2 of 16VAC25-97-30 if the driver visually determines from outside the vehicle that no employees are in the backing zone and that it is reasonable to expect that no employees will enter the backing zone during reverse operation of the vehicle.~~

~~C. Covered vehicles that were not equipped with a reverse-signal alarm upon manufacture or were not later retrofitted with an alarm are exempt from subdivision 1 of 16VAC25-97-30.]~~

[16VAC25-97-70. Applicability of federal regulations.

~~To the extent that any federal Department of Transportation (DOT) regulation applies to covered vehicles conflicts with this chapter, the DOT regulation shall take precedence.]~~

16VAC25-175-1926.601. Motor vehicles.

* * *

(b) General requirements.

* * *

~~(4) No employer shall use any motor vehicle equipment having an obstructed view to the rear unless:~~

~~(i) The vehicle has a reverse signal alarm audible above the surrounding noise level or:~~

~~(ii) The vehicle is backed up only when an observer signals that it is safe to do so.~~

* * *

16VAC25-175-1926.602. Material handling equipment.

(a) Earthmoving equipment; General.

* * *

(9) Audible alarms.

* * *

~~(ii) No employer shall permit earthmoving or compacting equipment which has an obstructed view to the rear to be used in reverse gear unless the equipment has in operation a reverse signal alarm distinguishable from the surrounding noise level or an employee signals that it is safe to do so.~~

* * *

16VAC25-175-1926.952. Mechanical equipment.

(a) General.

* * *

~~(3) No employer shall use any motor vehicle equipment having an obstructed view to the rear unless:~~

~~(i) The vehicle has a reverse signal alarm audible above the surrounding noise level or:~~

~~(ii) The vehicle is backed up only when an observer signals that it is safe to do so.~~

* * *

VA.R. Doc. No. R06-314; Filed July 29, 2009, 10:31 a.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF VETERINARY MEDICINE

Final Regulation

REGISTRAR'S NOTICE: The Board of Veterinary Medicine is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4006 A 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Board of Veterinary Medicine will receive, consider and respond to petitions from any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 18VAC150-20. Regulations Governing the Practice of Veterinary Medicine (amending 18VAC150-20-30).

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

Effective Date: September 16, 2009.

Agency Contact: Elizabeth Carter, Executive Director, Board of Veterinary Medicine, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 662-4426, FAX (804) 527-4471, or email elizabeth.carter@dhp.virginia.gov.

Summary:

In compliance with Chapter 687 of the 2009 Acts of Assembly, the Board of Veterinary Medicine has amended its regulations relating to the responsibility of the licensee or registrant to provide current addresses. Every licensee and registrant is required to provide an address of record for use by the board, and is permitted to provide a second address to be used as the public address. If a second address is not provided, the address of record becomes the public address. Regulations are amended to use the statutory terminology of address of record and to clarify that the regulant has a responsibility to notify the board within 30 days if there is a change in the address of record or the public address, if different from the address of record.

18VAC150-20-30. Posting of licenses; accuracy of address.

A. All licenses, registrations and permits issued by the board shall be posted in a place conspicuous to the public at the establishment where veterinary services are being provided or available for inspection at the location where an equine dental technician is working.

B. It shall be the duty and responsibility of each licensee, registrant and holder of a registration permit to operate a veterinary establishment to keep the board apprised at all times of his current address of record and the public address, if different from the address of record. All notices required by law or by this chapter to be mailed to any veterinarian, certified veterinary technician, registered equine dental technician or holder of a permit to operate a veterinary establishment, shall be validly given when mailed to the address of record furnished to the board pursuant to this regulation. All address changes shall be furnished to the board within 30 days of such change.

VA.R. Doc. No. R09-2025; Filed July 29, 2009, 12:06 p.m.

TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS

STATE CORPORATION COMMISSION

Proposed Regulation

REGISTRAR'S NOTICE: The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 2.2-4002 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.

Title of Regulation: 20VAC5-316. Regulations Governing Exemptions for Large General Services Customers Under § 56-585.1 A 5 c of the Code of Virginia (adding 20VAC5-316-10 through 20VAC5-316-40).

Statutory Authority: §§ 12.1-13 and 56-585.1 of the Code of Virginia.

Public Hearing Information: A public hearing will be held upon request.

Public Comments: Public comments may be submitted until 5 p.m. on September 3, 2009.

Agency Contact: Cody Walker, Assistant Director, State Corporation Commission, P.O. Box 1197, Richmond, VA 23218, telephone (804) 371-9611, FAX (804) 371-9350, or email cody.walker@scc.virginia.gov.

Regulations

Background:

The State Corporation Commission has initiated a commission rulemaking required by Chapter 824 of the 2009 Acts of Assembly. Chapter 824 authorizes Virginia's electric utilities to seek rate adjustment clause treatment of the "projected and actual costs...to design, implement and operate energy efficiency programs, including a margin to be recovered on operating expenses. . . ." § 56-585.1 A 5 c of the Code of Virginia. However, Chapter 824 prohibits electric utilities from recovering the costs of these energy efficiency programs from any customer that has a verifiable history of having used more than 10 megawatts of demand from a single meter of delivery. Additionally, the legislation prohibits program cost recovery from any large general service customer that has, at its own expense, implemented energy efficiency programs that have produced or will produce measured and verified results consistent with industry standards and other regulatory criteria stated in § 56-585.1 A 5 c of the Code of Virginia. For purposes of this legislation, large general service customers are customers that have a verifiable history of having used more than 500 kilowatts of demand from a single meter of delivery. Chapter 824 further directs the commission to promulgate rules and regulations not later than November 15, 2009, "to accommodate the process under which such large general service customers shall file notice for such an exemption, and (i) establish the administrative procedures by which eligible customers will notify the utility and (ii) define the standard criteria that must be satisfied by an applicant in order to notify the utility." § 56-585.1 A 5 c of the Code of Virginia. The commission's staff has prepared proposed rules implementing the exemption process outlined above (proposed rules).

Summary:

The proposed rules set forth (i) administrative procedures for notices of nonparticipation to be provided by large general service customers to electric utilities, (ii) standard criteria for such notices of nonparticipation, and (iii) dispute resolution procedures governing all disputes arising out of the exemption process. The proposed rules add a new Chapter 316 (20VAC5-316) within Title 20 of the Virginia Administrative Code.

AT RICHMOND, JULY 28, 2009

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. PUE-2009-00071

Ex Parte: In the matter of establishing rules of the State Corporation Commission

governing exemptions for Large General Service Customers under § 56-585.1 A 5 c of the Code of Virginia

ORDER FOR NOTICE AND COMMENT

This Order initiates a rulemaking required by HB 2506 as enacted by the 2009 Session of the Virginia General Assembly (Chapter 824 of the 2009 Acts of Assembly). HB 2506 authorizes Virginia's electric utilities to seek rate adjustment clause treatment of the "projected and actual costs . . . to design, implement and operate energy efficiency programs, including a margin to be recovered on operating expenses. . . ." Va. Code § 56-585.1 A 5 c. However, the legislation prohibits the utilities from recovering the costs of these programs from "any customer that has a verifiable history of having used more than 10 megawatts of demand from a single meter of delivery." *Id.* Further, this 2009 legislation prohibits program cost recovery from any large general service customer that has, at its own expense, "implemented energy efficiency programs that have produced or will produce measured and verified results consistent with industry standards and other regulatory criteria stated in [§ 56-585.1 A 5 c of the Code]." *Id.* For purposes of this legislation, large general service customers are customers that have "a verifiable history of having used more than 500 kilowatts of demand from a single meter of delivery." *Id.*

HB 2506 also directed the State Corporation Commission ("the Commission") to promulgate rules and regulations not later than November 15, 2009, "to accommodate the process under which such large general service customers shall file notice for such an exemption, and (i) establish the administrative procedures by which eligible customers will notify the utility and (ii) define the standard criteria that must be satisfied by an applicant in order to notify the utility." § 56-585.1 A 5 c of the Code. The legislation also specifies that a "notice of nonparticipation by a large general service customer, to be given by March 1 of a given year, shall be for the duration of the service life of the customer's energy efficiency program." *Id.* HB 2506 further directs that the Commission's implementing regulations will specify the timing as to when the utility must accept and act on any such notice "taking into consideration the utility's integrated resource planning process as well as its administration of energy efficiency programs that are approved for cost recovery by the Commission." *Id.*

Pertinent to this rulemaking, HB 2506 also provides that the Commission "on its own motion may initiate steps necessary to verify such non-participants' achievement of energy efficiency if the Commission has a body of evidence that the non-participant has knowingly misrepresented its energy efficiency achievement." § 56-585.1 A 5 c of the Code. Finally, the Virginia General Assembly directs in HB 2506 that "[I]n all relevant proceedings pursuant to this section, the Commission shall take into consideration, the goals of

economic development, energy efficiency and environmental protection in the Commonwealth." Id.

The Commission's Staff ("Staff") has prepared proposed rules implementing the exemption process outlined above ("Proposed Rules"). The Proposed Rules, *inter alia*, set forth (i) administrative procedures for notices of non-participation to be provided by large general service customers to electric utilities, (ii) standard criteria for such notices of non-participation, and (iii) dispute resolution procedures governing all disputes arising out of the exemption process.¹ The Proposed Rules are appended hereto.

NOW THE COMMISSION, upon consideration of the foregoing, is of the opinion and finds that a rulemaking proceeding should be initiated for the purpose of establishing rules of the Commission governing exemptions for large general service customers under § 56-585.1 A 5 c of the Code of Virginia, all as directed by the Virginia General Assembly in HB 2506 enacted in its 2009 Session. Accordingly, we will direct that notice of the Proposed Rules be given to the public and that interested persons be provided an opportunity to file written comments on, propose modifications or supplements to, or request a hearing on these Proposed Rules.

Accordingly, IT IS ORDERED THAT:

(1) This matter is docketed and assigned Case No. PUE-2009-00071.

(2) The Commission's Division of Information Resources shall forward a copy of this Order to the Registrar of Regulation for publication in the Virginia Register.

(3) On or before August 14, 2009, the Commission's Division of Information Resources shall publish the following notice as classified advertising in newspapers of general circulation throughout the Commonwealth of Virginia.

NOTICE TO THE PUBLIC OF A PROCEEDING TO
ESTABLISH RULES OF THE STATE CORPORATION
COMMISSION GOVERNING EXEMPTIONS FOR
LARGE GENERAL SERVICE CUSTOMERS UNDER
§ 56-585.1 A 5 c OF THE CODE OF VIRGINIA
CASE NO. PUE-2009-00071

The State Corporation Commission ("Commission") has initiated a proceeding in which it proposes to establish Commission rules governing exemptions for large general service customers under § 56-585.1 A 5 c of the Code of Virginia, all as directed by the Virginia General Assembly in HB 2506 enacted in the General Assembly's 2009 Session.

HB 2506 authorizes Virginia's electric utilities to seek rate recovery from its customers of the projected and actual costs to design, implement and operate energy efficiency programs, including a margin to be recovered on operating expenses. Pertinent to this rulemaking, however, the

legislation bars utility recovery of these costs from any large general service customer that has, at its own expense, implemented certain energy efficiency programs. Large general service customers are customers that have a verifiable history of having used more than 500 kilowatts of demand (but less than 10 megawatts) from a single meter of delivery.

The Virginia General Assembly also directed the Commission in HB 2506 to promulgate rules and regulations not later than November 15, 2009, to accommodate the process under which such large general service customers may file notice for such an exemption, and further to (i) establish the administrative procedures by which eligible customers will notify the utility, and (ii) define the standard criteria that must be satisfied by an applicant in order to notify the utility.

The Commission's Staff has prepared proposed rules implementing the rulemaking directed by HB 2506 ("Proposed Rules"). The Proposed Rules, *inter alia*, set forth (i) administrative procedures for notices of non-participation to be provided by large general service customers to electric utilities, (ii) standard criteria for such notices of non-participation, and (iii) dispute resolution procedures governing all disputes arising out of the exemption process. The Commission has, by Order for Notice and Comment, directed that notice of the Proposed Rules (appended to that Order) be given to the public and that interested persons be provided an opportunity to file written comments on, propose modifications or supplements to, or request a hearing on these Proposed Rules.

Interested persons are encouraged to obtain copies of this Commission Order for Notice and Comment and the Proposed Rules. Copies are available for public inspection at the Commission's Document Control Center, Tyler Building, First Floor, 1300 East Main Street, Richmond, Virginia 23219, Monday through Friday, 8:15 a.m. to 5:00 p.m. Copies may also be downloaded from the Commission's website: <http://www.scc.virginia.gov/case>.

On or before September 3, 2009, any interested person may comment on, or propose modifications or supplements to, or request a hearing on the Proposed Rules by filing an original and fifteen (15) copies of such comments with the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118, making reference in such comments to Case No. PUE-2009-00071. Any request for hearing shall state with specificity why the issues raised in the request for hearing cannot be adequately addressed in written comments. If a sufficient request for hearing is not received, the Commission may consider the matter and enter an order based upon the papers filed in this proceeding. Interested persons desiring to submit comments electronically may do so by following

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the instructions available at the Commission's website:
<http://www.scc.virginia.gov/case>.

All filings in this proceeding shall be directed to the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118, making reference in such comments to Case No. PUE-2009-00071.

STATE CORPORATION COMMISSION

(4) On or before September 3, 2009, any interested person may comment on, propose modifications or supplements to, or request a hearing on the Proposed Rules by filing an original and fifteen (15) copies of such comments with the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118, making reference in such comments to Case No. PUE-2009-00071. Any request for hearing shall state with specificity why the issues raised in the request for hearing cannot be adequately addressed in written comments. If a sufficient request for hearing is not received, the Commission may consider the matter and enter an order based upon the papers filed herein. Interested persons desiring to submit comments electronically may do so by following the instructions available at the Commission's website: <http://www.scc.virginia.gov/case>.

(5) The Commission Staff may file a report with the Clerk of the Commission on or before September 24, 2009, concerning comments submitted to the Commission by interested persons addressing the Proposed Rules.

(6) This matter is continued for further orders of the Commission.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: Pamela J. Walker, Deputy General Counsel, Dominion Virginia Power, Law Department PH-1, P.O. Box 26532, Richmond, Virginia 23261-6532; Barry Thomas, Director of Regulatory Affairs, America Electric Power, Three James Center, Suite 702, 1051 East Cary Street, Richmond, Virginia 23219; Kendrick R. Riggs, Esquire, Stoll Keenon Ogden PLLC, 2000 PNC Plaza, 500 West Jefferson Street, Louisville, Kentucky 40202; Jeffrey P. Trout, Esquire, Allegheny Power, 800 Cabin Hill Road, Greensburg, Pennsylvania 15601; C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, 2nd Floor, Richmond, Virginia 23219; and the Commission's Office of General Counsel and Divisions of Economics and Finance and Energy Regulation.

¹ The Proposed Rules establish a new Chapter 316 in the Virginia Administrative Code, consisting of sections 20 VAC 5-316-10 through 20 VAC 5-316-40.

CHAPTER 316 EXEMPTIONS FOR LARGE GENERAL SERVICES CUSTOMERS UNDER § 56-585.1 A 5 c OF THE CODE OF VIRGINIA

20VAC5-316-10. Applicability and scope.

This chapter is promulgated pursuant to the provisions of § 56-585.1 A 5 c of the Virginia Electric Utility Regulation Act, Chapter 23 (§ 56-576 et seq.) of Title 56 of the Code of Virginia. This chapter is specifically applicable to the large general service customers (customers or customer) of Virginia's electric utilities (utilities or utility) subject to the provisions of § 56-585.1 A 5 c, if the customers have verifiable histories of using more than 500 kilowatts but less than 10 megawatts of demand from a single metering point. Customers are eligible for an exemption from any rate adjustment clause approved for a utility by the State Corporation Commission (commission) pursuant to § 56-585.1 A 5 c of the Code of Virginia, if any customer can demonstrate that it has implemented an energy efficiency program (program), at the customer's expense, that has produced or will produce measured and verified results.

20VAC5-316-20. Administrative procedures for notice to utility.

A. Any customer seeking to establish its exemption from a rate adjustment clause authorized by the commission pursuant to § 56-585.1 A 5 c shall provide a notice of nonparticipation concerning the rate adjustment clause to its utility on or before March 1 of the year in which an exemption is sought. The notice of nonparticipation shall be concurrently filed by the customer with the commission's Division of Energy Regulation.

B. Upon receipt of the notice of nonparticipation, a utility shall, within 60 days thereof, review the same, and shall accept or deny the exemption request. In the event the utility fails to accept or deny the exemption request within that 60-day period, the exemption shall be deemed accepted by the utility. The utility's acceptance or denial of any exemption request shall be concurrently filed by the utility with the commission's Division of Energy Regulation.

20VAC5-316-30. Standard criteria for notice to utility.

A. Each notice of nonparticipation shall identify the customer, the customer's billing address and utility account number, and the location of the specific facility and metering point for which any such exemption is being sought.

B. The notice of nonparticipation shall also contain copies of all receipts and invoices documenting the customer's investment in any program.

C. The notice of nonparticipation shall describe the energy efficiency savings achieved or expected to be achieved from its investment in its program and the specific measures undertaken to achieve those savings.

D. The notice of nonparticipation shall include information concerning any anticipated change in operations that may affect achieved or expected energy efficiency savings, including (i) changes in operating hours or equipment efficiency; (ii) any changes required to comply with new or existing standards, a partial facility closure, a modification of a production shift, or improved quality of maintenance; (iii) the life expectancy of the energy efficiency measures undertaken; and (iv) ongoing maintenance activities necessary to maintain energy efficiency improvements.

E. To qualify for the exemption, each customer shall demonstrate energy efficiency savings equal to or greater than the percentage energy efficiency reductions expected to be achieved by its utility's energy efficiency programs for which the commission has approved a rate adjustment clause pursuant to § 56-585.1 A 5 c of the Code of Virginia.

F. Each notice of nonparticipation shall also include a measurement and verification plan conforming to the protocol set forth in the definition of "measured and verified" as provided in § 56-576 of the Code of Virginia.

20VAC5-316-40. Dispute resolution.

A. Customers and utilities shall seek to resolve all disputes arising out of the exemption process established under this chapter pursuant to the provisions of this section.

B. In the event of any such dispute, either party shall furnish the other a written notice of dispute. The notice shall describe in detail the nature of the dispute. The parties shall make good faith efforts to resolve the dispute informally within 10 business days of the receipt of such notice.

C. If any such dispute has not been resolved within 10 business days following receipt of the notice, either party may seek resolution assistance from the commission's Division of Energy Regulation where such matter will be treated as an informal complaint under the commission's Rules of Practice and Procedure (5VAC5-20).

Alternatively, the parties may, upon mutual agreement, seek resolution through the assistance of a dispute resolution service for the purpose of assisting the parties in (i) resolving the dispute, or (ii) selecting an appropriate dispute resolution method or mechanism (e.g., mediation, settlement judge, early neutral evaluation, or technical expert) to assist the parties in resolving their dispute. In any such dispute resolution proceeding, each party shall conduct all negotiations in good faith and shall be responsible for 1/2 of any charges for such services.

D. If any such dispute remains unresolved following the parties' good faith exercise of the dispute resolution alternatives set forth in this section, either party may file a formal complaint with the commission pursuant to the commission's Rules of Practice and Procedure.

VA.R. Doc. No. R09-2071; Filed July 29, 2009, 10:42 a.m.

TITLE 21. SECURITIES AND RETAIL FRANCHISING

STATE CORPORATION COMMISSION

REGISTRAR'S NOTICE: The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 2.2-4002 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.

Proposed Regulation

Titles of Regulations: **21VAC5-20. Broker-Dealers, Broker-Dealer Agents and Agents of the Issuer (amending 21VAC5-20-160).**

21VAC5-80. Investment Advisors (amending 21VAC5-80-200).

Statutory Authority: §§ 12.1-13 and 13.1-523 of the Code of Virginia.

Public Hearing Information: A public hearing will be held upon request.

Public Comments: Public comments may be submitted until 5 p.m. on August 31, 2009.

Agency Contact: Al Hughes, Registration Chief, State Corporation Commission, Securities Division, Tyler Building, 9th Floor, P.O. Box 1197, Richmond, VA 23218, telephone (804) 371-9415, FAX (804) 371-9911, or email al.hughes@scc.virginia.gov.

Summary:

The proposed amendments (i) change the reference of 21VAC5-80-140 to 21VAC5-80-145 in 21VAC5-80-200 A 15 and B 15; and (ii) add a two-year expiration period from the date of taking the required examination referenced in 21VAC5-20-160 B 4 to qualify as a registered agent of the issuer.

AT RICHMOND, JULY 28, 2009

COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

CASE NO. SEC-2009-00072

Ex Parte: In the matter of
Adopting a Revision to the Rules
Governing the Virginia Securities Act

Regulations

ORDER TO TAKE NOTICE

Section 12.1-13 of the Code of Virginia provides that the State Corporation Commission ("Commission") shall have the power to promulgate rules and regulations in the enforcement and administration of all laws within its jurisdiction. Section 13.1-523 of the Virginia Securities Act ("Act"), § 13.1-501 et seq. of the Code of Virginia, provides that the Commission may issue any rules and regulations necessary or appropriate for the administration and enforcement of the Act.

The rules and regulations issued by the Commission pursuant to the Act are set forth in Title 21 of the Virginia Administrative Code. A copy also may be found at the Commission's website: www.scc.virginia.gov/case.

The Division of Securities and Retail Franchising ("Division") has submitted to the Commission proposed revisions to Chapters 20 and 80 of Title 21 of the Virginia Administrative Code entitled "Rules and Forms Governing Virginia Securities Act" ("Rules").

Proposed amendment to Rule 21 VAC 5-80-200 A 15 and B 15 changes the reference of Rule 21 VAC 5-80-140 to Rule 21 VAC 5-80-145.

Proposed amendment to Rule 21 VAC 5-20-160 B 4 adds a two-year expiration period from the date of taking the required examination referenced in the Rule to qualify as a registered agent of the issuer.

The Division has recommended to the Commission that the proposed revisions should be considered for adoption with a proposed effective date of November 15, 2009. The Division also has recommended to the Commission that a hearing should be held only if requested by those interested parties who specifically indicate that a hearing is necessary and the reasons therefore.

A copy of the proposed revisions may be requested by interested parties from the Division by telephone, mail, or email request and also can be found at the Division's website: www.scc.virginia.gov/srf. Any comments to the proposed rules must be received by August 31, 2009. If a hearing is requested, it will be scheduled on September 29, 2009.

IT IS THEREFORE ORDERED THAT:

- (1) The proposed revisions are appended hereto and made a part of the record herein.
- (2) Comments or requests for hearing on the proposed revisions must be submitted in writing to Joel H. Peck, Clerk of the Commission, c/o Document Control Center, P. O. Box 2118, Richmond, Virginia 23218, on or before August 31, 2009. Requests for hearing shall state why a hearing is necessary and why the issues cannot be adequately addressed in written comments. All correspondence shall contain reference to Case No. SEC-

2009-00072. Interested person desiring to submit comments electronically may do so by following the instructions available at the Commission's website: <http://www.scc.virginia.gov/case>.

(3) If the Commission grants any request for hearing in connection with the proposed amendments to the Rules, it will enter a subsequent order scheduling the hearing on September 29, 2009, and that order will be posted on the Commission's website at <http://www.scc.virginia.gov/case> and on the Division's website at <http://www.scc.virginia.gov/srf>. If no request for hearing is received, the Commission may consider the matter and enter an order based upon the papers filed herein.

(4) On or before September 15, 2009, the Division shall file a response to any comments that are filed in this proceeding and that response will be posted on the Commission's website at <http://www.scc.virginia.gov/case> and on the Division's website at <http://www.scc.virginia.gov/srf>.

(5) The proposed revisions shall be posted on the Commission's website at <http://www.scc.virginia.gov/case> and on the Division's website at <http://www.scc.virginia.gov/srf>. Interested persons may also request a copy of the proposed revisions from the Division by telephone, mail, or email.

AN ATTESTED COPY HEREOF, together with a copy of the proposed revisions, shall be sent to the Registrar of Regulations for publication in the Virginia Register.

AN ATTESTED COPY hereof shall be sent to the Division's Director, who shall forthwith provide notice of this Order via U.S. mail and email to any interested persons as he may designate.

Part III Agents of the Issuer

21VAC5-20-160. Application for registration as an agent of the issuer.

A. Application for registration as an agent of the issuer shall be filed on and in compliance with all requirements and forms prescribed by the commission.

B. An application shall be deemed incomplete for purposes of applying for registration as an agent of the issuer unless the following executed forms, fee and information are submitted:

1. Form U-4.
2. The statutory fee in the amount of \$30. The check must be made payable to the Treasurer of Virginia.
3. Evidence in the form of a NASD exam report of passing:
(i) the Uniform Securities Agent State Law Examination, Series 63; (ii) the Uniform Combined State Law Examination, Series 66, and the General Securities

Representative Examination, Series 7; or (iii) a similar examination in general use by securities administrators which, after reasonable notice and subject to review by the commission, the Director of the Division of Securities and Retail Franchising designates.

~~4. All individuals listed on Part 1 of Form ADV in Schedule A as having supervisory or control of the investment advisor shall take and pass the examinations as required in subdivision 3 of this subsection, and register as a representative of the investment advisor. Any individual who has been registered in any state jurisdiction as an agent within the two-year period immediately preceding the date of the filing of an application shall not be required to comply with the examination requirements of this section.~~

5. Any other information the commission may require.

C. The commission shall either grant or deny each application for registration within 30 days after it is filed. However, if additional time is needed to obtain or verify information regarding the application, the commission may extend such period as much as 90 days by giving written notice to the applicant. No more than three such extensions may be made by the commission on any one application. An extension of the initial 30-day period, not to exceed 90 days, shall be granted upon written request of the applicant.

21VAC5-80-200. Dishonest or unethical practices.

A. An investment advisor or federal covered advisor is a fiduciary and has a duty to act primarily for the benefit of his clients. While the extent and nature of this duty varies according to the nature of the relationship between an investment advisor or federal covered advisor and his clients and the circumstances of each case, an investment advisor or federal covered advisor shall not engage in unethical practices, including the following:

1. Recommending to a client to whom investment supervisory, management or consulting services are provided the purchase, sale or exchange of any security without reasonable grounds to believe that the recommendation is suitable for the client on the basis of information furnished by the client after reasonable inquiry concerning the client's investment objectives, financial situation, risk tolerance and needs, and any other information known or acquired by the investment advisor or federal covered advisor after reasonable examination of the client's financial records.
2. Placing an order to purchase or sell a security for the account of a client without written authority to do so.
3. Placing an order to purchase or sell a security for the account of a client upon instruction of a third party without first having obtained a written third-party authorization from the client.

4. Exercising any discretionary power in placing an order for the purchase or sale of securities for a client without obtaining written discretionary authority from the client within 10 business days after the date of the first transaction placed pursuant to oral discretionary authority, unless the discretionary power relates solely to the price at which, or the time when, an order involving a definite amount of a specified security shall be executed, or both.

5. Inducing trading in a client's account that is excessive in size or frequency in view of the financial resources, investment objectives and character of the account.

6. Borrowing money or securities from a client unless the client is a broker-dealer, an affiliate of the investment advisor or federal covered advisor, or a financial institution engaged in the business of loaning funds or securities.

7. Loaning money to a client unless the investment advisor or federal covered advisor is a financial institution engaged in the business of loaning funds or the client is an affiliate of the investment advisor or federal covered advisor.

8. Misrepresenting to any advisory client, or prospective advisory client, the qualifications of the investment advisor or federal covered advisor, or misrepresenting the nature of the advisory services being offered or fees to be charged for the services, or omission to state a material fact necessary to make the statements made regarding qualifications services or fees, in light of the circumstances under which they are made, not misleading.

9. Providing a report or recommendation to any advisory client prepared by someone other than the investment advisor or federal covered advisor without disclosing that fact. This prohibition does not apply to a situation where the advisor uses published research reports or statistical analyses to render advice or where an advisor orders such a report in the normal course of providing service.

10. Charging a client an unreasonable advisory fee in light of the fees charged by other investment advisors or federal covered advisors providing essentially the same services.

11. Failing to disclose to clients in writing before any advice is rendered any material conflict of interest relating to the investment advisor or federal covered advisor or any of his employees which could reasonably be expected to impair the rendering of unbiased and objective advice including:

- a. Compensation arrangements connected with advisory services to clients which are in addition to compensation from such clients for such services; or
- b. Charging a client an advisory fee for rendering advice when a commission for executing securities transactions pursuant to such advice will be received by the advisor or his employees.

Regulations

12. Guaranteeing a client that a specific result will be achieved as a result of the advice which will be rendered.

13. Directly or indirectly using any advertisement that does any one of the following:

a. Refers to any testimonial of any kind concerning the investment advisor or investment advisor representative or concerning any advice, analysis, report, or other service rendered by the investment advisor or investment advisor representative;

b. Refers to past specific recommendations of the investment advisor or investment advisor representative that were or would have been profitable to any person; except that an investment advisor or investment advisor representative may furnish or offer to furnish a list of all recommendations made by the investment advisor or investment advisor representative within the immediately preceding period of not less than one year if the advertisement or list also includes both of the following:

(1) The name of each security recommended, the date and nature of each recommendation, the market price at that time, the price at which the recommendation was to be acted upon, and the most recently available market price of each security; or

(2) A legend on the first page in prominent print or type that states that the reader should not assume that recommendations made in the future will be profitable or will equal the performance of the securities in the list;

c. Represents that any graph, chart, formula, or other device being offered can be used to determine which securities to buy or sell, or when to buy or sell them; or which represents, directly or indirectly, that any graph, chart, formula, or other device being offered will assist any person in making that person's own decisions as to which securities to buy or sell, or when to buy or sell them, without prominently disclosing in the advertisement the limitations thereof and the risks associated to its use;

d. Represents that any report, analysis, or other service will be furnished for free or without charge, unless the report, analysis, or other service actually is or will be furnished entirely free and without any direct or indirect condition or obligation;

e. Represents that the commission has approved any advertisement; or

f. Contains any untrue statement of a material fact, or that is otherwise false or misleading.

For the purposes of this section, the term "advertisement" includes any notice, circular, letter, or other written communication addressed to more than one person, or any notice or other announcement in any electronic or paper

publication, by radio or television, or by any medium, that offers any one of the following:

(i) Any analysis, report, or publication concerning securities;

(ii) Any analysis, report, or publication that is to be used in making any determination as to when to buy or sell any security or which security to buy or sell;

(iii) Any graph, chart, formula, or other device to be used in making any determination as to when to buy or sell any security, or which security to buy or sell; or

(iv) Any other investment advisory service with regard to securities.

14. Disclosing the identity, affairs, or investments of any client to any third party unless required by law or an order of a court or a regulatory agency to do so, or unless consented to by the client.

15. Taking any action, directly or indirectly, with respect to those securities or funds in which any client has any beneficial interest, where the investment advisor has custody or possession of such securities or funds, when the investment advisor's action is subject to and does not comply with the safekeeping requirements of ~~21VAC5-80-140~~ 21VAC5-80-145.

16. Entering into, extending or renewing any investment advisory contract unless the contract is in writing and discloses, in substance, the services to be provided, the term of the contract, the advisory fee, the formula for computing the fee, the amount of prepaid fee to be returned in the event of contract termination or nonperformance, whether the contract grants discretionary power to the investment advisor or federal covered advisor and that no assignment of such contract shall be made by the investment advisor or federal covered advisor without the consent of the other party to the contract.

17. Failing to clearly and separately disclose to its customer, prior to any security transaction, providing investment advice for compensation or any materially related transaction that the customer's funds or securities will be in the custody of an investment advisor or contracted custodian in a manner that does not provide Securities Investor Protection Corporation protection, or equivalent third-party coverage over the customer's assets.

18. Using a certification or professional designation in connection with the provision of advice as to the value of or the advisability of investing in, purchasing, or selling securities, either directly or indirectly or through publications or writings, or by issuing or promulgating analyses or reports relating to securities that indicates or implies that the user has special certification or training in advising or servicing senior citizens or retirees in such a way as to mislead any person.

a. The use of such certification or professional designation includes, but is not limited to, the following:

(1) Use of a certification or designation by a person who has not actually earned or is otherwise ineligible to use such certification or designation;

(2) Use of a nonexistent or self-conferred certification or professional designation;

(3) Use of a certification or professional designation that indicates or implies a level of occupational qualifications obtained through education, training, or experience that the person using the certification or professional designation does not have; or

(4) Use of a certification or professional designation that was obtained from a designating or certifying organization that:

(a) Is primarily engaged in the business of instruction in sales and/or marketing;

(b) Does not have reasonable standards or procedures for assuring the competency of its designees or certificants;

(c) Does not have reasonable standards or procedures for monitoring and disciplining its designees or certificants for improper or unethical conduct; or

(d) Does not have reasonable continuing education requirements for its designees or certificants in order to maintain the designation or certificate.

b. There is a rebuttable presumption that a designating or certifying organization is not disqualified solely for purposes of subdivision 18 a (4) of this subsection, when the organization has been accredited by:

(1) The American National Standards Institute;

(2) The National Commission for Certifying Agencies; or

(3) An organization that is on the United States Department of Education's list entitled "Accrediting Agencies Recognized for Title IV Purposes" and the designation or credential issued therefrom does not primarily apply to sales and/or marketing.

c. In determining whether a combination of words (or an acronym standing for a combination of words) constitutes a certification or professional designation indicating or implying that a person has special certification or training in advising or servicing senior citizens or retirees, factors to be considered shall include:

(1) Use of one or more words such as "senior," "retirement," "elder," or like words, combined with one or more words such as "certified," "chartered," "adviser," "specialist," "consultant," "planner," or like words, in the name of the certification or professional designation; and

(2) The manner in which those words are combined.

d. For purposes of this section, a certification or professional designation does not include a job title within an organization that is licensed or registered by a state or federal financial services regulatory agency, when that job title:

(1) Indicates seniority within the organization; or

(2) Specifies an individual's area of specialization within the organization.

For purposes of this subdivision d, "financial services regulatory agency" includes, but is not limited to, an agency that regulates broker-dealers, investment advisers, or investment companies as defined under § 3 (a)(1) of the Investment Company Act of 1940 (15 USC § 80a-3(a)(1)).

e. Nothing in this regulation shall limit the commission's authority to enforce existing provisions of the law.

B. An investment advisor representative is a fiduciary and has a duty to act primarily for the benefit of his clients. While the extent and nature of this duty varies according to the nature of the relationship between an investment advisor representative and his clients and the circumstances of each case, an investment advisor representative shall not engage in unethical practices, including the following:

1. Recommending to a client to whom investment supervisory, management or consulting services are provided the purchase, sale or exchange of any security without reasonable grounds to believe that the recommendation is suitable for the client on the basis of information furnished by the client after reasonable inquiry concerning the client's investment objectives, financial situation and needs, and any other information known or acquired by the investment advisor representative after reasonable examination of the client's financial records.

2. Placing an order to purchase or sell a security for the account of a client without written authority to do so.

3. Placing an order to purchase or sell a security for the account of a client upon instruction of a third party without first having obtained a written third-party authorization from the client.

4. Exercising any discretionary power in placing an order for the purchase or sale of securities for a client without obtaining written discretionary authority from the client within 10 business days after the date of the first transaction placed pursuant to oral discretionary authority, unless the discretionary power relates solely to the price at which, or the time when, an order involving a definite amount of a specified security shall be executed, or both.

5. Inducing trading in a client's account that is excessive in size or frequency in view of the financial resources, investment objectives and character of the account.

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6. Borrowing money or securities from a client unless the client is a broker-dealer, an affiliate of the investment advisor representative, or a financial institution engaged in the business of loaning funds or securities.

7. Loaning money to a client unless the investment advisor representative is engaged in the business of loaning funds or the client is an affiliate of the investment advisor representative.

8. Misrepresenting to any advisory client, or prospective advisory client, the qualifications of the investment advisor representative, or misrepresenting the nature of the advisory services being offered or fees to be charged for the services, or omission to state a material fact necessary to make the statements made regarding qualifications, services or fees, in light of the circumstances under which they are made, not misleading.

9. Providing a report or recommendation to any advisory client prepared by someone other than the investment advisor or federal covered advisor who the investment advisor representative is employed by or associated with without disclosing that fact. This prohibition does not apply to a situation where the investment advisor or federal covered advisor uses published research reports or statistical analyses to render advice or where an investment advisor or federal covered advisor orders such a report in the normal course of providing service.

10. Charging a client an unreasonable advisory fee in light of the fees charged by other investment advisor representatives providing essentially the same services.

11. Failing to disclose to clients in writing before any advice is rendered any material conflict of interest relating to the investment advisor representative which could reasonably be expected to impair the rendering of unbiased and objective advice including:

a. Compensation arrangements connected with advisory services to clients which are in addition to compensation from such clients for such services; or

b. Charging a client an advisory fee for rendering advice when a commission for executing securities transactions pursuant to such advice will be received by the investment advisor representative.

12. Guaranteeing a client that a specific result will be achieved as a result of the advice which will be rendered.

13. Publishing, circulating or distributing any advertisement that would not be permitted under Rule 206(4)-1 under the Investment Advisers Act of 1940.

14. Disclosing the identity, affairs, or investments of any client to any third party unless required by law or an order of a court or a regulatory agency to do so, or unless consented to by the client.

15. Taking any action, directly or indirectly, with respect to those securities or funds in which any client has any beneficial interest, where the investment advisor representative other than a person associated with a federal covered advisor has custody or possession of such securities or funds, when the investment advisor representative's action is subject to and does not comply with the safekeeping requirements of ~~21VAC5-80-140~~ 21VAC5-80-145.

16. Entering into, extending or renewing any investment advisory or federal covered advisory contract unless such contract is in writing and discloses, in substance, the services to be provided, the term of the contract, the advisory fee, the formula for computing the fee, the amount of prepaid fee to be returned in the event of contract termination or nonperformance, whether the contract grants discretionary power to the investment advisor representative and that no assignment of such contract shall be made by the investment advisor representative without the consent of the other party to the contract.

17. Failing to clearly and separately disclose to its customer, prior to any security transaction, providing investment advice for compensation or any materially related transaction that the customer's funds or securities will be in the custody of an investment advisor or contracted custodian in a manner that does not provide Securities Investor Protection Corporation protection, or equivalent third-party coverage over the customer's assets.

18. Using a certification or professional designation in connection with the provision of advice as to the value of or the advisability of investing in, purchasing, or selling securities, either directly or indirectly or through publications or writings, or by issuing or promulgating analyses or reports relating to securities that indicates or implies that the user has special certification or training in advising or servicing senior citizens or retirees in such a way as to mislead any person.

a. The use of such certification or professional designation includes, but is not limited to, the following:

(1) Use of a certification or designation by a person who has not actually earned or is otherwise ineligible to use such certification or designation;

(2) Use of a nonexistent or self-conferred certification or professional designation;

(3) Use of a certification or professional designation that indicates or implies a level of occupational qualifications obtained through education, training, or experience that the person using the certification or professional designation does not have; or

(4) Use of a certification or professional designation that was obtained from a designating or certifying organization that:

- (a) Is primarily engaged in the business of instruction in sales and or marketing;
- (b) Does not have reasonable standards or procedures for assuring the competency of its designees or certificants;
- (c) Does not have reasonable standards or procedures for monitoring and disciplining its designees or certificants for improper or unethical conduct; or
- (d) Does not have reasonable continuing education requirements for its designees or certificants in order to maintain the designation or certificate.

b. There is a rebuttable presumption that a designating or certifying organization is not disqualified solely for purposes of subdivision 18 a (4) of this subsection, when the organization has been accredited by:

- (1) The American National Standards Institute;
- (2) The National Commission for Certifying Agencies; or
- (3) An organization that is on the United States Department of Education's list entitled "Accrediting Agencies Recognized for Title IV Purposes" and the designation or credential issued therefrom does not primarily apply to sales and/or marketing.

c. In determining whether a combination of words (or an acronym standing for a combination of words) constitutes a certification or professional designation indicating or implying that a person has special certification or training in advising or servicing senior citizens or retirees, factors to be considered shall include:

- (1) Use of one or more words such as "senior," "retirement," "elder," or like words, combined with one or more words such as "certified," "chartered," "adviser," "specialist," "consultant," "planner," or like words, in the name of the certification or professional designation; and
- (2) The manner in which those words are combined.

d. For purposes of this section, a certification or professional designation does not include a job title within an organization that is licensed or registered by a state or federal financial services regulatory agency, when that job title:

- (1) Indicates seniority within the organization; or
- (2) Specifies an individual's area of specialization within the organization.

For purposes of this subdivision d, "financial services regulatory agency" includes, but is not limited to, an agency that regulates broker-dealers, investment advisers, or investment companies as defined under

§ 3(a)(1) of the Investment Company Act of 1940 (15 USC § 80a-3(a)(1)).

e. Nothing in this regulation shall limit the commission's authority to enforce existing provisions of law.

C. The conduct set forth in subsections A and B of this section is not all inclusive. Engaging in other conduct such as nondisclosure, incomplete disclosure, or deceptive practices may be deemed an unethical business practice except to the extent permitted by the National Securities Markets Improvement Act of 1996 (Pub. L. No. 104-290 (96)).

D. The provisions of this section shall apply to federal covered advisors to the extent that fraud or deceit is involved, or as otherwise permitted by the National Securities Markets Improvement Act of 1996 (Pub. L. No. 104-290 (96)).

VA.R. Doc. No. R09-2050; Filed July 29, 2009, 10:42 a.m.

Proposed Regulation

Title of Regulation: 21VAC5-120. Virginia Trademark and Service Mark Act (amending 21VAC5-120-100).

Statutory Authority: §§ 12.1-13 and 59.1-92.19 of the Code of Virginia.

Public Hearing Information: A public hearing will be scheduled upon request.

Public Comments: Public comments may be submitted until 5 p.m. on August 31, 2009.

Agency Contact: Al Hughes, Registration Chief, Securities Division, State Corporation Commission, Tyler Building, 9th Floor, P.O. Box 1197, Richmond, VA 23218, telephone (804) 371-9415, FAX (804) 371-9911, or email al.hughes@scc.virginia.gov.

Summary:

The proposed amendment modifies the class of services with which a mark can actually be used, to include services for providing food and drink; medical services; veterinary services; hygienic and beauty care services; agricultural, horticulture, and forestry services; legal services; security services for the protection of property and individuals; and personal and social services rendered by others to meet the needs of individuals. Additional minor revisions and updates are also included.

AT RICHMOND, JULY 28, 2009

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. SEC-2009-00067

Ex Parte: In the matter of Adopting a Revision to the Rules Governing the Trademark and Service Mark Act

Regulations

ORDER TO TAKE NOTICE

Section 12.1-13 of the Code of Virginia provides that the State Corporation Commission ("Commission") shall have the power to promulgate rules and regulations in the enforcement and administration of all laws within its jurisdiction. Section 59.1-92.19 of the Virginia Trademark and Service Mark Act ("Act"), § 59.1-92.1 et seq. of the Code of Virginia provides that the Commission may issue any rules and regulations necessary or appropriate for the administration and enforcement of the Act.

The rules and regulations issued by the Commission pursuant to the Act are set forth in Title 21 of the Virginia Administrative Code. A copy also may be found at the Commission's website: www.scc.virginia.gov/case.

The Division of Securities and Retail Franchising ("Division") has submitted to the Commission proposed revisions to Chapter 120 of Title 21 of the Virginia Administrative Code entitled "Rules and Forms Governing Virginia Trademark and Service Mark Act" ("Rules").

Proposed amendment to Rule 21 VAC 5-120-100 modifies the class of services with which a mark can actually be used to include services for providing food and drink, medical services, veterinary services, hygienic and beauty care services, agricultural, horticulture and forestry services, legal services, security services for the protection of property and individuals, and personal and social services rendered by others to meet the needs of individuals.

The Division has recommended to the Commission that the proposed revisions should be considered for adoption with a proposed effective date of November 15, 2009. The Division also has recommended to the Commission that a hearing should be held only if requested by those interested parties who specifically indicate that a hearing is necessary and the reasons therefor.

A copy of the proposed revisions may be requested by interested parties from the Division by telephone, mail, or e-mail request and also can be found at the Division's website: www.scc.virginia.gov/srf. Any comments to the proposed rules must be received by August 31, 2009. If a hearing is requested, the hearing must be scheduled on September 29, 2009.

IT IS THEREFORE ORDERED THAT:

- (1) The proposed revisions are appended hereto and made a part of the record herein.
- (2) Comments or requests for hearing on the proposed revisions must be submitted in writing to Joel H. Peck, Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, on or before August 31, 2009. Requests for hearing shall state why a hearing is necessary and why the issues cannot be adequately addressed in written comments. All

correspondence shall contain reference to Case No. SEC-2009-00067. Interested persons desiring to submit comments electronically may do so by following the instructions available at the Commission's website: <http://www.scc.virginia.gov/case>.

(3) If the Commission grants any request for hearing in connection with the proposed amendments to the Rules, it will enter a subsequent order scheduling the hearing on September 29, 2009, and that order will be posted on the Commission's website at <http://www.scc.virginia.gov/case> and on the Division's website at <http://www.scc.virginia.gov/srf>. If no request for hearing is received, the Commission may consider the matter and enter an order based upon the papers filed herein.

(4) On or before September 15, 2009, the Division shall file a response to any comments that are filed in this proceeding and that response will be posted on the Commission's website at <http://www.scc.virginia.gov/case> and on the Division's website at <http://www.scc.virginia.gov/srf>.

(5) The proposed revisions shall be posted on the Commission's website at <http://www.scc.virginia.gov/case> and on the Division's website at <http://www.scc.virginia.gov/srf>. Interested persons may also request a copy of the proposed revisions from the Division by telephone, mail, or e-mail.

AN ATTESTED COPY HEREOF, together with a copy of the proposed revisions, shall be sent to the Registrar of Regulations for publication in the Virginia Register.

AN ATTESTED COPY hereof shall be sent to the Division's Director, who shall forthwith provide notice of this Order via U.S. mail and e-mail to any interested persons as he may designate.

Part III

Classification of Goods and Services

21VAC5-120-100. Classification of goods and services.

The application for registration or renewal of registration of a mark shall identify the ~~class(es)~~ class or classes of goods or services with which the mark is actually being used. The following classes of goods and services are established for convenience of administration of the Act:

Goods.

1. Chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins; unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; and adhesives used in industry.

2. Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants; mordants; raw natural resins; and metals in foil and powder form for painters, decorators, printers, and artists.
3. Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; and perfumery, essential oils, cosmetics, hair lotions; and dentifrices.
4. Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including motor spirit) and illuminants; and candles; and wicks for lighting.
5. Pharmaceutical; and veterinary and preparations; sanitary preparations for medical purposes; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for stopping teeth, dental wax; and disinfectants; preparations for destroying vermin; and fungicides; and herbicides.
6. Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; nonelectric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; and ores.
7. Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements other than hand operated; and incubators for eggs.
8. Hand tools and implements (hand operated); cutlery; side arms; and razors.
9. Scientific, nautical, surveying, ~~electric~~, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating, or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin operated apparatus; cash registers, calculating machines, data processing equipment and computers; and fire-extinguishing apparatus.
10. Surgical, medical, dental and veterinary apparatus and instruments; artificial limbs, eyes and teeth; orthopedic articles; and suture materials.
11. Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.
12. Vehicles; and apparatus for locomotion by land, air, or water.
13. Firearms; ammunition and projectiles; explosives; and fireworks.
14. Precious metals and their alloys and goods in precious metals or coated ~~therewith~~ in precious metals, not included in other classes; jewelry, precious stones; and horological and chronometric instruments.
15. Musical instruments.
16. Paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; and adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); ~~playing cards~~ plastic materials for packaging (not included in other classes); printer's type; and printing blocks.
17. Rubber, gutta-percha, gum asbestos, mica and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packing, stopping and insulating materials; and flexible pipes not of metal.
18. Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins; hides; trunks and travelling bags; umbrellas, parasols and walking sticks; and whips, harness and saddlery.
19. Building materials (nonmetallic); nonmetallic rigid pipes for building; asphalt, pitch and bitumen; nonmetallic transportable buildings; and monuments, not of metal.
20. Furniture; and mirrors; and picture frames; and goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics.
21. Household or kitchen utensils and containers (~~not of precious metal or coated therewith~~); combs and sponges; brushes (except paint brushes); brush-making materials; articles for cleaning purposes; steelwool; unworked or semiworked glass (except glass used in building); and glassware, porcelain and earthenware not included in other classes.
22. Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes); padding and stuffing materials (except of rubber or plastics); and raw fibrous textile materials.
23. Yarns and ~~thread~~ threads for textile use.
24. Textiles and textile goods, not included in other classes; and bed and table covers.
25. Clothing, footwear, and headgear.
26. Lace and embroidery; ribbons and braid; buttons, hooks and eyes, pins and needles; and artificial flowers.

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27. Carpets, rugs, mats and matting; linoleum and other materials for covering existing floors; and wall hangings (nontextile).

28. Games and playthings; gymnastic and sporting articles not included in other classes; and decorations for Christmas trees.

29. Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, ~~fruit~~ ~~saucers~~ compotes; eggs, milk and milk products; and edible oils and fats.

30. Coffee, tea, cocoa, sugar, rice, tapioca, sago, and artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery; ices; honey; treacle; yeast; baking powder; salt; mustard; vinegar; sauces (condiments); spices; and ice.

31. Agricultural, horticultural and forestry products and grains not included in other classes; live animals; fresh fruits and vegetables; seeds; natural plants and flowers; foodstuffs for animals; and malt.

32. Beer, mineral and aerated waters and other nonalcoholic drinks, fruit drinks and fruit juices; and syrups and other preparations for making beverages.

33. Alcoholic beverages (except beers).

34. Tobacco, ~~smokers~~ smokers' articles; and matches.

Services.

35. Advertising; business management; business administration; and office functions.

36. Insurance, financial affairs; monetary affairs; and real estate affairs.

37. Building construction; repair, and installation services.

38. Telecommunications.

39. Transport; packaging and storage of goods; and travel arrangement.

40. Treatment of materials.

41. Education; providing of: training; entertainment; and sporting and cultural activities.

~~42. Providing of food and drink; temporary accommodation; medical, hygienic and beauty care; veterinary and agricultural services; legal services; scientific and industrial research; computer programming; services that cannot be placed in other classes~~ Scientific and technological services and research and design relating thereto; industrial analysis and research services; and design and development of computer hardware and software.

43. Services for providing food and drink; and temporary accommodations.

44. Medical services; veterinary services; hygienic and beauty care for human beings or animals; and agriculture, horticulture, and forestry services.

45. Legal services; security services for the protection of property and individuals; and personal and social services rendered by others to meet the needs of individuals.

<p><u>NOTICE:</u> The forms used in administering the above regulation are not being published; however, the name of each form is listed below. The forms are available for public inspection by contacting the agency contact for this regulation, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.</p>

FORMS (21VAC5-120)

Form TM 1, Application for Registration of a Trademark or Service Mark (eff. ~~7/98~~ 11/09).

Form TM 2, Application for Renewal of Registration of a Trademark or Service Mark (eff. ~~7/98~~ 11/09).

Form TM 3, Certificate of Name Change of an Applicant or Registrant (eff. ~~7/98~~ 11/09).

VA.R. Doc. No. R09-2017; Filed July 29, 2009, 10:42 a.m.

GOVERNOR

EXECUTIVE ORDER NUMBER 83 (2009)

THE GOVERNOR'S ADVISORY BOARD ON NATIONAL AND COMMUNITY SERVICE

Community and national service are vital to the fabric of American democracy. Volunteerism and service are critical aspects of our civic life. It is appropriate that the state and federal governments work together to develop a focal point for these efforts.

Mindful of the importance of community and national service, and by virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to § 2.2-134 of the Code of Virginia, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish the Governor's Advisory Board on National Service and Community Service.

The Board is classified as a gubernatorial advisory board in accordance with § 2.2-2100 of the Code of Virginia.

The Board shall be established to comply with the provisions of the National and Community Services Trust Act of 1993 and to advise the Governor and Cabinet Secretaries on matters related to promotion and development of national service in the Commonwealth of Virginia. The Board shall have the following specific duties:

1. To advise the Governor, the Secretaries of Health and Human Resources, Education, Natural Resources, the Assistant to the Governor for Commonwealth Preparedness, the Commissioner of the Department of Social Services, and other appropriate officials, on national and community service programs in Virginia and on fulfilling the responsibilities and duties prescribed by the federal Corporation for National Service.
2. To advise the Governor, the Secretaries of Health and Human Resources, Education, Natural Resources, the Assistant to the Governor for Commonwealth Preparedness, the Commissioner of the Department of Social Services, and other appropriate officials, on the development, implementation, and evaluation of Virginia's Unified State Plan that outlines strategies for supporting and expanding national and community service throughout the Commonwealth.
3. To promote the expansion of AmeriCorps programs to meet Virginia's most pressing human, educational, environmental, and public safety needs.
4. To work collaboratively with Virginia Corps and the Citizen Corps initiative to promote volunteerism and public service throughout the Commonwealth.

5. To collaborate with the Virginia Department of Social Services and other public and private entities to recognize and call attention to the significant community service contributions of Virginia citizens and organizations.

6. To develop a plan for sustaining and increasing the number of Virginia service programs supported by the Corporation for National Service.

7. To promote and coordinate State programs offering opportunities for community service within the Commonwealth.

8. To work with the Department of Social Services on promoting the involvement of faith based organizations in community and national service efforts.

The Board shall be comprised of no more than twenty voting members appointed by the Governor and serving at his pleasure. No more than 25 percent of voting members may be state employees.

The Governor may appoint additional persons at his discretion as ex-officio non-voting members. The voting members of the Board shall elect the Chairman. Board voting membership shall include representatives for the categories as outlined in federal regulations issued by the Corporation for National Service.

Such staff support as is necessary to support the Board's work during the term of its existence shall be furnished by the Virginia Department of Social Services, and any other executive branch agencies having definitely and closely related purposes, as the Governor may designate. An estimated 2000 hours of staff time will be required to support the work of the Board.

Funding necessary to support the Board shall be provided from federal funds, private contributions, and state funds appropriated for the same purposes of the Board, authorized by § 2.2-135 of the Code of Virginia. Direct costs for this Board are estimated at \$20,000. Members of the Board shall serve without compensation and shall receive reimbursement for expenses incurred in the discharge of their official duties.

The Board shall meet at least quarterly upon the call of the Chairperson. The Board shall make an annual report to the Governor and shall issue such other reports and recommendations as it deems necessary or as requested by the Governor.

This Executive Order shall be effective upon its signing and shall remain in force and effect until June 30, 2010, unless amended or rescinded by further executive order.

Given under my hand and under the seal of the Commonwealth of Virginia this first day of July 2009.

/s/ Timothy M. Kaine
Governor

EXECUTIVE ORDER NUMBER 84 (2009)

CONTINUING CERTAIN DECLARATIONS OF STATE OF EMERGENCY

Pursuant to the authority granted to me as Governor, including but not limited to Article V of the Constitution of Virginia and § 2.2 of the Code of Virginia, I hereby continue the following executive orders I have previously issued until June 30, 2010;

- Executive Order Number Fifty-six, Declaration of a State of Emergency for the Entire Commonwealth due to Hurricane Isabel, issued on September 16, 2004, as continued in Executive Order Number Twenty-six, issued on June 23, 2006 and Executive Order Number Eighty-eight, issued on June 13, 2005;
- Executive Order Number Fifty-four, Declaration of a State of Emergency to Assist Rockbridge County and the Town of Goshen Due to a Critical Water Shortage, issued on June 20, 2007, as continued in Executive Order Number Seventy-four, issued on July 3, 2008;
- Executive Order Number Sixty-four, Declaration of State of Emergency Arising from Heavy Winds and Severe Storms Throughout Virginia, issued on March 5, 2008, as continued in Executive Order Number Seventy-four, issued on July 3, 2008;
- Executive Order Number Sixty-five, Declaration on a State of Emergency for the Commonwealth of Virginia Due to Severe Weather throughout the Commonwealth, issued on April 28, 2008;
- Executive Order Number Seventy-five, Declaration of a State of Emergency in Support of the Emergency Management Assistance Compact to Respond to the Impact of Hurricane Gustav in the Gulf Coast States, issued on September 4, 2008; and
- Executive Order Number Seventy-seven, Declaration of a State of Emergency in Support of the Emergency Management Assistance Compact to Respond to the Impact Of Hurricane Gustav and Hurricane Ike in the Gulf Coast States, issued on September 18, 2008.

This Executive Order shall be effective upon its signing and shall remain in full force and effect until June 30, 2010, unless sooner amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this first day of July 2009.

/s/ Timothy M. Kaine
Governor

EXECUTIVE ORDER NUMBER 85 (2009)

USE OF THE VIRGINIA WORKFORCE NETWORK FOR JOBS RESULTING FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 AND THOSE BEING RECRUITED BY VIRGINIA STATE AGENCIES

It is essential that a statewide system be used to facilitate the recruitment of jobs by state agencies and for those direct jobs that result from the American Recovery and Reinvestment Act of 2009 (ARRA). Direct jobs are those jobs which are solely funded by the ARRA or at least fifty percent of the job is funded by ARRA project funds. Such a system facilitates the creation and identification of a ready workforce that fosters Virginia's economic prosperity in an efficient and effective manner.

The ARRA has several purposes including (1) to preserve and create jobs and promote economic recovery and (2) to assist those most impacted by the recession. Accordingly, it is incumbent on state government to connect workers to ARRA jobs and to be as efficient, effective and responsive as possible in making these connections.

Since 2006, the Commonwealth has focused resources on developing a comprehensive workforce development system including the establishment of the Virginia Workforce Network - the Commonwealth's transparent and comprehensive workforce center system designed to connect employers and jobseekers with the resources of the entire workforce investment system. Within the Virginia Workforce Network is Virginia Workforce Connection (VWC) - the official web site for employer vacancy listings.

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and §§ 2.2-103 and 2.2-435.7 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby direct that Virginia Workforce Connection (VWC) be used by all state agencies, contractors and sub-recipients for the recruitment of direct jobs created by ARRA and for those in all state agencies, regardless of funding source. For state agency recruitment, vacancies shall be posted with the VWC via the State's Recruitment Management System. The jobs shall be posted at the maximum number of locations within the Virginia Workforce Network to ensure multiple access points for the ease of job seekers.

I further assign oversight to the Chief Workforce Development Officer or designated senior staff member in cooperation with the Workforce Sub Cabinet, to ensure implementation. The oversight process will be developed by the Workforce Sub Cabinet in cooperation with the Virginia Employment Commission (VEC), which is the administrative entity for the job exchange system.

Background

The Commonwealth of Virginia will receive a certain amount of funds under the ARRA. Some of these funds will be provided to non-state entities, individuals and some of these funds will be administered directly by state agencies or through state agency contractors and sub-recipients. Additionally, as a part of management and administration, state agencies engage in recruitment to fill job openings and state agency operations are supported by public funds. Executive Order Number Sixty-One (2008) charges the Workforce Sub Cabinet with ensuring Cabinet collaboration regarding workforce development as required by state and federal statute. One of the duties of the Workforce Sub Cabinet is to support the development and implementation of a seamless and integrated One Stop workforce service delivery system.

Job Posting Requirements

1. The VWC shall be used to post all jobs available.
2. Posting is not required where an employer, contractor or subcontractor of an ARRA-funded state contract intends to fill the job opening created by ARRA funding with a present employee, a laid-off former employee or a job candidate from a previous recruitment.
3. This Executive Order is not intended to prevent organizations and companies from also seeking needed employees by other means including industry specific employment programs.
4. The provisions of this Executive Order shall not apply to contracts advertised prior to the Order's effective date.
5. This posting requirement does not fulfill any ARRA reporting responsibility pertaining to jobs created or retained as otherwise required under the ARRA.
6. The VEC shall ensure that all ARRA jobs are identified as such on the VWC.
7. All state agencies shall post this Executive Order to their website and communicate its requirements to contractors and sub-recipients.
8. This Executive Order shall also be posted on the Commonwealth official ARRA web site.

Duties in Carrying Out This Executive Order

1. The Senior Advisor shall work with the Workforce Sub Cabinet in directing a process to inform the general public of jobs opportunities funded by ARRA funds. This will be done in collaboration with the Virginia - Community College System, which is the state grant recipient for the Workforce Investment Act (WIA) and the oversight agency for the Virginia Workforce Network.
2. The VEC shall provide the administrative support for the process. Instructions have been developed and are attached

for state agencies, contractors and sub-recipients to follow in meeting the centralized job posting requirements of this Executive Order. VEC contact information is included in the instructions.

3. This Executive Order is not intended to promote the widespread creation of new positions at state agencies for the purposes of ARRA implementation.
4. The VEC in cooperation with the Senior Advisor shall report to the Workforce Sub Cabinet on the number of jobs listed by state agencies, contractors and sub-recipients that were created to support projects funded with ARRA funds.
5. The Department of General Services, the Virginia Information Technologies Agency, and state higher education institutions shall include the requirements in this Executive Order in the new and existing contracts for ARRA procurement actions. These terms and conditions apply to non-professional and professional services; telecommunications services; non-IT and IT goods and services; and to institutions of higher education that have procurement authority.

This Executive Order shall be effective upon its signing and shall remain in full force and effect until September 30, 2011, unless sooner amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 30th day of July 2009.

/s/ Timothy M. Kaine
Governor

EXECUTIVE ORDER NUMBER 86 (2009)**CONTINUING THE P-16 EDUCATION COUNCIL****Importance of the Initiative**

As the Commonwealth moves forward on a wide range of education reform initiatives from preschool to graduate school, it is more important than ever to coordinate the various reform efforts underway across the continuum of education. Students increasingly are moving from one educational system to the other, and the need for improved transitions between systems is greater than ever. Education is a shared responsibility of several citizen boards in the Commonwealth, and opportunities exist to collaborate on common problems in moving forward on education reform.

Virginia's reform efforts have been nationally recognized, including through the receipt of a National Governors Association Honor States Grant, funded by the Gates Foundation. As part of the efforts for implementing this grant, the Commonwealth will formalize its already strong efforts at coordinating education reform across the entire spectrum of education through a P-16 Council, to address education reform from preschool to graduate school.

Governor

The Council is created in full recognition of the Commonwealth's commitment to creating a seamless transition and ensuring effective articulation from preschool to graduate school, enabling students to meet high standards, preparing faculties to teach to high standards, and continuing to improve student achievement.

The Council

The Secretary of Education will chair the Council. It will consist of 22 members, appointed by the Governor and serving at his pleasure. The Council will consist of two members of the House of Delegates, two members of the Senate of Virginia, the Secretary of Education, the Superintendent of Public Instruction, the Director of the State Council of Higher Education, the Chancellor of the Virginia Community College System, the President of the Board of Education, the Chairman of the Virginia Community College Board, the Chairman of the State Council of Higher Education, a representative of private colleges, a preschool education representative, and 9 citizen members. The citizen members will include educators, and business and community leaders. The Governor may appoint additional persons to the Council at his discretion.

The Council's responsibilities shall include the following.

1. Identify opportunities to better coordinate the state's education reform efforts from preschool to graduate school.
2. Work closely with the Start Strong Council and other appropriate entities and organizations to ensure that pre-K and early childhood initiatives are coordinated with other education initiatives.
3. Identify opportunities to improve longitudinal data gathering on student achievement.
4. Serve as a steering committee for oversight of the state's education reform activities as part of the NGA Honor States Grant.
5. Develop approaches to improve transitions among levels of education, promote student success, and encourage students to continue their education.
6. Make recommendations on appropriate legislation and other initiatives to improve educational coordination and achievement.
7. Make any other recommendations as may seem appropriate.

The Council shall make a report of its activities and recommendations annually. The Council shall meet at the call of the chairman.

Commission Staffing and Funding

Necessary staff support for the Commission's work during its existence shall be furnished by the Office of the Governor, the Virginia Department of Education, the Virginia

Community College System, the State Council of Higher Education for Virginia, the Department of Social Services, and such other agencies and offices as designated by the Governor. An estimated 3,000 hours of staff time will be required to support the Commission's work.

Necessary funding to support the Commission and its staff shall be provided from federal funds, private contributions, and state funds appropriated for the same purposes as the Commission, as authorized by § 2.2-135 of the Code of Virginia. Estimated direct costs for this Commission are \$15,000.

Commission members shall serve without compensation and shall receive reimbursement for expenses incurred in the discharge of their official duties.

This Executive Order shall be effective upon signing, and shall remain in full force and effect until June 30, 2011, unless sooner amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 30th day of July 2009.

/s/ Timothy M. Kaine
Governor

EXECUTIVE ORDER NUMBER 87 (2009)

CONTINUING VIRGINIA'S INTERAGENCY ANTI-GANG WORKGROUP

Importance of the Issue

Intelligence sources in Virginia indicate an emergence and growth of gangs and gang-related violent crimes in small cities and communities across the state. Areas once protected from the violent crime evident in larger cities have now become targets, making it an increasingly significant social policy issue. According to the Federal Bureau of Investigation, "Gangs are more organized, larger, more violent and more widespread than ever before." The Virginia Departments of Corrections, Juvenile Justice and State Police concur that gang activity in Virginia continues to be a significant public safety concern.

A recurring theme of gangs and gang activity is their propensity towards violence. Most are involved in all aspects of criminal activity including: drug distribution, murder, grand larceny and assault. Gangs and gang activity endanger all members of the community intensifying the necessity to address this problem.

It is well recognized that law enforcement alone cannot adequately address the problem of youth gangs. Strong anti-gang education and prevention efforts are essential to reducing gang membership. Children who have the active, involved support of adults and safe, positive places to be after school are less likely to join gangs.

Accordingly, it is appropriate that state government marshal all appropriate resources to combat this scourge.

Virginia's Interagency Anti-Gang Workgroup

While many localities have taken voluntary steps to address the gang problem within their communities, additional tools and resources are needed. Since its inception in January 2003, Virginia's Interagency Anti-Gang Workgroup has witnessed successful efforts in coordinating and leveraging resources to prevent and reduce gang activity in Virginia.

By the end of 2008, the Virginia State Police had identified 9,513 gang members affiliated with approximately 50 different gangs operating throughout Virginia. Of those, 549 individuals were arrested for criminal street gang activity, including 378 felony arrests and 171 misdemeanor arrests. The Department of Corrections created a database which had approximately 6,396 inmates identified as gang members associated with 341 gangs are present in Virginia's adult correctional institutions. The Department of Juvenile Justice's Gang Management Unit developed a comprehensive database to assist in identification and assessment of gang-involved youth. This Gang Management System had 196 identified gang members representing 30 gangs in our juvenile correctional facilities.

It is important to continue the collaboration between and among relevant state agencies and to foster achievement in gang reduction and prevention efforts. Accordingly, based on the consultation with and the best professional advice from the Secretaries of Education, Health and Human Resources and Public Safety and the Superintendent of State Police, I hereby continue Virginia's Interagency Anti-Gang Workgroup, to promote collaboration among relevant state agencies involved in gang reduction and prevention efforts.

Composition of the Workgroup

Virginia's Interagency Anti-Gang Workgroup shall operate under the direction of the Secretary of Public Safety, in coordination with Secretaries of Education and Health and Human Resources. Recognizing that anti-gang efforts encompass many state agencies, this workgroup shall consist of designees from the following agencies:

- The Commonwealth's Attorneys' Services Council
- The Department of Correctional Education
- The Department of Corrections
- The Department of Criminal Justice Services
- The Department of Education
- The Department of Health
- The Department of Juvenile Justice
- The Department of Mental Health, Mental Retardation, and Substance Abuse Services

- The Department of Social Services
- The Department of State Police
- The Governor's Office for Substance Abuse Prevention
- The Office of the Attorney General
- The Office of Commonwealth Preparedness

In addition, representatives from the Virginia Association of Commonwealth's Attorneys, the Richmond Behavioral Authority, the Virginia Association of Chiefs of Police, the Virginia Sheriffs' Association and Virginia Commonwealth University's Center for School-Community Collaboration will participate in this workgroup. Additional members may be appointed at the Governor's discretion.

Staff support for the Workgroup will be provided by the Office of the Secretary of Public Safety, the Governor's Office and such other agencies as may be designated by the Governor. All agencies of the Commonwealth will cooperate fully with the Workgroup and offer support as requested.

Duties of the Workgroup

The specific duties of Virginia's Interagency Anti-Gang Workgroup are to:

- Cultivate strong collaboration within and among every level of government regarding gang prevention strategies in Virginia;
- Prioritize, coordinate, and leverage Virginia's gang prevention resources to improve efficiency;
- Encourage and facilitate wider use of model programs and best-practice solutions for positive youth development throughout the Commonwealth;
- Provide training and tools to assist state and local prevention professionals, service providers, and the faith community in assessing needs, targeting resources, and planning services for youth and families;
- Disseminate gang-awareness information to citizens of the Commonwealth increasing their involvement in making local communities safe and fostering local opportunities for youth; and,
- Report to the Governor yearly by October 30, through the Secretary of Public Safety, regarding the Commonwealth's progress and achievements statewide in the area of gang prevention as well as any recommendations for strengthening the Commonwealth's anti-gang activities.

Effective Date of the Executive Order

This Executive Order shall be effective upon its signing and shall remain in full force and effect until June 30, 2010, unless amended or rescinded by further Executive Order.

Given under my hand this 30th day of July 2009.

Governor

/s/ Timothy M. Kaine
Governor

EXECUTIVE ORDER NUMBER 88 (2009)

CONTINUING THE VIRGINIA CITIZEN-SOLDIER SUPPORT COUNCIL

Importance of Initiative

Our Citizen-Soldiers, the members of the Virginia National Guard and their families, along with the members of our Military Reserves and their families, continually make tremendous sacrifices in service to the Commonwealth and our great nation. These sacrifices and their service is something that should never be taken for granted. It is important that our citizen soldiers and their families receive fair and continuous services throughout Virginia.

Since 2003, the Virginia Citizen-Soldier Support Council has made great strides in assisting Virginia's military personnel and their families. The Council identified issues that significantly impacted their lives during deployment, and effectively initiated collaboration with the various support agencies to provide key services to assist the soldiers and their families. The essential contributions and sacrifices of these men and women are enormous and should continue to be recognized.

Virginia Citizen-Soldier Council

By virtue of the authority vested in me by Article V of the Constitution of Virginia and Section 2.2-134 of the Code of Virginia, I hereby continue the Virginia Citizen-Soldier Support Council. Council members shall be appointed by the Governor. Members shall include state legislators, the Secretary of Public Safety, the Secretary of Education or designee, the Secretary of Health and Human Resources or designee, the Assistant to the Governor for Commonwealth Preparedness or designee, the Commissioner of Veterans Services or his designee, a representative of the Joint Leadership Council, representatives from the Virginia National Guard and the Virginia Air National Guard, the Army Reserve, the Navy Reserve, the Marine Corps Reserve, the Air Force Reserve, and the Coast Guard Reserve, local government officials, community business leaders, and representatives from Military Family Support Groups.

The Secretary of Public Safety shall serve as the chairman of the Council. The Council shall meet, at a minimum, quarterly upon the call of the chairman.

Members of the Council shall serve without compensation. They may receive reimbursement for expenses incurred in the discharge of their official duties.

The Council shall have the following powers and duties:

1. To increase awareness, involvement, and cooperation of the business community of Virginia in support of these military personnel and their families.
2. To increase awareness, involvement and cooperation of the state agencies in support of these military personnel and their families.
3. To increase awareness, involvement, and cooperation of non-government agencies and organizations in support of these military personnel and their families.
4. To increase awareness, involvement, and cooperation of local government in support of these military personnel and their families.
5. To increase awareness, involvement, and cooperation of major financial institutions in support of these military personnel and their families.
6. To increase awareness, involvement, and cooperation of general and mental health care providers in support of these military personnel and their families.
7. To increase awareness, involvement, and cooperation among members of the Virginia State Bar in support of these military personnel and their families.
8. To increase awareness, involvement, and cooperation of the Virginia Employer Support of the Guard and Reserve (ESGR) Committee in support of these military personnel and their families.
9. To increase awareness, involvement, and cooperation of Virginia Chambers of Commerce in support of these military personnel and their families.

Staff support shall be provided by the Secretary of Public Safety, the Department of Military Affairs, and such other agencies as may be designated by the Governor.

Effective Date of the Executive Order

This Executive Order shall become effective upon its signing and shall remain in full force and effect until June 30, 2010, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 30th day of July 2009.

/s/ Timothy M. Kaine
Governor

EXECUTIVE ORDER NUMBER 89 (2009)

CONTINUING THE PUBLIC SAFETY MEMORIAL COMMISSION

Importance of the Issue

Every day, brave men and women put on their uniforms and dedicate their lives to the protection of life and property throughout the Commonwealth. Virginia's Law Enforcement

Officers, Firefighters, Corrections Officers, Emergency Medical Technicians and Emergency Management personnel serve our Commonwealth providing us with safety and security, and responding when we are in need.

Unfortunately, every year we mourn the loss of members of the public safety community. A Public Safety Memorial would be a meaningful and fitting honor to Virginia's fallen heroes giving the friends and family of the men and women who have died in the line of duty a place to remember them, and to give Virginians a memorial to honor and respect those who have made the ultimate sacrifice serving our society.

The Public Safety Memorial Commission

Virginia is one of only ten states in the country without a state-level memorial honoring public safety personnel who have died in the line of duty. Since 2007, the Public Safety Memorial Commission has made great strides in studying and recommending an appropriate location for the Commonwealth to commemorate the courage and sacrifice of the members of Virginia's public safety community with a memorial. The Commission will select a memorial design from six final submissions in September 2009. Accordingly, so that it may complete the building of this memorial, I hereby continue the Public Safety Memorial Commission, to honor these men and women who have died while serving Virginia.

Composition of the Commission

The Public Safety Memorial Commission shall be chaired by the Secretary of Public Safety. Recognizing that these efforts will require the work of individuals across a broad spectrum of professions and expertise, the Commission shall consist of the Secretary of Administration, representatives from state agencies, representatives from the General Assembly, and members of the public safety community appointed by the Governor and serving at his pleasure. Additional members may be appointed at the Governor's discretion.

Members of the Commission shall serve without compensation, but they may receive reimbursement for expenses incurred in the discharge of their official duties.

Charge for the Commission

I hereby direct the Commission to study and recommend to the Governor and General Assembly an appropriate memorial in Darden Garden (Lat: 37°32'23.76"N, Long: 77°26'1.47"W) for the Commonwealth to commemorate the courage and sacrifice of Virginia's Public Safety personnel.

I further direct that all agencies of the Commonwealth provide any assistance that may be requested by the Commission. Staff support for the Commission shall be provided by the Office of the Secretary of Public Safety, and such other agencies as may be designated by the Governor.

This Executive Order shall become effective upon its signing and shall remain in full force and effect until June 30, 2010, unless amended or rescinded by further executive order.

Given under my hand and under the seal of the Commonwealth of Virginia this 30th day of July, 2009.

/s/ Timothy M. Kaine
Governor

GENERAL NOTICES/ERRATA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Restore Water Quality - Accotink Creek

Announcement of a total maximum daily load (TMDL) study to restore water quality in a portion of Accotink Creek that has an aquatic life use impairment.

Purpose of notice: The Virginia Department of Environmental Quality (DEQ), the Virginia Department of Conservation and Recreation, and the United States Environmental Protection Agency (EPA) announce the second technical advisory committee (TAC) meeting for the Accotink Creek Benthic TMDL study.

Technical advisory committee meeting: Tuesday, August 18, 2009, 10 a.m. to noon, Fairfax County Government Center, Conference Rooms 2 and 3, 12000 Government Center Parkway, Fairfax, VA 22035.

Meeting description: This is the second TAC meeting for this project. The purpose of the TAC will be to provide technical input and insight for the project, and to assist with stakeholder and public participation.

Description of study: A portion of Accotink Creek has been identified as impaired on the Clean Water Act § 303(d) list for not supporting the aquatic life use due to poor health in the benthic biological community. Virginia agencies are working together with EPA to identify the benthic stressors causing the aquatic life use impairment on Accotink Creek. The Accotink Creek watershed covers both the City of Fairfax and Fairfax County. Below is a description of the impaired portion of Accotink Creek that will be addressed in this study:

Stream Name	Watershed Location	Impairment	Area (miles)	Upstream Limit	Downstream Limit
Accotink Creek	Fairfax County Fairfax City	Aquatic Life Use Benthic Macroinvertebrates	7.35	Confluence of Accotink Creek with Calamo Branch	Start of the tidal waters of Accotink Bay

During the study, DEQ will develop a total maximum daily load, or a TMDL, for the impaired watershed. A TMDL is the total amount of a pollutant a water body can receive and still meet water quality standards. To restore water quality, pollutant levels have to be reduced to the TMDL allocated amount.

How to comment: The public comment period on the materials presented at the TAC meeting will extend from August 18, 2009, to September 17, 2009. DEQ accepts written comments by email, fax, or postal mail. Written comments should include the name, address, and telephone number of the person commenting, and be received by DEQ during the comment period. Please send all comments to the contact listed below.

Contact for additional information: Katie Conaway, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3804, or email katie.conaway@deq.virginia.gov.

Restore Water Quality for Cod, Presley, Hull, Rogers, and Bridgeman Creeks, Fountain Cove, Cubitt, and Hack Creeks

Public meeting: September 1, 2009, at the Mid-County Rescue, 7990 Northumberland Highway, Heathsville, VA 22473. An afternoon public meeting will be held from 2 p.m. to 4 p.m. and the evening public meeting from 6 p.m. to 8 p.m.

Purpose of notice: The Virginia Department of Environmental Quality and the Department of Conservation and Recreation are announcing the completion of a study to restore water quality for a shellfish growing area, a public comment opportunity, and two public meetings.

Meeting description: Final public meetings on a study to restore water quality for shellfish growing areas along Cod, Presley, Hull, Rogers, and Bridgeman Creeks, Fountain Cove, Cubitt, and Hack Creeks that are impaired due to bacterial violations.

Description of study: Virginia agencies are working to identify sources of the bacterial contamination in the shellfish growing waters of these (tidal) creeks including their tributaries. These condemnations include a total area of approximately 1.18 square miles in Northumberland County. These streams are impaired for failure to meet the designated use of shellfish consumption because of bacterial water quality standard violations. Cubitt Creek also has a recreational impairment (swimming) of approximately 0.227 square miles. The recreational water quality standard is less stringent than that of the shellfish standard, therefore it is expected that clean-up efforts aimed at restoring the shellfish use will also result in attainment of the recreational use.

Stream	County	Area (miles ²)	Impairment
Cod Creek (left branch)	Northumberland	0.115	Shellfish Use (Fecal Coliform) bacteria
Cod Creek (right branch)		0.079	
Hull Creek (mainstem)		0.044	
Bridgeman Creek		0.045	
Rogers Creek		0.035	
Fountain Cove		0.087	
Presley Creek		0.334	
Hack Creek		0.215	
Cubitt Creek		0.227	Shellfish Use (Fecal Coliform) & Recreational Use (Enterococci)

The study reports the current status of the creeks via sampling performed by the Virginia Department of Health, Division of Shellfish Sanitation, shellfish area condemnations and the possible sources of bacterial contamination. The study recommends total maximum daily loads, or TMDLs, for the impaired waters. A TMDL is the total amount of a pollutant a water body can contain and still meet water quality standards. To restore water quality, bacterial levels have to be reduced to the TMDL amount. The draft report for the study is available at <https://www.deq.virginia.gov/TMDLDataSearch/DraftReports.jsp>.

How to comment: DEQ accepts written comments by email, fax, or postal mail. Written comments should include the name, address, and telephone number of the person commenting and be received by DEQ during the comment period, which will expire on September 30, 2009. DEQ also accepts written and oral comments at the public meeting announced in this notice.

Contact for additional information: Margaret Smigo, TMDL Coordinator, Department of Environmental Quality, Piedmont Regional Office, 4949A Cox Road, Glen Allen, VA 23060, telephone (804) 527-5124, FAX (804)-527-5106, or email margaret.smigo@deq.virginia.gov.

Restore Water Quality - Meherrin River

Public meetings: Public meetings will be held on Tuesday, August 25, 2009, from 2 p.m. to 4 p.m. and 6 p.m. to 8 p.m. at the Victoria Library located at 1417 7th Street, Victoria, VA 23974. A second set of public meetings will be held on Thursday, August 27, 2009, from 2 p.m. to 4 p.m. and 6 p.m. to 8 p.m. at the Brunswick County Library located at 133 W. Hicks Street, Lawrenceville, VA 23868. All meetings are open to the public.

Purpose of notice: The Virginia Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation are announcing a study to restore water quality for portions of the Meherrin River and its tributaries within Lunenburg, Mecklenburg, Charlotte, and Brunswick counties. This notice also announces the first public meetings and a public comment opportunity.

Meeting description: Overview of the water quality impairments of the recreation/swimming use of portions of the Meherrin River and its tributaries that are impaired due to bacterial violations and a summary of the research to date.

Description of study: Virginia agencies are working to identify sources of the bacterial contamination for portions of the Meherrin River and its tributaries. This impairment spans approximately 69.89 miles across Lunenburg and Brunswick counties. The watershed that drains these waterways extends into both Mecklenburg and Charlotte counties. Portions of this river and its tributaries are impaired for failure to meet

the recreational (swimming) designated use because of bacterial water quality standard violations.

Waterbody	County	Impairment Length (mi)	Impairment
Briery Branch	Brunswick	3.97	Recreational/ Swimming Use due to Bacteria
Genito Creek	Brunswick	7.89	
Great Creek (Main stem of creek – Excluding the Great Creek Reservoir)	Brunswick	24.34	
Meherrin River (Taylors Creek to Reedy Creek)	Brunswick	26.14	
North Meherrin River (from confluence with Couches Creek to Reedy Creek)	Lunenburg	7.55	
Total Impairment Length		69.89	

The study reports the current status of the river and its tributaries via sampling performed by the Virginia Department of Environmental Quality and the possible sources of bacterial contamination. The study recommends total maximum daily loads, or TMDLs, for the above impairments. A TMDL is the total amount of a pollutant a water body can contain and still meet water quality standards. To restore water quality, bacterial levels have to be reduced to the TMDL amount.

How to comment: DEQ accepts written comments by email, fax, or postal mail. Written comments should include the name, address, and telephone number of the person commenting and be received by DEQ during the comment period, which will expire on Friday, September 25, 2009. DEQ also accepts written and oral comments at the public meeting announced in this notice.

Contact for additional information: Margaret Smigo, TMDL Coordinator, Department of Environmental Quality, Piedmont Regional Office, 4949 A Cox Road, Glen Allen, VA 23060, telephone (804) 527-5124, FAX (804)-527-5106, or email margaret.smigo@deq.virginia.gov.

Total Maximum Daily Load Study in the Elizabeth River and Several Tributaries

The Virginia Department of Environmental Quality (DEQ) will host a public meeting on a water quality study for the Elizabeth River mainstem, branches and several tributaries, on Wednesday, August 28, 2009.

The meeting will start at 7 p.m. in the Hampton Roads Planning District Commission Board Room located at 723 Woodlake Drive, Chesapeake, VA. The purpose of the study will be to identify sources of bacteria in the watershed and to determine the reductions in bacteria loadings needed to allow various streams in the watershed to meet water quality goals.

General Notices/Errata

The affected streams were identified in Virginia's 1998 303(d) TMDL Priority List and Report and Virginia's 2002 303(d) Report on Impaired Waters as impaired due to violations of Virginia's water quality standards for fecal coliform bacteria. These streams are therefore not supporting the primary contact recreation (swimmable) designated use. The impairments include the Mainstem, Eastern Branch, Southern Branch, Western Branch, Lafayette River, Broad Creek, Indian River, and Paradise Creek.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report and subsequent water quality assessment reports.

During the study, DEQ will develop a total maximum daily load for the impaired waters. A TMDL is the total amount of a pollutant a water body can contain and still meet water quality standards. To restore water quality, pollutant levels have to be reduced to the TMDL amount.

The public comment period on materials presented at this meeting will extend from August 26, 2009, to September 24, 2009. For additional information or to submit comments, contact Jennifer Howell, Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Blvd., Virginia Beach, VA 23462, telephone (757) 518-2111, or email jennifer.howell@deq.virginia.gov.

* Additional information is also available on the DEQ website at www.deq.virginia.gov/tmdl.

Total Maximum Daily Load Study in Lawnes Creek, Isle of Wight and Surry Counties

The Virginia Department of Environmental Quality (DEQ) will host a public meeting on a water quality study for Lawnes Creek, located in both Isle of Wight and Surry Counties, on Tuesday, August 18, 2009.

The meeting will start at 7 p.m. in the Rushmere Volunteer Fire Department located at 5354 Old Stage Hwy. (Rt. 10), Smithfield, VA. The purpose of the meeting is to provide information and discuss the study with interested local community members and local government.

Lawnes Creek (VAT-G11E-14) was identified in Virginia's 1998 § 303(d) TMDL Priority List and Report as impaired for not supporting the shellfishing use. The impairment is based on the shellfish harvesting condemnation of Growing Area 60-206 imposed by the Virginia Department of Health-Division of Shellfish Sanitation.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL priority list and report and subsequent water quality assessment reports.

During the study, DEQ will develop a total maximum daily load for the impaired waters. A TMDL is the total amount of a pollutant a water body can contain and still meet water quality standards. To restore water quality, pollutant levels have to be reduced to the TMDL amount.

The public comment period on materials presented at this meeting will extend from August 18, 2009, to September 16, 2009. For additional information or to submit comments, contact Jennifer Howell, Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Blvd., Virginia Beach, VA 23462, telephone (757) 518-2111, or email jennifer.howell@deq.virginia.gov.

* Additional information is also available on the DEQ website at www.deq.virginia.gov/tmdl.

Total Maximum Daily Load in Pocomoke Sound/Pocomoke River, Accomack County

The Virginia Department of Environmental Quality (DEQ) will provide a public comment period for a water quality study for Pocomoke Sound/Pocomoke River, located in Accomack County. A request has been made to modify the load allocations (LAs) and waste load allocations (WLAs) for the fecal coliform bacteria total maximum daily load (TMDL) due to a calculation error during the TMDL development. Before EPA can approve the requested modifications, the revised LAs and WLAs for the Lower Pocomoke River and Pocomoke Sound must be made available for public comment and review. Once the revised LAs and WLAs have been public noticed, a formal TMDL modification request can be submitted to EPA for review and approval.

The report and revisions may be accessed on the DEQ website at www.deq.virginia.gov/tmdl. The TMDL was approved by EPA in April 2009.

Pocomoke Sound (VAT-C09E-10) was identified in Virginia's 1998 § 303(d) TMDL Priority List and Report as impaired for not supporting the shellfishing use. The impairment is based on the shellfish harvesting condemnation of Growing Area 75 imposed by the Virginia Department of Health-Division of Shellfish Sanitation.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's § 303(d) TMDL priority list and report and subsequent water quality assessment reports.

During the study, a total maximum daily load was developed for the impaired waters. A TMDL is the total amount of a pollutant a water body can contain and still meet water quality standards. To restore water quality, pollutant levels have to be reduced to the TMDL amount. The Virginia Departments of Environmental Quality, Conservation and Recreation, and Health are working to identify the sources of pollution in the watersheds of these streams.

The public comment period will extend from August 18, 2009, through September 16, 2009.

For additional information or to submit comments, contact Jennifer Howell, Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Blvd., Virginia Beach, VA 23462, telephone (757) 518-2111 or email jshowell@deq.virginia.gov.

Total Maximum Daily Load Studies in Ware Creek, Taskinas Creek, and Skimino Creek; New Kent, James City, and York Counties

The Virginia Department of Environmental Quality (DEQ) will host a public meeting on water quality studies for Ware Creek (New Kent and James City Counties), Taskinas Creek (James City County), and Skimino Creek (James City and York Counties) on Tuesday, September 1, 2009.

The meeting will start at 7 p.m. in the James City County Library, Cosby Room, 7770 Croaker Road, Williamsburg, VA. The purpose of the meeting is to provide information and discuss the studies with interested local community members and local government.

Ware Creek (VAT-F26E-19) and Taskinas Creek (VAT-F26E-18) were identified in Virginia's 1998 § 303(d) TMDL priority list and report as impaired for not supporting the shellfishing use. The impairments are based on the shellfish harvesting condemnation of Growing Area 50-073 imposed by the Virginia Department of Health-Division of Shellfish Sanitation. Skimino Creek (VAT-F26E-17) was identified in Virginia's 1998 303(d) TMDL priority list and report as impaired for not supporting the shellfishing use. The impairment is based on the shellfish harvesting condemnation of Growing Area 50-087 imposed by the Virginia Department of Health-Division of Shellfish Sanitation.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's § 303(d) TMDL priority list and report and subsequent water quality assessment reports.

During the study, DEQ will develop a total maximum daily load for the impaired waters. A TMDL is the total amount of a pollutant a water body can contain and still meet water quality standards. To restore water quality, pollutant levels have to be reduced to the TMDL amount.

The public comment period on materials presented at this meeting will extend from September 1, 2009, to September 30, 2009. For additional information or to submit comments, contact Jennifer Howell, Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Blvd., Virginia Beach, VA 23462, telephone (757) 518-2111 or email jennifer.howell@deq.virginia.gov.

* Additional information is also available on the DEQ website at www.deq.virginia.gov/tmdl.

STATE LOTTERY DEPARTMENT

Director's Orders

The following Director's Orders of the State Lottery Department were filed with the Virginia Registrar of Regulations on August 5, 2009. The orders may be viewed at the State Lottery Department, 900 East Main Street, Richmond, Virginia, or at the office of the Registrar of Regulations, 910 Capitol Street, 2nd Floor, Richmond, Virginia.

Final Rules for Game Operation:

Director's Order Number Sixty-One (09)

Virginia Lottery's "\$50,000,000 Redskins Mania Sweepstakes" Final Rules for Game Operation (effective 7/31/09)

STATE WATER CONTROL BOARD

Proposed Consent Order for Mountain Run Golf, Inc., and Mountain Run, LLC

An enforcement action has been proposed for Mountain Run Golf, Inc., and Mountain Run, LLC for alleged violations at the Mountain Run golf course (The Federal Club) and residential development in Hanover County. The proposed consent order describes the alleged violations and requires corrective action. A description of the proposed action is available at the DEQ office named below or online at www.deq.virginia.gov. Allison Dunaway will accept comments by email at allison.dunaway@deq.virginia.gov, FAX (804) 527-5106 or postal mail at Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060, from August 12, 2009, to September 16, 2009.

Nutrient Waste Load Allocations - Petitions for Extension of Deadline

Notice of action: The State Water Control Board (the board) is considering action on petitions to extend the deadline for securing a certificate to operate for footnoted nutrient waste load allocations in the Water Quality Management Planning Regulation.

Purpose of notice: The board seeks comments through the Department of Environmental Quality (DEQ) on the petitions and the need for and impact of resulting regulatory action to extend any deadline.

Public comment period: July 24, 2009, to August 28, 2009.

Subject matter and intent of proposal: The 2009 General Assembly passed legislation (HB 1074/SB 1022) authorizing

General Notices/Errata

the board to adopt certain regulations relating to wastewater treatment plants. The board was directed to accept petitions through July 10, 2009, for the purpose of conducting an expedited rulemaking process involving plants with "footnoted" nutrient waste load allocations in the WQMP Regulation. The footnotes provide conditional allocations that depend on the plant owner securing a Certificate to Operate (CTO) by December 31, 2010, for an expanded design flow. The petitions must be for the sole purpose of extending the deadline to no later than December 31, 2015. Owners submitting a petition are still required to comply with their nutrient allocations as of January 1, 2011, through the Nutrient Credit Exchange Program (§ 62.1-44.19:4 of the Code of Virginia) or by other means. The board must approve or deny these petitions and adopt any resulting regulation amendments within 180 days of the petition deadline. Before making a final decision on the petitions, the board shall provide an opportunity for public comment.

DEQ received petitions for seven plants by the deadline: (i) Cape Charles; (ii) Culpeper Co. - Mountain Run; (iii) Fauquier Co. W&SA - Remington; (iv) Fauquier Co. W&SA - Vint Hill; (v) Harrisonburg - Rockingham SA-North River; (vi) Onancock; (vii) Shenandoah Co. - North Fork Regional. If you wish to view the petitions on line, they are accessible at the web link provided below.

The legislation also exempted the board's adoption of any resulting regulation amendments under this rulemaking from Article 2 (§ 2.2-4006 of the Code of Virginia) of the Administrative Process Act.

The regulation to be amended is the Water Quality Management Planning Regulation (9VAC25-720).

How to comment: DEQ accepts written comments by email and postal mail. Comments must include the full name, address and telephone number of the person commenting and be received by DEQ by 5 p.m. on the last day of the comment period. Please include a copy of any supporting documents or exhibits, which become part of the public record.

To review documents: This public notice is available on the Town Hall website at www.townhall.virginia.gov, where interested persons may also submit electronic comments. The legislation and notification letter sent May 8, 2009, to affected plant owners and the petitions received by the July 10, 2009, deadline are available through the Department of Environmental Quality, Chesapeake Bay Program webpage at <http://www.deq.virginia.gov/bay/multi.html>, or by contacting the DEQ representative named below.

Contact: John Kennedy, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4312, FAX (804) 698-4116, or email john.kennedy@deq.virginia.gov.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Mailing Address: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219.

Filing Material for Publication in the Virginia Register of Regulations

Agencies are required to use the Regulation Information System (RIS) when filing regulations for publication in the Virginia Register of Regulations. The Office of the Virginia Register of Regulations implemented a web-based application called RIS for filing regulations and related items for publication in the Virginia Register. The Registrar's office has worked closely with the Department of Planning and Budget (DPB) to coordinate the system with the Virginia Regulatory Town Hall. RIS and Town Hall complement and enhance one another by sharing pertinent regulatory information.

The Office of the Virginia Register is working toward the eventual elimination of the requirement that agencies file print copies of regulatory packages. Until that time, agencies may file petitions for rulemaking, notices of intended regulatory actions and general notices in electronic form only; however, until further notice, agencies must continue to file print copies of proposed, final, fast-track and emergency regulatory packages.

ERRATA

BOARD OF COUNSELING

Title of Regulation: 18VAC115-50. **Regulations Governing the Practice of Marriage and Family Therapy.**

Publication: 25:24 VA.R. 4336-4339 August 3, 2009.

Correction to Final Regulation:

EDITOR'S NOTE: The amendments to 18VAC115-50-40 B 2 b and the Forms section of 18VAC115-50 as published in 25:20 VAR. 3701-3706 June 8, 2009, and effective July 23, 2009, were inadvertently omitted when published in 25:24 VA.R.

Page 4336, 18VAC115-50-40, subdivision B 2 b should read as follows:

b. Evidence of post-licensure clinical practice for five of the last six years immediately preceding his licensure application in Virginia.

Page 4338, Forms (18VAC115-50), Form MFT-ECP should read as follows:

Verification of Post-Licensure Clinical Practice, Endorsement Applicants Only, Form MFT-ECP (rev. 8/09).

VA.R. Doc. No. R06-319

STATE BOARD OF SOCIAL SERVICES

Title of Regulation: **22VAC40-41. Neighborhood Assistance Tax Credit Program.**

Publication: 25:23 VA.R. 4236-4239 July 20, 2009.

Correction to Final Regulation:

Page 4239, 22VAC40-41-55 A, line 1, strike "58.1-430.24"
insert "58.1-439.24"

VA.R. Doc. No. R09-1987

