

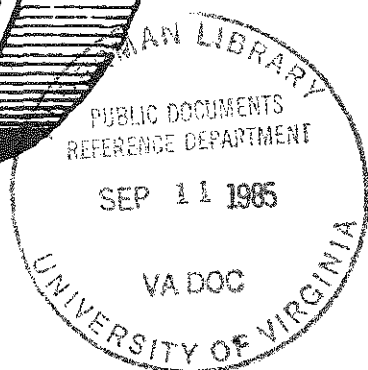
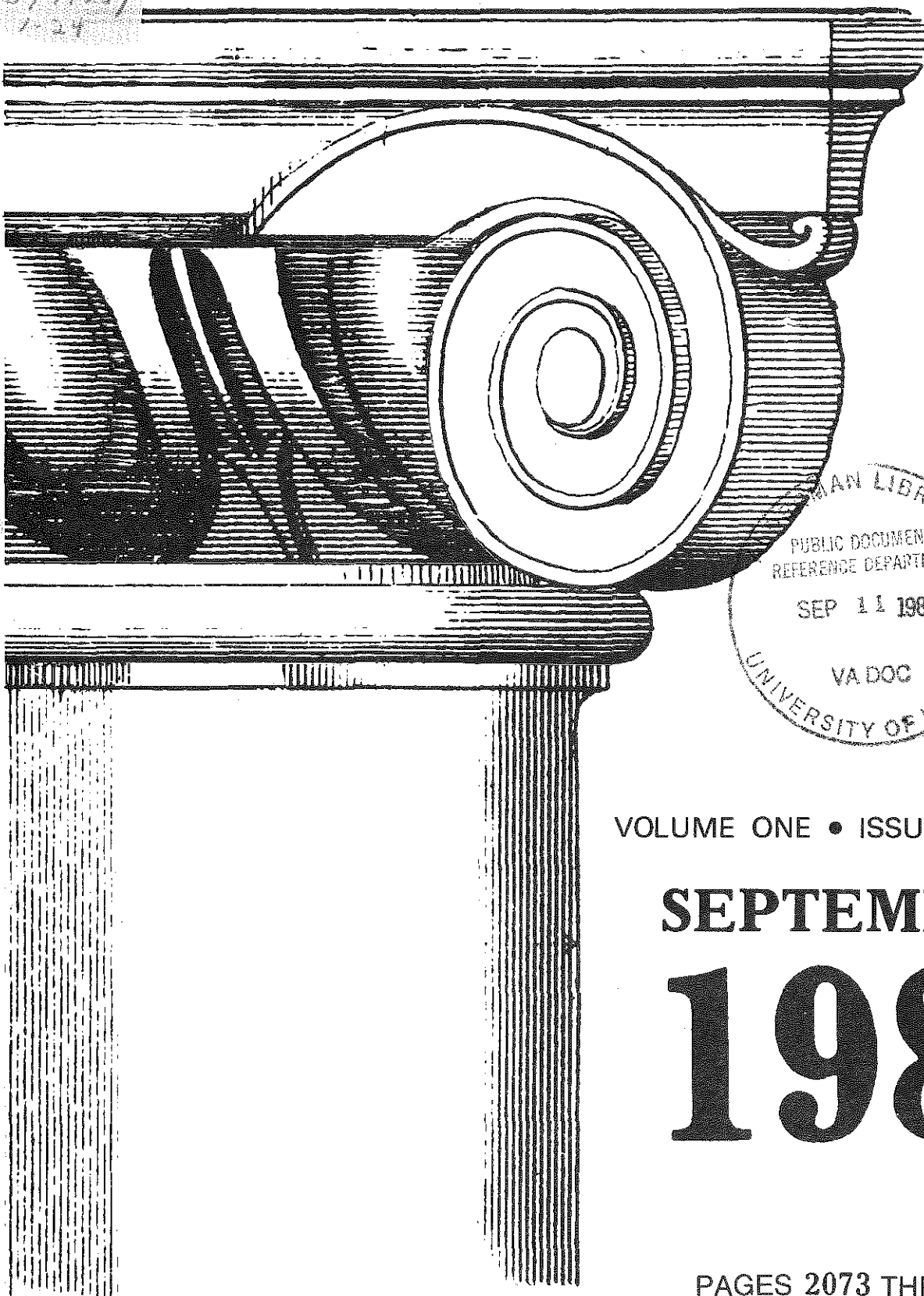
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THE VIRGINIA REGISTER

OF REGULATIONS



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PROPOSED REGULATIONS

For information concerning Proposed Regulations, see information page.

Symbol Key

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

STATE BOARD OF CORRECTIONS

"Board" means the Board of Corrections.

Title of Regulation: VR 230-01-001. Public Participation Guidelines.

"Department" means the Virginia Department of Corrections.

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

"Director" means the State Corrections Director.

Public Hearing Date: (See Calendar of Events Section for Notice of Comment period)

"Operating unit" means the offices of the Director, Deputy Directors, Assistant Directors Administrators or other offices within the department that will develop, draft and promulgate a regulation.

Summary:

These amended regulations incorporate changes to the Administrative Process Act that became effective July 1, 1985, regarding the formation, development and adoption of regulations that the State Board of Corrections and the Director of the Department of Corrections are required to promulgate by state law.

"~~Regulation~~"Rule or regulation" means any statement of law, policy, right, requirement, or prohibition formulated and promulgated by an agency as a rule, standard, or guide for public or private observance or for the decision of cases thereafter by the agency or by any other agency, authority, or court, general application, having the force of law, affecting the rights or conduct of any person, promulgated by an agency in accordance with the authority conferred on it by applicable basic laws. Exemptions to this requirement are those listed in § 9-6.14:10 and 9-6.14:20 9-6.14:4.1 of the Code of Virginia or as determined by the Attorney General's office.

VR 230-01-001. Public Participation Guidelines.

PART I. GENERAL PROVISIONS.

§ 1.1. Definitions.

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

"Agency" means any authority, instrumentality, officers of the Department of Corrections, and members of the Board of Corrections, or other unit of the state government empowered by the basic laws to make regulations or decide cases. ~~but excluding (i) the General Assembly, (ii) courts, and any agency which by the Constitution of Virginia is expressly granted any of the powers of a court of record, (iii) municipal corporations, counties, and other local or regional governmental authorities including sanitary or other districts, and joint State Federal inter-state, or intermunicipal authorities.~~

"Agency regulatory coordinator" means the individual appointed by the director to provide technical assistance to the operating units and to coordinate regulations.

"Basic law" or "Basic laws" means provisions of the Constitution and statutes of the Commonwealth of Virginia authorizing an agency to make regulations or decide cases or containing procedural requirements thereof.

§ 1.2. Authority.

Chapter 1.1:1 of Title 9 of the Code of Virginia, deals with the promulgation of rules and regulations. Specifically, § 9-6.14:7.1 directs agencies of the Commonwealth to develop public participation guidelines for soliciting the input of interested parties in the formation and development of regulations. Section 53.1-5 of the Code of Virginia empowers the Board of Corrections to make, adopt and promulgate rules and regulations.

§ 1.3. Purpose.

These guidelines are designed to provide consistent, written procedures that will ensure input from interested parties during the development, review and final stages of the regulatory process.

§ 1.4. Administration.

A. The State Board of Corrections has the responsibility for promulgating regulations pertaining to public input in the regulatory process.

B. The State Corrections Director is the chief executive officer of the Department of Corrections and is responsible for implementing the standards and goals of the board.

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§ 1.5. Application of regulations.

These regulations have general application throughout the Commonwealth.

§ 1.6. Effective Date. - ~~April 1, 1985~~ December 1, 1985 .

§ 1.7. Application of the Administrative Process Act.

The provisions of the Virginia Administrative Process Act, which is codified as Chapter 1.1:1 of Title 9 of the Code of Virginia, shall govern the adoption, amendment, modification, and revision of these regulations, and the conduct of all proceedings and appeals. All hearings on such regulations shall be conducted in accordance with § 9-6.14:7.1.

§ 1.8. Severability.

If any provision of these regulations or the application of them to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or application of any other part of these regulations which can be given effect without the invalid provisions of the application, and to this end, the provisions of these regulations and the various applications of them are declared to be severable.

PART II. PUBLIC PARTICIPATION.

§ 2.1. Identification of interested parties.

Each operating unit within the department which is responsible for rule making will develop and maintain a current list of those persons, organizations, and agencies that have demonstrated an interest in specific program regulations in the past through written comments or attendance at public hearings.

§ 2.2. Notification of interested parties.

A. Individual mailings.

When an operating unit of the department determines that specific regulations need to be developed or substantially modified, the operating unit will so notify by mail the individuals, organizations, and agencies identified as interested parties in § 2.1 of these regulations. This notice will invite those interested in providing input to notify the agency of their interest. The notice will include the title of the regulation to be developed or modified; the operating unit contact person, mailing address, and telephone number; and the date by which a notice of a desire to comment must be received. In addition, known parties having interest and expertise will be advised through a special mailing of the agency's desire to develop a regulation and will be invited to assist the operating unit in developing the regulation or in providing input.

B. Notice of intent.

When an operating unit of the department determines that specific regulations that are covered by the ~~Administration~~ Administrative Process Act need to be developed or substantially modified, the operating unit will publish a notice of intent in The Virginia Register. This notice will invite those interested in providing input to notify the operating unit of their interest. The notice will include the title of the regulation to be developed or modified; the operating unit contact person, mailing address, and telephone number; and the date by which a notice of a desire to comment must be received. All notices will be coordinated through the Agency Regulatory Coordinator before being forwarded for publication.

§ 2.3. Solicitation of input from interested parties.

A. Advisory panels.

Whenever an operating unit proposes to develop or substantially modify a regulation, it may create an advisory panel to assist in this development or modification. Advisory panels will be established on an ad hoc basis.

1. Members of advisory panels will consist of a balanced representation of individuals and representatives of organization and agencies identified as interested in § 2.1 of these regulations and who have expressed a desire to comment on new or modified regulations in the developmental process. Each panel will consist of no less than three members.

2. Individual panels will establish their own operating procedure, but in no case will a panel meet less than twice. All comments on proposed regulations will be documented by the operating unit and a response will be developed for each comment.

B. Other comments.

All persons, organizations, and agencies who respond to the individual mailings and the notice of intent shall be provided an opportunity to examine regulations in their developmental stage and to provide written comments on these regulations to the operating unit. The operating unit will document the receipt of these comments and will respond to each commentor. The operating unit shall consider all input received as a result of responses to notifications mailed to interested parties as listed in § 2.2 of these regulations in formulating and drafting proposed regulations.

§ 2.4. Administrative Process Act procedures.

After regulations have been developed according to these guidelines, they will be submitted for public comment under § 9-6.14 of the Code of Virginia, and promulgated finally under this section of the Code.

Proposed 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 regulation printed below is voluntarily published by the Marine Resources Commission for the public's benefit and for informational purposes only.

Title of Regulation: VR 450-01-0037. Pertaining to the Marking of Oyster Planting Ground.

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

Public Hearing Date: August 27, 1985 - 9:30 a.m.
(See Calendar of Events Section for additional information)

VR 450-01-0037. Pertaining to the Marking of Oyster Planting Ground.

PREAMBLE

The marking of oyster planting ground, which is required under §§ 28.1-109 and 28.1-134 of the Code of Virginia, is only partially described under present law. The intent of this regulation is to describe the manner and method of marking leased oyster planting ground so that such ground is properly and consistently delineated and safe navigation is maintained.

§ 1. Authority, prior regulations, effective date.

A. This regulation is promulgated pursuant to the authority contained in §§ 28.1-23, 28.1-109, and 28.1-134 of the Code of Virginia.

B. VMRC Regulation XXVII, § 3, which pertains to the marking of oyster planting ground to be dredged, is hereby repealed.

C. The effective date of this regulation is

§ 2. Purpose.

The purpose of this regulation is to set forth the requirements necessary for compliance with §§ 28.1-109 and 28.1-134 of the Code of Virginia, pertaining to the marking of leased oyster ground. The manner and method of marking leased oyster planting ground is described such that all leased oyster planting grounds are properly and consistently delineated and safe navigation is maintained.

§ 3. Method and manner of marking.

A. Marking requirements.

All leased oyster planting ground shall be marked with stakes or bouys so as to clearly delineate the boundary lines of the lease and to prevent any unnecessary

restriction to navigation.

1. Corner markers:

a. All corners of leased oyster planting ground shall be marked.

2. Boundary line markers:

a. Lines 0 feet to 100 feet long - no intermediate markers.

b. Lines 100 feet to 300 feet - one marker at midpoint.

c. Lines longer than 300 feet - markers at 150 foot intervals.

B. Description of markers.

1. Stakes:

Stakes shall be no larger than two inches in diameter at the mean low water line and shall extend at least four feet above the mean high water line. The stake shall be of such material not so rigid as to harm a boat if accidentally struck. Bamboo, white oak, cedar, or gum saplings are commonly used, but not required. If polyvinyl chloride (PVC) pipe is used, and driven into the bottom, the diameter of the PVC pipe shall be two inches or less. Metal pipe markers are prohibited.

2. Bouys:

Bouys shall be constructed of wood, PVC, or other suitable material, shall be no larger than six inches in diameter, and shall be anchored with sufficient weight to prevent their moving during adverse weather conditions. Bouys shall be constructed and anchored so as to extend at least four feet above the water line at all times. Bouys shall not be used in water less than eight feet in depth at mean low water.

§ 4. Maintenance.

As required under § 28.1-109 of the Code of Virginia, suitable stakes or markers shall be kept by the lessee in their proper places at all times during the continuance of the lease, so as to conform accurately to the survey. Should such stakes or markers be removed, knocked down, or be carried away, the lessee shall replace them in proper places; and if he fails to do so within 30 days after being notified, the lessee shall have no claim against any person for trespassing on the ground in any manner.

§ 5. Exception.

The Marine Resources Commission may require its chief engineer to describe a plan for the proper marking of any designated oyster planting ground when it finds exceptional

Proposed Regulations

circumstances exist. In such cases the chief engineer shall direct the leaseholder where to place the appropriate markers.

William A. Pruitt
Commissioner

VIRGINIA BOARD OF PROFESSIONAL COUNSELORS

Title of Regulation: VR 560-01-1. Public Participation Guidelines.

Statutory Authority: § 54-929 of the Code of Virginia.

Public Hearing Date: November 4, 1985 - 10 a.m.
(See Calendar of Events Section for additional information)

Summary:

The purpose of the regulation is to assure public involvement in regulations of the Board of Professional Counselors, required by § 9-6.14:7.1 of the Code of Virginia. There is no substantive regulation upon any regulated party or the public.

VR 560-01-1. Public Participation Guidelines.

§ 1. Mailing list.

The Virginia Board of Professional Counselors will maintain a list of persons and organizations who will be mailed the following documents as they become available:

1. "Notice of intent" to promulgate regulations;
2. "Notice of public hearing" or "informational proceedings," the subject of which is proposed or existing regulations;
3. Final regulations adopted.

§ 2. Inclusion on list. Deletion from list.

Persons wishing to be placed on the mailing list may have his name added by writing the board. In addition, the board may, in its discretion, add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formulation or promulgation of regulations. Persons on the list will be provided all information stated in subsection A. of this section. Individuals and organizations will be periodically requested to indicate their desire to continue to receive documents or be deleted from the list. Where mail is returned as undeliverable, individuals and organizations will be deleted from the list.

§ 3. Notice of intent.

At least 30 days prior to publication of the notice to conduct an informational proceeding as required by § 9-6.14:7.1 of the Code of Virginia, the board will publish a "notice of intent." This notice will contain a brief and concise statement of the possible regulation or the problem the regulation would address and invite any person to provide written comment on the subject matter. Such notice shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register.

§ 4. Informational proceedings or public hearings for existing regulations.

At least once each biennium, the board will conduct an informational proceeding, which may take the form of a public hearing, to receive public comment on existing regulations. The purpose of this proceeding will be to solicit public comment on all existing regulations as to their effectiveness, efficiency, necessity, clarity, and cost of compliance. Notice of such proceeding will be transmitted to the Registrar of Regulations for inclusion in The Virginia Register. Such proceedings may be held separately or in conjunction with other informational proceedings

§ 5. Petition for rulemaking.

Any person may petition the board to adopt, amend, or delete any regulation. Any petition received shall appear on the next agenda of the board. The board shall have sole authority to dispose of the petition.

§ 6. Notice of formulation and adoption.

Following any meeting of the board or any subcommittee or advisory committee where the formulation or adoption of regulations occurs, the subject matter shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register.

VIRGINIA BOARD OF PSYCHOLOGY

Title of Regulation: VR 565-01-1. Public Participation Guidelines.

Statutory Authority: § 54-929 of the Code of Virginia.

Public Hearing Date: November 4, 1985 - 10 a.m.
(See Calendar of Events Section for additional information)

Summary:

The purpose of the regulation is to assure public involvement in regulations of the Board of Psychology, required by § 9-6.14:7.1 of the Code of Virginia. There is no substantive regulation upon any regulated party or the public.

Proposed Regulations

VR 565-01-1. Public Participation Guidelines.

§ 1. Mailing list.

The Virginia Board of Psychology will maintain a list of persons and organizations who will be mailed the following documents as they become available:

1. "Notice of intent" to promulgate regulations;
2. "Notice of public hearing" or "informational proceedings," the subject of which is proposed or existing regulations;
3. Final regulations adopted.

§ 2. Inclusion on list. Deletion from list.

Persons wishing to be placed on the mailing list may have his name added by writing the board. In addition, the board may, in its discretion, add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formulation or promulgation of regulations. Persons on the list will be provided all information stated in subsection A. of this section. Individuals and organizations will be periodically requested to indicate their desire to continue to receive documents or be deleted from the list. Where mail is returned as undeliverable, individuals and organizations will be deleted from the list.

§ 3. Notice of intent.

At least 30 days prior to publication of the notice to conduct an informational proceeding as required by § 9-6.14:7.1 of the Code of Virginia, the board will publish a "notice of intent." This notice will contain a brief and concise statement of the possible regulation or the problem the regulation would address and invite any person to provide written comment on the subject matter. Such notice shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register.

§ 4. Informational proceedings or public hearings for existing regulations.

At least once each biennium, the board will conduct an informational proceeding, which may take the form of a public hearing, to receive public comment on existing regulations. The purpose of this proceeding will be to solicit public comment on all existing regulations as to their effectiveness, efficiency, necessity, clarity, and cost of compliance. Notice of such proceeding will be transmitted to the Registrar of Regulations for inclusion in The Virginia Register. Such proceedings may be held separately or in conjunction with other informational proceedings

§ 5. Petition for rulemaking.

Any person may petition the board to adopt, amend, or

delete any regulation. Any petition received shall appear on the next agenda of the board. The board shall have sole authority to dispose of the petition.

§ 6. Notice of formulation and adoption.

Following any meeting of the board or any subcommittee or advisory committee where the formulation or adoption of regulations occurs, the subject matter shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register.

VIRGINIA BOARD OF SOCIAL WORK

Title of Regulation: VR 620-01-1. Public Participation Guidelines.

Statutory Authority: § 54-929 of the Code of Virginia.

Public Hearing Date: November 4, 1985 - 10 a.m.
(See Calendar of Events Section for additional information)

Summary:

The purpose of the regulation is to assure public involvement in regulations of the Board of Social Work, required by § 9-6.14:7.1 of the Code of Virginia. There is no substantive regulation upon any regulated party or the public.

VR 620-01-1. Public Participation Guidelines.

§ 1. Mailing list.

The Virginia Board of Social Work will maintain a list of persons and organizations who will be mailed the following documents as they become available:

1. "Notice of intent" to promulgate regulations;
2. "Notice of public hearing" or "informational proceedings," the subject of which is proposed or existing regulations;
3. Final regulations adopted.

§ 2. Inclusion on list. Deletion from list.

Persons wishing to be placed on the mailing list may have his name added by writing the board. In addition, the board may, in its discretion, add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formulation or promulgation of regulations. Persons on the list will be provided all information stated in subsection A. of this section. Individuals and organizations will be periodically requested to indicate their desire to continue to receive documents or be deleted from the list. Where mail is

Proposed Regulations

returned as undeliverable, individuals and organizations will be deleted from the list.

§ 3. Notice of intent.

At least 30 days prior to publication of the notice to conduct an informational proceeding as required by § 9-6.14:7.1 of the Code of Virginia, the board will publish a "notice of intent." This notice will contain a brief and concise statement of the possible regulation or the problem the regulation would address and invite any person to provide written comment on the subject matter. Such notice shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register.

§ 4. Informational proceedings for public hearings for existing regulations.

At least once each biennium, the board will conduct an informational proceeding, which may take the form of a public hearing, to receive public comment on existing regulations. The purpose of this proceeding will be to solicit public comment on all existing regulations as to their effectiveness, efficiency, necessity, clarity, and cost of compliance. Notice of such proceeding will be transmitted to the Registrar of Regulations for inclusion in The Virginia Register. Such proceedings may be held separately or in conjunction with other informational proceedings.

§ 5. Petition for rulemaking.

Any person may petition the board to adopt, amend, or delete any regulation. Any petition received shall appear on the next agenda of the board. The board shall have sole authority to dispose of the petition.

§ 6. Notice of formulation and adoption.

Following any meeting of the board or any subcommittee or advisory committee where the formulation or adoption of regulations occurs, the subject matter shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register.

VIRGINIA SUBSTANCE ABUSE CERTIFICATION BOARD

Title of Regulation: VR 560-02-1. Public Participation Guidelines.

Statutory Authority: § 54-929 of the Code of Virginia.

Public Hearing Date: November 4, 1985 - 10 a.m.
(See Calendar of Events Section for additional information)

Summary:

The purpose of the regulation is to assure public involvement in regulations of the Substance Abuse

Certification Board, required by § 9-6.14:7.1 of the Code of Virginia. There is no substantive regulation upon any regulated party or the public.

VR 560-02-1. Public Participation Guidelines.

§ 1. Mailing list.

The Virginia Substance Abuse Certification Board will maintain a list of persons and organizations who will be mailed the following documents as they become available:

1. "Notice of intent" to promulgate regulations;
2. "Notice of public hearing" or "informational proceedings," the subject of which is proposed or existing regulations;
3. Final regulations adopted.

§ 2. Inclusion on list. Deletion from list.

Persons wishing to be placed on the mailing list may have his name added by writing the board. In addition, the board may, in its discretion, add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formulation or promulgation of regulations. Persons on the list will be provided all information stated in subsection A. of this section. Individuals and organizations will be periodically requested to indicate their desire to continue to receive documents or be deleted from the list. Where mail is returned as undeliverable, individuals and organizations will be deleted from the list.

§ 3. Notice of intent.

At least 30 days prior to publication of the notice to conduct an informational proceeding as required by § 9-6.14:7.1 of the Code of Virginia, the board will publish a "notice of intent." This notice will contain a brief and concise statement of the possible regulation or the problem the regulation would address and invite any person to provide written comment on the subject matter. Such notice shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register.

§ 4. Informational proceedings or public hearings for existing regulations.

At least once each biennium, the board will conduct an informational proceeding, which may take the form of a public hearing, to receive public comment on existing regulations. The purpose of this proceeding will be to solicit public comment on all existing regulations as to their effectiveness, efficiency, necessity, clarity, and cost of compliance. Notice of such proceeding will be transmitted to the Registrar of Regulations for inclusion in The Virginia Register. Such proceedings may be held separately or in conjunction with other informational proceedings

§ 5. Petition for rulemaking.

Any person may petition the board to adopt, amend, or delete any regulation. Any petition received shall appear on the next agenda of the board. The board shall have sole authority to dispose of the petition.

§ 6. Notice of formulation and adoption.

Following any meeting of the board or any subcommittee or advisory committee where the formulation or adoption of regulations occurs, the subject matter shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register.

DEPARTMENT OF TAXATION

Title of Regulation: VR 630-3-446.1. Corporation Income Tax: Foreign Sales Corporation.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Public Hearing Date: November 12, 1985 - 10 a.m.
(See Calendar of Events Section for additional information)

Summary:

This regulation specifies that no adjustments or consolidation will be required under § 58.1-446 of the Code of Virginia, for Foreign Sales Corporations and Small Foreign Sales Corporations.

An adjustment will be required in the case of taxpayers owning or transacting business with affiliated interest charge Domestic International Sales Corporations. The adjustment will normally be based upon consolidation of the DISC with the parent/taxpayer. This parallels the established policy with respect to DISC's under prior law.

VR 630-3-446.1. Corporation Income Tax: Foreign Sales Corporations.

§ 1. Definitions.

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

"DISC" means a corporation which elected to be treated as a Domestic International Sales Corporation under I.R.C. § 991 before January 1, 1985, and which, under the Tax Reform Act of 1984, is required to end its taxable year on December 31, 1984, and, if it wishes, make a new election to be taxed as an interest charge DISC.

"FSC" means a corporation which has elected to be treated as a Foreign Sales Corporation under I.R.C. § 927 on and after January 1, 1985.

"Interest charge DISC" means a corporation which has elected to be treated as a Domestic International Sales Corporation under I.R.C. § 992 on and after January 1, 1985.

"Small FSC" means a corporation which has elected to be treated as a Small Foreign Sales Corporation under I.R.C. § 927 on and after January 1, 1985.

§ 2. DISC prior to January 1, 1985.

A. All DISC's are required by federal law to end their taxable years on December 31, 1984. Distributions of DISC income accumulated prior to December 31, 1984 are deemed to be made from previously taxed income and are not included in the federal taxable income of the recipient.

B. The department has required a taxpayer owning a DISC to make an adjustment under § 58.1-446 of the Code of Virginia in each year, including the taxable year ended December 31, 1984, in which the taxpayer pursuant to federal law attributed some of its taxable income to its DISC in an amount unrelated to the business done by the DISC. Therefore, no adjustments are required with respect to distributions received by a taxpayer from accumulated DISC income and excluded from the taxpayer's federal taxable income.

§ 3. Interest charge DISC on and after January 1, 1985.

A. For transactions occurring on and after January 1, 1985 a taxpayer may attribute some of its income to an interest charge DISC by using certain administrative pricing rules which expressly exempt the DISC from complying with I.R.C. § 482 (arms length pricing.) An adjustment under § 58.1-446 of the Code of Virginia is required when any of a taxpayer's income is attributed to an interest charge DISC in an amount unrelated to the business done by the interest charge DISC.

B. The adjustment is required with respect to any interest charge DISC which conducts no business or which does conduct business but such business activity is unrelated to the amount of the taxpayer's income attributed to the interest charge DISC.

C. When an adjustment under § 58.1-446 of the Code of Virginia is required, the adjustment will be based upon consolidation of the interest charge DISC with the taxpayer unless the taxpayer shows to the satisfaction of the Tax Commissioner that some other method of computing the adjustment is more equitable.

§ 4. FSC and small FSC.

No adjustment under § 58.1-446 of the Code of Virginia is required with respect to ownership of a Foreign Sales Corporation or a Small Foreign Sales Corporation.

FINAL REGULATIONS

For information concerning Final Regulations, see information page.

Symbol Key

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

DEPARTMENT OF SOCIAL SERVICES

Title of Regulations: VR 615-08-1. Virginia Fuel Assistance Program.

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

Effective Date: October 1, 1985

Summary:

The amendments make several changes to the Virginia Fuel Assistance Program. Benefits for fuel assistance will be based on fuel type as well as income, household size and geographic area. The Heating Equipment Repairs/Replacements component will be replaced with a new Energy Crisis Assistance Program. Finally, there will be a ceiling placed on administrative expenses that will be reimbursed to local departments of social services.

VR 615-08-1. Virginia Fuel Assistance Program.

PART I. DEFINITIONS.

§ 1.1. The following words and terms, when used herein, shall have the following meaning unless the context indicates otherwise:

"Department" means the Department of Social Services.

"Disabled person" means a person receiving Social Security disability, Railroad Retirement Disability, Supplemental Security Income as disabled, or an individual who has been certified as permanently and totally disabled for Medicaid purposes.

"Elderly person" means anyone who is 60 years of age or older.

"Good cause" means but is not limited to circumstances beyond the household member's control, such as, but not limited to illness, illness of another household member requiring the presence of the person claiming good cause, a household emergency, or the unavailability of transportation; discrimination by an employer based on age, race, sex, handicap, religious belief, national origin, or political beliefs; work demands or conditions that render continued employment unreasonable; enrollment of the wage earner at least halftime in any recognized school, training program, or institution of higher education that

requires the wage earner to leave employment; and resignations that are recognized by the employer as retirement.

"Household" means an individual or group of individuals who occupy a housing unit and function as an economic unit by: purchasing residential energy in common (share heat); or, making undesignated payments for energy in the form of rent (heat is included in the rent).

"Poverty Guidelines" means the Poverty Income Guidelines as established and published annually by the Department of Health and Human Services.

"Primary Heating System" means the system that is currently used to heat the majority of the house.

"Resources" means cash, checking accounts, savings account, saving certificates, stocks, bonds, money market certificates, certificates of deposit, credit unions, Christmas clubs, mutual fund shares, promissory notes, deeds of trust, individual retirement accounts, prepaid funeral expenses in excess of \$900, or any other similar resource which can be liquidated in not more than 60 days.

"Energy-related, weather-related, or supply shortage emergency" means a household has: no heat or an imminent utility cut-off; inoperable or unsafe heating equipment; [~~frozen water pipes;~~] major air infiltration of housing unit; or a need for air conditioning because of medical reasons.

PART II. FUEL ASSISTANCE.

§ 2.1. The purpose of the Fuel Assistance Program is to provide heating assistance to eligible households to offset the costs of home energy that are excessive in relation to household income.

§ ~~1.1~~ A. Eligibility criteria.

A. 1. Income limits - Maximum income limits shall be at or below 150% of the Poverty Guidelines. In order to be eligible for Fuel Assistance, a household's income must be at or below the maximum income limits.

B. 2. Resource limits - The resource limit for a household containing an elderly or disabled person shall be \$3,000. The resource limit for all other households shall be \$1,500. In order to be eligible for Fuel Assistance, a household's resources must be at or below the amount specified.

C. Voluntary Quit - Any person 16 years of age or older who voluntarily quits his/her employment the month of application or the month prior to application without good cause shall render the household ineligible for fuel assistance for that fuel season.

[3. Voluntary quit - Any person 16 years of age or older who voluntarily quits his employment the month of application or the month prior to application without good cause shall render the household ineligible for fuel assistance for the fuel season.]

D. B. Resource Transfer - Any applicant of fuel assistance shall be ineligible for that fuel season if he improperly transfers or otherwise improperly disposed of his legal or equitable interest in nonexempt liquid resources without adequate compensation within one year of application for Fuel Assistance.

Compensation that is adequate means goods, services or money that approximates the value of the resources.

This policy does not apply if any of the following occur:

1. The transfer was not done in an effort to become eligible for Fuel Assistance;
2. The resource was less than the allowable resource limit;
3. The disposition or transfer was done without the person's full understanding.

§ 1.2. § 2.2. Benefits.

Benefit levels shall be established based on income in relation to household size, fuel type, and geographic area, with the highest benefit given to households with the least income and the highest energy need.

Geographic areas are determined by dividing the Commonwealth into five areas: Central, Eastern, Northern, Southern and Western. These areas represent climate zones as defined by Dr. Samuel Bowen from the Virginia Center for Coal and Energy Research at the Virginia Polytechnic Institute and State University.

Each year, the Division of Energy within the Department of Mines, Minerals, and Energy will supply data on the average costs of various fuels.

Each year the benefit amounts for each geographic area shall be determined by the following method:

A. A projection will be made of the number of households who will apply for Fuel Assistance. The projection will be based on the number of households who applied the previous year increased by the additional number of people who applied the year before.

B. An average grant per household will be determined

based on the estimated amount of funds that will be available for benefits.

$$\frac{\$ \text{ available}}{\text{no. of households}} = \text{average grant}$$

C. The benefits for each geographic area will be determined by using the average grant as a base figure and obtaining the highest and lowest benefits by using a ratio for each area based on degree days and the cost of various fuel types.

PART III

HEATING EQUIPMENT REPAIRS/REPLACEMENTS

The purpose of the Heating Equipment Repairs/Replacement Component is to assist eligible households in alleviating situations of an emergency nature by repairing or replacing inoperable or unsafe heating equipment.

§ 2.1. Eligibility Criteria.

A household is eligible for Heating Equipment Repairs/Replacement assistance provided that:

- A. The household meets all of the eligibility requirements for Fuel Assistance as stated in § 1.1; and;
- B. The applicant, or a member of the household, owns or is responsible for the maintenance of the heating equipment; and;

C. The heating equipment to be repaired or replaced is the primary heating system (or part of) used by the household; and;

D. The heating equipment is inoperable or unsafe at the time of the request. Unsafe is defined as dangerous or harmful to the health or safety of the household.

§ 2.2. Benefits.

An eligible household shall be entitled to up to \$200 in assistance for repairs or replacement of inoperable or unsafe heating equipment.

PART III.

ENERGY CRISIS ASSISTANCE PROGRAM.

§ 3.1. The purpose of the Energy Crisis Assistance Program component is to assist households with energy-related, weather-related or supply shortage emergencies. This component is intended to meet energy emergencies that cannot be met by the Fuel Assistance Program or other local resources.

§ 2.1. A. Eligibility criteria.

In order to be eligible for Energy Crisis Assistance, a household shall meet the following criteria:

Final Regulations

1. All of the Fuel Assistance Program criteria as set forth in Part II, ~~§ 1-1~~ § 2.1;
2. Have an energy-related, weather-related or supply shortage emergency as defined in Part I;
3. Other resources cannot meet the emergency (including Fuel Assistance);
4. Did not receive Energy Crisis Assistance during the current federal fiscal year: October 1 - September 30.

~~§ 2.2.~~ B. Benefits.

An eligible household can receive no more than \$200 for Energy Crisis Assistance during any federal fiscal year, unless the assistance is for the repair or replacement of heating equipment, in which case the maximum amount of assistance shall be \$400.

The following forms of assistance must be provided:

1. Repairs or replacement of inoperable or unsafe heating equipment;
2. Emergency repairs of dwelling to prevent heat loss;
3. Paying secondary heating sources. Secondary heating source means the energy source used to operate the primary heating equipment;
4. Paying utility security deposits;

[5. Repair of frozen water pipes.]

The following forms of assistance can be provided at local option:

1. Providing space heaters;
2. Providing blankets or warm clothing;
3. Providing emergency shelter;
4. Paying for cooling assistance when it is medically needed;
5. Other (locality must specify).

PART IV ADMINISTRATIVE COSTS

§4.1. Local administrative expenditures for the implementation of the Fuel Assistance Program shall not be reimbursed in excess of whichever is the higher of 9% of the agency's allocation of 150% of the average administrative cost per case for the previous year.

EMERGENCY REGULATION

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

Title of Regulation: Rules and Regulations of the Department of Alcoholic Beverage Control.

Statutory Authority: § 9-6.14:6 of the Code of Virginia.

Effective Date: August 7, 1985

ORDER ADOPTING EMERGENCY REGULATION NO. A-245

WHEREAS, the Virginia Alcoholic Beverage Control Board is required to protect the public by ensuring that the alcoholic beverage products sold in Virginia meet certain standards and are fit for consumption, and the Board promulgated a regulation to accomplish the above purpose regarding wine, and

WHEREAS, the Board now is of the opinion that an emergency situation exists because of changed conditions in the marketplace resulting in certain new products, known as "wine coolers," being prohibited from sale in Virginia because they contain artificial coloring, as prohibited by Section 12 of the Board's Regulations; and that unless this regulation is amended to allow artificial coloring to be contained in wine coolers, some of those products, which apparently are sold in every other state and present no harm to the public, will not be offered to citizens of the Commonwealth and there will be a loss of tax revenue as well, therefore

IT IS ORDERED that pursuant to the provisions of Sections 4-7, 4-11(a) and 9-6.14:6 of the Code of Virginia, the following regulation be, and the same is hereby, amended, effective August 7, 1985:

Section 12. Wines; qualifying procedures; disqualifying factors; samples;

(a) Qualifying procedures. - All wine sold in this state shall be first approved by the ~~Commission~~ Board as to content, container and label.

1. A certification acceptable to the ~~Commission~~ Board or on a form prescribed by the ~~commission~~ Board describing the merchandise may accompany each new brand and type of wine offered for sale in the state. A certification fee and a registration fee in such amounts as may be established by the ~~Commission~~ Board shall be included with each new certification.

2. In lieu of the aforementioned certification, there shall be submitted a sample and registration and analysis fees in such amounts as may be established by the ~~Commission~~ Board provided, however, that wine already offered for sale by another state with which this state has an analysis and certification exchange agreement and wine sold through government stores shall be subject only to a registration fee in such amount as may be established

by the ~~Commission~~ Board .

3. All wine sold in this state shall conform with regulations adopted by the appropriate federal agency, relating to labels, definitions and standards of identity. Applicants shall submit a certified copy of the approval of the label by such federal agency.

4. Subsequent sales under an approved label shall conform to the certification and analysis of the wine originally approved by the ~~Commission~~ Board .

(b) Disqualifying factors as to contents. - While not limited thereto, the ~~Commission~~ Board shall withhold approval of any wine

1. Which is an imitation or substandard wine as defined under regulations of the appropriate federal agency;

2. To which fruit juice or artificial coloring has been added, except fruit juice and artificial coloring may be contained in wine coolers containing fourteen per cent (14%) or less alcohol by volume and in sangria-type wines;

3. If the alcoholic content exceeds twenty-one per cent (21 %) by volume;

4. Which is a wine cocktail containing any ingredient other than wine.

(c) Disqualifying factors as to labels. - While not limited thereto, the ~~Commission~~ Board shall withhold approval of any label

1. Which contains the name of a cocktail generally understood to contain spirits;

2. Where the name of a state is used as a designation of the type of wine, but the contents do not conform to the wine standards of that state;

3. Which contains the word "cocktail" without being used in immediate conjunction with the word "wine" in letters of the same dimensions and characteristics, except labels for sherry wine;

4. Which contains the "fortified" or implies that the contents contain spirits, except that the composition and alcoholic content may be shown if required by regulations of an appropriate federal agency;

5. Which contains any subject matter or illustration of a lewd, obscene or indecent nature;

6. Which contains subject matter designed to induce minors to consume alcoholic beverages, or is suggestive of the intoxicating effect of wine;

7. Which contains any reference to a game of chance;

Emergency Regulation

8. Which contains any design or statement which is likely to mislead the consumer.

(d) Samples. - A person holding a license as a winery, farm winery or a wholesale wine distributor shall upon request furnish the ~~Commission~~ Board without compensation, a reasonable quantity of such brand sold by him for chemical analysis; provided, however, that the ~~Commission~~ Board may require recertification of the merchandise involved in lieu of analysis of such a sample. A fee in such amount as may be established by the ~~Commission~~ Board shall be included with each recertification.

(e) Exceptions. - Any wine whose content, label or container does not comply with all requirements of this section shall be exempt therefrom provided that such wine was sold at retail in this state as of December 1, 1960, and remains the same in content, label and container.

(1974, A-224; 1975, A-228; 1977, A-233; 1979, A-235; A-238; 1980, A-239; 1981, A-240; 1982, A-241; 1984, A-243)

(Ref: Sections 4-7(h) and (l) and 4-11(a), of the Code of Virginia).

The Board will receive, consider and respond to petitions by any interested persons at any time for reconsideration or revision of this regulation.

/s/ Charles S. Robb
Date: August 1, 1985

STATE CORPORATION COMMISSION

COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION
BUREAU OF INSURANCE

July 8, 1985

ADMINISTRATIVE LETTER 1985-14

TO: All Companies Licensed to Write Liability Other Than
Automobile Insurance in Virginia

The Bureau of Insurance forwarded to you on May 23, 1985, Administrative Letter 1985-10 which outlined the position of the Bureau of Insurance concerning exclusion of general liability coverage for pollution liability. A copy of that Administrative Letter is printed on the back of this letter for your easy reference.

Administrative Letter 1985-10 indicated that the Bureau would not approve the total pollution liability exclusion endorsement to existing policies or new and renewal policies which were effective prior to the approval of the new ISO/CGL form. The Bureau did list several alternative situations in which the pollution exclusion endorsement could be approved.

While some companies have availed themselves of the options outlined in Administrative Letter 1985-10, many companies have refused to write general liability insurance for a large number of accounts due to their inability to totally exclude the pollution liability exposure. This has caused a lack of availability of general liability coverage for municipalities and other entities which have a meaningful pollution liability exposure.

In order to ameliorate this availability problem for these insureds, and based upon assurance from representatives of these insureds that they understand the pollution coverage will be excluded but wish to buy the liability coverage with the pollution coverage excluded, the Bureau of Insurance is by this letter immediately altering the position taken in the May 23, 1985, Administrative Letter 1985-10.

The Bureau of Insurance will now approve endorsements excluding all coverage for pollution liability from general liability policies as long as the normal filing requirements have been met. Further, it is the Bureau's intent to approve these endorsements for use on new and renewal policies. Any endorsement which is to be attached mid-term excluding coverage for pollution liability must contain a signature line whereby the insured or its representative acknowledges the deletion of this coverage from the policy. Companies may wish to consider such a signature line on all such exclusion endorsements, whether to existing policies or new and renewal policies.

It should be noted that this exclusion of pollution liability is still not permitted on the automobile liability

insurance policy, because the requirements of the Interstate Commerce Commission filings and State Motor Carrier Requirements. The Bureau of Insurance is working with the Insurance Services Office on revising the standard form for garage liability insurance in order to permit a total pollution liability exclusion from the premises portion of the garage liability policy. However, due to the requirements of the Motor Truck Carrier Act which deal with environmental restoration liability, such an exclusion will not be permissible under the auto portion of such a policy.

Please inform your branch offices and producers in Virginia of this amendment of our position on this matter. Any questions concerning this matter should be addressed to P. A. Synnott, Jr., CPCU, CLU, Deputy Commissioner, Market Regulation.

/s/ James M. Thomson
Commissioner of Insurance

COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION
BUREAU OF INSURANCE

May 23, 1985

ADMINISTRATIVE LETTER 1985-10

TO: All Companies Licensed to Write Liability Other Than
Automobile Insurance in Virginia

It has come to the attention of the Bureau of Insurance that some insurance companies may be attaching endorsements to policies which provide general liability coverage and by means of this endorsement are totally excluding all coverage for pollution liability, both for sudden and accidental as well as gradual pollution.

It is important that all companies be aware that the Bureau of Insurance has not approved any endorsement totally excluding sudden and accidental pollution liability and any company which attaches such an endorsement may subject themselves to action by the Bureau of Insurance for a violation of the Virginia Forms Filing Laws.

The Bureau of Insurance has permitted a pollution liability exclusion endorsement which is attached when the insured already has a separate pollution liability policy. Further, we have permitted exclusion of the cost of on-site cleanup which may be required by Federal or State Superfund Laws. In addition, we have also approved a total pollution exclusion as long as the company has filed a buy-back endorsement which it is obligated to write at the option of the insured. In addition, we have permitted the buy-back endorsement to be (a) rated.

State Corporation Commission

The Bureau is currently analyzing the ISO CGL policy which has been filed to be effective 1/1/86 and will probably approve the basic CGL policy with the total pollution liability exclusions contained therein. However, any endorsement which have been filed by the ISO or any other companies to existing policies which totally exclude pollution liability except as mentioned above, have been disapproved and will continue to be disapproved until approval of the new ISO CGL form.

You are cautioned to advise all of your branch offices and producers in Virginia that no such exclusion should be attached to either inforce policies or policies issued or renewed in Virginia.

Any questions concerning this matter should be addressed to P. A. Synnott, Jr., CPCU, CLU, Deputy Commissioner, Market Regulation.

/s/ James M. Thomson
Commissioner of Insurance

COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION BUREAU OF INSURANCE

July 22, 1985

ADMINISTRATIVE LETTER 1985-15

TO: All Continuing Care Providers

RE: New Regulatory Requirements

On July 1 of this year all entities that provide continuing care in accordance with the following definition became subject to new regulatory requirements under the jurisdiction of the State Corporation Commission (a copy of the new statutes is attached).

"Continuing care" means providing or committing to provide board, lodging and nursing services to an individual, other than an individual related by blood or marriage, (i) pursuant to an agreement effective for the life of the individual or for a period in excess of one year, including mutually terminable contracts, and (ii) in consideration of the payment of an entrance fee or periodic charges. A contract shall be deemed to be one offering nursing services, irrespective of whether such services are provided under such contract, if nursing services are offered to the resident entering such contract either at the facility in question or pursuant to arrangements specifically offered to residents of the facility.

Those entities that fall within the above definition should

review the new statutes very carefully. To be in compliance with the new statutes, you will need to file several documents with the State Corporation Commission's Bureau of Insurance. These documents are (1) a completed continuing care provider registration statement, (2) a disclosure statement that conforms to the requirements of § 38.1-957 and the disclosure statement guidelines established by the Commission, and (3) a copy of your standard resident's contract which conforms to the requirements of § 38.1-960 (copies of items (1) and (2) are attached).

Three copies of each document shall be submitted with every filing. Filings should be mailed to:

Mr. Alfred W. Gross
Supervisor of Company Licensing
State Corporation Commission
Bureau of Insurance
P.O. Box 1157
Richmond, VA 23209

Continuing care providers that existed prior to July 1, 1985, must be in full compliance with the new statutes prior to January 1, 1986. As the Commission is entitled to a ninety day period within which it shall approve or disapprove the initial filing, it is essential that all existing continuing care providers file the necessary documents with the Bureau of Insurance before October 3, 1985. New continuing care providers must be in full compliance with the new statutes before providing or offering to provide continuing care.

Any questions relating to the continuing care provider registration statement or the disclosure statement should be directed to Mr. Gross at (804) 786-3081. Any questions relating to resident's contracts should be directed to Mrs. Ruth V. Dabney at (804) 786-1270.

To facilitate orderly implementation of the new requirements, we are requesting any entity that receives this letter and which does not fall within the definition of continuing care to write to Mr. Gross. You have been identified as an entity that probably comes within the scope of the new statutes. Your letter should explain in detail why you are not subject to the new statutes.

/s/ James M. Thomson
Commissioner of Insurance

Commonwealth of Virginia
State Corporation Commission
Bureau of Insurance

DISCLOSURE STATEMENT GUIDELINES

The disclosure statement of each facility shall contain all of the information required below unless such information is contained in the continuing care contract and a copy of that contract is attached to and made a part of the disclosure statement. The information shall be presented in the order set forth below and shall be preceded by the prescribed headings in boldface type.

Regarding the disclosure statement submitted to the State Corporation Commission:

1. It shall be printed in at least ten point type;
2. It shall, in a conspicuous fashion, state on its cover that the filing of the disclosure statement with the State Corporation Commission does not constitute approval, recommendation or endorsement of the facility by the State Corporation Commission;
3. A response under each heading is required;
4. When any disclosure requirement is not applicable to your facility this must be so stated in the disclosure statement.
5. When required information is contained in the continuing care contract as opposed to the body of the disclosure statement, the disclosure statement must indicate by explicit reference where the information may be found in the contract;
6. The section "Anticipated Source and Application of Purchase or Construction Funds" applies only to new facilities;
7. Additional information concerning the provider or the facility may be included under appropriately labeled headings; and
8. A copy of the standard form or forms for continuing care contracts used by the provider shall be attached as an exhibit to each disclosure statement.

Required Information

Continuing Care Provider

Give the name and business address of the provider and a statement of whether the provider is a partnership, foundation, association, corporation or other type of business or legal entity. Such statement shall also set forth the jurisdiction in which the provider is organized if applicable.

If the provider is composed of multiple legal entities, give the required information for all such entities and provide a specific description of their relationship to each other.

State Corporation Commission

Officers, Directors, Trustees, Managing and General Partners, and Certain Persons Who Hold Equity or Beneficial Interests

Give the names and business addresses of the officers, directors, trustees, managing or general partners, and any person having a ten percent or greater equity or beneficial interest in the provider, and a description of such person's interest in or occupation with the provider. In the case a nonstock corporation also provide the required information for members of the nonstock corporation.

"Beneficial interest" means any current interest in a provider that is directly related to the financial performance of that provider. Beneficial interest includes:

1. All forms of direct or indirect ownership of a provider, including ownership through another legal entity;
2. Ownership or control of any voting class of securities issued by the provider; and
3. Any contract, including a lease or management contract, with a provider where the amount of consideration under the contract is tied to the financial performance of the provider.

This section shall be divided into appropriately labeled subsections for each group of persons listed.

Business Experience of; Acquisition of Goods and Services from; and Criminal, Civil and Regulatory Proceedings Against the Provider; its Officers, Directors, Trustees, Managing and General Partners; Certain Persons Who Hold Equity or Beneficial Interests; and the Management

For (i) the provider, (ii) any person named in the previous section or (iii) the proposed management, if the facility will be managed on a day-to-day basis by a person other than an individual directly employed by the provider:

- a. Give a description of any specific business experience in the operation or management of similar facilities.
- b. Give the name and address of any professional service, firm, association, foundation, trust, partnership or corporation or any other business or legal entity in which such person has, or which has in such person, a ten percent or greater direct or indirect interest and which it is presently intended will or may provide goods, leases or services to the provider of a value of \$500 or more, within any year, including:

- (1) A description of the goods, leases or services and the probable or anticipated cost thereof to the provider;
- (2) The process by which the contract was awarded;
- (3) Any additional offers that were received; and
- (4) Any additional information requested by the Commission detailing how and why a contract was awarded.

c. Give a description of any matter in which such person:

- (1) Has been convicted of a felony or pleaded nolo contendere to a felony charge, or been held liable or enjoined in a civil action by final judgment if the felony or civil action involved fraud, embezzlement, fraudulent conversion or misappropriation of property; or
- (2) Is subject to an injunctive or restrictive order of a court of record, or within the past five years had any state or federal license or permit suspended or revoked as a result of an action brought by a governmental agency or department, arising out of or relating to business activity or health care, including without limitation actions affecting a license to operate a foster care facility, nursing home, retirement home, home for the aged or facility registered under this chapter or similar laws in another state; or
- (3) Is currently the subject of any state or federal prosecution, or administrative investigation involving allegations of fraud, embezzlement, fraudulent conversion, or misappropriation of property.

This section shall be divided into appropriately labeled subsections for parts a, b, and c. A response for each part is required.

Ownership of Real Property

Give full and detailed information regarding direct and indirect ownership of the property on which the facility is or will be operated and of the buildings in which it is or will be operated.

Location and Description of Real Property

Give the location and description of the real property of the facility, existing or proposed, and to the extent proposed, the estimated completion date or dates of improvements, whether or not construction has begun and the contingencies under which construction may be deferred.

State Corporation Commission

Affiliations with Religious, Charitable or Other Nonprofit Organizations; Tax Status of Provider

Give a statement as to:

a. Whether the provider is or ever has been affiliated with a religious, charitable or other nonprofit organization, the nature of any such affiliation, and the extent to which the affiliate organization is or will be responsible for the financial and contractual obligation of the provider.

b. Any provision of the Federal Internal Revenue Code under which the provider is exempt from the payment of income tax. This section shall be divided into appropriately labeled subsections for parts a and b. A response for each part is required.

Services Provided Under Continuing Care Contracts

Describe the services provided or proposed to be provided under continuing care contracts, including the extent to which medical care is furnished. The disclosure statement shall clearly state which services are included in basic continuing care contracts and which services are made available by the provider at extra charge.

Fees Required of Residents

Give a description of all fees required of residents, including any entrance fee and periodic charges. The description shall include the manner by which the provider may adjust periodic charges or other recurring fees and any limitations on such adjustments. If the facility is already in operation, or if the provider operates one or more similar facilities within this Commonwealth, there shall be included tables showing the frequency and average dollar amount of each increase in periodic rates at each facility for the previous five years or such shorter period that the facility has been operated by the provider.

Reserve Funding

Describe any provisions that have been made or will be made to provide reserve funding or security to enable the provider to fully perform its obligations under continuing care contracts, including the establishment of escrow accounts, trusts or reserve funds, together with the manner in which such funds will be invested and the names and experience of persons who will make the investment decisions.

This description shall include a specific explanation of how the value of any such reserve funding was established and, if available, it shall include the opinion of a qualified actuary.

Certified Financial Statements

Give certified financial statements of the provider, including (i) a balance sheet as of the end of the two most recent fiscal years and (ii) income statements of the provider for the two most recent fiscal years or such shorter period that the provider has been in existence. Such statements shall conform to generally accepted accounting principles and shall be certified by an independent, certified public accountant. The opinion of the independent, certified public accountant shall be included in this section.

Pro Forma Income Statement

Give a pro forma income statement for the current fiscal year. This statement shall conform to generally accepted accounting principles and shall include a specific description of the major assumptions used in developing the pro forma statement.

Admission of New Residents

Give a description of the provider's criteria for admission of new residents.

Access to Facility by Nonresidents

Give a description of the provider's policies regarding access to the facility and its services for nonresidents.

Anticipated Source and Application of Purchase or Construction Funds

If operation of the facility has not yet commenced, give a statement of the anticipated source and application of the funds used or to be used in the purchase or construction of the facility, including:

a. An estimate of the cost of purchasing or constructing and equipping the facility including such related costs as financing expense, legal expense, land costs, occupancy development costs, and all other similar costs that the provider expects to incur or become obligated for prior to the commencement of operations.

b. A description of any mortgage loan or other long-term financing intended to be used for any purpose in the financing of the facility, including the anticipated terms and costs of such financing.

c. An estimate of the percentage of entrance fees that will be used or pledged for the construction or purchase of the facility, as security for long-term financing, or for any other use in connection with the commencement of operation of the facility.

State Corporation Commission

d. An estimate of the total entrance fees to be received from or on behalf of residents at or prior to commencement of operation of the facility.

e. An estimate of the funds, if any, which are anticipated to be necessary to fund start-up losses and provide reserve funds to assure full performance of the obligations of the provider under continuing care contracts.

f. A projection of estimated income from fees and charges other than entrance fees, showing individual rates presently anticipated to be charged and including a description of the assumptions used for calculating the estimated occupancy rate of the facility and the effect on the income of the facility of any government subsidies for health care services to be provided pursuant to the continuing care contracts.

g. A projection of estimated operating expenses of the facility, including a description of the assumptions used in calculating any expenses and separate allowances for the replacement of equipment and furnishings and anticipated major structural repairs or additions.

h. Identification of any assets pledged as collateral for any purpose.

i. An estimate of annual payments of principal and interest required by any mortgage loan or other long-term financing.

State Corporation Commission

Commonwealth of Virginia
State Corporation Commission
Bureau of Insurance

CONTINUING CARE PROVIDER REGISTRATION STATEMENT

Legal Name of Provider: _____

Recorded Trade Name(s): _____

Mailing Address of Provider: _____

Location of Provider: _____

Telephone Number: _____

Contact Person: _____

Were you acting as a continuing care provider prior to July 1, 1985? _____

On what date (month/day) does your fiscal year end? _____

Have all applicable certificate of need requirements imposed by the Health Department for existing and planned facilities been met? _____ If no, attach an exhibit that describes the nature of the certificate of need deficiency and how it affects your ability to serve current and future residents.

Have all other applicable licensure or certification requirements been met? _____ If no, attach an exhibit that describes the nature of the deficiency and how it affects your ability to serve current and future residents.

Are you in compliance with all other state, federal, and municipal laws and regulations? _____ If no, attach an exhibit that describes the nature of your noncompliance and how it affects your ability to serve current and future residents.

Are you bankrupt, insolvent, under reorganization pursuant to federal bankruptcy laws, or in imminent danger of becoming bankrupt or insolvent? _____ If yes, attach an exhibit that describes the nature of the bankruptcy, insolvency, reorganization, or imminent bankruptcy or insolvency and how it affects your ability to serve current and future residents.

I _____ as a duly authorized officer, principal,
(Name)
general partner, or trustee of _____ hereby
(Continuing Care Provider)
certify that the information contained herein, in any attached exhibits, and in the attached disclosure statement is a true representation of said provider's operation, financial condition, and method of doing business.

(Signature) (Title)

Subscribed and sworn to before me this _____ day of _____, 1985.

(Notary Public)

State Corporation Commission

STATE CORPORATION COMMISSION

AT RICHMOND, APRIL 11, 1985

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. PUE840052

Ex Parte: In the matter of amending rules for expedited rate increases for electric cooperatives and requiring cooperatives to file certain schedules for general rate cases

ORDER ADOPTING AMENDMENTS TO RULES AND REQUIRING COOPERATIVES TO FILE CERTAIN SCHEDULES FOR GENERAL RATE CASES

By order dated August 24, 1984, we established a rulemaking proceeding for the purpose of amending the rules for expedited rate increases for electric cooperatives ("the rules" or "expedited rules") and for the purpose of requiring electric cooperatives to file the schedules contained in the expedited rules for general rate cases. In this order, we proposed amendment of Rule (4), Rule (8), and Schedule 20. In addition, we proposed that Rules (2), (4), and (5) of the rules for expedited cases and the expedited rate case schedules apply to general rate case filings for electric cooperatives. The August 24, 1984 order assigned a Hearing Examiner to the proceeding and directed each electric cooperative to give public notice of the rulemaking proceeding by publishing a copy of the notice prescribed in that order. On August 31, 1984, at the request of the Virginia, Maryland and Delaware Association of Electric Cooperatives ("the Association"), we entered an amending order which authorized the cooperatives to give public notice collectively in those situations where one newspaper encompassed more than one cooperative's services area.

Comments on the proposed rules were filed by the Association, International Business Machines Corporation ("IBM"), Bear Island Paper Company ("Bear Island") and the Division of Consumer Counsel, Office of the Attorney General ("the Division"). No party who filed written comments requested a hearing on the matter.

On March 6, 1985, Glenn P. Richardson, the Hearing Examiner assigned in this case, filed his Report. The Examiner summarized the proposed amendments and comments and found that the Commission could use any methodology it determined appropriate in assessing the reasonableness of a cooperative's rates. The Examiner found that the TIER methodology should be preserved in the expedited rules. The Examiner suggested several amendments to the rules, the schedules, and the instructions thereto and included the complete text of the

amended rules as Attachment A to his Report. The Examiner recommended that the Commission enter an order adopting the rules, as amended therein, and as set forth in Attachment A to his Report. He also recommended that the Commission, in its final order, require cooperatives to notify the Commission in writing 60 days in advance of an anticipated rate filing under the rules. The Examiner advised the parties to file any exceptions to the Report within fifteen days of the filing date of his Report.

The Association, the Division, and IBM filed exceptions to the Examiner's Report. These exceptions essentially restated positions argued by the parties in their comments. For example, in its exceptions, the Association reiterated its positions that non-cash margins of patronage capital accrued by the cooperatives should be excluded from the expedited rules' definition of "Patronage Capital." The Association failed to address the discussion contained in the Examiner's Report noting that REA did not exclude non-cash margins in its definition of TIER. Because the TIER threshold established in our expedited rules track the REA-CFC coverage interest requirements and suggested coverage, we agree with the Examiner that non-cash margins should not at this time be excluded from "Patronage Capital."

We further agree that cooperatives should be required to give 60 days' written notice to the Commission of their intention to file a general or an expedited rate case. Such a practice would be consistent with our treatment of large investor-owned utility companies. Now upon consideration of the comments filed herein, the Examiner's Report and the exceptions filed thereto, we are of the opinion and do hereby find that the Examiner's Report and the rules set forth as Attachment A thereto, with certain revisions, should be adopted, effective May 1, 1985.

We have changed the text of Rule (4) from that of the text appearing in Attachment A to the Examiner's Report in order to clarify this rule. Rule (4), as adopted herein, now reads as follows:

An applicant may select any test period it wishes to use to support its application. However, the use of overlapping test periods will not be allowed.

We have also changed the text of Rule (11)(d) from the text appearing in Attachment A to the Examiner's Report. Rule (11)(d) has been amended to permit applicants to use first class mail as an acceptable form of service upon local officials and the Division of Consumer Counsel, Office of the Attorney General. Such service is consistent with the service procedures we have found acceptable for large and small investor-owned utilities.

Finally, we agree with the Examiner that the rules should permit rates in expedited cases to become effective in less than twelve months after a preceding rate increase, provided that rates are not increased more than once in any calendar year. We have added the following language

State Corporation Commission

to the preamble of the "Rules for Rate Increases for Electric Cooperatives," appearing as Attachment A to this order, to make this policy clear:

Any rate increase filed by an electric cooperative ("Cooperative") which is an expedited case and complies with the following rules shall go into effect on an interim basis immediately upon the filing with the Commission of the required information. Such expedited rate relief may become effective in less than twelve months after a preceding rate increase, provided that rates are not increased more than once in any calendar year . . .

We further find that Attachment A to the Examiner's Report, as amended herein, should be incorporated into this order as Attachment A hereto. Accordingly,

IT IS ORDERED:

(1) That Attachment A to this order is adopted as the amended rules for expedited rate increases for electric cooperatives, to become effective May 1, 1985;

(2) That the cooperatives shall notify the Commission in writing of their intent to file a general or expedited rate case 60 days in advance of such filing and shall indicate whether this filing is to be an expedited or general rate case; and

(3) That there being nothing further to be done in this matter, this case is dismissed and the record herein shall be made a part of the Commission's files for ended causes.

ATTESTED COPIES shall be sent by the Clerk of the Commission to the Office of the Commission's Hearing Examiner; to Anthony Gambardella, Esquire, Division of Consumer Counsel, Office of the Attorney General, 101 North 8th Street, 5th Floor, Richmond, Virginia 23219; to each electric cooperative subject to the jurisdiction of this Commission; to Hullahen Williams Moore, Esquire, Christian, Barton, Epps, Brent and Chappell, 909 East Main Street, Richmond, Virginia 23219-3095; to Edward L. Flippen, Esquire, Mays, Valentine, Davenport and Moore, P. O. Box 1122, Richmond, Virginia 23208, to James V. Lane, Esquire, Litten, Sipe and Miller, P. O. Box 712, Harrisonburg, Virginia 22801; and to the Commission's Divisions of Energy Regulation, Accounting and Finance, and Economic Research and Development.

ATTACHMENT A

RULES FOR RATE INCREASES FOR ELECTRIC COOPERATIVES

Any rate increase filed by an electric cooperative ("Cooperative") which is an expedited case and complies with the following rules shall go into effect on an interim basis immediately upon the filing with the Commission of the required information. Such expedited rate relief may

become effective in less than twelve months after a preceding increase, provided that rates are not increased more than once in any calendar year. An electric cooperative making application for a general rate increase shall file with its application completed Schedules 1 through 22 of Appendix A hereof. Such general rate increase applications are subject to Rules (2), (4) and (5) below.

(1) The rate increase shall not produce (a) a pro forma Times Interest Earned Ratio ("TIER") in excess of 2.5 times, or (b) additional revenues in excess of 10% of annual adjusted revenues, whichever is less.

(2) The rate increase shall be based on a twelve-month test period and shall be calculated based on the test period per book results, which shall be adjusted for such pro forma and annualized adjustments as have been approved by the Commission in electric cooperatives' general rate cases.

(3) The amount of the rate increase shall be computed by subtracting from the amount of revenues required to produce a TIER of 2.5 times, the test period net margins, as adjusted.

(4) An applicant may select any test period it wishes to use to support its application. However, the use of overlapping test periods will not be allowed.

(5) Any Cooperative which has not adjusted its base rates to reflect changes in its wholesale power costs during the past twelve months may adjust its base rates to reflect such changes at the same time it increases its rates pursuant to these rules.

(6) Unless finalized sooner by Commission action after a hearing, within six months after the expedited increase has been placed in effect, the Cooperative shall petition the Commission to make the increase in rates permanent without hearing.

(7) Any increase in revenues under these rules shall be allocated in accordance with the rate design used to establish rates in the Cooperative's last general rate case.

(8) Public notice of the increase shall be completed on or before the date the Cooperative puts the requested interim increase in effect. The Cooperative shall also furnish a copy of its public notice as part of its application. Actual proof of public notice shall be furnished to the Commission before the interim rates are made permanent.

(9) Beginning with the first calendar quarter after the increase goes into effect, and for the three quarters thereafter, the Cooperative shall file quarterly reports showing its financial condition on a twelve-month rolling basis in the form set forth in Appendix A, Schedule 1.

(10) Upon final consideration of the increase, if it is

State Corporation Commission

determined that any portion of the increase violates any provisions of these rules, that amount of the increase shall be refunded and the Commission shall determine what period of time, if any, the Cooperative shall be foreclosed from filing for a rate increase under these rules.

(11) In addition to rules 1-10 above, the following instructions shall be considered a part of these rules:

(a) No later than the date the Cooperative intends to put in effect an increase in rates, it shall file an application which shall contain the schedules in Appendix A,

(b) In computing the amount of increase allowable under these rules the Times Interest Earned Ratio shall be computed based upon the amount of total long term interest expense to be incurred during the twelve-month period subsequent to the test period and the amount of interest income expected to be earned during the twelve-month pro forma period. Any increase or decrease in either interest or interest income which exceeds the amount of interest or interest income realized during the test period by 10% shall be accompanied by an explanation of the projected increase or decrease. This explanation shall include all assumptions, including assumed interest rates, made in calculating the pro forma interest or interest income,

(c) Pursuant to the requirements of Rule 9, the Cooperative shall file a report with the Commission which shall show its current Times Interest Earned Ratio and the change month by month for the past twelve months. This report can be submitted in conjunction with the REA Form 7 filed currently by the Cooperatives,

(d) The public notice of the increase specified in the rules may be given by (1) direct mailing to each customer, or (2) publication in Rural Living Magazine, or (3) newspapers of general circulation in the area served, or (4) any combination of these methods. A copy of the notice shall be served on the Commonwealth's Attorney and Chairman of the Board of Supervisors of each county (or equivalent officials in the counties having alternate forms of government) in this State in which the Cooperative offers service, and on the Mayor or Manager and the Attorney of every city and town (or equivalent officials in towns and cities having alternative forms of government) in this State in which the Cooperative offers service, and the Division of Consumer Counsel, Office of the Attorney General. Service shall be made by either personal delivery, or first class mail, postage prepaid, to the customary place of business of the person served, or to his residence.

The public notice shall state, as a minimum, the following information: (a) the amount of the total increase

in revenues, both in percentages and dollar amounts, (b) the percentage of the increase being applied to the Cooperative's various rate schedules, (c) the locations where copies of the date the Cooperative relies upon to support the increase can be reviewed, (d) that any interested party has the right to request a hearing and such request should be directed to the Clerk of the State Corporation Commission, P. O. Box 2118, Richmond, Virginia 23216, and that such request should be made within 60 days of the date the increase goes into effect, (e) that a Commission Staff report of the investigation on the increase will be filed within six (6) months of the filing and (f) that subsequent to the submission of that report, the Cooperative will seek to have the expedited increase made permanent.

APPENDIX A

Schedule 1 Cooperative Financial Performance Profile

Instructions: This schedule should be prepared using the definition set out below the format of the attached schedule. It should provide data for the four most recent calendar years plus the test year. The information should be compatible with the Cooperative's Annual State Corporation Commission Operating Report.

Definitions

- A. $TIER = \frac{\text{Patronage Capital and Margins} + \text{Long Term Interest Expense}}{\text{Long Term Interest Expense}}$
- B. $\text{Rate of Return} = \frac{\text{Operating Margins}}{\text{Total Rate Base}}$
- C. $\text{Equity Ratio} = \frac{\text{Total Margins} + \text{Equities}}{\text{Total Capitalization}}$
- D. $\text{Return on Year End Equity} = \frac{\text{Patronage Capital \& Margins}}{\text{Year End Equity}}$
- E. $\text{D.S.C. (Debt Service Coverage)} = \frac{\text{Depreciation Expense} + \text{Interest Expense} + \text{Total Margins}}{\text{Total Principal} + \text{Interest Payments}}$
- F. $\text{Capital Credit Rotation} = \frac{\text{Total Annual \$ Capital Credits Returned}}{\frac{\text{Members (Estates) - General Retirements}}{\text{Total Margins} + \text{Equities}}}$
- G. $\text{Cash Flow Generated} = \text{Net Income Before Depreciation and Interest} + \text{Amortization} + \text{Capital Credit Payments Received} - \text{Total Principal and Interest Payments} - \text{Capital Credits Retired} + \text{Capital Credits Accrued}$
- H. $\text{Cash Flow Coverage of Construction} = \frac{\text{Cash Flow Generated}}{\text{Expenditures} + \text{Construction Expenditures}}$

Schedule 1

<u>Cooperative Financial Performance Profile</u>	<u>19</u>	<u>19</u>	<u>19</u>	<u>19</u>	<u>Test Year</u>
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A. Ratios

1. TIER
2. DSC
3. Rate of Return
4. Equity Ratio
5. Return on Year End
Equity
6. Capital Credit Rotation
7. Cash Flow Coverage
of Construction Expenditures

B. Data for Coverage Ratios

1. Net Income
2. Interest on Long-Term
Debt
3. Other Interest
4. Total Interest
5. Net Income before Interest
on Long-Term Debt
6. Depreciation
7. Total Principal Payments
8. Total Interest Payments
9. Total Principal and Interest
Payments (Debt Service
Requirements)
10. Net Income before
Depreciation and Interest
11. Amortization
12. Capital Credits Retired
13. Capital Credit Payments Received
14. Capital Credits Accrued
15. Cash Flow Generated
16. Construction Expenditures

State Corporation Commission

Schedule 2

Total Capitalization and Cost of Debt Statement

Instructions: This schedule should show the amount of each capital component per balance sheet and the amount for ratemaking purposes. This information should be provided for the four most recent calendar years plus the test year period. In Part A, the information should be compatible with the SCC Annual Operating Report. The methodology should be consistent with that approved in the last rate case. Short term debt amounts and cost should be based on averages computed over the year. All other accounts are end-of-year and end-of-test-year. A change in the cost of debt capital or amounts based on pro forma information should be reflected in Schedule 22.

Schedule 2					
Total Capitalization and Cost of Debt Statement					
	19	19	19	19	Test Year
A. <u>Capital Structures Per Balance Sheet (B)</u>					
Short Term Debt					
Other Current Liabilities					
Long Term Debt - REA					
Long Term Debt - Other					
Total Margins & Equities					
Other Liabilities					
Total Capitalization					
B. <u>Capital Structure Approved for Ratemaking Purposes (B)</u>					
Short Term Debt					
Long Term Debt - REA					
Long Term Debt - Other					
Total Margins & Equities					
Total Capitalization					
C. <u>Capital Structure Weights for Ratemaking Purposes (B)</u>					
Short Term Debt					
Long Term Debt - REA					
Long Term Debt - Other					
Total Margins & Equities					
Total Capitalization (100%)					
D. <u>Component Capital Cost Rates (A)</u>					
Short Term Debt					
Long Term Debt - REA					
Long Term Debt - Other					
Weighted Cost of Debt Capital.					
Composite Debt Cost					

Schedule 3 Schedule of Bonds, Mortgages and Long Term Debt

Instructions: Provide a description of each debt type by amount outstanding, interest rate and issuer. This data should support the debt cost contained in Schedule 2.

Schedule 4 Schedule of All Short Term Debt

Instructions: Show monthly balances of all short-term debt and effective interest rates for the last thirteen months. This data should support the debt cost contained in Schedule 2.

Schedule 5 Comparative Balance Sheets

Instructions: Provide a comparative balance sheet for the test period and the corresponding twelve-month period immediately preceding the test period for applicant.

Schedule 6 Comparative Income Statement

Instructions: Provide a comparative income statement covering the test period and twelve-month period immediately preceding the test period for the applicant.

Schedule 7 Test Period Rate of Return Statement (for those Cooperatives with multi-jurisdictional allocations only)

Instructions: Use the format of the attached schedule.

Clarification of Data Lines

- Item Lines 1 through 6 should conform to the format of a rate of return statement. Worksheets should be available to show the transition and allocation from "Total Cooperative" to "Virginia Jurisdictional Business."

- Item Line 8 Plus Other Income (Expenses) should be reflected in Column 1 and assigned to the revenue producing or cost causing jurisdiction. Sources of Other Income (Expenses) should be explained sufficiently so as to allow these amounts to be traced back to their origin.

- Item Line 14 for the total cooperative column should be based on the capital structure established in the last general rate case or expedited rate case. The same item needs to be allocated to the Virginia jurisdictional business. The allocation factor should reflect the proper amount of capital needed to support the Virginia jurisdictional rate base. As a supplement or footnote to Schedule 7, specify the allocation factor used as data to support this allocation factor calculation.

$$\text{Allocation or separation factor} = \frac{\text{Virginia Jurisdictional Rate Base}}{\text{Total Ratemaking Capitalization or Rate Base Allocation Factor}}$$

Any substantial difference between rate base and supporting capitalization should be reconciled before using factors.

State Corporation Commission

Schedule 7

Test Period Rate of Return Statement	Total Cooperative Per Books Col. (1)	Non-Juris- dictional Business Col. (2)	Juris- dictional Business Per Books Col. (3)
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1. Total Revenues
2. Operating & Maintenance
Expense
3. Depreciation and
Amortization
4. Taxes Other than Income
Taxes
5. Total Expenses
6. Operating Income
- 6a. Less: Interest on Customer Deposits
7. Operating Income Adjusted
8. Plus Other Income (Expenses)
9. Less Interest Expense
(exclusive of 6a)
10. Total Margins & Patronage
Capital
11. Allowance for Working Capital
12. Net Utility Plant
13. Total Rate Base
14. Rate of Return
Earned on Rate Base
15. Actual TIER

Schedule 8 Test Period Rate of Return Statement -
Adjusted

Instructions:

- The statement should incorporate the ratemaking policies, procedures, methodologies, guidelines, and adjustments approved by the Commission in electric cooperatives' general rate cases. The rate of return schedule should conform to the format of the attached schedule.

State Corporation Commission

Schedule 8

Test Period Rate of Return Statement-Adjusted	Virginia Jurisdictional Business Col. (1)	Adjustments Per Schedule 10 Col. (2)	Amounts After Adjustments Col. (3)	Additional Revenue Requirement For a TIER of 2.5X Col. (4)
1. Total Revenues				
2. Operating & Maintenance Expense				
3. Depreciation and Amortization				
4. Taxes Other than Income Taxes				
5. Total Expenses				
6. Operating Income				
6a. <u>Less: Interest on Customer Deposits</u>				
7. Operating Income Adjusted				
8. Plus Other Income (Expenses)				
9. Less Interest Expense (exclusive of 6a)				
10. Total Margins & Patronage Capital				
11. Allowance for Working Capital				
12. Net Utility Plant				
13. Total Rate Base				
14. Rate of Return Earned on Rate Base				
15. Actual TIER Earned				

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Schedule 9 Statement of Net Original Cost of Utility Plant and Allowance for Working Capital for the Test Year

Instructions:

A. This schedule should be constructed by using the ratemaking policies, procedures and guidelines last prescribed for the applicant by the Commission. This statement should include a detailed breakdown of the total cooperative and jurisdictional rate base.

B. The schedule should indicate all property held for future use by account number and the date of planned use should be shown.

Schedule 10 Explanation of Adjustments to Book Amounts

Instructions: All ratemaking adjustments (accounting and going-level) are to be fully explained in a supporting schedule to the rate of return statement. Such adjustments are to be numbered sequentially, beginning with operating revenues. Supporting data for each adjustment, including the details of its calculation, should be available.

Schedule 11 Statement of Compliance

Instructions: Include a statement signed by the responsible individual that the rate of return statement complies with the instructions for Schedule 8. See attached statement.

Schedule 11 Compliance Statement

As of, I affirm that all adjustments herein conform to the instructions established in the Commission's rules for expedited rate cases and that the rate of return statement otherwise complies with the instructions for Schedule 8.

(Sign)

Title

Date:

Schedule 12 Jurisdictional Study

Instructions: Provide details on jurisdictional allocations. Show the allocation basis for each primary account. Explain the methodology used and why that method was selected. Discuss all change in the applicant's operations which noticeably change any allocation. Provide detail on how line loss percentages were calculated.

Schedule 13 Working Papers

Instructions: Work papers and supporting schedules of all proposed adjustments will be made available upon request. All schedules should identify sources of all

data. Data should be clearly identified as actual or estimated.

Schedule 14 Revenue and Expense

Instructions:

A. Applicants should provide information about revenues by primary account (consumer classification) and operating and maintenance expenses by primary account during the test year period for both the total cooperative and the Virginia jurisdictional business.

B. Applicants should provide a detailed explanation of all revenue and expense item increases or decreases of more than 10% during the test period compared to the twelve-month period immediately preceding the test period. Worksheets used to compute the percentage change should be available for review.

Schedule 15 Out of Period Book Entries

Instructions: Provide a summary schedule prepared from the analysis of the journal entries showing those items which the applicant believes are "out of period."

Schedule 16 Organizational Changes

Instructions: Provide details of any material corporate reorganization since the applicant's last general rate case.

Schedule 17 Changes in Accounting Procedures

Instructions: Note any material changes in accounting procedures adopted during test period.

Schedule 18 Storm Damage

This schedule should show the accumulated amount of storm damage for the test year and each of the preceding four years (ending in the same month as the test year) as recorded in Account 593, Maintenance of Overhead Lines. Cooperatives should maintain records so that storm related cost can be identified. For those years with an unusual level of storm damage, it would be helpful to provide a brief description of when the storms occurred and the extent of the damage.

Method: In order to determine if an adjustment for storm damage is necessary the following procedure should be followed:

a. Total each of the last five years (including test year) of storm damage and divide the total by five.

b. Compare the amount expended during the test year with the amount determined in (a) above. If the difference between the two amounts is 10% or less no adjustment should be made.

State Corporation Commission

c. If the difference is in excess of 10% and \$10,000 (+,-) an adjustment should be made to bring the storm damage expense in line with the average determined in (a) above.

Schedule 19 Proposed Rates

Instructions: Provide a breakdown of all proposed rates.

Schedule 20 Additional Revenue

Instructions: Show the calculations of the additional gross revenues and percentage increases, by customer classes, that would be produced by the new rates based upon test year operations.

Schedule 21 Sample Billing

Instructions: Provide a sample billing analysis showing the effect on customers at various levels of consumption.

Schedule 22 Pro Forma Cost of Capital Statement

Instructions: Provide the attached schedule (the same as Schedule 2) to show pro forma amounts of capital and the resulting cost of capital. Also, include schedules showing capital cost calculations.

Schedule 22

	<u>Test Year</u>	<u>Pro Forma</u>
<u>Pro Forma Capital Structure and Cost of Capital Statement</u>		
A. <u>Capital Structure Per Balance Sheet (\$)</u>		
Short Term Debt		
Other Current Liabilities		
Long Term Debt - REA		
Long Term Debt - Other		
Total Margins & Equities		
Other Liabilities		
Total Capitalization		
B. <u>Capital Structure Approved for Rate-making Purposes (\$)</u>		
Short Term Debt		
Long Term Debt - REA		
Long Term Debt - Other		
Total Margins & Equities		
Total Capitalization		
C. <u>Capital Structure Weights for Rate-making Purposes (%)</u>		
Short Term Debt		
Long Term Debt - REA		
Long Term Debt - Other		
Total Margins & Equities		
Total Capitalization (100%)		
D. <u>Component Capital Cost Rates (%)</u>		
Short Term Debt		
Long Term Debt - REA		
Long Term Debt - Other		
<hr/>		
Weighted Cost of Debt Capital		
Composite Debt Cost		

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

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

Title of Regulation: **Virginia Occupational Safety and Health Standards for General Industry, Hazard Communication Standard (VR 425-02-1).**

Agency: Department of Labor and Industry

Governor's Comments:

I encourage the Virginia Safety and Health Codes Commission and the Department of Labor and Industry to carefully consider the comments received at the scheduled August 2, 1985, public hearing on the proposed Hazard Communication Standard as regulations are developed for final adoption on this topic.

/s/ Charles S. Robb
July 30, 1985

* * * * *

Title of Regulation: **Lump Sum Income in the Aid to Dependent Children (ADC) Program (VR 615-01-2).**

Agency: Department of Social Services

Governor's Comments:

No objections to the proposed regulations as presented.

/s/ Charles S. Robb
July 31, 1985

* * * * *

Title of Regulation: **Minimum Standards for Licensed Child Care Centers (VR 615-23-2).**

Agency: Department of Social Services

Governor's Comments:

COMMONWEALTH OF VIRGINIA

Office of the Governor

July 30, 1985

I have received the recommendations of the Governor's Regulatory Reform Advisory Board and completed my review of the latest draft of regulations proposed for final adoption governing licensed child care centers in Virginia. I concur in the recommendations of the Governor's Regulatory Reform Advisory Board and encourage your

Department to consider these recommendations and findings.

Upon completion of the steps recommended by the Governor's Regulatory Reform Advisory Board, I agree that you should proceed with presentation of a final draft of the proposed regulations to the Board of Social Services for final adoption. My office will conduct one last review of these regulations upon their final adoption, in accordance with the procedures of the Administrative Process Act, and will forward any further comment to your Department and Board, if appropriate, prior to the end of the 30-day final adoption period.

I want to take this opportunity to thank you and your staff for all of the hard work that I know has gone into the revision of the proposed regulations governing licensed child care centers in Virginia and to commend you for the steps that have been taken to improve the regulations as well as balance the often competing and divergent views that exist on this topic. While I encourage you to continue to take steps to institute further improvements within the regulations, it's clear that much progress has been made in their revision, and you and your staff deserve recognition for these efforts.

/s/ Charles S. Robb

* * * * *

Title of Regulation: **Individual Income Tax: Net Operating Losses (VR 630-2-322.1).**

Agency: Department of Taxation

Governor's Comments:

No objections to the proposed regulation as presented.

/s/ Charles S. Robb
Date: July 31, 1985

GENERAL NOTICES/ERRATA

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

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DEPARTMENT OF COMMERCE

VIRGINIA FIRE BOARD

† 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 Department of Commerce intends to consider amending regulations entitled: **Private Security Services Businesses Regulations**. The purpose of the proposed regulations is to allow private security registrations to be issued directly to individuals rather than issued through licensed private security services business as current regulations require. Other changes will be considered.

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Fire Board intends to consider promulgating regulations entitled: **Public Participation Guidelines**. The purpose of the proposed regulations is to ensure optimum public participation in the development and adoption of proposed new or amended regulations by the Virginia Fire Board.

Statutory Authority: § 54-729.30 of the Code of Virginia.

Statutory Authority: §§ 9-6.14:1 through 9-6.14:21 of the Code of Virginia.

Written comments may be submitted until October 18, 1985.

Written comments may be submitted until September 13, 1985.

CONTACT: David E. Dick, Assistant Director, Commonwealth of Virginia, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8515 (toll-free number 1-800-552-3016).

CONTACT: Carl N. Cimino, Executive Director, Department of Fire Programs, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2681.

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DEPARTMENT OF GENERAL SERVICES

BOARD OF DENTISTRY

Division of Consolidated Laboratory Services

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 Department of Health Regulatory Boards, Virginia Board of Dentistry, intends to consider amending regulations entitled: **Rules and Regulations Governing the Practice of Dentistry and Dental Hygiene**. The purposes of the proposed amendments are to regulate the practice of dentistry and dental hygiene.

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of General Services, Division of Consolidated Laboratory Services intends to consider amending regulations entitled: **Regulations for Breath Alcohol Testing**. The proposed amendments will prescribe methods for the determination of alcohol content in the blood by chemical analyses of the breath of a person arrested or detained for suspicion of driving a motor vehicle while under the influence of alcohol; to establish procedures for licensing of persons to perform such analyses; and, to establish criteria for approval of breath test instruments.

Statutory Authority: § 54-163 of the Code of Virginia.

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

Written comments may be submitted until September 11, 1985.

CONTACT: Nancy T. Feldman, Executive Director, 517 W. Grace St., Richmond, Va. 23220, telephone (804) 786-0311.

Written comments may be submitted until September 3, 1985, to Dr. Paul Ferrara, Department of General Services, Division of Consolidated Laboratory Services, 1 North 14th Street, Richmond, Virginia 23219.

CONTACT: Peter Marone, Breath Alcohol Test Coordinator, Department of General Services, Division of Consolidated Laboratory Services, 1 N. 14th St., Richmond, Va. 23219, telephone (804) 225-3192.

* * * * *

DEPARTMENT OF HEALTH

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Health intends to consider amending regulations entitled: **Virginia Medical Care Facilities Certificate of Public Need**. The purpose of the proposed amendment is to amend the capital expenditure limits for COPN projects, not to include expenditures for major medical equipment.

Statutory Authority: § 32.1-102.1 et seq. of the Code of Virginia.

Written comments may be submitted until September 2, 1985.

CONTACT: Marilyn West, Director, Resources Development, James Madison Bldg., Room 1005, Richmond, Va. 23219, telephone (804) 786-7463.

* * * * *

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **Uniform Statewide Building Code**. The proposed regulations will prohibit the use of 50/50 lead solder or lead-containing fluxes in plumbing that supplies drinking water in buildings, as proposed by the state health commissioner based on a study that showed a significant number of instances of lead levels exceeding the present standard. The state health commissioner's report is available for inspection at the address below.

Statutory Authority: § 36-98 of the Code of Virginia.

Written comments may be submitted until September 16, 1985.

CONTACT: C. S. Mullen, Deputy Director, Department of Housing and Community Development, 205 N. 4th St., 4th Floor, Richmond, Va. 23219, telephone (804) 786-4751.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **Urban Enterprise Zone Program Regulations**. The purpose of the proposed regulations is to bring the Urban Enterprise Zone Program Regulations in line with the 1985 amendments to the Code of Virginia.

Statutory Authority: § 59.1-278 of the Code of Virginia.

Written comments may be submitted until September 16, 1985, to Neal J. Barber, Acting Director, Department of Housing and Community Development, 205 N. 4th St., Richmond, Virginia 23219.

CONTACT: Stanley S. Kidwell, Jr., Associate Director, Virginia Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4966.

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VIRGINIA SAFETY AND HEALTH CODES BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Safety and Health Codes Board intends to consider promulgating regulations entitled: **Virginia Confined Space Standard**. The purpose of the proposed regulations is to provide persons engaged in confined space operations with a clear, concise, and safe method for confined space entry, which includes training, work practices and procedures, and atmospheric testing. The proposed regulation would also replace numerous references to confined space provisions already found in the Virginia Occupational Safety and Health Standards for General Industry and Construction.

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

Written comments may be submitted until November 4, 1985, to Eva S. Teig, Commissioner, Virginia Department of Labor and Industry, 205 North Fourth Street, P. O. Box 12064, Richmond, Virginia 23241.

CONTACT: Tom Rother, Supervisor, Voluntary Health Consultation and Training, P. O. Box 12064, Richmond, Va. 23241, telephone (804) 786-6285.

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General Notices/Errata

DEPARTMENT OF TAXATION

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **Virginia Cigarette Tax Regulations, § 630-25-1009C. Discount on sale of stamps to qualified wholesalers.** The proposed change amends the computation of the cigarette tax discount on sale of state stamps to qualified wholesalers.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until October 4, 1985.

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

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **Virginia Individual Income Tax – VR 630-2-325: Taxable Income of Nonresidents; VR 630-2-332: Credit for Income Taxes Paid Another State.** The purpose of the proposed amendments is to conform to the change made by the 1985 General Assembly to § 58.1-332 of the Code of Virginia (Chapter 466, Senate Bill 651). This code section was amended to provide an individual income tax credit to individual shareholders of a S corporation which has paid corporation income tax to a state which does not recognize the federal S election.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until September 9, 1985.

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

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STATE WATER CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider amending regulations entitled: **Water Quality Standards, § 1.10 B2 - Mercury in Freshwater.** The purpose of the proposed amendments is

to amend the agency's water quality standard for mercury to require reporting levels of mercury in edible fish tissue in freshwater as methyl rather than total mercury in order to comply with the Food and Drug Administration changes in the basis of mercury action level.

Statutory Authority: § 62.1-44.15(3)(a) of the Code of Virginia.

Written comments may be submitted until September 4, 1985.

CONTACT: Jean W. Gregory, Water Resource Ecology Supervisor, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6985.

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GENERAL NOTICES

ERRATA

Agency: Department of Medical Assistance Services

Title of Regulation: **VR 460-02-4.191. Hospital Reimbursement Appeals Process.**

Issue: 1:21 VA.R., pages 1782 through 1787, July 22, 1985

Changes to the final regulation are as follows:

page 1782, following the effective date information add:

(*Contingent upon receipt of approval of the Secretary of the U. S. Department of HHS or his designee)

page 1783, second column, paragraph B2 of § 3, should read:

2. A summary of the factual data, argument and proof the provider will rely on in connection with its case.

page 1784, second column, paragraph 2b, add to the list of factors:

Average cost per pound of laundry

page 1785, second column, 3rd paragraph, new language should read:

The population served by the hospital seeking additional financial relief has no reasonable access to other inpatient hospitals. Reasonable access exists if most individuals served by the hospital seeking financial relief can receive inpatient hospital care within a 30 minute travel time at a total per diem rate which is less to the Department of Medical Assistance Services than the costs which would be incurred by the Department of Medical Assistance

Services per patient day were the appellant hospital granted relief.

page 1785, second column, paragraph B1 of § 5:

strike out – §§ 4.2 through 4.3
and insert – § 4

page 1786, United State Code reference should read:

42 U.S.C. § 1396 a (a) (13) (A).*

NOTICE TO THE PUBLIC

Third Annual Conference on Ethics and Health Care

ACCESS TO HEALTH CARE IN THE 1980's:
ETHICAL AND LEGISLATIVE DIMENSIONS

Friday, October 18, 1985
John Marshall Hotel
Richmond, Virginia

FEES: Conference and Coffee Breaks - \$30.
Conference, Coffee Breaks and Luncheon - \$45.

8:00-8:45 Registration
8:45-9:00 Welcome and Introductions
9:00-9:30 Access, Indigent Care and Reimbursement Today
Gail R. Wilensky
Vice President
Domestic Affairs
Project HOPE
9:30-10:15 The Ethical Considerations of Marketplace
Health Care
Tom Beauchamp
Professor of Philosophy
Georgetown University
10:15-10:30 Break
10:30-11:15 Provider Behavior in the Past and the Future
Alain C. Enthoven
Professor of Public and Private Management
Stanford University
11:15-12:00 Panel Discussion and Questions
12:00-1:30 Lunch
1:30-2:00 The Federal Role in Access to Care
Stephen Long
Deputy Assistant Director for
Health and Income Security
Congressional Budget Office
U.S. Congress
2:00-2:30 Access, Indigent Care and Reimbursement in
Virginia Today
Joseph Fisher, Secretary
Human Resources, Virginia
2:30-3:15 A Summary of Legislative Approaches in Other
States
Daniel Borque
Executive Director

National Committee for
Quality Health Care

3:15-3:30 Break

3:30-4:15 The South Carolina Approach
South Carolina State Legislator or
State Policy Maker

4:15-5:00 Afternoon Presenters and Reactor Panel of
Nominees From Each Sponsoring Organization

Sponsors:

Department of Health Administration, MCV/VCU;
Health Policy Office, MCV Campus;
Committee on Ethics in Health, MCV Campus;

Participating Organizations:

Virginia Hospital Association;
Richmond Academy of Medicine;
Department of Philosophy and Religious Studies,
VCU Campus;
Virginia Department of Health;
Virginia Health Care Association;
Virginia Nurses Association;
Richmond Business - Medical Coalition on Health;
Blue Cross and Blue Shield of Virginia
Medical Society of Virginia

Contact: Judy Collins, Vice President's Office, MCV/VCU,
Richmond, Va., telephone (804) 786-9770

NOTICE TO STATE AGENCIES

Re: Forms for filing material on dates for publication in
The Virginia Register of Regulations.

All agencies are required to use the appropriate forms when furnishing material and dates for publication in The Virginia Register of Regulations. The forms are supplied by the office of the Registrar of Regulations. If you do not have any forms or you need additional forms, please contact: Ann M. Brown, Assistant Registrar of Regulations, Virginia Code Commission, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591.

FORMS:

Proposed (Transmittal Sheet) RR01
Final (Transmittal Sheet) RR02
Notice of Meeting RR03
Notice of Intended Regulatory Action RR04
Notice of Comment Period RR05
Agency Response to Legislative
or Gubernatorial Objections RR06

NOTICE TO STATE AGENCIES

A list of major meetings of various trade associations and organizations is maintained in the office of the Registrar

General Notices/Errata

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.

NOTICE TO TRADE ASSOCIATIONS AND ORGANIZATIONS

The 1985-1986 listing of major meetings of certain organizations and associations is being updated. If you would like your organization's annual or semi-annual meeting listed, please advise the office of the Registrar of Regulations, Virginia Code Commission, P. O. Box 3-AG, Richmond, Virginia 23208, telephone (804) 786-3591.

CALENDAR OF EVENTS

Symbol Key †

† Indicates entries since last publication of the Virginia Register

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 STATE BOARD OF ACCOUNTANCY

† **September 5, 1985 - 10 a.m.** – Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to conduct an informal fact-finding conference regarding Debra S. Duffy; Falls Church, Virginia.

† **September 5, 1985 - 2 p.m.** – Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to conduct an informal fact-finding conference regarding Thomas P. Dunleavy; Burke, Virginia.

Contact: Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8524

VIRGINIA DEPARTMENT FOR THE AGING

September 24, 1985 - 1:30 p.m. – Public Hearing
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Department for the Aging intends to repeal regulations entitled: **Regulations Concerning Area Plans for Aging Services.**

STATEMENT

Description: The regulations (i) set forth methods for designating planning and service areas and area agencies on aging in Virginia, (ii) describes the process of allocating funds among the planning and service areas, and (iii) provides guidance to the area agencies on aging in the development and implementation of their area plans for aging services.

Subject, Substance, Issues, Basis, and Purpose: The Virginia Department for the Aging is taking this action because some sections of the regulations are outdated and other sections duplicate provisions in the State Plan for Aging Services approved by the Governor.

Statutory Authority: § 2.1-373(7) of the Code of Virginia.

Written comment may be submitted until September 27, 1985.

Contact: Betty J. Reams, Assistant Commissioner, Virginia Department for the Aging, 101 N. 14th St., 18th Floor, Richmond, Va. 23219, telephone (804) 225-2271

STATE AIR POLLUTION ADVISORY BOARD

† **September 3, 1985 - 11 a.m.** – Open Meeting
City of Richmond Ginter Park Branch Library, 1200 Westbrook Avenue, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A meeting to consider a permit application from Richmond Gravure, Inc., 3400 Deepwater Terminal Rd., Richmond, Va., to install and operate an 8 station rotogravure printing press having a width of 25 inches. An informational briefing will be held 30 minutes prior to the formal hearing.

Contact: Henry Moss, State Air Pollution Control Board, 8205 Hermitage Rd., Richmond, Va., telephone (804) 421-3076 (toll-free number 1-800-264-3067)

October 7, 1985 - 9 a.m. – Open Meeting
Holiday Inn on the Ocean, 39th Street and Oceanfront, Virginia Beach, Virginia

Calendar of Events

A regular business meeting of the board.

Contact: Dick Stone, State Air Pollution Control Board, Ninth Street Office Bldg., Room 801, Richmond, Va. 23219, telephone (804) 786-5478

ALCOHOLIC BEVERAGE CONTROL BOARD

September 10, 1985 - 9:30 a.m. - Open Meeting
September 24, 1985 - 9:30 a.m. - Open Meeting
2901 Hermitage Road, Richmond, Virginia. (Location accessible to handicapped.)

The commission will meet to receive and discuss reports on activities from staff members. They will consider other matters not yet determined.

Contact: Larry E. Gilman, 2901 Hermitage Rd., Richmond, Va. 23220, telephone (804) 257-0616

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

October 22, 1985 - 10 a.m. - Public Hearing
2901 Hermitage Road, 1st Floor Hearing Room, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Department of Alcoholic Beverage Control intends to amend, rescind and adopt rules and regulations concerning the possession, sale, distribution and consumption of alcoholic beverages. For the purpose of clarity, these proposed regulations are being reorganized and renumbered to conform to the Administrative Process Act. The proposed amendments will affect the following seven categories:

Procedural Rules for the Conduct of Hearings Before the Commission and its Hearing Officers and the Adoption or Amendment of Regulations (VR 125-01-1);

Advertising (VR 125-01-2);

Tied-House (VR 125-01-3);

Requirements for Product Approval (VR 125-01-4);

Retail Operators (VR 125-01-5);

Manufacturers and Wholesalers Operations (VR 125-01-6);

Other Provisions (VR 125-01-7).

* * * * *

Title of Regulation: VR 125-01-1. Procedural Rules for the Conduct of Hearings Before the Board and its Hearing Officers and the Adoption or Amendment of Regulations.

PART I.

Hearings Before Hearing Officers.

Summary: Six sections of these procedural rules are amended by these proposals. The amendment proposed which will add a new § 1-15 entitled Consent Settlement will be addressed separately. The first five amendments in this part clarify some of the procedural provisions.

Basis: These amendments are proposed under the authority contained in §§ 4-7 and 4-11 of the Code of Virginia.

Purpose: The amendment to § 1.1 is the addition of some language to clarify that the hearing officer may proceed in the absence of an appearance by an interested party. The amendment to § 1.5 clarifies that a person who wishes to complain against the continuation of a license should put the grounds for such complaint in writing. The amendment to § 1.6 is to clarify the language with no substantive change. The amendment to § 1.7 E clarifies the language to make it clear that the hearing officer has authority to immediately implement his decision regarding either the issuance of a license or the surrender of a license. The amendment to § 1.17 adds the word "certified" to ensure a transcript is certified by the hearing reporter.

Issues: These are procedural rules and the only issue was whether clarity was needed.

§ 1-15. Consent Settlement.

Basis: This new rule is proposed under the authority contained in §§ 4-7 and 4-11 of the Code of Virginia.

Purpose: The new rule is proposed to provide another means for the board to expedite the hearing process and to settle cases which are not of such a serious nature that a hearing must be held in order to protect the public interest.

Issues: Does the board need a procedure whereby it initiates a settlement of a case?

Substance: The board is of the opinion that many cases are appropriate for settlement. Such cases are mainly technical ones, for example, a charge that a licensee kept inaccurate records or submitted a bad check in payment for alcoholic beverages. In some of these cases the licensees, through ignorance of our rules, may not make an offer in compromise but may come to a hearing instead which involves considerable time and trouble for both the licensee and the staff of the board. This procedure will allow the board to initiate a consent settlement thereby avoiding the hearing process. This should speed up the overall hearing process by allowing more time for more serious cases to be heard. The offer of consent settlement would be mailed by the chief hearing officer to the licensee along with a notice of the violation. The consent settlement would not be negotiable. The licensee would either accept it or reject it and go to

a hearing. The rule also provides that an unaccepted consent settlement would not become part of the record until after completion of the hearing process.

PART II. Hearings Before the Board.

§§ 2-1 and 2-11.

Basis: The amendments are proposed under the authority contained in §§ 4-7 and 4-11 of the Code of Virginia.

Purpose: To amend § 2.1 to clarify that an interested party may waive further hearing proceedings when he submits written exceptions to the hearing officer's decision and have the board decide on those written exceptions. The other amendment to this section clarifies that if an interested party fails to appear at the hearing the board may proceed in his absence and render a decision. Section 2-11 is amended to clarify that the request for a rehearing or reconsideration should contain a full and clear statement of the facts pertaining to the request, the grounds therefor, and a statement of the relief desired.

Issues: The only issue with these amendments was whether to clarify the rules.

Substance: See Purpose.

PART III. Wine and Beer Franchise Acts.

Basis: These amendments are proposed under the authority contained in §§ 4-7 and 4-11 of the Code of Virginia.

Purpose: These amendments add provisions for wine to these procedural rules to comply with the enactment of the Wine Franchise Act at the 1985 session of the legislature. Previously, this part applied only to proceedings under the Beer Franchise Act, but technical amendments had to be made to include the Wine Franchise Act.

Issues: These changes are mandated by the statutory enactment.

Substance: See Purpose.

PART IV. Telephone Hearings.

Basis: This rule is proposed under the authority contained in §§ 4-7 and 4-11 of the Code of Virginia.

Purpose: This new rule is proposed to expedite the hearing processes and to save time and expense to the board, and parties to the hearings.

Issues: Can parties to a hearing by telephone receive a full and fair hearing?

Substance: In its continuing efforts to expedite the hearing process and save time, trouble and expense for itself and the parties to a hearing, the board has experimented with telephone hearings. Of course, the hearings are purely voluntary and parties to the hearings have an option as to whether to conduct their hearing by telephone. There have been no significant problems and the board proposes these rules to explain to all concerned how a telephone hearing can be obtained and would be conducted. The rules are very simple and straightforward.

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Title of Regulation: VR 125-01-2. Advertising.

§ 1. Advertising generally; cooperative advertising; federal laws; beverages and cider; exceptions; restrictions.

Basis: This regulation is proposed under the authority contained in §§ 4-7, 4-11, 4-69, 4-98.10, 4-98.14 and 4-103 of the Code of Virginia.

Purpose: To allow prominent living people to appear in alcoholic beverage advertising.

Impact: The issue is: Does the appearance of prominent living people in advertising influence consumers to purchase an alcoholic beverage they otherwise would not, or influence impressionable young people to drink?

Substance: The answers to the above questions are subjective and some people would answer "yes" and "no". However, many people are of the opinion that Virginia should not prohibit such advertising because the federal government doesn't, and advertising on television and in magazines which is distributed nationwide including Virginia has prominent living people in it. Therefore, the argument is that nothing is accomplished by prohibiting Virginia radio and television stations and Virginia newspapers and magazines from using such advertising.

§ 2. Advertising; interior; retail licensees; show windows.

Basis: This amendment is proposed under the authority contained in §§ 4-7, 4-11, 4-60, 4-69, 4-69.2, 4-98.10 and 4-98.14 of the Code of Virginia.

Purpose: The amendment would permit programs regarding responsible drinking or moderation in drinking to be advertised inside retail establishments under certain conditions.

Issues: Does the benefit of advertising responsible drinking, and moderation in drinking programs, outweigh the possible harm of references to manufacturers of alcoholic beverages?

Substance: Several manufacturers of alcoholic beverages have begun to conduct advertising programs with the message being moderation or drinking responsibly. These programs, of course, contain references to the

Calendar of Events

manufacturer and such references are currently prohibited under the provisions of this section inside retail places. This amendment would allow such programs with the primary restriction being that no more than minor references to the name of the alcoholic beverage manufacturer or its logo could be contained on the materials. Further, the materials are limited to posters of reasonable size and table tents and must be approved in advance by the board.

§ 3. Advertising; exterior; signs; trucks; uniforms.

Basis: This amendment is proposed under the authority contained in §§ 4-7, 4-11, 4-69, 4-98.10 and 4-98.14 of the Code of Virginia.

Purpose: The amendment is to allow the terms "liquor" and "spirits" to be used because there have been numerous requests for such and the board is of the view that those two words are commonly used to refer to distilled spirits and sees no harm to the public in allowing them to be used. The prohibition against the term "happy hour" appearing on the exterior of licensed places is done in conjunction with the adoption of the regulation on happy hours. See VR 125.01-5 § 16 for explanations of that regulation.

Issues: The issue is: Are the two permitted terms similar to those prohibited, i.e., "bar" "saloon" or "speakeasy"?

Substance: See Purpose.

§ 4. Advertising; Newspapers, Magazines, Radio, Telephone; Trade Publications, etc.

Statement: The proposed amendments to VR 125.01-2 § 4, formerly § 63 accomplish the exact same things in this section as were accomplished in VR 125.01-2 § 3. Please see the notice for that section which is applicable to this proposal.

§ 6. Advertising; Novelties and Specialties.

Basis: This amendment is proposed under the authority contained in §§ 4-7, 4-11, 4-69, 4-98.10 and 4-98.14 of the Code of Virginia.

Purpose: The amendment recognizes that \$1 in wholesale value does not allow very many novelty and specialty items to be given away. The \$2 limit is considered to be one which allows a reasonable amount of such items to be given away, but prohibits the expensive ones which may be an inducement to purchase alcoholic beverages.

Issues: The only issue is: Is \$1 a reasonable limit on the value of such items?

Substance: See Purpose.

§ 9. Advertising; Coupons.

Basis: This amendment is proposed under the authority contained in §§ 4-7, 4-11, 4-69, 4-98.10, 4-98.14 and 4-103 of the Code of Virginia.

Purpose: The amendment is proposed to allow wine wholesalers to put coupons on bottles of wine at their premises.

Issues: Should wine wholesalers be permitted to place refund coupons on containers of wine for retailers?

Substance: Currently, the only way that refund coupons may be on a bottle of wine is if the winery put them on at the winery premises. It is considerable trouble for wine wholesalers to open cases and put coupons on bottles of wine at their premises, however, some wholesalers have expressed a need to do so under certain circumstances. For example, it may be impractical for a winery to put coupons on the part of a particular product designated for a particular state thereby making a coupon promotion impossible in Virginia. However, if wine wholesalers could receive a shipment of coupons and put them on the bottles, then the promotion could be run in Virginia and consumers could benefit from the reduced price.

§ 10. Advertising; Sponsorship of Public Events; Restrictions and Conditions.

Basis: This amendment is proposed under the authority contained in §§ 4-7, 4-11 and 4-69 of the Code of Virginia.

Purpose: The purpose of the amendments is to make it easier for charitable organizations to provide point-of-sale materials to retail licenses and to prohibit wholesalers from having to pay for events which they may not sponsor or to gain advertising value from the sponsorship of such an event.

Issues: The issues are:

1. Should it be easier for charities to furnish point-of-sale advertising materials to retailers?
2. Should wholesalers have to pay for events they may not sponsor or obtain advertising value from such an event?

Substance: The first amendment simply provides that a wholesale licensee can obtain point-of-sale material relating to charitable events directly from the supplier thereof rather than requiring the charity to obtain the materials from the supplier and deliver them to the wholesaler. This saves the charity considerable trouble. The second amendment will make it clear that wholesalers may not donate money to a charitable organization which will be used to sponsor a public event. The third amendment will make it clear that no wholesaler may obtain advertising value from the sponsorship of a public event. The latter two amendments represent existing interpretations and these amendments clarify the issue.

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Calendar of Events

Title of Regulation: VR 125.01-3. Tied-House.

§ 2. Rotation and exchange of stocks of retailers by wholesalers; permitted and prohibited acts.

Basis: This amendment is proposed under the authority contained in §§ 4-7, 4-11, 4-22.1, 4-33, 4-37, 4-79, 4-103 and 4-115 of the Code of Virginia.

Purpose: The purpose of the amendment is to allow wholesalers to restock wine and beer for a retailer at any time, except Sunday, not just at the time of sale or delivery; to allow wholesalers to build displays using the wine or beer only and to incorporate the provisions of former § 35 of the regulations concerning exchange of products into this section with changes which liberalize the rules concerning exchanging beer for retailers.

Issues: The issues are:

1. Should a wholesaler be permitted to restock a retailer's shelves at any time?
2. Should a wholesalers be permitted to build displays for a retailer?
3. Should wholesalers be allowed to exchange beer on an identical quantity, brand and package basis, because it has been on the retailer's shelf too long?

Substance: The amendments in subsection A. simply allow a wholesaler to restock shelves at any time, except Sunday, and to build displays of wine and beer. Currently, wholesalers may only restock at the time a sale or delivery takes place and may not build displays. This is deregulation.

The amendments relating to exchange of product are also deregulation. Currently, a wholesaler may not replace beer because it has been on the shelf too long. Brewers and wholesalers are concerned that beer may develop an "off taste" if it is allowed to stay on the shelf too long. This proposal allows wholesalers to replace beer on an identical quantity, brand and package basis with no time restrictions, if the beer is on the shelves too long.

The other amendments in subsection B. 3 incorporate the provisions of current § 35 which basically set forth the other conditions under which a refund or replacement may be made. The provisions are the same as in § 35 except the time limits of 30 days for erroneous delivery and 90 days for defective merchandise have been removed.

This amendment also makes it clear that wholesalers are not to make a sale with the privilege of return.

The definitions section is deleted because the terms defined are no longer in the regulation.

§ 35. Replacement, Refunds and Adjustments; Exceptions.

Statement: The Board proposes to rescind § 35 in its entirety and transfer its basic provisions to a section which was formerly § 34 and in now VR 125.01-3 § 2. Please see the explanation of the amendments to that section which cover the reasons for the rescission.

§ 9. Inducement to retailers; tapping equipment; bottle or can openers; banquet licensees; cut case cards.

Basis: This amendment is proposed under the authority contained in §§ 4-7, 4-11, 4-69.1, 4-79 and 4-98.14 of the Code of Virginia.

Purpose: To adjust for inflation and to allow a larger number openers to be given and to inform retailers.

Issues: The issue is: Is the current limitation too restrictive?

Substance: The current limitation is a cumulative value of 50¢ per calendar year for all openers. This amendment would allow an unlimited number of openers as long as each one has a wholesale value less the \$1. The other amendment simply puts in the regulation what is stated in the law to ensure that all retailers know they are just as guilty as the wholesaler if they consent to something being furnished to them which is prohibited by this regulation.

§ 10. Routine Business Entertainment; Definition; Permitted Activities; Conditions.

Basis: This regulation is proposed under the authority contained in §§ 4-7(1), 4-11, 4-79, 4-98.14 and 4-103 of the Code of Virginia.

Purpose: This proposal is made to comply with the statutory mandate to provide guidance to those affected. The regulations will inform them what they may and may not do with respect to entertaining retail licensees.

Issues: The issues are as follows:

1. How is routine business entertainment defined? In other words, what activities are permitted as routine business activities?
2. What limits shall be place on the permitted activities?

Substance: § 4-79 of the Code of Virginia, generally prohibits manufacturers and wholesalers of alcoholic beverages from furnishing anything of value, including services, to retailers. The statute has always been interpreted to prohibit manufacturers and wholesalers from entertaining retailers. The legislature created an exception to the general rule, but intended for the Alcoholic Beverage Control Board to place limits on such entertainment.

This proposal limits entertainment which may be furnished to retailers by wholesalers to five activities:

1. Meals and beverages;

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2. Concerts, theatre and arts entertainment;
3. Sports participation and entertainment;
4. Entertainment at charitable events;
5. Private parties.

The proposal incorporates the statutory guidance in subsections C. 1, 2 and 3. This guidance is that the entertainment should not engendered an obligation on the part of the retailer; wholesaler personnel must accompany the retailer during the activity and no property or other thing of value may be furnished to a retailer.

Entertainment involving overnight stay is prohibited in subsection C.4 because it would involve greater cost and yield greater inducement.

C.5 makes it clear that manufacturers may not furnish entertainment because the statute only permits wholesalers to do so.

C.6 places a limit of \$100 per 24-hour period which may be spent on the specified person. \$100 was used because all five permitted events could reasonably be engaged in for that figure in the highest cost area of the state.

C.7 places a limit on four entertainment activities per person per year which is deemed to be a reasonable number of times.

C.8 requires records to be kept to allow the agents of the board to monitor this activity. The records are a minor burden and are necessary for enforcement purposes.

C.9 exempts retailers who are personal friends of a wholesaler from the restrictions.

* * * * *

Title of Regulation: VR 125-01-4. Requirements for Product Approval.

§ 2. Wines, qualifying procedures; disqualifying factors; samples; exceptions.

Basis: This amendment is proposed under the authority contained in §§ 4-7, and 4-11 of the Code of Virginia.

Purpose: This amendment is proposed to eliminate a burden and expense for persons who wish to obtain approval of certain wines for sale in Virginia.

Issues: Should all wine be required to be analyzed by the state laboratory or in lieu thereof a certification, acceptable to the board, from an analysis done by another laboratory be required to be furnished? In particular, is the requirement necessary for wine which is rare or expensive?

Substance: The amendment gives the board discretion to exempt a wine from the analysis or certification requirement for good cause shown. Good cause is defined to include, but not be limited to, rare wine. It is envisioned that only a small part of all wine sold in Virginia will be exempt and only when there is no reason to believe the wine is otherwise than what the label says it is.

* * * * *

Title of Regulation: VR 125.01-5. Retail Operators.

§ 1. Restrictions upon sale and consumption of alcoholic beverages and beverages.

Basis: This amendment is proposed under the authority contained in §§ 4-7, 4-11, 4-37, 4-62, 4-103 and 4-112 of the Code of Virginia.

Purpose: This amendment incorporates statutory language.

Issues: The issues on the question of a legal drinking age are many, all of which were addressed by the legislature.

Substance: As of July 1, 1985, only those people who attained the age of 19 years by July 1, 1985, and those who are 21 years of age, may legally purchase and consume beer and 3.2 beverages.

§ 6. Procedures for mixed beverage licensees generally; mixed beverage restaurant licensees; sales of spirits in closed containers; employment of minors; mixed beverage stamps.

Basis: This amendment is proposed under the authority contained in §§ 4-7, 4-11, 4-98.2, 4-98.10, 4-98.11 and 4-98.14 of the Code of Virginia.

Purpose: To allow a hotel which holds a mixed beverage license to put miniatures of distilled spirits in bedrooms and sell them to persons in attendance at a private function. A miniature contains 50 milliliters, approximately two ounces, and is not currently permitted to be sold in Virginia except by carrier licensees such as airlines.

Issues: Does the convenience to hotel patrons outweigh the slight risk that distilled spirits will be obtained by intoxicated persons or those below the age of 21?

Substance: Several hotel licensees desire to put miniatures of distilled spirits in the rooms in locked storage facilities as a convenience to guests. This is now permitted for all sizes of distilled containers larger than a miniature, but is prohibited for them because no one is permitted to sell miniatures. The board is of the view that the hotel licensees can control this and prevent those not entitled to consume from obtaining the miniatures.

§ 16. Happy hour and related promotions; definitions; exceptions.

Calendar of Events

Basis: This regulation is proposed under the authority of §§ 4-7, 4-11, 4-98.14 and 4-103 of the Code of Virginia.

Purpose: The regulation is proposed to restrict practices engaged in on retail premises which may lead to accidents on highways and disturbances of the peace.

Issues: The issues are:

1. Should happy hours be prohibited during late evening hours?
2. Should advertising of happy hours be allowed?
3. Should other practices which tend to encourage consumption, such as, "all you can drink for a set price," be limited?

Substance: The proposed regulation defines "happy hour" and "drink" in subsection A. These definitions are simply the common understanding of those terms. The proposal prohibits happy hours after 9 p.m. each day in subsection B.1 because excessive consumption late at night, beyond the normal meal time, is believed to be more likely to cause intoxication.

Subsection B.2 prohibits a consumer from stacking up inexpensive drinks right before the happy hour period ends.

Subsections B. 3 and 4 prohibit the selling of multiple drinks for one price and also the serving of a "double" drink for the single price, both of which practices are considered to encourage consumption to excess.

Subsection B.5 prohibits the sale of pitchers of mixed beverages which is already prohibited through interpretation and this proposal makes it clear.

Subsections B. 6 and 7 prohibit free drinks and all you drink for a set price which are already prohibited now through interpretation and this makes it clear.

Subsection B.8 prohibits advertising of happy hour in the media and on the exterior of licensed places. This doesn't prevent offering a consumer a reduced price if he wants to consume alcoholic beverages, but helps prevent him from being induced to consume because of the low price.

The regulation exempts private functions on retail premises from these restrictions because it would impose too great a burden on retail licensees to prevent these practices in such a situation.

The ad hoc advisory panel formed pursuant to our Public Participation Guidelines recommended the major restrictions provided for in this proposal.

* * * * *

Title of Regulation: VR 125.01-6. Manufacturers and

Wholesalers Operations.

§ 2. Wines: Purchase Orders Generally; Wholesale Wine Distributors.

Basis: These amendments are proposed under the authority contained in §§ 4-7, 4-11, 4-22.1 and 4-84 of the Code of Virginia.

Purpose: The purpose of the amendment in subsection B.2 is to put in the regulations a requirement that has long been complied with by wine wholesalers, but has not been in the regulations. The purpose of the amendment in subsection B.6 is to clarify when a report is due. It is no longer required to be received by the board by the 15th, only postmarked by the 15th, or the next business day.

Issues: The issues are:

1. Should the requirement to furnish invoices be added to the regulations?
2. Should the time the report is due be clarified?

Substance: Wine wholesalers are required to submit a monthly report showing purchases and sales and the amount of taxes collected and to accompany the report with the payment for such taxes. They are allowed to subtract from the wine taxes due each month, the amount of tax-exempt sales such as to the military or out-of-state. The invoices of such sales are the proof that the sale was exempt and without the invoice the board can't exempt the wholesaler from payment of tax. Therefore, the wholesalers have always furnished the invoices to the board and this amendment simply makes it official.

The second amendment clarifies, for the benefit of the wine wholesaler, when the report is due and should eliminate any confusion.

* * * * *

Title of Regulation: VR 125.01-7. Other Provisions.

§ 2. Procedures for handling cider; authorized licensees; containers; labels; markup; age limits.

Basis: The amendments are proposed under the authority contained in §§ 4-7, 4-11, 4-25.1 and 4-27 of the Code of Virginia.

Purpose: The amendments are proposed to delete the exemption from markup for cider made by farm winery licensees and to raise the legal age for purchase and consumption of cider to 21.

Issues: None, because the amendments are made pursuant to a U. S. Supreme Court decision and a statutory change.

Substance: The U. S. Supreme Court in the Bacchus case ruled that a statute which gives favorable tax treatment to an in-state alcoholic beverage product is unconstitutional.

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Accordingly, the board cannot discriminate in favor of cider made in Virginia and this amendment simply deletes the discriminatory language.

The second amendment complies with the recent statutory change and raises the legal age for cider to 21 years. Absent a change to § 4-27 of the Code of Virginia, which deals with cider, the board has no authority to provide for those who attain the age of 19 years by July 1, 1985, to purchase and consume cider.

§ 9. Records to be kept by licensees generally; additional requirements for certain retailers; "sale" and "sell" defined; gross receipts; reports.

Basis: These proposals are made under the authority contained in §§ 4-7, 4-11, 4-44, 4-98.6, 4-98.7, 4-98.14, 4-103 and 4-111 of the Code of Virginia.

Purpose: The first proposal is made to conform the regulation to § 58.1-709 of the Code of Virginia, to increase the required time records must be maintained on beer to three years. The second proposal is simply to inform all licensees that microfilm or other modern record keeping methods may be used. The third proposal is to make clear the original intent of the board, that the only exemption from reporting changes in ownership is a change in stock ownership of a company where stock is publicly traded.

Issues: There are no significant issues as the proposals are merely housekeeping.

Substance: See Purpose.

§ 13. Special mixed beverages licenses; locations; special privileges; taxes on licenses.

Basis: This amendment is proposed under the authority contained in §§ 4-98.2, 4-98.14 and 7.1-21.1 of the Code of Virginia.

Purpose: To conform the section to changes made last year in another section. Those changes eliminated the restrictions on table sizes and number of tables making this language unnecessary.

Issues: None - This is housekeeping.

Substance: See Purpose.

§ 15. Wholesale beer and beverage sales; discounts, price-fixing; price increases; price discrimination; retailers.

Basis: These amendments are proposed under the authority contained in §§ 4-7, 4-11, 4-103, 4-118.12, 4-118.12-1, 4-118.15, 4-118.32, 4-118.33 and 4-118.35 of the Code of Virginia.

Purpose: One amendment is required by the Wine Franchise Act and makes the regulation cover wine as well as beer. The other amendment clarifies statutory

language which says manufacturers of wine and beer may discriminate in price only on reasonable grounds and defines those grounds as the same ones already provided in the regulation for wholesalers to discriminate among retail licensees.

Issues: The only issue is: Should there be different grounds for discrimination by manufacturers than there are for wholesalers?

Substance: One amendment is required by statute and there appears to be no rational basis to set up different grounds of discrimination. Thus, this latter amendment only clarifies the current interpretation.

§ 16. Alcoholic Beverage Control Commission.

Summary: To change the name of the Alcoholic Beverage Control Commission to the Alcoholic Beverage Control Board to comply with the legislative enactment of a standard nomenclature system which provides for all permanent collegial bodies such as the governing body of the Department of Alcoholic Beverage Control to be called a "Board."

Basis: This amendment is proposed under the authority contained in §§ 4-3 and 4-6.1 of the Code of Virginia.

Purpose: See Summary.

Issues: None

Substance: See Summary.

§ 17. Farm Wineries; Percentage of Virginia Products; Other Agricultural Products; Remote Outlets.

Basis: This regulation is proposed under the authority contained in §§ 4-2 (10a), 4-7, 4-11 and 4-25.1 of the Code of Virginia.

Purpose: This regulation is proposed to clarify several points in the basic statutes by incorporating several positions previously taken on this subject.

Issues: The issues requiring clarity are:

1. The statute limits grapes or other agricultural products obtained from outside Virginia to 25%, but it doesn't inform those affected whether the limitation applies to each brand of wine produced or to total production.

2. The statute provides that the 25% limitation applies to fruits, fruit juices "or other agricultural products," but doesn't indicate if wine is included in the term. In other words, can wine be obtained from outside Virginia and be blended with the other wine?

3. The statute provides for a retail outlet at the winery and one additional retail outlet within a reasonable distance, but doesn't specify if the additional, remote outlet

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must be permanent.

Substance: The proposed regulation provides that the 25% limitation applies to the total production of the farm winery because it would be extremely difficult to keep records to determine the percentage of out-of-state products used in each brand. Further, federal law requires 75% of the grapes or other products used in making wine to come from Virginia if the label will state that the wine is Virginia wine and the intent of the farm winery statutes was to encourage the growing of grapes in Virginia which this interpretation supports.

The term "other agricultural products" would be considered to include wine under this proposal because it would give farm wineries flexibility to blend wines to achieve the kind of wine desired and is consistent with the intent of the basic statutes.

The proposal would allow the remote outlets to be temporary and move from place to place as long as only one such outlet operated at any given time. This is also consistent with the intent of the statute which was to encourage growing grapes and making wine in Virginia. Farm wineries are usually located in rural areas and special events such as festivals are one of the best ways to obtain exposure for their products. Such events are at various locations and thus the need for this provision. All three provisions make compliance with the law easier for farm winery licensees.

Statutory Authority: § 4-11 of the Code of Virginia.

Written comments may be submitted until October 21, 1985.

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

VIRGINIA APPRENTICESHIP COUNCIL

September 12, 1985 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. (Location accessible to handicapped.)

A quarterly meeting of the council.

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

CHESAPEAKE BAY COMMISSION

† **September 26, 1985 - - Open Meeting**
† **September 27, 1985 - - Open Meeting**
Belvedere Hotel, Baltimore, Maryland

First Biennial Review of the Action Agenda: Choices

for the Chesapeake.

Contact: Susan Dull, Chesapeake Bay Commission, 60 West Street, Suite 200, Annapolis, Md. 21401, telephone (301) 263-3420

GOVERNOR'S ADVISORY COMMITTEE ON CHILD ABUSE AND NEGLECT

September 6, 1985 - 10 a.m. - Open Meeting
City Hall, 605 East Main Street, Basement Conference Room, Charlottesville, Virginia. (Location accessible to handicapped.)

A regular quarterly meeting of the advisory committee.

Contact: Ann Childress, Virginia Department of Social Services, Bureau of Child Welfare Services, Blair Bldg., 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9081

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

Division of Parks and Recreation

† **September 26, 1985 - 7:30 p.m. - Public Hearing**
Rappahannock Community College Auditorium, Glens, Virginia

A public hearing to gather citizen input on the proposed scenic river designation of 25.5 miles of the Dragon Run and Piankatank Rivers from Route 17 Bridge to Gwynn's Island.

Contact: Ronald D. Sutton, Commissioner, or Richard G. Gibbons, Planning Director, Division of Parks and Recreation, 1201 Washington Bldg., Capitol Square, telephone (804) 786-2132/2280

STATE BOARD FOR CONTRACTORS

† **September 11, 1985 - 10 a.m. - Open Meeting**
US Post Office Courthouse Building, 101 25th Street, Hearing Room, Newport News, Virginia

A meeting to conduct a formal fact-finding hearing regarding State Board for Contractors v. Charles W. Allen; Newport News, Virginia.

Contact: Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8524

BOARD OF CORRECTIONS

September 11, 1985 - 10 a.m. - Open Meeting
October 16, 1985 - 10 a.m. - Open Meeting
4615 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

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

Contact: Vivian Toler, Secretary to the Board, 4615 W. Broad St., P. O. Box 26963, Richmond, Va. 23261, telephone (804) 257-6274

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† Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Corrections intends to amend regulations entitled: **Public Participation Guidelines**. These regulations will set forth procedures for public participation in the regulatory process for the Department of Corrections. The amendments will incorporate changes in the Code of Virginia related to the Administrative Process Act enacted in 1985.

STATEMENT

These amended regulations incorporate changes to the Administrative Process Act that became effective July 1, 1985, regarding the formation, development and adoption of regulations that the State Board of Corrections and the Director of the Department of Corrections are required to promulgate by state law.

Statutory Authority: §§ 53.1-5 and 53.1-10 of the Code of Virginia.

Written comments may be submitted until October 1, 1985.
Contact: Robert E. Cousins, Agency Regulatory Coordinator, 4615 W. Broad St., P. O. Box 26963, Richmond, Va. 23261, telephone (804) 257-1943

VIRGINIA BOARD OF COSMETOLOGY

September 30, 1985 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to (i) review investigative reports of complaints and determine disposition, (ii) consider general correspondence pertinent to the operation of the board, and (iii) review proposals from examination services.

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

CRIMINAL JUSTICE SERVICES BOARD

October 2, 1985 - 9:30 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Criminal Justice Services Board intends to amend regulations entitled: **Rules Relating to Compulsory Minimum Training Standards for Courthouse and Courtroom Security Officers**. The proposed amendments will effect existing training standards for deputy sheriffs and other law-enforcement and designated personnel to provide security for the courthouse and courtroom.

STATEMENT

Basis and Purpose: The rules, as proposed, are being considered for amendment pursuant to the provisions of § 9-170(5) of the Code of Virginia. The protection of property and persons during the judicial process is a specialized function requiring certain knowledge, skills and abilities. The purpose of the proposed rules is to provide training necessary for effective protection of the courthouse and courtroom.

Subject and Substance: The proposed amendments to the rules mandate minimum training standards for those criminal justice personnel designated to provide courthouse and courtroom security.

Impact: This proposal is an amendment to existing rules. The review and proposed amendments resulted from the cyclical review process previously established by the department. No fiscal impact is anticipated.

Compliance Cost: Rules pertaining to this subject matter currently exist. No additional compliance costs are anticipated.

Implementation Cost: Implementation cost to the Department of Criminal Justice Services is not expected to exceed those costs associated with compliance with the requirements of the Administrative Process Act, Executive Order No. 51 and the board's Public Participation Guidelines. No additional costs are anticipated.

Statutory Authority: § 9-170(1)(5) of the Code of Virginia.

Written comments may be submitted until September 3, 1985 to Mr. L. T. Eckenrode, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219.

Contact: Mr. J. R. Marshall, Administrative Assistant, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000

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October 2, 1985 - 9:30 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. (Location accessible to handicapped.)

Calendar of Events

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Criminal Justice Services Board intends to adopt regulations entitled: **Rules Relating to Compulsory Minimum Training Standards for Deputy Sheriffs Designated to Serve Process.** This regulation establishes compulsory minimum training standards for deputy sheriff designated to serve process.

STATEMENT

Basis and Purpose: The rules, as proposed, are being considered for adoption pursuant to the provisions of § 9-170(1)(5a) of Code of Virginia. The service of legal process is a specialized function requiring certain knowledge, skills and abilities. The purpose of the proposed rules is to provide training necessary for the safe, efficient and effective service of legal documents.

Subject and Substance: The proposed rules mandate minimum training standards for deputy sheriffs designated to serve process and sets forth requirements and procedures for schools requesting approval to conduct such training.

Impact: These rules will impact those deputies designated by a sheriff to serve legal process. Further, those schools approved to conduct such training will be required by participating localities to schedule and conduct sufficient training offerings to meet their needs.

Compliance Cost: Sheriffs with the legal responsibility to serve process will be required to send designated deputies to approved training sessions. The cost to those departments will vary, dependent upon the number of personnel so designated and the amount of turnover of such personnel annually.

Implementation Cost: Implementation cost to the Department of Criminal Justice Services is not expected to exceed those costs associated with compliance with the requirements of the Administrative Process Act, Executive Order No. 51 and the board's Public Participation Guidelines. Additional responsibilities and duties are expected to be absorbed by existing staff and in concert with existing duties of the same nature.

Statutory Authority: § 9-170(1)(5a) of the Code of Virginia.

Written comments may be submitted until September 3, 1985, to Mr. L. T. Eckenrode, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219.

Contact: Mr. J. R. Marshall, Administrative Assistant, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000

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October 2, 1985 - 1:30 p.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C,

Richmond, Virginia. (Location accessible to handicapped.)

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Criminal Justice Services Board intends to amend regulations entitled: **Rules Relating to the Compulsory Minimum Training Standards for Private Security Services Business Personnel.** These regulations mandate and prescribe compulsory Minimum Training Standards and Procedures for Private Security Services Business Personnel.*

STATEMENT

Basis and Purpose: The rules, as proposed, are being considered for amendment pursuant to the provisions of § 9-182 of the Code of Virginia. The purpose of these rules is to protect the public safety and welfare against incompetent or unqualified persons performing private security duties.

Subject and Substance: The proposed rules mandate minimum training requirements for private security services business personnel and set forth standards and procedures for schools conducting private security services training.

Impact: These regulations will apply directly to all persons registering with the Department of Commerce as private security services business personnel (approximately 7,000 persons annually), all schools that are approved to provide mandated private security services training (approximately 92), and all private security services business personnel who carry a firearm in the performance of duty (estimated 7,000). Indirectly, these regulations will affect the approximate 300 private security services business licensees, their clients and individuals who may come in contact with licensees or their employees.

Compliance Cost: It is anticipated that there will be no material increase in compliance cost to the public or this agency; however, since private security services is part of an agency that generates operating funds from licensees, any increase in cost would be borne by the licensees.

Implementation Cost: It is anticipated that there will be no substantial increase in cost to the regulated entities for implementation. The implementation cost to this agency should not exceed \$2,000. This amount includes the cost of informational meetings, mailing services, and the publication of notices of intent to promulgate regulations.

Statutory Authority: § 9-182 of the Code of Virginia.

Written comments may be submitted until September 3, 1985, to Mr. L. T. Eckenrode, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219.

Contact: Mr. J. R. Marshall, Administrative Assistant, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000

Calendar of Events

BOARD OF DENTISTRY

September 18, 1985 - 1 p.m. – Open Meeting
September 19, 1985 - 10 a.m. – Open Meeting
Richmond Marriott, 500 East Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to consider the proposed regulations approved on December 8, 1984.

Contact: Nancy T. Feldman, Executive Director, 517 W. Grace St., P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0311

DEPARTMENT OF GENERAL SERVICES

Art and Architectural Review Board

September 6, 1985 - 10 a.m. – Open Meeting
Virginia Museum of Fine Arts, Boulevard and Grove Avenue, Main Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

The board 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 D. Ivankoe, Department of General Services, Ninth Street Office Bldg., Suite 209, Richmond, Va. 23219, telephone (804) 786-3311

State Insurance Advisory Board

October 11, 1985 - 9:30 a.m. – Open Meeting
Department of General Services, Ninth Street Office Building, Suite 209, Conference Room of the Director, Richmond, Virginia. (Location accessible to handicapped.)

A quarterly meeting of the State Insurance Advisory Board.

Contact: Charles F. Scott, Director, Department of General Services, Division of Risk Management, 805 E. Broad St., Room 117, Richmond, Va. 23219, telephone (804) 786-5968

GOVERNOR'S JOB TRAINING COORDINATING COUNCIL

September 16, 1985 - 10:30 a.m. – Open Meeting
Richmond Marriott, 500 East Broad Street, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A general meeting of the council.

Contact: Gladys Walker, Governor's Employment and Training Department, 417 E. Grace St., P. O. Box

12083, Richmond, Va., telephone (804) 786-8085

GOVERNOR'S REGULATORY REFORM ADVISORY BOARD

September 10, 1985 - 10 a.m. – Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. (Location accessible to handicapped.)

A public hearing on the draft legislation proposed at the July 25th meeting; and adoption for introduction at 1986 session.

Contact: Philip F. Abraham, State Capitol, Governor's Office, Richmond, Va. 23219, telephone (804) 786-2211

HAZARDOUS WASTE FACILITY SITING COUNCIL

September 10, 1985 - 7 p.m. – Public Hearing
Christopher Newport College, 50 Shoe Lane, Administration Building, Room 105, Newport News, Virginia

September 11, 1985 - 7 p.m. – Public Hearing
Fredericksburg City Hall (Tentative), City Council Chambers, 700 Block of Princess Anne Street, Fredericksburg, Virginia

September 12, 1985 - 7 p.m. – Public Hearing
McLean Community Center, 1236 Ingleside Avenue, McLean, Virginia

September 24, 1985 - 7 p.m. – Public Hearing
Lord Fairfax Community College, Technical Building, Conference Room, Middletown, Virginia

October 1, 1985 - 7 p.m. – Public Hearing
Martha Washington Inn, 150 West Main Street, Grand Ballroom, Abingdon, Virginia

October 2, 1985 - 7 p.m. – Public Hearing
Roanoke County Administration Center, 3738 Brambleton Ave., S.W., Community Room, Roanoke, Virginia

October 3, 1985 - 7 p.m. – Public Hearing
City Hall, City Council Chambers, 113 East Beverly Street, 2nd Floor, Staunton, Virginia

October 9, 1985 - 7 p.m. – Public Hearing
Lynchburg Public Library, The Plaza, 2315 Memorial Avenue, Lynchburg, Virginia

October 10, 1985 - 7 p.m. – Public Hearing
Westinghouse Electric Corporation, Highway 58 West, South Boston, Virginia

October 21, 1985 - 7 p.m. – Public Hearing
Dinwiddie County Administration Building, U.S. Route 1, Board Meeting Room, Dinwiddie, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Hazardous Waste Facility Siting Council intends to adopt regulations entitled: **Administrative Procedures for Hazardous Waste Facility Site Certification**. The proposed regulations establish the council's administrative procedures for processing applications for site certification.

STATEMENT

The proposed administrative procedures detail the steps in the process of obtaining site certification. The administrative procedures parallel the process established by the Siting Act and describe submission requirements for the applicant's notice of intent, draft impact statement, final impact statement, application for site certification, and the public review and public hearing process for decision-making. The regulations also outline the procedures for the required negotiation process between the applicant and the local government (host community).

Statutory Authority: § 10-186.5 of the Code of Virginia.

Written comments may be submitted until October 25, 1985.

Contact: Harry E. Gregori, Jr., Executive Director, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, Va. 23219, telephone (804) 225-3235

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Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Hazardous Waste Facility Siting Council intends to adopt regulations entitled: **Schedule of Fees for Hazardous Waste Facility Site Certification**. The proposed regulations establish fees and the procedures for fee assessment for applicants proposing to site hazardous waste facilities in the Commonwealth of Virginia.

STATEMENT

The proposed regulations establish a fee structure which consists of three parts. The first element requires payment by the applicant of all costs for legal notices, copies of reports and notices, and postage for the notice of intent submission. These costs may range from \$2,000 to approximately \$4,500, depending upon the geographic location of the proposal. The second element, the application fee, which is paid at the time the application is submitted, is set a \$20,000 for major facilities (categories II-V). Smaller storage facilities (category I) will be charged \$10,000, or 10% of the estimated construction cost (whichever is greater), not to exceed \$20,000. The third element is for consultant services required by the council to review applications. This amount, to be paid by the applicant, will be determined at the time the application is made and will vary according to the complexity of the proposed facility.

Statutory Authority: § 10-186.5 of the Code of Virginia.

Written comments may be submitted until October 25, 1985.

Contact: Harry E. Gregori, Jr., Executive Director, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, Va. 23219, telephone (804) 225-3235

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Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Hazardous Waste Facility Siting Council intends to adopt regulations entitled: **Hazardous Waste Facility Siting Criteria**. The proposed regulations establish the criteria, both prohibitions and limitations, for assessing applications for site certification.

STATEMENT

The proposed Hazardous Waste Facility Siting Criteria regulations provide the principal decision-making tool for the council. Any person, including the Commonwealth of Virginia, must meet the criteria proposed before a facility can be given certification by the council. The regulations organize hazardous waste facilities into five categories: I. Containerized or enclosed storage (a group of tanks); II. Closed treatment process - with spill containment (treatment in tanks); III. Open treatment process - with spill containment (incinerator); IV. Above-ground treatment - no spill containment (waste piles and land treatment); and V. Disposal without complete treatment, and all other treatment/disposal methods (land disposal).

The first set of criteria, the "Prohibitions," indicate areas where no facilities are allowed. Proposed prohibitions include wetlands, 100-year flood plains, dam failure inundation zones, sinkholes (karst topography), locations near active faults and within areas designated as national natural landmarks or lands in public trust.

The second set of criteria, "Siting Limitations," place restrictions which are based on the type of facility proposed. Generally, these limitations control the location based on impacts for categories I, II and III with respect to public and private surface and ground water supplies, subsurface mining activity, steep slopes and faults, and seismic risk areas. Categories IV and V (land treatment/disposal) are prohibited in these areas. The council will also evaluate impacts on air quality, endangered species, risk of accident, proximity to population, impact on local government, and potential for fire and explosion.

Statutory Authority: § 10-186.5 of the Code of Virginia.

Written comments may be submitted until October 25, 1985.

Contact: Harry E. Gregori, Jr., Executive Director, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, Va. 23219, telephone (804) 225-3235

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Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Hazardous Waste Facility Siting Council intends to adopt regulations entitled: **Technical Assistance Fund Administrative Procedures**. The proposed regulations specify procedures for application, disbursement and accounting for local technical assistance funds

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distributed by the Siting Council.

STATEMENT

The Local Technical Assistance Fund proposed regulation provides for the distribution of state general funds to a locality in which a facility is proposed. The purpose of this fund is to financially assist local governments in evaluating a proposal. The proposed regulations provide \$20,000 outright to a local government with an additional \$10,000 available based on a 50/50 state and local match. Any unused funds are to be returned to the council. Funds may not be used for legal services or the services of a negotiator. The total amount of funds available for FY 1985-86 is \$50,000.

Statutory Authority: § 10-186.5 of the Code of Virginia.

Written comments may be submitted until October 25, 1985.

Contact: Harry E. Gregori, Jr., Executive Director, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, Va. 23219, telephone (804) 225-3235

STATE BOARD OF HEALTH

September 9, 1985 - 10 a.m. - Open Meeting
September 10, 1985 - 10 a.m. - Open Meeting
The Cavalier Hotel, 42nd Street, Virginia Beach, Virginia.
(Location accessible to handicapped.)

A regular business meeting of the board. An agenda for the meeting may be obtained after September 1, 1985.

November 13, 1985 - 10 a.m. - Open Meeting
November 14, 1985 - 10 a.m. - Open Meeting
Westpark Hotel, Rosslyn, Virginia. (Location accessible to handicapped.)

A regular business meeting of the board. An agenda for the meeting may be obtained after November 1, 1985.

Contact: Sally Camp, James Madison Bldg., Room 400, Richmond, Va. 23219, telephone (804) 786-3561

DEPARTMENT OF HEALTH

September 16, 1985 - 7 p.m. - Public Hearing
Roanoke County Administrative Complex, 3738 Brambleton Avenue, S.W., Community Room, Roanoke, Virginia
September 17, 1985 - 7 p.m. - Public Hearing
Harrisonburg Electric Commission, 89 West Bruce Street, Community Room, Harrisonburg, Virginia
September 18, 1985 - 7 p.m. - Public Hearing
Mary Washington College, 104 Monroe Hall, Fredericksburg, Virginia

September 19, 1985 - 7 p.m. - Public Hearing
Peninsula Health District, Newport News City, Health Department, 416 J. Clyde Morris Boulevard, (US 17 South), Main Auditorium, Newport News, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Health intends to amend regulations entitled: **Sewage Handling and Disposal Regulations**. The Sewage Handling and Disposal Appeals Review Board adjudicates all appeals of denials of on-site sewage disposal system permits. This regulation establishes an \$800 fee to be charged to applicants in order to cover direct cost of their hearing before the review board.

STATEMENT

Purpose: The purpose of this regulation is to establish an \$800 fee to be charged applicants for each appearance before the review board.

Summary and Analysis: The Sewage Handling and Disposal Advisory Committee, at their April 15, 1985, meeting, passed a motion that the appeals fee should be set at \$800 per appeal (which is based upon average direct cost of hearing) unless the Health Department is willing to absorb some portion of the costs.

Direct costs per appeal are estimated to be as follows:

Travel: 20.5¢/mile/7 members	\$258.30
Meals: \$20/day/person	70.00
Lodging: \$40/night	120.00
Misc: parking, phone calls, etc.	35.00
Court Reporter	327.00
Totalling	\$810.30

Impact: Applicants for formal hearing in the past paid no fee in order to have a formal adjudicatory hearing before an administrative law judge. The adoption of an \$800 fee will financially impact future applicants, however, the cost to taxpayers will be reduced due to the adoption of this fee.

Evaluation: The department will track actual costs for each appeal and evaluate direct costs on an annual basis. If fees are too high or too low, then the department will suggest the appropriate modification.

Statutory Authority: § 32.1-164 of the Code of Virginia.

Written comments may be submitted until September 20, 1985.

Contact: P.M. Brooks, Public Health Engineer C, 109 Governor St., 502 James Madison Bldg., Richmond, Va. 23219, telephone (804) 786-1931

BOARD ON HEALTH REGULATORY BOARDS

Professional Review Committee

September 6, 1985 - 10 a.m. to noon – Public Hearing (Corrective Therapy)

September 6, 1985 - 1 p.m. – Public Hearing (Radiologic Technology)

Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

The Virginia Board on (formerly Commission of) Health Regulatory Boards has received notice of intended proposals for the state regulation of corrective therapists and of radiologic technologists. These professions are not presently regulated in Virginia.

The board's Professional Review Committee is charged with the responsibility of evaluating proposals for new health professional regulatory programs under the statutory authority of the board, § 54-955.1.B of the Code of Virginia:

"Evaluate each health care profession and occupation in the Commonwealth not regulated by other provisions of this title to consider whether each such profession or occupation should be regulated and the degree of regulation to be imposed. Whenever the commission determines that the public interest requires that a health care profession or occupation which is not regulated by law should be regulated, the commission shall recommend for approval by the General Assembly next convened a regulatory system necessary to conduct the degree of regulation required."

The Professional Review Committee invites comments from the public on proposals to regulate these professions. Written comments are also solicited and must be received by October 17, 1985.

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

VIRGINIA STATEWIDE HEALTH COORDINATING COUNCIL

September 16, 1985 - 9 a.m. – Open Meeting

September 17, 1985 - 3:30 p.m. – Open Meeting

September 17, 1985 - 8:30 p.m. – Open Meeting

September 18, 1985 - 8:30 a.m. – Open Meeting
Abingdon, Virginia. (Location accessible to handicapped.)

Various subcommittees of the Statewide Health Coordinating Council will be meeting Monday, September 16, beginning at 9 a.m.

The Analysis & Plans Development Committee and the

Progress & Evaluation Committee will begin meeting at 3:30 p.m. on September 17.

The Virginia Statewide Health Coordinating Council will hold its regular business meeting at 8:30 p.m. on September 17.

The Executive Committee of the Statewide Health Coordinating Council will begin its meeting at 8:30 a.m. on September 18.

Regular business of the council, other committees, and subcommittees will be conducted.

Contact: Raymond O. Perry, 109 Governor St., Room 1010, Richmond, Va. 23219, telephone (804) 786-6970

VIRGINIA HEALTH SERVICES COST REVIEW COMMISSION

† **September 25, 1985 - 9:30 a.m.** – Open Meeting
Blue Cross and Blue Shield of Virginia, 2015 Staples Mill Road, Virginia Room, 2nd Floor, Richmond, Virginia. (Location accessible to handicapped.)

A monthly business meeting to address financial, policy or technical matters which may have arisen since last meeting.

Contact: Dr. Ann Y. McGee, Director, 805 E. Broad St., 9th Floor, Richmond, Va. 23219, telephone (804) 786-6371

STATE BOARD FOR HEARING AID DEALERS AND FITTERS

† **September 9, 1985 - 8:30 a.m.** – Open Meeting

† **September 10, 1985 - 8:30 a.m.** – Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, Conference Room 2, Richmond, Virginia. (Location accessible to handicapped.)

Oral and written examinations will be conducted, and the board will consider complaints.

Contact: Gerald W. Morgan, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8508

COUNCIL OF HIGHER EDUCATION

September 4, 1985 - 10 a.m. – Open Meeting
Williamsburg Inn, Providence Hall Wing, Williamsburg, Virginia

A monthly council meeting.

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

Calendar of Events

VIRGINIA DEPARTMENT OF HIGHWAYS AND TRANSPORTATION BOARD

† **September 19, 1985 - 10 a.m.** – Open Meeting
Lynchburg City Hall, 901 Church Street, Lynchburg, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

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

Contact: Oscar K. Mabry, Deputy Commissioner, Virginia Department of Highways and Transportation, 1221 E. Broad St., Richmond, Va. 23219, telephone (804) 786-2703

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

Board of Commissioners

† **September 17, 1985 - 10 a.m.** – Open Meeting
The Tides Inn, Irvington, Virginia. (Location accessible to handicapped.)

This will be the regular monthly meeting of the Board of Commissioners of the Virginia Housing Development Authority. The board will (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month; and (iv) consider such other matters and take such other actions as they may deem appropriate. 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, Jr., General Counsel, 13 S. 13th St., Richmond, Va. 23219, telephone (804) 782-1986

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

† **September 16, 1985 - 1 p.m.** – Open Meeting
State Capitol, Capitol Square, House Room 4, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

The board's regular formal business meeting to (i) review and approve the minutes from the prior meeting; (ii) provide an opportunity for public comments; (iii) review the report of the director on the operation of the Department of Housing and Community Development since the last board meeting; (iv) to hear reports of the committees of the board; and (v) to consider other matters as they may deem

necessary. The planned agenda of the meeting will be available one week prior to the date of the meeting.

Contact: Neal J. Barber, 205 N. 4th St., 7th Floor, Richmond, Va. 23219-1747, telephone (804) 786-1575

September 16, 1985 - 11 a.m. – Public Hearing
State Capitol, Capitol Square, House Room 4, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **Virginia Industrialized Building Unit and Mobile Home Safety Regulations/1984.**

STATEMENT

Subject and Substance: Proposed change to the plumbing requirements in the previously proposed adoption of a 1984 edition of the Virginia Industrialized Building Unit and Mobile Home Safety Regulations to amend and replace the 1981 edition thereof. The change will prohibit the use of lead bearing solders and fluxes in water service and distribution piping.

Issues: 1. Estimated impact with respect to number of persons affected: all citizens of Virginia who use buildings hereafter constructed will be affected.

2. Projected costs for implementation somewhat less expensive than acceptable substitutes. However, the overall increase in costs of plumbing systems for water service and distribution will apparently be small. Discussions with industry sources indicate that the added cost is not a matter of material concern.

Basis: §§ 36-70 and 36-85.1 of the Code of Virginia.

Purpose: To prevent unsafe levels of lead in drinking water in buildings, as recommended by the State Health Commissioner.

Statutory Authority: §§ 36-70 and 36-85.1 of the Code of Virginia.

Written comments may be submitted until September 16, 1985.

Contact: C. S. Mullen, Deputy Director, Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4751

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September 16, 1985 - 11 a.m. – Public Hearing
State Capitol, Capitol Square, House Room 4, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **Virginia Uniform Statewide Building Code -**

Volume I - New Construction Code/1984.

STATEMENT

Subject and Substance: Proposed change to the plumbing requirements in the previously proposed adoption of a 1984 edition of the Virginia Uniform Statewide Building Code - Volume I - New Construction Code to amend and replace the 1981 edition thereof. The change will prohibit the use of lead bearing solders and fluxes in water service and distribution piping.

Issues: 1. Estimated impact with respect to number of persons affected: all citizens of Virginia who own buildings hereafter constructed will be affected.

2. Projected costs for implementation and compliance: the lead bearing solders which are in current use are somewhat less expensive than acceptable substitutes. However, the overall increase in costs of the plumbing system for water service and distribution will apparently be very small, and discussions with industry sources indicate that the added cost is not a matter of material concern.

Basis: §§ 36-97 - 36-107 of the Code of Virginia.

Purpose: To prevent unsafe levels of lead in drinking water in buildings, as recommended by the State Health Commissioner.

Statutory Authority: §§ 36-97 - 36-107 of the Code of Virginia.

Written comments may be submitted until September 16, 1985.

Contact: C. S. Mullen, Deputy Director, Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4751

September 16, 1985 - 10 a.m. - Public Hearing State Capitol, Capitol Square, House Room 4, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: Urban Enterprise Zone Program Regulations. The proposed regulations set forth the administrative procedures for implementing the Urban Enterprise Zone Act and requirements for business firms in applying for state tax credits.

STATEMENT

Subject: Revision of the Urban Enterprise Zone Program Regulations to follow 1985 amendments to the Urban Enterprise Zone Act.

Substance: The 1985 amendments allow a locality to ask for permission to enlarge the boundaries of its enterprise zone. This proposed amendment establishes procedures for a locality to follow in requesting permission to enlarge its zone.

Issues and Impact: This proposed amendment could impact no more than the 14 localities which have enterprise zones or portions of enterprise zones within their boundaries. The total population within the state's enterprise zone is 130,000. Jurisdictions that seek to enlarge their enterprise zones would incur relatively small staff costs in preparing the application for changing zone boundaries. The state costs which would also be small would result from staff time spent in reviewing applications to enlarge enterprise zones.

Basis: § 59.1-278 of the Code of Virginia.

Purpose: To bring the Urban Enterprise Zone program regulations in line with recent amendments to the Code of Virginia.

Statutory Authority: § 59.1-278 of the Code of Virginia.

Written comments may be submitted until September 16, 1985 to Neal J. Barber, Acting Director, Department of Housing and Community Development, 205 North Fourth Street, Richmond, Virginia 23219.

Contact: Stanley S. Kidwell, Jr., Associate Director, Virginia Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4966

COMMISSION ON LOCAL GOVERNMENT

September 24, 1985 - 2 p.m. - Open Meeting City of Roanoke (site to be determined)

A meeting to discuss pending issues on the commission's agenda including (i) City of Petersburg/City of Hopewell/Prince George County issues, (ii) City of Lexington annexation action and Rockbridge County's partial immunity action; (iii) presentation of financial report, (iv) approval of minutes from last meeting, and (v) establishment of the next commission meeting date.

October 14, 1985 - 9 a.m. - Open Meeting

October 15, 1985 - 9 a.m. - Open Meeting

October 16, 1985 - 9 a.m. - Open Meeting

City of Lexington - Rockbridge County area (site to be determined)

Oral presentations regarding the City of Lexington's proposed annexation action and Rockbridge County's partial immunity action.

Calendar of Events

October 15, 1985 - 7:30 p.m. – Public Hearing
City of Lexington - Rockbridge County area (site to be determined)

A public hearing to receive testimony from the public regarding the City of Lexington annexation action and Rockbridge County partial immunity action.

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

VIRGINIA MARINE PRODUCTS BOARD

† **September 3, 1985 - 5 p.m. – Open Meeting**
Ramada Inn, Route 17, Room 4, Newport News, Virginia

The board will meet to receive reports from the executive director of the Virginia Marine Products Board on: finance, marketing, past and future program planning, publicity/public relations, old/new business.

Contact: Shirley Estes Berg, P. O. Box 1248, Newport News, Va. 23601, telephone (804) 599-7261

MARINE RESOURCES COMMISSION

October 22, 1985 - 9:30 a.m. – Open Meeting
2401 West Avenue, Newport News, Virginia

The Marine Resources Commission normally meets on the fourth Tuesday each month, at 9:30 a.m., at the agency office, 24th Street and West Avenue, Newport News, Virginia. It hears and decides cases on fishing licensing; oyster ground leasing, environmental permits in wetlands, bottomlands, coastal sand dunes, and beaches. It hears and decides appeals 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

BOARD OF DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

† **September 10, 1985 - 10 a.m. – Open Meeting**
James Madison Building, 109 Governor Street, Room 812, Richmond, Virginia. (Location accessible to handicapped.)

The board will discuss the department's proposed legislative package for the 1986 General Assembly

session, and hear a presentation from the Registrar of Regulations on the Administrative Process Act and the state regulatory process.

Contact: Victoria P. Simmons, Policy Analyst, Department of Medical Assistance Services, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-7933

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

September 24, 1985 - 9 a.m. – Public Hearing
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to adopt regulations entitled: **Intermediate Care Criteria for the Mentally Retarded**. This regulation establishes criteria for care provided to eligible mentally retarded persons in intermediated care situations which would then qualify for Medicaid reimbursement.

STATEMENT

Basis and Authority: Section 32.1-325 of the Code of Virginia gives the State Board of Medical Assistance the authority to promulgate regulations subject to the Governor's approval. Section 1902 of the Social Security Act and federal regulations in 42 CFR 456.432 and 456.435 requires that there be written criteria for admission and continued stay in intermediate care facilities for the mentally retarded.

Purpose: The purpose of the proposed regulations is to establish an intermediate care criteria for the mentally retarded that can be applied to all recipients when Medicaid payment has been requested for institutional or noninstitutional services.

Summary and Analysis: In 1972, federal regulations allowed for the inclusion of federal financial payment for care in intermediate care facilities for the mentally retarded. At that time broadly defined criteria were developed and continues in use today.

Estimated Impact: Approximately 3,600 Medicaid recipients in state and private facilities will be affected by these new criteria. No appreciable negative impact is expected as the result of the implementation of this proposed criteria since the criteria redefinition will not result in a change in the number of eligible recipients. No new staff will be required to implement or enforce these regulations. There should be no impact on Medicaid funding.

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

Written comments may be submitted until September 22, 1985.

Contact: Tinnie B. Conover, Manager, Institutional Services Section, Department of Medical Assistance Services, 109 Governor St., Room 817, Richmond, Va. 23219, telephone (804) 786-7986

VIRGINIA STATE BOARD OF MEDICINE

September 13, 1985 - 8:30 a.m. – Open Meeting
September 14, 1985 - 8:30 a.m. – Open Meeting
Richmond Hyatt House, I-64 West, 6624 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to interview and review credentials of applicants applying for licensure.

Contact: Eugenia K. Dorson, Executive Secretary, 517 W. Grace St., P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0575

STATE MENTAL HEALTH AND MENTAL RETARDATION BOARD

† **September 24, 1985 - 10 a.m.** – Open Meeting
Portsmouth Community Services Board, Portsmouth, Virginia. (Location accessible to handicapped.)

A regular monthly meeting. The agenda will be published on September 18, 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) 786-3921

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

September 10, 1985 - 7 p.m. – Public Hearing
Mary Washington College, Fredericksburg, Virginia. (Location accessible to handicapped.)

September 11, 1985 - 11 a.m. – Public Hearing
Western State Hospital, Staff Development Building, Rooms 86 and 87, Staunton, Virginia. (Location accessible to handicapped.)

September 12, 1985 - 1 p.m. – Public Hearing
Senior Citizen's Center, 307 Park Street, Marion, Virginia. (Location accessible to handicapped.)

A public hearing on proposed Community Rules and Regulations to invite comment from those interested persons who will be affected by these regulations.

Contact: Elsie D. Little, A.C.S.W., P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3988

September 13, 1985 - 11 a.m. – Public Hearing
Southeastern Virginia Training Center, Building 3, Inservice

Training Room, Chesapeake, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mental Health and Mental Retardation intends to adopt regulations entitled: **Rules and Regulations to Assure the Rights of Clients in Community Programs.** (VR 470-03-03) The purpose of the regulations is to delineate the rights of clients of community programs licensed or funded by the Department of Mental Health and Mental Retardation.

STATEMENT

Subject, Basis and Purpose: The Rules and Regulations to Assure the Rights of Clients in Community Programs Licensed or Funded by the Department of Mental Health and Mental Retardation are to delineate the rights of clients of community programs licensed or funded by the Department of Mental Health and Mental Retardation. The Community Rules and Regulations identify those fundamental rights which may not be restricted by a community program. The regulations define those client rights which may be restricted for therapeutic reasons, aid in the assurance of client participation in treatment for therapeutic reasons, aid in the assurance of client participation in treatment decision making, and define client participation in work activities. An administrative review process for review of alleged violations of rights is established. That mechanism delineated the roles and responsibilities of the persons involved. These regulations will be more appropriate to meet the requirements and scope of community programs.

The Community Rules and Regulations are needed in order to comply with § 37.1-84.1, of the Code of Virginia. Since protection of individual rights in funded or licensed programs by the Department of Mental Health and Mental Retardation is a mandate, not providing regulations for clients in community programs was considered an acceptable alternative. Without the Community Rules and Regulations, the Department of Mental Health and Mental Retardation could not offer consistent rights protection of those clients. Rights violations might go undetected or be inadequately handled by the community program staff. Rights violations that could be quickly and fairly handled by means set forth in these rules and regulations might be handled by complicated, costly and time consuming court procedures instead if the rules and regulations are not established.

Substance and Issues: A 16 member task force, established by the Department of Mental Health and Mental Retardation has been working on the Community Rules and Regulations for the past three years. The membership represented a wide variety of public and private professional and consumer interests in all three disability areas. The task force focused its efforts on developing rules and regulations that would present the least burden on regulated programs while still ensuring the protection of client rights.

Calendar of Events

In May, 1983, October, 1984, and December, 1984, the Department of Mental Health and Mental Retardation mailed out copies of the Community Rules and Regulations to agencies and interested individuals for comments and the rules and regulations were rewritten in response to comments received.

In considering alternative approaches to meet the need, the proposed regulations address a number of options. One alternative approach to these regulations which was considered was to write separate rules and regulations for each of the disability areas (mental illness, mental retardation, and substance abuse) was considered. This idea was rejected because many programs provided services in two or all three of these areas and would, therefore, have to be familiar with two or three sets of rules and regulations. Writing separate rules and regulations for residential and nonresidential programs was yet another alternative considered. This idea was rejected because many community services boards and agencies have both residential and nonresidential programs and would, therefore, have to operate with two sets of rules and regulations.

Statutory Authority: §§ 37.1-10 and 37.1-84.1 of the Code of Virginia.

Written comments may be submitted until September 15, 1985.

Contact: Elsie D. Little, A.C.S.W., State Human Rights Director, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3988

Interagency Delinquency Prevention Coordination Board

† **September 11, 1985 - 1 p.m.** - Open Meeting
Virginia Department of Corrections, 4615 West Broad Street, 1st Floor Conference Room, Richmond, Virginia.
(Location accessible to handicapped.)

Review of JJDP Grant #84 - A6226J progress, including skills bank, library data search, immigrants, locality visits, upcoming training events. This is a grant to improve coordination of prevention services to youths at state and local levels.

Contact: Robert Culbertson, Ph.D., Department of Mental Health and Mental Retardation, Office of Prevention, Information and Training, 203 Governor St., Richmond, Va. 23219, telephone (804) 786-6133

DEPARTMENT OF MINES, MINERALS AND ENERGY

Division of Mines

September 12, 1985 - 9:30 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, Division of Mines intends to amend regulations entitled: **Rules and Regulations Governing the Use of Automated Temporary Roof Support Systems**. The regulation provides for automated temporary roof support systems for the safety of the roof bolters.

STATEMENT

Basis: The regulation has been in effect since April 1, 1983. The regulation was adopted as mandated by the General Assembly in § 45.1-41 (c1) of the Code of Virginia. The regulation was adopted pursuant to the provisions of § 45.1-104 (b1) of the Code of Virginia.

Purpose: The purpose of the regulation is to provide for the protection of "Roof Bolters" who go into the mine, beyond the area where roof support systems are in place, for the purpose of bolting unsupported mine roof.

Issues: The regulation is being reviewed as part of the Governor's Regulatory Review Process. The regulation is being reviewed for need, clarity, simplicity, effectiveness and conflict with other regulations.

Substance: The regulation was reviewed by the Division of Mines and selected persons in the mining industry were asked for comments through our public participation procedure. A public hearing was also held as part of the public participation procedure. There were no problems identified in the review and there were no changes other than those required by the Virginia Register Form, Style and Procedure Manual.

Statutory Authority: §§ 45.1-41 (c1) and 45.1-104 (b1) of the Code of Virginia.

Written comments may be submitted until September 12, 1985.

Contact: Harry D. Childress, Chief, Division of Mines, 219 Wood Ave., Big Stone Gap, Va. 24219, telephone (703) 523-0335/3401

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September 12, 1985 - 9:30 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, Division of Mines intends to amend regulations entitled: **Rules and Regulations Governing Disruption of Communication in Mines**. The regulation establishes responsibility for periodic checks to determine if the communication system is operational and address steps to be taken during a disruption.

Calendar of Events

STATEMENT

Basis: The regulation has been in effect since May 1, 1980. The General Assembly recommended that the chief adopt a regulation regarding § 45.1-81(a) concerning communication facilities for underground coal mines. The regulation was adopted pursuant to § 45.1-104 (b1) of the Code of Virginia.

Purpose: The purpose of the regulation is to establish responsibility for periodic checks to determine that the required two-way communications system in underground coal mines is operational and set procedures to address situations when a disruption occurs in the system.

Issue: The regulation is being reviewed as part of the Governor's Regulatory Review Process. The regulation is being reviewed for need, clarity, simplicity, effectiveness and conflict with other regulations.

Substance: The regulation was reviewed by the Division of Mines and selected persons in the mining industry were asked for comments through our public participation procedure. A public hearing was also held as part of the public participation procedure. Based on review and analysis, it was determined that the regulation is effective as written. Suggestions for changes were not strong enough to justify modification of any of the regulation.

Statutory Authority: § 45.1-104 (b1) of the Code of Virginia.

Written comments may be submitted until September 12, 1985.

Contact: Harry D. Childress, Chief, Division of Mines, 219 Wood Ave., Big Stone Gap, Va. 24219, telephone (703) 523-0335/3401

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September 12, 1985 - 9:30 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, Division of Mines intends to amend regulations entitled: **Rules and Regulations Governing Advanced First-Aid**. The regulation sets specifications for training individuals to perform first-aid when an emergency medical technician is not available.

STATEMENT

Basis: The regulation has been in effect since March 15, 1980. The regulation was adopted as required by § 45.1-101.2 of the Code of Virginia.

Purpose: The regulation establishes specifications for mine first-aid and refresher training programs designed to train individuals to administer advanced first-aid when an

Emergency Medical Technician is not available.

Issue: The regulation is being reviewed as part of the Governor's Regulatory Review Process. The regulation is being reviewed for need, clarity, simplicity, effectiveness and conflict with other regulations.

Substance: The regulation was reviewed by the Division of Mines and selected persons in the mining industry were asked for comments through our public participation procedure. A public hearing was also held as part of the public participation procedure. There were no problems identified with the regulation in regard to need, clarity, simplicity, or conflict with other regulations. Comments did indicate that the 50% personnel requirement was excessive and thus rendered the regulation ineffective. The regulation was changed to make compliance less burdensome.

Statutory Authority: § 45.1-101.2 of the Code of Virginia.

Written comments may be submitted until September 12, 1985.

Contact: Harry D. Childress, Chief, Division of Mines, 219 Wood Ave., Big Stone Gap, Va. 24219, telephone (703) 523-0335/3401

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September 12, 1985 - 9:30 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, Division of Mines intends to amend regulations entitled: **Rules and Regulations Governing Vertical Mine Ventilation Holes**. The regulation provides for safety in the drilling and use of vertical ventilation holes used to remove methane gas from lower measure coal seams.

STATEMENT

Basis: The regulation has been in effect since October 15, 1975. The regulation was adopted in accordance with § 45.1-104 (b1).

Purpose: The purpose of the regulation is to provide safety in the drilling and use of vertical ventilation holes designed to remove methane gas from lower measure coal seams that would otherwise be in the mine ventilation system. The regulation provides a better margin of safety for the worker engaged in mining these seams and in addition they provide a safeguard to protect workers in seams of coal being mined above to avoid any accidental penetration of the ventilation holes.

Issues: The regulation is being reviewed as part of the Governor's Regulatory Review Process. The regulation is being reviewed for need, clarity, simplicity, effectiveness

Calendar of Events

and conflict with other regulations.

Substance: The regulation was reviewed by the Division of Mines and selected persons from the mining industry were asked for comments through our public participation procedure. A public hearing was also held as part of the public participation procedure. Through all the review and the comment period there were no real problems identified with the regulation. The only change was that reference to "Pocohontas No. 3 Seam" be changed to include all coal seams from which methane is to be drained.

Statutory Authority: § 45.1-104 (b1) of the Code of Virginia.

Written comments may submitted until September 12, 1985.

Contact: Harry D. Childress, Chief, Division of Mines, 219 Wood Ave., Big Stone Gap, Va. 24219, telephone (703) 523-0335/3401

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September 12, 1985 - 9:30 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, Division of Mines intends to amend regulations entitled: **Rules and Regulations Governing Blasting in Surface Mining Operations**. The regulation regulates the storage, handling and use of explosives to provide for the health and safety of employees and the public to the extent they are affected by blasting.

STATEMENT

Basis: The regulation has been in effect since September 15, 1975. The regulation was adopted pursuant to § 45.1-104 (b1) of the Code of Virginia.

Purpose: The purpose of the regulation is to regulate the storage, handling and use of explosives at surface mining operations to provide for the safety and health of employees and to the public to the extent they would be affected by blasting.

Issue: The regulation is being reviewed as part of the Governor's Regulatory Review Process. The regulation is being reviewed for need, clarity, simplicity, effectiveness and conflict with other regulations

Substance: The regulation is being reviewed by the Division of Mines and selected persons in the mining industry were asked for comments through our public participation procedure. A public hearing was also held as part of the public participation procedure. The result of the review procedure indicated that the regulation is needed. Due to advancement in technology in the blasting area, some of the existing standards relating to airblast

and vibration need to be modified. Other entities, both state and federal have already modified their regulation based on the U. S. Bureau of Mines' latest recommendations. To come abreast of technology and to be consistent with other regulations, changes in the airblast and vibration standards were made.

Statutory Authority: § 45.1-104 (b1) of the Code of Virginia.

Written comments may be submitted until September 12, 1985.

Contact: Harry D. Childress, Chief, Division of Mines, 219 Wood Ave., Big Stone Gap, Va. 24219, telephone (703) 523-0335/3401

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September 12, 1985 - 9:30 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, Division of Mines intends to amend regulations entitled: **Rules and Regulations Governing Installation and Use of Cabs and Canopies**. The regulation addresses the safety criteria where cabs and canopies are used for protection of workers from roof falls and overhead obstructions.

STATEMENT

Basis: The regulation has been in effect since February 15, 1977. The regulation was adopted pursuant to the provisions of § 45.1-104 (b1) of the Code of Virginia.

Purpose: The purpose of the regulation is to provide for the safety of equipment operators in coal mines from roof falls and from overhead obstructions.

Issue: The regulation is being reviewed as part of the Governor's Regulatory Review Process. The regulation is being reviewed for need, clarity, simplicity, effectiveness and conflict with other regulations.

Substance: The regulation was reviewed by the Division of Mines and selected persons in the mining industry were asked for comments through our public participation procedure. A public hearing was also held as part of the public participation procedure. An inconsistency with federal regulations was noted in the requirement in § II for testing for side load capacity. This requirement was deleted. The six inch clearance requirement in § IV was considered to be impractical. This requirement was also deleted. The 12 inches of clearance that the inspector may require in § IV was found to be redundant and was deleted. Section VI was deleted due to concerns over the design of cabs and canopies in regard to physical size of persons.

Statutory Authority: § 45.1-104 (b1) of the Code of Virginia.

Calendar of Events

Written comments may be submitted until September 12, 1985.

Contact: Harry D. Childress, Chief, Division of Mines, 219 Wood Ave., Big Stone Gap, Va. 24219, telephone (703) 523-0335/3401

DEPARTMENT OF MOTOR VEHICLES

† **September 18, 1985 - 10:30 a.m.** – Open Meeting
2300 West Broad Street, Richmond, Virginia

A project committee meeting to review provisions of the Motor Vehicle Dealer Licensing Act for consideration of changes, additions, or deletions.

Contact: Joe Chandler, Committee Chairman, Department of Motor Vehicles, Richmond, Va., telephone (804) 257-0463

VIRGINIA MUSEUM OF FINE ARTS

Accessions Committee

† **September 18, 1985 - 2 p.m.** – Open Meeting
Virginia Museum of Fine Arts, Boulevard and Grove Avenue, Conference Room - Street level, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to consider gift offers and purchases of works of art; and loan requests for works of art.

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, Boulevard and Grove Ave., Richmond, Va. 23221, telephone (804) 257-0553 or 327-0553 (SCATS)

STATE BOARD FOR EXAMINERS FOR NURSING HOME ADMINISTRATORS

† **September 12, 1985 - 8:30 a.m.** – Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, Conference Room 2, Richmond, Virginia. (Location accessible to handicapped.)

Oral and written examinations will be conducted. The board will consider (i) complaints, (ii) transfer of board, (iii) administrator-in-training guidelines, (iv) continuing education survey, and (v) definition of term "professional."

Contact: Gerald W. Morgan, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8508

STATE BOARD OF OPTICIANS

September 13, 1985 - 9:30 a.m. – Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to (i) review applications for reinstatement of licenses, (ii) review investigative reports of complaints and determine disposition, and to (iii) consider general correspondence pertinent to the operation of the board.

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

VIRGINIA OUTDOORS FOUNDATION

† **September 19, 1985 - 10:30 a.m.** – Open Meeting
State Capitol, Capitol Square, House Room 2, Richmond, Virginia. (Location accessible to handicapped.)

A general business meeting and administration of gifts to the Foundation.

Contact: Tyson B. Van Auken, 221 Governor St., Richmond, Va. 23219, telephone (804) 786-5539

OUTDOOR RECREATION ADVISORY BOARD

September 11, 1985 - 9:30 a.m. – Open Meeting
Hotel Roanoke, Roanoke, Virginia

A quarterly business meeting to review statewide recreation and state parks matters. One major issue to be addressed will be proposed state park fees and charges for 1986.

Contact: Art Buehler, Virginia Division of Parks and Recreation, 1201 Washington Bldg., Richmond, Va. 23219, telephone (804) 786-2556

VIRGINIA BOARD OF PROFESSIONAL COUNSELORS

† **November 4, 1985 - 10 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 Professional Counselors intends to adopt regulations entitled: **Public Participation Guidelines**. This regulation 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

Calendar of Events

Board of Professional Counselors 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 Professional Counselors 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 costs approximately \$1,000. If additional meetings would be required to fulfill the requirements of a biennial review of regulations' effectiveness and continued need, this cost would also be borne indirectly by the licensees.

The cost of a public hearing and transcript, which should not exceed \$500.

There is no enforcement cost.

Basis: § 54-929 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: § 54-929 of the Code of Virginia.

Written comments may be submitted until November 4, 1985.

Contact: John W. Braymer, Ph.D., Executive Director, P. O. Box 27708, Richmond, Va. 23261, telephone (804)

VIRGINIA BOARD OF PSYCHOLOGY

† **November 4, 1985 - 10 a.m.** – Public Hearing
Department of Health Regulatory Boards, 517 West Grace Street, Board Room, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Board of Psychology intends to adopt regulations entitled: **Public Participation Guidelines**. This regulation 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 Psychology 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 Psychology 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 costs approximately \$1,000. If additional meetings would be required to fulfill the requirements of a biennial review of regulations' effectiveness and continued need, this cost would also be borne indirectly by the licensees.

The cost of a public hearing and transcript, which should not exceed \$500.

There is no enforcement cost.

Basis: § 54-929 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: § 54-929 of the Code of Virginia.

Written comments may be submitted until November 4, 1985.

Contact: John W. Braymer, Ph.D., Executive Director, 517 W. Grace St., P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-7702

VIRGINIA REAL ESTATE BOARD

† **September 5, 1985 - 10 a.m.** – Open Meeting
Prince William Circuit Court Building, 9311 Lee Avenue, Courtroom, Manassas, Virginia

A meeting to conduct a formal fact-finding hearing regarding Virginia Real Estate Board v. Earl H. Frasier, Jr.; Woodbridge, Virginia.

† **September 11, 1985 - 10 a.m.** – Open Meeting
700 Main Street, Room 311, 3rd Floor Conference Room, Danville, Virginia

Calendar of Events

The board will meet to conduct a formal fact-finding hearing regarding Virginia Real Estate Board v. Clyde M. Eastwood; Danville, Virginia.

† **September 18, 1985 - 10 a.m.** - Open Meeting
City Hall, Albemarle Drive and Holt Street, Civic Center Complex, Council Chambers, Chesapeake, Virginia

A meeting to conduct a formal fact-finding hearing regarding Virginia Real Estate Board v. R. Wayne Whitsett; Cheseapeake, Virginia.

Contact: Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8524

VIRGINIA RESOURCES AUTHORITY

September 24, 1985 - 10 a.m. - Open Meeting
The Mutual Building, 909 East Main Street, Authority Board Room, Suite 305, Richmond, Virginia

The board will meet to (i) approve minutes of the July 24, board meeting, (ii) review the authority's operations for the prior month, and (iii) consider other matters and take other actions as they may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: Shockley D. Gardner, Jr., Executive Director, P. O. Box 1300, Richmond, Va. 23210, telephone (804) 644-3100

STATE SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

September 11, 1985 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. (Location accessible to handicapped.)

The board will meet to hear and render a decision on all appeals of denials of On-Site Sewage Disposal System Permits.

Contact: P. M. Brooks, 502 Madison Bldg., Richmond, Va. 23219, telephone (804) 786-1931

SHENANDOAH RIVER ADVISORY BOARD

† **September 3, 1985 - 11 a.m.** - Open Meeting
Clarke County Courthouse, Berryville, Virginia

A quarterly business meeting to review issues related to the Shenandoah Scenic River.

Contact: Richard G. Gibbons, Virginia Division of Parks and Recreation, 1201 Washington Bldg., Richmond, Va. 23219, telephone (804) 225-3004

STATE BOARD OF SOCIAL SERVICES

† **September 18, 1985** - - Open Meeting
† **September 19, 1985** - - Open Meeting
Radisson Hotel, 235 West Main Street, Charlottesville, Virginia. (Location accessible to handicapped.)

A work session and formal business meeting.

Contact: Phyllis J. Sisk, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9236

DEPARTMENT OF SOCIAL SERVICES

Departments of Social Services, Education and Corrections

October 29, 1985 - 10 a.m. - Public Hearing
State Capitol, Capitol Square, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Departments of Social Services, Education and Corrections intends to adopt regulations entitled: **Rules of the Interdepartmental Committee on Rate-Setting: The Joint Regulations on Rate-Setting for Children's Facilities of the Board of Education, the Board of Social Services and the Board of Corrections.** These rules of the interdepartmental committee describe the method for implementing a consistent rate-setting and appeals process through the three state departments.

STATEMENT

Basis: These regulations are issued under authority granted by § 2.1-703 of the Code of Virginia which requires the development and adoption of these rules.

Subject: These regulations establish a uniform process to approve rates for all day or special education schools for the handicapped, residential providers of child care or regional public special education programs for the handicapped that accept publicly funded children. The rates established through this process will be paid by all school boards, court service units, and social service departments.

Substance: The current process is similar to the process proposed in these regulations. The process sets unit costs for each service provider depending on the proposed cost of each service provider. The process lists allowable costs and unallowable costs and prescribes minimum utilization rates to be used in determining unit costs.

Calendar of Events

Issues: These regulations formalize a uniform rate-setting process among the three departments. The process establishes uniform rates to be paid for any publicly funded child. In the absence of these regulations each department could have a different rate-setting process and determine different rates for the same service provider. This would cause duplication of effort for the service providers and the possibility that different rates would be set for the same service provider.

Purpose: The purpose of these regulations is to approve uniform rates for any service provider in the state that accepts publicly funded children.

Statutory Authority: § 2.1-703 of the Code of Virginia.

Written comments may be submitted until October 19, 1985, to Patricia Tuck, Department of Education, 101 North 14th Street, James Monroe Building, 23rd Floor, Richmond, Virginia 23219.

Contact: James D. Donohue, State Welfare Supervisor, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23288, telephone (804) 281-9037 (toll-free number 1-800-552-7091)

Division of Benefit Programs

September 4, 1985 - 2 p.m. – Public Hearing
September 4, 1985 - 7 p.m. – Public Hearing
City Hall Building, 810 Union Street, Council Chambers, 11th Floor, Norfolk, Virginia
September 11, 1985 - 2 p.m. – Public Hearing
September 11, 1985 - 7 p.m. – Public Hearing
State Capitol, Capitol Square, Senate Room B, Richmond, Virginia. (Location accessible to handicapped.)

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 Benefit Programs intends to amend regulations entitled: **Standards of Assistance and Grouping of Localities in the Aid to Dependent Children (ADC) Program**. The proposed regulation is intended to establish (i) new Standards of Assistance (i.e. Standards of Need) to reflect current cost of living in Virginia, and (ii) a new group of localities into four payment groups, to reflect current differences in shelter cost from locality to locality across Virginia.

STATEMENT

Subject: Proposed amendments to the following regulations:

The Standard of Assistance (i.e. Standards of Need) in the Aid to Dependent Children (ADC) Program; and

The Grouping of Localities in the Aid to Dependent Children (ADC) Program.

Substance: The proposed regulations, as set forth in the

accompanying Standards of Need and Locality Grouping tables, have been established to represent reasonable approximations of the current cost of living in Virginia in housing defined as "safe, decent and sanitary" by the Department of Housing and Urban Development. The standards are stratified into four different cost groups to reflect variations in the amount Aid to Dependent Children (ADC) recipients must pay for shelter in the locality in which they reside.

The first step of the Aid to Dependent Children Program eligibility determination process relates directly to these Aid to Dependent Children (ADC) Standards of Need. This step consists of screening total gross family income against 185% of the state's standard of need. (It should be noted that subsequent steps in the eligibility determination screening process are performed—and the actual payment to an eligible recipient is made—with respect to the payment levels established as a ratable reduction of the Standards of Need. No change to the payment levels is being proposed here, as state appropriations from the General Assembly drive the level of Aid to Dependent Children (ADC) payments that can be met (i.e. the ratable reduction from the Standards of Need) for the program.) Other effects of this change in the Standards of Need include a change is income deemed available from a step-parent to meet maintenance needs of the family; the duration that a lump sum received by an assistance unit can be considered available to meet the needs of the family—and thereby render the family ineligible, the test of whether there is financial deprivation (an eligibility requirement of the program); and the cash-equivalent value of food and/or clothing totally contributed to the program applicant/recipient.

Issues: Federal regulations require that a state administering the Aid to Dependent Children program "specify a statewide standard, expressed in money amounts, to be used in determining (i) the need of applicants and recipients and (ii) the amount of assistance payment." A state may have multiple payment levels where justifiable by the range in costs of living across the state, provided the provisions of uniformity and equity continue to be served.

The State Board of Social Services is charged by state law with adopting "...rules and regulations governing the amount of assistance persons shall receive.... In making such rules and regulations, the board shall give due consideration to significant differences in living costs in various counties and cities and shall establish or approve such variations in monetary assistance standards for shelter allowance on a regional or local basis, as may be appropriate in order to achieve the highest practical degree of equity in public assistance grants.... The amount of assistance which any person shall be sufficient, when added to all other income and support of the recipient (exclusive of that not to be taken into account), to provide such person with a reasonable subsistence."

Basis: The proposed Standards of Need and Locality

Calendar of Events

Grouping have been developed pursuant to §§ 63.1-25 and 63.1-110 of the Code of Virginia, and 45 CFR 233.20 of the Code of Federal Regulations.

Purpose: The purpose of proposing new Aid to Dependent Children Standards of Need is to provide Virginia with Standards of Need that more closely approximate the current cost of living in the Commonwealth. The standards in use now were established in 1973 (implemented in July 1974). Inflation since 1973 would appear to have severely eroded the current Standards of Need as a reflection of today's cost of living in Virginia since Standards of Need and payment levels have increased by a total of 30.9% (includes the 8% increase effective July 1, 1985). During this same period, the Consumer Price Index--All Urban Consumers (CPI) has increased by more than 110.6%.

The purpose of proposing a regrouping of localities is to recognize that the cost of living in one locality relative to the cost of living in other localities across Virginia may have changed. Therefore, by regrouping local agencies, the Commonwealth can again assure the most equitable distribution of public assistance grants.

We believe both the proposal to establish new Standards of Assistance and the proposal to regroup localities into new payment groups are consistent with the aforesaid provisions and intent of federal regulations and state law.

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

Written comments may be submitted until September 5, 1985, to I. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23288.

Contact: Howard W. Reisinger, Jr., Chief, Research and Special Projects, Division of Benefit Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23288, telephone (804) 281-9050 (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 intends to amend regulations entitled: **Protective Payments in the Aid to Dependent Children (ADC) and Refugee Other Assistance Programs. (VR 615.01.6)** These regulations will allow local departments of social services to continue making assistance payments payable to a sanctioned caretaker relative for remaining eligible members of the assistance unit if, after all reasonable efforts, the local agency cannot locate an appropriate protective payee.

STATEMENT

Subject: Proposed amendment to the following regulation:

Protective Payments in the Aid to Dependent Children

(ADC) and Refugee Other Assistance Programs (VR 615.01.6).

This amendment is being proposed for a 60-day comment period.

Substance: Under current regulations, there is no provision for continuing Aid to Dependent Children and Refugee Other Assistance payments to a caretaker relative who is sanctioned for failure to participate in the Employment Services Program, as well as for failure to assign rights to child/spousal support or cooperate in establishing paternity and securing such support. The caretaker relative who fails to fulfill these requirements not only has his needs removed from the grant, but is also replaced as the payee by a protective payee appointed by the local agency.

It is the intent of the State Board of Social Services to allow local agencies to continue Aid to Dependent Children and Refugee Other Assistance payments to the sanctioned caretaker relative for the remaining members of the assistance unit if, after making all reasonable efforts, the local agency is unable to locate an appropriate individual to whom protective payments can be made.

Issues: As set forth in the federal Deficit Reduction Act of 1984 (Public Law 98-369), states may opt to continue Aid to Dependent Children and Refugee Other Assistance payments to sanctioned caretaker relatives when they fail to meet the above-mentioned program requirements. Having carefully reviewed the impact of the above, the State Board has endorsed an amendment, as proposed herein, which will allow the continuation of assistance payments payable to the sanctioned caretaker relative for the remaining members of the assistance unit.

Pursuant to P.L. 98-369, states which opt to implement exceptions to requirements for protective payments will continue issuing payments to sanctioned caretaker relative only after making all reasonable efforts to locate an appropriate protective payee.

Due to the fact that local agencies are best suited to evaluate what constitutes "reasonable efforts," the board has determined that final authority for such decisions will rest with the superintendent/director of each locality. Such responsibility may be delegated by the superintendent/director to the most suitable party.

Basis: The proposed amendment is an option made available to state in § 2634 of the federal Deficit Reduction Act of 1984 (P.L. 98-369). Section 63.1-25 of the Code of Virginia, delegates authority to the State Board of Social Services to promulgate rules and regulations necessary for operation of public assistance programs in Virginia.

Purpose: The purpose of the proposed regulation is to allow for the continuation of assistance on behalf of eligible assistance unit members to the caretaker relative in situations where the caretaker relative has been

Calendar of Events

sanctioned and a protective payee cannot be reasonable located.

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

Written comment may be submitted until September 6, 1985, to I. 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, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046 (toll-free number 1-800-552-7091)

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Division of Service Programs

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Department of Social Services, Division of Service Programs intends to amend regulations entitled: **Elimination of Eligibility Criteria for Direct Social Services**. The proposed regulation would allow local Social Service agencies the option of eliminating financial eligibility criteria for all social services provided directly by local agency staff except for the Employment Services Program.

STATEMENT

Basis: This regulation is issued under authority granted by § 63.1-25 of the Code of Virginia.

Subject: This regulation would allow local social service agencies the option of eliminating financial eligibility criteria for all social services provided directly by local agency staff except for the Employment Services Program.

Substance: Current regulations for social services provided directly by local social service staff require financial eligibility determination for all persons needing Employment Services and certain individuals and families needing Family and Adult Services.

This regulation is offered as an option to local social service agencies. It would allow local social service agencies to either continue under current regulations or to eliminate financial eligibility determination for all social services when provided directly by agency staff except for services provided under the Employment Services Program.

Issues: This regulation should allow localities more flexibility in offering direct services to their communities. It will free up time now spent on eligibility determination for direct service delivery. In the absence of the regulation local agencies may have to deny services to some persons who truly need the service. This is particularly unfortunate in communities where the local

social service agency is the only service agency. Although an increase in service applications was thought to be an issue, a preliminary study of the impact of the regulation did not indicate that this was the case.

Purpose: The purpose of this regulation is to save staff time and to enable local agencies to better provide preventative and early interventive services prior to the need for protective services or substitute care.

Summary: Current regulations for social services provided directly by local social services staff require financial eligibility determination for all persons needing Employment Services and certain individuals and families needing Family and Adult Services. The proposed regulation would allow local service agencies the option of eliminating the financial eligibility determination for all social services when provided directly by agency staff except for services provided under the Employment Services Program.

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

Written comments may be submitted until September 6, 1985.

Contact: Elaine F. Jefferson, Generic Services Specialist, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8669, telephone (804) 281-9139 (toll-free number 1-800-552-7091)

VIRGINIA BOARD OF SOCIAL WORK

† **November 4, 1985 - 10 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 Social Work intends to adopt regulations entitled: **Public Participation Guidelines**. This regulation 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 Social Work 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 Social Work 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 costs approximately \$1,000. If additional meetings would be required to fulfill the requirements of a biennial review of regulations' effectiveness and continued need, this cost would also be borne indirectly by the licensees.

The cost of a public hearing and transcript, which should not exceed \$500.

There is no enforcement cost.

Basis: § 54-929 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: § 54-929 of the Code of Virginia.

Written comments may be submitted until November 4, 1985.

Contact: John W. Braymer, Ph.D., Executive Director, P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-7702

VIRGINIA SOIL AND WATER CONSERVATION BOARD

September 19, 1985 - 9 a.m. - Open Meeting
Division of Soil and Water Conservation Board, 203 Governor Street, Room 200, Richmond, Virginia. (Location accessible to handicapped.)

A regular bimonthly business meeting of the board.

Contact: Donald L. Wells, 203 Governor St., Suite 206, Richmond, Va. 23219, telephone (804) 786-2064

STATE BOARD OF EXAMINERS FOR AUDIOLOGY AND SPEECH PATHOLOGY

† **September 25, 1985 - 10 a.m. - Open Meeting**
Department of Commerce, Travelers Building, 3600 West Broad Street, Conference Room 1, Richmond, Virginia. (Location accessible to handicapped.)

The board will meet to elect officers, and will consider (i) Board of Commerce Resolution; (ii) Ron Layne's motion; (iii) move to Health Regulatory Boards; (iv) board meetings for 1986; (v) signing of certificates; and (vi) complaints.

Contact: Gerald W. Morgan, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8554

VIRGINIA SUBSTANCE ABUSE CERTIFICATION BOARD

† **November 4, 1985 - 10 a.m. - Public Hearing**
Department of Health Regulatory Boards, 517 West Grace, Board Room, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Substance Abuse Certification Board intends to adopt regulations entitled: **Public Participation Guidelines**. This regulation 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 Substance Abuse Certification Committee 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 Psychology is part of an agency that generated operating funds from licensees, any additional costs would be borne by them. At present a one-day board meeting costs approximately \$1,000. If additional meetings would be required of regulations' effectiveness and continued need, this cost would also be borne indirectly by the licensees.

The cost of a public hearing and transcript, which should not exceed \$500.

There is no enforcement cost.

Basis: § 54-929 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: § 54-929 of the Code of Virginia.

Written comments may be submitted until November 4, 1985.

Contact: John W. Braymer, Ph.D., Executive Director, P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-7702

Calendar of Events

DEPARTMENT OF TAXATION

† **November 5, 1985 - 10 a.m.** – Open Meeting
General Assembly Building, Capitol Square, Senate Room C, Richmond, Virginia. (Location accessible to handicapped.)

A public informational proceeding to solicit comments on proposed regulation VR 630-3-446.1 Corporation Income Tax: Foreign Sales Corporations.

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

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† **November 12, 1985 - 10 a.m.** – Public Hearing
General Assembly Building, Capitol Square, House Room, Richmond, Virginia. (Location accessible to handicapped.)

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: **VR 630-3-446.1. Corporation Income Tax: Foreign Sales Corporations.** This regulation sets forth the treatment of corporations which own and/or transact business with an FSC, Small FSC or interest charge DISC.

STATEMENT

Basis: This regulation is issued under authority granted by § 58.1-203 of the Code of Virginia.

Purpose: This regulation sets forth the policies and procedures relating to the Virginia tax treatment of corporations which own and/or transact business with affiliated corporations qualifying under the Internal Revenue Code as Foreign Sales Corporations, Small Foreign Sales Corporations and Domestic International Sales Corporation for taxable years beginning on and after January 1, 1985.

Issues: The Federal Tax Reform Act of 1984 created three new types of corporations which could be used to defer or exempt from federal income tax a portion of foreign trade income of a taxpayer. For state tax purposes, use of one of these three new types of corporations also changes the character of income to the form of dividends. In many, if not most, cases these corporations will be "paper" corporations exempt from the arms length standards of the Internal Revenue Code § 482. The issue raised by this new federal device is whether or not Virginia will recognize the artificial shifting and recharacterization of income under federal law.

Substance: This regulation specifies that no adjustments or consolidation will be required under Virginia Code § 58.1-446 for Foreign Sales Corporations and Small Foreign Sales Corporations.

An adjustment will be required in the case of taxpayers

owning or transacting business with affiliated interest charge Domestic International Sales Corporations. The adjustment will normally be based upon consolidation of the DISC with the parent/taxpayer. This parallels the established policy with respect to DISC's under prior law.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until November 5, 1985.

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

REFORESTATION OF TIMBERLANDS COMMITTEE

† **September 4, 1985 - 10 a.m.** – Open Meeting
Division of Forestry, 509 East Nine Mile Road, Sandston, Virginia

The annual meeting of the committee to review yearly accomplishments and the proposed 1985-86 season budget.

Contact: Jim Starr, Division of Forestry, P. O. Box 3758, Charlottesville, Va. 22903-0758, telephone (804) 977-6555

TOURISM AND TRAVEL SERVICES ADVISORY BOARD

† **September 10, 1985 - 9 a.m.** – Open Meeting
Hotel Roanoke, Roanoke, Virginia

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

Contact: Patrick A. McMahon, Director of Tourism, Virginia Division of Tourism, 202 N. 9th St., Suite 500, telephone (804) 786-051

BOARD OF THE VIRGINIA DEPARTMENT FOR THE VISUALLY HANDICAPPED

† **October 9, 1985 - 11 a.m.** – Open Meeting
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A quarterly meeting to review policy and procedures of the Virginia Department for the Visually Handicapped. The board will review and approve the department's budget, executive agreement, and operating plan.

Contact: Wanda D. Tompson, Confidential Secretary, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 264-3145

VIRGINIA DEPARTMENT FOR THE VISUALLY HANDICAPPED

Advisory Committee on Services

September 14, 1985 - 10:30 a.m. - Open Meeting
Administrative Headquarters, 397 Azalea Avenue,
Richmond, Virginia. (Location accessible to handicapped;
interpreter for deaf provided if requested.)

The committee meets quarterly to advise the Virginia Department for the Visually Handicapped on matters related to services for blind and visually handicapped citizens of the Commonwealth.

Contact: George A. Koger, Executive Assistant, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 264-3148

VIRGINIA COUNCIL ON VOCATIONAL EDUCATION

† **September 11, 1985 - 1 p.m. to 4 p.m.** - Business Session

Holiday Inn South, Charlottesville, Virginia

† **September 11, 1985 - 7 p.m. to 9 p.m.** - Open Meeting
Piedmont Virginia Community College, Charlottesville, Virginia

A general business meeting (open); and a public meeting on vocational-technical education (open).

Contact: George S. Orr, Jr., Executive Director, Virginia Council on Vocational Education, P. O. Box U, Blacksburg, Va. 24060, telephone (703) 961-6945

STATE WATER CONTROL BOARD

September 19, 1985 - 9 a.m. - Open Meeting

September 20, 1985 - 9 a.m. - Open Meeting
Ramada Inn, Duffield, Virginia

Regular board meetings.

Contact: Doneva A. Dalton, State Water Control Board, Office of Policy Analysis, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6829

September 5, 1985 - 2 p.m. - Public Hearing
Virginia War Memorial, 621 South Belvidere Street, Auditorium, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **Water Quality Standards, Section 2.02. Fecal Coliform Bacteria - Other Waters.** This amendment allows for a case-by-case determination of sewerage disinfection requirements.

STATEMENT

Subject: Proposed Amendment to Virginia's Water Quality Standards.

Basis: Section 62.1-44.15(3) of the Code of Virginia authorizes the board to establish Water Quality Standards and Policies for any state waters consistent with the purpose and general policy of the State Water Control Law, and to modify, amend, or cancel any such standards or policies established. Such standards shall be adopted only after a hearing is held and the board takes into consideration the economic and social costs and benefits which can reasonably be expected to be obtained as a result of the standards as adopted, modified, amended, or cancelled.

Section 303 of the Federal Clean Water Act requires states to adopt water quality standards and to have them approved by the Environmental Protection Agency (EPA). Additionally, both state and federal law require triennial reviews of water quality standards, with adoption of new standards, amendments to existing standards, as appropriate. If EPA determines that Virginia's water quality standards are not appropriate, it will promulgate its own federal water quality standard for Virginia.

This standards amendment is proposed as a result of EPA review of Virginia's triennial review process.

Substance and Purpose of Proposed Amendment: The purpose of the proposed amendment is to revise § 2.02 Fecal Coliform Bacteria - Other Wastes of the Water Quality Standards to include a description of the protocol which must be followed in making a case-by-case determination of sewerage disinfection requirements, based on the actual and potential uses of the receiving waters, according to the board's Disinfection Policy. The current version of the standard allows for the case-by-case determination, but does not contain a standard protocol for conducting a site-specific beneficial use-attainability analysis on which decisions about sewerage disinfection would be based.

Issues: The proposed amendment to the Fecal Coliform Standard For Other Waters is needed to assure that all beneficial uses of a water body are considered before a decision is made on disinfection requirements in a discharge permit. The Environmental Protection Agency (EPA) expressed concern that the current wording of the standard might in some cases result in degradation of beneficial stream uses and be in violation of the Federal Water Quality Standards Regulation. In a March 1985, letter, EPA conditioned approval of this standard upon the Commonwealth's commitment to revise the standard by January 1, 1986. If this revision is not accomplished by that date, federal award of construction grants will be halted until such time as the appropriate revisions of § 2.02 are made.

Statutory Authority: § 62.1-44.15(3) of the Code of Virginia.

Calendar of Events

Written comments may be submitted until September 16, 1985, to Ms. Donnie Dalton, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

Contact: Jean W. Gregory, Water Resources Ecologist, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6985

LEGISLATIVE

AMUSEMENT RIDE SAFETY JOINT SUBCOMMITTEE

September 10, 1985 - 10 a.m. — Public Hearing
William and Mary Campus Center, 2nd Floor, Rooms A and B, Williamsburg, Virginia

October 9, 1985 - 10 a.m. — Public Hearing
Municipal Building, 215 Church Street, City Council Chambers, Room 450, Roanoke, Virginia

The joint subcommittee will hold a public hearing on amusement park safety inspections and how such an inspection program might best be implemented in the Commonwealth (HJR 331).

November 12, 1985 - 10 a.m. — Public Hearing
George Mason University, 4400 University Drive, Student Union 2, Rooms 3 and 4, Fairfax, Virginia

The joint subcommittee will hold a public hearing on amusement park safety inspections and how such an inspection program might best be implemented in the Commonwealth. A work session on proposed legislation will follow the public hearing.

Contact: Barbara H. Hanback, House of Delegates, General Assembly Bldg., Richmond, Va. 23219, telephone (804) 786-7681 or Jessica Bolecek, Staff Attorney, Division of Legislative Services, General Assembly Bldg., Richmond, Va. 23219, telephone (804) 786-3591

HOUSE APPROPRIATIONS COMMITTEE

† **September 16, 1985 - 9:30 a.m.** — Open Meeting
General Assembly Building, Capitol Square, 9th Floor Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

A regular monthly meeting.

Contact: Donna C. Johnson, House Appropriations Committee, General Assembly Bldg., 9th Floor, Capitol Square, Richmond, Va. 23219, telephone (804) 786-1837

COMMISSION ON DEINSTITUTIONALIZATION

† **September 18, 1985 - 9:30 a.m.** — Open Meeting
General Assembly Building, Capitol Square, House Appropriations Committee Room, 9th Floor, Richmond, Virginia. (Location accessible to handicapped.)

The commission will continue discussion of proposals presented to it and development of its own recommendations. (SJR 42)

Contact: Susan C. Ward, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

CHANGES IN VIRGINIA'S ELECTION LAWS JOINT SUBCOMMITTEE

September 10, 1985 - 10 a.m. — Public Hearing
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. (Location accessible to handicapped.)

A public hearing for suggestions on changes in Virginia's Election Laws. Deadline for written comments to be submitted to Dr. Jack Austin by August 1, 1985. (SJR 92)

Contact: Dr. Jack Austin, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591 or Thomas G. Gilman, Senate Clerk's Office, P. O. Box 396, Richmond, Va. 23203, telephone (804) 786-5742

HUMAN RIGHTS STUDY COMMISSION

† **September 17, 1985 - 10 a.m.** — Public Hearing
General Assembly Building, Capitol Square, Senate Room B, Richmond, Virginia. (Location accessible to handicapped.)

† **September 17, 1985 - 7:30 p.m.** — Public Hearing
(Location to be announced), Norfolk, Virginia

† **September 18, 1985 - 7:30 p.m.** — Public Hearing
(Location to be announced), Fairfax, Virginia

A public hearing to receive comments on all matters relating to the question of whether the Commonwealth should adopt a comprehensive human rights act and establish a Human Rights Commission to administer and enforce such an act. (HJR 339/SJR 140)

Contact: Ann Howard, House Clerk's Office, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-7681 or Dr. Jack Austin, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

INDIGENT HEALTH CARE JOINT SUBCOMMITTEE

† **September 16, 1985 - 1 p.m.** — Open Meeting

Calendar of Events

General Assembly Building, Capitol Square, 9th Floor Committee Room, Richmond, Virginia. (Location accessible to handicapped.)

Study alternatives for a state indigent health care policy. (HJR 210)

Contact: Donna C. Johnson, House Appropriations Committee, General Assembly Bldg., 9th Floor, Capitol Square, Richmond, Va. 23219, telephone (804) 786-1837

DEFENSE OF THE INDIGENT IN THE COMMONWEALTH JOINT SUBCOMMITTEE

† **September 17, 1985 - 10 a.m.** – Open Meeting
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. (Location accessible to handicapped.)

The subcommittee will meet to study the issue of defense of the indigent with particular emphasis upon the cost and quality of defense. First meeting of the interim to consider HJR 324.

Contact: Anne R. Howard, House of Delegates, Committee Coordinator, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-7681 or Mary P. Devine, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

INFANT MORTALITY IN THE COMMONWEALTH JOINT SUBCOMMITTEE

September 9, 1985 - 10 a.m. – Public Hearing
City Council Chambers, 418 Patton Street, Danville, Virginia

A public hearing on causes of, and prevention of, infant mortality in the Commonwealth. (SJR 106)

Contact: Brenda Edwards, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591 or George Diradour, Senate Clerk's Office, P. O. Box 396, Richmond, Va. 23203, telephone (804) 786-5742

JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION

† **September 9, 1985 - 9:30 a.m.** – Open Meeting
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to consider the Virginia Housing Development Authority Report, and the Virginia State University Audit Report. Other business will be

conducted.

Contact: Ray Pethtel or MaryAnn Craven, General Assembly Bldg., Suite 1100, Capitol Square, Richmond, Va. 23219, telephone (804) 786-1258

MONITORING LONG-TERM CARE JOINT SUBCOMMITTEE

September 17, 1985 - 10 a.m. – Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. (Location accessible to handicapped.)

The joint subcommittee will hear reports from task forces and agencies studying (i) housing needs of the disabled, (ii) post-educational transition services for the handicapped, (iii) reserve requirements for continuing care retirement communities, (iv) new methods of Medicaid reimbursement to nursing homes, and (v) assessment of public and private costs of maintaining the elderly in their communities.

Contact: Susan Ward, Staff Attorney, Division of Legislative Services, 2nd Floor, General Assembly Bldg., Richmond, Va., telephone (804) 786-3591

MARITAL RAPE JOINT SUBCOMMITTEE

September 5, 1985 - 2 p.m. – Public Hearing
City Council Chambers, 810 Union Street, Norfolk, Virginia

These public hearings shall be held specifically for the purpose of receiving testimony relating to marital rape. (HJR 301)

September 19, 1985 - 10 a.m. – Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. (Location accessible to handicapped.)

This public hearing shall be held specifically for the purpose of receiving testimony relating to marital rape. There will be a work session in the afternoon following this hearing.

Contact: Barbara H. Hanback, House of Delegates, Richmond, Va. 23219, telephone (804) 786-7681 or Oscar Brinson, Staff Attorney, Division of Legislative Services, Richmond, Va. 23219, telephone (804) 786-3591

VIRGINIA MEDICAL MALPRACTICE LAWS JOINT SUBCOMMITTEE

September 6, 1985 - 10 a.m. – Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. (Location accessible to handicapped.)

Calendar of Events

A meeting to discuss (i) malpractice review panels, (ii) contingent fees, (iii) collateral source rule, (iv) St. Paul's requested rate increase and (v) a no-fault approach to malpractice insurance.

Contact: Mary Devine, Staff Attorney, Division of Legislative Services, General Assembly Bldg., P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

ADVISABILITY OF ESTABLISHING TAX AMNESTY

† **September 20, 1985 - 2 p.m.** – Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. (Location accessible to handicapped.)

The joint subcommittee will meet to receive data on states which have collected large and small amounts of tax amnesty revenue and how Virginia would fare under such a program. (HJR 269)

Contact: Anne R. Howard, House of Delegates, Committee Coordinator, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-7681 or John A. Garka, Economist, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

UNEMPLOYMENT TRUST FUND JOINT SUBCOMMITTEE

October 17, 1985 - 2 p.m. – Open Meeting
General Assembly Building, Capitol Square, Senate Room B, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to hear report from the Virginia Employment Commission.

Contact: Bill Cramme, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

VETERAN'S AFFAIRS COMMISSION

† **September 13, 1985 - 7:30 p.m.** – Public Hearing
Fairfax County Office Complex, 4100 Chain Bridge Road, Massey Building, Fairfax County Board of Supervisors Room, "A" Level, Fairfax, Virginia

The commission is interested in hearing from individual veterans, representatives of veterans' organizations, and other interested persons about veterans problems and needs. The commission is charged by law with the duty of studying matters affecting the welfare of Virginia veterans and their dependents, and making recommendations to the General Assembly.

Contact: Alan B. Wambold, Research Associate, Division of

Legislative Services, 910 Capitol St., Richmond, Va. 23219, telephone (804) 786-3591

STATE WATER COMMISSION

September 5, 1985 - 7:30 p.m. – Public Hearing
City Council Chambers, 2400 Washington Avenue, Newport News, Virginia

September 12, 1985 - 7:30 p.m. – Public Hearing
City Hall Building, City Council Chambers, Municipal Center, Courthouse Drive, Virginia Beach, Virginia

A public hearing on draft legislation dealing with the withdrawal of groundwater and surface water.

Contact: Michael D. Ward, Staff Attorney or Martin G. Farber, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

CHRONOLOGICAL LIST OPEN MEETINGS

September 3, 1985

Air Pollution Advisory Board, State
Marine Products Board, Virginia
Shenandoah River Advisory Board

September 4

Higher Education, Council of
Timberlands Committee, Reforestation of

September 5

Accountancy, Virginia State Board of
Real Estate Board, Virginia

September 6

Child Abuse and Neglect, Governor's Advisory
Committee on
General Services, Department of
Art and Architectural Review Board
Medical Malpractice Laws, Virginia
Joint Subcommittee
Opticians, State Board of

September 9

Health, State Board of
Hearing Aid Dealers and Fitters, State Board for
Joint Legislative Audit and Review Commission

September 10

Alcoholic Beverage Control Board
Health, State Board of
Hearing Aid Dealers and Fitters, State Board for
Medical Assistance Services, Board of Department of
Tourism and Travel Services Advisory Board

Calendar of Events

September 11

Contractors, State Board for
Corrections, Board of
Outdoor Recreation Advisory Board
Mental Health and Mental Retardation, Department of
Interagency Delinquency Prevention Coordinating
Board
Real Estate Board, Virginia
Sewage Handling and Disposal Appeals Review Board,
State
Vocational Education, Virginia Council on

September 12

Apprenticeship Council, Virginia
Nursing Home Administrators, State Board
for Examiners for

September 13

Medicine, Virginia State Board of
Opticians, State Board of

September 14

Medicine, Virginia State Board of
Visually Handicapped, Virginia Department for the
Advisory Committee on Services

September 16

Appropriations Committee, House
Governor's Job Training Coordinating Council
Health Coordinating Council, Virginia Statewide
Housing and Community Development, Board of
Indigent Health Care
Joint Subcommittee

September 17

Health Coordinating Council, Virginia Statewide
Housing Development Authority
Board of Commissioners
Indigent in the Commonwealth
Joint Subcommittee
Monitoring Long-Term Care
Joint Subcommittee

September 18

Deinstitutionalization, Committee on
Dentistry, Board of
Motor Vehicles, Department of
Museum of Fine Arts, Virginia
Accessions Committee
Real Estate Board, Virginia
Social Services, State Board of

September 19

Dentistry, Board of
Highways and Transportation Board,
Virginia Department of
Outdoors Foundation, Virginia
Social Services, State Board of
Soil and Water Conservation Board, Virginia
Water Control Board, State

September 20

Tax Amnesty, Advisability of
Joint Subcommittee
Water Control Board, State

September 24

Alcoholic Beverage Control Board
Local Government, Commission on
Mental Health and Mental Retardation Board, State
Resources Authority, Virginia

September 25

Health Services Cost Review Council, Virginia
Speech Pathology, State Board of Examiners for
Audiology and

September 26

Chesapeake Bay Commission

September 27

Chesapeake Bay Commission

September 30

Cosmetology, Virginia Board of

October 7

Air Pollution Control Board, State

October 9

Visually Handicapped, Board of Virginia
Department for the

October 11

General Services, Department of
State Insurance Advisory Board

October 14

Local Government, Commission on

October 15

Local Government, Commission on

October 16

Corrections, Board of

October 17

Unemployment Trust Fund
Joint Subcommittee

October 22

Marine Resources Commission

November 5

Taxation, Department of

November 13

Health, State Board of

November 14

Health, State Board of

Calendar of Events

PUBLIC HEARINGS

September 4, 1985

Social Services, Department of
Division of Benefit Programs

September 5

Marital Rape
Joint Subcommittee
Water Commission, State
Water Control Board, State

September 6

Health Regulatory Boards, Board on
Professional Review Committee

September 9

Infant Mortality in the Commonwealth
Joint Subcommittee

September 10

Amusement Ride Safety
Joint Subcommittee
Election Laws, Changes in Virginia's
Joint Subcommittee
Governor's Regulatory Reform Advisory Board
Hazardous Waste Facility Siting Council
Mental Health and Mental Retardation, Department of

September 11

Hazardous Waste Facility Siting Council
Mental Health and Mental Retardation, Department of
Social Services, Department of
Division of Benefit Programs

September 12

Hazardous Waste Facility Siting Council
Mental Health and Mental Retardation, Department of
Mines, Minerals and Energy, Department of
Division of Mines
Water Commission, State

September 13

Mental Health and Mental Retardation, Department of
Veterans' Affairs Commission

September 16

Health, Department of
Housing and Community Development, Board of

September 17

Human Rights Study Commission

September 18

Human Rights Study Commission

September 19

Marital Rape
Joint Subcommittee

September 24

Aging, Virginia Department for the
Hazardous Waste Facility Siting Council
Medical Assistance Services, Department of

September 26

Conservation and Historic Resources, Department of
Division of Parks and Recreation

October 1

Hazardous Waste Facility Siting Council

October 2

Criminal Justice Services Board
Hazardous Waste Facility Siting Council

October 9

Amusement Ride Safety
Joint Subcommittee
Hazardous Waste Facility Siting Council

October 10

Hazardous Waste Facility Siting Council

October 15

Hazardous Waste Facility Siting Council
Local Government, Commission on

October 21

Hazardous Waste Facility Siting Council

October 22

Alcoholic Beverage Control, Department of

October 29

Social Services, State Board of

November 4

Professional Counselors, Virginia Board of
Psychology, Virginia Board of
Social Work, Virginia Board of
Substance Abuse Certification Board, Virginia

November 12

Amusement Ride Safety
Joint Subcommittee
Taxation, Department of