

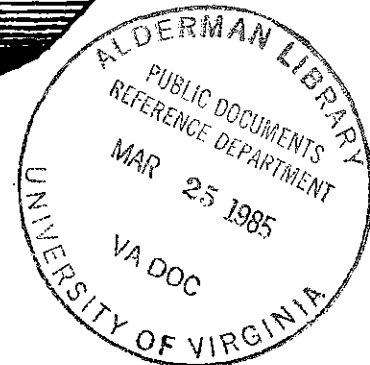
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THE VIRGINIA REGISTER

OF REGULATIONS

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INFORMATION ABOUT THE VIRGINIA REGISTER OF REGULATIONS

VIRGINIA REGISTER

The *Virginia Register* is an official state publication issued every other week throughout the year. Indexes are published quarterly, and the last index of the year is cumulative.

The *Virginia Register* has several functions. The full text of all regulations, both as proposed and as finally adopted or changed by amendment are required by law to be published in the *Virginia Register of Regulations*.

In addition, the *Virginia Register* is a source of other information about state government, including all Emergency Regulations issued by the Governor, and Executive Orders, the Virginia Tax Bulletin issued monthly by the Department of Taxation, and notices of all public hearings and open meetings of state agencies.

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

An agency wishing to adopt, amend, or repeal regulations must first publish in the Virginia Register a notice of proposed action; a basis, purpose, impact and summary statement; a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations.

Under the provisions of the Administrative Process Act, the Registrar has the right to publish a summary, rather than the full text, of a regulation which is considered to be too lengthy. In such case, the full text of the regulation will be available for public inspection at the office of the Registrar and at the office of the promulgating agency.

Following publication of the proposal in the *Virginia Register*, sixty days must elapse before the agency may take action on the proposal.

During this time, the Governor and the General Assembly will review the proposed regulations. The Governor will transmit his comments on the regulations to the Registrar and the agency and such comments will be published in the *Virginia Register*.

Upon receipt of the Governor's comment on a proposed regulation, the agency (i) may adopt the proposed regulation, if the Governor has no objection to the regulation; (ii) may modify and adopt the proposed regulation after considering and incorporating the Governor's suggestions, or (iii) may adopt the regulation without changes despite the Governor's recommendations for change.

The appropriate standing committee of each branch of the General Assembly may meet during the promulgation or final adoption process and file an objection with the *Virginia Registrar* and the promulgating agency. The objection will be published in the *Virginia Register*. Within twenty-one days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative Committee, and the Governor.

When final action is taken, the promulgating agency must again publish the text of the regulation, as adopted, highlighting and explaining any substantial changes in the final regulation. A thirty-day final adoption period will commence upon publication in the *Virginia Register*.

The Governor will review the final regulation during this time and if he objects, forward his objection to the Registrar and the agency. His objection will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation are substantial, he may suspend the regulatory process for thirty days and

require the agency to solicit additional public comment on the substantial changes.

A regulation becomes effective at the conclusion of this thirty-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the twenty-one day extension period; or (ii) the Governor exercises his authority to suspend the regulatory process for solicitation of additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified which date shall be after the expiration of the period for which the Governor has suspended the regulatory process.

Proposed action on regulations may be withdrawn by the promulgating agency at any time before final action is taken.

EMERGENCY REGULATIONS

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

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

STATEMENT

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

CITATION TO THE VIRGINIA REGISTER

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

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Staff of the Virginia Register: Joan W. Smith, Registrar of Regulations; Ann M. Brown, Assistant Registrar of Regulations.

Citizen Participation in the Rule-Making Process

As required by the Administrative Process Act, each agency of the Commonwealth is required to develop, adopt and utilize public participation guidelines for soliciting the input of interested parties in the formation and development of its regulations.

Citizens may participate in the process by which administrative regulations are adopted, amended, or repealed by submitting data or views on proposed regulations either orally or in writing, to the proposing agency (see General Notices and Calendar of Events section of the *Virginia Register*).

How to Follow State Agency Regulatory Action in the Virginia Register

Under the provisions of the Administrative Process Act, state agencies must publish in the *Virginia Register* the full text of proposed rules and regulations, if substantive, as well as a summary statement.

In addition, the agency is required to provide a public comment period and hold a public hearing. A notice of hearing will be published sixty days prior to the hearing. Such notices are published in the CALENDAR OF EVENTS section of the *Virginia Register*. Proposed regulations and adopted regulations are published in separate sections of the *Virginia Register*.

All executive orders and comments on regulations issued by the Governor are published under the GOVERNOR section.

The CALENDAR OF EVENTS section not only contains the notices of public comment periods and hearings but also all notices of meetings required to be open under the provisions of the Freedom of Information Act.

**VIRGINIA REGISTER OF REGULATIONS
PUBLICATION DEADLINES AND SCHEDULES**

| ISSUE DATE | MATERIAL SUBMITTED BY 4:30 p.m. Friday | Will be included in PUBLICATION MAILED on Friday |
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| Feb. 18 | Feb. 1 | Feb. 15 |
| Mar. 4 | Feb. 15 | Mar. 1 |
| Mar. 18 | Mar. 1 | Mar. 15 |
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PROPOSED REGULATIONS

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Symbol Key

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

BOARD OF EDUCATION

Title of Regulations: VR 270-01-0001. Regulations Governing Adult High School Programs.

Statutory Authority: Chapter 13, Article 3, §§ 22.1-223 through 22.1-226 of the Code of Virginia.

Summary:

The Board of Education is required to promulgate appropriate standards and guidelines for adult education programs under Article 3 of Chapter 13 of Title 22.1. These revisions will make the adult education regulations consistent with regulations for high school graduation, and are consistent with existing federal and state statutes, regulations, and judicial decisions.

VR 270-01-0001. Regulations Governing Adult High School Programs.

§ 1. Responsibility.

Local authorities are responsible for evaluating and awarding credit for educational achievement, other than that earned in the regular school program.

§ 2. Minimum Requirements for Secondary School Programs.

Secondary school programs for adults which are not part of the regular day school program shall meet the following minimum requirements:

A. Age - A student shall be at least ~~19~~ 18 years of age. Under circumstances which local school authorities consider justifiable, the age limit may be lowered. Only in exceptional circumstances should local authorities permit a regularly enrolled day student to earn credits toward high school graduation in adult classes. (In such cases, 150 hours of classroom instruction or an alternative method of granting credit which meets the requirement set forth under Standard C shall be required for one unit of credit. *alternative educational programs have been considered.*)

B. Credit - ~~(a)~~ 1. Satisfactory completion of 108 hours of classroom instruction in a subject shall constitute sufficient evidence for one unit of credit. Where accelerated or other innovative instructional methods are employed, credit may be given in less time when required achievement is evident. *used, satisfactory completion of*

comparable competencies as the regular secondary school program as measured by objective testing in a subject shall constitute sufficient evidence for one unit of credit.

~~(e)~~ 2. Sixteen *Eighteen* units of high school credit are required for a diploma. These units must include ninth, tenth, eleventh, and twelfth grade English, Virginia and U. S. History, Virginia and U. S. Government, World History and/or World Geography, ninth grade Science and Mathematics, plus electives above the eighth grade. *graduation as specified in the Standards for Accrediting Schools in Virginia with the exclusion of Health and Physical Education.*

3. An Advanced Studies Diploma (20 credits) shall be awarded to students who complete the credits as specified in the Standards for Accrediting Schools in Virginia with the exclusion of Health and Physical Education.

4. In addition to the units of credit specified in the Standards for Accrediting Schools in Virginia, each student must demonstrate mastery of minimum competencies as prescribed by the Board of Education.

~~(b)~~ 5. When, in the judgment of the principal and/or the superintendent, an adult not regularly enrolled in the day school program is able to ~~prove~~, demonstrate by examination or other objective evidence, satisfactory completion of the work, he or she may receive credit in less than the time usually required. When credit is to be granted for a subject in which the work is completed in less than the time usually required, it is the responsibility of the school issuing the credit to document the amount of time spent on each course, the types of examinations employed, the testing procedures, and the extent of progress in each case.

Credit for Educational Experiences in the Armed Forces

An individual who has earned eight units (exclusive of Health and Physical Education) in a secondary school program may be awarded secondary school credit for the satisfactory completion of acceptable courses taken from any of the following sources:

- a. United States Armed Forces Institute
- b. United States Armed Forces Institute (USAFI) Subject Examination
- c. High school courses offered through USAFI by

Proposed Regulations

—cooperating colleges

d. Marine Corps Institute courses

e. Coast Guard Institute courses

f. Service school training

Credit recommendation for educational experiences in the armed forces may be obtained by writing to the Commission on Accreditation of Service Experiences, American Council on Education, One Dupont Circle, Washington, D. C. 20036.

(d) 6. No student may be issued a diploma by earning credits in adult or evening classes prior to the time that he or she would have graduated from a secondary school had he or she remained in school and made normal progress.

(e) 7. Credits actually earned in adult secondary school programs approved by the Department of Education shall may be transferable as identified in the Standards for Accrediting Schools in Virginia within the sponsoring school division. Credit transferred through an accredited secondary school in the sponsoring school division and shall be transferable to public secondary schools outside of the sponsoring school division.

§ 3. Minimum Qualifications of Teachers.

The minimum qualifications of teachers working in the adult and evening school shall be the same in all respects as those required for the regular day school.

§ 4. Library Facilities.

The library facilities available for the regular day school shall be available for the adult evening school.

§ 5. Science Laboratory Facilities.

If science is offered, the laboratory facilities also shall be available.

§ 6. Administration and Supervision.

The adult and evening school shall be under supervision of the secondary school principal, assistant principal, or a qualified staff member approved by the division superintendent.

§ 7. Guidance Services.

The adult and evening school should have appropriate guidance services available.

BOARD OF EDUCATION

Title of Regulations: VR 270-01-0002. Regulations Governing the Educational Programs for Gifted Students.

Statutory Authority: § 22.1-253.5 of the Code of Virginia.

Summary and Analysis:

The proposed Regulations Governing the Educational Programs for Gifted Students provide the guidelines required by Standard 5 of the Standards of Quality to implement differentiated programs for identified gifted students in kindergarten through grade 12. The basis and purpose of the proposed regulations is to provide specific requirements for local school divisions to follow when implementing Standard 5 of the Standards of Quality for Public Schools in Virginia and for the receipt of state funds to support programs for the education of gifted students.

VR 270-01-0002. Regulations Governing the Educational Programs for Gifted Students.

PREAMBLE

Article VIII, Section 1 of the Virginia Constitution delineates the General Assembly's responsibility for education as follows:

"...shall provide for a system of free public elementary and secondary schools for all children of school age throughout the Commonwealth and shall seek to ensure that an educational program of high quality is established and continually maintained."

Section 2 of Article VIII requires the Board of Education to prescribe "...Standards of Quality for the several school divisions..." Standard 5 of such Standards of Quality, as enacted by the General Assembly, requires each school division to "...conduct a program acceptable to the Board of Education for the early identification of gifted and talented students." It is further stated that "...each school division shall offer differentiated instructional opportunities in accordance with guidelines of the Board of Education for identified gifted and talented students."

The requirements which follow set forth procedures for the development and operation of a division-wide special educational program for gifted students. These requirements, when coupled with the Virginia Plan for the Gifted, provide guidelines to meet the aforesaid statutory requirements.

PART I INTRODUCTION

Article I.
Applicability.

§ 1.1. These regulations shall apply to all local school divisions in the Commonwealth effective July 1, 1985.

Proposed Regulations

Article II. Definitions.

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

"Child study committee" means a standing committee appointed by the principal which is composed of the principal or his designee, the referring teacher and two additional teachers, and a member of the pupil personnel staff when appropriate.

"Eligibility/placement committee" means a committee(s) named by the superintendent which is composed of the administrator of programs for gifted students or designee, a teacher of the gifted, and two or more of the following: classroom teacher, school psychologist, guidance counselor, administrator, visiting teacher/school social worker, or a professional in the area of giftedness (e.g., drama, art, music, dance).

"Gifted students" means those students in kindergarten through grade 12 whose abilities and potential for accomplishment are so outstanding that they require special programs to meet their educational needs. These students will be identified by professionally qualified persons through the use of multiple criteria as having potential and/or demonstrated abilities and who have evidence of high performance capabilities in one or more of the areas as follows:

1. **General intellectual ability.** Students with advance general and/or specific information and an advance aptitude for abstract reasoning and conceptualization, whose mental development is accelerated to the extent that they need and can profit from specifically planned educational services differentiated from those generally provided by the general program experience.
2. **Specific academic ability.** Students who have aptitude in a specific area such as language arts or math, and who are consistently superior to the extent that they need and can profit from specially planned educational services differentiated from those generally provided by the general program experience.
3. **Visual and/or performing arts ability.** Students who excel consistently in the development of a product or performance in any of the visual and performing arts to the extent that they need and can profit from specifically planned educational services differentiated from those generally provided by the general program experience.
4. **Practical arts ability.** Students who excel consistently in the development of a product or performance in any area of vocational education to the extent that they need and can profit from specifically planned educational services differentiated from those generally provided by the general program

experience.

5. **Psychosocial ability.** Students who exhibit keen sensitivity to the needs of others and who not only assume leadership roles, but also are accepted by others as leaders to the extent that they need and can profit from specially planned educational services differentiated from those generally provided by the general program experience.

6. **Creative and productive thinking ability.** Students who exhibit advance insights, outstanding imagination, and innovation and who consistently engage in integrating seemingly unrelated information to formulate new and positive solutions to conventional tasks. Creativity refers to the students' ability to produce both tangible and intangible end products involving the use of divergent and convergent thinking and problem solving to the extent that they need and can profit from specially planned educational services differentiated from those generally provided by the general program experience.

PART II RESPONSIBILITIES OF THE LOCAL SCHOOL DIVISIONS

§ 2.1. The requirements set forth in this section are applicable to local school divisions providing educational services for gifted students in kindergarten through grade 12.

Article I. Identification.

§ 2.2. Each school division shall establish and maintain procedures to permit referrals from school personnel, parents, peers, other persons in the community, and a self referral of those students suspected of being gifted for a review by the Child Study Committee in each school. This committee shall review records and other performance evidence of such referred students. Where such review by the Child Study Committee indicates that students meet the general definition of gifted, their names shall be forwarded to the local school division administrator of programs for the gifted, or designee, who shall obtain additional assessment data when appropriate, and then shall refer students to the Eligibility/Placement Committee for a determination of eligibility.

§ 2.3. The Eligibility/Placement Committee shall review the available data and, where necessary, request additional information and/or testing to (i) determine if referred students are gifted (ii) require a differentiated program and (iii) recommend placement in an appropriate program when found eligible. Such gifted students shall then be referred to an administrator who has authority to implement the recommended differentiated program.

Article II. Assessment.

Proposed Regulations

§ 2.4. Many facets of the child study process, other than tests, should be included in assessing students who have been referred for consideration by the Eligibility/Placement Committee. To be inclusive rather than exclusive for groups such as the disabled or culturally different, other elements of assessment must be considered in the overall evaluation of students suspected of being gifted. No single instrument shall be used as the sole criterion in determining students who qualify for programs for the gifted.

§ 2.5. The eligibility of students for programs for the gifted shall be based upon a combination of the following:

1. Individual or group IQ test;
2. Individual or group achievement test in specific ability areas;
3. Creativity test(s) by trained personnel;
4. Appropriate rating scales, checklists, and/or questionnaires;
5. Previous accomplishments;
6. Pupil products judged by an expert in the area of product being judged;
7. Test(s) of special ability in the visual, performing, and practical arts;
8. Sociocultural/economic factors;
9. Leadership qualities;
10. Interest inventories; and
11. Additional valid and reliable measures or procedures.

Article III. Local Plan.

§ 2.6. Each local school division shall submit annually to the Board of Education, by such date as the Department of Education shall specify, an acceptable plan for the identification and differentiated instruction and opportunities for all gifted students in kindergarten through grade 12 (Standards of Quality - Standard 5), and a report indicating the extent to which the plan for the preceding year has been implemented. The annual plan shall include the components as follows:

1. A statement of philosophy;
2. A statement of goals and objectives;
3. Procedures for the identification and program placement of gifted students;

4. Program design which includes curriculum for kindergarten through grade 12;

5. Procedures for the selection and training of personnel serving identified gifted students to include administrators/supervisors, pupil personnel specialists, and teachers;

6. Procedures for the evaluation of the effectiveness of the school division's program for gifted students;

7. A policy for identified gifted students' entry into and exit from the program which includes an opportunity for levels of appeal with reasonable timelines and an opportunity for parents who disagree with the committee(s) decision to meet and discuss their concern(s) with an appropriate administrator; and

8. Other information as required by the Department of Education.

§ 2.7. Each school division shall include the following provisions and assurances in the annual plan and application for funding.

A. Confidential records of identified gifted students will be properly maintained.

B. Testing and evaluative materials selected and administered: (i) are neither culturally nor racially discriminatory; (ii) are provided and administered in the child's native language; (iii) have been validated for the specific purpose for which they are used; and (iv) are administered and interpreted by trained personnel in conformance with the instructions by their producer.

§ 2.8. Each school division shall establish a local advisory committee composed of parents, teachers, and community members whose purpose is to advise the school board through the division superintendent on the educational needs of gifted students and to review annually the local plan for the education of gifted students.

Article IV. Funding.

§ 2.9. State funds administered by the Department of Education for the education of gifted students shall only be used to support those activities as identified in the local school division's annual plan approved by the Board of Education.

VIRGINIA DEPARTMENT OF MOTOR VEHICLES

Title of Regulation: VR 485-50-8502. Rules and Regulations for Motorcycle Rider Safety Training Center Program.

Statutory Authority: §§ 46.1-564 through 46.1-570 of the

Proposed Regulations

Code of Virginia.

Summary:

The proposed rules and regulations for the Motorcycle Rider Safety Training Center Program govern the organization and administration of regional motorcycle rider safety training centers. This involves (i) training center proposal approval and award of contract funds; (ii) curricula requirements and approval; (iii) facilities and equipment requirements and approval; (iv) instructor qualification and approval requirements; and (v) administrative and reporting requirements.

VR 485-50-8502. Rules and Regulations for Motorcycle Rider Safety Training Center Program.

§ 1. Definitions.

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

"Administrator" means the individual responsible for organizing and administering the training center.

"Commissioner" means the Commissioner of the Virginia Department of Motor Vehicles.

"Course" means a motorcycle rider safety training course.

"DMV" means the Virginia Department of Motor Vehicles.

"Instructor" means an individual who has been approved by DMV to conduct a Virginia motorcycle rider safety training course.

"MSF" means Motorcycle Safety Foundation.

"Participant" means a person enrolled in a course in motorcycle rider safety training under the Program.

"Program" means the Virginia Motorcycle Rider Safety Training Center Program, as established by § 46.1-564 et seq. of the Code of Virginia and these regulations.

"Range" means a practice area set aside for the operation of motorcycles as part of the course curriculum and marked and/or otherwise delineated for that use on a temporary or permanent basis.

"Training center" means any public or private agency, organization, school, partnership, corporation, or individual under contract to DMV to provide motorcycle rider safety training.

§ 2. Purpose.

The following rules and regulations are applicable to all program activities carried out by DMV with funds provided by the Motorcycle Rider Safety Training Program Fund, for the purpose of carrying out the Virginia Motorcycle Rider Safety Training Center Program (herein referred to as "the Program").

The rules and regulations set forth herein are intended to provide a general description of the Program and are not intended to include all actions involved or required in the administration of contract funds. These rules and regulations may be supplemented by policies or procedures and contract requirements adopted by DMV in respect to the Program. These rules and regulations are adopted pursuant to §§ 46.1-564 through 46.1-570 of the Code of Virginia. The effective date of the rules and regulations is June 11, 1985.

§ 3. General Program Description.

Under the Program, DMV will organize and administer regional motorcycle rider safety training centers. The distribution of the centers will be in accordance with DMV districts. Training centers will provide courses for beginning motorcyclists, and may also provide courses for experienced motorcyclists.

Training centers will submit proposals to DMV for approval and award of contract funds under the criteria established by the proposed rules and regulations. Curricula and facilities and equipment used in the Program shall be approved by DMV. Training centers will employ DMV-approved instructors to teach in the Program. Instructors must meet DMV qualifications and approval requirements established by the proposed rules and regulations.

Training centers will submit all reports required by DMV for evaluation. Training centers must resubmit proposals and negotiate contracts annually. DMV will monitor and evaluate the performance of the training motorcyclists and in reducing motorcycle deaths, injuries, and property damages.

§ 4. Procedures for Approval of Training Centers.

A. Eligibility of Training Centers.

Any public or private agency, organization, school, partnership, corporation or individual that meets all Program rules and regulations and contract requirements shall be eligible for participation in the Program.

B. Distribution of Training Centers.

Training centers shall be distributed throughout DMV districts. DMV shall determine the number of training centers that shall be approved for operation in each district.

C. Approval Process.

Proposed Regulations

Applicants for training center approval shall submit a proposal to the DMV Commissioner in response to the request for proposal and the requirements outlined in these rules and regulations.

Proposals for training center approval shall include but not necessarily be limited to:

1. The address and detailed description of the facility or facilities where the course shall be conducted; including criteria outlined in § 6 and in the request for proposal;
2. The name, address, and telephone number of the individual who is authorized to obligate the training center;
3. The name, address, and telephone number of the administrator and/or the individual who is involved in the daily operation of the course;
4. The names, addresses, and social security numbers of the administrator, instructors, and all other individuals who are likely to receive payment under the contract;
5. A planned course schedule including course type, dates, and time periods;
6. The projected number of students to be trained in the Program during the calendar year;
7. Detailed specifications of the curricula, to include criteria outlined in § 5 of the regulations;
8. A planned course budget to include all estimated costs for course operation: administration, instructors' salaries; insurance; advertising; purchase of text books, equipment and materials; and other course related expenses;
9. Estimated course fees charged to participants;
10. Verification of adequate insurance coverage to protect both the Commonwealth and the training center and all instructors, aides and participants in any course conducted under the Program. The training center shall carry at least the minimum insurance coverage specified in the contract;
11. Verification of a sufficient number of training motorcycles for beginning rider courses;
12. Verification that the designated classroom(s), range(s), and storage area(s) are available for all training courses and that they comply with all necessary zoning, health, and safety codes;
13. Copies of all forms used in the Program: participant registration; course recordkeeping; and any other forms used;

14. A statement as to the ability and willingness to meet all requirements set forth in the rules and regulations and in the contract.

D. Contract Award.

Upon review and approval of the proposal, DMV shall enter into a contract with the approved training center. Approval shall be valid for the duration of the calendar year in which the contract is made. Approved training centers shall resubmit proposals and renegotiate contracts each year.

E. Contract Funds.

Approved training centers are eligible to receive Program funds for course operation. Costs eligible for reimbursement, maximum allowable reimbursement, and required documentation shall be specified by DMV in the contract.

F. Advisory Board.

The Commissioner, at his discretion, may create an Advisory Board of experts in the field of motorcycle safety and education. Issues related to technical and educational aspects may be referred to the Board for advice. The Board may assist in reviewing regulations, proposals and curricula, as well as any other procedures and requirements under the Program. Members of the Advisory Board shall serve without compensation but shall be reimbursed for necessary expenses.

§ 5. Curricula Requirements and Approval.

A. Curricula Approval.

The curricula intended for use by training centers shall be included for approval in the proposal to DMV.

Training centers shall request DMV approval of any changes, additions or deletions to approved curricula, prior to use.

B. Curricula Requirements.

Training centers shall provide a description of the curricula intended for use, to include the following requirements:

1. All curricula shall include a module on the effects of alcohol and other drugs on motorcycle operation, and a thorough review of Virginia laws and rules of the road applicable to motorcycles.
2. The course for beginning motorcycle riders shall be no less than 15 hours in length. The curriculum shall include, as a minimum, motorcycle controls, riding the motorcycle, basic maneuvers, basic street riding, perceptual skills, and intermediate riding skills. Training centers shall submit for approval an outline

Proposed Regulations

of the content of each classroom and range exercise, to include the number of hours of instruction in each exercise, and the knowledge and skill tests and evaluation criteria.

3. The course for experience motorcycle riders shall be no less than six hours in length. Training centers shall submit for approval an outline of the content of each classroom and range exercise, to include the number of hours of instruction in each exercise, and the knowledge and skill tests and evaluation criteria.

4. Training centers shall submit for approval the maximum number of students that can be registered or enrolled in any one beginner and any one experienced motorcycle rider course.

5. Training centers shall submit for approval the maximum number of riders that may operate motorcycles on the same range for the beginning and the experienced motorcycle rider courses.

6. Training centers shall submit for approval the maximum number of riders that may be under the supervision of one instructor during on-cycle instruction for both the beginning and the experienced motorcycle rider courses.

C. Protective Gear.

Training centers shall certify that course participants will be required to wear the following protective gear during on-cycle instruction:

1. A motorcycle helmet that meets U.S. DOT, ANSI Z90, or Snell safety standards;
2. A pair of leather boots or heavy soled leather shoes that cover the ankles;
3. A long sleeved jacket or long sleeved shirt and long pants of durable material;
4. A pair of sturdy gloves.

§ 6. Facilities and Equipment Requirements and Approval.

A. Facilities and Equipment Approval.

DMV, or an authorized agent of DMV, may inspect and approve each training center's facilities and equipment prior to entering into a contract.

B. Facilities Requirements.

A training center's classroom, range and storage facilities shall meet all minimum requirements and recommended standards as specified in the contract. A training center's facilities shall include, but not necessarily be limited to:

1. A classroom;
2. A range to conduct riding exercise;
3. A secured storage area for the training motorcycles, equipment and other materials.

C. Equipment Requirements.

A training center shall possess or have access to the use of classroom and range equipment that meets the minimum requirements and recommended standards as specified in the contract.

D. Training Motorcycles and Maintenance.

The training center shall be responsible for procuring and providing one motorcycle of a size not larger than 350cc to each participant in the beginning rider course. Participants shall bring their own motorcycles for use in the experienced rider course.

The training center shall be responsible for the maintenance and repair of all motorcycles used in the beginning rider courses.

§ 7. Instructor Qualifications and Approval Requirements.

A. Instructor Qualifications.

In order to qualify as a DMV-approved instructor in the Program, an individual shall meet the following minimum requirements:

1. Possess a valid Virginia driver's license endorsed for motorcycle operation, or approved equivalent, that is neither suspended, revoked, cancelled, nor under probation;
2. Successfully complete a beginning rider training course;
3. Be able to successfully demonstrate all of the riding skills and exercises used in the curriculum;
4. Successfully complete a DMV-approved instructor preparation course; or possess a valid MSF instructor certification;
5. Comply with any other DMV requirements.

B. Retaining Instructor Approval.

Virginia motorcycle instructor approval is valid for a three-year period. In order for an instructor to retain DMV approval to teach in the Program, an instructor shall:

1. Maintain a current, valid Virginia driver's license endorsed for motorcycle operation, or approved equivalent, that is neither suspended, revoked,

cancelled, nor under probation;

2. Conduct a minimum of three Virginia rider training beginning or experienced rider courses, or approved equivalent within the three-year period;

3. Comply with all DMV Program rules and regulations, contract, and reporting requirements.

C. Instructor Approval Requirements.

Training centers shall employ only DMV-approved instructors to teach in the programs. Training centers shall require instructors to provide verification of meeting approval requirements prior to employing them to teach in the Program.

D. Instructor Approval Revocation.

DMV, at its discretion, may review any instructors' or instructor applicants' driving record, and may withdraw the approval for any instructor to participate in the Program, at any time.

§ 8. Administrative and Reporting Requirements.

A. Reporting Requirements.

Training centers shall provide all reports to DMV as required. The training center shall provide the following information on each course, within ten days of course completion, on forms provided by DMV:

1. The type of course and date of completion;
2. The name and certification number of each instructor;
3. The name, address, social security number of driver license number, date of birth, and sex of all participants enrolled in each course;
4. The course completion status of each participant (e.g., pass, fail, or drop);
5. A copy of each participant waiver form;
6. The original student evaluation form;
7. Other information, as may be required by DMV;

B. Certification of Course Completion.

The training center shall issue a DMV-approved certificate of completion to each participant who successfully completes a course in the Program.

C. Enrollment Eligibility.

Training centers shall be responsible for verifying that all participants are eligible for enrollment in a course

under the Program.

To be eligible to enroll in a rider safety training course under the Program, participants must be at least 15 years and eight months old. Participants under the age of 18 years shall provide written consent of a parent or legal guardian to participate in a course.

D. Recordkeeping.

Training centers shall establish and maintain records of course administration, including the information outlined in § 8A above, for a three-year period following the course completion.

DMV reserves the right to audit course records, and to monitor and evaluate any and all aspects of the Program, at its convenience. In general, the training centers will be notified in advance of DMV visits.

Proposed Regulations



MOTORCYCLE RIDER SAFETY TRAINING COURSE EVALUATION SHEET

| | |
|----------------------|-----------------------|
| TRAINING CENTER NAME | CLASS COMPLETION DATE |
| LOCATION | |
| INSTRUCTOR | |
| INSTRUCTOR | |
| RANGE AIDE | |

THE INFORMATION YOU PROVIDE BELOW SHOULD BE AN ANONYMOUS EVALUATION OF THE COURSE YOU HAVE JUST COMPLETED. BE CANDID AND DO NOT SIGN YOUR NAME. THIS EVALUATION WILL BE USED ONLY BY DMV TO EVALUATE EACH TRAINING CLASS AND TO ASSURE OVERALL PROGRAM QUALITY.

- I heard about this program from: DMV Mail Dealer Radio TV
Word-of-Mouth Other _____
- I took this course because _____

- The classroom instructor presented information clearly and in terms I could understand:
Excellent Very Good Good Fair Poor
- The materials, textbooks, and handouts used were:
Excellent Very Good Good Fair Poor
- I would rate the usefulness of what I learned in class as:
Excellent Very Good Good Fair Poor
- The range instructions were clearly explained:
Excellent Very Good Good Fair Poor
- I would rate the usefulness of what I learned on the range as:
Excellent Very Good Good Fair Poor
- The length of the class was appropriate: (if not appropriate, please explain).
Excellent Very Good Good Fair Poor

- The program addressed the topics I had expected. (If not, please explain what topics were missed.)
Excellent Very Good Good Fair Poor

- Would you recommend this course to a friend? Yes No
(if no, please explain _____

- What could be done to make this program more effective?



MOTORCYCLE RIDER SAFETY TRAINING

STUDENT REPORT AND REIMBURSEMENT

CENTER NAME _____ CONTRACT/DMV ACCT. # _____
 LOCATION _____ DISTRICT _____
 ADMINISTRATOR'S NAME _____
 INSTRUCTORS _____ CERTIFI. # _____

 TYPE OF COURSE: BEGINNING EXPERIENCED OTHER GRAD. DATE: _____

| STUDENT DATA | | | | | | HRS | DROP | FAIL | PASS |
|------------------------------|------------------------------|-----------|---------------------|-----|--|-----|------|------|------|
| NAME | SEX | BIRTHDATE | | | | | | | |
| # | STREET | CITY | STATE | ZIP | | | | | |
| ID/DRIVER LIC. # | SSN IF DIFFERENT FROM LIC. # | | | | | | | | |
| | | | | | | | | | |
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| | | | | | | | | | |
| | | | | | | | | | |
| TOTAL STUDENTS THIS SIDE | | | TOTAL THIS SIDE | | | | | | |
| TOTAL STUDENTS REVERSE SIDE | | | TOTAL REVERSE SIDE | | | | | | |
| TOTAL STUDENTS FROM 2ND PAGE | | | TOTAL FROM 2ND PAGE | | | | | | |
| CLASS TOTAL | | | CLASS TOTAL | | | | | | |

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND THAT THE RESULTING TOTALS ARE CORRECT FOR REIMBURSEMENT.
 AUTHORIZED SIGNATURE _____ DATE _____

RECEIVED DATE [] ENTERED DATE [] PROCESSED DATE []
 AUTHORIZED PAYMENT OF [] TO REIMBURSE FOR [] STUDENTS.
 AUTHORIZED SIGNATURE _____ DATE _____
 REIMBURSEMENT SENT DATE []

Proposed Regulations



MOTORCYCLE RIDER SAFETY TRAINING RELEASE, WAIVER, AND INDEMNIFICATION STATEMENT

The undersigned participant or the participant's undersigned parent or legal guardian, if the participant is under the age of eighteen (18) years of age, hereby executes this release, waiver, and indemnification for the participant and/or the participant's parents or legal guardians, and any heirs, successors, representatives and assigns; and hereby agrees and represents as follows:

To release the State of Virginia, its employees, agents and representatives thereof from any and all liability, loss, damage, cost, claim, and/or causes of action, including but not limited to all bodily injuries and property damage arising out of participation in any motorcycle rider safety training course sponsored by the State, it being specifically understood that said course section includes the operation and use of motorcycles by the undersigned participant and others.

The undersigned further agrees to indemnify the State of Virginia, its employees, agents and representatives and save them harmless from any liability, loss, damage, cost, claim, judgement or settlement which may be brought or entered against them as a result of the undersigned's participation in said classes. This indemnification shall include costs incurred in defending against any claim or judgement and in negotiating any settlement.

Participant Name

Participant's Signature

Date

Parent or Legal Guardian (if applicable)

Parent or Legal Guardian's Signature

Date

FINAL REGULATIONS

For information concerning Final Regulations, see information page.

Symbol Key

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

VIRGINIA MARINE RESOURCES COMMISSION

Effective July 1, 1984, the Marine Resources Commission was exempted from the Administrative Process Act for the purposes of promulgating regulations. The regulations printed below are voluntarily published by the Marine Resources Commission for the public's benefit and for informational purposes only.

Title of Regulation: VR 450-01-0004. Pertaining to the Licensing of Fixed Fishing Devices.

Statutory Authority: § 28.1-23 of the Code of Virginia.

Effective Date: January 23, 1985

Summary:

This regulation sets forth the procedures established regarding licensing of fixed fishing devices and the priority rights of holders of fixed fishing device licenses. It repeals Regulation IV, Pertaining to the Licensing of Fixed Fishing Devices, which was promulgated by the Commission and has been in effect since December 28, 1976.

VR 450-01-0004. Pertaining to the Licensing of Fixed Fishing Devices.

§ 1. AUTHORITY, PRIOR REGULATION, EFFECTIVE DATE:

A. This regulation is promulgated pursuant to the authority contained in § 28.1-23 of the Code of Virginia.

B. This regulation supersedes the previous regulation IV, Pertaining to the Licensing of Fixed Fishing Devices, which was promulgated by the Marine Resources Commission and made effective December 28, 1976.

C. The effective date of this regulation is January 23, 1985.

§ 2. PURPOSE: The purpose of this regulation is to set forth the procedures pertaining to the licensing of fixed fishing devices and the priority rights of holders of fixed fishing device licenses.

§ 3. DEFINITIONS:

The following words and terms, when used in these

regulations, shall have the following meaning, unless the context clearly indicates otherwise:

"Fixed fishing device" means any fishing device used for the purpose of catching fish requiring the use of more than two poles or stakes which have been pushed or pumped into the bottom.

"Fyke net" means a round stationary net distended by a series of hoops or frames, covered by web netting or wire mesh and having one or more internal funnel-shaped throats whose tapered ends are directed away from the mouth of the net. The net, leader or runner is held in place by stakes or poles which have been pushed or pumped into the bottom and has one or two wings and a leader or runner to help guide the fish into the net.

"Inspector" means the District Inspector for the district within which the fixed fishing device is located.

"Pound net" means a stationary fishing device supported by stakes or poles which have been pushed or pumped into the bottom consisting of an enclosure identified as the head or pocket with a netting floor, a heart, and a straight wall, leader or runner to help guide the fish into the net.

"Staked gill net" means a fixed fishing device consisting of an upright fence of netting fastened to poles or stakes which have been pushed or pumped into the bottom.

§ 4. LOCATION AND MEASUREMENTS:

A. A fixed fishing device shall be perpendicular to the shoreline insofar as possible.

B. In determining compliance with law prescribing minimum distances between fixed fishing devices, measurement shall be made from the center line of each device.

C. An applicant shall state the desired length of the fixed fishing device, which shall not exceed the maximum limit prescribed by law. Such length shall be stated on any license issued by the Inspector. A licensee may apply for a new license to include a greater length provided such additional length does not make the device violate the maximum legal length or the legal requirement of a minimum distance between successive fishing structures in the same row. In the event a licensee fishes a length less than that stated on the license, the unfished length shall be subject to the provisions of paragraph 6(B) of this regulation.

Final Regulations

§ 5. PRIORITY RIGHTS: GENERAL: Except as may be otherwise provided herein, chronological order of receipt of applications shall be used to establish priority rights of any applicant to any fixed fishing device location. In those instances of simultaneous receipt, priority shall be determined by lottery.

§ 6. PRIORITY RIGHTS: RENEWAL BY CURRENT LICENSEE:

A. Applications for renewal of license for existing fixed fishing devices may be accepted by the Inspector beginning at 9 a.m. on December 1 of the current license year through 12 noon on January 10 of the next license year providing the applicant has met all the requirements of law and this regulation. Any location not relicensed during the above period of time shall be considered vacant and available to any qualified applicant after 12 noon on January 10.

B. A currently licensed fixed fishing device must have been fished during the current license year in order for the licensee to maintain his priority right to such location. It shall be mandatory for the licensee to notify the District Inspector, on forms provided by the Commission, when the fixed fishing device is ready to be fished in the location applied for, by a complete system of nets and poles, for the purpose of visual inspection by the District Inspector. Either the failure of the licensee to notify the District Inspector when the fixed fishing device is ready to be fished or the failure by the licensee actually to fish the licensed device, by use of a complete system of nets and poles, shall terminate his right or privilege to renew the license during the period set forth in paragraph 6(A) of this regulation, and he shall not become a qualified applicant for such location until 9 a.m. on February 1. Any application received from an unqualified applicant under this paragraph shall be considered as received at 9 a.m. on February 1; however, in the event of the death of a current license holder, the priority right to renew the currently held locations of the deceased licensee shall not expire by reason of failure to fish said locations during the year for which they were licensed, but one additional year shall be and is hereby granted to the personal representative or lawful beneficiary of the deceased licensee to license the location in the name of the estate of the deceased licensee for purposes of fishing said location or making valid assignment thereof.

§ 7. PRIORITY RIGHTS: LICENSED LOCATION, REQUEST BY OTHER THAN CURRENT LICENSEE: Applications for license for currently licensed fixed fishing device locations by persons other than the current licensee shall not be accepted by the Inspector during the year any current license is valid.

§ 8. PRIORITY RIGHTS: VACANT LOCATION: Application from any qualified applicant for any fixed fishing device at a vacant and unlicensed location may be accepted by the Inspector at any time during the year for which the license is intended, and only for the year during which

the license is intended, except that any application received prior to 12 noon on January 10 for any location believed to be vacant and unlicensed pursuant to paragraph 6(B) shall be considered as received at 12 noon on January 10, and in chronological order of receipt.

§ 9. TRANSFER AND VESTED RIGHTS:

A. A current fixed fishing device license, and the rights to renew same, may be transferred by the present licensee provided all parties comply with the existing statutes and regulations. Any transferee takes the license subject to all of the duties of the transferor.

B. Any rights a licensee may have, upon his death, shall be vested in his personal representative or lawful beneficiary.

William A. Pruitt, Commissioner
Date: January 28, 1985

FIXED FISHING DEVICES

LICENSEE

I, the undersigned, reported this date, _____, to District Inspector _____ that the following fixed fishing devices are completely installed with a full set of poles and nets in a fishing position and in the location applied for.

LIST OF LICENSE AND TAG NUMBERS

| | |
|----------------------|------------------|
| License Number _____ | Tag Number _____ |
| License Number _____ | Tag Number _____ |
| License Number _____ | Tag Number _____ |
| License Number _____ | Tag Number _____ |
| License Number _____ | Tag Number _____ |
| License Number _____ | Tag Number _____ |
| License Number _____ | Tag Number _____ |
| License Number _____ | Tag Number _____ |
| License Number _____ | Tag Number _____ |
| License Number _____ | Tag Number _____ |

(Signed by Licensee)

(Date)

DISTRICT INSPECTOR

I, the undersigned, inspected the above fixed fishing devices and found them (in full compliance) (not in full compliance) with VMRC Regulation IV.

COMMENTS: _____

(Signed by District Inspector)

(Date)

(District Inspector's Record)

EMERGENCY REGULATION

TREASURY BOARD

Title of Regulations: Virginia Security for Public Deposits Act.

Statutory Authority: §§ 2.1-359, 2.1-360 and 2.1-363 of Chapter 23 of Title 2.1 of the Code of Virginia, known as the Virginia Security for Public Deposits Act (the "Act") and added a new § 2.1-363.1. The following Emergency Regulations are necessary to the amended Sections of the Code of Virginia and will remain in effect until final adoption on or before February 17, 1986.

The amendments provide for the reporting by Federal savings and loan associations, Federal savings banks, and savings and loan associations organized under Virginia law as has been required of banking institutions since January 1, 1974. Reports will be filed monthly with the Treasury Board on behalf of all public depositors.

There have been no changes in the provisions for a mutuality of responsibility involving a cross guarantee among all commercial banks holding public deposits. In the event of insolvency by a bank holding public deposits, any losses resulting from uncollateralized and uninsured public deposits will be paid by assessments against all other commercial banks holding public funds. The amount assessed against each bank will be based on the ratio that its average public deposits bears to the statewide average.

In respect to the savings and loan associations and savings banks, however, there is no sharing of liability for total public funds on deposit. Instead, the savings and loan associations are required to pledge collateral equal to 100% of their public deposits, compared to 50% that is required of the banks. In the event of default or insolvency of a savings and loan or a savings bank, the State Treasurer will take possession of the collateral securities pledged by such depository and held by the Federal Reserve Bank of Richmond or another bank or trust company pursuant to this chapter, liquidate such securities to satisfy the assessment of the Treasury Board and turn over the proceeds thereof to the Treasury Board.

The Treasury Board has the responsibility of promulgating regulations and enforcing the provisions of the Act, as amended. The Treasury Board, acting by and through the State Treasurer, will cooperate closely with all public treasurers and finance officers as well as with participating financial institutions in administering the Act's provisions.

The Treasury Board will receive, consider and respond to petitions by any interested person at any time for reconsideration or revision of the provisions hereof.

GENERAL INFORMATION

Upon its effective date of July 1, 1974, the Act superseded all other existing statutes concerning security for public deposits and established a single body of law in

order that ~~the~~ to provide a procedure for securing such deposits is that is uniform throughout the Commonwealth. The Act does not, of itself, require security for any public deposit, and thus the statutes previously existing continue in effect insofar as they require certain deposits to be secured. All deposits that are required to be secured, whether by statute, by charter provision, or by the custodian of the fund, must be secured pursuant to the Act beginning January 1, 1974. Thereafter, No alternate method of securing such deposits may be utilized.

The primary responsibility for determining that the Act is being complied with rests upon the ~~bank~~ financial institutions that ~~accepts~~ accept and holds hold public deposits. If a ~~banking~~ financial institution officer is unable to ascertain whether a particular deposit is a "public deposit" for purposes of the Act he should obtain the essential details and communicate with the public depositor, the ~~bank's~~ financial institution's counsel, or the State Treasurer's office. If the deposit is a "public deposit" the pertinent inquiry is whether the deposit either must be secured pursuant to ~~Virginia law~~ the Code of Virginia, or whether the public depositor elects to require security for the deposit.

All State moneys deposited by the State Treasurer must be secured due to § 2.1-211. All county moneys deposited by a county treasurer must be secured due to § 58.1-3158. Some city deposits must be secured due to provisions in the city charter, but other city deposits do not have to be secured because the charter has no provision requiring security. There is no general law applicable to city and town deposits, therefore, each charter must be examined to determine whether security is required.

If security is not required by law, but the deposit is within the statutory definition of a public deposit, the treasurer or custodian of the moneys may elect to require security. If the amount of the deposit is less than the maximum amount of deposit insurance applicable, there is no need for the treasurer or custodian to require security because the ~~bank~~ financial institution will deduct the maximum amount of deposit insurance applicable to the account as provided by the Federal Deposit Insurance Corporation (FDIC) or Federal Savings and Loan Insurance Corporation (FSLIC) and secure only the excess which is not covered by the insurance. If the deposit is in excess of exceeds the ~~maximum~~ amount of insurance, the treasurer or custodian may decide that the deposit should be secured. In such event, he must communicate his election to the proper officer of the ~~bank~~ financial institution holding his the deposit, who will may require the election to be manifested in writing on a form approved by the Treasury Board. A copy of the form will be retained by the treasurer and the ~~bank~~ financial institution, and a copy will be forwarded to the State Treasurer.

Securities made eligible for purposes of collateral include those made legal investments for public sinking funds pursuant to § 2.1-327 and for other public funds

Emergency Regulation

pursuant to §§ 2.1-328 and 2.1-328.1. Also included are securities acceptable under United States Treasury Department Regulations governing Treasury Tax and Loan Accounts, § 203.8(b) of Circular No. 92, *except for bankers acceptances, commercial paper and certificates of deposit*, and securities issued by Virginia or its political subdivision which are expressly made eligible for the investment of public funds by the act authorizing their issuance. An example is § 15.1-1386 which makes industrial development revenue bonds legal investment for public funds. Any security included within the aforementioned categories may be used as collateral unless excluded by a regulation promulgated by the Treasury Board.

Definition of Participants

The three major participants in the scheme of activities required by the Act are defined as follows:

1. Qualified public depositories.—Any national banking association, federal savings and loan association or federal savings bank located in Virginia and any bank, or trust company or savings and loan association organized under Virginia law that receives or holds public deposits which are secured pursuant to the Act.
2. Treasurers or public depositories.—The State Treasurer, a county, city, or town treasurer or director of finance or similar officer and the custodian of any other public deposits secured pursuant to the Act.
3. Treasury Board.—The Treasury Board of the Commonwealth created by § 2.1-178 consisting of the State Treasurer, the Comptroller, and the State Tax Commissioner and two members appointed by the Governor.

Treasury Board Duties, Powers and Responsibilities.

The Treasury Board is granted authority to make and enforce regulations necessary and proper to the full and complete performance of its functions under the Act. The Board may require additional collateral of any and all depositories, may determine within the statutory criteria what securities shall be acceptable as collateral, and may fix the percentage of face value or market value of such securities that can be used to secure public deposits. The Board may also require any public depository to furnish information concerning its public deposits and fix the terms and conditions with respect to security under which public deposits may be held. In the event of a default or insolvency of a public depository holding secured public deposits, the Board may take such action as it may deem advisable for the protection, collection, compromise or settlement of any claim.

Administration.

The Treasury Board has designated the State Treasurer to be the chief administrative officer with

respect to the provisions of the Act. Inquiries and correspondence concerning the Act should be directed to:

Treasurer of Virginia
P. O. Box 6-H
Richmond, Virginia 23215

Effective date.—The Act, as amended, became effective January 1, 1974 July 1, 1984.

REGULATION PROCEDURE

The Treasury Board, pursuant to the authority granted by § 2.1-364(a) and (b), will promulgate regulations from time to time in the exercise of its administrative responsibilities. When time permits, the Board will circulate a draft of the proposed regulations among the public depositories and treasurers prior to their adoption, and the Board will give consideration to appropriate written comments from individuals and institutions that will be affected by the proposed regulations, as well as from other interested persons. The initial proposed regulations were released August 31, 1973, and comments will be received until November 23, 1973, upon which date the Board will review all comments and prepare final regulations for adoption January 1, 1974, to be effective as of that date.

REGULATIONS

§ 1. General.—The definitions provided by § 2.1-360, Code of Virginia (1950), as amended, shall be used throughout these regulations unless the context requires otherwise.

§ 2. Effective Date.—These regulations, as amended, shall be effective on and after July 1, 1974 February 18, 1985. Supplementary regulations will be effective on and after the date specified at the time of their adoption by the Treasury Board.

§ 3. Transitional Provisions.—(a) As of 12:01 a.m. January 1, 1974, all public deposits held by qualified public depositories must be secured pursuant to Title 2.1, Chapter 23, Code of Virginia (1950), as amended. On or before January 1, 1974, all qualified public depositories holding public deposits shall execute and deliver to the State Treasurer the "Public Deposit Security Agreement" or the "Public Deposit Safekeeping Agreement" providing certain terms and conditions applicable to public deposits. Any qualified public depository which has not executed and delivered such agreement on or before January 1, 1974, shall not retain or accept any public deposits thereafter until such agreement has been so executed and delivered and shall immediately notify the treasurer for whom the deposit is held that the agreement has not been so executed and delivered.

(b) On or before January 1, 1974, each qualified public depository shall forward to the State Treasurer a report of its required collateral as of the close of business on November 30, 1973, determined pursuant

Emergency Regulation

to these Regulations. On or before January 1, 1974, each qualified public depository shall deposit eligible collateral, as defined in these Regulations, equal to its required collateral, determined as herein provided, with the State Treasurer, the Federal Reserve Bank of Richmond, or a bank or trust company located within or without Virginia, subject to the provisions of § 11 of these Regulations.

If the deposit of securities is made with the Federal Reserve Bank of Richmond, the qualified public depository and the State Treasurer shall execute the "Public Deposit Safekeeping Agreement" with the Federal Reserve Bank of Richmond in the form approved by the Treasury Board and the State Treasurer shall retain the original. If the deposit is made with another bank or trust company, the qualified public depository and the State Treasurer shall execute the "Public Deposit Security Agreement" with such bank or trust company in the form approved by the Treasury Board and the State Treasurer shall retain the original.

Since the initial report to the State Treasurer indicates the depository's required collateral as of November 30, 1973, each depository shall prepare and forward to the State Treasurer by January 15, 1973, another report prepared as of the close of business December 31, 1973 in accordance with § 10 of these regulations.

§ 4. 3. - Required Collateral.— *In the case of a bank:* The required collateral of a qualified public depository national or state chartered bank to secure public deposits shall consist of securities qualifying as eligible collateral pursuant to these Regulations which have a value for collateralization purposes not less than;

(a) Fifty percent of the average daily balance for each month of all public deposits held by the bank during the twelve calendar months immediately preceding the current month, or fifty percent of the actual public deposits held at the close of business on the last banking day in the preceding calendar month, whichever is greater;

(b) Seventy-five percent of the bank's average daily balance for each month or the actual public deposits held as aforesaid, whichever is greater, in the event that the bank's average daily public deposits for the preceding month exceed one-fifth of its average daily total deposits;

(c) One hundred percent of the bank's average daily balance for each month or the actual public deposits held, as aforesaid, whichever is greater, in the event that the bank's average daily public deposits for the preceding month exceed one-fifth of its average daily total deposits and the bank has not been actively engaged in the commercial banking business for at least three years;

(d) One hundred percent of the bank's average daily

balance for each month or the actual public deposits held, as aforesaid, whichever is greater, in the event that the bank's average daily public deposits for the preceding month exceed one-third of its average daily total deposits;

(e) One hundred percent of the bank's average daily balance for each month or the actual public deposits held, as aforesaid, whichever is greater, in the event the bank has not been actively engaged in the commercial banking business for at least one year;

(f) Or, in the event that the bank has repeatedly violated the pledging statutes and regulations or for other reasons deemed sufficient to the Treasury Board may increase the bank's ratio of required collateral to one hundred percent of its actual public deposits.

§ 4. Required Collateral.—*In the case of a savings and loan association or savings bank:* The Required Collateral of a savings and loan association shall mean a sum equal to 100 percent of the average daily balance for each month of all public deposits held by such depository during the twelve calendar months immediately preceding the date of any computation of such balance, but shall not be less than 100 percent of the public deposits then held by such depository.

§ 5. - Average Daily Balance Computation.—The average daily balance for each month of all public deposits held during the month shall be derived by dividing the total of the daily balances of such deposits for the month by the number of calendar days in the month. The amount so derived shall be calculated for each month of the twelve months preceding the current month and shall be averaged by dividing the totals by twelve. The resulting amount shall be the bank's financial institution's average daily balance for each month of all public deposits held by the bank during the twelve preceding calendar months.

In computing the actual public deposits held during any month, there shall be excluded the amount of each deposit which is insured by the Federal Deposit Insurance Corporation or Federal Savings and Loan Insurance Corporation.

In the event that a bank financial institution is unable to determine its average daily balance of public deposits held during the preceding twelve months, it shall make such determination for the number of months possible and use the amount so determined as if it were its average daily balance for the preceding twelve months for purposes of ascertaining its required collateral.

§ 6. Eligible Collateral.—Securities eligible for collateral are limited to:

(a)(i) Obligations included in §§ 2.1-327, 2.1-328 and 2.1-328.1, Code of Virginia (1950), as amended, or authorized as legal investments for the public sinking funds or other public funds by other Virginia statutes,

Emergency Regulation

and,

(a)(ii) Obligations acceptable for collateralizing United States Treasury Tax and Loan Accounts pursuant to § 203.8 of Subchapter A, Chapter II, Title 31, of the Code of Federal Regulations, as amended, except:

(1) Notes representing loans to students; shall not be eligible; and,

(2) Obligations (including revenue bonds) of states, other than Virginia, and their municipalities or political subdivisions unless rated A or better by Moody's Investors Service, Inc., or Standard & Poor's; ~~Inc. Corporation;~~

(3) Any Commercial Paper and Banker's Acceptances;

(4) Any Certificates of Deposit.

(b) No security which is in default as to principal or interest shall be acceptable as collateral.

(c) No bank financial institution shall utilize securities issued by such bank or its holding company itself, its holding company, or any affiliate for purposes of collateralizing its public deposits.

(d) Securities excluded by action by the Treasury Board pursuant to § 2.1-364(d) shall not be acceptable.

§ 7. Valuation of Collateral.—Each bank financial institution shall value its securities for reporting purposes at their current asset value in accordance with one of the following methods method :

~~(a)~~ At the market value as of the close of business on the last banking day in the preceding month, except that any extraordinary decline in value between such day and the date of mailing the monthly report to the Treasury Board shall be considered and used for reporting purposes; ~~or, . Securities that are eligible collateral but for which the market value is not readily ascertainable, e.g., private placements of non-rated industrial revenue bonds, will be valued after consultation with the State Treasurer.~~

~~(b)~~ Securities maturing within two years shall be valued at ninety five percent of face value; securities maturing from two to ten years shall be valued at ninety percent of face value; and securities maturing in more than ten years shall be valued at seventy five percent of face value.

Where possible a bank shall utilize the method of valuation provided in ~~(a)~~, then the bank may elect valuation as provided in ~~(b)~~ for its initial report. Whether the bank utilizes the method provided in ~~(a)~~ or ~~(b)~~ for its initial report, it shall continue to use such method for all subsequent monthly reports unless it receives approval to change to the other method from the Treasury Board.

Certain security issues must be valid at their market value regardless of whether method ~~(a)~~ or ~~(b)~~ is utilized. A list of these securities will be published by the Treasury Board and will be supplemented from time to time. This list will include deep discount issues having low coupon rates as well as issues with a current market value significantly below the percentages specified in ~~(b)~~.

§ 8. Substitution of Collateral.—A substitution of collateral may be made by the depository bank financial institution at any time provided that the face value of the securities substituted is equal to or greater than the face value of the securities withdrawn. The depository bank financial institution shall not make such substitution unless the current asset market value of the securities substituted is not less than ninety-five percent of the current asset market value of the securities withdrawn. Such value shall be either the market value or the percentage value used by the bank for reporting purposes pursuant to § 7 of these Regulations. A bank financial institution desiring to substitute securities with a current asset value less than ninety-five percent of the current asset value of the securities sought to be withdrawn shall comply with § 9 of these Regulations relating to a withdrawal of securities.

At the time of making a substitution, the depository bank financial institution shall prepare a request for the substitution upon a form approved by the State Treasurer and deliver the original to the escrow bank and a copy to the State Treasurer. The escrow bank shall not be required to ascertain the accuracy of the amounts certified as the current asset value of the securities substituted or withdrawn, but shall not allow a substitution unless the face value of the securities to be substituted is equal to or greater than the face value of the securities to be withdrawn.

§ 9. Withdrawal of Collateral.—A bank financial institution shall not be permitted to withdraw collateral previously pledged without the prior approval of the State Treasurer. The State Treasurer may grant such approval only if the bank financial institution certifies in writing that such withdrawal will not reduce its collateral below its required collateral as defined by these Regulations, and this certification is substantiated by a statement of the bank's financial institution's current public deposits which indicates that after withdrawal such deposits will continue to be secured to the full extent required by the law and Regulations. A bank or trust company holding securities as collateral for another bank financial institution shall not permit the depositing bank financial institution to withdraw same without the written approval of the State Treasurer except in cases of a substitution as defined by the Regulations.

§ 10. Reports by Qualified Public Depositories. —Within ten banking business days after the end of each calendar month each qualified public depository shall submit to the State Treasurer a written report, under oath, indicating the total amount of public deposits held by it at the close of business on the last banking business day in the preceding

Emergency Regulation

month, and average daily balance for such month of all secured public deposits held by it during the month, and the average daily balance for each month of all public deposits held by the ~~bank~~ *financial institution* during the preceding twelve calendar months together with a detailed schedule of pledged collateral at its current asset value, determined pursuant to § 7 of these Regulations, at the close of business on the last ~~banking~~ *business* day in such month. This report shall indicate the name of the escrow agent holding the collateral and its location and shall contain the amount of the ~~bank's~~ *financial institution's* required collateral as of the close of business on the last ~~banking~~ *business* day in such month. This report shall indicate the name of the escrow agent holding the collateral and its location and shall contain the amount of the ~~bank's~~ *financial institution's* required collateral as of the close of business on the last ~~banking~~ *business* day in such month.

At the request of any public depositor for which it holds deposits, within ten ~~banking~~ *business* days after the end of each calendar month the qualified public depository shall submit to ~~each treasurer or public depositor for which it holds deposits~~ a statement indicating the total secured public deposits in each amount to the credit of such depositor on the last ~~banking~~ *business* day in the month and the total amount of all secured public deposits held by it upon such date.

Within the first ten ~~banking~~ *business* days of each calendar quarter the qualified public depository shall submit to the State Treasurer a report indicating the name of all public depositors for whom it holds secured public deposits as of the close of business on the last banking day in the preceding quarter. ~~At the election of the depository, such report may be submitted within ten days following a duly issued call for a statement of condition by the depository's regulatory authority, and may be compiled as of the day required by such call.~~ If a single depositor has more than one account with the depository it shall not be necessary to list each account unless all of the accounts to the credit of the depositor are not secured, in which event each secured account shall be listed by the title used to identify the account.

§ 11. Deposit of Collateral.—No qualified public depository shall accept or retain any public deposit which is required to be secured unless it has deposited eligible collateral, as defined in these Regulations, equal to its required collateral, determined as herein provided, with ~~(a) the State Treasurer,~~ ~~(b)~~ (a) the Federal Reserve Bank of Richmond, ~~(c)~~ (b) The Federal Home Loan Bank of Atlanta, (c) a bank or trust company located within Virginia which is not also a subsidiary of the depository's parent holding company, or ~~(d)~~ (d) a bank or trust company located in ~~New York City~~ *outside Virginia* which is approved by the Treasury Board.

No qualified depository shall deposit more than three-fourths of its required collateral in a bank or trust company located outside of Virginia and no deposit of

collateral shall be made in a bank or trust company located outside of Virginia unless the face value of the securities to be deposited is ~~not less than~~ *at least* five hundred thousand dollars.

Whether or not a depository has eligible collateral deposited as heretofore provided at the time it receives a public deposit, if such deposit would result in an increase of ~~twenty~~ *ten* percent or more in the depository's required collateral computed as of the day on which the deposit is received, such depository shall immediately deposit sufficient securities to increase its collateral to an amount equal to that determined pursuant to subparagraphs (a) through (f) of § 4 3 of these Regulations, whichever is applicable, but utilizing the depository's actual public deposits held at the close of business on the day such deposit is received in lieu of those held at the close of business on the last banking day in the preceding calendar month.

Except as provided in the preceding paragraph, each qualified public depository shall increase its collateral deposit on or before the day its monthly report is required to be submitted to the State Treasurer pursuant to § 10 of these Regulations if such report indicates that the depository's required collateral is in excess of the collateral previously deposited in accordance with its preceding monthly report.

At the time of the deposit of registered securities, the qualified public depository owning the securities shall ~~deliver to the State Treasurer a power of attorney authorizing him to attach appropriate bond power forms as required to allow the State Treasurer to transfer ownership of such registered securities for the purpose of satisfying the depository's liabilities under the Virginia Security for Public Deposits Act.~~ *Act in the event the collateral needs to be liquidated.*

§ 12. Reports by State Treasurer.—*The State Treasurer shall report to the auditors of any public depositor, upon their request, the status of any public depository's collateral account and compliance with the reporting requirements of the Act. The State Treasurer shall notify any public depositor that maintains accounts with any bank or savings and loan of any irregularities, including, but not limited to, the late filing of the required monthly reports or of deficiencies in the financial institution's eligible collateral at any time. The Treasury Board shall be notified of the sending of any reports of irregularities required herein no later than its next regularly scheduled meeting.*

02/04/85 /s/ C. J. Boehm, Chairman
Treasury Board of the Commonwealth of Virginia

Approval of emergency regulation
02/04/85 /s/ Charles S. Robb, Governor

Filed: 02/06/85 10:30 a.m.
/s/ Joan W. Smith, Registrar of Regulations

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.14:9.1 of the Code of Virginia)

Title of Regulation: **Standards and Regulations for Agency
Approved Providers (VR 615-50-1).**

Agency: Department of Social Services

Governor's Comment:

No objections as presented.

Charles S. Robb
Date: January 28, 1985

GENERAL NOTICES/ERRATA

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| † Indicates entries since last publication of the Virginia Register |
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NOTICES OF INTENDED REGULATORY ACTION

CONTACT: Larry E. Gilman, Secretary to the Commission, P. O. Box 27491, Richmond, Va. 23261, telephone (804) 257-0616.

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VIRGINIA AUCTIONEERS BOARD

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL Virginia Alcoholic Beverage Control Commission

Notice of Intended Regulatory Action

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Auctioneers Board intends to consider amending regulations entitled: **Rules and Regulations of the Virginia Auctioneers Board.**

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Alcoholic Beverage Control is considering the possible promulgation of regulations entitled: **Use of "Happy Hours" and Other Reduced Price Promotions Regarding Alcoholic Beverages by Licensed Retail Establishments.**

The Board intends to consider proposals to revise rules and regulations for the Registration program and to consider proposals for certification of auctioneers and reciprocity with other jurisdictions.

The entities affected would be (i) retail on-premises licensees; and (ii) the general public.

Statutory Authority: §§ 54-824.9:2 and 54-824.9:3 of the Code of Virginia.

The purpose would be to place limits on use of "Happy Hours" and other reduced price promotions which could cause persons to consume more alcoholic beverages than they otherwise would in an attempt to reduce the number of persons who drive while intoxicated.

Written comments may be submitted until March 31, 1985 to Assistant Director, Virginia Auctioneers Board, 3600 West Broad Street, Richmond, Virginia 23230.

The issues involved are:

CONTACT: Jennifer S. Wester, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8505, toll free 1-800-552-3016.

* * * * *

1. Do happy hours and other promotions of alcoholic beverages cause persons to consume more than they would if such practices were not allowed?
2. Would limits on such practices decrease the incidence of alcohol related accidents?
3. Should such practices be limited or prohibited?
4. If limited only, what limits should be established?

DEPARTMENT OF HEALTH Office of Medical Assistance

The Commission will also be appointing an ad hoc committee consisting of persons on its General Mailing List who will be affected by or interested in such a regulation. This committee will study the matter and make recommendations for actual language of a regulation, if it concludes a regulation is necessary. Anyone interested in serving on such a committee should notify the undersigned as soon as possible.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Health, Office of Medical Assistance, intends to consider the promulgation of regulations entitled: **Home and Community-Based Care Waiver Request for the Provision of Adult Day Health Care for the Elderly.**

The Commission will hold a public meeting to receive the comments or suggestions from the public on March 7, 1985, at 10 a.m. in the First Floor Hearing Room, 2901 Hermitage Road, Richmond, Virginia.

The purpose of the proposed regulations is to request § 2176 waiver approval from the Department of Health and Human Services that will enable Virginia Medicaid to provide reimbursement for Adult Day Health Care for

Statutory Authority: §§ 4-11, 4-69, 4-69.2, 4-98.14, 4-103, and 9-6.14:1 et seq. of the Code of Virginia.

Written comments may be submitted until March 7, 1985.

elderly persons who would otherwise be placed in a nursing home and for whom Medicaid would make payment for nursing home care.

Statutory Authority: § 32.1-74 of the Code of Virginia.

Written comments may be submitted until February 22, 1985.

CONTACT: Charlotte C. Carnes, Manager, Community-Based Care, Department of Health, Office of Medical Assistance, Community-Based Care, 109 Governor St., 11th Floor, Richmond, Va. 23219, telephone (804) 786-1465.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Health, Office of Medical Assistance, intends to consider the promulgation of regulations entitled: **Criteria for Intermediate Care for the Mentally Retarded.**

The purpose of the proposed regulations is to establish a criteria for admission, continued stay, and Medicaid payment in institutions for the mentally retarded and for Medicaid payment for § 2176 Home and Community-Based Care Services for mentally retarded individuals who can be discharged from institutions into the community.

Statutory Authority: § 32.1-74 of the Code of Virginia.

Written comments may be submitted until February 22, 1985.

CONTACT: Tinnie B. Conover, Manager, Institutional Services Section, Department of Health, Office of Medical Assistance, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-7986.

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VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Labor and Industry intends to consider the promulgation of regulations entitled: **Occupational Exposure to Ethylene Oxide.**

The purpose of the proposed regulations is to establish a permissible exposure limit of 1 part ETO per million parts of air determined as an 8-hour time weighted average (TWA) concentration. The standard also includes provisions for methods of exposure control, personal protective equipment, measurement of employee exposure, training,

signs, labels, medical surveillance, regulated areas, emergencies and recordkeeping.

The standard proposed was originally published in the Federal Register Notices 49 FR 25734 on June 22, 1984.

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

Written comments may be submitted until February 20, 1985 to Commissioner Eva S. Teig, Virginia Department of Labor and Industry, P. O. Box 12064, Richmond, Virginia 23241.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Labor and Industry intends to consider amending regulations entitled: **Hazard Communications.**

The purpose of the proposed regulations is to expand the scope of the current Virginia Hazard Communication Standard in order to allow emergency services personnel access to information regarding the hazards of chemicals present at the scene of an industrial accident to which they are responding.

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

Written comments may be submitted until February 20, 1985 to Commissioner Eva S. Teig, Virginia Department of Labor and Industry, P. O. Box 12064, Richmond, Virginia 23241.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Labor and Industry intends to consider the promulgation of regulations entitled: **Marine Terminals.**

The purpose of the proposed regulations is to establish protections against the hazards associated with marine cargo handling ashore. The proposed standard will be applicable to marine terminal public sector employment only.

The standard proposed was originally published in the Federal Register Notice 48 FR 30886 on July 5, 1983.

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

Written comments may be submitted until February 20, 1985 to Commissioner Eva S. Teig, Department of Labor and Industry, P. O. Box 12064, Richmond, Virginia 23241.

CONTACT: Janice L. Thomas, VOSH Administrator, Virginia

General Notices/Errata

Department of Labor and Industry, P. O. Box 12064,
Richmond, Va. 23241, telephone (804) 786-5873.

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VIRGINIA STATE LIBRARY BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Library Board intends to consider the promulgation of regulations entitled: **Standards for Recorded Instruments and Standards for Plats**. The purpose of the proposed regulations is to provide minimum standards for instruments and plats submitted for recordation to the circuit court clerks so as to ensure that the instruments and plats when recorded on microfilm or otherwise can be read and will produce legible copies.

Subcommittees of the Public Records Advisory Committee have been working for the past two years on developing working drafts, which have now been reviewed by the Public Records Advisory Committee and presented to the State Library Board. It is proposed that, if adopted, the effective date of the regulations will be January 1, 1986.

Statutory Authority: §§ 17-60, 17-68, 42.1-82, and 55-108 of the Code of Virginia.

Written comments may be submitted until March 4, 1985.

CONTACT: Louis H. Manarin, State Archivist, 11th St., Capitol Sq., Richmond, Va. 23219-3491, telephone (804) 786-5579.

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DEPARTMENT OF SOCIAL SERVICES

† Notice of Intended Regulatory Action

Notice is hereby given in accordancy with this agency's public participation guidelines that the Department of Social Services is considering the possible amendment to regulations entitled: **General Relief Shelter Policy**. The purpose of the proposed amendment is to exempt shelter contributions as income to the assistance unit in determining eligibility and amount of assistance, provided such contributions are not in the form of cash paid directly to the assistance unit.

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

Written comments may be submitted until March 19, 1985 to Mr. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services, 8007 Discovery Drive,

Richmond, Virginia 23229-8699.

CONTACT: Carolyn Ellis, Supervisor, Economic Assistance Unit, Division of Benefit Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider the promulgation of regulations entitled: **1985-86 Fuel Assistance Program**.

The purpose of the proposed regulations is to develop policies and procedures for implementation of the 1985-86 Fuel Assistance Program which will include any needed changes based on problems indentified in the 1984-85 program; the addition of a new component to cover energy crisis situations; and the reduction of administrative costs.

Regulatory requirements are contained in Title VI of the Human Services Reauthorization Act of 1984 (P.L. 98-558)

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

Written comments may be submitted until March 4, 1985 to Mr. I. Guy Lusk, Director, Division of Benefit Programs, Virginia Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

CONTACT: Charlene H. Chapman, Supervisor; Energy and Emergency Assistance, Division of Benefit Program, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider amending regulations entitled: **Aid to Dependent Children Program Maximum Resource Levels**.

These regulations, if amended, will provide opportunities for public comment, and for board consideration of an increase in the maximum resource level from \$600 to \$1000. Resources to be counted toward that level are real and personal property not specifically excluded, including liquid assets such as, cash, bank accounts, stocks, bonds, savings certificates, insurance policies.

The proposed amendments are based on Code of Federal Regulations § 233.20 (a)(3)(B), Title 45.

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

General Notices/Errata

Written comments may be submitted until March 6, 1985 to Mr. I. Guy Lusk, Director, Division of Benefit Programs, Virginia Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

CONTACT: Carolyn Ellis, Supervisor, Economic Assistance Unit, Division of Benefit Programs, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider amending regulations entitled: **The Aid to Dependent Children Program Standards of Need.**

These regulations, if amended, will provide opportunities for public comment on the Standards of Need Study Report submitted to the Department in November, 1984, by the consulting firm of Ernst & Whinney; and to solicit comments on local agency groupings, and rent costs statewide which provided the base on which Ernst & Whinney recommended locality groupings; the use and value of other public benefits in setting Standards of Need.

The proposed amendments are based on § 401 of the Social Security Act and Code of Federal Regulations § 233.20 (a)(2)(i), Title 45.

Statutory Authority: § 65.1-25 of the Code of Virginia.

Written comments may be submitted until March 6, 1985 to Mr. I. Guy Lusk, Director, Division of Benefit Programs, Virginia Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

CONTACT: Carolyn Ellis, Supervisor, Economic Assistance Unit, Division of Benefit Programs, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Social Services intends to consider amending regulations entitled: **Elimination of Eligibility Criteria for Direct Services.** The purpose of the proposed regulations is to allow agencies to provide all direct services without regard to income requirements except for the Employment Services Program.

Statutory Authority: §§ 9-6.14:2, 9-6.14:21; 63.1-25, and 63.1-55 of the Code of Virginia.

Written comments may be submitted until February 19, 1985.

CONTACT: Elaine Jefferson, Generic Services Specialist, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23288, telephone (804) 281-9139, toll free 1-800-552-7091.

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GENERAL NOTICES

VIRGINIA ALCOHOLIC BEVERAGE CONTROL COMMISSION

NOTICE TO THE PUBLIC

Notice is hereby given that the Virginia Alcoholic Beverage Control Commission, in accordance with the provisions of § 70 of its Regulations, requests that any individual or organization interested in participating in the development of Regulations or Rules of Practice notify the Commission.

Upon notification, the names of such persons or organizations will be added to the Commission's General Mailing List and will receive notice of proposed action on Regulations or Rules.

It is not necessary to notify the Commission if your name is already on our Mailing List.

Further, any person wishing to serve on an ad hoc advisory panel to study and make recommendations on proposed Regulations and Rules, as well as to formulate draft language, should notify the Commission.

Persons wishing to participate as outlined above should notify Larry E. Gilman, Secretary to the Commission, P. O. Box 27491, Richmond, Virginia 23261, telephone (804) 257-0616.

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DEPARTMENT OF HEALTH

Public Notice

Notice is hereby given that the 1984 State Medical Facilities Plan is available for distribution. The Plan consists of two parts; Part I, which was adopted by the Virginia Statewide Health Coordinating Council, contains statistical summaries of current inventories and projected needs for services and facilities; Part II presents the projection methodologies which are applied in Part I. There is an \$8.00 charge per copy of the document, which includes postage. Checks should be made payable to the Division of Health Planning/VDH. Parties wishing to obtain

General Notices/Errata

a copy of this document should contact the Division of Health Planning, Virginia Department of Health, 1010 Madison Building, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-4891.

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SOUTHEAST COMPACT COMMISSION MEETING

The Southeast Interstate Compact Commission will be meeting in Richmond on Thursday, February 28, 1985. The Southeast Interstate Compact Commission is an eight-state organization authorized to provide for regional management of low-level radioactive waste.

At 10 a.m. in House Room 4 of the Capitol Building, the Commission will hold an open discussion session on the process of identifying a state or states to host a regional management facility. The identification will be made by mid-1986. The Commission invites the public to arrive at 9:30 a.m., providing an opportunity to meet individually.

The Southeast Compact Commission will convene for its regular business meeting at 1 p.m. in the sixth floor conference room of the General Assembly Building. The meeting is open to the public.

For more information, contact the Virginia Solid Waste Commission at (804) 786-4169.

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NOTICE TO STATE AGENCIES

A list of major meetings of various trade associations and organizations is maintained in the office of the Registrar of Regulations. Upon request, this list will be made available to you in order that you can avoid conflicts when setting up meetings and hearings.

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ERRATA

Agency: Department of Social Services

Title of Regulations: **Standards and Regulations for Licensed Homes for Adults (VR 615-22-02)**

Issue: 1:8 VA.R., pages 338 and 356, January 21, 1985

1. Delete the definition of "Resident", page 338, and replace with the following:

"Resident" means any aged, infirm, or disabled adult

residing in a home for adults for the purpose of receiving maintenance and care.

"Responsible party" means any family member or any other individual who has arranged for the care of the resident and assumed this responsibility. The responsible person/party may or may not be related to the resident. A responsible person/party is not a legal guardian unless so appointed by the court.

2. Section 5.19, page 356, should be corrected to read as follows:

§ 5.19. b. A new agreement shall be signed or the original agreement shall be updated and signed by the resident, the guardian, committee or personal representative and by the licensee or administrator when there are changes in financial arrangements, services or requirements. If original agreement provides for specific changes in financial arrangements, services or requirements, this Standard does not apply.

CALENDAR OF EVENTS

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

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

THE VIRGINIA CODE COMMISSION

EXECUTIVE

VIRGINIA ALCOHOLIC BEVERAGE CONTROL COMMISSION

February 25, 1985 - 9 a.m. - Open Meeting
March 11, 1985 - 9 a.m. - Open Meeting
March 25, 1985 - 9 a.m. - Open Meeting
April 8, 1985 - 9 a.m. - Open Meeting
April 22, 1985 - 9 a.m. - Open Meeting
2901 Hermitage Road, Richmond, Virginia. (Location accessible to handicapped.)

A meeting of the Commission to receive and discuss reports on activities from staff members. Other matters not yet determined.

Contact: Larry E. Gilman, 2901 Hermitage Rd., Richmond, Va., telephone (804) 257-0616

VIRGINIA APPRENTICESHIP COUNCIL

February 28, 1985 - 10 a.m. - Open Meeting
Department of Labor and Industry, 205 North Fourth Street, 2nd Floor Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

Rescheduled quarterly meeting of the Virginia Apprenticeship Council. The January 17, 1985, meeting was cancelled because of weather conditions.

Contact: Robert S. Baumgardner, Director of Apprenticeship, Department of Labor and Industry, P. O. Box 12064, Richmond, Va. 23241, telephone (804) 786-2381

VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS

March 8, 1985 - 9 a.m. - Open Meeting
3600 West Broad Street, 5th Floor, Richmond, Virginia

A meeting to approve minutes from the December 12, 1984 meeting, review investigative cases, work on regulations.

Architects

March 22, 1985 - 9 a.m. - Open Meeting
3600 West Broad Street, 5th Floor, Richmond, Virginia

A meeting to approve minutes from the January 4, 1985, meeting, review applications, and to review investigative cases.

Land Surveyors

† February 22, 1985 - 9 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia

The Board will meet to approve minutes from the November 8, 1984, meeting, review applications and review investigative cases.

Contact: J. Williams, Assistant Director, APELSCLA, Department of Commerce, 3600 W. Broad St., 5th Floor, Room 507, Richmond, Va., telephone (804) 257-8506

STATE BUILDING CODE TECHNICAL REVIEW BOARD

† February 22, 1985 - 10 a.m. - Open Meeting
Fourth Street State Office Building, 205 North 4th Street, Second Floor Conference Room, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

Calendar of Events

A meeting to consider requests for interpretation of the Virginia Uniform Statewide Building Code, and to consider appeals from the rulings of local appeal boards regarding application of the Virginia Uniform Statewide Building Code.

Contact: C. Sutton Mullen, 205 N. 4th Street, Richmond, Va. 23219, telephone (804) 786-4751

VIRGINIA BOARD OF COMMERCE

Subcommittee on Regulation of Power Engineers

† **February 22, 1985 - 9 a.m.** – Open Meeting
3600 West Broad Street, Conference Room 1, 5th Floor, Richmond, Virginia. (Location accessible to handicapped.)

The subcommittee will meet to review the scope of Virginia's pressure vessel inspection program and to consider a request for the regulation of power engineers.

Contact: Thomas A. Dick, Policy Analyst, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8564

† **February 22, 1985 - 10 a.m.** – Open Meeting
3600 West Broad Street, Conference Room 1, 5th Floor, Richmond, Virginia. (Location accessible to handicapped.)

The Board of Commerce will receive a subcommittee status report on the regulation of power engineers; review progress of projects in testing and complaint handling procedures; receive a status report on 1985 legislation; and further discuss the adoption of a clarification of § 3.2.3 of Employment Agency regulations.

Contact: Barbara L. Woodson, Secretary, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8500

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

Division of Historic Landmarks' State Review Board

February 19, 1985 - 10 a.m. – Open Meeting
221 Governor Street, Richmond, Virginia

The Board will meet to consider the addition of the following properties to the Virginia Landmarks Register and their nomination to the National Register of Historic Places:

Allied Arts Building, Lynchburg;
Beaver Creek Plantation, Henry County (Martinsville vicinity);
Otter Creek Archaeological Site, Franklin County;
St. Paul's Episcopal Church, Alexandria;
Franklin (city) Historic District, Franklin.

Contact: Margaret T. Peters, Information Officer, 221 Governor St., Richmond, Va. 23219, telephone (804) 786-3143

STATE BOARD FOR CONTRACTORS

† **February 20, 1985 - 10 a.m.** – Open Meeting
3600 West Broad Street, Board Room 1, 5th Floor, Richmond, Virginia

The Board will review complaints and disposition thereof.

Contact: E. G. Andres, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8511

BOARD OF CORRECTIONS

March 13, 1985 - 10 a.m. – Open Meeting
4615 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

A regular monthly meeting of the Board to consider such matters as may be presented.

Contact: Vivian Toler, Board of Corrections, P. O. Box 26963, Richmond, Va. 23261, telephone (804) 257-1900

BOARD OF PROFESSIONAL COUNSELORS

† **February 22, 1985 - 9 a.m.** – Open Meeting
517 West Grace Street, Richmond, Virginia

A meeting to conduct general Board business; review applications for licensure; supervision status; trainee status; respond to Board correspondence, and regulatory review.

Contact: Charles S. Weiden, Health Regulatory Boards, 517 W. Grace St., Richmond, Va., telephone (804) 786-7702

VIRGINIA BOARD OF EDUCATION

March 28, 1985 - 2:45 p.m. – Public Hearing
General Assembly Building, House Room D, Richmond, Virginia

Notice is hereby given in accordance with § 9.6.14:7.1 of the Code of Virginia that the Virginia Board of Education intends to amend regulations entitled: Certification Regulations for Teachers. The proposed amendments establish requirements for all personnel whose employment must be certified based on the standards in the regulations.

STATEMENT

The basis and purpose for the certification of teachers and other instructional personnel are to maintain standards of professional competence and to ensure a level of training and preparation that will lead to successful practice in the classroom. The proposed changes in the Certification Regulations for Teachers and Other Instructional Personnel, which became effective in 1982, further strengthen and modify existing standards, create new standards, and clarify various interpretations of existing certification regulations.

These proposed changes in the regulations (1) clarify and broaden the requirements for instructional and supervisory personnel; (2) eliminate reading as an area of concentration in middle school endorsement; (3) allow for separate endorsements in speech; (4) eliminate data processing as a separate subject; and (5) specify the number of graduate reading hours required for an endorsement as a reading specialist. A complete and detailed description of these changes is contained in Appendix B.

In accordance with §§ 22.1-298 and 22.1-299 of the Code of Virginia, the Board of Education shall, by regulation, prescribe the requirements for the certification of teachers and other instructional personnel. The Board is now proposing modifications and changes in these regulations which govern the certification of teachers and other instructional personnel. These changes will become a part of the Certification Regulations for Teachers, which became effective July 1, 1982.

Statutory Authority: §§ 22.1-298 and 22.1-299 of the Code of Virginia.

Contact: Dr. E. B. Howerton, Jr., Virginia Department of Education, P. O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2027

† **April 19, 1985 - 10 a.m.** – Public Hearing
James Monroe Building, 101 North 14th Street, Conference Room D, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Board of Education intends to amend regulations entitled: **Proposed Regulations Governing Adult High School Programs.** The purpose of the proposed amendment is to upgrade the standards governing adult high school programs.

STATEMENT

Subject, Substance, Issues, Basis and Purpose: In accordance with Chapter 13, Article 3, §§ 22.1-223 through 22.1-226 of the Code of Virginia, the Board of Education intends to promulgate appropriate standards and guidelines for adult education programs. The Board is now proposing amendments which will make the adult education regulations consistent with regulations for high school graduation.

The proposed changes are consistent with existing federal

and state statutes, regulations, and judicial decisions. The proposed regulations are needed in order for the Board of Education to strengthen and clarify existing instructional requirements for adults who wish to receive a high school diploma in the Commonwealth of Virginia.

The amendments have been prepared and reviewed by a committee consisting of local adult education specialists, local administrative personnel, and state adult education staff members. Alternative approaches to these regulations were considered; the proposed changes will have a minimum impact on school divisions and students.

Statutory Authority: Chapter 13, Article 3, §§ 22.1-223 through 22.1-226 of the Code of Virginia.

Written comments may be submitted until April 18, 1985.

Contact: Dr. Maude P. Goldston, Associate Director of Adult Education, Virginia Department of Education, P. O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2024

† **April 22, 1985 - 10 a.m.** – Public Hearing
James Monroe Building, 101 North 14th Street, Conference Room D, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Board of Education intends to adopt regulations entitled: **Regulations Governing the Educational Programs for Gifted Students.**

STATEMENT

Subject and Substance: The proposed Regulations Governing the Educational Programs for Gifted Students provide the required guidelines for the Board of Education to implement differentiated programs for identified gifted students in kindergarten through grade 12. Each local school division will be required to submit an annual plan to be approved by the Board of Education that includes (i) a statement of philosophy, goals and objectives; (ii) a process for identification and placement of students into appropriate programs; (iii) a program design; (iv) a process for selection and training of personnel; and (v) a design for the evaluation of such programs.

Basis and Purpose: The purpose of the proposed regulations is to provide specific requirements for local school divisions to follow when implementing Standard 5 of the Standards of Quality for Public Schools in Virginia and for the receipt of state funds to support programs for the education of gifted students.

Statutory Authority: Chapter 13.1, § 22.1-253.5 of the Code of Virginia.

Written comments may be submitted until April 19, 1985.

Contact: Dr. William H. Cochran, Deputy Superintendent of Public Instruction, Virginia Department of Education, P. O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2024

Calendar of Events

Virginia Board of Vocational Education

† **February 21, 1985 - 9 a.m.** – Open Meeting
† **February 22, 1985 - 9 a.m.** – Open Meeting
James Monroe Building, 101 North 14th Street, Conference Rooms D and E, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested in advance.)

Regularly scheduled meetings of the Board of Education for February 1985, at which time business will be conducted according to agenda items. Interested persons may request additional information regarding agenda.

Contact: Margaret N. Roberts, James Monroe Building, 101 N. 14th St., 25th Floor, Richmond, Va. 23216, telephone (804) 225-2540

DEPARTMENT OF EMERGENCY SERVICES

February 27, 1985 - 10 a.m. – Public Hearing
Department of Emergency Services Training Center, 308 Turner Road, Richmond, Virginia

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Emergency Services intends to adopt regulations entitled: **Guidelines for Public Participation in Regulation Development.** This regulation provides for the identification, notification and participation of parties interested in the development of substantive agency regulations.*

STATEMENT

Subject and Substance: *Proposed Guidelines for Public Participation in Regulation Development. This regulation covers substantive regulations, or substantive portions of plans, as defined by the Virginia Administrative Process Act.*

Issues: *The 1984 Virginia General Assembly amended the Administrative Process Act to provide for public participation in the development of regulations. The Department of Emergency Services' plans are considered to be regulations, and these guidelines provide for public participation when it is required or needed.*

Basis: *§ 9-6.14:7.1 of the Code of Virginia.*

Purpose: *The purpose of this regulation is to provide for public participation in regulation development and adoption.*

Statutory Authority: § 9-6.14:7.1 of the Code of Virginia.

Written comments may be submitted until February 27, 1985.

Contact: Charles H. Kidder, Population Protection Planner, Department of Emergency Services, 310 Turner Rd., Richmond, Va. 23225, telephone (804) 323-2852

VIRGINIA BOARD OF DENTISTRY

† **February 27, 1985 - 10:30 a.m.** – Open Meeting
Department of Health Regulatory Boards, 517 West Grace Street, Board Room, Richmond, Virginia

The Board will meet to discuss the status of trade names cases.

Contact: Nancy T. Feldman, Executive Director, 517 W. Grace St., P. O. Box 27708, Richmond, Va. 23261

VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† **February 20, 1985 - 7 p.m.** – Open Meeting
† **February 21, 1985 - 9 a.m.** – Open Meeting
Holiday Inn - Midtown, 3200 West Broad Street, Richmond, Virginia

A regulatory review and general Board meeting.

Contact: Mark L. Forberg, Executive Secretary, Board of Funeral Directors & Embalmers, Department of Health Regulatory Boards, 517 W. Grace St., P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0076

COMMISSION OF GAME AND INLAND FISHERIES

† **March 15, 1985 - 9:30 a.m.** – Public Hearing
† **March 16, 1985 - 9:30 a.m.** – Public Hearing
Hyatt Richmond (at Brookfield) 6624 West Broad Street at I-64, Richmond, Virginia. (Location accessible to handicapped.)

The Commission will consider recommendations and proposals from the staff and public relative to changes in the game regulations of the Commission, for the 1985 and 1986 hunting seasons. This will involve season dates, bag limits, etc. on various species of game animals and game birds.

Further changes will be considered in the Boating Regulations pertaining to the contents of an application for a certificate of number required for motorboats.

Contact: Norma G. Adams, 4010 W. Broad St., Richmond, Va. 23230, telephone (804) 257-1000

Calendar of Events

DEPARTMENT OF GENERAL SERVICES

Art and Architectural Review Council

March 1, 1985 - 10 a.m. – Open Meeting
† **April 5, 1985 - 10 a.m.** – Open Meeting
Virginia Museum of Fine Arts, Boulevard and Grove
Avenues, Main Conference Room, Richmond, Virginia

The Council will advise the Director of the Department of General Services and the Governor on architecture of state facilities to be constructed, and works of art to be accepted or acquired by the Commonwealth.

Contact: Dorothy E. Ivankoe, Department of General Services, 209 Ninth St. Office Bldg., Richmond, Va. 23219, telephone (804) 786-3311

State Insurance Advisory Board

† **March 29, 1985 - 9:30 a.m.** – Open Meeting
Department of General Services, 209 Ninth Street Office Building, Conference Room of the Director, Richmond, Virginia

The Board will advise the Director of the Department of General Services regarding review of Risk Management Program progress and legislative report.

Contact: Charles F. Scott, Director, Office of Risk Management, Department of General Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-5968

VIRGINIA STATE BOARD OF GEOLOGY

February 27, 1985 - 9 a.m. – Open Meeting
3600 West Broad Street, 5th Floor, Richmond, Virginia

A meeting to approve minutes from the November 28, 1984 meeting, review applications, review bid proposals for exams.

Contact: J. Williams, Assistant Director, Geology Board, Department of Commerce, 3600 W. Broad St., 5th Floor, Room 507, Richmond, Va., telephone (804) 257-8555

HAZARDOUS WASTE FACILITY SITING BOARD

† **March 6, 1985 - 10 a.m.** – Open Meeting
James Monroe Building, 101 North 14th Street, Conference Room B, Richmond, Virginia

A meeting to consider the development of proposed facility siting criteria, and implementation of public participation procedures.

Contact: Barbara M. Wrenn, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-4169

DEPARTMENT OF HEALTH

Division of Biologics and Drugs

April 8, 1985 - 10 a.m. – Public Hearing
James Madison Building, 109 Governor Street, Main Floor Auditorium, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Health, Division of Biologics and Drugs, intends to amend regulations entitled: Virginia Voluntary Formulary. The amended regulations are a list of drugs of accepted therapeutic value, commonly prescribed and available from more than one source of supply.

STATEMENT

Statement of Subject, Substance, Issues, Basis and Purpose:

The purpose of the Virginia Voluntary Formulary is to provide a list of drugs of accepted therapeutic value, commonly prescribed within the Commonwealth which are available from more than one source of supply, and a list of chemically and therapeutically equivalent drug products which have been determined to be interchangeable. Utilization of the Formulary by practitioners and pharmacists enables citizens of Virginia to obtain safe and effective drug products at a reasonable price consistent with high quality standards.

The proposed revised Virginia Voluntary Formulary adds and deletes drugs and drug products to the Formulary that became effective July 1, 1984. These additions and deletions are based upon recommendations of the Virginia Voluntary Formulary Council following its review of scientific data submitted by pharmaceutical manufacturers. The Council makes its recommendations to the State Board of Health.

The Virginia Voluntary Formulary is needed to enable citizens of Virginia to obtain safe and effective drug products at a reasonable price consistent with high quality standards. Without the Formulary, physicians, dentists, and pharmacists in Virginia would not have the assurance that those generic drug products that may be substituted for brand name products have been evaluated and judged to be interchangeable with the brand name products.

Statutory Authority: §§ 32.1-12 and 32.1-79 et seq. of the Code of Virginia.

Written comments may be submitted no later than 5 p.m., April 8, 1985.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Department of Health, James Madison Building, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-4326

Calendar of Events

VIRGINIA COMMISSION OF HEALTH REGULATORY BOARDS

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Commission of Health Regulatory Boards intends to adopt regulations entitled: **Public Participation Guidelines**. The proposed guidelines establish procedures for the identification and notification of that segment of the public interested in the regulation of health professions and occupations in Virginia.

STATEMENT

Subject and Substance: Public Participation Guidelines proposed for adoption by the Virginia Commission of Health Regulatory Boards provide the mechanism for identifying and notifying the relevant public of the formulation, development and adoption of regulations that the Commission may promulgate. The Guidelines are required by state law.

Issues: 1. *Estimated Impact with Respect to Number of Persons Affected* – The Guidelines will provide a mechanism for all persons affected by regulations of the Commission to participate in their development, formation and adoption.

2. *Projected Costs for Implementation and Compliance* – The proposed guidelines codify existing procedures for identifying and notifying the relevant public of meetings and proposed actions of the Commission of Health Regulatory Boards, thus no material increase in costs to the agency is anticipated. Additionally, no increase in costs to those affected is anticipated. Participation of the relevant public is voluntary.

Basis: § 9-6.14:7.1 of the Code of Virginia.

Purpose: To identify and solicit the participation of the affected public in the formation of regulations prior to and during the drafting, formation, revision, adoption and promulgation phases. The guidelines establish mechanisms whereby affected parties may be placed on or deleted from mailing lists used for mailing notices of intent to promulgate regulations, notices of public hearings or notices of information proceedings, and notices of final regulations adopted. The guidelines also establish mechanism for periodic review of existing regulations, for petitions for rulemaking by the public, for notification of the public regarding any meetings at which rulemaking is a subject, and for the establishment of advisory committees to provide for citizen participation by the Commission of Health Regulatory Boards.

Statutory Authority: § 54-955.1.J of the Code of Virginia.

Written comments may be submitted no later than 5:00 p.m., March 11, 1985.

Contact: Richard D. Morrison, Policy Analyst, Virginia Department and Commission of Health Regulatory Boards, 517 W. Grace St., P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0822

VIRGINIA DEPARTMENT OF HEALTH REGULATORY BOARDS

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Department of Health Regulatory Boards intends to adopt regulations entitled: **Public Participation Guidelines**. The guidelines establish procedures for the identification and notification of that segment of the public interested in the regulation of health professions and occupations in Virginia.

STATEMENT

Subject and Substance: Public Participation Guidelines proposed for adoption by the Virginia Department of Health Regulatory Boards provide the mechanism for identifying and notifying the relevant public of the formulation, development and adoption of regulations that the Department may promulgate. The Guidelines are required by state law.

Issues: 1. *Estimated Impact with Respect to Number of Persons Affected* – The Guidelines will provide a mechanism for all persons affected by regulations of the Department to participate in their development, formation and adoption.

2. *Projected Costs for Implementation and Compliance* – The proposed guidelines codify existing procedures for identifying and notifying the relevant public of meetings and proposed actions of the Commission and Department of Health Regulatory Boards, thus no material increase in costs to the agency is anticipated. Additionally, no increase in costs to those affected is anticipated. Participation of the relevant public is voluntary.

Basis: § 9-6.14:7.1 of the Code of Virginia.

Purpose: To identify and solicit the participation of the affected public in the formation of regulations prior to and during the drafting, formation, revision, adoption and promulgation phases. The guidelines establish mechanisms whereby affected parties may be placed on or deleted from mailing lists used for mailing notices of intent to promulgate regulations, notices of public hearings or notices of informational proceedings, and notices of final regulations adopted. The guidelines also establish mechanism for periodic review of existing regulations, for petitions for rulemaking by the public, for notification of the public regarding any meetings at which rulemaking is a subject, and for the establishment of advisory committees to provide for citizen participation by the Department of Health Regulatory Boards.

Statutory Authority: § 54-955.K of the Code of Virginia.

Written comments may be submitted no later than 5:00 p.m., March 11, 1985.

Contact: Richard D. Morrison, Policy Analyst, Virginia Department and Commission of Health Regulatory Boards, 517 W. Grace St., Richmond, Va. 23220,

Calendar of Events

telephone (804) 786-0822

VIRGINIA HEALTH SERVICES COST REVIEW COMMISSION

February 27, 1985 - 10 a.m. – Open Meeting
Blue Cross and Blue Shield of Virginia, 2015 Staples Mill Road, Virginia Room, Richmond, Virginia. (Location accessible to handicapped.)

A monthly business meeting of the Commission for the purpose of addressing financial, policy or technical matters which may have arisen since last meeting. Mr. Stuart D. Ogren, President, Virginia Hospital Association, will make a presentation about the projected impact of changes in the health care delivery system and reimbursement mechanisms on Virginia hospitals.

Contact: Sheryl R. Paul, Director, 805 E. Broad St., 7th Fl., Richmond, Va. 23219, telephone (804) 786-6371

STATE COUNCIL ON HIGHER EDUCATION

March 6, 1985 - 10 a.m. – Open Meeting
April 3, 1985 - 10 a.m. – Open Meeting
101 North 14th Street, Council Conference Room, Richmond, Virginia

May 1, 1985 - 9 a.m. – Open Meeting
Virginia Military Institute, Blacksburg, Virginia

The Council will hold its monthly meeting.

Contact: Council of Higher Education, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2137

VIRGINIA DEPARTMENT OF HIGHWAYS AND TRANSPORTATION COMMISSION

February 21, 1985 - 10 a.m. – Open Meeting
Virginia Department of Highways and Transportation, 1221 East Broad Street, Commission Room, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A monthly meeting of the Highway and Transportation Commission to vote on proposals presented regarding bids, permits, additions and deletions to the highway system and any other matters requiring Commission approval.

Contact: J. T. Warren, Director of Administration, Virginia Department of Highways and Transportation, 1221 E. Broad St., Richmond, Va. 23219, telephone (804) 786-2711

VIRGINIA HISTORIC LANDMARKS COMMISSION

February 19, 1985 - 2 p.m. – Open Meeting
221 Governor Street, Richmond, Virginia

A general business meeting of the Commission.
Contact: Margaret T. Peters, Information Officer, Division of Historic Landmarks, 221 Governor St., Richmond, Va. 23219, telephone (804) 786-3143

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

Board of Commissioners

February 19, 1985 - 10 a.m. – Open Meeting
13 South 13th Street, Richmond, Virginia. (Location accessible to handicapped.)

A regular monthly meeting of the Board of Commissioners of the Virginia Housing Development Authority. The Board of Commissioners will review and, if appropriate, approve the minutes from the prior monthly meeting; will consider for approval and ratification mortgage loan commitments under its various programs; will review the Authority's operations for the prior month; and will consider such other matters and take such other actions as they may deem appropriate. The planned agenda of the meeting will be available at the offices of the Authority one week prior to the date of the meeting.

Contact: Judson McKellar, General Counsel, 13 S. 13th St., Richmond, Va. 23219, telephone (804) 782-1986

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Virginia Community Development Block Grant Program

† **March 7, 1985 - 1 p.m.** – Public Hearing
Richmond Public Library Auditorium, 101 East Franklin Street, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to allow for comment on the 1985 proposed Program Design and to obtain the views of citizens on Virginia's community development and housing needs.

Contact: Shea Hollifield, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4474

COMMISSION ON LOCAL GOVERNMENT

March 4, 1985 - 4 p.m. – Open Meeting
207 West Second Avenue, City of Franklin Municipal

Calendar of Events

Building, Franklin, Virginia

A regular meeting of the Commission on Local Government to conduct business and discuss pending issues.

March 4, 1985 - 8 p.m. – Public Hearing
Route 258, Isle of Wight Courthouse, Isle of Wight, Virginia

A public hearing regarding proposed "City of Franklin - Isle of Wight County Settlement Agreement."

March 5, 1985 - 9 a.m. – Open Meeting
207 West Second Avenue, City of Franklin Municipal Building, General District Courtroom, Franklin, Virginia

Oral presentations regarding the proposed "City of Franklin - Isle of Wight County Settlement Agreement" and the proposed "City of Franklin - Southampton County Settlement Agreement."

March 5, 1985 - 7 p.m. – Public Hearing
825 Hunterdale Road, Hunterdale Elementary School, Southampton County, Virginia

A public hearing regarding the proposed "City of Franklin - Southampton County Settlement Agreement."

Contact: Barbara Bingham, Ninth Street Office Bldg., Room 901, Richmond, Va. 23219, telephone (804) 786-6508

MARINE RESOURCES COMMISSION

February 26, 1985 - 9:30 a.m. – Open Meeting
2401 West Avenue, Newport News, Virginia

Monthly Commission meeting to hear and decide cases on fishing licensing; oyster ground leasing, environmental permits in wetlands, bottomlands, coastal sand dunes, and beaches. It will hear and decide appeals, if any, made on local wetlands board decisions.

Fishery Management and Conservation measures are discussed by the Commission. The Commission is empowered to exercise general regulatory power within 15 days, and is empowered to take specialized marine life harvesting and conservation measures within five days.

Contact: Virginia S. Chappell, Secretary to the Commission, Marine Resources Commission, P. O. Box 756, Newport News, Va. 23607, telephone (804) 247-2208

STATE BOARD OF MENTAL HEALTH AND MENTAL RETARDATION

† **February 27, 1985 - 10 a.m. – Open Meeting**
Virginia Treatment Center for Children, 515 North 10th

Street, Richmond, Virginia

The Board will hold a regular monthly meeting. The agenda will be published February 13 and may be obtained by calling Jane Helfrich.

Contact: Jane V. Helfrich, State Mental Health and Mental Retardation Board Secretary, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3915

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

Ad-Hoc Committee on Trainer Certification

February 22, 1985 - 9 a.m. – Open Meeting
203 Governor Street, Training Office Conference Room, Room 303, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to develop policy and procedures for certification of trainers and courses for use within the Department of Mental Health and Mental Retardation.

Contact: Ken Howard, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23225, telephone (804) 786-6133

Public Guardianship Task Force

† **February 26, 1985 - 10:30 a.m. – Open Meeting**
James Madison Building, 109 Governor Street, Board Room, 13th Floor, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to explore alternatives to current Guardianship legislation.

Contact: Carol Singer-Metz, Director, Mental Retardation Services, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-1746

STATE MILK COMMISSION

† **February 20, 1985 - 10 a.m. – Open Meeting**
Ninth Street Office Building, 9th and Grace Streets, Room 1015, Richmond, Virginia. (Location accessible to handicapped.)

A routine monthly meeting of the Commission.

Contact: C. H. Coleman, Administrator, 1015 Ninth Street Office Bldg., Richmond, Va. 23219, telephone (804) 786-2013

Calendar of Events

DEPARTMENT OF MINES, MINERALS AND ENERGY

April 10, 1985 - 10 a.m. – Public Hearing
Mountain Empire Community College, Dalton-Cantrell
Building, Big Stone Gap, Virginia

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to adopt regulations entitled: **Proposed Rules and Regulations Governing the Use of Diesel-Powered Equipment in Underground Coal Mines.** This regulation sets forth the conditions under which diesel-powered equipment can be used in underground coal mines.*

STATEMENT

Basis: The regulation as proposed is being adopted pursuant to the provisions of § 45.1-90 (b) of the Code of Virginia. The amendment permits the utilization of diesel-powered equipment in underground coal mines. The amendment requires the Chief, Division of Mines, to promulgate regulations necessary to carry out the provisions of § 45.1-90 (b) of the Code of Virginia.

Purpose: The purpose of this proposed regulation is to provide for a safe and healthful working environment in underground coal mines where diesel-powered equipment is utilized.

Impact: The proposed Rules and Regulations Governing the Use of Diesel-Powered Equipment in Underground Coal Mines will impact only those mine operators who choose to use diesel equipment. The proposed regulation provides a safe and healthful working environment for underground workers. The proposed regulation will not increase capital or operating costs. No significant costs will be encountered to implement the proposed regulation.

Summary: The proposed regulation addresses the mandate of § 45.1-90 (b) of the Code of Virginia and provides guidelines necessary to maintain a safe and healthful working environment where diesel equipment is utilized in underground coal mines.

Statutory Authority: §§ 45.1-90 (b) and 34.1-104 (b) of the Code of Virginia.

Written comments may be submitted until April 10, 1985.
Contact: Harry D. Childress, Chief, Division of Mines, 219 Wood Ave., Big Stone Gap, Va. 24219, telephone (703) 523-0335

VIRGINIA DEPARTMENT OF MOTOR VEHICLES

† **April 19, 1985 - 10 a.m.** – Public Hearing
Department of Motor Vehicles, 2300 West Broad Street,
Room 702, Richmond, Virginia

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Department of Motor Vehicles intends to adopt regulations entitled: **Rules and Regulations for the Motorcycle Rider Safety Training Center Program.***

STATEMENT

Subject and Substance: The proposed rules and regulations will be used by the Department of Motor Vehicles in administering the Motorcycle Rider Safety Training Program, including criteria for training center approval, curriculum, facilities and equipment approval, instructor qualification and certification, and administrative reporting requirements.

Issues: The Motorcycle Rider Safety Training Act authorizes the Department of Motor Vehicles to administer the operation of regional motorcycle rider safety training centers. The source of the funding for training center operation is the Motorcycle Rider Safety Training Program Fund. The Department of Motor Vehicles will approve and award contract funds to training centers that meet the requirements of the rules and regulations.

Basis: §§ 46.1-564 through 46.1-570 of the Code of Virginia.

Purpose: To promote the safe operation of motorcycles; to establish requirements for training center approval and basis for award of contract funds.

Statutory Authority: §§ 46.1-564 through 46.1-570 of the Code of Virginia.

Written comments may be submitted until April 18, 1985. All persons who intend to comment at the public hearing are requested to give notice of this intent to Susan R. Metcalf by April 12, 1985.

Contact: Susan R. Metcalf, Program Coordinator, or Dan W. Byers, Manager, Division of Motor Vehicles, Room 415, P. O. Box 27412, Richmond, Va., telephone (804) 257-0410

VIRGINIA STATE BOARD OF OPTICIANS

February 22, 1985 - 9:30 a.m. – Open Meeting
3600 West Broad Street, 5th Floor, Conference Room 3,
Richmond, Virginia

The Board will meet to review investigative reports of complaints and determine disposition; review reports submitted from apprenticeship committee and practical examination committee; and to address general correspondence pertinent to the operation of the Board.

Contact: Gale G. Moyer, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8509

Calendar of Events

VIRGINIA BOARD OF OPTOMETRY

May 1, 1985 - 9 a.m. – Public Hearing
Department of Health Regulatory Boards, 517 West Grace Street, Board Room, Richmond, Virginia

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Board of Optometry intends to adopt regulations entitled: **Public Participation Guidelines**. These regulations will establish guidelines for soliciting participation of interested parties in the revision and adoption of regulations.*

STATEMENT

Subject and Substance: *Proposed adoption by the Virginia Board of Optometry of Public Participation Guidelines to be used to solicit participation by interested parties in the formulation, development, and adoption of regulations that the Board may promulgate as required or authorized by state law.*

Issues: *1. Estimated Impact with Respect to Number of Persons Affected:*

The guidelines will provide a means for all persons affected by regulations of the agency to participate in their development, formulation, and adoption.

2. Projected Cost for Implementation and Compliance:

Since the Board of Optometry is part of an agency that generates operating funds from licensees, any additional costs would be borne by them. At present, a one-day Board meeting cost approximately \$1,000. If additional meetings would be required to fulfill the requirement of a biennial review of regulations' effectiveness and continued need, then this cost figure need be borne in mind.

The cost of a public hearing and transcript should not exceed \$500. There is no enforcement cost.

Basis: §§ 9-6.14:7.1 and 54-376 of the Code of Virginia.

Purpose: *To solicit participation of interested parties in the development of regulations prior to and during the entire drafting, formulation, promulgation, and final adoption process.*

Statutory Authority: §§ 9-6.14:7.1 and 54-376 of the Code of Virginia.

Written comments may be submitted until May 1, 1985.

Contact: Lawrence H. Redford, Executive Director, 517 W. Grace St., P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0131

VIRGINIA REAL ESTATE COMMISSION

February 20, 1985 - 10 a.m. – Open Meeting
City Hall, 7th and Main Streets, Council Chambers, Charlottesville, Virginia

A meeting to conduct an informal fact-finding proceeding regarding the Virginia Real Estate Commission v. Leonard F. Winslow, Jr.

Contact: Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8424

February 28, 1985 - 9 a.m. – Open Meeting
3600 West Broad Street, Conference Room 1, Richmond, Virginia

The Commission is meeting to consider investigative cases and requests from the public and licensees, as well as to hear reports from its staff.

Contact: Steven L. Higgs, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8516

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

February 19, 1985 - 10 a.m. – Public Hearing
Metro Richmond Chamber of Commerce Auditorium, 201 East Franklin Street, Richmond, Virginia

A public hearing to consider Industrial Development Bond Applications received by the Authority and for which public notice has appeared in the appropriate newspapers of general circulation. Following the public hearing, the Authority will conduct its regular business meeting.

Contact: Nic Walker, Virginia Small Business Financing Authority, 1000 Washington Bldg., Richmond, Va. 23219, telephone (804) 786-3791

STATE BOARD OF SOCIAL SERVICES

† **February 20, 1985 - 1:30 p.m.** – Open Meeting
Department of Social Services' Central Office, 8007 Discovery Drive, Richmond, Virginia

A meeting of two separate subcommittees of the Board to consider critical issues for 1986-88 biennium.

† **February 20, 1985 - 3:45 p.m.** – Open Meeting

A business meeting of the full State Board of Social Services.

The Board will not hold its regular Thursday session this month.

Contact: Phyllis Sisk, Department of Social Services, 8007 Discovery Dr., Richmond, Va., telephone (804) 281-9236

Calendar of Events

DEPARTMENT OF SOCIAL SERVICES

Division of Licensing Programs

February 20, 1985 - 9 a.m. — Public Hearing
Henrico Government Center, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services, Division of Licensing Programs, intends to adopt regulations entitled: **Minimum Standards for Licensed Child Care Centers**. The proposed regulations set standards to provide children in child care centers with at least a minimal level of care.

STATEMENT

Subject: Proposed revisions to the Minimum Standards for Licensed Child Care Centers. These standards are being proposed for a 60-day period of public comment.

Substance: Under the current definition and exemptions in the Code of Virginia, any facility operated for the purpose of providing care, protection, and guidance to a group of children separated from their parents or guardians for part of the day must have a child care center license.

Issues: The document is comprised of the following issues which impact child care centers subject to licensure by the Department of Social Services:

Administration, personnel, supervision, physical environment, emergency, and programs and services which includes administration policies, health care, management of behavior, nutrition and food service and activities.

Basis: Chapter 10, (§ 63.1-219) of Title 63.1, of the Code of Virginia, provides the statutory basis for promulgation of child care center standards. The State Board has approved proposed revisions for a 60-day public comment period.

Purpose: The proposed revisions are designed to better meet the needs of children in group care in a flexible enough manner to accommodate changes during the lifetime of these standards and to provide the protective oversight of children. The document has been revised with an emphasis on clarity and ease of comprehension.

Statutory Authority: § 63.1-219 of the Code of Virginia.

Contact: Mrs. Meredyth P. Partridge, Standards Supervisor, Standards/Policy Unit, Department of Social Services, Division of Licensing Programs, 8007 Discovery Dr., Richmond, Va. 23288, telephone (804) 281-9025, (toll free number 1-800-552-7091).

* * *

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services, Division of Licensing Programs intends to

amend regulations entitled: **Standards and Regulations for Licensed Homes for Adults**. These standards and regulations have been revised to (1) incorporate statutory requirements relating to resident's rights, (2) delete general licensing procedures, and (3) delete requirements relating to kitchen equipment.

STATEMENT

Subject: Proposed amendments to the following regulations: **Standards and Regulations for Licensed Homes for Adults**.

These amendments are being proposed for a 60-day period of public comment.

Substance: The standards have been amended to incorporate new statutory requirements dealing with resident rights; to delete general licensing procedures; and to delete requirements relating to kitchen equipment.

Issues: The amendments incorporate the following issues which will impact homes for adults subject to licensure by the Department of Social Services.

Development of policies and procedures to protect rights; staff training; documentation; care and oversight of restrained residents.

Basis: Virginia Code, Chapter 9, § 63.1-182 provides the statutory basis for the promulgation of standards for homes for adults. The State Board of Social Services has approved proposed amendments for a 60-day public comment period.

Purpose: The proposed amendments are designed to protect the rights of residents of homes for adults; to delete licensing procedures from the Standards and to prevent duplication of newly promulgated Health Department regulations.

Statutory Authority: § 63.1-182.1 of the Code of Virginia.

Written comments may be submitted until March 29, 1985.
Contact: C. A. Loveland, Program Specialist, Division of Licensing Programs, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025, (toll-free number 1-800-552-7091).

VIRGINIA SOIL AND WATER CONSERVATION COMMISSION

† **March 21, 1985 - 9 a.m.** — Open Meeting
Zincke Building, 203 Governor Street, Division of Soil and Water Conservation Conference Room, Room 200, Richmond, Virginia. (Location accessible to handicapped.)

A regular bi-monthly business meeting.
Contact: Donald L. Wells, 203 Governor St., Suite 206,

Calendar of Events

Richmond, Va. 23219, telephone (804) 786-2064

SOLID WASTE COMMISSION

† **March 12, 1985 - 10 a.m.** – Open Meeting
State Capitol, House Room 1, Richmond, Virginia

A meeting of the Commission to consider waste related legislation enacted by the 1985 General Assembly Session; Southeast Compact Commission actions; and the 1985 Work Program.

Contact: Barbara M. Wrenn or Cheryl Cashman, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-4169

DEPARTMENT OF TAXATION

February 26, 1985 - 10 a.m. – Public Hearing
General Assembly Building, House Room D, Richmond, Virginia

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled: **Retail Sales and Use Tax Regulation 1-3: Advertising.** This regulation sets forth the application of the sales and use tax to the production of advertising by agencies, the media and other persons.*

STATEMENT

Basis: This regulation is issued under authority granted by § 58-48.6 (on and after January 1, 1985, § 58.1-203) of the Code of Virginia.

Purpose: This regulation sets forth the tax application to the production of advertising which results in a tangible product by agencies, the media, and by other taxpayers utilizing in-house agencies.

Issues: The Virginia Supreme Court in *WTAR Radio-TV Corp. v. Commonwealth* 217 Va. 877, 234 S.E. 2d 245 (1977), ruled that the charge for the production of a television advertisement by a television station constituted the sale of tangible personal property, the total charge for which, including concept development and other services, was subject to the sales tax. The existing regulation relative to advertising, Virginia Retail Sales and Use Tax Regulation 1-3, has not been revised since 1969 and does not incorporate the 1977 decision. As a result of this decision, significant changes are required to the current regulation, published on January 1, 1979.

Substance: The regulation specifies that the total charge for the production of an advertisement which is a tangible product, e.g., a film or an ad paste-up, is taxable in full, including charges for concept development, talent acquisition, scripting and editing and similar charges,

regardless of whether the resulting ad is placed in the media. Advertisements developed by the media are taxable only to the extent that a charge is made for the production of the ad above standard "airtime" and "space" charges.

Statutory Authority: § 58-48.6 of the Code of Virginia (On or after January 1, 1985, § 58.1-203).

Written comments may be submitted until February 26, 1985.

Contact: Danny M. Payne, Director, Tax Policy Division, P. O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

February 26, 1985 - 10 a.m. – Public Hearing
General Assembly Building, House Room D, Richmond, Virginia

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to adopt regulations entitled: **Retail Sales and Use Tax Regulation: Computer Software.** This regulation sets forth the application of the sales and use tax to the sale, lease or use of computer software, to software support services, and to purchases of tangible personal property used in the production of computer software.*

STATEMENT

Basis: This regulation is issued under authority granted by § 58-48.6 (on and after January 1, 1985, § 58.1-203) of the Code of Virginia.

Purpose: This regulation sets forth the tax application to the sale, lease or use of computer software, to software support services, and to purchases of tangible personal property used in the production or transfer of computer software.

Issues: The Virginia Supreme Court in *WTAR Radio-TV Corp. v. Commonwealth* 217 Va. 877, 234 S.E. 2d 245 (1977) set forth the true object concept for application in determining whether a transaction is a sale or service for sales and use tax purposes. If the object of the transaction is the tangible object produced, the total charge for the resulting property, including services and connection with its production are subject to the tax. The key issue is whether the object of a transaction resulting in the transfer of computer software is a taxable sale or a nontaxable service.

Substance: Utilizing a true object analysis, the proposed regulation would exempt custom software on the basis that it is intangible personal property composed of the personal services of the seller's programmers, the tangible medium of transmittal being an inconsequential element of the transaction. Conversely, prewritten software is deemed to be tangible personal property since all personal service that led to its development was rendered at a time remote

Calendar of Events

from the sale. Additionally, additional charges for support services and modifications must be included in the sales price of taxable software.

Statutory Authority: § 58-48.6 of the Code of Virginia. (On or after January 1, 1985, § 58.1-203.)

Written comments may be submitted until February 26, 1985.

Contact: Danny M. Payne, Director, Tax Policy Division, P. O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

TOURISM AND TRAVEL SERVICES ADVISORY BOARD

† **March 7, 1985 - 9 a.m.** – Open Meeting
Commonwealth Park Hotel, 9th and Bank Streets, Madison Room, Richmond, Virginia

A regularly scheduled meeting to discuss issues of interest to the travel industry.

Contact: Margaret M. Lesniak, Acting Director, Virginia Division of Tourism, 202 N. 9th St., Suite 500, Richmond, Va., telephone (804) 786-2051

VIRGINIA WATER AND SEWER ASSISTANCE AUTHORITY

March 5, 1985 - 9 a.m. – Open Meeting
Radisson Hotel, 601 Main Street, Lynchburg, Virginia

The Board of Directors will meet to approve minutes of February 11, 1985; to review the Authority's operations for the prior month; and to consider other matters and take other actions as they may deem appropriate. The planned agenda of the meeting will be available at the offices of the Authority one week prior to the date of the meeting.

March 5, 1985 - 1 p.m. – Public Hearing
Radisson Hotel, 601 Main Street, Lynchburg, Virginia

The Board and staff will conduct a fact-finding hearing from the general public regarding the needs for funding of water and sewer projects.

Contact: Shockley D. Gardner, Jr., Executive Director, P. O. Box 1300, Richmond, Va. 23210, telephone (804) 788-8174

THE COLLEGE OF WILLIAM AND MARY

Board of Visitors

February 21, 1985 - 5 p.m. – Open Meeting

February 22, 1985 - 8 a.m. – Open Meeting
February 23, 1985 - 8 a.m. – Open Meeting
Alumni House, 500 Richmond Road, Williamsburg, Virginia

A regularly scheduled meeting of the Board of Visitors of the College of William and Mary to review quarterly operations of the College and Richard Bland College; to receive reports from several committees of the Board; and to act on those resolutions that are presented by the administrations of William and Mary and Richard Bland College.

An informational release will be available four days prior to the Board meeting for those individuals and/or organizations who request it.

March 21, 1985 - 5 p.m. – Open Meeting
March 22, 1985 - 8 a.m. – Open Meeting
March 23, 1985 - 8 a.m. – Open Meeting
Alumni House, 500 Richmond Road, Williamsburg, Virginia

A regularly scheduled meeting of the Board of Visitors of the College of William and Mary to review the budgets and fees of the College and Richard Bland College; to receive reports from several committees of the Board, and to act on those regulations that are present by the administrations of William and Mary and Richard Bland College.

An informational release will be available four days prior to the Board meeting for those individuals and/or organizations who request it.

April 25, 1985 - 5 p.m. – Open Meeting
April 26, 1985 - 8 a.m. – Open Meeting
April 27, 1985 - 8 a.m. – Open Meeting
Alumni House, 500 Richmond Road, Williamsburg, Virginia

A regularly scheduled meeting of the Board of Visitors of the College of William to approve the budgets and fees of the College and Richard Bland College; to receive reports from several committees of the Board; and to act on those resolutions that are presented by the administrations of William and Mary and Richard Bland College.

An informational release will be available four days prior to the Board meeting for those individuals and/or organizations who request it.

Contact: Office of University Communications, James Blair Hall, Room 308, College of William and Mary, Williamsburg, Va. 23185, telephone (804) 253-4226

LEGISLATIVE

No legislative meetings were submitted for this issue.

Calendar of Events

CHRONOLOGICAL LIST OPEN MEETINGS

February 18, 1985

Washington's Birthday - Holiday

February 19

Conservation and Historic Resources, Department of
Historic Landmarks Commission, Virginia
Housing Development Authority, Virginia

February 20

Contractors, State Board for
Funeral Directors and Embalmers, Virginia Board of
Milk Commission, State
Real Estate Commission, Virginia
Social Services, State Board of ★

February 21

Vocational Education, Virginia Board of
Funeral Directors and Embalmers, Virginia Board of
Highways and Transportation Commission
Virginia Department of
William and Mary, Board of Visitors

February 22

Architects, Professional Engineers, Land Surveyors
and Certified Landscape Architects,
Virginia State Board of
Building Code Technical Review Board, State
Commerce, Virginia Board of
Counselors, Board of Professional
Vocational Education, Virginia Board of
Mental Health and Mental Retardation, Department of
Opticians, Virginia State Board of
William and Mary, Board of Visitors

February 23

William and Mary, Board of Visitors

February 25

Alcoholic Beverage Control Commission, Virginia

February 26

Marine Resources Commission
Mental Health and Mental Retardation, Department of

February 27

Dentistry, Virginia Board of
Geology, Virginia State Board of
Health Services Cost Review Commission, Virginia
Mental Health and Mental Retardation, State Board of

February 28

Apprenticeship Council, Virginia
Real Estate Commission, Virginia
Southeast Interstate Compact Commission

March 1

General Services, Department of

March 4

Local Government, Commission on

March 5

General Services, Department of
Local Government, Commission on
Water and Sewer Assistance Authority, Virginia

March 6

Hazardous Waste Facility Siting Board
Higher Education, State Council of

March 7

Tourism and Travel Services Advisory Board

March 8

Architects, Professional Engineers, Land Surveyors
and Certified Landscape Architects,
Virginia State Board of

March 11

Alcoholic Beverage Control Commission, Virginia

March 12

Solid Waste Commission

March 13

Corrections, Board of

March 21

Soil and Water Conservation Commission, Virginia
William and Mary, Board of Visitors

March 22

Architects, Professional Engineers, Land Surveyors
and Certified Landscape Architects,
Virginia State Board of
William and Mary, Board of Visitors

March 23

William and Mary, Board of Visitors

March 25

Alcoholic Beverage Control Commission, Virginia

March 29

General Services, Department of

April 3

Higher Education, State Council of

April 5

General Services, Department of

April 8

Alcoholic Beverage Control Commission, Virginia

April 22

Alcoholic Beverage Control Commission, Virginia

Calendar of Events

April 25
William and Mary, Board of Visitors

April 26
William and Mary, Board of Visitors

April 27
William and Mary, Board of Visitors

May 1
Higher Education, State Council of

April 22
Education, Virginia Board of

May 1
Optometry, Virginia Board of

PUBLIC HEARINGS

February 18, 1985
Washington's Birthday - Holiday

February 19
Small Business Financing Authority, Virginia

February 20
Social Services, Department of

February 26
Taxation, Department of

February 27
Emergency Services, Department of

March 4
Local Government, Commission on

March 5
Local Government, Commission on
Water and Sewer Assistance Authority, Virginia

March 7
Housing and Community Development, Department of

March 15
Game and Inland Fisheries, Commission of

March 16
Game and Inland Fisheries, Commission of

March 28
Education, Virginia Board of

April 8
Health, Department of

April 10
Mines, Minerals and Energy, Department of

April 19
Education, Virginia Board of
Motor Vehicles, Virginia Department of

