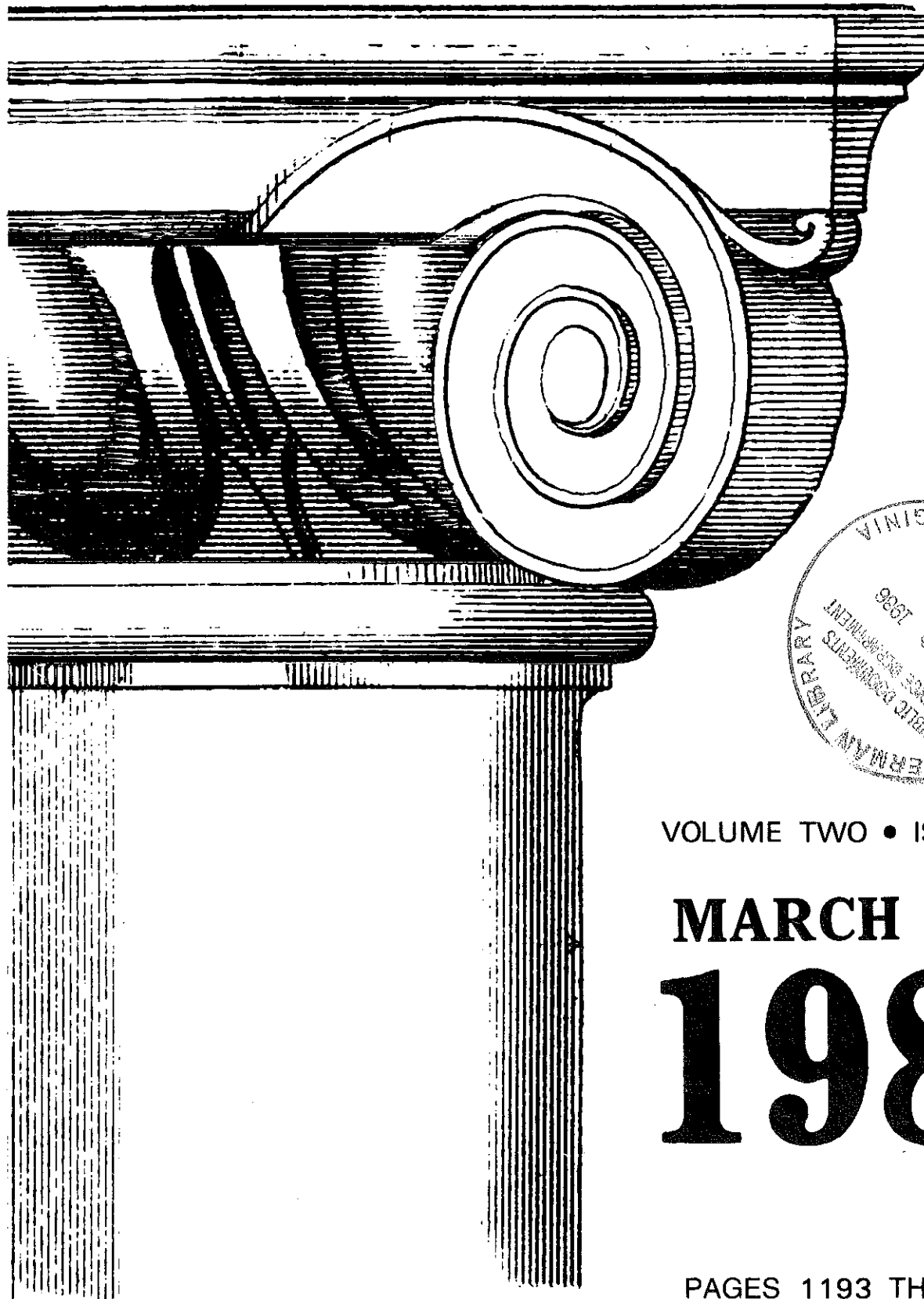


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THE VIRGINIA REGISTER

OF REGULATIONS



VOLUME TWO • ISSUE TWELVE

MARCH 17
1986

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INFORMATION ABOUT THE VIRGINIA REGISTER OF REGULATIONS

VIRGINIA REGISTER

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

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

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

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

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

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

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

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

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

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

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

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

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

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

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

EMERGENCY REGULATIONS

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

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

STATEMENT

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

CITATION TO THE VIRGINIA REGISTER

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

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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
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Apr. 14	Mar. 26
Apr. 28	Apr. 9
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PROPOSED REGULATIONS

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Symbol Key

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

BOARD OF AGRICULTURE AND CONSUMER SERVICES

Title of Regulation: VR 115-02-12. Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds into Virginia.

Statutory Authority: §§ 3.1-724 and 3.1-726 of the Code of Virginia.

Public Hearing Date: May 22, 1986 - 1 p.m.
(See Calendar of Events section for additional information)

Summary:

The Virginia Department of Agriculture and Consumer Services proposes to amend its regulations setting forth health requirements for livestock admitted into Virginia to include a requirement that, with certain specified exceptions, all female cattle while calves be vaccinated for brucellosis before they are brought into Virginia for feeding or breeding purposes.

VR 115-02-12. Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds into Virginia.

§ 1. Definitions.

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

"Dogs" means all domestic and wild members of the dog family (Canidae).

"Hatching eggs" means chicken eggs and turkey eggs which are, or which are intended to be, used for hatching purposes.

"Horses" means all horse-like animals, embracing all members of the equine species including ponies, the asinine species, and burros. It also includes the hybrid offspring of the equine and asinine species by whatever name they may be known, such as mules, hinnies, and donkeys.

"Monkeys" means all monkeys and other primates, such as lemurs, marmosets, chimpanzees, and other apes.

"Poultry" means chickens and turkeys of all varieties and of all ages.

"Psittacine birds" means parrots, cockatoos, parakeets, and budgerigars.

§ 2. Official health certificates.

A. No livestock, other animals, poultry, or other birds, of any species, that are affected with or that have been exposed to any infectious or contagious disease shall be imported into Virginia except by special approval by the State Veterinarian.

B. All livestock, other animals, poultry, or other birds imported into Virginia, except for immediate slaughter, shall be accompanied by an official health certificate, which shall be attached to the waybill or shall be in the possession of the person in charge of such animals or birds, and a copy of such health certificate shall be forwarded promptly to the State Veterinarian of the Commonwealth of Virginia.

C. An official health certificate shall be a written record meeting the requirements of the Commonwealth of Virginia, executed on an approved form of state of origin. It shall contain the names and exact addresses of the consignor and consignee and the exact destination of the animals or birds covered. It shall indicate the health status of the animals or birds, and include the dates and results of all required tests.

1. After physical examination of the animals or birds and completion of all required tests, the official health certificate shall be issued within 30 days before the date of their entry, unless a different time limit is set elsewhere in this regulation. The certificate shall be issued by a licensed, graduate, accredited veterinarian approved by the livestock health official of the state of origin; a veterinarian in the employ of the state of origin; or a veterinarian in the employ of the Veterinary Services Division, Animal and Plant Health Inspection Services, United States Department of Agriculture; or such other veterinarian as may be approved by the State Veterinarian.

2. All copies of the official health certificate, including the original, shall be legible, and shall bear the endorsement of the livestock health official of the state of origin.

D. The requirements for the importation of livestock, other animals, poultry and other birds for exhibition purposes shall be the same as the requirements governing the admission of such animals and birds for breeding purposes, unless specific exceptions are made hereinafter.

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§ 3. Entry by permit only.

A. When the State Veterinarian is informed of any unusual or serious outbreak of disease among livestock or poultry in any other state which, in his opinion, constitutes a threat to livestock or poultry in Virginia, he shall by proclamation prohibit the entrance of any livestock or poultry which originate either directly or indirectly from such state. He may also prohibit the entrance of any "products" as defined in the meat or poultry inspection regulations of the United States Department of Agriculture, or in the Virginia Meat and Poultry Products Inspection Act, the Virginia Milk and Cream Law, or any other applicable or related Virginia statutes and regulations, except by special written permit.

B. All requests for special permits must be directed to the State Veterinarian in writing or by wire, and must give such information as he may require.

C. Under such special permit, all livestock, poultry, or products thereof entering Virginia must be consigned to a definite legal resident of Virginia.

§ 4. Common carriers, trucks.

A. Owners and operators of common carriers, trucks, or other conveyances are forbidden to move any livestock or poultry into Virginia except in compliance with the provisions set forth in this regulation.

B. All railway cars, trucks, and other conveyances used for transportation of livestock or poultry must be kept in a sanitary condition. The State Veterinarian may require the cleaning and disinfecting of any such conveyance at any time to prevent the spread of infectious or contagious diseases.

§ 5. Cattle.

A. Tuberculosis.

1. Cattle for dairy or breeding purposes may enter the Commonwealth of Virginia if they are accompanied by a certificate and signed by the State Veterinarian of the state of origin stating that the cattle originate directly from certified tuberculosis-free areas or from accredited or negative-tested herds.

2. Cattle for dairy or breeding purposes originating from areas or herds other than as specified in A.1 of this section must have been found negative to an individual official test for tuberculosis within 60 days prior to entry.

3. Cattle originating directly or indirectly from herds quarantined or subject to quarantine under State-Federal Uniform Methods and Rules (Code of Federal Regulations, Title 9, Chapter I, Parts 1 to 199) for the eradication of tuberculosis are not eligible for entry, except for immediate slaughter under special

permit issued by the State Veterinarian.

B. Brucellosis.

1. Permit.

a. Cattle for dairy or breeding purposes that originate from Class B (herd infection rate less than 1.5%) or Class C (herd infection rate more than 1.5%) states may enter the Commonwealth of Virginia, provided that they are accompanied by a prior permit issued by the State Veterinarian.

b. Permits may be obtained by the Virginia purchaser or consignee by contacting the State Veterinarian's Office.

c. Permits expire 15 days after date of issuance.

d. The following information must be furnished before permits are issued: area or state status, herd status, individual status, vaccination status, name and address of consignor and consignee, and any other information the State Veterinarian may require.

2. Brucellosis testing.

When individual testing is required on female cattle, those of the dairy breeds under 20 months of age and those of the beef breeds under 24 months of age are exempt from such testing, provided that they have been officially calfhood vaccinated in the state of origin against brucellosis and that fact has been certified by the State Veterinarian of the state of origin. Nonvaccinates (male or female) are exempt from testing if under eight months of age.

3. Classification of states.

Cattle for dairy or breeding purposes which originate directly from officially classified states may enter Virginia, provided that they are accompanied by an Official Health Certificate and also meet the following requirements:

a. Class: Free states.

(1) No herd status

(2) No individual test

(3) No permit.

b. Class: A states.

(1) Negative herd status, or

(2) Individual tested within 30 days

(3) No permit.

c. Class: B states.

- (1) Originate from negative herd or certified herd, and
- (2) Individual tested within 30 days, and
- (3) Permit, and
- (4) Quarantine and retest 45 to 120 days post-movement.

d. Class: C states.

- (1) Originate from certified herd, and
- (2) Individual tested within 30 days, and
- (3) Permit, and
- (4) Quarantine and retest 45 to 120 days post-movement.

4. Brucellosis calfhood vaccination requirements for female bovine animals entering Virginia.

All female bovine animals four months of age or older which enter Virginia for feeding or breeding purposes shall have been officially calfhood vaccinated for brucellosis.

a. Recording.

The vaccination status of each animal shall be recorded on the interstate health certificate of the state of origin or on a copy of the vaccination record, to be attached to the health certificate.

b. Exceptions.

These vaccination requirements shall not apply to:

- (1) Female bovine animals originating from a brucellosis certified free herd, or from brucellosis class free states;
- (2) Female bovine animals entering Virginia for purposes of shows, fairs or exhibitions;
- (3) Spayed female bovine animals; or
- (4) Unvaccinated feeder female bovine animals brought to Virginia if negative to a brucellosis test performed not more than 30 days prior to importation into Virginia, not originating from a Class B or Class C state and not originating from a quarantined herd.

C. Scabies.

No cattle affected with or exposed to scabies shall be

imported into Virginia for any purpose.

D. Feeder cattle.

Cattle intended for feeding purposes shall be qualified for entry into the Commonwealth under exactly the same conditions as cattle for dairy or breeding purposes. Steers and spayed heifers shall be exempt from any previously stated test requirements.

§ 6. Sheep.

A. Scabies.

Sheep intended for feeding or breeding purposes may enter the Commonwealth of Virginia only if they originate directly from a state officially designated scabies-free by the United States Department of Agriculture.

B. Slaughter.

Sheep imported into Virginia for immediate slaughter shall be consigned directly to a recognized stockyard or to a slaughtering establishment that is approved and inspected by the United States Department of Agriculture or by the Virginia Department of Agriculture and Consumer Services.

§ 7. Swine.

A. Brucellosis.

Swine over four months of age intended for breeding purposes shall originate from an officially validated brucellosis-free herd, or from a herd in which all breeding swine over four months of age were negative to an official test for brucellosis conducted in a state or federal laboratory within 12 months prior to date of entry, or which individually have been negative to an official test for brucellosis conducted in a state or federal laboratory within 30 days prior to entry. The official health certificate accompanying these swine shall indicate the official herd status or the negative test.

B. Pseudorabies.

1. No swine of any age intended for breeding or feeding purposes shall be imported into Virginia from herds in which there has been an incidence of pseudorabies within the past 12 months.
2. No swine for breeding or feeding purposes which has been exposed to pseudorabies within the past 12 months shall be imported into Virginia.
3. Swine of any age intended for breeding purposes shall be negative to a test approved by the State Veterinarian for pseudorabies conducted within 30 days prior to entry into Virginia. The official health certificate shall indicate such negative test. Breeding swine may originate from herds that have been

Proposed Regulations

classified as Pseudorabies Qualified Negative herds and identified as being from such origin. Pseudorabies Qualified Negative herds are those herds in which 25% of the herd have exhibited negative test results in successive quarters (80-105 days) until the entire herd is tested. The test shall not be duplicated on previously tested swine.

§ 8. Horses.

A. Horses may enter the Commonwealth of Virginia provided that they are accompanied by an official health certificate giving an accurate description of each animal, with a copy forwarded to and received by the State Veterinarian prior to the arrival of such animals at a destination in the Commonwealth of Virginia.

B. The State Veterinarian may by proclamation prohibit or restrict the entry of any horses into Virginia which, in his opinion, presents a disease threat to Virginia horses or other animals. The proclamation shall be only for the duration of the potential threat, and shall be officially withdrawn when it has served its purpose.

C. An Interstate Health Certificate on all horses that are imported into Virginia shall indicate that they have been officially tested and found negative for equine infectious anemia within the past twelve months. When horses are imported into Virginia, a copy of the Official Interstate Health Certificate shall be promptly mailed to the State Veterinarian. Horses that originate from infected premises in other states are not eligible for entry into Virginia unless a written permit is obtained from the State Veterinarian. Horses may be shipped into Virginia for research purposes or for immediate slaughter to approved slaughter establishments after first obtaining a permit from the State Veterinarian. Such horses shall be satisfactorily identified and the origin and destination clearly stated on the permit.

D. No male horse (stallion) or mare over 731 days of age, which either originates in or has passed through a country where the disease contagious equine metritis is known to exist, may enter the Commonwealth of Virginia except by special permit issued by the State Veterinarian. Those male horses or mares which are issued a special entry permit immediately will be placed under quarantine until the State Veterinarian is satisfied that they pose no danger to the Commonwealth of Virginia's equine population.

§ 9. Poultry.

A. Pullorum-typhoid.

Hatching eggs and poultry shall not be imported into the Commonwealth of Virginia unless such eggs or poultry originate exclusively from flocks participating in the National Poultry Improvement Plan (NPIP) or the National Turkey Improvement Plan (NTIP) (Code of Federal Regulations, Title 9, Chapter I, Parts 1 to 199).

These programs shall be under the supervision of the official state agency of NPIP or NTIP, the livestock health official, or other authorized government agency of the state of origin certifying them to be free of Pullorum-Typhoid.

B. Mycoplasma gallisepticum.

Hatching eggs and poultry shall not be imported into the Commonwealth of Virginia unless such eggs or poultry originate from flocks that are designated free of Mycoplasma Gallisepticum by the livestock health official of the state of origin. Each importer of hatching eggs or poultry into Virginia shall secure from the State Veterinarian an approval number, after having provided evidence that the flocks of origin are free of Mycoplasma Gallisepticum. This approval number shall appear on shipping labels or containers of each lot shipped into Virginia.

C. Approval numbers.

1. Each shipper of hatching eggs or poultry shall first secure an approval number from the State Veterinarian. This approval number must appear on each shipping label or on each container of hatching eggs or poultry shipped into Virginia.

2. Applications for approval numbers must be made on forms provided by the State Veterinarian. Each application shall require the following information on each flock from which the hatching eggs or poultry originate:

- a. The name and address of each flockowner;
- b. The species (i.e., chickens or turkeys) and the number of birds in each flock;
- c. The date of the most recent pullorum-typhoid test;
- d. The total number, or the percentage, of positive reactions to the most recent pullorum-typhoid test;
- e. The pullorum-typhoid status attained; and
- f. Such additional information as the State Veterinarian may require.

3. Such applications, when completed, must be forwarded to the official state agency, the state livestock health official, or other competent and recognized authority of the state of origin for verification, approval and signature; and then forwarded to the State Veterinarian for final approval. Hatching eggs or poultry shall not be shipped into Virginia until final approval has been granted and the approval number is received.

D. Exceptions.

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This regulation shall not apply to hatching eggs or poultry passing directly through the Commonwealth of Virginia in interstate commerce, nor to poultry imported into the Commonwealth of Virginia for immediate slaughter and consigned directly to a poultry processing establishment that is approved and inspected by the United States Department of Agriculture or by the Virginia Department of Agriculture and Consumer Services.

§ 10. Goats.

A. General.

Goats imported into the Commonwealth of Virginia for any purpose shall comply with the applicable provisions of §§ 2, 3, and 4 of these rules and regulations.

B. Tuberculosis.

1. Goats for dairy or breeding purposes may enter the Commonwealth of Virginia if they originate directly from a herd in which all animals were negative to a test for tuberculosis approved by the State Veterinarian within 12 months prior to entry; or

2. Goats for dairy or breeding purposes may enter the Commonwealth of Virginia if they are individually tested and found to be negative to a test for tuberculosis approved by the State Veterinarian within 30 days prior to entry.

C. Brucellosis.

1. Goats for dairy or breeding purposes may enter the Commonwealth of Virginia if they originate directly from a herd in which all animals were negative to a test for brucellosis approved by the State Veterinarian within 12 months prior to entry; or

2. Goats for dairy or breeding purposes may enter the Commonwealth of Virginia if they are individually tested and found to be negative to a test for brucellosis approved by the State Veterinarian within 30 days prior to entry.

D. Caseous lymphadenitis.

Goats for dairy or breeding purposes may enter the Commonwealth of Virginia if they are free of clinical symptoms of caseous lymphadenitis. "Clinical symptoms", with reference to caseous lymphadenitis, is used to define abscesses of the lymph nodes, whether they are draining or not.

§ 11. Dogs.

A. General.

Dogs to be transported into the Commonwealth shall be accompanied by an official health certificate issued by an accredited veterinarian of the state of origin, certifying

that the issuing veterinarian has personally examined the animal or animals within ten days prior to issuance of such certificate and date of shipment; and that this professional physical examination indicated that the animal or animals were in apparent good health at that time.

B. Rabies.

In addition to the requirements of paragraph A of this section the official health certificate covering any dogs to be transported or moved into the Commonwealth of Virginia shall state that they did not originate in an area under quarantine for rabies; that such dogs have not been exposed to rabies; that they have been vaccinated against rabies not more than one year (inactivated virus) and not more than three years (attenuated virus) prior to shipment.

C. Exceptions.

1. The requirement for rabies vaccination specified in paragraph B of this section shall not apply to puppies less than four months of age.

2. None of the provisions, requirements, or restrictions of this section shall apply to:

a. Any dog passing directly through the Commonwealth of Virginia in interstate commerce; or

b. Any dog consigned directly to a laboratory or institution authorized by law to conduct research, teaching, or clinical studies within the Commonwealth of Virginia; or

c. Any dog brought into the Commonwealth of Virginia by a person who intends to reside in Virginia.

§ 12. Monkeys.

A. General.

Monkeys to be transported into the Commonwealth of Virginia shall be accompanied by an Official Health Certificate issued by an accredited veterinarian of the state or origin, certifying that the issuing veterinarian personally has examined the monkey(s) within ten days prior to the issuance of such certificate; and that the professional physical examination indicated that the monkey(s) were in apparent good health at the time. In addition to this general statement, a separate statement shall be included attesting to the fact that the veterinarian has carefully examined the oral mucosa of the monkey(s) and has found no evidence of disease lesions or inflammatory processes.

B. Tuberculosis.

1. Monkey(s) transported into the Commonwealth of

Proposed Regulations

Virginia shall successfully have passed a tuberculin test performed by an accredited veterinarian within 30 days prior to date of shipment. Certification of this fact, including the kind and amount of tuberculin used, the date and hour of injection, and the date and hour that no response of any kind or degree was observed, shall appear upon the face of the health certificate.

2. Monkeys that have been associated with, or that originate in, a monkey colony where there have been other monkeys showing response to the tuberculin test shall not be eligible for entry into Virginia unless and until all monkeys in the group or colony shall have passed two consecutive negative tuberculin tests not less than 30 days apart.

C. Exceptions.

The provisions, requirements, or restrictions of this section shall not apply to any monkey(s) passing directly through the Commonwealth of Virginia in interstate commerce, nor to any monkey(s) consigned to a laboratory or institution authorized by law to conduct research, teaching, or clinical studies within the Commonwealth of Virginia.

§ 13. Psittacine birds.

A. Isolation.

Psittacine birds transported into Virginia shall be confined immediately by their owner, custodian, or agent, to an enclosure in absolute isolation from other birds, animals, and persons, except for the absolute minimum contact necessary for their care. This confinement shall continue for a minimum of 15 days. During this time, the birds shall experience continuous and uninterrupted feeding with either a mash-type feed, or a feed containing dehulled millet seed, containing 0.5 milligrams of chlortetracycline per gram of feed or seed. An accredited veterinarian, specifically authorized for direct supervision of such quarantine, shall notify the State Veterinarian in writing when the birds have completed their isolation period.

B. Approval numbers.

1. Each shipper of psittacine birds into the Commonwealth of Virginia shall first secure an approval number from the State Veterinarian of Virginia. This official approval number, along with the words "Virginia Department of Agriculture and Consumer Services Approved", or equivalent, shall appear prominently on each shipping label or on each package or container used for transporting these birds into Virginia.

2. Applications for approval numbers must be made on forms provided by the State Veterinarian. The State Veterinarian shall designate the duration of such

approval. Application shall require the following information:

a. The legal name and address of each applicant. If an applicant has more than one address or premise intended as a source of psittacine birds to be shipped into Virginia, a separate application must be filed and a separate approval number secured for each such address or premise;

b. The usual or average number of birds maintained at any given time at each address or premise;

c. A statement, signed by a local or state professional livestock health official or public health authority, attesting to the fact that all psittacine birds leaving the address or premise specified on each application have been subjected to the same or fully equivalent restrictions as to isolation and treatment as are specified in subsection A of § 13; and

d. Any additional information the State Veterinarian may require.

3. Applications for approval numbers must be forwarded to the State Veterinarian for approval. Approval numbers must be received by the shipper before shipment is made into the Commonwealth of Virginia.

C. Exceptions.

1. The requirements for isolation and treatment with chlortetracycline as shown in subsection A of § 13 shall not apply to psittacine birds which have been issued an official approval number. Approval number and legend as specified in subsection B.1. of § 13 must appear on each shipping label or container used for shipments into Virginia. Shipments made without approval, or prior to the issuance of approval, will be subjected to the same restrictions of confinement and treatment as birds from nonapproved sources.

2. The provisions of this section shall not apply to any psittacine birds passing directly through the Commonwealth of Virginia in interstate commerce; nor to psittacine birds brought into the Commonwealth of Virginia by a person who intends to make his residence in Virginia; nor to any psittacine birds consigned directly to a laboratory or institution authorized by law to conduct research, teaching, or clinical studies within the Commonwealth of Virginia.

Proposed Regulations

STATE OF VIRGINIA
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
SUITE 600, WASHINGTON BUILDING, 1100 BANK STREET
RICHMOND, VIRGINIA 23219

APPLICATION AND PERMIT GOVERNING THE IMPORTATION OF POULTRY AND HATCHING EGGS INTO THE STATE OF VIRGINIA

I (We) _____, of _____
hereby apply to the Virginia Department of Agriculture and Consumer Services for
permission to ship the following into the State of Virginia. Check the desired
square or squares.

- | | |
|--|--|
| <input type="checkbox"/> Poults under 4 months of age. | <input type="checkbox"/> Turkey Hatching Eggs. |
| <input type="checkbox"/> Chicks under 4 months of age. | <input type="checkbox"/> Chicken Hatching Eggs. |
| <input type="checkbox"/> Other domesticated fowl, such as
pheasants, Bantams, exhibition
birds, etc. under 5 months of
age. | <input type="checkbox"/> Other domesticated fowl
hatching eggs. |
| <input type="checkbox"/> Pullets under 16 wks. of age. | <input type="checkbox"/> Wild or rare turkeys and/or
eggs. |

I am familiar with the Rules and Regulations governing the importation of poultry
and hatching eggs into the State of Virginia and agree to comply with same.

(Signature of breeder or hatchery)

OFFICIAL STATE AGENCY - After completion, forward to your State NPIP Agency.
The status of the above checked products must be indicated below or permit will not
be processed.

- | | |
|---|---|
| <input type="checkbox"/> U. S. Pullorum-Typhoid Clean State | <input type="checkbox"/> U. S. M. synoviae Clean |
| <input type="checkbox"/> U. S. Pullorum-Typhoid Clean | <input type="checkbox"/> U. S. Sanitation Monitored |
| <input type="checkbox"/> U. S. M. gallisepticum Clean | <input type="checkbox"/> Other (explain) |

Signature - Official State Agency

Title

NOTE: Any permit issued on the basis of this application is valid only for the items
checked above. Submit original and keep copy for your files. Be sure
application is properly endorsed.

Proposed Regulations

Virginia Department of Agriculture & Commerce
Division of Animal Health & Dairies
823 E. Main St. - Suite 600
Richmond, Virginia 23219

Send to:

M. V. Morrison, D. V. M.
Virginia Department of Agriculture and Commerce
116 Reservoir Street
Harrisonburg, Virginia 22801
Phone No. - (703) 434-3897

(Do not use this space)

Virginia Approval No. _____
Date Issued _____
Expiration Date _____
Approval By _____

APPLICATION FOR APPROVAL NUMBER TO SHIP PSITTACINE BIRDS INTO VIRGINIA

Name of Firm _____

Address _____
Street or R. F. D. City State Zip

Average number of birds maintained at any given time on the premise intended as a source of birds to be shipped into Virginia _____

Signature _____
Owner or Operator

TO BE FILLED IN BY YOUR LOCAL OR STATE PROFESSIONAL LIVESTOCK SANITARY OR PUBLIC HEALTH AUTHORITY:

This is to certify that the undersigned has inspected the above described aviary premise; that the parakeets origination upon the said premise have received a mash-type feed (or a feed containing dehulled millet seed) containing or impregnated with 0.5 milligrams of cholortetracycline per gram of feed or seed; and the birds being offered for shipment into Virginia have been subjected to such treatment for a period of not less than fifteen consecutive days prior to shipment.

Signature of Local or State Professional
Livestock or Public Health Authority _____

Date _____ Title _____

Address _____

Proposed Regulations

* * * * *

Title of Regulation: VR 115-02-13. Rules and Regulations Governing the Transportation of Companion Animals and Horses.

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

Public Hearing Date: May 22, 1986 - 2 p.m.
(See Calendar of Events section for additional information)

Summary:

The proposed regulations are being promulgated to establish standards for transportation of impounded companion animals, companion animals moving in commerce, and loads of horses being transported to a commercial slaughter facility.

VR 115-02-13. Rules and Regulations Governing the Transportation of Companion Animals and Horses.

**PART I.
TRANSPORTATION OF COMPANION ANIMALS.**

**Article I.
General Provisions.**

§ 1.1. Definitions.

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

"Animal holding area" means any part of the terminal facility where animals are kept, maintained, or housed.

"Carrier" means the operator of any airline, railroad, motor carrier, shipping line, or other enterprise which, for hire, engages in the business of transporting animals.

"Commerce" means trade, traffic or transportation.

"Exhibitor" means any person exhibiting any animals to the public, and such term includes carnivals, circuses, animal acts, and zoos exhibiting such animals whether operated for profit or not; but such term excludes retail pet stores, organizations sponsoring and all persons participating in state and county fairs, livestock shows, rodeos, purebred dog and cat shows, and any other fairs or exhibitions intended to advance agricultural arts and sciences.

"Handling" means petting, feeding, manipulating, crating, shifting, transferring, immobilizing, restraining, treating, training, working or performing any similar activity with respect to any animal.

"Intermediate handler" means any person, including a department, agency, or instrumentality of the United States

or of any state or local government who is engaged in any business in which he receives custody of animals in connection with their transportation in commerce.

"Primary conveyance" means the main method of transportation used to convey an animal from origin to destination, such as a motor vehicle, plane, ship or train.

"Terminal facility" means any building or structure, and its grounds, which serves as a point of ingress to or egress from a primary conveyance.

§ 1.2. Application of regulations.

Transportation of companion animals by carriers, dealers, exhibitors, pet shops, auction sales, pounds, and humane societies shall be governed by provisions set forth in Article II – Standards Pertaining to All Companion Animals and Article III – Special Transportation Standards for Dogs and Cats, hereunder. Nothing in these regulations shall be deemed to apply to or govern the transport of individual pet animals by private citizens through noncommercial means.

**Article II.
Standards Pertaining to All Companion Animals.**

§ 1.3. Primary enclosures used to transport companion animals.

Companion animals subject to these regulations shall be transported in a primary enclosure that shall be constructed in such a manner that:

1. The structural strength of the enclosure is sufficient to contain the animals and to withstand the normal rigors of transporting;
2. The interior of the enclosure is free from any protrusions that could be injurious to the animal contained therein;
3. The openings of such enclosures are easily accessible at all times for emergency removal of the animal;
4. Apertures are sufficient to provide for proper ventilation and normal breathing;
5. Projecting rims or other devices are on those faces of the outside walls that contain ventilation openings to prevent obstruction of those openings and to provide a minimum air circulation space of 3/4 inches between the primary enclosure and any adjacent cargo or conveyance wall; except that when a primary enclosure is permanently affixed within the animal cargo space of the primary conveyance and the front opening is the only source of ventilation this opening shall:
 - a. Be constructed so as to open directly to the

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outside or to an unobstructed aisle or passageway within the primary conveyance;

b. Be at least 90% of the total surface area of the front wall of the primary enclosure; and

c. Be covered with bars, wire mesh, or smooth expanded metal;

6. Portable primary enclosures shall be equipped with adequate handholds on the exterior of the primary enclosure, placed in such a manner that the portable primary enclosure can be lifted and handled without tilting and so that the person handling the portable primary enclosure will not be in contact with the animal;

7. Be large enough to ensure that each animal contained therein has sufficient space to turn about freely in a standing position using normal body movements, to stand and sit erect, and to lie in a natural position;

8. Have solid bottoms to prevent leakage in shipment;

9. Contain clean litter of a suitable absorbent material that is safe and nontoxic to the animals, and in sufficient quantity to absorb or cover excreta;

10. Be clearly marked on top and on one or more sides with the words "Live Animal" or "Wild Animal," whichever is appropriate, in letters not less than 2.5 centimeters (1 inch) in height, and with arrows or other markings to indicate the correct upright position of the container;

11. Be cleaned and sanitized after each use; and

12. Contain only companion animals:

a. Of the same species;

b. In compatible groups;

c. In groups that separate the young from adults other than their dams, except for hamsters, guinea pigs, rabbits and birds; and

d. Separated to prevent females in estrus from contact with adult males, except for hamsters, guinea pigs, rabbits and birds.

§ 1.4. Primary conveyances.

Primary conveyances used in transporting companion animals shall meet the following provisions:

1. The cargo space of primary conveyances used in transporting companion animals shall be constructed to protect their health and ensure their safety and comfort;

2. The cargo space shall be constructed and maintained in a manner to prevent the ingress of engine exhaust fumes and gases from the primary conveyance during transport;

3. The cargo space shall have a supply of air sufficient for normal breathing for each animal contained therein, and the primary enclosure shall be positioned in such a manner that each animal has access to sufficient air for normal breathing;

4. Temperatures in primary conveyances shall not exceed 75°F without supplemental ventilation through natural or automatic ventilation or air conditioning nor fall below 45°F without auxiliary heat;

5. Primary enclosures containing companion animals shall be positioned in the primary conveyance in such a manner that in an emergency the animals can be removed;

6. The interior of the animal cargo space shall be kept clean;

7. Companion animals shall not be transported with any material, substance, or device in such a way that can injure their health or well-being; and

8. Vehicles used by dealers, auction sales, pounds, exhibitors, pet shops and humane societies to carry companion animals shall be:

a. Completely enclosed;

b. Identified on the outside of the vehicle as to jurisdiction and nature of the vehicle (this identification shall be either on the back of the vehicle or on each of the sides);

c. Equipped with safety equipment which shall include:

- (1) A working flashlight;
- (2) A pair of safety gloves;
- (3) A catchpole;
- (4) A first aid kit; and
- (5) At least one gallon of potable water.

§ 1.5. Terminal facilities.

An animal holding area of a terminal facility of any carrier or intermediate handler shall:

1. Not house shipments of companion animals with inanimate cargo;

2. Be cleaned and sanitized often enough to prevent an accumulation of debris or excreta to minimize vermin infestation and to prevent a disease hazard;

3. Have in use an effective program for the control of

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insects, ectoparasites, and avian pests;

4. Be provided with fresh air by means of windows, doors, vents, or air conditioning and shall be ventilated or have air circulated by means of fans, blowers, or an air conditioning system so as to minimize drafts, odors, and moisture condensation;

5. Maintain temperature between 45°F and 85°F at all times, provided, however, that no dog, cat, monkey, or wildlife be subjected to air temperatures in excess of 75°F for more than four hours at any time; and

6. Use auxiliary ventilation such as exhaust fans, vents, fans, blowers or air conditioning when the air temperature is above 75°F.

§ 1.6. Food and water requirements.

Adequate food and water must be provided for in that:

1. Any individual, dealer, exhibitor, pet shop or operator of an auction sale offering any live rabbits, guinea pigs, hamsters or birds to any carrier or intermediate handler for transportation, in commerce, or any dealer, exhibitor, pet shop or operator of an auction sale transporting such animals in their own primary conveyance, shall provide an adequate supply of food and water within the primary enclosure to meet the requirements of such animals;

2. Any individual, dealer, exhibitor, pet shop or operator of an auction sale offering any companion animal other than those named in § 1.4.1 above to any carrier or intermediate handler for transportation shall affix to the outside of the primary enclosure instructions which:

a. State the food and water requirements of such animals;

b. Are written with a permanent marker; and

c. Are affixed in such a manner as to avoid accidental tearing or removal;

3. No carrier or intermediate handler may accept any companion animal for transportation unless the above provision appropriate for the species of animals being transported has been met.

§ 1.7. Care in transit.

During transit it shall be the responsibility of the driver, carrier, or other employee to:

1. Visually observe the companion animals as frequently as circumstances may dictate but not less than once every four hours during surface and air transit, except that where the animal cargo space is not accessible during flight, the animals shall be

observed during loading and unloading and whenever the cargo space is otherwise accessible;

2. Assure that the animals are receiving sufficient air for normal breathing;

3. Assure that the ambient temperature around the animal is between 45°F and 85°F;

4. Assure that additional ventilation is provided if temperatures are above 75°F;

5. Determine whether any of the companion animals are in obvious physical distress;

6. Provide any needed veterinary care as soon as possible; and

7. Assure that companion animals not be removed from their primary enclosures unless placed in other primary enclosures or facilities conforming to these recommended standards, except that exotic animals shall not be removed from their primary enclosure except in case of extreme emergency.

§ 1.8. Handling.

Carriers and intermediate handlers, in moving companion animals to or from the primary conveyance and animal holding area of the terminal facility, shall:

1. Move the animals as expeditiously as possible;

2. Provide sufficient shade to protect animals from the direct rays of the sun and ensure that such animals shall not be subjected to surrounding air temperatures which exceed 85°F for a period of more than 45 minutes;

3. Provide covered transporting devices to protect the animals when the outdoor air temperature falls below 50°F, and ensure that such animals shall not be subjected to surrounding air temperatures which fall below 45°F for a period of more than 45 minutes unless the animals are accompanied by a certificate of acclimation to lower temperatures signed by a USDA accredited veterinarian;

4. Provide shelter from precipitation sufficient to allow animals to remain dry;

5. Avoid handling of the primary enclosure in such a manner that may cause physical or emotional trauma to the animal contained therein; and

6. Not toss, drop or needlessly tilt primary enclosures nor stack them in a manner which may result in their falling.

Article III.

Special Standards for Dogs and Cats in Addition to

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General Transportation Standards.

§ 1.9. Primary enclosures for dogs and cats.

A. Dogs and cats shall be transported in a manner that during air transit the following animal or group of animals shall have its own primary enclosure:

1. A dog over 6 months of age;
2. A cat over 6 months of age;
3. A puppy weighing over 20 pounds;
4. Two kittens eight weeks to six months of age and weighing less than 20 pounds each;
5. Two puppies eight weeks to six months of age and weighing less than 20 pounds each;
6. Littermates less than eight weeks of age accompanied by their dam.

B. During surface transit, a maximum of 12 dogs or cats shall share a primary enclosure, provided that regulation § 1.3.7 and § 1.3.12 above are met.

C. Any aggressive dog or cat, irrespective of age and size shall have its own primary enclosure.

§ 1.10. Food and water requirements of dogs and cats.

A. Potable water shall be offered:

1. Within four hours prior to transport by any carrier;
2. At least every four hours after initiation of travel by dealers, exhibitors, pet shops, pounds, humane societies, and operators of auction sales in their own primary conveyance; and
3. At least every four hours after acceptance for transportation by any carrier or intermediate handler.

B. Food shall be offered by intermediate handlers and carriers after acceptance of any dog or cat for transportation, and by dealers, exhibitors, pet shops and operators of auction sales who transport dogs and cats in their own primary conveyance after transportation is initiated such that:

1. Each dog and cat over 16 weeks of age shall be fed at least once in each 24-hour period; and
2. Dogs and cats less than 16 weeks of age shall have food made available to them at least every 12 hours.

§ 1.11. Identification of dogs and cats.

Each dog and cat being transported by any dealer, exhibitor, auction sale, pet shop, pound, or humane society

from a facility shall be identified with a collar and a tag which gives the name, address, and telephone number of a person to notify either at the point of origin or point of destination, in the event of the animal's escape during transit.

PART II. TRANSPORTATION OF HORSES.

§ 2.1. Definitions.

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

"Ass" means any of several hardy mammals (genus *Equus*) that are smaller than the horse, have long ears and include the donkey.

"Carrier" means the operator of any airline, railroad, motor carrier, shipping line, or other enterprise which, for hire, is engaged in the business of transporting any animal.

"Double-deck" means any vehicle with two levels or more, used for the transportation of horses.

"Foal" means any horse suckling its dam.

"Hinny" means a hybrid between a stallion (*Equus caballus*) and a she-ass.

"Horse" means those members of the genus *Equus*, including *Equus caballus*, asses, mules and hinnies.

"Mare" means a female horse.

"Mule" means a hybrid between a horse (*Equus caballus*) and an ass, especially the offspring of a male ass and a mare.

"Pony" means a small horse standing 14.2 hands or less.

"Possum belly" means any vehicle with two levels or more, designed for the transportation of sheep, goats and swine.

"Stallion" means an uncastrated male horse.

"Vehicle" means any machine, tractor, trailer, semi-trailer, or any combination thereof propelled or drawn by mechanical power and used upon the highways in the transportation of property.

§ 2.2. Application of regulations.

The provisions of this regulation shall apply to loads of more than six horses being transported to a commercial slaughter facility in a vehicle.

§ 2.3. Vehicles.

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Vehicles transporting those horses named in § 2.2 shall:

1. Be designed and constructed so that they can:
 - a. Be cleaned and disinfected;
 - b. Withstand the action of the weather; and
 - c. Withstand the weight of any horse which may be thrown against them;
2. Have no more than one tier holding horses and specifically exclude double-deck or possum belly trailers;
3. Provide a minimum distance of 78 inches between the floor of the vehicle and the roof, or a minimum distance of 12 inches between the withers of the largest horse and the roof, whichever is greater; provided that the minimum distance should only apply in so far as it permits every horse being transported to stand in its natural position;
4. Have rigid sides and suitable overhead protection;
5. Have at least two doorways for animal ingress and egress that:
 - a. Shall be on different sides of the vehicle;
 - b. Allow a minimum of 12 inches above the withers; and
 - c. Allow the largest horse to pass through without injury;
6. Be designed, constructed and maintained to ensure adequate and suitable ventilation for each horse;
7. Be equipped with permanently fitted shields that fully cover the projection of the wheel arches into the interior of the vehicle and prevent injury to horses;
8. Be free from any sharp edges or projections in the vehicle interior;
9. Protect all electrical fittings and wiring to prevent any horse from contact with them;
10. Be provided with a means of artificial lighting (fixed or portable) capable of illuminating the interior to facilitate proper horse care;
11. Be designed to facilitate the inspection of the interior of the vehicle from the outside;
12. Have floors which, to ensure horses a proper foothold, are:
 - a. Covered with nonskid rubber or other material secured to the floor;

b. Constructed with metal grade floors with dull surfaces; or

c. Strewn with adequate amounts of sand or other nonskid substances;

13. Be provided with sufficient tying points when transporting horses which need to be secured; and

14. Have partitions:

a. No more than every 12 feet inside the vehicle;

b. Constructed and maintained to withstand the weight of any horse which may be thrown against them;

c. Constructed to ensure that any gap which is left between the lower end of the partition and the vehicle floor will not result in injury to the limb of any horse; and

d. Of a height of at least 50 inches.

§ 2.4. Loading and unloading.

Horses shall be loaded and unloaded in a vehicle such that:

1. A ramp, fitted or strewn with a nonskid material, shall be provided if the vertical distance from the trailer to the loading platform is greater than 15 inches;

2. No horse is caused injury or suffering by:

a. The excessive use of any device for driving horses; or

b. Contact with any part of the vehicle or accessory carried within;

3. Horses shall be tied as necessary;

4. Each horse, when tied, shall stand facing the same direction;

5. No untied horse, other than a mare with foal, shall be carried in the same compartment with any tied animal.

6. Each horse is adequately supported against the motion of the vehicle; and

7. Each group of horses set forth in § 2.7 shall be separated from every other group by means of a partition.

§ 2.5. Cleaning and disinfection.

All vehicles shall be thoroughly cleaned and disinfected

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after unloading at the commercial slaughter facility.

§ 2.6. Protection during transport.

To ensure the well-being of horses transported under the provisions of this regulation:

1. When a transporting vehicle is stationary, no horse shall be exposed to temperatures above 90°F without ventilation or below 32°F for more than two consecutive hours;
2. Each horse shall have an adequate supply of fresh air;
3. The driver or an attendant must be responsible for proper care, feeding and watering of the horses;
4. Horses that are carried loose with other horses shall be unshod;
5. A partition shall be placed, without causing overcrowding, to ensure that horses are not thrown about when the number of horses carried is less than the number which could be accommodated.

§ 2.7. Food, water and exercise.

In transit, any horse subject to these regulations shall be:

1. Offered potable water at least every 24 hours;
2. Fed every 24 hours; and
3. Unloaded and exercised every 24 hours.

§ 2.8. Grouping of horses for transport.

Horses shall be grouped such that:

1. Each individual horse of the following categories shall have a separate stall during transport:
 - a. An injured or physically disabled horse;
 - b. A stallion;
 - c. An aggressive horse; and
 - d. A mare in season;
2. Each mare with a foal at foot shall travel with that foal, but separated from all other animals;
3. Except for those horses named in § 2.8.1 above, a horse belonging to a specific group below may travel with others of that same group, but separate from all other groups:
 - a. Foals of any description under nine months of

age;

- b. Horses and ponies over nine months of age and standing less than 14.2 hands, but not to include asses, mules and hinnies;
- c. Broken horses over 14.2 hands other than asses, mules and hinnies;
- d. Unbroken horses over 14.2 hands other than asses, mules, and hinnies;
- e. Asses over nine months of age; and
- f. Mules and hinnies over nine months of age.

§ 2.9. Injured or physically disabled horses.

Injured or physically disabled horses shall be protected by the following:

1. No horse which is injured or disabled shall be permitted by its owner or his agent, or by the consignor, carrier, or other person in charge of the horse, to be transported or, where a journey has commenced, to be further transported in by reason of its unfitness, the horse is likely to be subjected to unnecessary suffering;
2. No horse likely to give birth in the course of a proposed journey shall be permitted by its owner or his agent, or by the consignor, carrier or other person in charge of the horse to undertake that journey;
3. The person in charge of a horse which becomes unfit in the course of a journey shall ensure that it is not transported for a period longer than is necessary to transport it to the nearest available place at which it can receive veterinary medical attention; and
4. Special care shall be taken when loading injured or physically disabled horses to prevent unnecessary suffering.

The VDACS Board would appreciate comments upon these proposed regulations. In particular, please consider these items:

Is it reasonable and appropriate to maintain temperature for companion animals in transit between 45°F and 85°F?

Should all municipal, county and humane society vehicles be completely enclosed (Part I, § 1.4.8.a)?

Should municipal, county and humane society vehicles limit the number of dogs or cats transported in each primary enclosure (Part I, § 1.9)? What should be the maximum number?

Are regulations needed to ensure humane treatment of

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horses in transit to a slaughter facility? Should the regulations govern the transport of other horses as well?

Should double-deck horse trailers be prohibited in Virginia (Part II, § 2.3.2)?

Are the weather restrictions for horses reasonable (Part II, § 2.6.1)?

Is the 24-hour restriction on confinement without feed, water or exercise appropriate (Part II, § 2.7)?

Should horses be separated by age, size, sex, attitude, etc. during transit (Part II, § 2.8)?

* * * * *

Title of Regulation: VR 115-04-09. Rules and Regulations for Enforcement of the Virginia Seed Law.

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

Public Hearing Date: May 22, 1986 - 11 a.m.
(See Calendar of Events section for additional information)

Summary:

Regulations were adopted under § 3.1-271 of the Code of Virginia in 1966, and amended in 1968 and 1970. The regulation references the method of inspecting, sampling, testing and the application of tolerance. The proposed regulations are to amend current regulations by identifying and adopting annual bluegrass, bentgrass, bermudagrass, meadow fescue, orchardgrass, redbtop, 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 bermudagrasses will be deleted as restricted noxious weed in agricultural seed and wild radish will be renamed as radish - raphanus spp. Bentgrass, bermudagrass, meadow fescue, redbtop, rough bluegrass and tall fescue may be included as a labeled component of a mixture when in excess of 5.0% of the whole. Grasses or mixtures clearly labeled for pasture, forage, hay or spollbank reclamation usage are exempted from the lawn and turf noxious weed seed list.

VR 115-04-09. Rules and Regulations for Enforcement of the Virginia Seed Law.

§ 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 Analysts* except:

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 National Tree Seed Laboratory.

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

3. Tolerance shall apply to Flower and Vegetable Germination Standards only as specified in §§ 9 and 11 of these regulations.

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

5. Certain kinds listed as crop seeds in Association of Official Seed Analysts Handbook 25 "Uniform Classification of Weed and Crop Seed" shall be considered restricted noxious weed seeds as listed in § 2.B.2.

* Currently Effective, copies of which may be obtained from the Commissioner upon request, at cost.

§ 2. Noxious weed seeds.

Noxious weed seeds as defined in the law Virginia Seed Law, Article 4 (§ 3.1-262 et seq.) of Chapter 16 of Title 3.1 of the Code of Virginia are divided into two classes :

1- A. Prohibited noxious weed seeds are as follows :

Balloonvine - "Cardiospermum halicacabum"

Canada thistle - "Cirsium arvense"

Field bindweed - "Convolvulus arvensis"

Johnsongrass, Sorgrass and Sorghum Alnum - "Sorghum" spp. Perennial

Plumeless thistle, which include Musk thistle, and Curled thistle - "Carduus" spp.

Quackgrass - "Agropyron repens"

Sicklepod - "Cassia tora"

2- B.1. 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

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found exceeds the limitation allowed for each. Such weed seeds and limitations shall be as follows for agricultural and vegetable seed, except for lawn and turf seed and mixtures thereof, shall be prohibited from sale for seeding purposes if the number per ounce or per pound of such noxious weed seed found exceeds the limitations allowed for each. Such weed seeds and limitations shall be :

KIND	LIMITATION
Wild onion bulbets and wild garlic bulbets - Allium spp.	5 per ounce or 80 per pound for orchardgrass; 1 per ounce or 32 per pound for other kinds
Dodder - Cuscuta spp.	4 per ounce or 64 per pound
Common Bermudagrass - Cynodon dactylon	2 per ounce or 32 per pound
Giant Bermudagrass - Cynodon 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 - Brassica spp. - includes all species when incidentally occurring in agricultural seed, provided that species listed in §§ 5 and 9 may be sold as such when labeled as required.	5 per ounce or 80 per pound
Giant foxtail - Sataria faberi	4 per ounce or 64 per pound
Wild Radish - Raphanus raphanistrum spp	1 per ounce or 16 per pound
Annual Bluegrass - Poa annua	16 per ounce or 256 per pound

2. Restricted noxious weed seeds for lawn and turf seed and mixtures thereof. Those kinds listed below shall be restricted noxious weed seeds and shall be declared on the label under the heading "Noxious Weed Seeds" or "Undesirable Grass Seed" according to § 3.1-264 (1)(5) 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. Such weed seeds are:

- Annual bluegrass Poa annua
 - **Bentgrasses (creeping, colonial, velvet) Agrostis spp.
 - **Bermudagrass, Giant bermudagrass Cynodon spp.
 - **Meadow fescue Festuca pratensis
 - **Meadow fescue Festuca pratensis
 - Orchardgrass Dactylis glomerata
 - **Redtop Agrostis gigantea
 - **Rough Bluegrass Poa trivialis
 - **Tall fescue Festuca arundinacea
 - Timothy Phleum pratense
 - Velvetgrass Holcus lanatus
- ** May be included as a labeled component of a mixture when in excess of 5% of the whole.

NOTE - EXEMPTIONS: This regulation does not apply to restricted noxious weed seeds in grasses or mixtures clearly labeled for pasture, forage, hay, or spoilbank reclamation usage.

* * * * *

Title of Regulation: VR 115-05-01. Rules and Regulations Governing the Production, Processing and Sale of Grade "A" Pasteurized Market Milk and Grade "A" Pasteurized Market Milk Products and Certain Milk Products.

Statutory Authority: § 3.1-530.1 of the Code of Virginia

Public Hearing Date: May 22, 1986 - 10 a.m.
(See Calendar of Events section for additional information)

REGISTRAR'S NOTICE: Due to its length, the proposed Rules and Regulations Governing the Production, Processing and Sale of Grade "A" Pasteurized Market Milk and Grade "A" Pasteurized Market Milk Products and Certain Milk Products is not being published. However, § 8 (formerly Regulation 8) is being set out since that section reflects the only change being made in these regulations. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations, General Assembly Building, Capitol Square, Room 215 and the Virginia Department of Agriculture and Consumer Services.

Summary:

The existing Somatic Cell Count standard limits the

Proposed Regulations

maximum acceptable cells in individual Grade "A" Producer raw milk for pasteurization to 1,500,000 cell per milliliter. The proposed amendment lowers the maximum acceptable somatic cell count to 1,000,000 cells per milliliter. This will ensure the marketability of a higher quality Virginia produced Grade "A" raw milk for pasteurization in interstate commerce and within the Commonwealth of Virginia.

VR 115-05-01. Rules and Regulations Governing the Production, Processing, and Sale of Grade "A" Pasteurized Market Milk and Grade "A" Pasteurized Market Products and Certain Milk Products.

Regulation 8.

§ 8. Standards for milk, market milk, market milk products, and milk products.

All Grade "A" raw milk for pasteurization and all Grade "A" pasteurized market milk and market milk products and all milk products shall be produced, processed, and pasteurized to conform with the following chemical, bacteriological, somatic cell, and temperature standards, and the sanitation requirements of these regulations. No process or manipulation other than pasteurization, processing methods integral therewith, and appropriate refrigeration shall be applied to milk, market milk, market milk products, and milk products for the purpose of removing or deactivating microorganisms. Provided, that in the bulk shipment of raw cream, skim milk, or lowfat milk, the heating of the raw milk to temperatures no greater than 125°F for separation purposes is permitted when the resulting bulk shipments of cream, skim milk, and lowfat milk are labeled heat treated.

Chemical, Bacteriological, Somatic Cell, and Temperature Standards for Grade "A" Milk, Market Milk, Market Milk Products, and Milk Products

Grade "A" Raw Milk for Pasteurization

Temperature.....
Cooled to 45°F or less within two hours after milking, provided that the blend temperature after the first and subsequent milking does not exceed 50°F.

Bacterial Limits....
Individual producer milk not to exceed 100,000 per ml. prior to commingling with other producer milk.

Not exceeding 300,000 per ml. as commingled milk prior to pasteurization.

Antibiotics.....

Individual producer milk: no detectable zone with the Bacillus subtilis method or equivalent.

Commingled milk: no detectable zone by the Sarcina lutia Cylinder Plate Method or equivalent.

Somatic Cell Limits....

Individual producer milk not to exceed 1,500,000 1,000,000 per ml. prior to commingling with other producer milk.

Grade "A" Pasterurized Milk, Market Milk Products, and Milk Products

Temperature.....
Cooled to 45°F or less and maintained thereat.

Bacterial Limits*....
Milk and milk products 20,000 per ml.

Coliform Limit....
Not exceeding 10 per ml: Provided, in the case of bulk milk transport tank shipments, shall not exceed 100 per ml.

Phosphatase....
Less than lug per ml., by Scharer Rapid Method (or equivalent by other means.)

Antibiotics....
No detectable zone by the Sarcina lutea Cylinder Plate Method or equivalent.

* Not applicable to cultured products.

Title of Regulation: VR 115-05-05. Rules and Regulations Governing the Production, Handling, and Processing of Milk for Manufacturing Purposes and Establishing Minimum Standards for Certain Dairy Products to be Used for Human Food.

Statutory Authority: § 3.1-530.1 of the Code of Virginia

Public Hearing Date: May 22, 1986 - 10 a.m.
(See Calendar of Events section for additional information)

REGISTRAR'S NOTICE: Due to its length, the proposed Rules and Regulations Governing the Production, Handling,

Proposed Regulations

and Processing of Milk for Manufacturing Purposes and Establishing Minimum Standards for Certain Dairy Products to be Used for Human Food will not be published. However, § 3 (formerly Section XXI.8) Health of Herd, is being set out since that section reflects the only change being made in these regulations. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations, General Assembly Building, Capitol Square, Room 215, Richmond, Virginia and the Virginia Department of Agriculture and Consumer Services.

Summary:

The existing Somatic Cell Count standard limits the maximum acceptable cells in individual herd milk to 1,500,000 cells per milliliter. The proposed amendment lowers the maximum acceptable somatic cell count to 1,000,000 cells per milliliter. This will ensure the marketability of a higher quality Virginia produced manufacturing milk in interstate commerce and within the Commonwealth of Virginia.

VR 115-05-05. Rules and Regulations Governing the Production, Handling, and Processing of Milk for Manufacturing Purposes and Establishing Minimum Standards for Certain Dairy Products to be Used for Human Food.

Subpart C, § 3. Minimum Requirements for Farm Certification.

~~Section XXI.8~~ A. Health of herd.

A. 1. General health. All animals in the herd shall be maintained in a healthy condition, and shall be properly fed and kept.

B. 2. Tuberculin test. The herd shall be located in an area within the state Commonwealth which meets the requirements of a modified accredited area (in which not more than ~~one-half of one percent~~ 0.5% of the cattle have been found to be infected with tuberculosis) as determined by the provisions of the "Uniform Methods and Rules" for establishing and maintaining Tuberculosis-Free Herds of Cattle, and Modified Accredited Areas which are approved by the Veterinary Services, Animal and Plant Health Inspection Services, United States Department of Agriculture. If the herd is not located in such an area, it shall be tested annually under the jurisdiction of the aforesaid program. All additions to the herd shall be from an area or from herds meeting these same requirements.

C. 3. Brucellosis test. The herd shall be located in an area within the state Commonwealth in which the percentage of cattle affected with brucellosis does not exceed ~~one percent~~ 1.0%; and the percentage of herds in which brucellosis is present does not exceed ~~five percent~~ 5.0%, in accordance with provisions of

the "Uniform Methods and Rules" for establishing and maintaining Certified Brucellosis-Free Herds of Cattle, Modified Certified Brucellosis Areas, and Certified Brucellosis-Free Areas which are approved by the Veterinary Services, Animal and Plant Health Inspection Services, United States Department of Agriculture. If the area in which the herd is located does not meet these requirements, the herd shall be blood-tested annually or milk ring-tested semi-annually. All additions to the herd shall be from an area or from herds meeting these same requirements.

D. 4. Mastitis and drug residues. Milk from cows known to be infected with mastitis , or milk containing residues of drugs used in treating mastitis or any other infection , shall not be sold or offered for sale for human food. Milk from cows treated for mastitis by infusion of the udder (treatment of infected quarters by the introduction of drugs into the udder through the teat canal) shall be excluded from the supply for at least 72 hours after the last treatment, unless the label of the antibiotic container states otherwise. Drugs administered by injection into the blood stream or muscular tissue that leave a residue in the milk longer than 96 hours after injection shall not be used.

E. 5. Mastitic milk : ~~After January 1, 1980, Required~~ requires laboratory examination for the presence of unwholesome mammary secretions - whether of an inflammatory, infectious, physiological, or environmental origin - shall be made on all raw milk samples at least four times in each six- ~~months~~ month period. Samples shall be analyzed at an official state laboratory or at a laboratory approved by the state regulatory agency.

6 a. ~~After January 1, 1980,~~ When a herd milk sample exceeds any of the following screening test results:

1. (1) California Mastitis Test - Weak Positive (CMT1+)

2. (2) Catalase Test - 30% Oxygen

3. (3) Modified Whiteside Test - Positive (1+)

4. (4) Wisconsin Mastitis Test - WMT value of ~~21 mm~~ 18 mm.

7 b. A somatic cell count using the Direct Microscopic Clump Count method or equivalent, or the Electronic Method , shall be made on that sample ; and the results of the somatic cell direct count shall be the official result.

8 c. Whenever the somatic cell count indicates the presence of ~~1,500,000~~ 1,000,000 or more somatic cells per ml., the following procedures shall be applied:

Proposed Regulations

1- (1) A notice shall be sent to the producer warning him of the excessive somatic cell count.

2- (2) Whenever two of the last four consecutive somatic cell counts exceed ~~1,500,000~~ 1,000,000 cells per ml., the state regulatory authority agency shall send a written notice thereof to the producer. This notice shall be in effect so long as two of the last four consecutive samples exceed ~~1,500,000~~ 1,000,000 cells per ml. In addition to the written notice, an inspection shall be made of the farm facility by the regulatory authority.

3- (3) A third milk sample shall be taken after a lapse of ~~3~~ three days and within 14 days of the inspection sending of a notice required under (2) above. If this sample also indicates a high somatic cell count, the state regulatory authority agency shall proceed with its responsibility to suspend the producers' certification for repeated noncompliance with the provisions of Section ~~XXI. 8.E. § 3.A.5~~ of these regulations . Effective January 1, 1981; provided, that this standard will be reviewed at that time and, if warranted, a further extension may be granted.

Section ~~XXI.9~~ B. Milking facility and housing.

A. Cows shall be milked in a clean, well drained place.

A- 1. This subsection will become effective April 22, 1982, provided, that this standard will be reviewed at that time, and, if warranted, a further extension may be granted. An enclosed milking barn or parlor with well-drained concrete floor and gutters, of adequate size and arrangement, shall be provided. Such milking barn or parlor shall afford adequate light and ventilation.

B- 2. The facility shall be kept clean, the manure removed daily ; and no swine, fowl, or other animals shall be permitted in any part of the milking area.

C- 3. The yard or loafing area shall be of ample size to prevent overcrowding, shall be drained to prevent forming of water pools insofar as practicable, and shall be kept clean.

D- An enclosed milking barn or parlor with well drained concrete floor and gutters, of adequate size and arrangement, shall be provided. Such milking barn or parlor shall afford adequate light and ventilation. This subsection will become effective April 22, 1982; provided, that this standard will be reviewed at the time, and, if warranted, a further extension may be granted.

Section ~~XXI.10~~ C. Milking procedure.

A- 1. Cows shall be kept clean.

B- 2. The udders and flanks of all milking cows shall

be kept clean. The udders and teats shall be washed or wiped immediately before milking with a clean damp cloth or paper towel moistened with a sanitizing solution and wiped dry, or by any other sanitizing method. The milker's clothing shall be clean and his hands clean and dry.

C- 3. Cows treated with antibiotics shall be milked last , and the milk excluded from the supply , as required in Section ~~XXI.8.(D)~~ § 3.A.4 of these regulations .

D- 4. Milk stools, surcingles , and antikickers shall be kept clean and properly stored. Dusty operations should not be conducted immediately before or during milking. Strong-flavored feeds should only be fed after milking.

Section ~~XXI.11~~ D. Cooling.

A- 1. Milk in cans shall be cooled immediately after milking to 50°F. The cooler, tank, or refrigerated unit shall be kept clean. This subsection will be effective as soon as possible, but not to exceed 12 months after adoption of these regulations by the Board.

B- 2. Milk in farm bulk cooling and/or holding tanks shall be cooled to 40°F or less (do not freeze) within two hours after the completion of each milking. Milk from farm bulk milk tanks shall not be picked up, transported, or delivered to a milk plant, receiving station, or transfer station when the temperature of that milk is in excess of 45°F.

Section ~~XXI.12~~ E. Milkhouse of milkroom.

A- 1. There shall be a specific place for proper cleaning, storage, and handling of milk equipment and utensils. It shall be equipped with wash and rinse facilities, and a utensil storage rack. If a part of it is in the milking barn, it shall be partitioned, ceiled, and screened to prevent the entrance of dust, flies, or other contamination.

2. When properly equipped, arranged, and maintained, a milking parlor used strictly as a milking facility in combination with a milk cooling and utensil washing and storage area ; when properly equipped, arranged, and maintained, need not be partitioned.

3. Cooling facilities shall be properly protected and kept clean.

4. If a farm bulk tank is used, it shall be properly located in a milkhouse and accessible to all areas for cleaning and servicing. Such milkhouse shall meet the provisions set forth in Section ~~XXI.12.B~~ § 3.E.5 of these regulations . The tank shall not be located over a floor drain or under a ventilator. A small platform or slab constructed of concrete or other impervious material shall be provided outside the milkhouse , properly centered under a suitable port opening in the

Proposed Regulations

wall for milkhose connections. The opening shall be fitted with a tight, self-closing door.

B. 5. A milkhouse or milkroom conveniently located and properly constructed, lighted, and ventilated shall be provided for handling and cooling milk, and for washing and storing of utensils and equipment. It shall not be used for any other purpose ~~and~~. It shall be equipped with a hot water heater, wash and rinse vat, utensil rack, and cooling facilities. If a part of the milking barn or other building, it shall be partitioned, ceiled, and screened to prevent the entrance of dust, flies, or other contamination. A milking parlor used strictly as a milking facility in combination with a milkhouse, when properly equipped, arranged and maintained, need not be partitioned. Concentrates, if stored in the building, shall be kept in a tightly covered box or bin. The floor of the building shall be of concrete or other impervious material and graded to provide proper drainage. The walls and ceilings shall be constructed of smooth, easily cleaned material. All outside doors shall open outward and be self-closing, unless they are provided with tight-fitted screen doors that open outward. The board ~~in its discretion shall at a time subsequent to the effective date of these regulations~~ determine the effective date of this subsection.

Section ~~XXI-12~~. F. Utensils and equipment.

1. Utensils, milk cans, milking machines (including pipeline systems), and other equipment used in the handling of milk shall be maintained in good condition, ~~shall be free from rust, open seams, milkstone, or other unsanitary conditions; ;~~ and shall be washed, rinsed, and drained after each milking, stored in suitable facilities, and sanitized immediately before use. New or replacement can lids shall be umbrella-type. All new utensils and equipment shall comply with applicable 3-A Sanitary Standards.

2. Farm bulk tanks shall meet 3-A Sanitary Standards for construction at the time of installation and shall be installed ~~in accordance with~~ *according to* regulations of the ~~Virginia~~ Department of Agriculture and Consumer Services.

(NOTE: the 3-A Standards are issued by and available from the International Association of Milk, Food, and Environmental Sanitarians Incorporated, Box 701, Ames, Iowa 50010. A copy is available for inspection in the office of the Chief of the Bureau of Dairy Services of the Virginia Department of Agriculture and Consumer Services.)

3. Milk shall not remain in the farm bulk milk tank more than 76 hours.

Section ~~XXI-14~~. G. Water supply.

The dairy farm shall have an ample convenient supply

of water with which to clean and sanitize utensils and to clean cows. Every dairy farmer shall provide a fully protected safe water supply that is free from visible means of contamination, present or potential.

Section ~~XXI-16~~. H. Inspections, notices of violations, exclusion, and reinstatement of producers.

A. 1. Every milk producer shall permit the inspection, at any reasonable time, of any part of its premises having to do with ~~the~~ milk production by a fieldman employed by the plant or by an inspector employed by the department, the latter only shall have the authority to exclude the producer for noncompliance with the provisions of this regulation. An approved form by the department shall be used in all farm inspections.

B. 2. No plant shall receive raw milk for manufacturing purposes ~~from a producer~~ unless the producer is in reasonable compliance with the provisions of this regulation, provided *that* notice has been given regarding existing violations. Notice of violations or of failure to conform to the provisions of this regulation shall be ~~deemed to have been given~~ *considered issued* when an inspection report, signed and dated by the fieldman or inspector, has been given the producer, ~~or~~ mailed to him, or posted on the dairy farm in a place agreed upon by the producer and the fieldman.

3. The fieldman shall reinspect any farm within ~~3~~ *three* days after receiving a request from the ~~excluded~~ *excluded* producer ~~excluded because the dairy farm did not meet the provisions of this regulation~~. If all significant violations have been corrected, the fieldman shall reinstate the producer.

C. 4. ~~Milk from other sources~~. When bulk milk is obtained from plants or receiving stations not under the direct supervision of the plant purchasing the milk, the milk from individual producers shall meet the same requirements as those for milk from regular patrons. On the first delivery, and at least twice each week thereafter, a resazurin test, standard plate count, or direct microscopic clump count shall be made of such bulk milk. A record of these tests shall be maintained showing test dates and results for a period of ~~1~~ *one* year.

D. 5. ~~Antibiotic and pesticide residues~~. Each plant and receiving station shall maintain an effective program for the control of antibiotics and pesticide residues in milk supplies. Fieldmen shall be alert to the use of antibiotics on farms, and shall caution farmers to withhold milk from treated cows for the required period of time. They shall also be alert to the improper use of pesticides on farms and to any condition or practice that may cause residue problems.

Proposed Regulations

STATE AIR POLLUTION CONTROL BOARD

Title of Regulation: VR 120-01. Regulations for the Control and Abatement of Air Pollution.

Statutory Authority: § 10-17.18 (b) of the Code of Virginia

Public Hearing Date: N/A
(See Calendar of Events section for additional information)

REGISTRAR'S NOTICE: Due to its length, the proposed Regulations for the Control and Abatement of Air Pollution (VR 120-01), filed by the State Air Pollution Control Board are not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, the summary is being published in lieu of full text. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and the State Air Pollution Control Board.

Summary:

Section 123 of the Federal Clean Air Act requires the U.S. Environmental Protection Agency (EPA) to promulgate regulations to assure that the degree of emission limitation required for the control of any air pollutant is not affected by that portion of any stack height which exceeds good engineering practice (GEP) or by any other dispersion technique. Although a certain amount of dispersion is considered normal and consistent with good engineering practice, the Act requires that EPA determine when dispersion should be considered excessive. Final EPA regulations to implement § 123 were promulgated and became effective in early 1982. The board adopted equivalent regulations in late 1982 with an effective date of March 1, 1983. The Act requires states to adopt equivalent regulations nine months after the EPA promulgation.

The 1982 EPA regulations were challenged by various parties and the Circuit court upheld certain portions of EPA's original stack height regulations, reversed two provisions, and remanded several others to be made consistent with the court's holding. Generally, the court required EPA to rewrite the definitions of excessive concentrations, nearby terrain and dispersion techniques, to reevaluate good engineering practice formulas for stack heights and to delete credits for plume impaction. On July 8, 1985, EPA responded to the court mandate by promulgating revisions to the 1982 regulations.

In response to the federal requirement to make equivalent changes to its regulations, the board is proposing amendments to the Regulations for the Control and Abatement of Air Pollution (VR 120-01). Specifically, the amendments change the agency's regulations that restrict the degree to which industrial sources of air pollution may rely on dispersion of

pollution - using tall smoke stacks and other techniques - as substitutes for constant emission controls. These are found in § 120-01-02 (Terms Defined), § 120-04-02 I (Stack Heights) and § 120-05-02 H (Stack Heights).

The amendments delete the dispersion credit for "plume impaction," which allowed sources to raise their stacks to avoid causing high pollution concentrations on elevated terrain such as hillsides and cliffs downwind of the source. The proposed regulations require that stacks near these terrain features must reduce their emissions through constant controls rather than use dispersion techniques.

PROVISIONS AFFECTED PROPOSED REVISION C

Proposed Adoption Date: April 7, 1986
Proposed Effective Date: June 6, 1986

PART I. GENERAL DEFINITIONS

§ 120-01-02. Terms Defined

Modified - dispersion technique, excessive concentration, good engineering practice, nearby

PART IV. EXISTING AND CERTAIN OTHER SOURCES : SPECIAL PROVISIONS

§ 120-04-02. Compliance

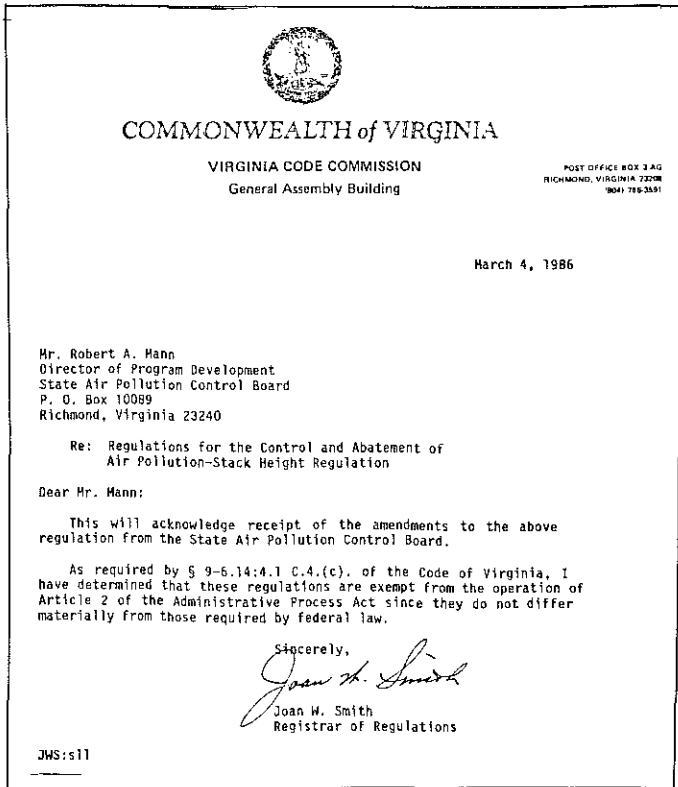
I. Stack Heights (modified)

PART V. NEW AND MODIFIED SOURCES : SPECIAL PROVISIONS

§ 120-05-02. Compliance

H. Stack Heights (modified)

Proposed Regulations



which would allow three different levels of degradation and required that new or modified major sources obtain a permit from EPA prior to construction and use "best available control technology" for control of pollution. In mid 1977, Congress addressed the issue of PSD in major amendments to the Federal Clean Air Act. In mid 1978, EPA updated its PSD regulations in accordance with the 1977 Clean Air Act Amendments. The updated EPA regulations require that each state submit a plan for the prevention of significant deterioration of air quality that contains the area classification system and permit and control technology requirements of the original EPA regulations. Shortly after EPA issued its updated PSD regulations, industrial and environmental factions submitted to the court a petition for review of the new regulations. In 1980, EPA once again revised its regulations, this time in an attempt to satisfy the court mandate.

In early 1981, the board adopted PSD regulations essentially the same as the EPA version. This enabled the agency to request from EPA the authority to enforce the EPA regulations. The agency found this approach more effective than submitting a plan revision for EPA approval; EPA allows the delegation of authority approach in lieu of a plan submittal. The authority was granted by EPA in mid 1981.

One of the obligations the board must meet in order to retain the delegation of authority is to keep its regulations current with the EPA version. EPA has made some additional changes, and the state regulations must now be brought in line with the EPA changes.

In response to the federal requirement to make equivalent changes to its regulations, the board is proposing amendments to the Regulations for the Control and Abatement of Air Pollution (VR 120-01). Specifically the amendments change the agency's regulations in two areas: new source permit review requirements for visibility impact and exemption of fugitive emissions in making major source/major modification determinations. These are found in § 120-08-02 (Permits - Major Stationary Sources and Major Modifications Locating in Prevention of Significant Deterioration Areas), subsections B (Definitions), P (Additional Impact Analysis), and Q (Sources Impacting Federal Class I Areas - Additional Requirement). Below is a summary of the changes to the EPA regulations; the changes to the proposed board regulations are identical.

1. New Source Review Procedures for Visibility Impact.

Visibility regulations to protect visual air quality in Federal Class I areas were promulgated by EPA in late 1980. These regulations were based on the

Title of Regulation: VR 120-01. Regulations for the Control and Abatement of Air Pollution.

Statutory Authority: § 10-17.18 (b) of the Code of Virginia

Public Hearing Date: N/A

REGISTRAR'S NOTICE: Due to its length, the proposed Regulations for the Control and Abatement of Air Pollution (VR 120-01), filed by the State Air Pollution Control Board 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 full text. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and the State Air Pollution Control Board.

Summary:

In late 1972, the U.S. Environmental Protection Agency (EPA), following a court mandate, declared all state plans to control air pollution inadequate because they did not assure what is called "prevention of significant deterioration (PSD) of air quality" - that is, the plans did not provide for the protection of air quality in areas where the air was cleaner than required by the air quality standards; and in late 1974, EPA issued regulations to satisfy the court mandate. The regulations provided for three area classifications

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requirements of § 169A of the Clean Air Act. The regulations were questioned by petitions for reconsideration and challenged by court action. The EPA PSD regulations have been amended to satisfy part of the court settlement by including the procedural requirements of the visibility impact regulations in the existing PSD program. EPA has amended the PSD regulations to include the visibility requirements with the following provisions for all major PSD stationary sources:

a. The reviewing authority must notify the Federal Land Manager (FLM) in writing within 30 days of receiving a permit application or advance notification of application from a proposed source that may impact a visibility protection area.

b. This notification must take place at least 60 days prior to the public hearing on the application and must contain an analysis of the potential impact of the proposed source on visibility.

c. The reviewing authority must consider any analysis concerning visibility impairment performed by the FLM and received within 30 days of the notification.

d. If the reviewing authority does not concur with the FLM's analysis that adverse visibility impairment will result from the proposed source, the reviewing authority must provide in its notice of public hearing on the application an explanation of its decision, or give notice as to where the explanation can be obtained.

e. The reviewing authority must have the ability to require a permit applicant to monitor visibility in or around the visibility protection areas.

2. Fugitive Emissions.

New Source Permit programs for PSD areas apply to any new source or modification that is major. "Major" is defined in terms of rates of emissions. Pursuant to § 302(j) of the Federal Clean Air Act, all pollutants, regardless of how emitted, are included in this determination; however, fugitive emissions are to be included "as determined by rule by the (EPA) Administrator." Since the emissions of some sources are largely fugitive, the inclusion of those emissions can be critical in determining whether those sources or changes at such sources are subject to review.

In late 1984, EPA published a final rulemaking for inclusion of fugitive emissions in applicability determinations for 30 categories of sources. This was based on the fact the EPA experience in quantifying fugitive emissions from those sources was in general greater than its experience with other sources, and that coverage of those sources seemed consistent with Congressional concern with regulating particularly important sources of air pollution.

Under the final EPA regulations, the fugitive emissions of a stationary source shall not be included in determining for any of the purposes of PSD review whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:

- a. Coal cleaning plants (with thermal dryers);
- b. Kraft pulp mills;
- c. Portland cement plants;
- d. Primary zinc smelters;
- e. Iron and steel mills;
- f. Primary aluminium ore reduction plants;
- g. Primary copper smelters;
- h. Municipal incinerators capable of charging more than 250 tons of refuse per day;
- i. Hydrofluoric, sulfuric, or nitric acid plants;
- j. Petroleum refineries;
- k. Lime plants;
- l. Phosphate rock processing plants;
- m. Coke oven batteries;
- n. Sulfur recovery plants;
- o. Carbon black plants (furnace process);
- p. Primary lead smelters;
- q. Fuel conversion plants;
- r. Sintering plants;
- s. Secondary metal production plants;
- t. Chemical process plants;
- u. Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
- v. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- w. Taconite ore processing plants;
- x. Glass fiber processing plants;
- y. Charcoal production plants;

Proposed Regulations

z. Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; and

aa. Any other stationary source category which, as of August 7, 1980, is being regulated under §§ 111 or 112 of the Clean Air Act.

PROVISIONS AFFECTED PROPOSED REVISION D

Proposed Adoption Date: April 7, 1986
Proposed Effective Date: June 6, 1986

PART VIII PERMITS FOR NEW AND MODIFIED SOURCES.

§ 120-08-02. Permits – Major Stationary Sources and Major Modifications Locating in Prevention of Significant Deterioration Areas.

B. Definitions

Added - adverse impact on visibility

Modified - major stationary source

P. Additional Impact Analysis (modified)

Q. Sources Impacting Federal Class I Areas - Additional Requirements (modified)

BOARD OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: VR 460-03-4.194. Nursing Home Payment System.

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

Public Hearing Date: May 21, 1986 - 9 a.m.
(See Calendar of Events section for additional information)


REGISTRAR'S NOTICE: Due to its length, the proposed regulations of the Nursing Home Payment System (VR 460-03-4.194) filed by the Board of Medical Assistance Services, is not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, a summary, in lieu of full text, explaining the amendments to the Nursing Home Payment System, is being published. The full text of the regulation is available for public inspection at the Office of the Registrar of Regulations and Department of Medical Assistance Services. The department welcomes public comments on these proposed regulations.

Summary:

The Nursing Home Payment System proposed regulations set forth the methodology by which the Department of Medical Assistance Services reimburses participating nursing homes for rendering patient care to Medicaid recipients. These regulations describe rate determination procedures, allowable costs, due dates for cost report submission, accounting methods, audit requirements and provider appeals mechanisms. The regulations further describe incentive payments available for efficiently operated facilities as well as payment limitations for facilities exceeding their ceilings.

Section 32.1-325 of the Code of Virginia authorizes the Board of Medical Assistance Services to set and amend policies in the Medical Assistance Services State Plan and to promulgate regulations governing payment methodologies for all enrolled provider groups who furnish medical care to eligible recipients.

Effective October 1, 1978, Virginia promulgated and implemented her first prospective payment system for nursing homes. The current system became effective on July 1, 1982, largely in response to an anticipated program budget deficit. Since that time, the nursing home industry has raised its concerns about portions of the 1982 payment system. In response to these concerns, the department formed a task force with industry representatives to develop feasible alternatives. The modifications being set forth in the current proposed regulations delineate the task force's recommendations. The Board of Medical Assistance Services has authorized the department to proceed with publishing these proposed regulations for public comment.



COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION
General Assembly Building

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March 4, 1986

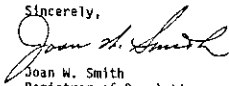
Mr. Robert A. Mann
Director of Program Development
State Air Pollution Control Board
P. O. Box 10089
Richmond, Virginia 23240

Re: Regulations for the Control and Abatement of Air Pollution-State Implementation Plans for Visibility; New Source Review and Monitoring Strategy

Dear Mr. Mann:

This will acknowledge receipt of the amendments to the above regulation from the State Air Pollution Control Board.

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 they do not differ materially from those required by federal law.

Sincerely,

Joan W. Smith
Registrar of Regulations

JWS:s11

The proposed amendments to the Nursing Home Payment System clarifies the current payment methodology and addresses specific concerns raised by the task force. The following changes are conveyed by the proposed regulations:

- 1. Certain financing and other costs associated with construction which are now capped at 2.0% and 5.0% of the Dodge Construction Cost Index will be capped at 2.0% and 5.0% of the total allowable project costs;*
- 2. Mortgage life insurance premiums will become allowed costs as prescribed by the federal manual, HIM-15, principles of reimbursement;*
- 3. Continuation of the disallowance of interest expense on debt reserve funds but no longer offsetting the interest income earned on such funds;*
- 4. In the purchase of a nursing home facility, the averaging method will be replaced by the American Hospital Association guidelines to determine the useful life of the facility and moveable equipment;*
- 5. The time period for the department's tentative settlement of submitted cost reports and prospective rate determination is being increased from 60 to 90 days;*
- 6. The time period for a new provider's costs to be reimbursed on a retrospective basis is being amended from two cost reporting periods to a maximum of 15 months;*
- 7. The existing nursing home lien statute (§ 32.1-329 of the Code of Virginia) is being added to the payment system;*
- 8. The nursing homes' appeals procedures are being clarified;*
- 9. Several miscellaneous HIM-15 regulations are being incorporated into the payment system to clarify the department's requirements and not as new regulations.*
- 10. Incorporates provisions of the Deficit Reduction Act of 1984 related to revaluation of assets on change of ownership.*

EMERGENCY REGULATION

VIRGINIA EMPLOYMENT COMMISSION

Title of Regulation: Virginia Unemployment Compensation Act.

Effective Date: February 17, 1986 - February 16, 1987

Office of the Governor

Pursuant to the power vested in this Office by Virginia Code § 9-6.14:4 (C)(5), I hereby approve the promulgation of emergency regulations by the Virginia Employment Commission implementing or pertaining to the Virginia Unemployment Compensation Act. This approval is based upon the facts and reasons cited in the preamble to the regulations. These regulations shall be in effect for a period of twelve months beginning February 17, 1986 and terminating February 16, 1987.

/s/ Ralph G. Cantrell, Commissioner Date: 2/10/86

/s/ Richard M. Bagley, Secretary Date: 2/10/86
of Commerce and Resources

/s/ Gerald L. Baliles, Governor Date: 2/12/86

/s/ Joan W. Smith Date: 2/14/86
Registrar of Regulations

Preamble

A. The Virginia Employment Commission, pursuant to the authority contained in §§ 60.1-1 through 60.1-134 of Title 60.1, of the Code of Virginia, hereby adopts the following amended regulation regarding the implementation of § 60.1-52(g) of the Code of Virginia as amended by the 1983 session of the Virginia General Assembly.

B. Further, the Virginia Employment Commission finds that an emergency situation exists necessitating the immediate promulgation of the following amended regulation. Such emergency precludes promulgation by the usual procedures of the Virginia Administrative Process Act (APA) (Virginia Code § 9-6.14:1 et seq.) and is permitted under Virginia Code § 9-6.14:4.1 (C)(5).

The precise reason and factual basis for this emergency is the fact that certain areas within this Commonwealth are continuing to experience excessively high unemployment rates despite a general decrease in unemployment. Individual claimants for unemployment insurance in these areas will be forced to make futile or unrealistic visits to employers inquiring about nonexistent jobs in order to receive benefits unless immediate action to implement this amendment is taken. This, in turn, will force such individuals to spend a portion of their unemployment insurance benefits, designed to meet their immediate and crucial vital needs, on work search efforts where there are no real prospects of employment, thus effectively reducing the amount of economic assistance available to them.

The 1983 session of the General Assembly amended § 60.1-52(g) of the Virginia Unemployment Compensation Act to read as follows:

"An unemployed individual shall be eligible to receive benefits with respect to any week only if the Commission finds that he is able to work, is available for work, and is actively seeking and unable to obtain suitable work. Every claimant who is totally unemployed shall report to the Commission the names of employers contacted each week in his effort to obtain work. In areas of high unemployment, as determined by the Commission, the Commission has the authority to adjust this requirement. This information may be subject to employer verification by the Commission through a program designed for that purpose." (1983 change underscored.)

In response to this legislative change, the Commission adopted Regulation VIII.D in order to carry out the mandate of the General Assembly. This regulation reads as follows:

Regulation VIII – Total and Part-total Unemployment

D. Adjustment of Work Search Requirement

In areas of high unemployment, as determined by the Commission, the Commission has the authority, in the absence of Federal law to the contrary, to adjust the work search requirement of the Act. For the purposes of this adjustment, the following definitions will apply:

Area:

An area, for the purposes of § 60.1-52(g) of the Act, shall be that geographical area (cities and counties) served by an unemployment insurance full-service office.

High Unemployment:

High unemployment shall be an average unemployment rate of 10 percent or more during the first four of the last five completed calendar quarters. The designator will be computed quarterly; therefore, an adjustment to the search for work requirement may be made quarterly. The adjustment continues in effect until the next quarterly computation. The designator will not be computed when the average state total unemployment rate during the measurement period equals or is less than the average state total unemployment rate during the preceding 60-month period. (Underscoring supplied)

Adjustment

The adjustment will be implemented by requiring claimants filing claims for benefits through the full-service unemployment insurance office serving an area experiencing a total unemployment rate of 10.0%

Emergency Regulation

- 19.9% to make one (1) job contact with an employer each week.

The adjustment will be implemented by waiving the search for work requirement of all claimants filing claims for benefits through the full-service unemployment insurance office serving an area experiencing a total unemployment rate of 20.0% or more.

No adjustment will be made for claimants filing claims for benefits through the full-service unemployment insurance office serving an area experiencing a total unemployment rate below 10.0%.

1. Regulation

1.1 The aforementioned regulation is hereby amended by deleting the underscored language in the paragraph headed High Unemployment so it reads as follows:

High Unemployment

High unemployment shall be an average unemployment rate of 10% or more during the first four of the last five completed calendar quarters. The designator will be computed quarterly; therefore, an adjustment to the search for work requirement may be made quarterly. The adjustment continues in effect until the next quarterly computation.

2. Purpose and Applicability of Regulation

2.1 Purpose: In order to effectively implement § 60.1-52(g), as amended, the Virginia Employment Commission must be able to properly define the terms used in the statute. "High unemployment" is the only term which is affected by the amendment at hand. Under the prior definition, an area experiencing an unemployment rate in excess of the specified limits would only be considered a "high unemployment" area if the unemployment rate throughout Virginia had increased when compared to the previous five-year average rate. Thus, relief from useless and costly work search requirements could only be given to claimants in the designated "high unemployment" areas if the entire Commonwealth enters a period of economic recession. Once that recession turns and economic factors produce lower unemployment throughout Virginia, claimants in areas of persistent recession can no longer benefit from the relief provided in the regulation even though the economic conditions of their particular area might be as bad or even worse than before. The amendment promulgated herein will allow claimants in areas of persistent economic distress in Virginia to enjoy more of the cash benefits of unemployment insurance despite any overall improvement in the economy which has effectively passed them by. This, in turn, serves more effectively the basic goal of unemployment insurance which is to provide temporary economic assistance to those individuals out of work through no fault of their own.

2.2 Applicability: During the period from February 17, 1986 through February 16, 1987, the implementation of this regulation will initially affect unemployed individuals claiming unemployment insurance through Commission offices in Norton and Richlands (2,750 individuals as of December 1985). As of April 1, 1986, changes in unemployment rates could affect claims in these offices as well as others.

3. Duration

3.1 This amended regulation shall be in effect as of February 17, 1986 until February 16, 1987. During this time, the agency will receive, consider, and respond to petitions by any interested person at any time for the reconsideration or revision thereof.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: Regulations Governing Inpatient and Outpatient Rehabilitative Care in Certain Certified Virginia Hospitals.

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

Effective Date: February 27, 1986

Background

A comprehensive review of the State Plan for Medical Assistance Services was initiated shortly after the Medicaid program was transferred from the Health Department to the new Department of Medical Assistance Services. One result to date from this comprehensive review is the conclusion that the State Plan does not provide cost effective coverage for rehabilitative services. Advances in emergency and trauma care enable Virginia citizens to survive accidents and health crises that formerly would have resulted in death. In recent years progress in rehabilitative services has assisted such citizens to return to independent living. Even when damage is too great to permit complete recovery, most individuals can be helped through rehabilitative care to the point where their future care will be less burdensome and costly to their families and to the Medicaid program.

In 1981, the Department began to receive requests to place head trauma patients in out-of-state rehabilitative facilities, because there were no appropriate facilities in Virginia. To date, 13 Medicaid eligible individuals have been placed in facilities in Pennsylvania and elsewhere in New England. Because of the severity of their injuries, two of these individuals died. Two were later placed in nursing homes, and one was placed in a mental hospital. Two remain placed in out-of-state facilities. Six of the patients returned to their own homes, where they live independently or are assisted by their families. Medicaid paid approximately \$725,000 for the care of these 13 individuals.

Emergency Regulation

There is convincing evidence that early, aggressive rehabilitative services are cost effective. These services can improve individual functioning to a level that reduces the need for nursing home care or allows for care at a lower level of intensity. At this time 3.0% of Virginia's Medicaid nursing home population, or approximately 600 people, have a diagnosis of brain injury. Not one of these patients is receiving aggressive rehabilitation now, and many receive none prior to being admitted. Annually, the Commonwealth pays \$5.5 million for their care.

In the last few years, several acute care hospitals have begun establishing high quality rehabilitation programs. Unfortunately, Medicaid patients cannot be placed in these facilities because of the State Plan's benefit limit on inpatient hospital care. By the time the patient's medical condition has stabilized sufficiently for rehabilitation to begin, the 21-day benefit limit has been reached.

For Medicaid patients to have access to this necessary and cost effective service, a change in the State Plan is required. The change would enable Medicaid to cover Rehabilitative Services based upon medical necessity instead of a fixed benefit limit.

The Department has begun the necessary procedures, under the Virginia Administrative Process Act, to promulgate regulations to make this change in the State Plan. Based on the required public participation requirement of the Act, the Department projects that such a State Plan change cannot be effective until December 1986, or later.

Definition of Emergency

If approval of the Governor for emergency regulations as defined in § 9-6.14:4:1C 5 of the Code of Virginia is not received, for the balance of this calendar year the state will be forced to continue sending head trauma patients out of state or at the least be required to move existing patients from community hospitals to one of the two existing in-state facilities. Unfortunately the in-state facilities historically have waiting lists for admission which would preclude new admissions for the foreseeable future. One head trauma recipient is currently receiving treatment in Mount Vernon Community hospital in Fairfax. Even though this is a most unusual circumstance, space is available on an emergency basis in Sheltering Arms Hospital in Richmond. However, with approval of the emergency regulations, this recipient would not need to be moved from Mount Vernon to Sheltering Arms for an interim period and then returned to Mount Vernon. Obviously if this move is made, the cost of care for this recipient will be increased because of the move and the need to engage a second physician to provide continuity of care. The effect this move will have on the recipient is not known but the potential for deleterious effects is high.

Approval Sought

Approval of the Governor is sought for the emergency

modification of attachments 3.1.A, B, and C and 4.19-A of the State Plan. This would permit the recipient in Mount Vernon to continue receiving care without a disruptive move and more costly treatment and permit other like patients to receive inpatient and outpatient rehabilitative services in in-state facilities.

Implementation

If the Governor's approval is given, the Department of Medical Assistance Services will also obtain Board approval on March 11, 1986. The effective period of the emergency regulations will be limited to one year or until full compliance with provision of the APA process in § 9-6.14:1 of the Code of Virginia are met, whichever occurs first.

Submitted by: /s/ Ray T. Sorrell, Director
Department of Medical Assistance Services
Date: 2/14/86

Approved: /s/ Gerald L. Baliles, Governor
Date: 2/25/86

Filed: /s/ Joan W. Smith
Registrar of Regulations
Date: 2/27/86 at 10:27 a.m.

Emergency Regulation

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES
REHABILITATIVE SERVICES

AMOUNT, DURATION AND SCOPE OF SERVICES
CATEGORICALLY NEEDY GROUP(S) = ALL

PEN/INK CORRECTION
(A.T. 85-3, Feb. 1985)
VR 460-02-3.1106

SERVICE	CATEGORICALLY NEEDY	MEDICALLY NEEDY
13. Other diagnostic, screening, preventive, and rehabilitative services, i.e; other than those provided elsewhere in this plan. a. Diagnostic services	<input type="checkbox"/> Provided <input type="checkbox"/> No limitations <input type="checkbox"/> With limitations* <input checked="" type="checkbox"/> Not provided	<input type="checkbox"/> Provided <input type="checkbox"/> No limitations <input type="checkbox"/> With limitations* <input checked="" type="checkbox"/> Not provided
	<input type="checkbox"/> Provided <input type="checkbox"/> No limitations <input type="checkbox"/> With limitations* <input checked="" type="checkbox"/> Not provided	<input type="checkbox"/> Provided <input type="checkbox"/> No limitations <input type="checkbox"/> With limitations* <input checked="" type="checkbox"/> Not provided
	<input type="checkbox"/> Provided <input type="checkbox"/> No limitations <input type="checkbox"/> With limitations* <input checked="" type="checkbox"/> Not provided	<input type="checkbox"/> Provided <input type="checkbox"/> No limitations <input type="checkbox"/> With limitations* <input checked="" type="checkbox"/> Not provided
	<input checked="" type="checkbox"/> Provided <input type="checkbox"/> No limitations <input checked="" type="checkbox"/> With limitations* <input type="checkbox"/> Not provided	<input type="checkbox"/> Provided <input type="checkbox"/> No limitations <input type="checkbox"/> With limitations* <input checked="" type="checkbox"/> Not provided

(See Pg. 11, Home Health Services)

*Descriptions provided on attached sheet

Emergency Regulation

VR 460-02-3.1114.

PART I. REHABILITATIVE SERVICES.

§ 1.1. Medicaid covers inpatient rehabilitation services in facilities certified as rehabilitation hospitals or rehabilitation units in acute care hospitals which have been certified by the Department of Health to meet the requirements to be excluded from the Medicare Prospective Payment System.

§ 1.2. Medicaid covers outpatient rehabilitation services in facilities which are certified as Comprehensive Outpatient Rehabilitation Facilities (CORF), or when the outpatient program is administered by a rehabilitation hospital or an exempted rehabilitation unit of an acute care hospital certified and participating in Medicaid.

§ 1.3. These facilities are excluded from the 21-day limit otherwise applicable to inpatient hospital services. Cost reimbursement principles are defined in Attachment 4.19-A.

§ 1.4. A patient is deemed to require intensive inpatient rehabilitation if:

A. He requires an intensive rehabilitation program consisting of a multi-disciplinary coordinated team approach to upgrade his ability to function as independently as possible; and

B. It has been established that the rehabilitation program cannot be safely and adequately carried out in a less intense setting.

PART II. COVERED REHABILITATION PROGRAM.

§ 2.1. An intensive rehabilitation program includes intensive skilled rehabilitation nursing, physical therapy, occupational therapy and, if needed, speech therapy, cognitive rehabilitation, and prosthetic-orthotic services. The facility should provide or arrange for the services of a psychologist and/or social worker, when needed to resolve any psychological and social problems which are impeding rehabilitation. The nursing staff must support the other disciplines in carrying out the activities of daily living, utilizing correctly the training received in therapy and furnishing other needed nursing services. The day-to-day activities must be carried out under the continuing direct supervision of a physician with special training or experience in the field of rehabilitation.

Emergency Regulation

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES
REHABILITATIVE SERVICES

AMOUNT, DURATION AND SCOPE OF SERVICES PROVIDED
MEDICALLY NEEDY GROUP(S): ALL

VR 460-02-3 1208

b. Screening services

Provided

No limitations

With limitations*

c. Preventive services

Provided

No limitations

With limitations*

d. Rehabilitative services

Provided

No limitations

With limitations*

14a. Services for individuals age 65 or
older in institutions for
tuberculosis.

(1) Inpatient hospital services.

Provided

No limitations

With limitations*

* Description provided on attachment.

Emergency Regulation

VR 460-02-3.1304.

PART I. ADMISSION CRITERIA FOR REHABILITATIVE SERVICES.

§ 1.1. *In addition to the initial disability requirement, participants must meet the following criteria:*

A. *Require at least two therapies in addition to rehabilitative nursing.*

B. *Medical condition stable and compatible with an active rehabilitation program.*

PART II. ADMISSION AUTHORIZATION.

§ 2.1. *Within 48 hours of a patient's admission to an inpatient rehabilitation facility, the facility must notify the Department of Medical Assistance Services in writing of the patient's admission, including a description of the admitting diagnoses, plan of treatment, expected progress and a certification that the patient meets the admission criteria. The Department of Medical Assistance Services will make a determination as to the appropriateness of the admission for Medicaid payment and notify the hospital of its decision. If payment is approved, the Department will establish and notify the hospital of an approved length of stay. Additional lengths of stay must be requested in writing and approved by the Department. Admissions or lengths of stay not authorized by the Department of Medical Assistance Services will not be approved for payment.*

PART III. DOCUMENTATION REQUIREMENTS.

§ 3.1. *Documentation of rehabilitation services must, at a minimum:*

A. *Describe the clinical signs and symptoms of the patient necessitating admission to the rehabilitation program;*

B. *Describe prior treatment and attempts to rehabilitate the patient in a less intensive setting;*

C. *Document an accurate and complete chronological picture of the patient's clinical course and progress in treatment;*

D. *Document that a treatment plan specifically designed for the patient has been developed;*

E. *Document in detail all treatment rendered to the patient in accordance with the plan with specific attention to frequency, duration, modality, response to treatment, and identify who provided such treatment;*

F. *Document each change in each of the patient's*

conditions;

G. *Describe responses to and the outcome of treatment; and*

H. *Describe a discharge plan which includes the anticipated improvements in functional levels, the time frames necessary to meet these goals, and the patient's discharge destination.*

§ 3.2. *Services not specifically documented in the patient's medical record as having been rendered will be deemed not to have been rendered and no coverage will be provided.*

PART IV. REHABILITATION EVALUATION.

§ 4.1. *For a patient with a potential for rehabilitation in which an outpatient assessment cannot be adequately performed, an inpatient evaluation of no more than seven days will be allowed. A comprehensive assessment will be made of the candidate's medical condition, functional limitations, prognosis, possible need for corrective surgery, attitude toward rehabilitation, and the existence of any social problems affecting rehabilitation. After these assessments have been made, the physician, in consultation with the rehabilitation team, must determine and justify the level of care required to achieve the stated goals.*

§ 4.2. *If during a previous hospital stay an individual completed a rehabilitation program for essentially the same condition for which inpatient hospital care is now being considered, reimbursement for the evaluation will not be covered unless there is a justifiable intervening circumstance which necessitates a reevaluation.*

§ 4.3. *Admissions for evaluation and/or training for vocational or educational purposes are not covered services.*

PART V. CONTINUING EVALUATION.

§ 5.1. *Team conferences must be held as needed but at least every two weeks to assess and document the individual's progress or problems impeding progress. The team will periodically assess the validity of the rehabilitation goals established at the time of the initial evaluation, and make appropriate adjustments in the prescribed treatment program. A review by the various team members of each others' notes does not constitute a team conference. A summary of the conferences, noting the team members present, must be recorded in the clinical record and reflect the input of the various contributors.*

§ 5.2. *Inpatient rehabilitation care is to be terminated when further progress toward the established rehabilitation goal is unlikely or further rehabilitation can be achieved in a less intensive setting.*

PART VI. THERAPEUTIC FURLOUGH DAYS.

§ 6.1. Properly documented medical reasons for furlough may be included as part of an overall rehabilitation program. Unoccupied beds (or days) resulting from therapeutic furlough will not be reimbursed by the Department of Medical Assistance Services.

PART VII. DISCHARGE PLANNING.

§ 7.1. Discharge planning must be an integral part of the overall treatment plan which is developed at the time of admission to the unit. The plan should identify the anticipated improvements in functional abilities and the probable discharge destination. The patient, unless unable to do so, should participate in the discharge planning. Notations concerning changes in the discharge plan should be entered into the record at least every 2 weeks, as a part of the team conference.

PART VIII. REHABILITATION SERVICES TO PATIENTS.

§ 8.1. Rehabilitation services and the rules pertaining to them are as follows:

A. Physical Therapy:

1. General physical therapy services are those services furnished a patient which meet all of the following conditions:

a. The services must be directly and specifically related to an active written treatment plan designed by the physician after any needed consultation with a qualified physical therapist;

b. The services must be of a level of complexity and sophistication, or the condition of the patient must be of a nature, that requires the judgment, knowledge, and skills of a qualified physical therapist;

c. The services must be provided with the expectation, based on the assessment made by the physician of the patient's restoration potential, that the condition of the patient will improve significantly in a reasonable and generally predictable period of time, or must be necessary to the establishment of a safe and effective maintenance program required in connection with a specific diagnosis; and

d. The services must be specific and provide effective treatment for the patient's condition in accordance with accepted standards of medical practice; this includes the requirement that the amount, frequency and duration of the services must be reasonable.

B. Occupational Therapy.

1. General. Occupational therapy is medically prescribed treatment for improving or restoring functions which have been impaired by illness or injury or, where function has been permanently lost or reduced by illness or injury, to improve the individual's ability to perform those tasks required for independent functioning. Such therapy may involve:

a. The evaluation, and reevaluation as required, of a patient's level of function by administering diagnostic and prognostic tests;

b. The selection and teaching of task-oriented therapeutic activities designed to restore physical function;

c. The planning, implementing, and supervising of an individualized therapeutic activity program as part of an overall "active treatment" program;

d. The planning and implementing of therapeutic tasks and activities to restore sensory-integrative function;

e. The teaching of compensatory techniques to improve the level of independence in the activities of daily living; and

f. Vocational and prevocational assessment, and prevocational training.

2. To constitute occupational therapy, the services must be:

a. Prescribed by a physician;

b. Of such a level that they can only be performed by a qualified occupational therapist or a qualified occupational therapy assistant under the direct supervision of a qualified occupational therapist;

c. Reasonable and necessary for the treatment of the individual's illness or injury; and

d. Provided to individual patients or, if in groups, no more than seven patients with each qualified therapist.

C. Speech therapy.

Speech therapy includes evaluation of a patient to determine the type of speech or language disorder, the determination of the appropriate corrective therapy required and the provision of rehabilitative services.

D. Cognitive rehabilitation.

1. Cognitive rehabilitation is a therapeutic modality used to improve intellectual, visuoperceptual and

Emergency Regulation

psychomotor functioning in patients with brain dysfunction. It includes a variety of techniques from neuropsychology, speech pathology and occupational therapy. Cognitive rehabilitation services may be offered in individual or group sessions and include activities to improve a variety of cognitive functions, such as orientation, attention/concentration reasoning, memory, discrimination and behavior.

2. Cognitive training may be provided individually or in groups of no more than five patients per qualified therapist.

3. Cognitive rehabilitation must be an integrated part of a total patient care plan and must be rendered by a neuropsychologist, speech therapist or occupational therapist under the direction of the physician.

E. Prosthetic/orthotic services.

1. Prosthetic services furnished to a patient include prosthetic devices that replace all or part of an external body member, and services necessary to design the device, including measuring, fitting, and instructing the patient in its use.

2. Orthotic device services furnished to a patient include orthotic devices that support or align extremities to prevent or correct deformities, or to improve functioning, and services necessary to design the device, including measuring, fitting, and instructing the patient in its use.

VR 460-02-4.1914.

B. In the case of an asset not in existence as of July 18, 1984, the valuation of an asset of a hospital or long-term care facility shall be the lesser of the first owner of record, or the acquisition cost to the new owner.

C. In establishing an appropriate allowance for depreciation, interest on capital indebtedness, and return on equity (if applicable) the base to be used for such computations shall be limited to A or B above.

D. Costs (including legal fees, accounting and administrative costs, travel costs, and feasibility studies) attributable to the negotiation or settlement of the sale or purchase of any capital asset (by acquisition or merger) shall be reimbursable only to the extent that they have not be previously reimbursed by Medicaid.

E. The recapture of depreciation up to the full value of the asset is required.

F. Rental charges in sale and lease back agreements shall be restricted to the depreciation, mortgage interest and (if applicable) return on equity based on the cost of ownership as determined in accordance with A and B above.

VIII. Effective February 25, 1986, hospitals that have obtained Medicare certification as inpatient rehabilitation hospitals or rehabilitation units in acute care hospitals, which are exempted from the Medicare Prospective Payment System (DRG), shall be reimbursed in accordance with the current Medicaid Prospective Payment System as described in paragraphs (1), (2), (3), (4), (5) and (7) in V. above. Additionally, rehabilitation hospitals and rehabilitation units of acute care hospitals which are exempt from the Medicare Prospective Payment System will be required to maintain separate cost accounting records, and to file separate cost reports annually utilizing the applicable Medicare cost reporting forms (HCFA 2552 series) and the Medicaid forms (MAP-783 series). For rehabilitation units with sub-provider status, separate cost reporting forms, Worksheets D, D-1, MAP-783, etc., must be completed.

STATE CORPORATION COMMISSION

STATE CORPORATION COMMISSION

BUREAU OF INSURANCE

January 10, 1986

.....ADMINISTRATIVE LETTER 1986-1

TO: ALL SURPLUS LINES INSURANCE BROKERS

The Bureau of Insurance has implemented a computerized affidavit entry system. Affidavits are now being screened, and recorded by licensee.

We are revising the current monthly report form to coincide with the computerized system. It should facilitate the Bureau's verification of your monthly totals. The revised monthly report, which is filed in addition to the affidavit(s), will be used to record premiums by the calendar month in which a policy is effective.

Please begin using the attached revised report form for all policies effective January 1, 1986, and subsequent thereto.

Please advise us in writing if you have any questions regarding the use of the new form, or the instructions set forth on the reverse side thereof.

Sincerely,

/s/ James M. Thomson
Commissioner of Insurance

Attachment

State Corporation Commission

GROSS PREMIUMS - SURPLUS LINES POLICY

Broker's Name STATE OF VIRGINIA

Page _____

IRS or Soc. Sec. No. 1985 FEB 19 AM 9:44 Month _____ Year _____

of _____

NAME OF INSURED	NAME OF UNLICENSED COMPANY	POLICY NUMBER	POLICY DATES (FROM - TO)	PREMIUM	COMMENTS

Page Total

Total Including This Page

\$ _____

\$ _____

Tax (2.75%) \$ _____

\$ _____

VIRGINIA FORM SLB-7a (Rev. 1/86)
(See Reverse Side For Instructions)

INSTRUCTIONS:

1. Monthly Premium Report (SLB-7a) is to be filed in addition to affidavit(s) (SLB-5). The Monthly report is used to record policies effective in a particular month. For example, a policy with a July 31st effective date would be reported on the July SLB-7a report, due August 30th.
2. Report must be filed whether any policies were effected or not. If no policies were effective during the month, file report, indicating "no policies written effective during report month".
3. Gross premium (all premiums, dues, fees, and assessments, but excluding premium taxes, etc., charged to the policyholder) shown on the affidavit (SLB-5) must agree with premiums shown on the Monthly Report (SLB-7a). Any differences, discrepancies, endorsements, audits, etc. changing premium on the affidavit filed are to be reported on the Additional Premium Report (SLB-7b), or Return Premium Report (SLB-7c).
The monthly report is verification of the gross premiums shown on the affidavits.
4. When a policy has been written on a deposit or installment basis, report installments on monthly report, with notation "installment" in COMMENTS column, and include photocopy of previously filed affidavit.
5. A revised Monthly Premium Report for a prior month must be submitted in the event that affidavits filed during the current effective month were effective during a prior month. For example, if several affidavits effective in February were filed with the Bureau in May, then a revised Monthly Premium Report for February must be submitted.
6. Copies of Monthly Premium Reports (SLB-7a) must be reproduced for brokers' use. The Bureau does not maintain a supply of these forms.

January 10, 1986

.....ADMINISTRATIVE LETTER 1986-2

MEMORANDUM

TO: All Persons Licensed as Surplus Lines Brokers in Virginia

RE: SURPLUS LINES BROKERS
Gross Premiums Tax Report
Calendar Year - 1985

ON OR BEFORE March 1, 1986, every person who held a license as a Surplus Lines Broker in the preceding calendar year must file a "Gross Premiums Tax Report" on business transacted during the preceding calendar year and must pay the applicable premium taxes and/or assessment. Failure to file and/or pay on or before March 1st will subject you to the penalties prescribed by law.

PLEASE OBSERVE THE FOLLOWING INSTRUCTION IN COMPLETING THE ENCLOSED "GROSS PREMIUMS TAX REPORT" FORMS:

1. FORMS MUST BE COMPLETED AND FILED WHETHER OR NOT YOU TRANSACTED BUSINESS IN THE PRECEDING CALENDAR YEAR. ASSESSMENT (MINIMUM \$300.00) APPLICABLE IN ALL CASES IF LICENSE IN EFFECT JANUARY 1, 1986.
2. REPORT PREMIUMS ACCURATELY AS FOLLOWS:
 - a. INITIAL GROSS PREMIUMS taken from monthly reports on Form SLB-7a. (Must agree with premiums on original affidavits - Form SLB-5). If "NIL", so state. Please note that copies of the monthly SLB-7a reports must be attached, or a summary for all policies issued may be used.
 - b. ADDITIONAL PREMIUMS BY ENDORSEMENTS AND AUDITS Form SLB-7b. If "NIL", so state.
 - c. RETURN PREMIUMS BY ENDORSEMENTS, AUDITS, CANCELLATIONS Form SLB-7c. IF "NIL", so state.
3. ENTER TOTALS FROM FORMS SLB-7a, 7b, and 7c to FORM SLB-7, EXECUTE FORM SLB-7 BEFORE A NOTARY PUBLIC.
4. INCLUDE YOUR REMITTANCE FOR THE TAXES AND ASSESSMENT WITH THE REPORT.

Your current Surplus Lines Broker's license expires March 15, 1986. To renew your license, a renewal license application must be submitted. The renewal license application will be sent at a later date.

Please direct any questions you might have to James L. Sheets.

Sincerely,

/s/ James M. Thomson
Commissioner of Insurance

Enclosures:

- Form SLB-7 - Gross Premiums Tax Report
- Form SLB-7a - Monthly Report
- Form SLB-7b - Additional Premiums Report
- Form SLB-7c - Return Premiums Report

State Corporation Commission

VIRGINIA
FORM SLB-7
(REV. 1/86)

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
BUREAU OF INSURANCE
Richmond, Virginia 23209

SURPLUS LINES BROKER'S GROSS PREMIUMS TAX REPORT

(Surplus Lines Broker)

(Address)

TO: STATE CORPORATION COMMISSION, BUREAU OF INSURANCE, Richmond, Virginia

In compliance with Section 38.1-327.53 of the Code of Virginia, following is a report of ALL GROSS PREMIUMS, ASSESSMENTS, DUES AND FEES charged on contracts of insurance effected in unlicensed insurers on Virginia risks by the undersigned. This report also includes details of all return premiums on such business.

1. GROSS PREMIUMS (SLB-7a* Monthly report attached)	\$ _____
2. ADDITIONAL PREMIUMS (See Form SLB-7b*, attached)	\$ _____
3. Less: RETURN PREMIUMS (See Form SLB-7c* attached)	\$ _____
4. BALANCE (Taxable Premium Income)	\$ _____
5. Premium Tax (2 3/4% of BALANCE, Line 4)	\$ _____
6. Assessment for Maintenance of Bureau of Insurance (based upon Taxable Premium (Line 4) at 6/100ths of 1% subject to minimum of \$300.00)	\$ _____
TOTAL AMOUNT DUE AND CHECK ATTACHED (Lines 5 & 6)	\$ _____

(Date)

By _____

(Title)

*Copies must be attached

- 2 -

STATE OF VIRGINIA)
County (City) of _____) To-Wit:

This day _____,
of _____

personally appeared before me in the County (City) aforesaid, and made oath that the foregoing report is correct.

Given under my hand this _____ day of _____, 19 _____.

(Notary Public)

My commission expires _____.

State Corporation Commission

VIRGINIA
FORM SLB - 7a
(REV. 1/84)

GROSS PREMIUMS - SURPLUS LINES POLICIES

		Broker's Name							Month				
(ENTER FULL PREMIUM; OR APPROPRIATE INSTALLMENT IF POLICY SO PROVIDES; OR GROSS PREMIUMS BY LINE OR DEPOSIT PREMIUM.)													
POLICY PERIOD	POLICY # & INS. CO.	NAME OF INSURED	AIRCRAFT LIAB.	AUTO PHYS. DAMAGE	CRIME	FIRE & MISC. PROP.	GEN'L LIAB.	INLAND MARINE	MED. MAL-PRACTICE	PROF. NOT MEDICAL	EXCESS AUTO	EXCESS GEN'L LIAB.	OTHER MISC.
TOTALS BY LINE			\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$

VIRGINIA
FORM SLB - 7b
(REV. 1/82)

ADDITIONAL PREMIUMS (by Endorsement & Audits) - SURPLUS LINES POLICIES
For Year Ending December 31, 19

PAGE ____

Broker's Name

(Show ADDITIONAL premiums resulting from endorsement to or audit of policies previously reported for tax purposes.)

POLICY NO.	INSURANCE COMPANY	NAME OF INSURED AND ADDRESS	ENDORSEMENT OR AUDIT?	EFFECTIVE DATE	ADDITIONAL PREMIUM

TOTAL.....

*Carried forward to () Page # ____; OR () FORM SLB - 7, LINE 2

VIRGINIA
FORM SLB - 7c
(REV. 1/82)

RETURN PREMIUMS (By endorsements, audits, cancellations) - SURPLUS LINES POLICIES
For Year Ending December 31, 19__

PAGE ____

Broker's Name

(Show RETURN premiums resulting from endorsement to, or audit, or cancellation of policies previously reported for tax purpose

POLICY NO.	INSURANCE COMPANY	NAME OF INSURED AND ADDRESS	ENDORSEMENT, AUDIT OR CANCELLATION	EFFECTIVE DATE	RETURN PREMIU

REGISTERED
1983 FEB 19 11 54 40

TOTAL.....

*Carried Forward to () Page # ____; or () Form SLB - 7, Line 3

State Corporation Commission

State Corporation Commission

* * * * *

January 22, 1986

.....ADMINISTRATIVE LETTER 1986-3

TO: All Persons Licensed as Surplus Lines Brokers in Virginia

RE: Application for License as Surplus Lines Broker

You are being sent the necessary forms to apply for renewal of your license as a Surplus Lines Broker, which expires March 15, 1986. Under the provisions of Article 5, Chapter 7.1, Title 38.1 of the Code of Virginia, the new license, regardless of when issued and effective, will expire March 15, 1987.

For Surplus Lines Brokers licensed in, or for any part of, calendar year 1985, you are advised that Virginia Form SLB-7, Gross Premiums Tax Report, and applicable taxes and assessment, must be filed before a renewal license can be issued.

To assure that a lapse in Surplus Lines Broker licensing does not occur, the application, fee remittance, bond, affidavit and acknowledgments, all properly completed, must be received by the Bureau of Insurance at the earliest possible moment, but in any event, prior to March 15, 1986.

Please direct any question you might have to James L. Sheets at (804) 786-6099.

Sincerely,

/s/ James M. Thomson
Commissioner of Insurance

Enclosures:

- Form SLB -1- Application For License
- Form SLB -2- Bond
- Form SLB -2a- Acknowledgment of Principal
- Form SLB -2b- Acknowledgment of Principal

State Corporation Commission

VIRGINIA
FORM SLB-1
(REV. 1/85)

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
BUREAU OF INSURANCE
Richmond, Virginia

APPLICATION FOR LICENSE
AS SURPLUS LINES BROKER

TO: STATE CORPORATION COMMISSION, BUREAU OF INSURANCE, RICHMOND, VIRGINIA

The undersigned applicant who is currently licensed as a Property & Casualty Agent in the Commonwealth of Virginia hereby applies for a license as a Surplus Lines Broker under the provisions of Article 5, Chapter 7.1, Title 38.1 of the Code of Virginia, for the term expiring on the 15th day of March next succeeding the license issue date.

Remittance of (\$50.00) (\$25.00) is submitted herewith to cover the required license fee. (If license application is filed before September 15, the license fee is \$50.00; if filed after September 15, the license fee is \$25.00).

The applicant submits the following statements and answers in support of this application:

1. Name of Applicant _____ IRS # _____
2. Business Address _____ Tel No. _____
(Street Number) () Individual
() Partnership
() Corporation
(Town or City) (State) (Zip Code)

3. Residence Address (if applicant is an INDIVIDUAL)
(Street Number) (Town or City) (State) (Zip Code)

4. Active Members (if applicant is a PARTNERSHIP or a CORPORATION)
NOTE: Individuals to act for partnership or corporation in the transaction of insurance under authority of license applied for - limited to officers, directors, members, or employees of applicant, each of whom is individually licensed as a Property and Casualty Insurance Agent as defined in Section 38.1-327.1 of the Code of Virginia.

NAME	SS#	TITLE	RESIDENCE ADDRESS
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

State Corporation Commission

VIRGINIA
FORM SLB-1
(continued)

5. The submission of this application signifies the applicant's understanding and agreement to abide by the following conditions pertaining to insurance transacted under the authority of the license applied for:
- A. Applicant will not procure or aid in the procurement, directly or indirectly, of any contract of insurance on a Virginia risk from any insurer not licensed to transact insurance in Virginia unless the applicant has been unable after diligent effort to procure the kind and class of insurance requested in a form and at a premium acceptable to the insured from among insurers which are licensed to transact that kind and class of insurance in Virginia.
 - B. Not more than thirty days after the end of the calendar month in which any such insurance has been procured by the Surplus Lines Broker, an individual or combined affidavit executed by the Surplus Lines Broker will be filed with the Bureau of Insurance of the State Corporation Commission setting forth the following:
 - (1) Non-availability of the subject insurance from insurers licensed in Virginia in a form and at a premium acceptable to the insured.
 - (2) Details of the insurance including full name of the company from which procured; description and location of the risk; kind and class of insurance; amount of insurance; effective date; policy number; date procured; term of policy; and premiums, assessments, dues, and fees charged for the policy.
 - C. Licensee will comply with Section 38.1-327.52.B. by giving to the insured the notice in a form prescribed by the Commission.
 - D. Licensee will not issue or deliver any policy or other written evidence of insurance or represent the insurance will be or has been granted by an unlicensed insurer unless he has prior written authority from such insurer for the insurance, or has received information from such insurer in the regular course of business that such insurance has been granted, or actually issued by the insurer and delivered to the insured.
 - E. Each policy or other written evidence of insurance procured under this authority shall be delivered promptly to the insured.
 - F. Applicant will keep in his office a complete record of each contract of insurance procured under this authority, including:
 - (1) Full name and address of the insurer or insurers and the insured;
 - (2) Description and location of the risk;
 - (3) The perils insured against;
 - (4) Amount of coverage, and inception and expiration dates;
 - (5) The premium rate and the gross premium (including assessments, dues and fees) charged for the policy;
 - (6) The amount of additional and/or returned premium, if any;
 - (7) Such other information as the State Corporation Commission may require.
 - G. Applicant may accept surplus lines business from any PROPERTY AND CASUALTY AGENT duly licensed in Virginia and may compensate such agent therefor, and any such duly licensed PROPERTY AND CASUALTY AGENT may place surplus lines business with a licensed Surplus Lines Broker as constituted and accept compensation therefor.

State Corporation Commission

VIRGINIA
FORM SLB-1
(continued)

- H. Annually on or before March 1, the Surplus Lines Broker will file with the Bureau of Insurance of the State Corporation Commission a statement verified by oath or affidavit containing, with regard to each contract of insurance transacted during the previous calendar year, information in a form prescribed by the Commission.
- I. Annually on or before MARCH 1, the Surplus Lines Broker must file Virginia Form SLB-7, Gross Premiums Tax Report, and pay to the State Corporation Commission the assessment provided for in Sections 38.1-44 and 38.1-45 of the Code of Virginia, and the taxes provided for in Sections 58.1-2500 and 58.1-2501 of the Code of Virginia, both assessment and taxes being based upon gross premiums on business transacted under this authority during the preceding calendar year. Any penalty imposed by the Commission pursuant to Title 38.1 or Title 58.1 must be paid prior to the issuance of any new or renewal Surplus Lines Broker's license.
- J. The authority under a Surplus Lines Broker's license applies to the kinds and classes of insurance enumerated in Section 38.1-327.46 of the Code of Virginia.
- K. The applicant understands that any violation of the foregoing conditions or other applicable insurance laws of Virginia is punishable by a fine as provided by Section 38.1-40 of the Code of Virginia; or by suspension or revocation of license, as provided by Section 38.1-327.43 of the Code of Virginia, or by both.

The applicant hereby declares that the foregoing answers are true and correct; and that the conditions set forth above are fully understood and will be fully complied with.

(Signature of Applicant, if an individual)
(Print name of applicant, if a partnership
or corporation)

By _____
(Officer or Partner)

Title _____

State Corporation Commission

VIRGINIA
FORM SLB-1
(continued)

NOTARIAL ACKNOWLEDGMENT

STATE OF VIRGINIA
COUNTY (CITY) OF _____

This day _____ appeared before me, a Notary Public in and for the State
(Name of Deponent)

and County (City) aforesaid, and, being duly sworn, deposed and stated that the answers and declarations given in this application are true and correct; and he has this day acknowledged the same before me. Subscribed and sworn to before me this _____ day of _____, 19__.

(Notary Public)

My commission expires _____

State Corporation Commission

VIRGINIA
FORM SLB-2
(REV. 1/85)

BOND FOR SURPLUS LINES INSURANCE BROKER
(To comply with Section 38.1-327.50 of the Code of Virginia) REG. OF REGULATIONS

KNOW ALL MEN BY THESE PRESENTS, That _____ FEB 19 11 9 40 of _____ as Principal, and the _____ Company, a corporation organized and existing under the laws of the State of _____, and authorized to do business in the Commonwealth of Virginia, as Surety, are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the penal sum of TWENTY-FIVE THOUSAND DOLLARS (\$25,000) for the payment of which, well and truly to be made, we, and each of us, bind ourselves, our heirs, successors and assigns, jointly and severally, firmly by these presents.

SIGNED, SEALED, AND DATED THIS _____ day of _____, 19__.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT:

WHEREAS, the said Principal has applied to the State Corporation Commission of the Commonwealth of Virginia for a license to act as a Surplus Lines Broker pursuant to Article 5, Chapter 7.1, Title 38.1 of the Code of Virginia and, in accordance with Section 38.1-327.50 thereof, is required to give a corporate surety bond unto the COMMONWEALTH OF VIRGINIA in the penal sum of TWENTY-FIVE THOUSAND DOLLARS (\$25,000);

NOW THEREFORE, the condition of this obligation is such that if the said Principal shall conduct business under said license in accordance with the provisions of the laws and regulations of the Commonwealth of Virginia pertaining to Surplus Lines Brokers, and, further, shall promptly remit the taxes and assessments provided by such laws and regulations, then this obligation shall be null and void; otherwise, to remain in full force and effect;

PROVIDED, this bond shall cover the acts of the Principal during the period beginning on the date such license becomes effective and ending on the fifteenth day of March next succeeding; and in no event shall the Surety's aggregate liability hereunder for all losses exceed the penal sum of TWENTY-FIVE THOUSAND DOLLARS (\$25,000);

PROVIDED FURTHER, the Surety may be released from liability for future breaches of the conditions of this bond only after thirty days have elapsed from the giving of written notice to the State Corporation Commission of the Commonwealth of Virginia of its desire to be so released;

IN WITNESS WHEREOF, the said Principal has caused these presents to be signed and the said Surety has caused these presents to be signed by its duly authorized officer or Attorney-in-Fact and its corporate seal affixed on the day and year first written above.

(Principal)

BY _____
(If Principal is Partnership or Corporation)

(SEAL OF SURETY)

TITLE _____

(Surety)

COUNTERSIGNED BY:

BY _____
(Officer or Attorney-in-Fact)

(Licensed Virginia Agent of Surety)

Date _____

State Corporation Commission

VIRGINIA
FORM SLB-2a
(REV. 1/85)

ACKNOWLEDGMENT OF PRINCIPAL (INDIVIDUAL OR PARTNERSHIP)

STATE OF VIRGINIA
CITY (COUNTY) OF _____, to wit:

I, _____, a Notary Public in and for the City (County) aforesaid, in the State of Virginia, do certify that _____

whose name or names is or are signed to Virginia Form SLB-2 bearing date on the _____ day of _____, 19____, personally appeared before me and acknowledged the same.

My term of office expires on the _____ day of _____, 19____.

Given under my hand this _____ day of _____, 19____.

Notary Public

AFFIDAVIT AND ACKNOWLEDGMENT OF SURETY

STATE OF VIRGINIA
CITY (COUNTY) OF _____, to wit:

I, _____, a Notary Public in and for the City (County) aforesaid, in the State of Virginia, do certify that _____ personally appeared before me and made oath that he is _____ of the _____; that he is duly authorized to execute the foregoing bond by virtue of a certain power of attorney of said company, dated _____, and recorded in the Clerk's office of the _____ of _____, in Deed Book No. _____, page _____; that said power of attorney has not been revoked; that the said company has complied with all the requirements of law regulating the admission of such companies to transact business in the State of Virginia; that the said company holds a license authorizing it to do business in the State of Virginia; that it has a surplus to policyholders of \$ _____; that the penalty of the foregoing bond is not in excess of ten per centum of said sum; that the said company is not by said bond incurring in the aggregate on behalf or on account of the principal named in said bond a liability for an amount larger than one-tenth of its surplus to policyholders; that the said company is solvent and fully able to meet promptly all of its obligations, and the said _____ thereupon, in the name and on behalf of the said company, acknowledging the foregoing writing as its act and deed.

My term of office expires on the _____ day of _____, 19____.

Given under my hand this _____ day of _____, 19____.

Notary Public

State Corporation Commission

VIRGINIA
FORM SLB-2b
(REV. 1/85)

ACKNOWLEDGMENT OF PRINCIPAL (CORPORATIONS ONLY)

STATE OF VIRGINIA
CITY (COUNTY) OF _____, to wit:

I, _____, a Notary Public in and for the City (County) aforesaid, in the State of Virginia, do certify that _____ appeared before me personally on the _____ day of _____, 19__ and, being duly sworn by me, deposed and stated that he resides in _____; that he is the _____ of the _____, the corporation described in and which executed Virginia Form SLB-2; and that he signed his name thereto by like order.

I further certify that my term of office expires on the _____ day of _____, 19__.

Given under my hand this _____ day of _____, 19__.

(Notary Public)

AFFIDAVIT AND ACKNOWLEDGMENT OF SURETY

STATE OF VIRGINIA
CITY (COUNTY) OF _____, to wit:

I, _____, a Notary Public in and for the City (County) aforesaid, in the State of Virginia, do certify that _____ personally appeared before me and made oath that he is _____ of the _____; that he is duly authorized to execute the foregoing bond by virtue of a certain power of attorney of said company, dated _____, and recorded in the Clerk's office of the _____ of _____, in Deed Book No. _____, page _____; that said power of attorney has not been revoked; that the said company has complied with all the requirements of law regulating the admission of such companies to transact business in the State of Virginia; that the said company holds a license authorizing it to do business in the State of Virginia; that it has a surplus to policyholders of \$ _____; that the penalty of the foregoing bond is not in excess of ten per centum of said sum; that the said company is not by said bond incurring in the aggregate on behalf or on account of the principal named in said bond a liability for an amount larger than one-tenth of its surplus to policyholders; that the said company is solvent and fully able to meet promptly all of its obligations, and the said _____ thereupon, in the name and on behalf of the said company, acknowledging the foregoing writing as its act and deed.

My term of office expires on the _____ day of _____, 19__.

Given under my hand this _____ day of _____, 19__.

Notary Public

State Corporation Commission

* * * * *

January 31, 1986

.....ADMINISTRATIVE LETTER 1986-4

TO: All Companies Writing General Liability Insurance in Virginia

RE: Virginia Market Assistance Plan

I am pleased to announce that Virginia's Market Assistance Plan is operational. A copy of the Virginia Market Assistance Plan is attached for your review.

I have also attached a copy of a mailing which has been mailed to members of the Independent Insurance Agents of Virginia and the Professional Insurance Agents of Virginia and District of Columbia. This outlines the procedures which will be used in placing business with the Virginia Market Assistance Plan and provides instructions on how to apply for assistance.

I would very much appreciate it if you would make this information available to all of your agents licensed in Virginia in order that the details of this Plan may be disseminated as widely as is possible.

Thank you for your cooperation.

Sincerely,

/s/ James M. Thomson
Commissioner of Insurance

Attachments

* * * * *

Virginia Market Assistance Plan
c/o Independent Insurance Agents of Virginia, Inc.
8600 Mayland Drive
Richmond, Virginia 23229
(804) 747-9300

TO: All Licensed Agents in Commonwealth

FROM: Virginia Market Assistance Plan (VAMAP)

DATE: January 15, 1986

SUBJECT: VAMAP is Operational Friday, January 17, 1986

The Virginia Market Assistance Plan (VAMAP), recently announced in a statewide press release, becomes effective Friday, January 17, 1986.

This industry-wide attempt to assist Virginia consumers, who are unable to obtain insurance coverage, cannot be accomplished without your support and cooperation!

The purpose of the Plan is limited to helping to relieve The Insurance Availability Crisis. The Plan will not assist any risk that can obtain coverage and is merely seeking a reduced price.

This plan is not intended to respond to emergency requests for coverage. The turnaround time necessitated for processing requires that you submit applications with built-in lead time.

While this Plan will not solve all of the problems facing commercial insureds, we believe that it will, at least, reduce them by opening doors of opportunity limited by typical agent-company distribution systems.

Please exercise specific caution as you read the enclosed "Rules of Operation". Please be careful as you explain these provisions to your insureds.

THIS IS YOUR ONLY MAILING!!

PLEASE RETAIN THIS LETTER

AND THE ENCLOSED RULES!!!

* * * * *

VIRGINIA MARKET ASSISTANCE PLAN

§ 1. Purpose and authority.

The purpose of the Virginia Market Assistance Plan (hereinafter referred to as the "Plan") is to establish a program to assist in the placement of defined commercial liability insurance coverages for residents of the Commonwealth. The Plan shall not assist in the placement of coverages available through involuntary market mechanisms. The Plan shall operate in conformity with all applicable laws of the Commonwealth of Virginia. The Plan is a temporary, voluntary mechanism created to respond to a perceived need to assist commercial insurance buyers in Virginia in obtaining difficult to place commercial lines liability coverage. The Plan is not an insurer capable of assuming insurance risks. While it is believed that the Plan will be able to solve, or at least reduce, problems of commercial lines availability in Virginia, it has no power to guarantee successful conclusion of all assistance efforts and it is assumed that some risks may, for differing reasons, be unable to obtain coverage. The Plan shall assist in the individual placement of the following coverages:

1. Municipal liability insurance, excluding pollution coverages;
2. Insurance coverage for day care providers;
3. Liquor liability insurance;
4. Products liability for businesses with annual sales of \$3 million or less, and

State Corporation Commission

5. Other commercial lines liability coverages with respect to which the Commissioner has found in writing, after consultation with the Plan's Executive Committee, that there are severe availability problems in the marketplace for which the plan can provide assistance with a reasonable probability of success.

The Plan will not apply to property insurance, automobile insurance or workers' compensation insurance, for which residual markets already exist. It also will not apply to pollution liability or professional liability.

The Virginia Market Assistance Plan operates under the auspices of the Insurance Commissioner of the Commonwealth of Virginia.

§ 2. Eligibility.

Since the Plan is not an insurance market, but only a mechanism to facilitate the acquisition of certain commercial lines insurance coverage, risks which have an offer of insurance, or have not yet been rejected from at least three markets to which they have applied, are not eligible for assistance through the Plan. Only those requests for assistance submitted on an approved Plan application and meeting all of the Plan criteria shall be eligible for servicing by the Plan. Each application must be executed by a licensed Virginia agent or broker and accompanied by a nonrefundable application fee of \$100 made payable to the "Virginia Market Assistance Plan".

§ 3. Forms and coverages.

Policies offered through the Plan shall provide insurance on forms normally used by participating insurers subject to such limits and terms that participating insurers are willing to offer.

§ 4. Committees.

The Plan shall consist of the following committees. Each company or producer member may be represented by more than one representative but will be entitled to one vote in any business proceedings:

1. Producers Committee

Richard L. Meador, Chairman
C. Ray Doggett, Vice Chairman
Ted L. Smith
Elsie Reamy
James A Winters
Markel Service, Inc. - Rey Orsi
Johnson and Higgins Agency

2. Underwriting Committee

CIGNA Corporation - Chairman
AETNA Casualty and Surety Company - Vice Chairman
Harleysville Insurance Company
Travelers Insurance Company
Nationwide Mutual Insurance Company
Essex Insurance Company

3. Executive Committee

This Committee shall consist of the Chairman and Vice Chairman of the Producers and Underwriters Committees and the Bureau of Insurance.

§ 5. Plan of operations.

A. List of participating insurers.

Each liability insurer admitted to do business in Virginia and every eligible surplus lines licensee shall be solicited by the Virginia Insurance Commissioner to participate in the Plan. The Commissioner shall maintain a master list of participants, by line, willing to participate in the Plan. This list shall be forwarded to the Underwriting Committee and the Producers Committee for use by the Plan. The master list shall be updated annually by the Virginia Insurance Commissioner.

B. Executive Committee.

The Executive Committee is responsible for the overall direction of the Plan. It may meet on a monthly basis or at the request of the Insurance Commissioner to review the activities of the Producer and Underwriting Committees and the operation of the Plan. The Executive Committee shall approve all letters that would state that the Plan is unable to be of assistance. The Executive Committee shall prepare a monthly status report to be submitted to the Virginia Insurance Commissioner. This report shall include a statistical display showing the number of applications received, the disposition of those applications, and the distribution and participation of members to insure the equitable participation in the Plan.

C. Producer Committee.

All applications for assistance by the Plan shall be submitted to the Virginia Market Assistance Plan, c/o Independent Insurance Agents of Virginia, 8600 Mayland Drive, Richmond, Virginia 23229. The telephone number of the Plan is (804) 747-9300. The Plan will deposit the application fee in a separate bank account established for the Plan and forward the properly completed application to the Producer Committee. The Producer Committee will

State Corporation Commission

review the application to determine what assistance the committee can provide. The assistance may include:

1. Discussion with the applicant's most recent underwriter, if any, to determine if the applicant's coverage can be maintained with the most recent carrier.

2. Discussion with other known available insurance markets including surplus lines carriers to determine if any other carrier will accept the applicant.

3. Negotiating extensions of coverages with the most recent carrier or temporary carrier, if possible, to permit additional exploration of insurance markets or accumulation of essential underwriting data.

4. In coordination with the Underwriting Committee, referring the application to the first five participating insurers on the list which the Insurance Commissioner has submitted to the Executive Committee (this list shall be maintained in a random order). Subsequent applications will be sent to the next five participants on a rotating basis. Referrals of applications may be mailed or telexed to the appropriate companies. In accordance with § 5.B the Executive Committee shall assure equitable participation in the Plan.

D. Participant action.

A participant should quote on at least one out of every five applicants submitted to it. Each participant will have the right to individually evaluate the risk the applicant poses and develop a price commensurate with that risk. If no quote is received from the first five participants on the list, the next five participants on the list shall receive the application. All participants may, if the Producer Committee feels it appropriate, be given the application at once. Participants may provide a quote on the same coverage basis they normally provided in Virginia. Participants will return their quotation or refusal to quote to the applicant's agent within 10 working days of receipt of all requested information. The participating insurer shall also notify the Producer Committee of the disposition of the application. The agent will then complete the placement of the insurance if the applicant accepts coverage with the understanding that coverage is not bound or in force until an application has been approved, accepted, and a policy or binder issued by the participating company.

E. Review by committee.

If the Producer Committee's procedures do not result in an offer of insurance, the application shall be reviewed by the Underwriting Committee. This committee shall:

- a. Attempt to place the applicant,
- b. Advise the applicant on where it may engage in loss control or consulting services that will enhance

its marketability.

If these steps prove unsuccessful, the application shall then be forwarded to the Executive Committee for final disposition.

§ 6. Commissions.

A. Agents licensed by accepting insurers.

The rate of commission payable to a producing agent who has been appointed by the accepting insurer shall be the standard commission between the company and agent for the type of business.

B. Agents not licensed by accepting insurers.

Every insurer accepting an application from a producing agent who has not been appointed by the insurer shall pay the producing agent a commission of 10% of the premium, not to exceed the scale for a licensed agent. Business from an agent not licensed by company the will be submitted through a company employee licensed as an agent in Virginia, or through any licensed agent of the company.

§ 7. Policy changes, endorsements, renewals.

It is the express and sole purpose of the Plan to assist in the initial placement of coverage for those eligible applicants. The Plan shall have no involvement in the continuing insured/agent/insurer relationships which are performed in the normal course of the insurance market. Any questions, disputes or negotiations concerning subjects such as renewal ownership, renewal commission, claim servicing, policy servicing, and other such subjects shall be handled by the parties involved in accordance with the applicable laws of the Commonwealth of Virginia and the commonly accepted business practices of the participating markets.

§ 8. Duration.

The Plan shall operate as long as its services are deemed necessary by the Commissioner of Insurance. The Executive Committee of the Plan shall consult, at least annually, with the Commissioner of Insurance to determine if there is a need for the Plan to continue.

§ 9. Fiscal arrangement.

A. The Executive Committee shall designate a fiscal agent for the Plan. The fiscal agent is authorized to receive and hold funds submitted to the Plan and to disburse them upon authorization of one other committee member. The funds may be used for the necessary expenses of the Producers Committee, including printing, postage, mailing, telephone, etc., and such other expenses incurred by the Plan as the Executive Committee deems appropriate for payment.

State Corporation Commission

B. The fiscal agent shall maintain books and records of all receipts and disbursements and shall submit a quarterly financial statement to the Executive Committee of the Plan. The Virginia Insurance Commissioner or any Executive Committee member shall have access to said books and records during normal business hours.

C. The fiscal agent shall maintain a bank account under the name of the "Virginia Market Assistance Plan". All checks drawn upon the account of the Plan shall bear the signatures of the fiscal agent or such other person duly authorized by the Executive Committee.

D. It is the policy of the Plan to make its operation self-supporting. If expenses from the Plan's operation exceed income from applications, such additional costs shall be prorated on the broadest possible voluntary basis as determined by the Executive Committee, and appropriate changes in application fees shall be made.

THE COMPLETION OF THIS APPLICATION WILL NOT GUARANTEE THE PLACEMENT OF THE INSURANCE

DISCLAIMER AND WAIVER OF LIABILITY: The Agent submitting this questionnaire and the party for whom it is submitted acknowledge that no representations or warranties of any kind, express or implied, have been or will be made by the Virginia MAP Committee or any of its members regarding the Voluntary Market Assistance Program, including such things as the processing of the questionnaire, the chances of the described risk being insured or declined, the terms on which such risk, if insured, will be written, or the financial condition, method of operation or business practices of any insurer which writes or declines to write coverage. The Agent and/or the submitting party shall hold harmless the Committee and each of its members against all claims arising out of or attributable to the submission of this questionnaire through the Market Assistance Program or the operation of the Program, including all errors and omissions, whether negligent or otherwise, occurring in any aspect of the Program.

GENERAL PROVISIONS

1. VAMAPS'S hours of operation are 8:30 a.m. to 4:00 p.m., Monday-Friday, and can be accessed by calling the Independent Insurance Agents of Virginia at (804) 747-9300 or by writing VAMAP, c/o IIAV, 8600 Mayland Dr., Richmond, VA 23229.
2. The Plan shall operate in conformity with all applicable laws of the Commonwealth of Virginia.
3. VAMAP is intended as a market of last resort, and shall not serve as a market for price-shopping.
4. All risks must be located in Virginia.

5. The following types of risks are not eligible: Personal Lines, Property Ins., Automobile Insurance, Workers' Compensation, Pollution Liability, Professional Liability, and Fidelity and Surety.

HOW TO APPLY FOR ASSISTANCE

6. All requests for assistance must come from P&C licensed agents. Agents submitting applications must have exhausted all markets available to that agent. (see Rule 11)
7. Due to their ready availability, VAMAP will utilize Acord Commercial Applications for agents wishing to submit a risk.
8. Submitting agents must complete the entire Acord applications or VAMAP WILL RETURN IT WITHOUT PROCESSING.
9. All applications for assistance shall be handled on a first-come, first-served basis and must be accompanied by a check made payable to VAMAP. The nonrefundable service fee of \$100 is to be paid by the applicant (consumer) and does not contribute to the payment of any premium charges assessed, if the risk is written.
10. Agents submitting applications shall have no binding authority because the Plan is not an insurer capable of assuming insurance risks.
11. The agent submitting a risk must list three declinations (name of company, date, company contact person) one of which should be from an E&S market. These should be listed in the "Comments" section on the reverse of the ACORD FORM or on a separate sheet.
12. The name of the previous carrier must be provided on the application.

PLACEMENT OF A RISK

13. After an application is received, it will be processed by the VAMAP Producers Committee and Underwriting Committee.
14. If a risk is accepted by an insurer, coverage will not be in force until the accepting insurer notifies the submitting agent. (no binding)
15. Policies offered shall provide insurance on standard policy forms subject to such limits and terms that participating insurers are willing to offer.
16. If a risk is rejected by VAMAP, the Executive Committee shall notify the agent of its disposition.
17. An applicant provided a quotation will not be eligible to reapply unless the insurer previously selected cancels or nonrenews the coverage for a reason other than nonpayment of premium.

State Corporation Commission

COMMISSIONS PAYABLE TO SUBMITTING AGENT

18. If the agent is "appointed" by the accepting insurer, the standard commission for that type of risk shall apply.

19. If the agent is not "appointed" by the insurer, the standard commission shall apply with a minimum commission of 10%. If the agent submitting the business is not "appointed" by the accepting insurer, the commission shall be paid to the agent through a licensed individual designated by the company.

GOVERNOR

EXECUTIVE ORDER NUMBER SIX (86)

* * * * *

CREATING CERTAIN ADVISORY COMMITTEES ON TRANSPORTATION

By virtue of the authority vested in me as Governor by Section 2.1-51.36 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby create the following committees to advise the Governor and the Commission on Virginia's Transportation in the 21st Century regarding various aspects of transportation planning, policy, and finance:

1. Financial Advisory Committee;
2. Legal Advisory Committee;
3. Local Government Advisory Committee;
4. Technical Advisory Committee.

Each of the Advisory Committees so created shall be composed of six members appointed by the Governor and shall be chaired by a member designated by the Governor. In the event that a vacancy arises in any Advisory Committee subsequent to the formation of that Committee, the Governor shall appoint a member to serve on that Committee for the duration of its existence.

It shall be the responsibility of each Advisory Committee to consider and to make recommendations regarding any and all matters referred to it by the Governor and/or the Commission on Virginia's Transportation in the 21st Century.

Members of the various Advisory Committees shall serve without compensation.

Such staff support as is necessary for the fulfillment of the responsibilities of the Advisory Committees shall be provided by the Office of the Governor, the Offices of the several Governor's Secretaries, the Department of Planning and Budget, and such other executive agencies as the Governor may from time to time designate. Such funding as is necessary for the fulfillment of the responsibilities of the Advisory Committees, if any, shall be drawn from discretionary funds appropriated to the Office of the Governor.

This Executive Order shall become effective upon its signing and will remain in full force and effect until January 31, 1987, unless amended or rescinded by further Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 31st day of January, 1986.

/s/ Gerald L. Baliles
Governor

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

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

DEPARTMENT OF FIRE PROGRAMS

Title of Regulation: **VR 310-01-1. Guidelines for Public Participation in Regulation Development and Promulgation.**

Governor's Comment:

I approve the proposed public participation guidelines as presented.

/s/ Gerald L. Baliles
Date: February 15, 1986

VIRGINIA DEPARTMENT OF MOTOR VEHICLES

Title of Regulation: **VR 485-60-8511. Regulations for Titling and Registering Foreign Market Vehicles.**

Governor's Comment:

No objection to the proposed regulation as presented.

/s/ Gerald L. Baliles
February 15, 1986

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

NOTICES OF INTENDED REGULATORY ACTION

STATE BOARD OF ACCOUNTANCY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Accountancy intends to consider promulgating, amending or repealing regulations entitled: **State Board of Accountancy Rules and Regulations**. The purpose of the proposed action is to revise the fees charged for license, license renewal, certificate of maintenance, examination, reexamination, and certificate by endorsement. Other changes to the regulations which may be necessary will be considered. The board encourages licensees, consumers of regulated services and citizens to submit written comment on all regulations.

Statutory Authority: § 54-84 of Chapter 5 of Title 54 of the Code of Virginia.

Written comments may be submitted until March 21, 1986.

Contact: Roberta L. Banning, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8505 (toll-free number 1-800-552-3016, Virginia only)

STATE AIR POLLUTION CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Air Pollution Control Board intends to consider amending regulations entitled: **Regulations for the Control and Abatement of Air Pollution (VR 120-01)**. The purpose of the intended amendments is to change the agency's regulations concerning open burning to address the following problems: (i) the inclusion of all of Roanoke County as an urban area results in unnecessarily restrictive requirements in some parts of the county which are rural in nature, (ii) the lack of specific conditions for use of special incineration devices causes confusion and inconsistency in the application of the regulations, (iii) failure to include the burning of strings and plastic by

tomato growers as an agricultural practice is unduly restrictive and places undue economic burden upon the growers; (iv) the inclusion of the requirement that no burning be conducted near a building unless the occupants give their permission is unenforceable; and (v) the inclusion of the requirement that any burning conducted by residents be no closer than 300 feet from any occupied building is unenforceable.

Statutory Authority: § 10-17.18 (b) of the Code of Virginia.

Written comments may be submitted until April 9, 1986.

Contact: M. E. Lester, Division of Program Development, State Air Pollution Control Board, P.O. Box 10089, Richmond, Va., 23240, telephone (804) 786-7564

VIRGINIA AUCTIONEERS BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Auctioneers Board intends to consider promulgating, amending or repealing regulations entitled: **Virginia Auctioneers Board**. The board will conduct an informational proceeding thereby soliciting public comment on all existing regulations as to its effectiveness, efficiency, necessity, clarity and cost of compliance in accordance with the board's public participation guidelines.

Statutory Authority: § 54-1.28 of the Code of Virginia.

Written comments may be submitted until March 21, 1986.

Contact: Geralde W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8508 (toll-free number 1-800-552-3016, Virginia only)

VIRGINIA BOARD OF EXAMINERS FOR AUDIOLOGY AND SPEECH PATHOLOGY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Examiners for Audiology and Speech Pathology intends to

consider promulgating, amending or repealing regulations entitled: **Audiology and Speech Pathology**. The board will conduct an informational proceeding thereby soliciting public comment on all existing regulations as to its effectiveness, efficiency, necessity, clarity and cost of compliance in accordance with the board's public participation guidelines.

Statutory Authority: § 54-1.28 of the Code of Virginia.

Written comments may be submitted until March 21, 1986.

Contact: Geralde W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23220-4917, telephone (804) 257-8508 (toll-free number 1-800-552-3016, Virginia only)

BOARD OF BARBER EXAMINERS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Barber Examiners intends to consider promulgating, amending or repealing regulations entitled: **Regulations of Virginia Board of Barber Examiners**. The board will conduct an informational proceeding to receive public comment on existing regulations as to its effectiveness, efficiency, necessity, clarity and cost compliance. The board encourages licensees, consumers of regulated services and other interested citizens to submit written comment on all board regulations.

Statutory Authority: § 54-1.28 and Chapter 4.1 of Title 54 of the Code of Virginia.

Written comments may be submitted until March 21, 1986.

Contact: Olliver O. Trumbo, II, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8509 (toll-free number 1-800-552-3016, Virginia only)

BOARD OF COMMERCE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Commerce intends to consider promulgating, amending or repealing regulations entitled: **Rules and Regulations Governing Employment Agencies**. The purpose of the proposed action is to revise the fees charged for initial license and renewal. The board also intends to review all existing regulations and encourages licensees, consumers of

regulated services and other citizens to submit comment on all regulations.

Statutory Authority: § 54-872.18 and Chapter 24.2 of Title 54 of the Code of Virginia.

Written comments may be submitted until March 21, 1986.

Contact: Roberta L. Banning, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8505 (toll-free number 1-800-552-3016, Virginia only)

STATE BOARD FOR CONTRACTORS

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board for Contractors intends to consider amending regulations entitled: **Regulations of the State Board for Contractors**. The purpose of the proposed action is to solicit public comment on all existing regulations as to effectiveness, efficiency, necessity, clarity and cost of compliance in accordance with the board's Public Participation Guidelines' requirement for annual review of regulations.

Statutory Authority: § 54-119 of the Code of Virginia. Written comments may be submitted until April 22, 1986.

Contact: E. G. Andres, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8511 (toll-free number 1-800-552-3016, Virginia only)

VIRGINIA BOARD OF COSMETOLOGY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Cosmetology intends to consider promulgating, amending or repealing regulations entitled: **Regulations of the Virginia Board of Cosmetology**. The board will conduct an informational proceeding to receive public comment on existing regulations as to its effectiveness, efficiency, necessity, clarity and cost compliance. The board encourages licensees, consumers of regulated services and other interested citizens to submit written comment on all board regulations.

Statutory Authority: § 54-1.28 and Chapter 6.1 of Title 54 of the Code of Virginia.

Written comments may be submitted until March 21, 1986.

General Notices/Errata

Contact: Olliver O. Trumbo, II, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8509 (toll-free number 1-800-552-3016, Virginia only)

BOARD FOR COMMERCIAL DRIVER TRAINING SCHOOLS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Commercial Driver Training Schools intends to consider promulgating, amending or repealing regulations entitled: **Board for Commercial Driver Training Schools**. The board will conduct an informational proceeding thereby soliciting public comment on all existing regulations as to its effectiveness, efficiency, necessity, clarity and cost of compliance in accordance with the board's public participation guidelines.

Statutory Authority: § 54-1.28 of the Code of Virginia.

Written comments may be submitted until March 21, 1986.

Contact: Geralde W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8508 (toll-free number 1-800-552-3016, Virginia only)

STATE BOARD OF EDUCATION

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Education intends to consider amending regulations entitled: **Standards for Accrediting Schools in Virginia**. The purpose of the proposed amendments to the Standards for Accrediting Schools in Virginia is to provide a foundation for quality education and to provide guidance and direction to assist schools in their continuing efforts to offer educational programs to meet the needs, interests, and aspiration of all students.

Statutory Authority: § 22.1-16 of the Code of Virginia.

Written comments may be submitted until March 31, 1986, to Dr. Robert B. Jewell, Acting Associate Director, Accreditation and Evaluation, Department of Education, P.O. Box 6-Q, Richmond, Virginia 23216

Contact: Dr. M. Kenneth Magill, Administrative Director, Department of Education, P.O. Box 6-Q, Richmond, Va. 23216, telephone (804) 225-2029

VIRGINIA BOARD OF HEARING AID DEALERS AND FITTERS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Hearing Aid Dealers intends to consider promulgating, amending or repealing regulations entitled: **Virginia Board of Hearing Aid Dealers and Fitters Regulations**. The board will receive public comment on existing regulations as to its effectiveness, efficiency, necessity, clarity, and cost compliance. The board also intends to review all existing regulations and encourages licensees, consumers of regulated services and citizens to submit written comment on all regulations.

Statutory Authority: § 54-1.28 and Chapter 15.2 of Title 54 of the Code of Virginia.

Written comments may be submitted until March 21, 1986.

Contact: Roberta L. Banning, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8595 (toll-free number 1-800-552-3061, Virginia only)

BOARD FOR CERTIFICATION OF LIBRARIANS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Certification of Librarians intends to consider promulgating, amending or repealing regulations entitled: **State Board of Certification of Librarians**. The board will conduct an informational proceeding thereby soliciting public comment on all existing regulations as to its effectiveness, efficiency, necessity, clarity and cost of compliance in accordance with the board's public participation guidelines.

Statutory Authority: § 54-1.28 of the Code of Virginia.

Written comments may be submitted until March 21, 1986.

Contact: Geralde W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23220-4917, telephone (804) 257-8508 (toll-free number 1-800-552-3016, Virginia only)

STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Examiners for Nursing Home Administrators intends to consider promulgating, amending or repealing regulations entitled: **State Board of Examiners for Nursing Home Administrators**. The board will conduct an informational proceeding thereby soliciting public comment on all existing regulations as to its effectiveness, efficiency, necessity, clarity and cost of compliance in accordance with the board's public participation guidelines.

Statutory Authority: § 54-1.28 of the Code of Virginia.

Written comments may be submitted until March 21, 1986.

Contact: Geralde W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23220-4917, telephone (804) 257-8508 (toll-free number 1-800-552-3016, Virginia only)

VIRGINIA STATE BOARD OF OPTICIANS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Board of Opticians intends to consider promulgating, amending or repealing regulations entitled: **Regulations of Virginia State Board of Opticians**.

The board will conduct an informational proceeding to receive public comment on existing regulations as to its effectiveness, efficiency, necessity, clarity and cost compliance. The board encourages licensees, consumers of regulated services and other interested citizens to submit written comment on all board regulations.

Statutory Authority: § 54-1.28 and Chapter 14.1 of Title 54 of the Code of Virginia.

Written comments may be submitted until March 21, 1986.

Contact: Olliver O. Trumbo, II, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8509 (toll-free number 1-800-552-3016, Virginia only)

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 amend regulations entitled: **The Virginia Fuel Assistance Program**. The department is planning to develop policies and procedures for implementation of the 1986-87 Fuel Assistance Program, which will include: (i) any needed changes based on problems identified in the 1985-86 program; (ii) changes to the climate zones; and, (iii) other changes as a result of reduced federal funding. Regulatory requirements are contained in Title VI of the Human Services Reauthorization Act of 1984 (P.L. 98-558)

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

Written comments may be submitted until March 19, 1986 to I. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699

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

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider amending regulations entitled: **Entitlement Date in the General Relief Program**. The purpose of the amendments is to ensure that a general relief recipient who moves from one locality to another will not have his assistance interrupted when reasons beyond his control delay the finding of eligibility in the new locality.

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

Written comments may be submitted until April 1, 1986 to I. Guy Lusk, Director, Division of Benefit Programs, State Department of Social Services, 8007 Discovery Drive, Richmond, Virginia, 23229-8699

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

Notice of Intended Regulatory Action

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

General Notices/Errata

Social Services intends to consider promulgating regulations entitled: **Minimum Standards for Local Agency Operated Child Care Programs**. These regulations will be developed to provide standards and approval requirements for nonresidential child care programs operated by local departments of social services.

Statutory Authority: §§ 63.1-25 and 63.1-55 of the Code of Virginia.

Written comments may be submitted until April 2, 1986.

Contact: Vernon Simmons, State Welfare Supervisor B, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9294 (toll-free number 1-800-552-7091)

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider amending regulations entitled: **Policy Regarding Purchased Services; Standards and Regulations for Agency Approved Providers**. The purpose of the proposed amendments is to allow more flexibility to a local social service/welfare agency in purchasing services for clients; to add Homemaker as an agency approved provider.

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

Written comments may be submitted until April 16, 1986.

Contact: Linda N. Booth, Administrative Planning Supervisor, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9638 (toll-free number 1-800-542-5164)

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 Retail Sales and Use Tax Regulation VR 630-10-49.2: Innovative High Technology Industries and Research**. The purpose of the proposed regulation is to formally adopt under the Administrative Process Act an emergency regulation adopted on January 16, 1986 and published in the February 17, 1986 issue of the Virginia Register of Regulations. The regulation will set forth the application of the sales and use tax to high technology businesses, including the broad industrial manufacturing and research and development exemptions generally available to such businesses.

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

Written comments may be submitted until April 16, 1986.

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

BOARD OF CERTIFICATION OF WATER AND WASTEWATER WORKS OPERATORS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Certification of Water and Wastewater Work Operators intends to consider promulgating, amending or repealing regulations entitled: **Certification of Water and Wastewater Works Operators**. The board will conduct an informational proceeding thereby soliciting public comment on all existing regulations as to its effectiveness, efficiency, necessity, clarity and cost of compliance in accordance with the board's public participation guidelines.

Statutory Authority: § 54-1.28 of the Code of Virginia.

Written comments may be submitted until March 21, 1986.

Contact: Gerald W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8508 (toll-free number 1-800-552-3016, Virginia only)

GENERAL NOTICES

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

January 31, 1986

Dr. William D. Miller
State Veterinarian
Division of Animal Health
Washington Building, Suite 600
1100 Bank Street
Richmond, Virginia 23219

Dear Dr. Miller:

I hereby delegate to you and to such other assistant veterinarians as you appoint, my authority under § 3.1-754 to order slaughter of cattle which have been exposed to brucellosis. This delegation includes both the power to slaughter nonreactor animals at the owner's request and to

order involuntarily the slaughter of animals which you have found to have been exposed to brucellosis. This delegation is effective immediately.

Yours very truly,

/s/ S. Mason Carbaugh, Commissioner
Virginia Department of Agriculture and Consumer Services

DEPARTMENT OF LABOR AND INDUSTRY

Virginia Safety and Health Codes Board

Request for Public Comment

The Virginia Safety and Health Codes Board (Department of Labor and Industry) requests comments on extending the coverage of the Virginia Hazard Communications Standard (1910.1200) to nonmanufacturing industries.

Virginia adopted the Federal OSHA Hazard Communication Standard, which applies to Standard Industrial Classification (SIC) codes 20 through 39, on August 17, 1984, without change except to extend coverage to all public sector employees. The Virginia Safety and Health Codes Board is continuing its consideration of expanding the scope of this regulation to cover SIC codes 40 through 90. A copy of SIC codes 20 through 90 can be found at the end of this notice.

The current Hazard Communication Standard in Virginia requires chemical manufacturers and importers to assess the hazards of chemicals they produce or import, label containers and provide material safety data sheets to distributors and purchasers in the manufacturing industries. Manufacturers and the public sector are then required to train employees in the hazards of and proper handling procedures for these chemicals.

The purpose of this notice is to collect specific information on the impact of extending the Hazard Communication Standard to employers in SIC codes 40 through 90. The board wishes to gather as much substantive data as possible to establish the current status of hazard communication within the industries outside of manufacturing and the appropriateness of covering these industries in a manner similar to the coverage of manufacturing industries in the current regulations.

Comments are invited on the following issues:

1. Please indicate the industry or industries to which the information supplied applied (by SIC Code if possible).
2. What is the current industry practice regarding hazard communication?

Do employers generally have written hazard communication programs?

Are containers labeled?

Are material safety data sheets available for the hazardous chemicals?

Are employees trained regarding the hazards and appropriate precautionary measures?

3. What are the costs associated with the aspects of hazard communication that are currently implemented in the industry?

Please indicate these costs by specific activity if possible, i.e. costs for training, labels, etc.

Based on the present provisions of the Hazard Communication Standard, what additional costs are estimated to be incurred if the standard were extended to your industry?

4. Please estimate how many employees in this industry handle hazardous materials. What percentage is this number of the total number of employees in the industry.

Describe the kinds of hazardous materials and their quantities which are handled by these employees.

How many employees were injured or became ill in this industry during 1984 or 1985 resulting from the handling of hazardous material?

5. If Virginia extended the provisions of the Hazard Communication Standard to this industry as currently promulgated, what problems might arise in obtaining or transmitting hazard information?

What solutions to these problems can you suggest that would still result in employees getting the information they need?

How long would it take this industry to comply once the standard was in effect?

6. Does this industry have fixed work sites?

If no, is there some central point where information could be made accessible?

7. Does this industry have transient workers?

What current practices are used to ensure such workers are apprised of the hazards they may encounter on the site?

Is there training or information specific to the types of jobs performed?

General Notices/Errata

8. To what extent are hazardous chemicals purchased from retail distributors?

How is information obtained about these chemicals when purchased from these types of establishments?

Do the retail distributors provide hazard information?

If so, has this been a successful approach?

Are employees exposed to the chemical involved without receiving information about the specific hazards?

How is a determination made regarding the appropriate protective measures to be implemented in this situation?

9. Are "consumers products" used in this industry in a manner that results in different exposure levels than would be encountered in consumer usage?

What types of products are these?

How is hazard information obtained for these products?

10. What benefits would accrue to this industry by coverage under the Hazard Communication Standard?

Please key each response to the number of the question it applies to and provide as much substantive data as possible. Any other information which you believe is relevant to this inquiry would be welcome. Written comments may be submitted no later than March 21, 1986 to:

Carol A. Amato, Commissioner
Virginia Department of Labor and Industry
205 North Fourth Street
P.O. Box 12064
Richmond, Virginia 23241

For additional information contact:

Dr. Clarence H. Wheeling
Director of Health Enforcement
(same address as above)
(804) 786-0574

Covered by the current Hazard Communication Standard

Division D. Manufacturing

- Major Group 20. Food and kindred products.
- Major Group 21. Tobacco manufactures.
- Major Group 22. Textile mill products.
- Major Group 23. Apparel and other finished products made from fabrics and similar materials.
- Major Group 24. Lumber and wood products, except

- furniture.
- Major Group 25. Furniture and fixtures.
- Major Group 26. Paper and allied products.
- Major Group 27. Printing, publishing, and allied industries.
- Major Group 28. Chemicals and allied products.
- Major Group 29. Petroleum refining and related industries.
- Major Group 30. Rubber and miscellaneous plastics products.
- Major Group 31. Leather and leather products.
- Major Group 32. Stone, clay, glass, and concrete products.
- Major Group 33. Primary metal industries.
- Major Group 34. Fabricated metal products, except machinery and transportation equipment.
- Major Group 35. Machinery, except electrical.
- Major Group 36. Electrical and electronic machinery, equipment, and supplies.
- Major Group 37. Transportation equipment.
- Major Group 38. Measuring, analyzing, and controlling instruments; photographic, medical and optical goods; watches and clocks.
- Major Group 39. Miscellaneous manufacturing industries.

Proposed extension

- Division E. Transportation, communications, electric, gas, and sanitary services.
- Major Group 40. Railroad transportation.
- Major Group 41. Local and suburban transit and interurban highway passenger transportation.
- Major Group 42. Motor freight transportation and warehousing.
- Major Group 43. U.S. Postal Service.
- Major Group 44. Water transportation.
- Major Group 45. Transportation by air.
- Major Group 46. Pipe lines, except natural gas.
- Major Group 47. Transportation services.
- Major Group 48. Communication.
- Major Group 49. Electric, gas, and sanitary services.

Division F. Wholesale trade.

- Major Group 50. Wholesale trade—durable goods.
- Major Group 51. Wholesale trade—nondurable goods.

Division G. Retail trade.

- Major Group 52. Building materials, hardware, garden supply, and mobile home dealers.
- Major Group 53. General merchandise stores.
- Major Group 54. Food stores.
- Major Group 55. Automotive dealers and gasoline service stations.
- Major Group 56. Apparel and accessory stores.
- Major Group 57. Furniture, home furnishings, and equipment stores.
- Major Group 58. Eating and drinking places.
- Major Group 59. Miscellaneous retail.

Division H. Finance, insurance, and real estate.

General Notices/Errata

- Major Group 60. Banking.
- Major Group 61. Credit agencies other than banks.
- Major Group 62. Security and commodity brokers, dealers, exchanges, and services.
- Major Group 63. Insurance
- Major Group 64. Insurance agents, brokers, and service
- Major Group 65. Real estate.
- Major Group 66. Combinations of real estate, insurance, loans, law offices
- Major Group 67. Holding and other investment offices

Division I. Services.

- Major Group 70. Hotels, rooming houses, camps, and other lodging place.
- Major Group 72. Personal services.
- Major Group 73. Business services.
- Major Group 75. Automotive repair, services, and garages.
- Major Group 76. Miscellaneous repair services
- Major Group 78. Motion pictures.
- Major Group 79. Amusement and recreation services, except motion pictures.
- Major Group 80. Health services.
- Major Group 81. Legal services
- Major Group 82. Education services.
- Major Group 83. Social services.
- Major Group 84. Museums, art galleries, botanical and zoological gardens.
- Major Group 86. Membership organizations.
- Major Group 88. Private households.
- Major Group 89. Miscellaneous services.

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.

CALENDAR OF EVENTS

Symbol Key †

† Indicates entries since last publication of the Virginia Register

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

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

THE VIRGINIA CODE COMMISSION

EXECUTIVE

BOARD OF AGRICULTURE AND CONSUMER SERVICES

† May 22, 1986 - 10 a.m. - Public Hearing
Washington Building, 1100 Bank Street, 2nd Floor, 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 Board of Agriculture and Consumer Services intends to amend regulations entitled: **Rules and Regulations Governing the Production, Handling, and Processing of Milk for Manufacturing Purposes and Establishing Minimum Standards for Certain Dairy Products to be Used for Human Food.** These regulations govern the production, processing, and transportation of raw milk, the labeling of commercial bulk shipping containers for dairy products and the labeling of consumer packaged products.

STATEMENT

Basis: The Somatic Cell Count Standard for individual herd raw milk has been a recognized measure of quality in the "manufacturing" milk industry and a part of Virginia regulations at a level recognized as being current and in conformance with U.S. Regulations and Recommended Standards is essential so as not to jeopardize the marketability of Virginia produced "manufacturing" raw milk in interstate and intrastate commerce.

Purpose: The proposed amendments will lower the maximum acceptable somatic cell count from 1,500,000 cells to 1,000,000 cells per milliliter in individual milk. This will bring Virginia's regulations into conformance with current regulations and recommendations of the United States Department of Agriculture. Also, it will ensure the marketability of a higher quality Virginia produced "manufacturing" milk in interstate commerce and within the Commonwealth of Virginia.

Impact: There are 160 "manufacturing" milk producers and four "manufacturing" milk plants in Virginia. The proposed amendments will enhance their ability to retain or expand their markets involved in interstate commerce. The Department of Agriculture and Consumer Services should not experience any additional cost in the implementation and enforcement of the proposed amendments if adopted by the board.

Statutory Authority: § 3.1-530.1 of the Code of Virginia.

Written comments may be submitted until May 16, 1986, to Raymond D. Vaughan, Secretary, Board of Agriculture and Consumer Services, P.O. Box 1163, Richmond, Virginia 23209

Contact: William R. Crump, Jr., Chief, Bureau of Dairy Services, Virginia Department of Agriculture and Consumer Services, Division of Dairy and Foods, P.O. Box 1163, Richmond, Va. 23209, telephone (804) 786-1452

* * * * *

† May 22, 1986 - 10 a.m. - Public Hearing
Washington Building, 1100 Bank Street, 2nd Floor, 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 Board of Agriculture and Consumer Services intends to amend the regulations entitled: **Rules and Regulations Governing the Production, Processing and Sale of Grade "A" Pasteurized Market Milk and Grade "A" Pasteurized Market Milk Products and Certain Milk Products.** These regulations govern the production, processing, labeling and distribution of Grade "A" Market Milk, Grade "A" Market Milk Products and certain milk products within the Commonwealth of Virginia.

STATEMENT

Basis: The Somatic Cell Count Standard for individual

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producer Grade "A" raw milk for pasteurization has been a recognized measure of quality in Grade A milk industry and a part of Virginia's regulations for a number of years. Its continuance in Virginia regulations at a level recognized as being current and in conformance with U.S. recommended standards is essential so as not to jeopardize the marketability of Virginia produced Grade "A" raw milk for pasteurization in interstate and intrastate commerce.

Purpose: The proposed amendment will lower the maximum allowable somatic cell count from 1,500,000 cells to 1,000,000 cells per milliliter on individual producer Grade "A" raw milk for pasteurization. This will bring Virginia regulations into conformance with current recommendations of the United States Public Health Service and the Food and Drug Administration. Also, it will ensure the marketability of a higher quality Virginia produced Grade "A" raw milk for pasteurization in interstate commerce and within the Commonwealth of Virginia.

Impact: There 1554 Grade "A" producers and 3 milk marketing cooperatives operating in Virginia. This amendment will enhance their ability to retain or expand their markets involved in interstate commerce. The Department of Agriculture and Consumer Services should not experience any significant additional cost in the implementation and enforcement of the proposed amendment if adopted by the board.

Statutory Authority: § 3.1-530.1 of the Code of Virginia.

Written comments may be submitted until May 16, 1986, to Raymond D. Vaughan, Secretary, Board of Agriculture and Consumer Services, P.O. Box 1163, Richmond, Virginia 23209

Contact: William R. Crump, Jr., Chief, Bureau of Dairy Services, Virginia Department of Agriculture and Consumer Services, Division of Dairy and Foods, P.O. Box 1163, Richmond, Va. 23209, telephone (804) 786-1452

† **May 22, 1986 - 1 p.m.** – Public Hearing
Washington Building, 1100 Bank Street, Board Room 204,
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 Agriculture and Consumer Services intends to amend regulations entitled: **Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds into Virginia.** The proposed amendments would require that certain female calves entering Virginia for feeding or breeding purposes be vaccinated for brucellosis, an infectious and contagious disease of cattle and other species, including man.

STATEMENT

Statement of Purpose: The proposed regulations would require that certain female calves entering Virginia for feeding or breeding purposes be vaccinated for brucellosis. Brucellosis, an infectious and contagious disease of cattle and man, poses a serious health threat to man and a devastating threat to herds that become affected. There are 39,000 cattle herds within the Commonwealth. The immunization of female cattle, while calves, enhances their value; requiring such immunization before a cow enters the state reduces the risk to all Virginia cattle of contracting brucellosis.

Estimated Impact:

a) Number and types of regulated entities or persons affected—While it would be virtually impossible to enumerate the livestock markets, registered cattle associations, cattle dealers, and livestock sales managers in other states affected (and the impact of the proposed regulations would be on entities outside Virginia), the impact should be minimal, since already 24 states require such vaccination for cattle entering their borders. An estimated 12,000 cattle pass through Virginia each year that would be subject to this proposed regulations, but already approximately 75% have been vaccinated for brucellosis in a manner consistent with the proposed regulation. This regulation would deal with the remaining 25%.

b) Projected cost to regulated entities (and to the public, is applicable for implementation and compliance—see Item "a", above.

c) Projected cost to agency for implementation and enforcement—None.

d) Source of funds - Since there are no known costs to the agency, there is no need for additional funds for the implementation of these proposed regulations.

Statutory Authority: §§ 3.1-724 and 3.1-726 of the Code of Virginia.

Written comments may be submitted until May 21, 1986, to Raymond D. Vaughan, Secretary, Board of Agriculture and Consumer Services, P.O. Box 1163, Richmond, Virginia 23209

Contact: Dr. A. J. Roth, Chief, Bureau of Veterinary Services, Washington Bldg., 1100 Bank Street, Suite 600, Richmond, Va. 23209, telephone (804) 786-2483

† **May 22, 1986 - 2 p.m.** – Public Hearing
Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia. (Location accessible to handicapped.)

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Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Agriculture and Consumer Services intends to adopt the regulations entitled: **Rules and Regulations Governing the Transportation of Companion Animals and Horses**. These regulations establish standards for transportation of impounded companion animals, companion animals moving in commerce, and loads of horses being transported to a commercial slaughter facility.

STATEMENT

Substance:

Part I - Transportation of companion animals.

Transportation of companion animals regulates transportation of impounded companion animals and those companion animals moved in commerce. Standards are set forth for primary enclosures, primary conveyances, terminal facilities, food and water requirements, care in transit and handling.

Part II - Transportation of horses.

Transportation of horses regulates transportation of loads of more than six horses being transported to a commercial slaughter facility. Standards are set forth for vehicles, loading and unloading, cleaning and disinfection, protection during transport, food, water and exercise, grouping of horse, and handling of injured or physically disabled horses.

Issues: Issues to be considered include: 1. The need for such regulations. 2. What standards are necessary to accomplish the purpose of these regulations. 3. The economic impact of these regulations on regulated entities and the public.

Basis: Numerous instances of inhumane treatment of animals during transport and the inability to deal with these using existing enforcement measures requires the promulgation of these regulations.

Purpose: The purpose of these 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 May 22, 1986 to Raymond D. Vaughan, Secretary, Board of Agriculture and Consumer Services, P.O. Box 1163, Richmond, Virginia

Contact: Dr. Tonya K. Higgins, Animal Welfare Veterinarian, Virginia Department of Agriculture and Consumer Services, Division of Animal Health, Washington

Building, Suite 600, 1100 Bank Street, Richmond, Va. 23219, telephone (804) 786-2483

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† May 22, 1986 - 11 a.m. - Public Hearing
Washington Building, 1100 Bank Street, 2nd Floor, 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 the Enforcement of the Virginia Seed Law**. The purpose of the amendments is to establish a specific noxious weed seed list for lawn and turf seed and distinguish it from noxious weed seed in agricultural seed.

STATEMENT

Statement of Purpose and Impact: This regulation is to ensure that all lawn and turf seeds are truthfully labeled within testing tolerance of the labeler's guarantee for the presence of noxious weed seeds. It will establish a fair and equitable marketing system whereby both the labeler and consumer can identify quality seed from the information that appears on the label. To ensure the smallest amount of disruption in the same marketing area, the regulation conforms in every respect to those adopted in Pennsylvania and proposed for adoption in Maryland, Delaware and New Jersey.

Impact: This regulation affects all persons who market lawn and turf seed in Virginia to include approximately 120 seed producers, processors or labelers, and 32 registrants of lawn and turf products. Purchasers of lawn and turf seed affected include a major portion of the 1.1 million home owners, 30 sod producers, 240 golf courses, approximately, 800 public schools, 80 colleges, approximately 100 federal, state and municipal parks or recreation areas, other state agencies, airports, apartment complexes, business establishments and all areas maintained in turf for aesthetic value. This regulation was specifically and meticulously designed to disrupt to the smallest extent possible that lawn and turf seed already on the market. All seed presently marketed can continue to be marketed, but the label will reveal by name and rate of occurrence the noxious weed seed which are present in lawn and turf seed.

Statement of Basis: To ensure that seed identified as lawn and turf seed be labeled with the name and number per ounce or per pound of restricted noxious weed seeds under the heading of Noxious Weed Seed or Undesirable Grass Seed, if any are present. Provide the labeler of lawn and turf seed an opportunity to label and market uncontaminated seed in fair competition with all other on the market. Provide information to the purchaser that is not available from any other source.

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Statement of Basis: To ensure that seed identified as lawn and turf seed be labeled with the name and number per ounce or per pound of restricted noxious weed seeds under the heading of Noxious Weed Seed or Undesirable Grass Seed, if any are present. Provide the labeler of lawn and turf seed an opportunity to label and market uncontaminated seed in fair competition with all others on the market. Provide information to the purchaser that is not available from any other source.

For the above reasons, it is necessary to establish a noxious weed seed list specifically for lawn and turf seed that is different from agricultural seed. In addition, it is necessary to maintain an inspecting, sampling, and testing program that will monitor lawn and turf seed sold in order that the purchaser will be protected.

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

Written comments may be submitted until May 20, 1986, to Raymond D. Vaughan, Secretary, Board of Agriculture and Consumer Services, 1100 Bank Street, Room 210, Richmond, Virginia 23219

Contact: D. E. Brown, Supervisor, Seed Section, Virginia Department of Agriculture and Consumer Services, Division of PAIR, 1100 Bank Street, Room 505, Richmond, Va. 23219, telephone (804) 786-3797

STATE AIR POLLUTION CONTROL BOARD

May 5, 1986 - 10 a.m. - Public Hearing
Council Chambers, Town of Abingdon Municipal Building,
133 West Main Street, Abingdon, Virginia

May 5, 1986 - 10 a.m. - Public Hearing
State Air Pollution Control Board, Valley of Virginia
Regional Office, Executive Office Park - Suite A, 5338
Peters Creek Road, Roanoke, Virginia

May 5, 1986 - 10 a.m. - Public Hearing
Auditorium of the Recreation Center, 301 Grove Street,
Lynchburg, Virginia

May 5, 1986 - 10 a.m. - Public Hearing
State Capitol, House Room 1, Richmond, Virginia.
(Location accessible to handicapped.)

May 5, 1986 - 10 a.m. - Public Hearing
State Air Pollution Control Board, Hampton Roads Regional
Office, Pembroke Office Park, Pembroke IV - Suite 409,
Virginia Beach, Virginia. (Location accessible to
handicapped.)

May 5, 1986 - 11:00 a.m. - Public Hearing
State Air Pollution Control Board, National Capital
Regional Springfield Towers - Suite 502, 6320 Augusta
Drive, Springfield, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia and the requirements of § 110(a)(1) of the Federal Clean Air Act that the State Air Pollution Control Board intends to amend regulations entitled: **Regulations for the Control and Abatement of Air Pollution (VR 120-01)**. The regulations establish limits on sources of air pollution to the extent necessary to achieve and maintain levels of air quality as will protect human health and welfare.

STATEMENT

Subject: Documents incorporated by reference.

Substance: The amendments establish a new appendix to the agency's regulations which provide a consolidated list of documents incorporated by reference. The list includes the name, reference number and edition for each document. The edition is the latest available. Also included for each document is the name and address of the organization from whom it can be obtained.

Purpose: The purpose of the intended amendments is to change the agency's regulations to provide the latest edition of referenced documents and to provide a consolidated list of referenced documents to facilitate easy location.

Basis: The basis for incorporating documents by reference is § 9-6.18 of the Code of Virginia.

Issues: The issue is whether the regulation should specify the most current edition of any documents incorporated by reference.

Statutory Authority: § 10-17.18(B) of the Code of Virginia.

Written comments may be submitted until May 5, 1986 to the Director of Program Development.

Other pertinent information: Location of Draft. The proposals and any supporting documents may be examined by the public in Room 825, Ninth Street Office Building, Richmond, Virginia and at any of the agency's regional offices (listed below) between 8:30 a.m. and 4:30 p.m. of each business day until the day of the hearing.

Southwestern Virginia Regional Office
State Air Pollution Control Board
121 Russell Road
Abingdon, Virginia 24210,
telephone (703) 628-7841

Valley of Virginia Regional Office
State Air Pollution Control Board
Executive Office Park - Suite A,
5338 Peters Creek Road,
Roanoke, Virginia 24019
telephone (703) 982-7328

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Central Virginia Regional Office,
State Air Pollution Control Board
7701-03 Timberlake Road,
Lynchburg, Virginia 24502,
telephone (804) 528-6641

State Capital Regional Office
State Air Pollution Control Board,
8205 Hermitage Road,
Richmond, Virginia 23228,
telephone (804) 265-3067

Hampton Roads Regional Office,
State Air Pollution Control Board
Pembroke Office Park, Pembroke Four - Suite 409
Virginia Beach, Virginia 23462,
telephone (804) 499-6845

National Capital Regional Office
State Air Pollution Control Board
Springfield Towers - Suite 502
6320 Augusta Drive
Springfield, Virginia 22150,
telephone (703) 644-0311

Nature of Proceedings: Persons desiring to testify at the hearings shall furnish the agency with two copies of their presentation and the original of any exhibit relied upon. Written comments may also be submitted to the agency, at any of its regional offices, no later than the day of the hearing. All testimony, exhibits and documents received are matters of public record.

Contact: M. E. Lester, Division of Program Development, State Air Pollution Control Board, P.O. Box 10089, Richmond, Va. 23240, telephone (804) 786-7564

VIRGINIA ALCOHOLIC BEVERAGE CONTROL BOARD

March 25, 1986 - 9:30 a.m. - Open Meeting
April 8, 1986 - 9:30 a.m. - Open Meeting
April 14, 1986 - 9:30 a.m. - Open Meeting
April 22, 1986 - 9:30 a.m. - Open Meeting
May 6, 1986 - 9:30 a.m. - Open Meeting
May 12, 1986 - 9:30 a.m. - Open Meeting
May 20, 1986 - 9:30 a.m. - Open Meeting
June 3, 1986 - 9:30 a.m. - Open Meeting
June 9, 1986 - 9:30 a.m. - Open Meeting
June 17, 1986 - 9:30 a.m. - Open Meeting
Virginia Alcoholic Beverage Control Board, 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

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

Board of Certified Landscape Architects

March 19, 1986 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to (i) approve the minutes of the October 8 meeting; (ii) review of applications; and (iii) probable discussion of regulations.

Board of Land Surveyors

April 12, 1986 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to grade examinations. cases.

Contact: Johnsie Williams, Assistant Director, Department of Commerce, 3600 W. Broad St., 5th Floor, Room 507, Richmond, Va. 23230-4917, telephone (804) 257-8506

VIRGINIA AVIATION BOARD

† April 1, 1986 - 9 a.m. - Open Meeting
Moton Conference Center, Gloucester, Virginia. (Location accessible to handicapped.)

A meeting to discuss aviation matters.

Contact: Kenneth A. Rowe, Director, Department of Aviation, 4508 S. Laburnum Ave., P.O. 7716, Richmond, Va. 23231, telephone (804) 786-6284

BOARD OF BARBER EXAMINERS

March 24, 1986 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, Conference Room 3, 5th Floor, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to (i) review applications for reinstatement of license; (ii) review investigative reports of complaints and determine disposition; and to (iii) consider correspondence pertinent to the operation of the board.

Contact: Board of Barber Examiners, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8509

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STATE BUILDING CODE TECHNICAL REVIEW BOARD

† **March 21, 1986 - 10 a.m.** – Open Meeting
Fourth Street Office Building, 205 North Fourth Street, 2nd Floor, Conference Room, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if needed.)

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 previous meeting.

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

INTERDEPARTMENTAL LICENSURE AND CERTIFICATION OF CHILDREN'S RESIDENTIAL FACILITIES

Advisory Committee

† **March 19, 1986 - 10 a.m.** – Open Meeting
Koger Executive Center, 8007 Discovery Drive, Blair Building, 2nd Floor, Conference Rooms A and B, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if needed.)

A meeting to discuss: (i) revision of by-laws; (ii) structured monitoring strategies for residential facilities; and (iii) training for reviewers and providers.

Coordinating Committee

† **April 11, 1986 - 8:30 a.m.** – Open Meeting
Koger Executive Center, 8007 Discovery Drive, Blair Building, 2nd Floor, Conference Room A, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if necessary.)

A meeting to consider: (i) progress report on core standards adoption, (ii) progress report on core training plan; and (iii) to discuss structured monitored strategies for residential facilities.

Contact: Sandra G. Davis, 8007 Discovery Dr., Blair Bldg., Richmond, Va. 23229-8699, telephone (804) 281-9025

BOARD OF COMMERCE

† **March 20, 1986 - 10:30 a.m.** – Open Meeting
Department of Commerce, Travelers Building, 3600 West

Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. (Location accessible to handicapped.)

A regularly scheduled business meeting of the board.

Contact: Ronald Layne, Senior Deputy Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8515

DEPARTMENT OF COMMERCE

† **March 27-28, 1986 - 10 a.m.** – Open Meeting
Spotsylvania Courthouse, Richard E. Halbert Memorial Building, Route 208, Board of Supervisors Meeting Room, Spotsylvania, Virginia

The department will meet to conduct a formal administrative hearing regarding the Department of Commerce vs. Edward E. Cox

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

† **April 30, 1986 - 10 a.m.** – Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

The board will meet for the purpose of administering the Virginia Polygraph Examiner Licensing Examination to eligible licensed examiner interns.

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

VIRGINIA STATE BOARD FOR COMMUNITY COLLEGES

March 19, 1986 - 1 p.m. and 3 p.m. – Open Meeting
James Monroe Building, 101 North 14th Street, 15th Floor, Board Room, Richmond, Virginia. (Location accessible to handicapped.)

The board will meet Wednesday, March 19, 1986 at 1 p.m. for a working session; and the Audit, Facilities, Personnel, Curriculum and Program, Budget and Finance Committees will meet at 3 p.m. The agenda is unavailable at this time.

March 20, 1986 - 9 a.m. – Open Meeting
James Monroe Building, 101 North 14th Street, 15th Floor, Board Room, Richmond, Virginia. (Location accessible to handicapped.)

A general business meeting of the board. The agenda is

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unavailable at this time.

Contact: Dr. Ann L. Williams or Nancy Finch, James Monroe Bldg., 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2117

BOARD ON THE CONSERVATION AND DEVELOPMENT OF PUBLIC BEACHES

† **March 19, 1986 - 10:30 a.m.** – Open Meeting
Virginia Institute of Marine Science, Watermen's Hall, Director's Conference Room, Gloucester Point, Virginia

A meeting to consider preproposals and proposals from various localities requesting matching grant funds from the board.

Contact: C. Scott Hardaway, P.O. Box 339, Gloucester Point, Va. 23062, telephone (804) 642-4892

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

Division of Parks and Recreation

† **March 27, 1986 - 7 p.m.** – Open Meeting
Blondy Farm, Route 50, Box 175, (2 miles west of Shenandoah River Bridge) Boyce, Virginia

A public presentation on the proposed master plan of the Shenandoah River State Park.

Contact: Richard S. Groover, 1200 Washington Bldg., Richmond, Va. 23219, telephone (804) 786-1973

Virginia Soil and Water Conservation Board

† **March 26, 1986 - 9 a.m.** – Open Meeting
† **May 15, 1986 - 9 a.m.** – Open Meeting
203 Governor Street, Room 200, Richmond, Virginia.
(Location accessible to handicapped.)

A regular bi-monthly business meeting.

Contact: Donald L. Wells, 203 Governor St., Suite 206, Richmond, Va. 23219-2094, telephone (804) 786-2064

CRIMINAL JUSTICE SERVICES BOARD

April 2, 1986 - 1:30 p.m. – Open Meeting
Division of Motor Vehicles, 2300 West Broad Street, Agecroft Room, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to consider matters related to the board's responsibilities for criminal justice training and improvement of the criminal justice system.

Contact: Jay W. Malcan, Staff Executive, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000

Committee on Training

April 2, 1986 - 9:30 a.m. – Public Hearing
Division of Motor Vehicles, 2300 West Broad Street, Agecroft 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 Criminal Justice Services Board intends to amend regulations entitled: **Rules Relating to Certification of Criminal Justice Instructors.** This regulation amends existing training and certification requirements for criminal justice instructors.

STATEMENT

Basis and Purpose: The rules, as proposed, are being considered for amendment pursuant to the provisions of § 9-170 (1) and (11) of the Code of Virginia.

Those who instruct in the Commonwealth's criminal justice academies are responsible for providing a foundation for action for criminal justice officers across the state. Prior to being accepted as an instructor, these individuals should be able to demonstrate through experience and ability, a fundamental competence to provide the necessary instruction. Since only those who wish to instruct in approved training programs are subject to these regulations, they will impact less than 15% of the criminal justice officers in the Commonwealth.

Subject and Substance: The proposed amendments to the rules mandate minimum requirements for certification and recertification of criminal justice instructors.

Impact: This proposal is an amendment to existing rules. The review and proposed amendments resulted from the cyclical review process previously established by the department. Minimal fiscal impact is anticipated.

Compliance Cost: Rules pertaining to this subject matter currently exist. Some minimal compliance costs may be associated with the requirement for retraining prior to recertification. No increase in costs is anticipated relative to the changes involving initial certification.

The proposed recertification requirement calls for completion of a seminar approved by the department, to ensure that the individuals are up-to-date with the subject matter in their respective categories of certification. In many cases, this retraining will be accomplished through

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the existing in-service training requirement.

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

Contact: Mr. Jay Malcan, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000

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April 2, 1986 - 9:30 a.m. – Public Hearing
Division of Motor Vehicles, 3200 West Broad Street, Agecroft 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 Criminal Justice Services Board intends to adopt regulations entitled: **Rules Relating to Compulsory Minimum Training Standards for Courthouse and Courtroom Security Personnel and Deputy Sheriffs Designated to Serve Process.** The regulation amends existing training standards for deputy sheriffs and other law-enforcement and designated personnel to provide security for the courthouse and courtroom and serve process.

STATEMENT

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

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

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

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

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

VIRGINIA BOARD OF DENTISTRY

† **April 10, 1986 - 10 a.m. – Public Hearing**
† **April 11-12, 1986 - 9 a.m. – Public Hearing**
Jefferson-Sheraton Hotel, Franklin & Adams Streets, Richmond, Virginia. (Location accessible to handicapped.)

The Board of Dentistry will hold a public hearing on proposed regulations (previously listed) and conduct regular board business.

Contact: Nancy T. Feldman, Executive Director, 517 W. Grace St., Richmond, Va. 23220, telephone (804) 786-3011

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April 10, 1986 - 10 a.m. – Public Hearing
Jefferson-Sheraton Hotel, Franklin and Adams Streets, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Board of Dentistry intends to adopt regulations entitled: **Rules and Regulations Governing the Practice of Dentistry and Dental Hygiene.**

STATEMENT

Purpose: The purpose of these regulations is to establish the requirements for licensure as dentists and dental hygienists in Virginia, to regulate the licensure of dentists and dental hygienists and to discharge the duties required of the board by § 54-163 of the Code of Virginia in the protection of the health, safety and welfare of the citizens of the Commonwealth.

Basis: § 54-163 of the Code of Virginia.

Impact: The proposed regulations would affect approximately 4,331 licensed dentists, 2,003 licensed dental hygienists and 29 temporary permits. The Board of Dentistry depends on fees from licensees and applicants to fulfill its statutory responsibilities. Proposed changes in fees will allow the board to meet this obligation.

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

Written comments may be submitted until April 4, 1986.

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

STATE BOARD OF EDUCATION

March 27, 1986 - 8:30 a.m. – Open Meeting
March 28, 1986 - 9 a.m. – Open Meeting
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. (Location accessible to handicapped.)

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The Board of Education will hold its regularly scheduled meeting. Business will be conducted according to items listed on the agenda. The agenda is available upon request. The public is reminded that the Board of Vocational Education may convene, if required.

Contact: Margaret N. Roberts, James Monroe Bldg. 101 N. 14th St., 25th Floor, Richmond, Va. 23219, telephone (804) 225-2540

† **April 9, 1986 - 7 p.m. - Open Meeting**
Manor High School, Portsmouth, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

† **April 9, 1986 - 7 p.m. - Open Meeting**
Midlothian High School, Midlothian, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

† **April 9, 1986 - 7 p.m. - Open Meeting**
Pulaski County Senior High School, Pulaski, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A meeting to receive comments or recommendations concerning the proposed revision in accreditation standards. Five copies of written testimony should be available in order that board members may have a copy for reference during the presentation. There is no limit on the length of the written testimony; however, participants are requested to limit their oral comments to not more than three minutes.

Contact: Dr. Robert B. Jewell, Acting Associate Director, School Accreditation and Evaluation, Department of Education, P.O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2104

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May 5, 1986 - 10 a.m. - Public Hearing
James Monroe Building, 101 North 14th Street, Room D, 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 State Board of Education intends to amend regulations entitled: **Regulations Governing Special Education Programs for Handicapped Children and Youth in Virginia.** These regulations are being amended to include Part V, Procedures For Identification of Children in Mental Health and Mental Retardation Facilities Eligible to be Appropriately Placed in Public School Programs. Only Part V of these regulations is to be open for public comment and deals with the identification of children residing in mental health and mental retardation facilities who can be placed in public day school program.

STATEMENT

Summary: Part V, Procedures for Identification of Children in Mental Health and Mental Retardation Facilities Eligible to be Appropriately Placed in Public School Programs is a proposed amendment to the Regulations Governing Special Education for Handicapped Children and Youth in Virginia. Only Part V of the above regulations will be open for review and public comment. The 1985 General Assembly enacted legislation which amended § 22.1-215 of the Code of Virginia requiring the Board of Education to promulgate these regulations.

Basis and Purpose: The proposed amendment is to identify children, ages two to 21, inclusive, residing in mental health and mental retardation facilities who are eligible for placement within a public school program.

Statutory Authority: Article II (§ 22.1-215) of Chapter 13 of the Code of Virginia.

Written comments may be submitted until May 1, 1986.

Contact: James T. Micklem, Director, Division of Special Education Programs and Pupil Personnel Services, P.O. Box 6Q, Richmond, Va. 23216-2060, telephone (804) 225-2861

VIRGINIA FIRE BOARD

† **March 20, 1986 - 7:30 p.m. - Public Hearing**
Leesburg Volunteer Fire Department, West Loudoun Street, Leesburg, Virginia. (Location accessible to handicapped.)

A public hearing to discuss fire training, fire policies and open discussion with the public.

† **March 21, 1986 - 9 a.m. - Open Meeting**
Loudoun County Administration Building, King and Market Street, Leesburg, Virginia. (Location accessible to handicapped.)

An open meeting to discuss fire training and fire related subjects and policies.

Contact: Anne J. Bales, Department of Fire Programs, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, Va. 23219, telephone (804) 225-2681

VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

March 20-21, 1986 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, 517 West Grace Street, Main Board Room, Richmond, Virginia

Informal fact-finding conferences.

Calendar of Events

Contact: Mark L. Forberg, Executive Secretary, Virginia Board of Funeral Directors and Embalmers, 517 W. Grace St., Richmond, Va. 23220, telephone (804) 786-0076

† April 2-4, 1986 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, 517 West Grace Street, Main Board Room, Richmond, Virginia

State board meeting; disciplinary matters, and various board subcommittee meetings.

Contact: Mark L. Forberg, Executive Secretary, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0076

COMMISSION OF GAME AND INLAND FISHERIES

† March 20, 1986 - 1 p.m. - Open Meeting
Game Commission Offices, 4010 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

The Law Enforcement Committee of the Commission will meet to discuss the problems concerning "hoodlum" and illegal hunting practices/abuses being experienced in certain counties of Virginia. Official representatives of counties concerned will attend in regard to this matter.

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

March 21, 1986 - 9:30 a.m. - Open Meeting
Game Commission Offices, 4010 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

The commission will consider a proposed new regulation pertaining to the appointment of new license agents by the commission for the sale of hunting and fishing licenses. Also to be considered is a proposed amendment to boating regulations (VR 325-04-1. § 1), pertaining to boating safety equipment, applicable to all recreational boats, as required by federal law. General administrative matters will also be considered.

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

DEPARTMENT OF GENERAL SERVICES

Art and Architectural Review Board

† April 4, 1986 - 10 a.m. - Open Meeting
Virginia Museum of Fine Arts, Boulevard and Grove Avenue, Main Conference Room, Richmond, Virginia.

(Location accessible to handicapped.)

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, Room 209 Ninth Street Office Bldg., Richmond, Va. 23219, telephone (804) 786-3311

GOVERNOR'S JOB TRAINING COORDINATING COUNCIL

March 17, 1986 - 10:30 a.m. - Open Meeting
Richmond Marriott Hotel, 500 East Broad Street, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A general meeting of the council.

Contact: Gladys Walker, Governor's Employment and Training Department, 417 E. Grace St., P.O. Box 12083, Richmond, Va. 23241, telephone (804) 786-8085

STATE BOARD OF HEALTH

May 2, 1986 - 10 a.m. - Public Hearing
Hampton City Council Chambers, 22 Lincoln Street, Hampton, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to amend regulations entitled: **Prohibiting the Taking of Finfish in Designated Portions of the James River and Its Tributaries (VR 355-22-1.1)**. Proposed amendment 2 to these regulations prohibits certain kinds of commercial finfishing activities because of kepone contamination.

STATEMENT

Basis and Authority: Chapter 7, Title 28.1 authorizes the State Health Commissioner to limit or set boundaries on taking shellfish, finfish, or crustacea where pollution conditions render the produce unfit for market, and may establish standards by which fish, shellfish, and crabmeat are sanitary and fit to market. The State Board of Health, § 32.1-248 of Title 31.1, is authorized to adopt regulations closing any river in which a toxic substance is present in such a manner as to constitute a present threat to public health and to amend said regulations without application of the Administrative Process Act where the threat has been abated in part.

Purpose: The State Board of Health and State Health

Calendar of Events

Commissioner promulgate these amended regulations to restrict taking, distribution, and consumption of finfish from designated portions of the James River and its tributaries because of contaminant levels in finfish above the action level for kepone. Levels of kepone, a toxic pesticide, have been found to constitute a threat to public health in specified finfish species.

Summary and Analysis: The proposed amendment slightly revises the regulations which became effective on July 1, 1982. By this amendment 2, recreational finfishing and crabbing continues without restriction in all portions of the James River and its tributaries. As in the previous regulations, commercial fishing for Striped Bass, Croaker, and Eel not depurated is prohibited throughout the effective period of this amendment. All previous restrictions on commercial crabbing, removed from the regulations, continue to be suspended in this amendment 2. As in the previous amendment, Spot are not restricted for commercial finfishing between July 1, and December 31.

Changes reflected in this amendment deal with simplifying and clarifying language, as required by the Registrar of Regulations for all regulations promulgated in Virginia.

Unless specifically restricted, all other finfish may be taken commercially and marketed.

Impact: The amendment continues the kepone ban on the James River as it has existed for the past two years under amendment 1.

Limitations on Striped Bass and Croaker constitute a continuing economic impact to the industry. An estimated 200 working watermen are affected by the fishing limitations of this amended ban.

Monitoring costs to the Commonwealth will be approximately \$300,000 during the effective period. There is no adverse impact to local government anticipated from this amendment.

Forms: None required

Evaluation: Quarterly review of monitoring data is required to be submitted to the Commissioner, and to the Board of Health, to assure closure for the minimum resource. Enforcement is vested with the Virginia Marine Resources Commission.

Statutory Authority: §§ 28.1-176, 28.1-177 and 32.1-248 of the Code of Virginia.

Written comments may be submitted until May 2, 1986.

Contact: Robert B. Stroube, M.D., Assistant Health Commissioner, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-6029

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

March 26, 1986 - 9:30 a.m. - Open Meeting

April 23, 1986 - 9:30 a.m. - Open Meeting

Virginia Center for Health Affairs, 4200 Innslake Drive, Glen Allen, Virginia. (Location accessible to handicapped.)

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

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

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† **April 2, 1986 - 9 a.m. - Open Meeting**

Christopher Newport College, Newport News, Virginia

A monthly council meeting. The agenda available upon request.

Contact: Grace I. Lessner, James Monroe Bldg., 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2638

STATE HIGHWAY AND TRANSPORTATION BOARD

March 20, 1986 - 10 a.m. - Open Meeting

Highway and Transportation Research Council Building, University Station, Charlottesville, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

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

Contact: Albert W. Coates, Jr., Department of Highways and Transportation, 1401 E. Broad St., Richmond, Va. 23219, telephone, (804) 786-9950

DEPARTMENT OF HIGHWAYS AND TRANSPORTATION

March 24, 1986 - 9 a.m. - Public Hearing

Fredricksburg District Highway Office Building, Fredericksburg, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

March 25, 1986 - 9 a.m. - Public Hearing

Suffolk District Highway Office Building, Suffolk, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

Calendar of Events

A public hearing to receive comments on highway allocation for the coming year and on updating the six-year improvement program for the interstate, primary and urban systems.

Contact: A. W. Coates, Jr., Department of Highways and Transportation, 1401 E. Broad St., Richmond, Va., telephone (804) 786-9950

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

Board of Commissioners

March 18, 1986 - 10 a.m. - Open Meeting
13 South 13th Street, Richmond, Virginia. (Location accessible to handicapped.)

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

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

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

† **March 24, 1986 - 1 p.m. - Open Meeting**
Fourth Street Office Building, 205 North Fourth Street, 2nd Floor, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if needed.)

A 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) to consider other matters as they may deem necessary. The planned agenda of the meeting will be available at the above address of the board one week prior to the date of the meeting.

Ad Hoc Advisory Committee

May 19, 1986 - 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 Board of Housing and Community Development intends to amend regulations entitled: **Virginia Uniform Statewide Building Code, Volume II, Building Maintenance Code, 1984**. Volume II Building Maintenance Code of the 1984 edition of the Virginia Uniform Statewide Building Code (USBC) is a mandatory, statewide, uniform set of regulations that must be complied with in all buildings to protect the occupants from health and safety hazards that might arise from improper maintenance and use.

STATEMENT

Subject and Substance: Proposed amendment by the Board of Housing and Community Development of § 100.5.1 of the 1984 edition of the Virginia Uniform Statewide Building Code, Volume II, Building Maintenance Code.

Issue: 1. Estimated impact with respect to number of persons affected: All citizens of Virginia who own buildings will be affected.

2. Projected costs for implementation and compliance: Because the amendment further limits the amount of retrofit required under the Building Maintenance Code, the cost of compliance will be reduced.

Basis: §§ 36-97 through 36-119 of the Code of Virginia.

Purpose: It is the intent of the amendment to limit changes required by the Building Maintenance Code to existing buildings in good repair, to those that are necessary to maintain compliance with the standards under which they were constructed, and with the Virginia Public Building Safety Regulations.

Reporting Forms: None required.

The public hearing is being held to afford interested persons and groups an opportunity to submit data, views and arguments regarding a proposed amendment to the 1984 edition of the Virginia Uniform Statewide Building Code, Volume II - Building Maintenance Code in response to a legislative objection filed by the House General Laws Committee and published in the February 3 edition of the Virginia Register of Regulations.

Anyone wishing to speak or offer written statements relating to the proposed amendment will be given an opportunity to do so on the day of the hearing. Written statements may be prefiled with the agency if received by May 19, 1986.

Statutory Authority: Article 1 (§ 36-97 et seq.) of Chapter 6 of the Code of Virginia.

Written comments may be submitted until May 19, 1986.

Calendar of Events

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

Building Codes and Standards Committee

† **March 24, 1986 - 10 a.m. - Open Meeting**
Fourth Street Office Building, 205 North Fourth Street, 2nd Floor, Richmond, Virginia. (Location accessible to handicapped; interpreter for the deaf provided if needed.)

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

Community Development Committee

† **March 24, 1986 - 10 a.m. - Open Meeting**
Fourth Street Office Building, 205 North Fourth Street, 7th Floor, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if needed.)

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

Implementation Committee

† **March 24, 1986 - 12 p.m. - Open Meeting**
Fourth Street Office Building, 205 North Fourth Street, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if necessary.)

A regularly scheduled meeting to consider work items and issues in the area of implementation and develop recommendations as deemed appropriate for review by the board.

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

VIRGINIA STATE LIBRARY BOARD

April 7, 1986 - 10 a.m. - Public Hearing
Virginia State Library, 11th Street at Capitol Square, Old Supreme Court 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 State Library Board intends to repeal existing regulations and to adopt regulations entitled: **Standard for Microfilming of Public Records for Archival Retention, VR 440-01-137.1**. These regulations provide minimum

standards for film stock, microfilming procedures, processing, handling and inspection, and storage of microfilm used in filming records of permanent value.

STATEMENT

Subject and Substance: Standards for the Microfilming of Public Records for Archival Retention are being rewritten by the State Library Board and provide minimum standards for microfilming public records of archival value. They are being rewritten to conform to the revised format for regulations and to bring them into conformance with and to reference national standards published or revised since the standards were adopted. Some revisions have been made in the text to remove discretionary and vague language. Specific technical changes are:

1. Requirement for methylene blue testing was changed from no specified frequency to every eight hours for commercial labs.
2. The acceptable density range was increased from 1.0-1.2 to .9-1.2.
3. The resolution requirement was changed from 90 lines per millimeter to 90 lines per millimeter and resolution of the 4.0 pattern.
4. The residual thiosulfate concentration was changed from an optimum of .7 micrograms to greater than zero and less than .7 micrograms.

Issues: 1. Quality of Microfilm Image - The regulation provides minimum standards for film stock, microfilming procedures, processing, handling and inspection, and storage of microfilm used in filming public records of permanent value.

2. Exclusions - The standards do not apply to the microfilming of public records of nonpermanent value.

Basis: § 42.1-82 of the Code of Virginia.

Purpose: To ensure that when records of permanent value are microfilmed the microfilm on which the images are recorded and the images are archival, and can be read, and will produce legible copies.

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

Written comments may be submitted until April 7, 1986.

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

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April 7, 1986 - 10 a.m. - Public Hearing
Virginia State Library, 11th Street at Capitol Square, Old Supreme Court 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 State Library Board intends to repeal existing regulations and to adopt regulations entitled: **Archival Standards for Recording Deeds and Other Writings by a Procedural Microphotographic Process, VR 440-01-137.2** These regulations 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.

STATEMENT

Subject and Substance: Standards for Recording Deeds and Other Writings by a Procedural Microphotographic Process are being rewritten by the State Library Board and provide minimum standards for microfilming deeds and other writings by a procedural microphotographic process. They are being rewritten to conform to the revised format for regulations and to bring them into conformance with and to reference national standards published or revised since the standards were adopted. Some revisions have been made in the text to remove discretionary and vague language. Specific technical changes are:

1. The requirement for methylene blue testing by commercial labs was changed from every four hours to every eight hours.
2. The acceptable density range was changed from 1.0-1.2 to .9-12.
3. The resolution requirement was changed from 5.0 pattern for 16mm and the 7.1 pattern for 35mm was changed to resolution of the 5.0 pattern and 120 lines per millimeter regardless of the reduction ratio.
4. The reduction ratio is no longer specified.

Issues: 1. Quality of Microfilm Image - The regulation provides minimum standards for film stock, microfilming procedures, processing, handling and inspection, and storage of microfilm used in filming deeds and other writings by a procedural microphotographic process.

2. Exclusions - The standards do not apply to the microfilming of public records of nonpermanent value.

Basis: §§ 17-60, 17-70, 42.1-82 of the Code of Virginia.

Purpose: To ensure that when deeds and other writings are recorded by a procedural microphotographic process the microfilm on which the images are recorded and the images are archival, and can be read, and will produce legible copies.

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

Written comments may be submitted until April 7, 1986.

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

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April 7, 1986 - 10 a.m. - Public Hearing
Virginia State Library, 11th Street at Capitol Square, Old Supreme Court Building, 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 State Library intends to repeal existing regulations and to adopt regulations entitled: **Minimum Standards for Instruments Recorded by a Microphotographic Process, VR 440-01-137.3.** This regulation provides minimum standards for paper size and quality inscription color and quality and document format for instruments recorded by a microphotographic process.

STATEMENT

Subject and Substance: Minimum Standards for Instruments Recorded by a Microphotographic Process applies only to instruments recorded by a microphotographic process. The standard is being repealed by the State Library Board because of the adoption of Standards for Recorded Instruments (VR 440-01-137.7) which applies to all instruments submitted for recordation.

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

Written comments may be submitted until April 7, 1986.

Other pertinent information: Superseded by Standards for Recorded Instruments VR 440-01-137.7.

Contact: Louis H. Manarin, State Archivist, Virginia State Library, 11th St. at Capitol Square, Richmond, Va. 23219-3491, telephone (804) 786-5579

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April 7, 1986 - 10 a.m. - Public Hearing
Virginia State Library, 11th Street at Capitol Square, Old Supreme Court Building, 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 State Library Board intends to repeal existing regulations and adopt 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.** This regulation provides minimum standards for film stock, microfilming procedures, processing, handling and inspection, and storage of

Calendar of Events

microfilm used in filming all ended records, papers, or documents pertaining to law chancery, and criminal cases.

STATEMENT

Subject and Substance: Standards for the Microfilming of Ended Law Chancery and Criminal Cases by the Clerks of the Circuit Courts Prior to Disposition are being rewritten by the State Library Board and provide minimum standards for microfilming all ended records, papers or documents pertaining to law, chancery, and criminal cases. They are being rewritten to conform to the revised format for regulations and to bring them into conformance with and to reference national standards published or revised since the standards were adopted. Some revisions have been made in the text to remove discretionary and vague language. Specific technical changes are:

1. The requirement for methylene blue testing by commercial labs was changed from every four hours to every eight hours.
2. The resolution requirement for 35mm film was changed from the 7.1 pattern to the 4.0 pattern and 90 lines per millimeter. The resolution requirement for 16mm film was changed from the 5.0 pattern to the 4.0 pattern and 90 lines per millimeter.
3. The requirement for a specific reduction ratio was removed.
4. The requirement for the background density was changed from 1.0-1.2 to .9-1.2.

Issues: 1. Quality of Microfilm Image - The regulation provides 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.

2. Exclusions - The standards do not apply to the microfilming of public records of nonpermanent value.

Basis: §§ 17-47.4 and 42.1-82 of the Code of Virginia.

Purpose: To ensure that when ended law, chancery, and criminal files are microfilmed, the microfilm on which the images are recorded and the images are archival, and can be read, and will produce legible copies.

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

Written comments may be submitted until April 7, 1986.

Contact: Louis H. Manarin, State Archivist, Virginia State Library, 11th St. at Capitol Square, Richmond, Va. 23219-3491, telephone (804) 786-5579

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April 7, 1986 - 10 a.m. - Public Hearing
Virginia State Library, 11th Street at Capitol Square, Old Supreme Court Building, 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 State Library Board intends to repeal existing regulations and adopt regulations entitled: **Standards for Computer Output Microfilm (COM) for Archival Retention, VR 440-01-137.5.** These regulations provide minimum standards for film stock, microfilming procedures, processing, handling and inspection, and storage or computer output microfilm (COM) generated of public records of permanent value.

STATEMENT

Subject and Substance: Standards for Computer Output Microfilm (COM) for Archival Retention are being rewritten by the State Library Board and provide minimum standards for microfilm of public records of permanent value produced by the computer output microfilm (COM) process. They are being rewritten to conform to the revised format for regulations and to bring them into conformance with and to reference national standards published or revised since the standards were adopted. Some revisions have been made in the text to remove discretionary and vague language. Specific technical changes are:

1. The acceptable density range was changed from 1.0-1.2 to 1.8 or higher.
2. The acceptable residual thiosulfate concentration was changed from an optimum concentration of .7 micrograms to greater than zero and less than .7 micrograms.

Issues: 1. Quality of Microfilm Image - The regulation provides minimum standards for film stock, microfilming procedures, processing, handling and inspection, and storage of computer output microfilm (COM) generated for records of permanent value.

2. Exclusions - The standards do not apply to computer output microfilm (COM) generated for records of nonpermanent value.

Basis: § 42.1-82. of the Code of Virginia

Purpose: To ensure that when public records of permanent value are generated by the computer output microfilm (COM) process, the microfilm on which the images are recorded and the images are archival, can be read, and will produce legible copies.

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

Written comments may be submitted until April 7, 1986.

Contact: Louis H. Manarin, State Archivist, 11th St. at

Capitol Square, Richmond, Va. 23219-3491, telephone (804) 786-5579

MARINE RESOURCES COMMISSION

March 25, 1986 - 9:30 a.m. - Open Meeting

April 22, 1986 - 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 5 days.

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

BOARD OF MEDICAL ASSISTANCE SERVICES

† May 21, 1986 - 9 a.m. - Public Hearing

James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medical Assistance Services intends to amend regulations entitled: **Nursing Home Payment System**. These regulations are contained in the Medicaid State Plan as Supplement to Attachment 4.19D, and define the payment methodology for nursing homes. These regulations also address industry concerns about specific requirements needing clarification and updating.

STATEMENT

Basis and Authority: Section 32.1-325 of the Code of Virginia gives the State Board of Medical Assistance Services the authority to prepare and amend the State Plan for Medical Assistance (Medicaid), subject to the Governor's approval. The Code of Federal Regulations requires annual reviews of reimbursement policies determining providers payment rates. The Federal Code also requires public notice of changes in statewide methods and standards for setting payment rates at 42 CFR 447.205.

Purpose: The purpose of the proposed is to ensure that nursing homes which provide patient care under Title XIX of the Social Security Act are adequately reimbursed for certain costs incurred by providing such care.

Summary and Analysis: The Virginia Reimbursement System for Nursing Homes as presently written contains certain regulations and limits pertinent to allowable reimbursable costs. The Virginia Health Care Association, as representative of the nursing homes, has brought to the attention of the department's director, areas of the system's reimbursement which the providers feel do not provide adequate reimbursement of costs incurred while providing services to Virginia Medicaid recipients. The board has, to the extent possible, incorporated the recommended changes into these proposed regulations. The Virginia Health Care Association has undertaken a survey of its members to support other recommended changes but the received data has not yet been sufficiently evaluated to enable the board to incorporate these changes in the proposed regulations. These other recommendations include the limitations on interest rates on long and short term borrowings. During the public comment stage of regulatory revision, the board shall consider the results of this survey and make further changes to these regulations.

Impact: Impact of these and other modifications still under development is dependent on the survey information received by the association.

Forms: No new forms will be required by these regulatory changes.

Evaluation: The board will monitor the regulations to assure only allowable costs for patient care are reimbursed.

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

Written comments may be submitted until 5 p.m. on May 21, 1986.

Contact: N. Stanley Fields, Director, Division of Provider Reimbursement, Department of Medical Assistance Services, 805 E. Broad St., 9th Floor, Richmond, Va. 23219, telephone (804) 786-7931

VIRGINIA STATE BOARD OF MEDICINE

Chiropractic Examination Committee

April 8, 1986 - 12 p.m. - Open Meeting

Hyatt Richmond, 6500 West Broad Street, I-64 West, Richmond, Virginia. (Location accessible to handicapped.)

The Chiropractic Examination Committee will meet in open and executive session to continue the development of the Virginia Chiropractic Part III examination.

Calendar of Events

Credentials Committee

April 25-26, 1986 - 8 a.m. - Open Meeting
Hyatt Richmond, 6500 West Broad Street, I-64 West,
Richmond, Virginia. (Location accessible to handicapped.)

Interviews to review medical credentials of applicants applying for licensure in Virginia in open and executive session.

Informal Conference Committee

March 7, 1986 - 1 p.m. - Open Meeting
Springfield Hilton, 6550 Loisdale Road, Springfield,
Virginia. (Location accessible to handicapped.)

An Informal Conference Committee composed of three members of the Virginia State Board of Medicine will inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine in Virginia.

Podiatry Examination Committee

March 22, 1986 - 9 a.m. - Open Meeting
Springfield Hilton, 6550 Loisdale Road, Springfield,
Virginia. (Location accessible to handicapped.)

The Podiatry Committee will meet in open and executive session to continue the development of the Virginia Podiatry Part III examination.

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

STATE MENTAL HEALTH AND MENTAL RETARDATION BOARD

March 26, 1986 - 10 a.m. - Open Meeting
Rappahannock-Rapidan Community Services Board,
Culpeper United Methodist Church, Oaklawn Drive,
Culpeper, Virginia. (Location accessible to handicapped.)

A regular monthly meeting. The agenda will be published on March 19 and may be obtained by calling Jane Helfrich.

Contact: Jane V. Helfrich, Board Secretary, Department of Mental Health and Mental Retardation, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3291

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

Advisory Council

March 21, 1986 - 10:30 a.m. - Open Meeting
James Madison Building, 109 Governor Street, 13th Floor,
Board Room, Richmond, Virginia. (Location accessible to handicapped.)

A quarterly meeting to advise the State Board of Mental Health and Mental Retardation on matters pertaining to mental retardation services in the Commonwealth.

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

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION; UNIVERSITY OF VIRGINIA INSTITUTE OF LAW, PSYCHIATRY AND PUBLIC POLICY; DIVISION OF CONTINUING EDUCATION, AND OFFICE OF CONTINUING MEDICAL EDUCATION

† **May 29-30, 1986 - Open Meeting**
Conference Center, Colonial Williamsburg, Williamsburg,
Virginia. (Location accessible to handicapped.)

Ninth Annual Symposium on Mental Health and the Law.

An annual symposium addressing issues related to mental health and the law. 8.5 hours in Category 1 and 1.2 CEU credits applied for.

Contact: Lynn Daidone, Administrator, Institute of Law, Psychiatry and Public Policy, Blue Ridge Hospital, Box 100, Charlottesville, Va. 22901, telephone (804) 924-5435

VIRGINIA MUSEUM OF FINE ARTS

Accessions Committee

† **March 19, 1986 - 2 p.m. - Open Meeting**
Virginia Museum of Fine Arts, Boulevard and Grove Avenue, Auditorium, Richmond, Virginia. (Location accessible to handicapped.)

A quarterly review of acquisitions of art objects.

Finance Committee

† **March 22, 1986 - 1 p.m. - Open Meeting**

Calendar of Events

Virginia Museum of Fine Arts, Boulevard and Grove Avenue, Payne Room (Members' Suite), Richmond, Virginia. (Location accessible to handicapped.)

A bi-monthly review of the museum budget and financial statements.

Board of Trustees

† March 22, 1986 - 2:30 p.m. - Open Meeting
Virginia Museum of Fine Arts, Boulevard and Grove Avenue, Auditorium, Richmond, Virginia. (Location accessible to handicapped.)

A bi-monthly meeting of the full board, to consider (i) committee reports; (ii) budget review; and (iii) staff reports.

Contact: Emily C. Robertson, Secretary of the Museum, Boulevard and Grove Ave., Richmond, Va. 23221, telephone (804) 257-0553, 327-0553

STATE BOARD OF NURSING

March 24-26, 1986 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, 517 West Grace Street, Richmond, Virginia.

A regular meeting to consider matters related to nursing education programs, discipline of licensees, licensing by examination and endorsement and other matters under jurisdiction of the board.

Contact: Corinne F. Dorsey, R.N., Executive Director, 517 W. Grace St., Richmond, Va. 23220, telephone (804) 786-0377

OLD DOMINION UNIVERSITY

Board of Visitors

April 4, 1986 - (Specific time will be included in the agenda to be distributed two weeks prior to meeting.) - Open Meeting
Old Dominion University, Webb University Center, Norfolk, Virginia

A regular meeting of the Board of Visitors to handle affairs of the university.

Contact: Dr. Gary N. Rubin, Associate Vice President for Advancement and Secretary to the Board of Visitors, Old Dominion University, Norfolk, Va. 23508, telephone (804) 440-3072

VIRGINIA BOARD OF OPTOMETRY

April 16, 1986 - 10 a.m. - Public Hearing
Holiday Inn, 6351 West Broad Street, I-64 West, 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 Optometry intends to repeal the existing regulations and adopt regulations entitled: **VR 510-01-1: Regulations of the Virginia Board of Optometry.** The proposed regulations, a revision of existing ones, provide the standards for the practice of optometry in Virginia; state the requirements for candidates for examination and licensure as optometrists; and govern the board in the performance of its duties.

STATEMENT

Subject: The proposed regulations provide the standards for the practice of optometry in Virginia. The regulations state the requirements for licensure as an optometrist, for taking a practical examination, for renewing a license, and for obtaining continuing education. The regulations also describe acceptable professional designations for optometrists, and list conduct that is unprofessional. Additionally, fees charged by the board for examinations and licensure are stated in the regulations.

Purpose: To ensure the safety of the public in obtaining eye care.

Impact: The regulations will affect the 905 licensed optometrists in Virginia.

Basis: These regulations are issued under the authority granted by § 54-376 of the Code of Virginia.

Statutory Authority: § 54-376 of the Code of Virginia.

Written comments may be submitted until April 16, 1986.

Contact: Moira C. Lux, Executive Director, Virginia Board of Optometry, P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0077

VIRGINIA REAL ESTATE BOARD

† April 10-11, 1986 - 10 a.m. - Open Meeting
Alexandria Courthouse, 520 King Street, Hearing Room 303, Alexandria, Virginia

The board will meet to conduct a formal administrative hearing regarding the Virginia Real Estate Board v. Mary Rosalie Gilligan

† April 17, 1986 - 10 a.m. - Open Meeting
Williamsburg-James City County Courthouse, Court and Henry Streets, Council Chambers, Williamsburg, Virginia

Calendar of Events

The board will meet to conduct a formal administrative hearing regarding the Virginia Real Estate Board v. Diana T. MacDonnell

† April 18, 1986 - 10 a.m. - Open Meeting
Williamsburg-James City County Courthouse, Court and Henry Streets, Council Chambers, Williamsburg, Virginia

The board will meet to conduct a formal administrative hearing regarding the Virginia Real Estate Board v. Marie H. Kammer

† April 23-24, 1986 - 10 a.m. - Open Meeting
Chesapeake Circuit Court, 300 Cedar Road, Courtroom 3, Chesapeake, Virginia

The board will meet to conduct a formal administrative hearing regarding the Virginia Real Estate Board v. John Henry Martin

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

† April 25, 1986 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to (i) approve minutes of the March 14, 1986 meeting; (ii) review investigative cases; and (iii) review applications for licensure, appointments.

† April 26-27, 1986 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to review the regulations and any comments received by the public in order to propose amendments, deletions, and addition to the rules governing the "Virginia Real Estate Board's Regulations, Fair Housing Regulations, and Condominium and Time-Share Regulations."

Contact: Elinor Powell, Interim Assistant Director for Real Estate, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8552

STATE SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

March 26, 1986 - 9 a.m. - Open Meeting
April 23, 1986 - 9 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, Conference Room E, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to hear and render a decision on all

Appeals of Denials of On-Site Sewage Disposal System Permits.

Contact: P.M. Brooks, 502 Madison Bldg., Richmond, Va. 23219, telephone (804) 786-1931

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

March 18, 1986 - 9 a.m. - Public Hearing
April 15, 1986 - 9 a.m. - Public Hearing
State Capitol, House Room 2, 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 10:00 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., telephone (804) 786-3791

STATE BOARD OF SOCIAL SERVICES

March 19, 1986 - (Time to be announced) - Open Meeting
March 20, 1986 - (Time to be announced) - Open Meeting
Fair Oaks Inn, 11787 Lee Jackson Highway, Fairfax, Virginia. (Location accessible to handicapped.)

A work session and formal business meeting.

Contact: Phyllis Sisk, 8007 Discovery Dr., Richmond, Va. 23229-8899, telephone (804) 281-9236

DEPARTMENT OF SOCIAL SERVICES

Human Services Information and Referral Advisory Board

March 21, 1986 - 9:30 - Open Meeting
Koger Executive Center, 8007 Discovery Drive, Blair Building, 2nd Floor, Conference Room B, Richmond, Virginia. (Location accessible to handicapped.)

A general meeting of the Information and Referral Board.

Contact: D. Ray Sirry, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9308

VIRGINIA SUBSTANCE ABUSE CERTIFICATION BOARD

March 18, 1986 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, 517 West Grace Street, Richmond, Virginia.

A meeting to (i) conduct general board business; (ii) policy making; (iii) review supervision and trainee status; (iv) review applications; and (v) regulatory

Contact: Joe W. Braymer, 517 W. Grace St., Richmond, Va. 23220, telephone (804) 786-7702

DEPARTMENT OF TAXATION

March 17, 1986 - 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 630-28-796.13 through VR 630-28-796.27. Virginia Cattle Assessment.** This regulation sets forth and explains the applicability of the Virginia Cattle Assessment and the procedures relating to its collection and recording.

STATEMENT

Basis: This regulation is issued under authority granted by Virginia Code § 58.1-203.

Purpose: This regulation sets forth and explains the applicability of the Virginia Cattle Assessment and the procedures relating to its collection and recording.

Issue: The 1985 General Assembly transferred the authority for collecting and recording the Virginia Cattle Assessment from the Virginia Cattle Industry Board to the Department of Taxation. This regulation specifies how the Department of Taxation will carry out its statutory responsibility.

Substance: This regulation details when the Virginia Cattle Assessment applies, who collect it and remits it to the Department of Taxation, what registration and records are required, and the penalty for failure to comply.

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

Written comments may be submitted until March 17, 1986.

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

March 17, 1986 - 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 amend regulations entitled: **VR 630-2-325: Individual Income Tax: Taxable income of nonresidents and VR 630-2-332: Individual Income Tax: Credit for taxes paid to another state.**

STATEMENT

Basis: These regulations are issued under the authority granted by Virginia Code § 58.1-203.

Purpose: These regulations are being amended to conform to the change made by the 1985 General Assembly to § 58.1-332 of the Code of Virginia (Chapter 466, Senate Bill 651). This code section was amended to provide an individual income tax credit to individual shareholders of an S corporation which has paid corporation income tax to a state which does not recognize the federal S election.

Issues: The change made by the 1985 General Assembly to § 58.1-332 of the Code of Virginia (Chapter 466, Senate Bill 651) conflicts with the present regulations which were adopted September 19, 1984. The present regulations specify that no credit for corporation income taxes paid to another state by an S corporation is available to an individual taxpayer. The 1985 statutory change allows this credit to individual taxpayers.

Substance: These amended regulations specify that the credit for income taxes paid to another state is available to an individual shareholder of an S corporation which has paid income tax to a state which does not recognize the federal S election. To avoid ambiguity, an example illustrating the computation of this credit is provided. Furthermore, these regulations specify how the amount of tax paid by the S corporation shall be allocated to each of the shareholders.

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

Written comments may be submitted until March 17, 1986.

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

March 17, 1986 - 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 amend regulations entitled: **Retail Sales and Use Tax Regulation VR 630-10-18.1:**

Calendar of Events

Catalogs and other printed materials and VR 630-10-86: Printing. These regulations set for the application of the sales and use tax to tangible personal property used or consumed by printers and to the sale of printing by such persons, including the sale of catalogs, letters, brochures, and similar printed materials.

STATEMENT

Basis: These regulations are issued under the authority granted by Virginia Code § 58.1-203.

Purpose: As revised, these regulations set forth the application of the sales and use tax to brochures, letters, reports, and similar printed materials produced for use outside the state, as well as the application of the tax to the production and sale of printing in general.

Issues: When delivery of printing from the seller to the purchaser occurs in Virginia, the sales and use tax will apply unless specifically exempted from the tax. Virginia Code § 58.1-608.30 sets forth such an exemption for catalogs and similar printed materials used to advertise tangible personal property for sale or resale when such materials are distributed for use outside the state after storage for 12 months or less in Virginia. Effective July 1, 1986 and running through June 30, 1990, the above statute will be expanded to exempt any catalogs, letters, brochures, reports, and similar printed materials that are distributed for use outside the state after storage in Virginia for 12 months or less. By statute, the expanded exemption will not apply to administrative supplies such as letterhead, envelopes, stationery, invoices, billing forms, payroll forms, price lists, time cards, and computer cards.

Substance: Applying the law change effective on July 1, 1986, these regulations exempt catalogs, letters, brochures, reports, and similar printed materials that will be distributed for use outside of Virginia after storage here for 12 months or less. Pursuant to the law change, these regulations state the taxability of administrative supplies. Examples of exempt printed materials and taxable administrative supplies are included in these regulations. Additionally, proposed regulation VR 630-10-86 has been revised to address the statutory interstate commerce and resale exemptions as they relate specifically to printers and to address the correct application of the tax to materials furnished to printers by customers for fabrication into finished products.

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

Written comments may be submitted until March 17, 1986.

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

VIRGINIA BOARD OF VETERINARY MEDICINE

April 8, 1986 - 10 a.m. - Public Hearing
Holiday Inn, 6531 West Broad Street, I-64 West, Ballroom,
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 Veterinary Medicine intends to repeal the existing regulations and adopt regulations entitled: **VR 645-01-1: Regulations Governing the Practice of Veterinary Medicine.** The proposed regulations, a revision of existing ones, provides the standards for the practice of veterinary medicine and surgery in Virginia and states the requirements for candidates for licensure as veterinarians and certification as animal technicians.

STATEMENT

Subject: The proposed regulations provide standards for the practice of veterinary medicine in Virginia. Requirements for the licensure of veterinarians and the certification of animal technicians are described in the regulations, which also set forth conditions for the registry and operation of animal facilities. The regulations require that animal facilities have a room reserved for surgery and access to laboratory equipment to perform certain tests. Should a veterinarian's practice be limited in scope, the regulations provide a means for the issuance of a restricted facility permit. Radiology equipment must be operated in accordance with the Virginia Department of Health's "Ionizing Radiation Rules and Regulations." The proposed regulations establish rules for the dispensing and storage of drugs. It is required that veterinary facilities maintain drug inventory records, as well as medical records on each animal treated, or client. Fees charged by the board for costs such as examinations and licensure are listed in the regulations, as are actions that constitute unprofessional conduct. The regulations contain public participation guidelines which already are in effect. The combined package is a revision of existing regulations updated to accommodate the changing nature of veterinary medicine.

Purpose: To protect animal health and to ensure the safety of the public.

Impact: The regulations will affect the 1,698 licensed veterinarians, the 369 certified animal technicians, and 436 permitted animal facilities.

Basis: These regulations are issued under authority granted by § 54-784.03 (13) of the Code of Virginia.

Statutory Authority: § 54-784.03 (13) of the Code of Virginia.

Written comments may be submitted until April 8, 1986.

Contact: Moira C. Lux, Executive Director, Virginia Board of Veterinary Medicine, P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0069

Calendar of Events

VIRGINIA COMMONWEALTH UNIVERSITY

Board of Visitors

† **March 20, 1986 - 9 a.m.** – Open Meeting
† **May 22, 1986 - 9 a.m.** – Open Meeting
Virginia Commonwealth University, University Meeting Center, 101 North Harrison Street (corner of Harrison and Floyd), Richmond, Virginia. (Location accessible to handicapped.)

Regularly scheduled meetings of the board to discuss issues regarding Virginia Commonwealth University. Agendas for these meetings will be available 5 working days prior to the meeting through Carole Roper's office.

Joint Executive/Hospital Committee

† **April 17, 1986 - 9 a.m.** – Open Meeting
Virginia Commonwealth University, University Meeting Center, 101 North Harrison Street (corner of Harrison and Floyd), Richmond, Virginia. (Location accessible to handicapped.)

A meeting of the Board of Visitors to discuss issues regarding Virginia Commonwealth University. An agenda for this meeting will be available 5 working days prior to the meeting through Carole Roper's office.

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

VIRGINIA BOARD FOR THE VISUALLY HANDICAPPED

April 9, 1986 - 11 a.m. – Open Meeting
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A quarterly meeting to review policy and procedures of the Virginia Department for the Visually Handicapped. The board reviews and approves the department's budget, executive agreements, and operating plans.

Contact: Diane Allen, Acting Confidential Secretary, 397 Azalea Avenue, Richmond, Va. 23227, telephone (804) 264-3145

STATE WATER CONTROL BOARD

March 24-25, 1986 - 9 a.m. – Open Meeting
General Assembly Building, Capitol Square, Senate Room B, Richmond, Virginia. (Location accessible to handicapped.)

A regular quarterly meeting.

Contact: Doneva A. Dalton, State Water Control Board, Office of Policy Analysis, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6829

COLLEGE OF WILLIAM AND MARY

Board of Visitors

March 20, 1986 - 5 p.m. – Open Meeting
March 21-22, 1986 - 8 a.m. – Open Meeting
April 24, 1986 - 5 p.m. – Open Meeting
April 25-26, 1986 - 8 a.m. – Open Meeting
Alumni House, 500 Richmond Road, Williamsburg, Virginia

A regularly scheduled meeting of the Board of Visitors of the College of William and Mary to review quarterly operations of the college, and Richard Bland College, to receive reports from several committees of the board, and to act on those resolutions that are presented by the administrations of William and Mary and Richard Bland College. An informational release will be available four days prior to the board meeting for those individual and/or organizations who request it.

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

LEGISLATIVE

(No interim meetings set.)

CHRONOLOGICAL LIST

OPEN MEETINGS

March 17
Governor's Job Training Coordinating Council
Substance Abuse Certification Board, Virginia

March 18
Housing Development Authority, Virginia
- Board of Commissioners

Calendar of Events

March 19

Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects, State Board of
- Board of Certified Landscape Architects
Children's Residential Facility, Interdepartmental Licensure and Certification of
- Advisory Committee
Community Colleges, Virginia State Board for
Museum of Fine Arts, Virginia
- Accessions Committee
Conservation and Development of Public Beaches, Board on the
Social Services, Board of

March 20

Commerce, Board of
Community Colleges, Virginia State Board for
Conservation and Historic Resources, Department of
- Virginia Soil and Water Conservation Board
Fire Board, Virginia
Funeral Directors and Embalmers, Virginia Board of
Game and Inland Fisheries, Commission of
Highway and Transportation Board, State
Social Services, State Board
Virginia Commonwealth University,
- Board of Visitors
College of William and Mary, Board of Visitors

March 21

Building Code Technical Review Board, State
Fire Board, Virginia
Funeral Directors and Embalmers, Virginia Board of
Game and Inland Fisheries, Commission of
Mental Health and Mental Retardation, Department of
- Advisory Council
Social Services, Department of
- Human Services Information and Referral Advisory Board
College of William and Mary, Board of Visitors

March 22

Medicine, Virginia State Board of
- Podiatry Examination Committee
Museum of Fine Arts, Virginia
- Finance Committee
- Board of Trustees
College of William and Mary, Board of Visitors

March 24

Barbers Examiners, Board of
Housing and Community Development, Board of
- Building Codes and Standards Committee
- Community Development Committee
- Implementation Committee
Nursing, State Board of
Water Control Board, State

March 25

Alcoholic Beverage Control, Department of
Marine Resources Commission

Nursing, State Board of
Water Control Board, State

March 26

Health Services Cost Review Council, Virginia
Mental Health and Mental Retardation Board, State
Nursing, State Board of
Sewage Handling and Disposal Appeals Review Board, State

March 27

Commerce, Department of
Conservation and Historic Resources, Department of
- Division of Parks and Recreation
Education, State Board of

March 28

Commerce, Department of
Education, State Board of

April 1

Aviation Board, Virginia

April 2

Criminal Justice Services Board
Funeral Directors and Embalmers, Virginia Board of
Higher Education for Virginia, State Council of

April 3

Funeral Director and Embalmers, Virginia Board of

April 4

Funeral Directors and Embalmers, Virginia Board of
General Services, Department of
- Art and Architectural Review Board
Old Dominion University, Board of Visitors

April 8

Alcoholic Beverage Control Board, Virginia
Medicine, Virginia State Board of
- Chiropractic Examination Committee

April 9

Education, State Board of
Visually Handicapped, Virginia Board for the

April 10

Dentistry, Virginia Board of
Real Estate Board, Virginia

April 11

Children's Residential Facilities, Interdepartmental Licensure and Certification of
- Coordinating Committee
Dentistry, Virginia Board of
Real Estate Board, Virginia

April 12

Architects, Professional Engineers, Land Surveyors

Calendar of Events

and Certified Landscape Architects, State Board of
- Board of Land Surveyors
Dentistry, Virginia Board of

April 14

Alcoholic Beverage Control Board, Virginia

April 17

Real Estate Board, Virginia
Virginia Commonwealth University
- Joint Executive/Hospital Committee

April 18

Real Estate Board, Virginia

April 22

Alcoholic Beverage Control Board, Virginia
Marine Resources Commission
College of William and Mary, Board of Visitors

April 23

Health Service Cost Review Council, Virginia
Real Estate Board, Virginia
Sewage Handling and Disposal Appeals
Review Board, State

April 24

Real Estate Board, Virginia
College of William and Mary, Board of Visitors

April 25

Medicine Virginia State Board of
- Credentials Committee
Real Estate Board, Virginia
College of William and Mary, Board of Visitors

April 26

Medicine, Virginia State Board of
- Credentials Committee
Real Estate Board, Virginia
College of William and Mary, Board of Visitors

April 27

Real Estate Board, Virginia

April 30

Commerce, Department of

May 6

Alcoholic Beverage Control Board, Virginia

May 12

Alcoholic Beverage Control Board, Virginia

May 15

Conservation and Historic Resources, Department of
- Virginia Soil and Water Conservation Board

May 20

Alcoholic Beverage Control Board, Virginia

May 22

Virginia Commonwealth University
- Board of Visitors

May 29

Mental Health and Mental Retardation, Department of;
University of Virginia Institute of Law, Psychiatry and
Public Policy, Division of Continuing Education; and
Office of Continuing Medical Education

May 30

Mental Health and Mental Retardation, Department of;
University of Virginia Institute of Law, Psychiatry and
Public Policy, Division of Continuing Education; and
Office of Continuing Medical Education

June 3

Alcoholic Beverage Control Board, Virginia

June 9

Alcoholic Beverage Control Board, Virginia

June 17

Alcoholic Beverage Control Board Virginia

PUBLIC HEARINGS

March 17

Taxation, Department of

March 18

Small Business Financing Authority, Virginia

March 24

Highways and Transportation, Department of

March 25

Highways and Transportation, Department of

April 2

Criminal Justice Services Board
- Committee on Criminal Justice
- Information Systems

April 7

Library Board, Virginia State

April 8

Veterinary Medicine, Virginia Board of

April 10

Dentistry, Virginia Board of

April 15

Small Business Financing Authority, Virginia

April 16

Optometry, Virginia Board of

Calendar of Events

May 2

Health, State Board of

May 5

Air Pollution Control Board, State
Education, State Board of

May 19

Housing and Community Development, Board of
- Ad Hoc Advisory Committee

May 21

Medical Assistance Services, Board of

May 22

Agriculture and Consumer Services, Board of