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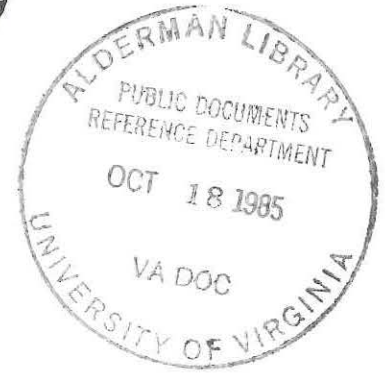
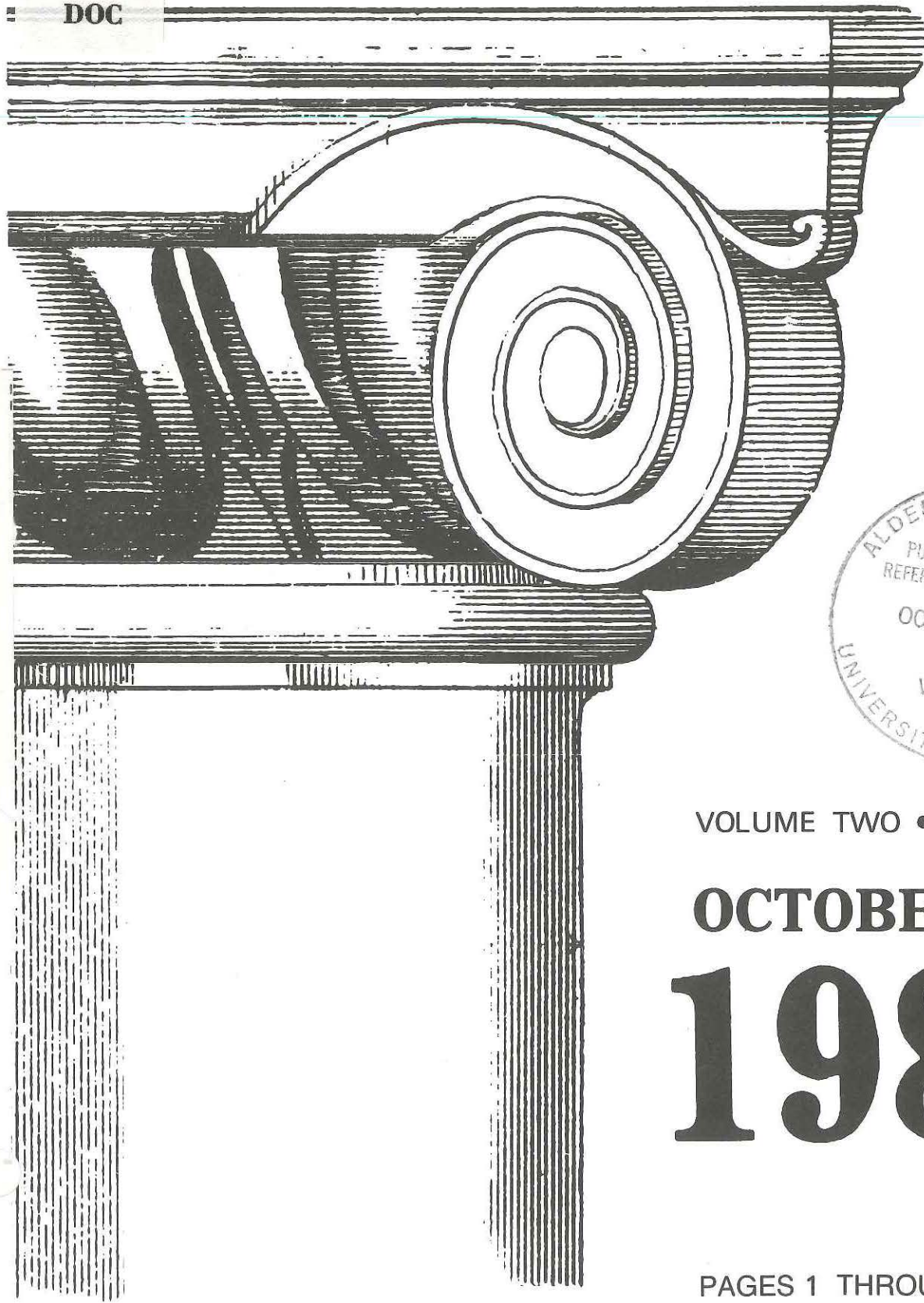
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# THE VIRGINIA REGISTER

OF REGULATIONS



CKWAN BINDER, INC. N. MANCHESTER, INDIANA

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**1985**

PAGES 1 THROUGH 52

# INFORMATION ABOUT THE VIRGINIA REGISTER OF REGULATIONS

## VIRGINIA REGISTER

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

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

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

## ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

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

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

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

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

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

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

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

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

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

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

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

## EMERGENCY REGULATIONS

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

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

## STATEMENT

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

## CITATION TO THE VIRGINIA REGISTER

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

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

VIRGINIA REGISTER OF REGULATIONS

PUBLICATION DEADLINES AND SCHEDULES

PUBLICATION DATE	MATERIAL SUBMITTED BY 12 noon Wednesday
July 8	June 21
Index	
July 22	July 3
Aug. 5	July 17
Aug. 19	July 31
Sept. 2	Aug. 14
Sept. 16	Aug. 28
Sept. 30	Sept. 11
Final Index - Volume I	
Oct. 14	Sept. 25
Oct. 28	Oct. 9
Nov. 11	Oct. 23
Nov. 25	Nov. 6
Dec. 9	Nov. 20
Dec. 23	Dec. 4
Index	
Jan. 6 1986	Dec. 18
Jan. 20	Dec. 31 (Tuesday)
Feb. 3	Jan. 15
Feb. 17	Jan. 29
Mar. 3	Feb. 12
Mar. 17	Feb. 26
Index	
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Apr. 14	Mar. 26
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May 12	Apr. 23
May 26	May 7
June 9	May 21
June 23	June 4
Index	
July 7	June 18
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## Symbol Key

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

## VIRGINIA BOARD OF AGRICULTURE AND CONSUMER SERVICES

### STATEMENT OF ACTION

#### THE VIRGINIA BOARD OF AGRICULTURE AND CONSUMER SERVICES

AUGUST 7, 1985

#### TO REINSTATE RULES AND REGULATIONS PERTAINING TO THE LISTING OF PROHIBITED AND RESTRICTED NOXIOUS WEED SEEDS IN AGRICULTURAL SEED AND LAWN/TURF SEEDS OR MIXTURES THEREOF

Basis: On September 28, 1982, the board amended the rules and regulations under the Virginia Seed Law to establish separate listings of noxious weed seeds for agricultural crops and lawn and turfgrass mixtures. The amended regulations list 10 restricted noxious weed seeds when they occurred in turfgrass seeds or mixtures thereof and required that they be named in the product labeling and rate of occurrence shown. Additionally, two restricted noxious weeds, annual bluegrass and bermudagrass, were removed from the list related to agricultural seed and made restricted noxious weeds only in turfgrass seed. Also, two new prohibited noxious weeds, sicklepod and ballonvine, were added to the list for agricultural seeds.

These amended regulations were the subject of a court case Michael Leonard Inc. v. Virginia Board of Agriculture and Consumer Services in which the Circuit Court of the City of Richmond ruled the amended regulations null and void because of procedural and substantive errors committed by the board under the Administrative Process Act.

Pursuant to the order of the court, the board retained those parts of the regulations not challenged in the case and reinstated those regulations which were in effect prior to September 28, 1982.

The reinstated regulations are as follows:

Title of Regulation: Rules and Regulations for Enforcement of the Virginia Seed Law.

Statutory Authority: § 3.1-271 of the Code of Virginia

Effective Date: November 13, 1985

Rules and Regulations for Enforcement of the Virginia Seed Law.

Pursuant to authority in Chapter 702 of the Acts of Assembly of 1966, Chapter 16, Title 3.1, §§ 3.1-262 through 3.1-275.1 of the Code of Virginia, the Board of Agriculture and ~~Immigration~~ *Consumer Services* hereby adopts the following *amendments* to rules and regulations for enforcement of the Virginia Seed Law.

~~Regulation No. § 1.~~ – Methods of inspecting, sampling and testing, and the application of tolerances. Methods of inspecting, sampling and testing, and the application of tolerance shall be according to the "Rules for Testing Seeds" adopted by the Association of Official Seed Analysis\* except:

(a) 1. For those kinds of tree and shrub seed not included in the "Rules for Testing Seeds," Association of Official Seed Analysts, the testing procedures used shall be those recommended by the ~~Eastern~~ *National* Tree Seed Laboratory.

(b) 2. That tolerances are not allowed on prohibited noxious weed seeds.

(c) For those kinds for which minimum germination standards are established by regulation, no testing tolerances shall be applicable to such standards.

3. *Tolerance shall apply to Flower and Vegetable Germination Standards only as specified in Regulation 9 and 12.*

(d) For grass seed the size of Kentucky Bluegrass or smaller, and for mixtures containing such seeds, the examination for Annual Bluegrass shall be made on five grams of the small seeded kinds.

(d) 4. For seed peanuts the testing tolerances will be five of the minimum germination standard.

~~Regulation No. § 2.~~ – Noxious weed seeds.

Noxious weed seeds as defined in the law are divided into two classes:

(a) 1. Prohibited noxious weed seeds are as follows:

*Balloonvine - Cardiospermum halicacabum*

Canada thistle - *Cirsium arvense*

Field bindweed - *Convolvulus arvensis*

Johnsongrass, Sorgrass and Sorghum Almum - *Sorghum*

# Final Regulations

	KIND	LIMITATION
spp. Perennial		
Plumeless thistle, which include Musk thistle, and Curled thistle - <i>Carduus</i> spp.	Wild onion bulblets & wild garlic bulblets - <i>Allium</i> spp.	5 per ounce or 80 per pound for orchardgrass; 2 per ounce or 32 per pound for other kinds.
Quackgrass - <i>Agropyron repens</i>		
<i>Sicklepod - Cassia tora</i>		
<p>(b) 2. Restricted noxious weed seeds: Agricultural and vegetable seed containing such noxious weed seeds shall be prohibited from sale for seeding purposes (except as indicated below), if the number per ounce or per pound of such noxious weed seed found exceeds the limitation allowed for each. Such weed seeds and limitations shall be as follows:</p>		
Giant foxtail - <i>Setaria faberi</i> .....	4 per ounce or 64 per pound	
<i>Wild Radish - Raphanum raphanistrum</i> .....	1 per ounce or 16 per pound	
Annual Bluegrass - <i>Poa annua</i> .....	16 per ounce or 256 per pound	
<b>Regulation No. § 5. – Agricultural seeds - (additions)</b>		
<i>Canarygrass, reed - Phalaris arundinacca</i>		
<i>Crambe - Crambe abyssinica</i>		
Fescue:		
<i>Hard - Festuca trachyphylla</i>		
<i>Ryegrass, intermediate - Lolium X hybridum</i>		
<i>Sunflower - Helianthus annus</i>		
<i>Vetch, hairy - Vicia villosa sub. sp. villosa</i>		
<i>Triticale - Triticosecale</i>		
<b>Regulation No. § 17. – Maximum percentage of inert matter.</b>		
Seed or seed mixtures as defined by § 3.1-263 shall not contain more than 15 percent % by weight of inert matter, excluding coating material which has been added to enhance the planting value.		
	Dodder - <i>Cuscuta</i> spp.	4 per ounce or 64 per pound
	Bermudagrass - <i>Cynodon dactylon</i>	2 per ounce or 32 per pound
	Giant Bermudagrass - <i>Cynodon</i> sp., (limitation: 2 per ounce or 32 per pound, singly or collectively); provided, however, that either may be sold as such, and when seed of one is present in seed of the other, both types shall be classified as agricultural seed. Provided further, either may be sold in grass seed mixtures if it is claimed in the labeling as an ingredient.	
	Wild mustard - <i>Brassica</i> spp. - includes all species when incidentally occurring in agricultural seeds, provided that species listed in Regulations 5 and 9 may be sold as such when labeled as required.	5 per ounce or 80 per pound
	Adopted August 7, 1985	
	* <del>Effective July 1, 1965</del> <i>Currently Effective</i> , copies of which may be obtained from the commissioner upon request, at cost .	

**VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Title of Regulations:** VR 115-02-01. Reporting Requirements for Contagious and Infectious Diseases of Livestock in Virginia.

**Statutory Authority:** § 3.1-726 of the Code of Virginia.

**Effective Date:** November 13, 1985

**Summary:**

*This new regulation replaces Regulation AHD 1 entitled "Prevention, Control and Eradication of Contagious and Infectious Diseases of Livestock in Virginia - Regulation 1 (General Requirements).*

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VR 115-02-01. Reporting Requirements for Contagious and Infectious Diseases of Livestock in Virginia.

## Regulation 1

### § 1. Normal Reporting.

#### Section 1-1.

It shall be the duty of Any person practicing veterinary medicine within the Commonwealth of Virginia to shall report in writing to the State Veterinarian ; the existence of those contagious or infectious diseases among livestock that normally are required to be reported by the State Veterinarian . Such reports shall be on forms furnished by the State Veterinarian and shall be submitted at such time or times as he may require as required .

### § 2. Special Reporting.

#### Section 1-2.

It shall be the duty of Any person practicing veterinary medicine within the Commonwealth of Virginia to shall report immediately within 24-hours by telephone to the State Veterinarian the existence of anthrax, glanders, or any vesicular or exotic disease among livestock. If for any reason the State Veterinarian is not immediately available by telephone, such report shall be made directly to the Assistant State Veterinarian or Veterinary Supervisor of Animal Health Services any veterinarian in employ with the Commonwealth of Virginia .

## BOARD OF HIGHWAY AND TRANSPORTATION

**Title of Regulation:** VR 385-01-2. Rules and Regulations Governing Relocation Assistance.

**Statutory Authority:** §§ 25-253 and 33.1-12 of the Code of Virginia.

**Effective Date:** November 1, 1985

### Notice:

Due to its length, the proposed amendments to the existing Rules and Regulations Governing Relocation Assistance, filed by the Department of Highways and Transportation, is not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, the summary is being published in lieu of the full text. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and the Department of Highways and Transportation.

### Summary:

Volume 50, No. 43 of the Federal Register was issued by the Department of Transportation in order to establish uniform cost effective policies and procedures governing the implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, which is the regulation used by the Commonwealth of Virginia when relocating families, businesses, farms and nonprofit organizations displaced by a highway project. It also simplifies existing policies and procedures and increases the latitude of the state in carrying out the policies set forth in the Uniform Act, but is not a result of any change in federal or state law.

The adoption of 33 changes is necessary in order to continue to qualify for receipt of Federal Highway funds.

The changes include the clarification of the definition of financial means test for an owner and tenant, typical residential site, comparable replacement dwelling, major exterior attributes, contributes materially, salvage value, heating system and living space. These are terms used when relocating displaced persons.

The section on relocating businesses was expanded to allow more flexibility when reconnecting utilities, reimbursement for business licenses and professional services necessary for planning the move, payment for replacing stationary and an increase in searching costs. Also, the in lieu of moving cost procedure for businesses has been expanded to consider clientele when determining one's eligibility for this payment.

The remainder of the changes also expand on existing policies of the Uniform Act and do not represent any major change.

VR 385-01-2. Rules and Regulations Governing Relocation Assistance.

The Highway and Transportation Board has adopted amendments to the Rules and Regulations Governing Relocation Assistance. These amendments are necessary in order to meet the regulatory changes in 50 FED REG 43 (1985) to be codified as 49 C.F.R. part 25, subpart C. These changes are required in order for the department to give the requisite assurances to the Federal Highway Administration that the department is able to pay fair and reasonable relocation payments and provide assistance to or for persons displaced by federally funded programs before authorizing distribution of federal funds for projects.





## COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION  
General Assembly Building

POST OFFICE BOX 340  
RICHMOND, VIRGINIA 23208  
(804) 785-2591

October 3, 1985

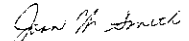
Mr. Harold C. King, Commissioner  
Department of Highways and Transportation  
1221 East Broad Street  
Richmond, Virginia 23219

Dear Mr. King:

This will acknowledge receipt of the Rules and Regulations Governing Relocation Assistance which was adopted by the Highway and Transportation Board on September 19, 1985, and will become effective on November 1, 1985.

As required by § 9-6.14:4.1 C.4.(c) of the Code of Virginia, I have determined that these regulations are exempt from the operation of Article 2 of the Administrative Process Act since the amendments (VR 385-01-2) are materially the same as the Federal regulations.

Sincerely,

  
Joan W. Smith  
Registrar of Regulations

JWS:sll

## DEPARTMENT OF SOCIAL SERVICES

**Title of Regulations:** VR 615-01-1. Earned Income Disregards/Student Earnings in the Aid to Dependent Children (ADC) Program.

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

**Effective Date:** November 13, 1985

### Summary:

*Section 63.1-25 of the Code of Virginia, provides the State Board of Social Services with the statutory authority to promulgate rules and regulations related to operation of public assistance programs. It is the consensus of the board that whenever possible, the incentive to gain and maintain employment should be fostered.*

*Based on current regulations in the Aid to Dependent Children (ADC) Program, the financial eligibility determination process consists of three steps. If family income exceeds the maximum allowable at any step, eligibility does not exist.*

*1. 185% Screen - total gross family income, both earned and unearned, (including the earned income of a dependent child who is a full-time student) is screened at 185% of the state's standard of need;*

*2. Determination of Need - earned income, minus appropriate income disregards, is combined with gross countable unearned income and screened at 90% of the state's standard of need (student earnings are currently disregarded in the determination of need);*

*3. Grant Calculation - earned income, minus additional income disregards, is combined with gross countable unearned income and subtracted from 90% of the state's standard of need to determine the amount of assistance to which a family is entitled (student earnings are currently disregarded in the grant calculation).*

*Earnings derived by a youth through participation in the Job Training Partnership Act (JTPA), however, are disregarded in all three steps.*

*On May 27, 1985, the Department of Social Services, at the direction of the State Board, published for a 60-day comment period a proposed amendment to Aid to Dependent Children regulations which revises the method by which the earned income of a dependent child is to be considered in relation to a family's eligibility for assistance. As proposed, the amendment disregards, for a period of six months per calendar year, the earnings of dependent children who are full-time students in the 185% screen and determination of need.*

*Comments received by the department in response to the public comment period reflected overwhelming support for the proposed regulation. The regulation being submitted for final adoption, therefore, is identical to the proposed regulation.*

VR 615-01-1. Earned Income Disregards/Student Earnings in the Aid to Dependent Children (ADC) Program.

§ 1. As specified below, certain earned income of family members must be disregarded in determining need of the assistance unit and amount of assistance to which a family is entitled under the Aid to Dependent Children (ADC) Program. With the exception of items No. A and No. C, the items listed below are not disregarded during the 185% screening. Income disregards are to be applied to gross earned income in the following order:

A. Earned income of any eligible child who is a full-time student must be disregarded for a period of six

# Final Regulations

months per calendar year. Subsequent to expiration of this six-month period, the earnings of a full-time student will be disregarded only in determining the amount of assistance to which the family is entitled .

B. Earned income of an eligible child who is a part-time student, not employed full-time, must be disregarded.

C. Earnings received by an eligible child under Title II, Part B of the Job Training Partnership Act of 1982 (JTPA).

D. A standard work deduction of the first \$75 of gross earned income for each employed member of the assistance unit whose income is not otherwise exempt.

E. The appropriate child care/incapacitated adult care disregard to be deducted from an applicant/recipient's earnings will be based on his employment status.

F. From the total gross earnings and/or profit from self-employment of each member of the Aid to Dependent Children assistance unit, other than those specified above, the first \$30 monthly, plus one-third of the remainder, must be disregarded for four consecutive months. At the end of the four-month period a \$30 disregard is available for eight additional months.

\* \* \* \* \*

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

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

**Effective Date:** November 13, 1985

**Summary:**

*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.*

*Current regulations regarding receipt of lump sum income by recipients of Aid to Dependent Children (ADC) require a period of ineligibility to be established based on the amount of the lump sum received and the size of the assistance unit. This period may not be shortened except in extreme situations in which the assistance unit encounters circumstances which are deemed to be life threatening.*

*On June 10, 1985, the Department of Social Services, at the direction of the State Board, published a proposed amendment to the current lump sum income regulation which expands the reasons for shortening the period of ineligibility to include increase in the standard of need; payment of medical expenses incurred by the family during the period of*

*ineligibility; and situations in which the lump sum monies become unavailable to the family for reasons beyond the family's control, including repayment of debts.*

*The majority of comments received in response to the public comment period supported the proposed amendment, as published. A significant number of respondents, however, while supporting the amendment identified the need to define debts, paid by the family, which would be allowed when recalculating the period of ineligibility. Based on comments received, debts have been defined as medical bills incurred during the period prior to receipt of the lump sum, expenses related to a natural disaster or fire, costs related to avoiding eviction and/or utility cut-off, weather related repairs or replacement, and funeral expenses.*

*Other than changes made to the regulation with regard to repayment of debts, the regulation being submitted for final adoption is the same as that which was proposed on June 10, 1985.*

VR 615-01-2. Lump Sum Ineligibility Period in the Aid to Dependent Children (ADC) Program.

## PART I. DEFINITIONS.

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

"Budget month" means the calendar month in which the income is received.

"Lump sum income" means any nonrecurring payment such as an accumulation of benefits for a prior period, earned income tax credit refund, an insurance settlement, lottery winnings, loans for current living expenses, or income from any other unearned source.

"Payment month" means the second month following the budget month in which budget month income is reflected.

"Standard of need" means the dollar amount, based on the family size, which has been established to cover predetermined monthly maintenance needs.

## PART II. LUMP SUM PAYMENTS.

§ 2.1. When a lump sum payment is received by any member of an assistance unit, the lump sum shall be added to other countable income and compared against 100% of the state's standard of need. If the total income is less than 100% of need, the income is to be reflected in the payment month by reducing the payment or suspending the grant for one month, whichever is appropriate.

# Final Regulations

If the total income equals or exceeds 100% of need, the total budget month income is divided by the 100% standard of need for the appropriate assistance unit size to determine the number of months the assistance unit will be ineligible for assistance. Any income remaining after this calculation is counted as available income in the first month following the period of ineligibility, should the family reapply for assistance in this month.

§ 2.2. Once established, the period of ineligibility may not be shortened unless the lump sum monies have been or will be expended in connection with a life threatening circumstance. Prior to shortening the period of ineligibility, it must be established that (1) the life threatening circumstances occurred after receipt of the lump sum, (2) all lump sum monies spent prior to the occurrence of the life threatening circumstance were used to meet maintenance needs, and (3) the assistance unit currently has no other income or resources sufficient to meet the life threatening circumstances. (i) the standard of need increases and the amount the family would have received also changes, (ii) the lump sum or portion thereof becomes unavailable to the family for a reason beyond the control of the family, or (iii) the family incurs medical expenses during the period of ineligibility and uses lump sum monies to cover the cost of medical services received. For the purpose of item (ii) above, "reasons beyond control of the family" include a family member absconding with the lump sum monies, the theft of such monies, repayment of debts, or any other condition which, in the best judgement of the local agency, is deemed to meet this criteria for shortening the period of ineligibility. [ Debts are defined as medical bills incurred from the period prior to receipt of the lump sum, expenses related to a natural disaster or fire, costs related to avoiding an eviction and/or a utility cut-off, weather related repairs or replacement, and funeral expenses. ] Final authority for such decisions will rest with the superintendent/director of each locality. Medical services which will be allowed under item (iii) will be those services which the department has identified as follows: inpatient hospital services; outpatient hospital services; laboratory and x-ray services; nursing home care; home health services; clinic services; pharmaceutical services; optometry services; medical supplies and equipment; family planning services; acupuncture; transportation necessary for medical care; screening services; physical, occupational, and speech therapy; and physician's services, including services provided by any person licensed to practice medicine, osteopathy, chiropractic, clinical psychology, podiatry, or midwifery.

\* \* \* \* \*

**Title of Regulations:** VR 615-01-4. Disclosure of Information to Law-Enforcement Officers in the Aid to Dependent Children (ADC) Program.

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

**Effective Date:** November 13, 1985

## Summary:

As set forth in the Code of Virginia, Chapter 1, § 63.1-25 the State Board of Social Services has been delegated the authority to promulgate rules and regulations necessary to operate public assistance programs in Virginia.

Under current regulations, a request of the local social services agency for information regarding a recipient of Aid to Dependent Children must be accompanied by a written authorization from the recipient allowing the requested information to be released. It is the intent of the State Board to allow local departments of social services to disclose the address of a current recipient of Aid to Dependent Children to a state or local law-enforcement officer if the recipient is a fugitive felon. On June 24, 1985, the Department of Social Services, at the direction of the State Board, published for public comment a proposed amendment to current regulations which would provide for disclosure of such information.

Comments received by the department expressed overwhelming support for the proposed amendment. The regulation being published for final adoption, therefore, is identical to the proposed regulation.

## PART I.

§ 1.1. The following words and terms, when used in these guidelines, shall have the following meaning, unless the context clearly indicated otherwise:

"Fugitive felon" means any person charged with a crime which is punishable by death, or which is a felony under the law in the place from which the person flees, or which, in the case of New Jersey is a high misdemeanor under the law of said state who flees to avoid prosecution, or custody or confinement after conviction.

## PART II.

§ 2.1. Law-enforcement officials shall be given access to information concerning applicants/recipients, in programs other than the Aid to Dependent Children (ADC) Program, only in accordance with the provisions set forth below. If a request is received for information for purposes of an investigation or proceeding not related to a public assistance program, e.g., a bank robbery or murder, the request shall be denied; except for a court order. Information shall only be disclosed if:

1. The client is informed of a request for information from an outside source and the client's written permission is obtained by the requesting party.
2. The person or organization seeking the information requests specific information with respect to an individual client. Lists of applicants or recipients shall not be disclosed.

# Final Regulations

3. The client's worker discusses with the client the possible consequences of the disclosure, where appropriate.

4. The responsibility for providing information requested by individuals or organizations rests with the superintendent/director of the local department. Such responsibility may be delegated.

5. If these provisions are not complied with, no information shall be released.

Disclosure is permitted, however, in connection with any investigation, prosecution, or civil proceeding conducted in connection with the administration of one of the public assistance programs. Information shall be disclosed to law-enforcement agencies and Commonwealth's and county/city attorneys involved in a welfare fraud prosecution or a criminal or civil child support proceeding or any other investigation or program.

§ 2.2. For purposes of the Aid to Dependent Children (ADC) Program, the worker shall disclose to a state or local law-enforcement officer the address of a current recipient who is a fugitive felon. Prior to providing such information, the officer shall furnish the recipient's name, social security number and evidence of an outstanding warrant for the arrest or apprehension of the fugitive felon in order to demonstrate that:

1. The recipient is a fugitive felon;
2. The location or apprehension of the fugitive felon is within the officer's official duties; and
3. The request is made in the proper exercise of those duties.

Disclosure of information for purposes other than those set forth in this section is subject to the provisions of § 2.1.

\* \* \* \* \*

**Title of Regulation:** VR 615-70-4. Policy of the Department of Social Services, Division of Child Support Enforcement.

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

**Effective Date:** November 13, 1985

## Notice:

Due to its length, the proposed Policy of the Department of Social Services of the Division of Child Support Enforcement filed by the Department of Social Services is not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, a summary is being published in lieu of the full text. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and the Department of Social Services.

## Summary:

These regulations reflect the requirements of state law and are found in the Department of Social Services' Child Support Enforcement Manual of Policy and Procedures. A brief description is listed below:

1. "Obligation established by Administrative Process when there is no court order" describes how the absent parent's income and resources are evaluated in determining a support obligation and the use of a financial statement in this process. Also described is the "debt" owed to the Commonwealth.

2. "Enforcing the Obligation" describes the administrative enforcement remedies: Mandatory Withholding of Earnings, Administrative Wage Assignment, Liens, Orders to Withhold and Deliver, Foreclosure, Distraint, Seizure and Sale, and State Tax Set Off.

3. "Appeal from an Order to Withhold and Deliver" describes the administrative appeal process for the Order to Withhold and Deliver enforcement remedy.

4. "Appeal from Notice and Finding" describes the administrative appeal process for the Notice and Finding of Financial Responsibility. The Notice and Finding of Financial Responsibility legally establishes an administrative support obligation.

5. "Appeal from Mandatory Withholding of Earnings" describes the administrative appeal process for the Mandatory Withholding of Earnings.

6. "Appeal from State Tax Intercept" describes the administrative appeal process for the State Tax Set Off.

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# EMERGENCY REGULATION

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## DEPARTMENT OF SOCIAL SERVICES

**Title of Regulation:** VR 615-31-01. Emergency Regulation Pertaining to Criminal History Record Checks for All Personnel of Licensed Child Care Centers and Child Caring Institutions.

**Statutory Authority:** § 63.1-217 of the Code of Virginia

**Effective Date:** September 2, 1985

### PREAMBLE

The statutory change to §§ 63.1-198 and 63.1-198.1 of the Code of Virginia, effective July 1, 1985, requires that all compensated employees and all volunteers as well as applicants/licensees of child care centers and child caring institutions, subject to licensure by the Virginia Department of Social Services, secure a criminal history clearance and be issued a certificate by the Commissioner of Social Services.

The Department of Social Services will maintain all completed criminal history record request forms in a secured and confidential manner.

The Division of Licensing Programs, as the agent of the Commissioner of Social Services, will issue certificates in accordance with § 63.1-198.1 of the Code of Virginia.

As set forth in §§ 63.1-198.1 and 63.1-199 of the Code of Virginia, any facility's failure to obtain a certificate from the commissioner for each employee or volunteer shall be grounds for denial or revocation of the license.

Recognizing the need to define several terms and describe various conditions in order to operate within procedural boundaries, the State Board of Social Services acting under the authority of § 63.1-217 of the Code of Virginia does hereby promulgate this emergency regulation.

The effective date of this emergency regulation is September 2, 1985.

These emergency regulations shall terminate September 1, 1986, or upon the earlier effective date of similar regulations to be promulgated through the full Administrative Process Act.

VR 615-31-01. Emergency Regulation Pertaining to Criminal History Record Checks for All Personnel of Licensed Child Care Centers and Child Caring Institutions.

### PART I. INTRODUCTION.

#### Article 1. Definitions.

§ 1.1. The following words and terms when used in conjunction with these regulations shall have the following meaning:

"Applicants for licensure" means all agents of a child care center or child caring institution, including owners, partners or officers of the board of a corporation or association, who have applied for a license or renewal of a license to operate a child care or child caring institution.

"Certificate" means the clearance document issued by the Commissioner of the Department of Social Services verifying that (i) a criminal history record search has been conducted for a particular individual through the Department of State Police and, (ii) no convictions have been found of any offense pursuant to those referenced in § 63.1-198.1 of the Code of Virginia. These offenses include those set out in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 or in §§ 18.2-370 or 18.2-370.1 of the Code of Virginia.

"Criminal history record request" means the required Department of Social Services form to be submitted to the Department of State Police for the individual requesting clearance.

"Employee" means all personnel paid by or through a contract with the facility regardless of their role, service, age, function or duration of employment at the facility.

"Facility" means a child care center or child caring institution subject to licensing by the Department of Social Services as defined in § 63.1-195 of the Code of Virginia.

"Officer of the board" means anyone holding an office on the board of the facility and responsible for its operation in any manner.

"Volunteer" means anyone who either is counted as staff for purposes of maintaining staff/child ratio or who at any time would be alone with, in control of, or supervising one or more children outside the physical presence of a paid facility staff member. This pertains to all activities either occurring at the facility location or sponsored by the licensed facility.

#### Article 2. Individuals Required to Obtain Certificates.

§ 1.2. Sections 63.1-198 and 63.1-198.1 of the Code of Virginia, require all employees, volunteers and applicants for licensure of a licensed child care center or child caring institution to obtain a certificate.

#### Article 3. Routing of Certificates.

§ 1.3. In order to obtain a certificate, each applicant for licensure, employee, volunteer or applicant for employment/volunteer work shall submit a form approved

# Emergency Regulation

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by the Department of Social Services to the State Police with the appropriate fee. The State Police will run a clearance check and respond directly to the Department of Social Services with the results.

§ 1.4. A certificate, or notification that a certificate cannot be issued due to a conviction, will be sent directly to the individual whose criminal record was checked.

§ 1.5. The facility shall obtain the original certificate from the individual.

## PART II. VALIDITY OF CERTIFICATES.

§ 2.1. A facility shall accept only the original certificate on blue Department of Social Services letterhead.

§ 2.2. Obtaining certificates.

A. The certificate shall be obtained prior to the first day of work for individuals participating in the operation of a facility.

B. A certificate issued by the department shall not be accepted by the facility if the certificate is dated more than 90 days prior to the date of employment or volunteer service in the facility.

Exception: For those individuals participating prior to July 1, 1985, certificates shall be obtained as soon as possible.

§ 2.3. All certificates shall be verified by the operator of the facility by matching the name and social security number with another form of identification such as a driver's license.

§ 2.4. A certificate remains valid as long as the employee/volunteer remains in continuous service in the same facility.

§ 2.5. When an individual terminates employment or ceases volunteer work at one facility and begins work at a facility owned and operated by a different entity, the certificate secured for the prior facility shall not be valid for the new facility. A new certificate shall be required.

§ 2.6. A new certificate shall not be required when the employee/volunteer transfers with a lapse in service of not more than 30 days to a facility owned by the same entity. The file in the previous location shall contain a statement that the original certificate, including the date of the certificate, has been forwarded to the new location.

§ 2.7. A certificate for an individual who takes a leave of absence will remain valid as long as the period of separation does not exceed four consecutive months. Once a period of four consecutive months has expired, a new certificate is required.

§ 2.8. Duplicate and replacement certificates.

A. When staff or volunteers serve concurrently in more than one facility, a duplicate certificate shall be requested.

1. Individuals who have been in service prior to July 1, 1985, may indicate on the criminal history record request form that duplicates are needed with the names of the facilities for which they will be used. Their service may be verified by the Department of Social Services prior to issuance of duplicate certificates. The request form shall be sent directly to the State Police as routinely required.

2. Those individuals who begin service after July 1, 1985, must obtain a separate Department of Social Services form letter from the facility to request duplicate certificates. This form letter shall contain the social security number and signature of the individual for whom the duplicate is being requested.

a. The request shall be sent directly to the Department of Social Services.

b. The request for a duplicate certificate will be valid only if it is received within 90 days of issuance of the original certificate and contains the social security number and signature of the individual for whom the duplicate certificate is being requested.

c. The request must indicate the name and mailing address of the facility for which the duplicate certificate will be used.

d. The duplicate certificate will be sent directly to the facility.

B. When a facility requires a replacement for a lost or misplaced certificate, a request from the facility is to be made directly to the Department of Social Services. It shall include both the signature and social security number of the individual for whom the certificate is requested. The replacement certificate shall be sent directly to the facility.

NOTE: All duplicate certificates shall be verified by the facility operator in accordance with § 2.3 of these emergency regulations.

§ 2.9. When agents or officers of the board are involved in the operations of more than one facility, duplicate certificates shall not be required. It shall be made known to the commissioner's representative that an original certificate is being maintained at a designated facility location.

## PART III. MAINTENANCE OF CERTIFICATES.

Article 1.

# Emergency Regulation

## Responsibility of Facilities.

§ 3.1. Prior to the issuance of an initial license, a copy or copies of the certificate(s) for the applicant(s) for licensure shall be made available to the commissioner's representative by the facility.

§ 3.2. Certificates conforming to the requirements for all employed staff or utilized volunteers for the period of time being studied shall be maintained in the files of the facility for one year after termination of employment or volunteer work and made available by the facility to the commissioner's representative.

*Exception:* A statement that an individual has transferred services to another facility of the same entity is acceptable as long as there is information in the file of the new location of the original certificate and its date, as stated in § 2.6.

§ 3.3. When an individual becomes an officer of the board which serves as the licensee of a facility, a certificate shall be obtained by the facility prior to the board member assuming this position.

*NOTE:* Officers of advisory boards are not required to obtain certificates.

8/26/85 /s/ William L. Lukhard, Commissioner  
Department of Social Services

Approval of emergency regulation  
9/18/85 /s/ Charles S. Robb, Governor

Filed: 09/20/85 9:33 a.m.  
/s/ Joan W. Smith, Registrar of Regulations

\* \* \* \* \*

Title of Regulation: VR 615-70-1. State Income Tax Intercept for Child Support.

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

Effective Date: October 1, 1985

### Summary:

Under the provisions of § 58-19 of the Code of Virginia, the Department of Social Services may intercept state income tax refunds to pay back a debt owed to the state. Effective October 1, 1985, the department under the authority of 45 CFR 303.102 may choose to satisfy a debt owed for public assistance prior to satisfying additional support payments owed a nonpublic assistance individual receiving support enforcement services. (This can happen when the individual has previously received public assistance and makes application for support enforcement services.)

Section 63.1-25 of the Code of Virginia, provides the State Board of Social Services with the authority to make such rules and regulations as necessary to carry out the intent of the department's programs. The Department of Social Services with the approval of the State Board of Social Services has elected to recoup the taxpayers money and thereby reimburse a debt owed to the state prior to satisfying any other overdue support payment. The proposed regulation states this intent.

VR 615-70-1. State Income Tax Intercept for Child Support.

## PART I. DEFINITIONS.

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

"Arrearage" means money owed for past due support.

"Debt" means the total unpaid support obligation owed to the Commonwealth for public assistance paid.

"Department" means State Department of Social Services.

"Set off debt collection act process" means procedures established for applying state tax refunds toward any delinquent debt owed to the Commonwealth.

## PART II. PROPOSED REGULATION.

§ 2.1. Money the department receives through the set off debt collection act process (§ 58-19 of the Code of Virginia) for overdue support payments shall satisfy a debt owed to the Commonwealth for public assistance paid before satisfying any other arrearage owed.

08/26/85 /s/ William L. Lukhard, Commissioner  
Department of Social Services

Approval of emergency regulation  
09/18/85 /s/ Charles S. Robb, Governor

Filed: 09/20/85 9:33 a.m.  
/s/ Joan W. Smith, Registrar of Regulations

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Title of Regulation: VR 615-70-2. Application Fee Scale.

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

Effective Date: October 1, 1985

### Summary:

Effective October 1, 1985, § 63.1-250.2 of the Code of

# Emergency Regulation

Virginia provides that the State Board of Social Services shall establish a schedule of application fees for child support enforcement services. This is in compliance with Federal Regulation 45CFR 302.22 which is also effective October 1, 1985.

The Department of Social Services with the approval of the State Board of Social Services proposes the application fee scale. The fee schedule ranges from \$5 to \$25 and is based on the applicant's income. The income levels listed on this scale are the ranges given in the U. S. Poverty Guidelines issued in March, 1985. By using these income levels and by not charging any more than \$25, people with lower incomes should be able to better afford child support enforcement services. This is the intent of federal and state regulations.

## VR 615-70-2. Application Fee Scale.

### PART I.

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

"Fee schedule" means the sliding scale by which an applicant is charged in order to receive child support enforcement services.

"Scale of application fees" means the fee schedule which is a sliding scale and charges are based on the applicant's income.

### PART II.

§ 2.1. The application fee scale for child support enforcement services is set forth in the following fee schedule:

Gross Annual Income	Application Fee
Up to \$5,250 .....	\$ 5
5,251 to 8,850 .....	\$10
8,851 to 12,450 .....	\$15
12,451 to 16,050 .....	\$20
Over \$16,051 .....	\$25

08/26/85 /s/ William L. Lukhard, Commissioner  
Department of Social Services

Approval of emergency regulation  
09/18/85 /s/ Charles S. Robb, Governor

Filed: 09/20/85 9:33 a.m.  
/s/ Joan W. Smith, Registrar of Regulations

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Title of Regulation: VR 615-70-3. Separate Fee Charged for Child Support Enforcement Services.

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

Effective Date: October 1, 1985

### Summary:

Effective October 1, 1985, § 63.1-250.2 of the Code of Virginia provides that the State Board of Social Services shall establish a schedule of additional fees above the application fee to be charged for cost incurred in delivery of child support enforcement services.

The Department of Social Services with the approval of the State Board of Social Services proposes to limit the charge for additional costs to HLA (Human Leukocyte Antigen) blood testing. This adheres to the intent of state and federal law in not discouraging those most in need from applying, while providing some relief to the taxpayers who otherwise would pay for the blood testing.

## VR 615-70-3. Separate Fee Charged for Child Support Enforcement Services.

### PART I.

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

"Separate charges" means any extra costs above the application fee for child support enforcement services.

"Child support enforcement services" means one or all or the following services: locating the absent parent, collecting support money, monitoring the payments, and enforcing a court or administrative order of support.

"HLA blood testing" means Human Leukocyte Antigen blood test. A specific type of blood test allowed by state law as admissible evidence in paternity suits.

### PART II.

§ 2.1. Separate charges for child support enforcement services shall be limited to a fee charged for blood testing.

08/26/85 /s/ William L. Lukhard, Commissioner  
Department of Social Services

Approval of emergency regulation  
09/18/85 /s/ Charles S. Robb, Governor

Filed: 09/20/85 9:33 a.m.  
/s/ Joan W. Smith, Registrar of Regulations



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# STATE CORPORATION COMMISSION

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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, AUGUST 19, 1985

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. PUC850005

Ex Parte: Rulemaking concerning deregulating embedded customer premises equipment of telephone companies other than the Chesapeake and Potomac Telephone Company of Virginia

## FINAL ORDER

This proceeding was initiated by Commission Order entered January 28, 1985, to determine the best manner for detariffing embedded customer premises equipment (CPE) pursuant to the Federal Communications Commission's Third Report and Order in CC Docket No. 81-893. Deadlines were established for the public and the affected telephone companies to submit comments and a hearing examiner was appointed to conduct all further proceedings and to deliver a report containing his recommendations to the clerk of the Commission. The report of Glenn P. Richardson, hearing examiner, was submitted on June 21, 1985. Exceptions to his report were due July 8, 1985, but by order entered on July 10, the deadline for exceptions was extended through July 17, 1985.

Exceptions were received from United Inter-Mountain Telephone Company, Central Telephone Company of Virginia, Shenandoah Telephone Company, and Continental Telephone Company of Virginia.

The examiner's report was well received by the affected companies and their comments were very complimentary of his and the staff's efforts. Having considered the examiner's report, and the exceptions filed thereto, the Commission is of the opinion that the examiner's recommendations should be adopted with slight modifications.

Although not specifically addressed by the examiner and the staff, there are several types of CPE which will remain under regulation for the time being. These include 911 emergency equipment, and equipment used by the federal government for national security and emergency preparedness (NSEP) functions. Both are presently the subject of an FCC notice of proposed rulemaking released on July 12, 1985 in CC Docket 81-893. In addition, company owned coin and pay telephones, which have not yet been registered by the FCC, remain under regulation.

Mobile CPE was deregulated by the Commission on January 10, 1985 in Case No. PUC840045. CPE used for official company business was transferred to Account 262 and remains under regulation.

The Commission agrees with the examiner's reasoning (Report page 3) that "inside wiring" should not be addressed in this docket due to lack of public notice and the likelihood of further FCC action on "inside wiring".

Concerning the valuation of the embedded base of CPE and the timing appropriate for its detariffing, the Commission agrees with the hearing examiner that CPE should be valued at net book value adjusted for deferred taxes and unamortized investment tax credits and that the timing of the transfer should be left to the discretion of the company as long as it is completed by December 31, 1987. Continental Telephone Company of Virginia ("Continental") objected to this valuation methodology, contending that CPE should not be transferred until full capital recovery, i.e., depreciation, has been achieved. The only instance in which adjusted net book value would not assure adequate capital recovery occurs when an item has not been depreciated fast enough such that its reserve for depreciation is too low, and its net book value is greater than its economic value. The examiner's recommendation that companies may choose the timing of transfer allows companies time in which to seek adjusted depreciation rates that will produce a more appropriate adjusted net book value. In this regard, the Commission notes that depreciation rates should not be adjusted in order to fully depreciate an item of equipment by December 31, 1987, but should only be adjusted by appropriate depreciation methodology to reflect the equipment's remaining service life and future net salvage value. Of course, the remaining service life may extend beyond December 31, 1987, if a company chooses to continue leasing equipment on an unregulated basis. In addition, if a company elects not to continue leasing, the equipment may still have some salvage value. Either, or both of these mean that the equipment may have economic value at deregulation, and this should be taken into consideration in any depreciation rate adjustments.

Any company choosing to defer the detariffing of its CPE until December 31, 1987, should file its plan as soon as possible but in any event no later than August 31, 1987, in order to allow staff review and to accommodate the examiner's recommendation that the sales plan be implemented no later than 90 days before the proposed transfer date.

A number of companies were concerned with the staff's and examiner's recommendation that customers who purchase "hardwired" telephones not be charged a maintenance visit when: (i) there is a trouble, (ii) the trouble is found in the telephone, and (iii) the telephone line is converted to a modular jack. Because the customer will receive something of value from such a premise visit and because C&P Telephone Company of Virginia is charging one half of a maintenance visit when a trouble is

# State Corporation Commission

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isolated to a purchased hardwired set, the Commission is of the opinion that companies should be allowed to charge one half of their usual maintenance premise visit rather than performing this service free. This special provision for conversion of purchased hardwired telephones will remain in effect only through December 31, 1987, and will apply to both residential and business one and two line phones. This provision is not intended to replace any existing programs that encourage conversion to modular equipment.

The examiner's finding and recommendation (6) requires that multi-line equipment be treated the same as single line equipment. Several companies were concerned that this would extend to maintenance provisions as well as the date of deregulation. They pointed out that maintenance for multi-line equipment is vastly different from that of single line equipment. The Commission notes here that existing tariffed maintenance provisions will apply for all CPE until deregulation. After deregulation, companies will be free to set any maintenance conditions they want. The only exception is for one and two line hardwired sets which have been purchased in-place by customers as discussed in the preceding paragraph. In any event, all regulation of embedded CPE, including the exception, will end by January 1, 1988.

Shenandoah Telephone Company was concerned about the accounting treatment for the transfer of CPE. Both the staff and examiner recommended that companies be allowed to select whether to transfer unsold CPE "below-the-line" or to a separate subsidiary. Shenandoah proposes to transfer its CPE to an affiliate which is a subsidiary of its holding company. The Commission finds that this conforms with the intent of the examiner's report and finds it to be appropriate. Shenandoah also sought to use an incremental or marginal cost methodology in allocating certain joint costs. The Commission agrees with the staff and the examiner that these joint costs should be allocated on a fully distributed basis.

In all other respects, the Commission finds that the examiner's findings and recommendations should be adopted. Accordingly,

## IT IS THEREFORE ORDERED:

1. The independent telephone companies may structure individual plans for the removal of embedded CPE from regulated service. Such plans shall be submitted to the Commission's staff for review 120 days prior to deregulation, and not later than August 31, 1987. At a minimum, such plans should comply with the guidelines discussed in the examiner's report, should include the company's method for notifying customers of their options, and should set forth procedures for the removal of embedded CPE from regulated service no later than December 31, 1987.
2. Embedded CPE shall be transferred to unregulated status at net book value adjusted for unamortized

investment tax credits and deferred taxes.

3. Customers shall be given an option to purchase embedded CPE at net book value plus associated expenses of sale at least 90 days prior to the transfer of CPE to unregulated operations. Customers who purchase such equipment shall, at a minimum, be given a 30 day warranty.

4. A price stability plan is inconsistent with deregulation and will not be prescribed after a company removes its CPE from regulated service. Also, statewide uniform lease rates for major categories will not be established.

5. The independent telephone companies are authorized to transfer embedded CPE to an unregulated subsidiary or affiliate or to transfer such CPE to below-the-line accounts. If a company selects below-the-line accounting, it should follow the accounting procedures set forth in the staff's report. Moreover, joint costs should be allocated on a fully distributed costing basis. Procedures for allocating joint costs should also be logical and verifiable.

6. Except for the modular conversion requirement for purchased hardwired one and two line phones, multi-line equipment will be treated the same as single line equipment when deregulating embedded CPE.

7. As part of a company's plan, a special maintenance provision shall be made for "hardwired" equipment purchased by customers. At a minimum, the maintenance provision should comply with the staff's recommendation in its report except that the company may charge one half of its ordinary premise maintenance visit. The maintenance provision for hardwired equipment shall remain in effect until December 31, 1987. This provision should be in addition to existing company programs encouraging the conversion of hardwired equipment to modular equipment. Companies that provide modular jacks and plugs together with wiring instructions to customers should continue such programs.

8. The companies shall keep their plans for deregulation on file with the Commission's staff until December 31, 1987.

9. This order does not cover equipment used by the federal government for national security and emergency preparedness (NSEP) functions, 911 emergency equipment, and company owned coin and pay telephones.

ATTESTED COPIES hereof shall be sent to Anthony Gambardella, Senior Assistant Attorney General, Office of the Attorney General, 101 North 8th Street, Richmond, Virginia 23219; to Richard D. Gary, Esquire, Hunton and Williams, 707 East Main Street, P. O. Box 1535, Richmond,

Virginia 23212; to James B. Wright, Esquire, c/o United Telephone System - Southeast Group, 112 Sixth Street, C.N. 699, Bristol, Tennessee 37621; to Clarence Prestwood, Assistant Vice President - Revenue, Contel Service Corporation, Eastern Region, Dulles International Airport, 201 West Service Road, P. O. Box 401, Merrifield, Virginia 22116; to Allen Layman, Executive Vice President, Roanoke & Botetourt Telephone Company, P. O. Box 174, Daleville, Virginia 24083; to Edward L. Flippen, Esquire, Mays, Valentine, Davenport & Moore, Sovran Center, 1111 East Main Street, P. O. Box 1122, Richmond, Virginia 23208; to Gregory L. Wells, Business Affairs Manager - Virginia, 2307 Hydraulic Road, P. O. Box 6788, Charlottesville, Virginia 22906; to L. Ronald Smith, President - General Manager, MG-W Telephone, P. O. Box 105, Williamsville, Virginia 24487; to R. S. Yeago, Jr., President, CF-W Telephone, 54 Woodlee Road, P. O. Box 2008, Staunton, Virginia 24401; to W. R. Fleming, Manager, North River Telephone Cooperative, Inc., Dayton, Virginia 22821; to James W. McConnell, Manager, Scott County Telephone Cooperative, P. O. Box 487, Woodland Street, Gate City, Virginia 24251; to Ross E. Martin, General Manager, Pembroke Telephone Cooperative, P. O. Box 85, Pembroke, Virginia 24136; to Warren B. French, Jr., President, Shenandoah Telephone Company, P. O. Box 246, Edinburg, Virginia 22824; to E. B. Fitzgerald, Jr., President and General Manager, Peoples Mutual Telephone Company, Inc., P. O. Box 367, Gretna, Virginia 24557; to William E. Pace, Treasurer, Amelia Telephone Cooperative, Highway 68, P. O. Box 158, Leesburg, Alabama, 35983; to David Crawford, III, c/o Hot Springs Telephone Company, Hot Springs, Virginia 24445; to Tony Reed, Route 1, Box 173, Riner, Virginia 24149; to Leona A. Lockwood, 640 Norcova Drive, Chesapeake, Virginia 23320; to Mrs. Noah L. Reed, Route 1, Box 23, Floyd, Virginia 24091; to Waddie Akers, Willis, Virginia 24380; to J. Henry Daniel, Jr., Route 1, Box 205, Amelia, Virginia 23002; to Mrs. H. A. Jenkins, P. O. Box 268, Amelia, Virginia 23002; to Wade Tyree, 841 Shenandoah Road, Lexington, Virginia 22450; to Mrs. C. S. Dodd, Route 1, Box 370, Fincastle, Virginia 24090; to Wayne Grove, 12211 Ashley Court, Manassas, Virginia 22111; to Mrs. Ashley May, Route 1, Box 78, Quicksburg, Virginia 22847; to Frank W. Cole, Star Route Box 17, Chilhowie, Virginia 24319; to Mrs. M. Claywell, 11995 Dumphries Road, Manassas, Virginia 22111; to Mrs. Effie Akers, Route 2, Box 83, Floyd, Virginia 24091; to Mrs. Lucille Stanley, Route 1, Box 2480, Partlow, Virginia 22534; and to William E. John, Jr., 1124 Greesdale Road, Waynesboro, Virginia 22980; and to the Commission's Divisions of Energy Regulation, Accounting and Finance and Economic Research and Development.

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# GOVERNOR

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## GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

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

Title of Regulation: Sewage Handling and Disposal Regulations (VR 355-34-1)

Agency: Department of Health

### Governor's Comments:

I have serious reservations with the proposed \$800 fee to be charged to applicants for appeals under § 32.1-166.10 of the Code of Virginia. I note the Department of Planning and Budget has recommended a \$100 fee as a result of its review of the proposal.

I recommend the Department carefully consider the public comments received on this proposal and establish a significantly reduced fee commensurate with those charged for appeals under other state programs and which better meets the requirement of "reasonableness" contained in § 32.1-166.10.

/s/ Charles S. Robb  
Date: September 20, 1985

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Title of Regulation: Urban Enterprise Zone Program Regulations (VR 394-01-101)

Agency: Board of Housing and Community Development

### Governor's Comments:

No objections to the proposed regulation as presented.

/s/ Charles S. Robb  
Date: September 17, 1985

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Title of Regulation: Rules and Regulations to Assure the Rights of Clients in Community Programs (VR 470-03-03)

Agency: Department of Mental Health and Mental Retardation

### Governor's Comments:

No objections to the proposed regulations as presented.

/s/ Governor S. Robb  
Date: September 12, 1985

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Title of Regulation: Water Quality Standards § 2.02 Fecal

Coliform Bacteria - Other Waters.

Agency: State Water Control Board

### Governor's Comments:

No objections to the proposed regulations as presented.

/s/ Charles S. Robb  
Date: September 16, 1985

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Agency: Department of Agriculture and Consumer Services

Re: Regulations Proposed by the Department of Agriculture and Consumer Services.

COMMONWEALTH OF VIRGINIA

Office of the Governor

July 31, 1985

Mr. S. Mason Carbaugh, Commissioner  
Department of Agriculture and Consumer Services  
Washington Building  
Richmond, Virginia 23219

In accordance with Executive Order No. 51 (84) and by virtue of the authority vested in me by § 9-6.14:1.1 of the Code of Virginia, I've completed my review of the following proposed rules and regulations submitted by the State Board of Agriculture and Consumer Services for public hearing on August 6 and 7, 1985;

1. Rules and regulations governing the production, processing and sale of ice cream, frozen desserts and similar products (amendments to § 15, 17, and 18 A. Establish § 15.2);
2. Rules and regulations governing the production, processing and sale of ice cream, frozen desserts and similar products (amendments to § 18 B);
3. Rules and regulations pertaining to the registration and certification of grape nursery stock;
4. Livestock Market Brucellosis Testing Order No. 1981-2 (repeal);
5. Limited General Quarantine Order No. 1981-1 (repeal);
6. Limited General Quarantine Order No. 1981-3 (repeal);
7. Limited Quarantine Order No. 1983-1 (repeal);
8. Limited General Quarantine Order No. 1980-1 (repeal);

9. Artificial Insemination (repeal);
10. Reporting requirements for contagious and infectious diseases of livestock in Virginia;
11. Rules and regulations governing the prevention, control and eradication of Bovine Tuberculosis in Virginia;
12. Rules and regulations governing the prevention, control and eradication of Brucellosis in Virginia;
13. Rules and regulations governing the operation of livestock markets;
14. Health requirements governing the control of equine infectious anemia in Virginia;
15. Requirements governing the branding of cattle in Virginia;
16. Control and eradication of pullorum disease and fowl typhoid in poultry flocks and hatcheries and products thereof in Virginia;
17. Rules and regulations governing the qualifications for humane investigators;
18. Guidelines pertaining to a pound or enclosure to be maintained by each county or city;
19. Rules and regulations governing the recordkeeping by Virginia cattle dealers for the control or eradication of brucellosis of cattle;
20. Rules and regulations governing laboratory fees for services rendered or performed; and
21. Health requirements governing the admission of livestock, poultry, companion animals and other animals or birds into Virginia.

The proposed amendments to regulations No. 1 and 2 (as referenced above) are presented in response to petitions received by the Board of Agriculture and Consumer Services, and I have no objections to these two regulations as presented. I also have no objections to regulation No. 3 (as referenced above) Registration and Certification of Grape Nursery Stock which establishes voluntary procedures to assist Virginia's wine industry in establishing vineyards with virus free vines.

The actions proposed in relation to regulations No. 4 through 21 (as referenced above) result from the review of the Department's existing regulations which was conducted in 1984 at my direction under the provisions of Executive Order No. 51 (84). The proposed changes to these regulations were previously reviewed by my office and the Governor's Regulatory Reform Advisory Board prior to their publication in the Virginia Register on May 27, 1985. A public hearing held on these regulations by the

Governor's Regulatory Reform Advisory Board yielded no opposition to the proposals and, as such, I have no objections to the proposed regulations as presented. I encourage the Department to carefully consider any additional comments submitted by the public at the hearings schedules for August 6 and 7 on these regulations before proceeding with final adoption.

Once again, I appreciate all the hard work that went into the review of the Department's existing regulations and want to congratulate you and your staff on a job well done.

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

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# GENERAL NOTICES/ERRATA

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**Symbol Key †**

† Indicates entries since last publication of the Virginia Register

## NOTICES OF INTENDED REGULATORY ACTION

### VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Agriculture and Consumer Services intends to consider promulgating regulations entitled: **Rules and Regulations Governing Brucellosis Calfhood Vaccination**. The purpose of the proposed regulations is to require brucellosis calfhood vaccination of all female cattle four months of age or older which enter the Commonwealth of Virginia for feeding and breeding purposes, and to require the same vaccination for female cattle of similar age that are sold at Virginia livestock markets for placement on Virginia farms. Such vaccinations will enhance the prevention, control and eradication of brucellosis from the cattle population within Virginia.

Statutory Authority: § 3.1-726 of the Code of Virginia.

Written comments may be submitted until December 31, 1985.

CONTACT: Dr. A. J. Roth, Chief, Bureau of Veterinary Services, Washington Bldg., Suite 600, 1100 Bank St., Richmond, Va. 23219, telephone (804) 786-2483.

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Agriculture and Consumer Services intends to consider promulgating regulations entitled: **Rules and Regulations Governing the Transportation of Companion Animals and Horses**. The purpose of the proposed regulations is to specify those requirements to be met when transporting live companion animals and horses that will preclude the inhumane treatment of these animals and foster handling and care practices that will enhance their well-being during periods of transit within the state.

Statutory Authority: § 29-213.37 of the Code of Virginia.

Written comments may be submitted until December 31, 1985.

CONTACT: Dr. Tonya Higgins, Animal Welfare Officer, Bureau of Veterinary Services, Washington Bldg., Suite 600, 1100 Bank St., Richmond, Va. 23219, telephone (804) 786-2483.

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Agriculture and Consumer Services intends to consider amending regulations entitled: **Rules and Regulations for Enforcement of the Virginia Seed Law**. The purpose of the proposed regulations is to amend current regulations by identifying and adopting annual bluegrass, bentgrass, bermudagrass, meadow fescue, orchardgrass, redtop, rough bluegrass, tall fescue, timothy and velvetgrass as restricted noxious weed seeds when present in bentgrasses, Kentucky bluegrass, chewings fescue, red fescue, hard fescue, varieties of perennial ryegrass, varieties of named turf type tall fescue, and/or mixtures containing these grasses.

Those adopted as "Noxious" and found to incidentally occur must be listed on the label under the heading of Noxious Weed Seeds or Undesirable Grass Seed by name and rate of occurrence. Also, annual bluegrass and bermudagrass will be deleted as restricted noxious weed in agricultural seed and wild radish will be renamed as radish - *raphanus* spp.

Statutory Authority: § 3.1-271 of the Virginia Seed Law.

Written comments may be submitted until October 15, 1985.

CONTACT: R. D. Vaughan, Secretary, Board of Agriculture and Consumer Services, P. O. Box 1163, Richmond, Va. 23209, telephone (804) 786-3501.

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### DEPARTMENT OF COMMERCE

#### 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.

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

Written comments may be submitted until October 18, 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).

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**STATE BOARD OF CORRECTIONS**

**Notice of Intended Regulatory Action**

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Corrections intends to consider amending regulations entitled: **Minimum Standards for Jails and Lockups**. The purpose of the proposed amendments is to propose changes consistent with greater uniformity and interpretation for application thereof.

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

Written comments may be submitted until December 1, 1985.

CONTACT: Vivian T. Toler, Confidential Secretary, State Board of Corrections, P. O. Box 26963, Richmond, Va. 23261, telephone (804) 257-6274.

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**CRIMINAL JUSTICE SERVICES BOARD**

**† Notice of Intended Regulatory Action**

Notice is hereby given in accordance with this agency's public participation guidelines that the Criminal Justice Services Board intends to consider amending regulations entitled: **Rules Relating to the Certification of Criminal Justice Instructors**. The purpose of the proposed amendments is to update existing requirements for instructor certification.

This is part of the board's routine periodic review process.

Statutory Authority: § 9-170 (1) (11) of the Code of Virginia.

Written comments may be submitted until November 14,

1985 to Mr. L. T. Eckenrode, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219.

CONTACT: J. R. Marshall, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-8730.

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**VIRGINIA BOARD OF DENTISTRY**

**Notice of Intended Regulatory Action**

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Dentistry intends to consider promulgating, amending and repealing regulations entitled: **Rules and Regulations Governing the Practice of Dentistry and Dental Hygiene**. The purpose of the proposed regulations is to regulate the practice of dentistry and dental hygiene.

Statutory Authority: § 54.1-163 of the Code of Virginia.

Written comments may be submitted until November 25, 1985.

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

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**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: **Regulations Governing Hotels**. The purpose of the proposed amendments is to provide standards for the health regulation of hotels, including swimming pools, saunas and other similar facilities.

Statutory Authority: §§ 35.1-11 and 35.1-13 of the Code of Virginia.

Written comments may be submitted until October 16, 1985.

CONTACT: Joseph W. Moschler, Director, Bureau of TES, 500 Madison Bldg., 109 Governor St., Richmond, Va. 23219, telephone (804) 786-2087.

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# General Notices/Errata

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## VIRGINIA STATE LIBRARY BOARD

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Library Board intends to consider amending regulations entitled: **Standards for the Microfilming of Public Records for Archival Retention (VR 440-01-137.1)**. The purpose of the proposed amendment is to provide minimum standards for film stock, microfilming procedures, processing, handling and inspection, and storage of microfilm used in filming records of permanent value.

Statutory Authority: § 42.1-82 of the Code of Virginia.

This amendment is made to revise existing standards and to conform to revised national standards.

Written comments may be submitted until November 11, 1985.

CONTACT: Louis Manarin, State Archivist, 11th St. at Capitol Square, Richmond, Va. 23219-3491, telephone (804) 786-5597.

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Library Board intends to consider amending regulations entitled: **Archival Standards for Recording Deeds and Other Writings by a Procedural Microphotographic Process (VR 440-01-137.2)**. The purpose of the proposed amendments is to provide minimum standards for film stock, microfilming procedures, processing, handling and inspection, and storage of microfilm used in a procedural microphotographic process for microfilming permanent records.

This proposed amendment is made to revise existing standards and to conform to revised national standards.

Statutory Authority: §§ 17-60, 17-70, 17-70.1, and 42.1-82 of the Code of Virginia.

Written comments may be submitted until November 11, 1985.

CONTACT: Louis Manarin, State Archivist, 11th St. at Capitol Square, Richmond, Va. 23219-3491, telephone (804) 786-5597.

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State

Library Board intends to repeal regulations entitled: **Minimum Standards for Instruments Recorded by a Microphotographic Process (VR 440-01-137.3)**.

This regulation is superseded by Standards for Recorded Instruments (VR 440-01-137.7).

Statutory Authority: § 41.1-82 of the Code of Virginia.

Written comments may be submitted until November 11, 1985.

CONTACT: Louis Manarin, State Archivist, 11th St. at Capitol Square, Richmond, Va. 23219-3491, telephone (804) 786-5597.

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Library Board intends to consider amending regulations entitled: **Standards for the Microfilming of Ended Law, Chancery and Criminal Cases by the Clerks of the Circuit Courts Prior to Disposition (VR 440-01-137.4)**. The purpose of the proposed amendments is to provide minimum standards for film stock, microfilming procedures, processing, handling and inspection, and storage of microfilm used in filming all ended records, papers, or documents pertaining to law, chancery, and criminal cases.

Amendments made to revise existing standards and to conform to revised national standards.

Statutory Authority: §§ 17-17.4 and 42.1-82 of the Code of Virginia.

Written comments may be submitted until November 11, 1985.

CONTACT: Louis Manarin, State Archivist, 11th St. at Capitol Square, Richmond, Va. 23219-3491, telephone (804) 786-5597.

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Library Board intends to consider amending regulations entitled: **Standards for Computer Output Microfilm (COM) for Archival Retention (VR 440-01-137.5)**. The purpose of the proposed amendments is to provide minimum standards for film stock, microfilming procedures, processing, handling and inspection, and storage of computer output microfilm generated for records of permanent value.

These amendments are being proposed to revise existing standards and to conform to revised national standards.



Statutory Authority: § 42.1-82 of the Code of Virginia.

Written comments may be submitted until November 11, 1985.

CONTACT: Louis Manarin, State Archivist, 11th St. at Capitol Square, Richmond, Va. 23219-3491, telephone (804) 786-5597.

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DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Medical Assistance Services intends to consider amending regulations entitled: **Nursing Homes Reimbursement Rates**. The purpose of the proposed amendments is to establish the methods by which the agency determines reimbursement rates for skilled and intermediate care nursing homes.

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

Written comments may be submitted until November 15, 1985.

CONTACT: Ray T. Sorrell, Director, Department of Medical Assistance Services, 109 Governor St., Suite 800, Richmond, Va. 23219, telephone (804) 786-7933.

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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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DEPARTMENT OF SOCIAL SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider promulgating regulations entitled: **State Income Tax Intercept for Child Support (VR 615-07-1)**. The purpose of this regulation is to ensure that the State Income Tax Refund Offset will pay back money spent for public assistance. Currently, there is no provision for who should be reimbursed first, the state, or the custodial parent who was previously on the welfare rolls and accrued a debt that was never satisfied.

Statutory Authority: § 58-19 of the Code of Virginia.

Written comments may be submitted until October 30, 1985, to Jean White, Director, Division of Child Support Enforcement, 8007 Discovery Drive, Richmond, Virginia 23288.

CONTACT: Jane Clements, Chief, Bureau of Program Operations, Division of Child Support Enforcement, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23288, telephone (804) 281-9074.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider promulgating regulations entitled: **Separate Fee Charged for Child Support Services (VR 615-70-3)**. The purpose of the proposed regulations is to limit the charge to one additional fee so as not to discourage those most in need from applying for services. In addition to the extent possible, the person named as the legal father of the child should not burden the taxpayers by having the state bear this expense when he is financially capable of paying.

Statutory Authority: § 63.1-250.2 of the Code of Virginia.

Written comments may be submitted until October 30, 1985, to Jean White, Director, Division of Child Support Enforcement, 8007 Discovery Drive, Richmond, Virginia 23288.

CONTACT: Jane Clements, Chief, Bureau of Program Operations, Division of Child Support Enforcement,

# General Notices/Errata

Department of Social Services, 8007 Discovery Dr.,  
Richmond, Va. 23288, telephone (804) 281-8074.

## Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider promulgating regulations entitled: **Regulation for Criminal Record Check: Licensed Child Care Centers and Child Caring Institutions.** The purpose of the proposed regulations is to provide guidelines and clarification for the implementation of Chapter 360 of the 1985 Acts of Assembly. This statute requires criminal record checks for all individuals participating in the operation of a child care center or child caring institution subject to licensure.

Statutory Authority: § 63.1-202 of the Code of Virginia.

Written comments may be submitted until October 16, 1985.

CONTACT: Sheila B. Rich, Supervisor, Children/Adult Programs, Division of Licensing Programs, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025.

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## 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 promulgating regulations entitled: **Virginia Individual Income Tax Regulations, Virginia Taxable Income (VR 630-2-322) and Virginia Corporation Income Tax Regulations, Virginia Taxable Income (VR 630-3-402).** These regulations are to be amended to include a 1985 legislative change to permit the deduction of "Qualified Agricultural Contributions" from the Virginia taxable income of individuals and corporations.

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

Written comments may be submitted until October 30, 1985.

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

## GENERAL NOTICES ERRATA

Agency: Virginia Department of Social Services

Title of Regulation: **VR 615-21-02. Standard and Regulations for Adult Day Care Centers.**

Issue: 1:25 VA.R., pages 2164 through 2181, September 16, 1985

Changes to the proposed regulation are as follows:

page 2179: Third chart was omitted, see insert below

MID-DAY AND EVENING MEALS	
Milk, fluid*	½ cup
Meat, poultry, fish or seafood, or meat alternate****	2 oz.
Vegetables and/or fruits (two or more)	½ cup each
Bread or bread alternate***	1 slice

## 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

# General Notices/Errata

- 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 THE PUBLIC

### MARINE RESOURCES COMMISSION

Regulation VR 450-01-0037, Marking of Oyster Planting  
Ground was denied by the Marine Resources Commission  
at its September 24th, meeting.

## 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  
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.

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# CALENDAR OF EVENTS

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

**October 21-22, 1985 - 10 a.m. - Open Meeting**  
Department of Commerce, Travelers Building, 3600 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to (i) review of applications for certification; (ii) review of disciplinary cases; (iii) discussion of November, 1985 CPA examination; (iv) interviews; (v) correspondence items; and (vi) signing of certificates.

**Contact:** Jennifer S. Wester, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8505 (toll-free number 1-800-552-3016)

#### VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

**December 11, 1985 - 10 a.m. - Public Hearing**  
Virginia Department of Agriculture and Consumer Services, Washington Building, 1100 East Bank 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 Department of Agriculture and Consumer Services intends to amend regulations entitled: **Rules and Regulations for Enforcement of The Virginia Pest Law - Cotton Boll Weevil Quarantine.** The Cotton Boll Weevil Quarantine

declares Anthonomus grandis as a pest and provides rules and regulations to monitor for and eradicate this pest when found.

#### STATEMENT

Cotton boll weevil, Anthonomus grandis, has been described as the most costly insect in the history of American agriculture. It is thought to have crossed the Rio Grande at Brownsville, Texas in 1892, and was first detected in Virginia in 1922. The adult feeds on cotton bolls and leaves and the larva feeds only on the cotton bolls. Egg punctures on the bolls cause bolls to flare, turn yellow, and fall to the ground.

The regulations amend the current Cotton Boll Weevil Quarantine so Virginia can participate in a continued multistate cooperative effort to monitor and eradicate, if necessary, cotton boll weevil from Virginia, North Carolina, and South Carolina by requiring: (i) cotton growers to declare their intentions of acreage in cotton to be grown each year; and (ii) require a payment of \$10 per acre of cotton grown to defray the cost of the program.

The requested amendments were part of the original boll weevil quarantine adopted December 14, 1977, but were deleted on February 26, 1981, when eradication was achieved. Additional efforts are now needed to keep Virginia free of cotton boll weevil.

Statutory Authority: §§ 3.1-188.23 and 3.1-188.24 of the Code of Virginia.

Written comments may be submitted until December 10, 1985.

**Contact:** Raymond D. Vaughan, Secretary, Board of Agriculture and Consumer Services, P. O. Box 1163, Richmond, Va. 23209, telephone (804) 786-3501

#### STATE AIR POLLUTION CONTROL BOARD

† **October 16, 1985 - 8 p.m. - Open Meeting**  
Cedar Lee Junior High School, Bealeton, Virginia. (Location accessible to handicapped.)

The State Air Pollution Control Board will consider permit applications from Trinity Plastics Corporation of Remington, Virginia to install and operate an 11th gas-fired flexographic printing line and to operate the 10 gas-fired flexographic printing lines located at their Remington (Fauquier County) plastic bags manufacturing plant.

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Contact: John C. Doherty, Springfield Towers, Suite 502,  
6320 Augusta Dr., Springfield, Va. 22150, telephone (703)  
466-4042/644-0311

## DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

† October 21, 1985 - 9:30 a.m. - Open Meeting  
† November 6, 1985 - 9:30 a.m. - Open Meeting  
† November 19, 1985 - 9:30 a.m. - Open Meeting  
† December 3, 1985 - 9:30 a.m. - Open Meeting  
† December 17, 1985 - 9:30 a.m. - Open Meeting  
2901 Hermitage Road, Richmond, Virginia. (Location  
accessible to handicapped.)

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

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

\* \* \* \* \*

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

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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

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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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## 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.

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**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.

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**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.

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**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.

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**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 requireemnt 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.

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**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

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

**November 15, 1985 - 9 a.m. – Open Meeting**  
Department of Commerce, Travelers Building, 3600 West Broad Street, Conference Room 1, 5th Floor, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to approve minutes of the July 10, 1985, meeting; and to review investigative cases.

**Contact:** Johnsie Williams, Assistant Director, State Board of Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8512

## VIRGINIA AVIATION BOARD

† **October 24, 1985 - 10 a.m. – Open Meeting**  
Howard Johnson's Motor Lodge, 100 Tower Drive, Danville, Virginia

A meeting to discuss matters relating to aviation in the Commonwealth.

**Contact:** Kenneth A. Rowe, 4508 S. Laburnum Ave., P. O. Box 7716, Richmond, Va. 23231

## STATE BUILDING CODE TECHNICAL REVIEW BOARD

† **October 25, 1985 - 10 a.m. – Open Meeting**  
Fourth Street State Office Building, 205 North 4th Street, 2nd Floor Conference Room, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A meeting to (i) consider requests for interpretation of the Virginia Uniform Statewide Building Code; (ii) consider appeals from the rulings of local appeal boards regarding application of the Virginia Uniform Statewide Building Code, and (iii) approve minutes of the previous meeting.

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

## INTERDEPARTMENTAL COMMITTEE ON RATE-SETTING FOR CHILDREN'S FACILITIES

† **October 30, 1985 - 9 a.m. – Open Meeting**  
Holiday Inn-Downtown, 301 West Franklin Street, Board Room, 3rd Floor, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A meeting to (i) review the training of hearing officers, (ii) review and react to the comments from the public hearing and (iii) prepare suggestions to the State Boards of the Departments of Corrections, Education, and Social Services as related to § 2.1-703 of the Code of Virginia.

**Contact:** Nancy Bockes, P. O. Box 344, Independence, Va. 24348, telephone (703) 773-2452

## DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

### Virginia Historic Landmarks Board

**October 15, 1985 - 2 p.m. – Open Meeting**  
221 Governor Street, Richmond, Virginia

A general business meeting.

# Calendar of Events

## Division of Historic Landmarks

**October 15, 1985 - 10 a.m. - Open Meeting**  
221 Governor Street, Richmond, Virginia

A meeting to consider the addition of the following properties to the Virginia Landmarks Register and their nomination to the National Register of Historic Places:

Brampton, Madison County;  
Burkes Garden Historic District, Tazewell County;  
Centre Hill Historic District, Petersburg;  
Laurel Industrial School District, Henrico County;  
Locust Hill, Rockbridge County;  
Michie Tavern, Albemarle County;  
Nathaniel Burwell Harvey House, Pulaski County;  
Spring Hill, Greensville County.

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

## STATE BOARD FOR CONTRACTORS

† **October 16-18, 1985 - 10 a.m. - Open Meeting**  
Bedford County Courthouse, 129 East Main Street, Board of Supervisors Meeting Room, Bedford, Virginia

The board will meet to conduct a formal fact-finding hearing regarding State Board for Contractors v. James D. Harvey; Bedford, Virginia.

† **October 30-31, 1985 - 10 a.m. - Open Meeting**  
County Courthouse, Main Street, Circuit Courtroom, Halifax, Virginia

The board will meet to conduct a formal fact-finding hearing regarding State Board for Contractors v. William T. Sutphin; South Boston, Virginia.

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

## BOARD OF CORRECTIONS

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

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

**November 13, 1985 - 10 a.m. - Open Meeting**  
**December 11, 1985 - 10 a.m. - Open Meeting**  
4615 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

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

## CRIMINAL JUSTICE SERVICES BOARD

### Committee on Criminal Justice Information Systems

**October 31, 1985 - 10 a.m. - Open Meeting**  
Ninth Street Office Building, Cabinet Conference Room, 6th Floor, Richmond, Virginia. (Location accessible to handicapped.)

The committee will consider matters related to improving state and local criminal justice information systems.

**Contact:** Joseph R. Marshall, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000

## BOARD OF EDUCATION

† **October 31, 1985 - 9 a.m. - Open Meeting**  
† **November 1, 1985 - 9 a.m. - Open Meeting**  
† **December 5, 1985 - 9 a.m. - Open Meeting**  
† **December 6, 1985 - 9 a.m. - Open Meeting**  
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

This is the regularly scheduled meeting of the Board of Education. Business will be conducted according to an agenda, which is available upon request. The public is reminded that the Board of Vocational Education may be convened, if necessary.

**Contact:** Margaret N. Roberts, Department of Education, P. O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2540

## VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† **October 15, 1985 - 8 p.m. - Open Meeting**  
† **October 16, 1985 - 9 a.m. - Open Meeting**  
John Marshall Hotel, 5th & Franklin Street, Richmond, Virginia

October 15, 1985 - A meeting to discuss reciprocity with other states. October 16, 1985 - A general board meeting

† **November 18, 1985 - 9 a.m. - Open Meeting**

# Calendar of Events

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† November 19, 1985 - 9 a.m. - Open Meeting  
Ramada Hotel in Oldtown, 901 North Fairfax Street,  
Alexandria, Virginia

Examinations on both days and a general board meeting on November 19, 1985 at 2 p.m.

Contact: Mark L. Forberg, Executive Secretary, P. O. Box 27708, 517 W. Grace St., Richmond, Va. 23219, telephone (804) 786-0076

## COMMISSION OF GAME AND INLAND FISHERIES

† November 1, 1985 - 9:30 a.m. - Open Meeting  
4010 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

A meeting of the commission to consider general administrative matters.

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

## DEPARTMENT OF GENERAL SERVICES

### Art and Architectural Review Board

November 1, 1985 - 10 a.m. - Open Meeting  
Virginia Museum of Fine Arts, Main Conference Room,  
Richmond, Virginia

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

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

### Division of Consolidated Laboratory Services

December 5, 1985 - 2 p.m. - Public Hearing  
James Monroe Building, 101 North 14th Street, Conference 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 Department of General Services, Division of Consolidated Laboratory Services intends to amend regulations entitled: **Regulations for Breath Alcohol Testing**. The proposed amendments prescribe methods for determining the alcohol content in the blood by chemical analysis of the breath of a person arrested or detained for suspicion of driving a motor vehicle while under the influence of alcohol, establish procedures for licensing

persons to perform such analyses, and establish criteria for approval of breath test instruments.

## STATEMENT

Subject. Substance. Issues. Basis. and Purpose: In accordance with §§ 18.2-267 and 18.2-268 of the Code of Virginia, the Department of General Services, Division of Consolidated Laboratory Services (DCLS) will amend its existing regulations for Breath Alcohol Testing.

The proposed amendments will add a requirement that licensed breath test operators use only equipment, supplies and accessories for breath testing which are approved or issued by DCLS; provide criteria for approval of breath test devices; and provide for monitoring breath test equipment. The amendments provide for publication of lists of approved breath test devices in the Virginia Register of Regulations. Other amendments clarify the intent of the regulations and conform the format to the requirements for publication in the Virginia Register of Regulations.

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

Written comments may be submitted until December 5, 1985, to Dr. Paul Ferrara, 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

## VIRGINIA STATE BOARD OF GEOLOGY

November 13, 1985 - 9 a.m. - Open Meeting  
Department of Commerce, Travelers Building, Conference Room 1, 5th Floor, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to (i) approve minutes from the August 20, 1985, meeting, (ii) review examination results and work on additional examination questions, and to (iii) review applications.

Contact: Johnsie Williams, Assistant Director, Geology Board, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8555

## GOVERNOR'S JOB TRAINING COORDINATING COUNCIL

November 4, 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 that is open to the public.

Contact: Gladys Walker, Governor's Employment and Training Department, 417 E. Grace St., P. O. Box 12083, Richmond, Va., telephone (804) 786-8085

**HAZARDOUS WASTE FACILITY SITING COUNCIL**

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 November 3, 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 1% 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 November 3, 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

# Calendar of Events

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 November 3, 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 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 November 3, 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

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

\* \* \* \* \*

November 15, 1985 - 10 a.m. - Public Hearing

James Madison Building, 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 Board of Health intends to amend regulations entitled: **Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations (VR 355-30-01)**. The purpose of the proposed amendments is to amend the capital and operating expenditure limits for review of COPN projects, not to include expenditures for major medical equipment.

### STATEMENT

#### Summary, Purpose, Need:

A. Purpose: To amend the capital and operating expenditure limits for review of COPN projects excluding expenditures for major medical equipment. Affected provisions of the regulations:

Part I - Definitions "Acquisition" and "Project"

Part III - Mandatory Requirements - § 3.3.

Part V - Process for Exempting Medical Care Facility Projects from Review Procedures - § 5.1.A. and 5.1.B.

Part VI - Administrative Review Process - § 6.1

Need: To potentially reduce the number of medical care facility projects that are subject to review.

Without the regulation, a substantial increase in the proliferation of capital expenditures and duplicative health services would occur thereby affecting the total costs of health care borne by the public.

B. Consideration of alternative approaches were obviated based on general concurrence of the proposed capital and operating expenditure limits by the Virginia Hospital Association and Health Systems Agencies. Approximately 80% of the projects considered under the COPN program are hospital-related. The proposed regulations also comply favorably with the increased capital expenditure limits proposed by the federal government.

Statutory Authority: §§ 32.1-12 and 32.1-102.2 of the Code of Virginia.

Written comments may submitted until November 15, 1985.

Contact: Marilyn H. West, Director, Division of Resources Development, James Madison Bldg., 109 Governor St., Room 1005, Richmond, Va. 23219, telephone (804) 786-7463



## BOARD ON HEALTH REGULATORY BOARDS

**October 15, 1985 - 1 p.m. - Open Meeting**  
Brandermill Inn & Conference Center, 13550 Harbour  
Pointe Parkway, Board Room, Midlothian, Virginia.  
(Location accessible to handicapped; interpreter for deaf  
provided if requested.)

This regular quarterly meeting of the Board (formerly  
commission of) on Health Regulatory Boards is also  
the annual meeting of the board. Reports of the  
Professional Review Committee, the Nominating  
Committee, the Executive Committee/Finance  
Committee, and the Advisory Committee will be  
presented, and the board will consider the  
recommendations of each committee.

**Contact:** Richard D. Morrison, P. O. Box 27708, Richmond,  
Va. 23261, telephone (804) 786-0822

## VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

† **October 23, 1985 - 9:30 a.m. - Open Meeting**  
† **November 20, 1985 - 9:30 a.m. - Open Meeting**  
Blue Cross & Blue Shield of Virginia Building, 2015 Staples  
Mill Road, Virginia Room, Richmond, Virginia. (Location  
accessible to handicapped.)

A monthly business meeting of the council for the  
purpose of addressing financial, policy or technical  
matters which may have arisen since the last meeting.

October 23, 1985 - Mr. Ray Sorrell, Director of  
Virginia Office of Medical Assistance, will make a  
presentation.

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

## STATE COUNCIL OF HIGHER EDUCATION

† **November 6, 1985 - 9 a.m. - Open Meeting**  
101 North 14th Street, Council Conference Room, 9th  
Floor, Richmond, Virginia

A monthly council meeting.

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

## VIRGINIA DEPARTMENT OF HIGHWAYS AND TRANSPORTATION

**October 17, 1985 - 10 a.m. - Open Meeting**  
Virginia Department of Highways and Transportation, 1221  
East Broad Street, Board Room, Richmond, Virginia.  
(Location accessible to handicapped; interpreter for deaf  
provided if requested.)

A monthly meeting of the board 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

## BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

**October 21, 1985 - 1 p.m. - Open Meeting**  
Fourth Street Office Building, 205 North 4th Street, 2nd  
Floor, 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) hear reports of the committees of the board; and  
(v) 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.

### Building Codes and Standards Committee

**October 21, 1985 - 10 a.m. - Open Meeting**  
Fourth Street Office Building, 205 North 4th Street, 2nd  
Floor, Richmond, Virginia. (Location accessible to  
handicapped; interpreter for deaf provided if requested.)

A regular meeting of the committee to consider work  
items and issues in the area of building codes and  
standards and to develop recommendations as deemed  
appropriate for review of the board.

### Community Development Committee

**October 21, 1985 - 10 a.m. - Open Meeting**  
Fourth Street Office Building, 205 North 4th Street, 7th  
Floor, Richmond, Virginia. (Location accessible to  
handicapped; interpreter for deaf provided if requested.)

A regular meeting of the committee to consider work  
items and issues in the area of community  
development and to develop recommendations as  
deemed appropriate for review by the board.

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

# Calendar of Events

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## VIRGINIA HOUSING DEVELOPMENT AUTHORITY

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Housing Development Authority intends to amend regulations entitled: **Amendment to Procedures, Instruction and Guidelines For Single Family Mortgage Loans to Persons and Families of Low and Moderate Income.** The amendment modifies the provisions in the procedures, instructions and guidelines relating to the maximum allowable sales prices and maximum allowable adjusted incomes under the authority's single family programs.

### STATEMENT

**Purpose:** To make certain adjustments in the maximum allowable sales prices and maximum allowable adjusted incomes.

**Basis:** Rule 103 of the Rules and Regulations of the Authority adopted pursuant to § 36-55.30:3 of the Code of Virginia.

**Subject, Substance and Issues:** Under the current provisions of the authority's procedures, instructions and guidelines, maximum allowable sales prices and maximum allowable adjusted incomes are established for the Northern Virginia portion of the Washington, DC-MD-VA MSA, the Norfolk-Virginia Beach-Newport News MSA and the remainder of the state. In order to reflect the increased housing costs and incomes of low and moderate income persons and families, the proposed regulations will make certain increases in the maximum allowable sales prices and maximum allowable adjusted incomes for those areas.

The proposed regulations will also establish maximum allowable sales prices and maximum allowable adjusted incomes for additional areas of the state to be designated together as North Piedmont/Richmond-Petersburg MSA/Roanoke MSA. Under the current provisions of the authority's procedures, instruction and guidelines, these areas are within the area designated as the remainder of the state. This change is to be made in recognition of the higher costs of housing and the higher incomes in these areas as compared with the remainder of the state.

**Impact:** The authority expects that the proposed regulations will enable the authority to provide mortgage loan financing to an additional 1,000 persons and families of low and moderate income who would otherwise have not been able to qualify for such financing. The authority does not expect that any significant costs will be incurred for the implementation of and compliance with the proposed regulation.

Statutory Authority: § 36-55.30:3 of the Code of Virginia.  
**Contact:** Judson McKellar, General Counsel, 13 S. 13th St., Richmond, Va. 23219, telephone (804) 782-1986

## Board of Commissioners

**October 15, 1985 - 10 a.m. - Open Meeting**  
13 South 13th Street, Richmond, Virginia. (Location accessible to handicapped.)

A regular monthly meeting of the board to (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month, (iv) consider and, if appropriate, approve the Amendment to Procedures, Instructions and Guidelines for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income; and (v) 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

## STATE HUMAN RIGHTS COMMITTEE

† **October 18, 1985 - 10 a.m. - Open Meeting**  
Piedmont Geriatric Hospital, Burkeville, Virginia

A meeting to discuss business relating to rights of patients and residents' assuring their rights in the facilities operated or licensed by the Department of Mental Health and Mental Retardation, and other business pertinent to rights issues.

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

## VIRGINIA STATE LIBRARY BOARD

**October 28, 1985 - 11 a.m. - Open Meeting**  
Virginia State Library, 11th Street at Capitol Square, State Librarian's Office, Richmond, Virginia. (Location accessible to handicapped.)

A regular quarterly meeting to discuss administrative matters.

**Contact:** Jean Reynolds, Virginia State Library, 11th St. at Capitol Square, Richmond, Va. 23219, telephone (804) 786-2332

## COMMISSION ON LOCAL GOVERNMENT

**October 14, 1985 - 9 a.m. - Open Meeting**  
**October 15, 1985 - 9 a.m. - Open Meeting**  
**October 16, 1985 - 9 a.m. - Open Meeting**  
Rockbridge County Courthouse, Circuit Courtroom, Lexington, Virginia

## Calendar of Events

Oral presentations regarding the City of Lexington's action for the annexation of approximately 6.86 square miles of territory within the County of Rockbridge and the County of Rockbridge's action for the immunization of 3.35 square miles of its territory from city-initiated annexation.

**October 15, 1985 - 7:30 p.m. – Public Hearing**  
Rockbridge County Courthouse, Circuit Courtroom,  
Lexington, Virginia

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

**October 28, 1985 - 9 a.m. – Open Meeting**  
**October 29, 1985 - 9 a.m. – Open Meeting**  
**October 30, 1985 - 9 a.m. – Open Meeting**  
**October 31, 1985 - 9 a.m. – Open Meeting**  
City of Petersburg, Prince George County area (site to be determined)

Oral presentations regarding the City of Petersburg annexation action.

**October 29, 1985 - 7:30 p.m. – Public Hearing**  
City of Petersburg, Prince George County (site to be determined)

A public hearing regarding the City of Petersburg annexation action.

**November 13, 1985 - 9 a.m. – Open Meeting**  
**November 14, 1985 - 9 a.m. – Open Meeting**  
**November 15, 1985 - 9 a.m. – Open Meeting**  
City of Hopewell - Prince George County area (site to be determined)

Oral presentations regarding the City of Hopewell's annexation action.

**November 14, 1985 - 7:30 p.m. – Public Hearing**  
City of Hopewell - Prince George County area (site to be determined)

A public hearing regarding the City of Hopewell's annexation action.

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

### LONGWOOD COLLEGE

#### Board of Visitors

**November 14-15, 1985 - 9:30 a.m. – Open Meeting**  
Longwood College, Virginia and Prince Edward Rooms,  
Farmville, Virginia. (Location accessible to handicapped.)

A regular quarterly meeting to handle affairs of the college.

**Contact:** Dr. Janet D. Greenwood, President, Longwood College, Farmville, Va. 23901, telephone (804) 392-9211 (SCATS 265-4211)

### 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

### STATE MENTAL HEALTH AND MENTAL RETARDATION BOARD

**October 23, 1985 - 10 a.m. – Open Meeting**  
University of Virginia Medical School, Charlottesville, Virginia. (Location accessible to handicapped.)

A monthly state board meeting. The agenda will be published October 16, and may be obtained by calling Jane Helfrich.

**Contact:** Jane V. Helfrich, State Mental Health and Mental Retardation 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

**December 2, 1985 - 10 a.m. – Public Hearing**  
Virginia Treatment Center for Children, 515 North 10th Street, Auditorium, 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 Mental

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Health and Mental Retardation intends to adopt regulations entitled: **Rules and Regulations for the Licensure of Correctional Psychiatric Facilities**. The proposed regulations will establish minimum requirements for staffing, programs and services, health and safety, management and record-keeping in correctional psychiatric facilities.

## STATEMENT

**Subject, Substance, Issues, Basis and Purpose:** The proposed Rules and Regulations for the Licensure of Correctional Psychiatric Facilities are designed to establish minimum requirements for staffing client rights, organization and management, admissions, programs and services, health and safety procedures and recordkeeping in psychiatric facilities established in correctional facilities. Many prisoners are in need of mental health services while incarcerated. Federal court rulings have indicated that these prisoners are eligible for mental health treatment services. The Department of Corrections has received funding to expand the mental health treatment services that it provides to prisoners. State law requires that the Department of Mental Health and Mental Retardation license psychiatric facilities in the Commonwealth. The proposed regulations are intended to comply with the federal court rulings and state law.

The proposed rules and regulations will affect seven correctional units in which psychiatric facilities are planned to be established. The total number of beds involved is approximately 414.

Statutory Authority: §§ 37.1-179.1 and 37.1-84.1 of the Code of Virginia.

Written comments may be submitted until December 2, 1985.

**Contact:** Joseph W. Avellar, Ph.D., Director, Office of Quality Assurance, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-0070

## State Abuse Advisory Council

† **October 31, 1985 - 10 a.m.** — Open Meeting  
James Madison Building, 109 Governor Street, 13th Floor Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

A regular business meeting to include discussion of major issues to be dealt with by the council in the coming year.

**Contact:** Wayne Thacher, Director, Office of Substance Abuse Services, 109 Governor St., Richmond, Va. 23214, telephone (804) 786-3906

## STATE MILK COMMISSION

† **October 16, 1985 - 10 a.m.** — Open Meeting  
Breaks Interstate Park Facility, Breaks, Virginia

A routine monthly meeting.

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

## DEPARTMENT OF MOTOR VEHICLES

**October 16, 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 BOARD OF OPTOMETRY

**October 16, 1985 - 8:30 a.m.** — Open Meeting  
Brandermill Conference Center, 13550 Harbour Pointe Parkway, Midlothian, Virginia. (Location accessible to handicapped.)

A general business meeting of the board.

**Contact:** Lawrence H. Redford, Executive Director, Virginia Board of Optometry, P. O. Box 27708, Richmond, Va. 23261

## PERINATAL SERVICES ADVISORY BOARD

**October 31, 1985 - 12:30 p.m.** — Open Meeting  
James Madison Building, 109 Governor Street, Room 1000, Richmond, Virginia. (Location accessible to handicapped.)

A regular meeting of the Perinatal Services Advisory Board. (Agenda will be provided upon request two weeks prior to the meeting.)

**Contact:** Dr. Alice Linyear, James Madison Bldg., 109 Governor St., 6th Floor, Richmond, Va. 23219, telephone (804) 786-7367

## POLYGRAPH EXAMINERS ADVISORY BOARD

† **October 29, 1985 - 10 a.m.** — Open Meeting  
Department of Commerce, Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. (Location accessible to handicapped.)

The board will meet for the purpose of administering

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the Polygraph Examiner Licensing Examination to eligible licensed examiner interns.

Contact: Iva B. Frizzell, 3600 W. Broad St., Richmond, Va. 23230, telephone (804)-257-8515/8563

## 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. (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 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 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.

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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

† **October 23, 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 conduct a formal fact-finding hearing regarding Virginia Real Estate Board v. James W. Baker; Richmond, Virginia.

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

† **October 24, 1985 - 9 a.m.** – Open Meeting  
Department of Commerce, Travelers Building, 3600 West Broad Street, 5th Floor, Board Room 1, Richmond, Virginia. (Location accessible to handicapped.)

The board meeting originally scheduled for October 29 has been cancelled and rescheduled for October 24, 1985, to conduct the following business: (i) approve minutes of the September 24, 1985 meeting, (ii) review cases, and (iii) review applications for licensure and appointments.

Contact: Julio G. Del Corso, III, 3600 W. Broad St., 5th Floor, Room 523, Richmond, Va. 23230, telephone (804) 257-8516

## VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

**October 18, 1985 - 9 a.m.** – Public Hearing  
Martha Washington Inn, 150 West Main Street, Ballroom, Abingdon, Virginia

**November 19, 1985 - 9 a.m.** – Public Hearing  
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. (Location accessible to handicapped.)

The authority will conduct a public hearing to consider Industrial Development Bond applications received by the authority and for which public notice has appeared in the appropriate newspapers of general circulation. Prior to the public hearing, which starts at 10 a.m., the Authority will conduct its regular business meeting.

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

## DEPARTMENT OF SOCIAL SERVICES

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: **Real Property Disposition Period in the Aid to Dependent Children (ADC) Program (VR 615-01-8)**. The intent of the proposed amendment is to extend the current six-month excess real property disposition period for an additional three months, for a total of nine months.

### STATEMENT

Subject: Proposed amendment to the following regulation:

Real Property Period in the Aid to Dependent Children (ADC) Program

This amendment is being proposed for a 60-day public comment period.

Substance: It is the intent of the State Board of Social Services to extend the current six-month period for disposing of excess nonexempt real property for an additional three months. Under current regulations, when ownership of excess nonexempt real property exceeds the \$600 maximum resource limit, assistance is to be granted to the otherwise eligible assistance unit members for a period of six months, provided the unit agrees to dispose of the excess property and repay any assistance received during that period. The proposed regulation will extend for three months the period during which the assistance unit allowed to receive assistance, for a total of nine months, while making efforts to dispose of the excess property.

Issues: Prior to continuing assistance during the disposition period, the assistance unit must sign an agreement to repay the total amount of assistance received during the period, except that the amount to be repaid cannot exceed the net proceeds from the sale of the excess property.

If the property is not sold during the disposition period or assistance is terminated during the period because the assistance unit no longer meets other financial or categorical requirements, the entire amount of assistance paid during the period is an overpayment which is subject to recoupment and/or recovery.

Federal regulations specify that states must define what constitutes a good faith effort to dispose of the excess nonexempt real property. For the purpose of this requirement a "good faith effort" is defined as: an attempt to sell the excess nonexempt real property within a range of 10% of the fair market value. Attempts may include, but are not limited to, listing the property with a real estate company or advertising the property in various ways.

Basis: The proposed regulation is an option made available to states in § 2626 of the federal Deficit Reduction Act of 1984 (P.L. 98-369). Section 63.1-25 of the Code of Virginia

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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 establish a more reasonable period for disposing of excess real property. The regulation would allow continuation of assistance for a period of nine months to otherwise eligible assistance units when an agreement to dispose of such excess nonexempt real property and repay any assistance received during the disposition period has been executed.

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

Written comments may be submitted until November 29, 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

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## 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.

**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)

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## Division of Licensing Programs

December 10, 1985 - 11 a.m. - Public Hearing  
Henrico Government Center, Parham and Hungry Springs Roads, Richmond, Virginia

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 Licensing Programs intends to adopt and repeal regulations entitled: **Standards and Regulations for Licensed Adult Day Care Centers.** The areas addressed by the requirements of this regulation include: administration, personnel, supervision, physical environment, programs and services, and emergencies.

### STATEMENT

**Basis:** The statutory basis for these regulations is § 63.1-174 of the Code of Virginia. The Department of Social Services has approved draft standards and regulations for licensed adult day care centers for a 60-day public comment period.

**Purpose:** The purpose of standards and regulations for adult day care centers is to ensure a minimum level of

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health, safety, and well-being for the participants receiving care. The proposed revisions are designed to provide protective oversight of participants in group care in a flexible enough manner to accommodate changes during the lifetime of these standards. Emphasis has been placed on clarity and ease of comprehension.

**Issues:** The document is comprised of the following issues which impact adult care centers subject to licensure by the Department of Social Services: administration, personnel, supervision, physical environment, management of emergencies and programs and services which include: admission policies, health care, management of behavior, nutrition, food service and activities.

**Impact:** Under the current definition in the Code of Virginia, an adult day care center is a facility, which is either operated for profit or which desires licensure, for four or more aged, infirm or disabled adults which is operated during a part of a day only, which provides supplementary care and protection of individuals who reside elsewhere. Section 63.1-172C of the Code of Virginia exempts a facility or portion of a facility licensed by the State Board of Mental Health and Mental Retardation, and the home or residence of an individual who cares for only persons related to him by blood or marriage from adult day care center licensure.

As of July 1985, 30 centers were licensed for a total capacity of 1,171 participants. Of these, 15 were private, not-for-profit; 11 were public not-for-profit; and 4 were operated for profit.

Statutory Authority: § 63.1-174 of the Code of Virginia.

Written comments may be submitted until December 10, 1985.

**Contact:** E. Louise Sparrer, Supervisor, Standards/Policy, Adult Programs, Division of Licensing Programs, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025 (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. (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 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

## SOLID WASTE COMMISSION

† **October 21, 1985 - 10:30 a.m. - Open Meeting**  
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. (Location accessible to handicapped.)

A general business meeting to discuss hazardous waste siting criteria and low-level radioactive waste management.

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



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## VIRGINIA SUBSTANCE ABUSE CERTIFICATION BOARD

**October 25, 1985 - 9 a.m. - Open Meeting**  
Department of Health Regulatory Boards, 517 West Grace Street, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to (i) conduct general board business; (ii) review applications for licensure; (iii) supervision and trainee status; (iv) make policies; and (v) respond to board correspondence.

**Contact:** Joyce D. Williams, 517 W. Grace St., Richmond, Va., telephone (804) 786-7702

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**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

## DEPARTMENT OF TAXATION

**November 12, 1985 - 10 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 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.

# Calendar of Events

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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

## THE COLLEGE OF WILLIAM AND MARY

### Board of Visitors

† **October 18, 1985 - 3 p.m.** – Open Meeting

† **October 19, 1985 - 8 a.m.** – Open Meeting

Best Western/Patrick Henry Inn, York and Page Streets, Conference Center, Williamsburg, Virginia

A regularly scheduled meeting of the Board of Visitors of the College of William and Mary to (i) review quarterly operations of the college and Richard Bland College, (ii) receive reports from several committees of the board, and (iii) act on those resolutions that are presented by the administrations of William and Mary and Richard Bland College.

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

† **December 5, 1985 - 5 p.m.** – Open Meeting

† **December 6, 1985 - 8 a.m.** – Open Meeting

† **December 7, 1985 - 8 a.m.** – Open Meeting

Alumni House, 500 Richmond Road, Williamsburg, Virginia

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

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

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

## VIRGINIA COMMONWEALTH UNIVERSITY

### Board of Visitors

† **November 21, 1985 - 9 a.m.** – Open Meeting  
University Meeting Center, 101 North Harrison Street (corner of Harrison and Floyd Streets), Richmond, Virginia. (Location accessible to handicapped.)

A regular meeting of the Board of Visitors to discuss issues regarding Virginia Commonwealth University. Agenda will be available five working days prior to the meeting.

Contact: Carole Roper, University Relations, 826 W. Franklin St., Richmond, Va. 23284, telephone (804) 257-1231 or 786-7329

## LEGISLATIVE

### AMUSEMENT RIDE SAFETY JOINT SUBCOMMITTEE

**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

**October 21, 1985 - 9:30 a.m.** – Open Meeting  
General Assembly Building, Capitol Square, 9th Floor Committee Room, Richmond, Virginia. (Location accessible to handicapped.)

A regular monthly meeting.

Contact: Donna C. Johnson, House Appropriations Committee, General Assembly Building, 9th Floor, Capitol Square, Richmond, Va. 23219, telephone (804) 786-1837

## COMMISSION ON DEINSTITUTIONALIZATION

† **October 21, 1985 - CANCELLED**

General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. (Location accessible to handicapped.)

A working meeting to study Senate Joint Resolution No. 42.

**Contact:** Thomas C. Gilman, Senate Committee Clerk, P. O. Box 396, Richmond, Va. 23203, telephone (804) 786-5742

## DEFENSE OF THE INDIGENT JOINT SUBCOMMITTEE

† **October 16, 1985 - 10 a.m.** – Open Meeting  
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. (Location accessible to handicapped.)

A joint subcommittee meeting studying Public Defender System (SJR 137), to hear Consultant Robert L. Spangenberg, author of ABT Associates' report on Virginia's court-appointed system.

## Public Defender System, Joint Subcommittee AND Defense of the Indigent, Joint Subcommittee, Joint Meeting

† **October 16, 1985 - 10 a.m.** – Open Meeting  
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. (Location accessible to handicapped.)

A joint subcommittee meeting studying Senate Joint Resolution 137 and House Joint Resolution 324.  
**Contact:** Mary Devine, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

## SENATE COMMITTEE ON EDUCATION AND HEALTH

† **October 15, 1985 - CANCELLED**

General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to consider health issues with Health Department officials.

## Senate Committee on Education and Health AND House of Delegates Committee on Education Joint Meeting

† **October 15, 1985 - CANCELLED**

General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to consider Standards of Quality with Department of Education state officials.

**Contact:** Thomas C. Gilman, Senate Committee Clerk, P. O. Box 396, Richmond, Va. 23203, telephone (804) 786-5742 or Norma Szakal, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

## JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION

### Conference on Legislative Oversight

**October 14, 1985 - 9 a.m.** – Open Meeting  
**October 15, 1985 - 8 a.m.** – Open Meeting  
Hotel John Marshall, 5th and Franklin Streets, Richmond, Virginia

### Conference on Legislative Oversight.

**Contact:** Philip A. Leone, General Assembly Building, Suite 1100, Richmond, Va. 23219, telephone (804) 786-1258

## HEALTH MAINTENANCE ORGANIZATIONS AND PREFERRED PROVIDER ORGANIZATIONS JOINT SUBCOMMITTEE

† **October 29, 1985 - 10 a.m.** – Open Meeting

General Assembly Building, Capitol Square, Senate Room B, Richmond, Virginia. (Location accessible to handicapped.)

A working meeting to study Senate Joint Resolution No. 139.

**Contact:** Thomas C. Gilman, Senate Committee Clerk, P. O. Box 396, Richmond, Va. 23203, telephone (804) 786-5742 or Norma Szakal, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

## MACHINE DEPENDENT INDIVIDUALS JOINT SUBCOMMITTEE

**October 22, 1985 - 10 a.m.** – Open Meeting  
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. (Location accessible to handicapped.)

The joint subcommittee will meet to consider SJR 99.  
**Contact:** Thomas C. Gilman, Senate Committee Clerk, P. O. Box 396, Richmond, Va. 23219, telephone (804) 786-5742

# Calendar of Events

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## NUTRIENTS IN STATE WATERS JOINT SUBCOMMITTEE

† **October 17, 1985 - 10 a.m.** – Open Meeting  
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. (Location accessible to handicapped.)

A working meeting to study Senate Joint Resolution No. 116.

**Contact:** Robert F. Doult, Deputy Clerk of the Senate, P. O. Box 396, Richmond, Va. 23203, telephone (804) 786-4638

## SAVINGS AND LOAN LAWS INTEREST RATES SUBCOMMITTEE JOINT SUBCOMMITTEE

† **October 21, 1985 - 2 p.m.** – Open Meeting  
† **November 18, 1985 - 2 p.m.** – Open Meeting  
† **December 16, 1985 - 2 p.m.** – Open Meeting  
General Assembly Building, Capitol Square, 6th Floor Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

A subcommittee meeting to study the interest rate laws of the state of Virginia.

**Contact:** C. William Cramme', III, Staff Attorney, Division of Legislative Services, General Assembly Bldg., P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

## TRANSPORTATION NEEDS OF THE CITIES SOUTH OF HAMPTON ROADS JOINT SUBCOMMITTEE

† **October 15, 1985 - 2 p.m.** – Open Meeting  
Southeastern Virginia Planning District Commission, Koger Executive Center, Building 16, Conference Room, Norfolk, Virginia

An organizational meeting to outline agenda for future meetings. (HJR 272)

**Contact:** Alan B. Wambold, Research Associate, 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

## SENATE COMMITTEE ON FINANCE AND HOUSE COMMITTEE ON CLAIMS JOINT SUBCOMMITTEE

† **November 12, 1985 - 2 p.m.** – Open Meeting  
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. (Location accessible to handicapped.)

A working session studying "Victims of Crime Claims Act."

**Contact:** Thomas C. Gilman, Senate Committee Clerk, P. O. Box 396, Richmond, Va. 23203, telephone (804) 786-5742 or Bess Hodges, Senate Finance Office, P. O. Box 396, Richmond, Va. 23219, telephone (804) 786-4400

## WORKERS' COMPENSATION JOINT SUBCOMMITTEE

† **October 31, 1985 - 10 a.m.** – Open Meeting  
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. (Location accessible to handicapped.)

An open meeting of the joint subcommittees of House Labor and Commerce and Senate Commerce and Labor regarding Workers' Compensation issues.

**Contact:** Anne R. Howard, House of Delegates, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-7681 or Terry Barrett, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

## CHRONOLOGICAL LIST OPEN MEETINGS

**October 14, 1985**

Joint Legislative Audit and Review Commission  
Conference on Legislative Oversight  
Local Government, Commission on

**October 15**

Conservation and Historic Resources, Department of  
Historic Landmarks Board  
Division of Historic Landmarks  
Education and Health, Senate Committee on  
CANCELLED  
Education and Health, Senate Committee on

# Calendar of Events

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- Education, House of Delegates Committee  
Joint Meeting  
CANCELLED
- Funeral Directors and Embalmers, Virginia Board of  
Health Regulatory Boards, Board on  
Housing Development Authority  
Board of Commissioners  
Joint Legislative Audit and Review Commission  
Local Government, Commission on  
Transportation Needs of the Cities South of Hampton  
Roads  
Joint Subcommittee
- October 16**  
Air Pollution Control Board, State  
Contractors, State Board for  
Corrections, Board of  
Funeral Director and Embalmers, Virginia Board of  
Indigent, Defense of the  
Joint Subcommittee  
Public Defense System  
Joint Subcommittee  
Milk Commission, State  
Motor Vehicles, Department of  
Optometry, Virginia Board of
- October 17**  
Contractors, State Board for  
Highways and Transportation, Virginia Department of  
Nutrients in State Waters  
Joint Subcommittee  
Unemployment Trust Fund  
Joint Subcommittee
- October 18**  
Contractors, State Board for  
Human Rights Committee, State  
The College of William and Mary  
Board of Visitors
- October 19**  
The College of William and Mary  
Board of Visitors
- October 21**  
Accountancy, State Board of  
Alcoholic Beverage Control Board, Virginia  
Appropriations Committee, House  
Deinstitutionalization, Commission on  
CANCELLED  
Housing and Community Development, Board of  
Building Codes and Standards Committee  
Community Development Committee  
Savings and Loans Laws  
Interest Rates Subcommittee  
Joint Subcommittee  
Solid Waste Commission
- October 22**  
Accountancy, State Board of  
Machine Dependent Individuals
- Joint Subcommittee  
Marine Resources Commission
- October 23**  
Health Services Cost Review Council, Virginia  
Mental Health and Mental Retardation Board, State  
Real Estate Board, Virginia
- October 24**  
Aviation Board, Virginia  
Real Estate Board, Virginia
- October 25**  
Building Code Technical Review Board, State  
Substance Abuse Certification Board
- October 28**  
Library Board, Virginia State  
Local Government, Commission on
- October 29**  
Health Maintenance Organizations and  
Preferred Providers Organizations  
Joint Subcommittee  
Local Government, Commission on  
Polygraph Examiners Advisory Board
- October 30**  
Contractors, State Board for  
Local Government, Commission on
- October 31**  
Contractors, State Board for  
Criminal Justice Services Board  
Committee on Criminal Justice Information Systems  
Education, Board of  
Local Government, Commission on  
Mental Health and Mental Retardation, Department of  
Substance Abuse Advisory Council  
Perinatal Services Advisory Board  
Workers' Compensation  
Joint Subcommittee
- November 1**  
Education, Board of  
Game and Inland Fisheries, Commission of  
General Services, Department of  
Art and Architectural Review Board
- November 4**  
Governor's Job Training Coordinating Council
- November 5**  
Taxation, Department of
- November 6**  
Alcoholic Beverage Control Board, Virginia  
Higher Education, State Council of
- November 12**  
Finance, Senate Committee on

# Calendar of Events

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Claims, House of Delegates Committee  
Victims of Crime Claims Act  
Joint Subcommittee

**November 13**

Corrections, State Board of  
Geology, Virginia State Board of  
Health, State Board of  
Local Government, Commission on

**November 14**

Health, State Board of  
Local Government, Commission on  
Longwood College  
Board of Visitors

**November 15**

Longwood College  
Board of Visitors  
Architects, Professional Engineers, Land Surveyors  
and Certified Landscape Architects, State Board of  
Local Government, Commission of

**November 18**

Funeral Directors and Embalmers, Virginia Board of  
Savings and Loans Laws  
Interest Rate Subcommittee  
Joint Subcommittee

**November 19**

Alcoholic Beverage Control Board, Virginia  
Funeral Directors and Embalmers, Virginia Board of

**November 20**

Health Services Cost Review Council, Virginia

**November 21**

Virginia Commonwealth University  
Board of Visitors

**December 3**

Alcoholic Beverage Control Board, Virginia

**December 5**

Education, Board of  
The College of William and Mary  
Board of Visitors

**December 6**

Education, Board of  
The College of William and Mary  
Board of Visitors

**December 7**

The College of William and Mary  
Board of Visitors

**December 11**

Corrections, State Board of

**December 16**

Savings and Loans Laws  
Interest Rates Subcommittee  
Joint Subcommittee

**December 17**

Alcoholic Beverage Control Board, Virginia

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## PUBLIC HEARINGS

**October 15, 1985**

Local Government, Commission on

**October 18**

Small Business Financing Authority, Virginia

**October 21**

Hazardous Waste Facility Siting Council

**October 22**

Alcoholic Beverage Control, Department of

**October 29**

Local Government, Commission on  
Social Services, State Board of

**October 30**

Child Facilities, Interdepartmental Committee on  
Rate-Setting for

**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

**November 14**

Local Government, Commission on

**November 15**

Health, Board of

**November 19**

Small Business Financing Authority, Virginia

**December 2**

Mental Health and Mental Retardation, Department of

**December 5**

General Services, Department  
Division of Consolidated Laboratory Services

## Calendar of Events

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**December 10**

Social Services, Virginia Department of  
Division of Licensing Programs

**December 11**

Agriculture and Consumer Services, Virginia  
Department of

# Calendar of Events

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