

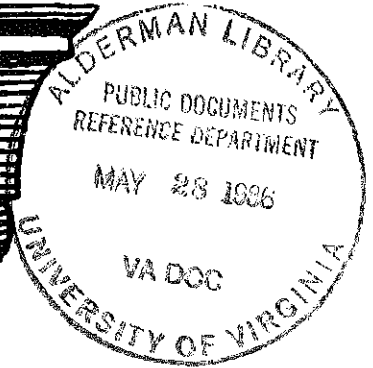
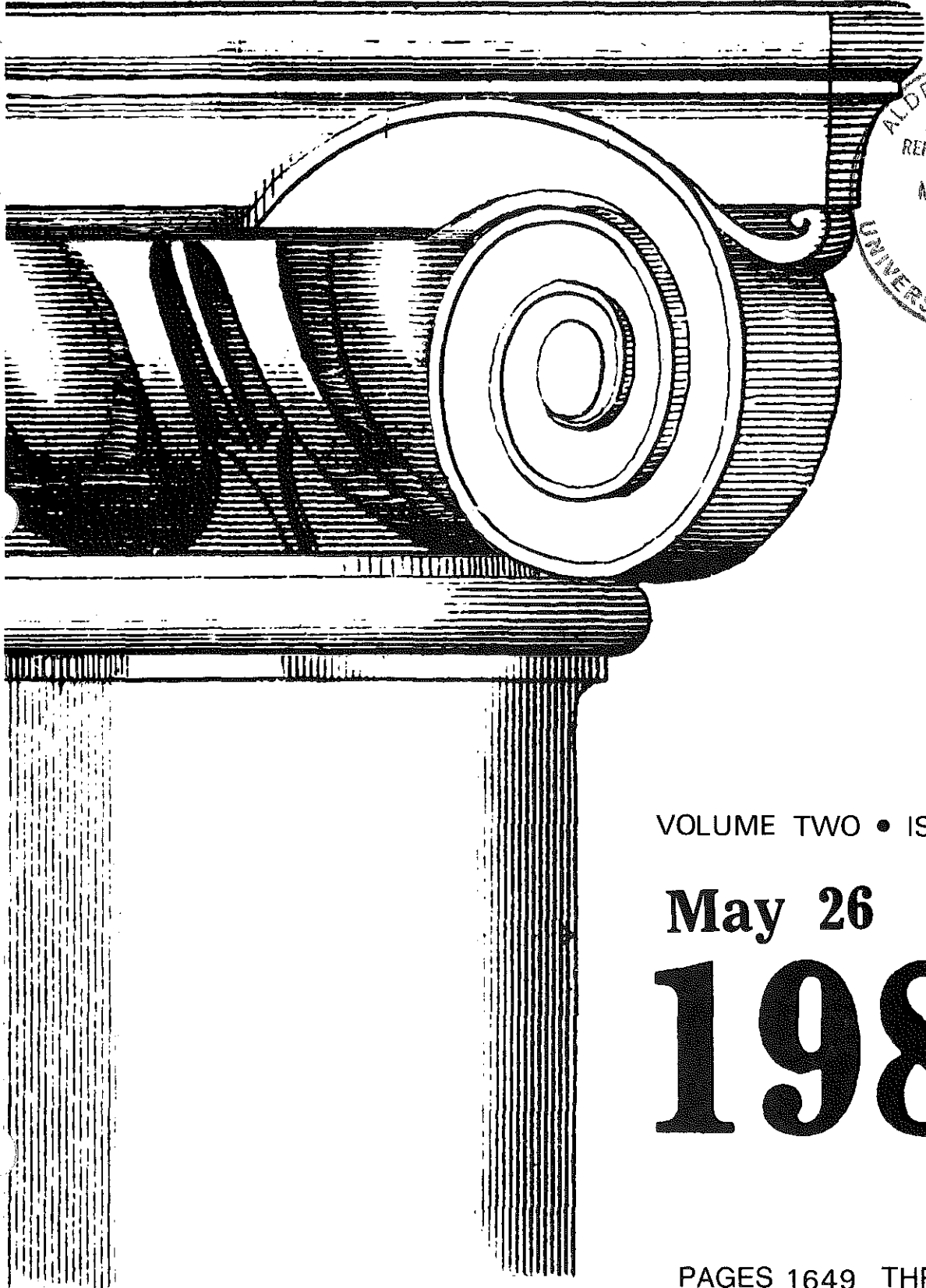
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THE VIRGINIA REGISTER

OF REGULATIONS



VOLUME TWO • ISSUE SEVENTEEN

May 26

1986

PAGES 1649 THROUGH 1724

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

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

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July 8	June 21
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Aug. 19	July 31
Sept. 2	Aug. 14
Sept. 16	Aug. 28
Sept. 30	Sept. 11
Final Index - Volume I	
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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)
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June 23	June 4
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PROPOSED REGULATIONS

For information concerning Proposed Regulations, see information page.

Symbol Key

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

DEPARTMENT OF SOCIAL SERVICES

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

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

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

Summary:

Under the provisions of Article 21 (§ 58.1-520 et seq.) of Chapter 3 of Title 58.1 (The Setoff Debt Collection Act) of the Code of Virginia, the Department of Social Services may intercept state income tax refunds to pay back a debt owed to the Commonwealth. Effective October 1, 1985, the department under the authority of 45 CFR 303.102 may choose to satisfy a debt owed for Public Assistance prior to satisfying additional support payments owed a nonpublic assistance individual receiving support enforcement services. (This can happen when the individual has previously received public assistance and makes application for support enforcement services.)

Section 63.1-25 of the Code of Virginia provides the State Board of Social Services with the authority to make such rules and regulations as necessary to carry out the intent of the department's programs. The Department of Social Services, with the approval of the Board of Social Services, has elected to recoup the taxpayers money and thereby reimburse a debt owed to the state prior to satisfying any other overdue support payment. This proposed regulation states this intent and currently exists as an emergency regulation until October 1, 1986.

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

§ 1. Definitions.

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

"Arrearage" means money owed for past due support.

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

"Department" means State Department of Social Services.

"Setoff Debt Collection Act Process" means procedures established for applying state tax refunds toward any delinquent debt owed to the Commonwealth.

§ 2. Setoff Dept Collection.

Money the department receives through the Setoff Debt Collection Act Process Article 21 (§ 58.1-520 et seq.) of Chapter 3 of Title 58.1 of the Code of Virginia, for overdue support payments, shall satisfy a debt owed to the Commonwealth for public assistance paid before satisfying any other arrearage owed.

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

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

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

Summary:

Effective October 1, 1985, § 63.1-250.2 of the Code of Virginia required the State Board of Social Services to establish a schedule of application fees for child-support enforcement services. This was in compliance with federal regulation 45 CFR 302.22 which was also effective October 1, 1985.

The Department of Social Services, with the approval of the Board of Social Services, proposes the application fee scale. The fee schedule ranges from \$1 to \$25 and is based on the applicant's income. The income levels listed on this scale are the ranges given in the U.S. Poverty Guidelines issued in March, 1985. By using these income levels and by not charging any more than \$25, people with lower incomes should be better able to afford child-support enforcement services. This is the intent of the federal and state regulations.

VR 615-70-2. Application Fee Scale.

§ 1. Definitions.

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

"Fee schedule" means the sliding scale by which an

Proposed Regulations

applicant is charged in order to receive child support enforcement services.

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

§ 2. Application fee scale.

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

<u>Gross Annual Income</u>	<u>Application Fee</u>
Up to \$5,250	\$ 1.00
5,251 to 8,850	\$ 5.00
8,851 to 12,450	\$10.00
12,451 to 16,050	\$20.00
Over \$16,050	\$25.00

* * * * *

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

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

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

Summary:

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

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

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

§ 1. Definitions.

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

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

"Child support enforcement services" means one or all

of the following services: locating the absent parent, collecting support money, monitoring the payments, and enforcing a court or administrative order of support.

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

"Responsible person" means any person obligated under Virginia law for the support of a dependent child and/or the caretaker or parent of such child.

§ 2. Separate fee.

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

FINAL REGULATIONS

For information concerning Final Regulations, see information page.

Symbol Key

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

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

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

Effective Date: June 25, 1986

Summary:

The amendments to the Virginia Seed Regulations were for clarification and simplicity as follows: (i) nontechnical changes were made to 73 rules to improve sentence structure and to add clarity and simplicity to the regulation; (ii) to insure uniformity, the spelling of 55 genus and species Latin names were corrected to be the same as listed in "Rules For Testing". Also, the common name of foxtail millet was changed to Italian millet to be the name as listed in "Rules for Testing"; (iii) four requirements stipulating the labeling format of lawn and turf seed mixtures under the headings of "Fine Textured Grasses", "Coarse Kinds" and "Other Ingredients" were deleted along with the list of those grasses classified as fine textured. Classifying lawn and turf seed as to texture is no longer a requirement of the Federal Seed Act or any other State Seed Law; (iv) to update the existing agricultural list, seven kind names were added; and (v) no changes were made to existing policy or operating procedures.

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

Regulation No. 1-

§ 1. *Methods of inspecting, sampling, and testing, and the application tolerances.*

Method 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:

A. For those kinds of tree and shrub seed not included in the Rules for Testing Seeds, "Association of Official Seed Analysts", the testing procedure used shall be those recommended by the National Tree Seed Laboratory.

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

C. Tolerance shall apply to flower and vegetable germination standards only as specified in Regulations §§ 9 and 11 of these regulations .

D. For seed peanuts the testing tolerance will be five on the minimum germination standard.

* Effective July 1, 1965, copies of which may be obtained from the commissioner upon request.

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

Regulation No. 2-

§ 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:

A. Prohibited noxious weed seeds are as follows :

Balloonvine - "*Cardiospermum halicacabum*"

Canada thistle - "*Cirsium arvense*"

Field Bindweed - "*Convolvulus arvensis*"

Johnsongrass, Sorgrass and, Sorghum alnum, and hybrids derived therefrom - "*Sorghum*" spp. - Perennial

Plumeless thistles, which includes Musk thistle, and Curled thistle - "*Carduus*" spp.

Quackgrass - "*Agropyron repens*"

Sicklepod - "*Cassia tora*"

B. Restricted noxious weed seeds are as follows :

1. 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 of such noxious weed seed found exceeds the limitation allowed for each. Such weed seeds and limitations shall be as follows:

KIND	LIMITATION
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Wild onion bublets and wild garlic5 per ounce or
------------------------------------	---------------------

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bulbets - *Allium* spp.80 per pound for
 orchardgrass;
2 per ounce or 32
 per pound for
 other kinds

Dodder - *Cuscuta* spp.4 per ounce or 64
 per pound

Common Bermudagrass - *Cynodon*2 per ounce or 32
dactylon [var. *dactylon*] per pound

Giant Bermudagrass - *Cynodon* [sp.,
dactylon var. *aridus*]

(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. -5 per ounce or
 includes all species when80 per pound
 incidentally occurring in agricultural
 seed, provided that species

listed in Regulations

§§ 5 and 9 of the regulations may be
 sold as such when labeled as required.

Giant foxtall - *Setaria faberi*4 per ounce or 64
 per pound

Wild Radish - *Raphanus* [*raphanistrum*] ..1 per ounce or
 [spp.]16 per pound

Annual bluegrass - *Poa annua*16 per ounce or
256 per pound

Regulation No. 3:

§ 3. Net weight requirements.

A. Net weight on all containers is required is required
 on all containers except on packets containing less than
 one-half ounce avoirdupois.

B. All net weight labeling shall be consistent with the
 requirements of the Virginia Weights and Measures Law,
 Chapter 35 (§ 3.1-919 et seq.) of Title 3.1 of the Code of
 Virginia, and the Virginia Weights and Measures
 regulations except that under appropriate circumstances
 when a seed tag is used the net weight information may
 appear on the seed tag rather than on the seed bag.

Regulation No. 4:

§ 4. Labeling treated seed.

A. Contents of label.

All seed treated as defined by § 3.1-263 (28) of the Code
 of Virginia, the Virginia Seed Law, shall be labeled in type
 no smaller than eight points to indicate that such seed has
 been treated and to show the name of any substance or a
 description of any process (other than application of a
 substance) used to treat such seed, for example:

Treated with ... (Name of substance or process)...

or ... (Name of substance or process) ... treated.

If the substance used in such treatment in the amount
 remaining with the seed is harmful to humans or other
 vertebrate animals, the seed shall also bear a label
 containing statements as specified by subsections C and D
 below. The label shall contain the required information in
 any form that is clearly legible and complies with this
 regulation. The information may be on the analysis tag, on
 a separate tag, or printed on the container in a
 conspicuous manner.

B. Name of substance.

The name of any substance as required by paragraph
 subsection A of this section shall be commonly accepted
 coined, chemical (generic), or abbreviated chemical name.
 Commonly accepted coined names are not private
 trademarks and are free for use by the public and are
 commonly recognized as names of particular substances
 such as thiram, captan, lindane, and dichlone. Examples of
 commonly accepted chemical (generic) names are:
 bluestone, calcium carbonate, cuprous oxide, zinc
 hydroxide, hexachlorobenzene and ethyl mercury acetate.
 The terms "mercury" or "mercurial" may be used to
 represent all types of mercurial compounds. Examples of
 commonly accepted abbreviated chemical names are: BHC
 (1,2,3,4,5,6,-Hexachlorocyclohexane) and DDT (dichloro
 diphenyl trichloroethane)

C. Mercurials and similarly toxic substance.

1. Seeds treated with a mercurial or similarly toxic
 substance, if any amount whatsoever remains with the
 seed, shall be labeled to show a representation of a
 skull and crossbones at least twice the size of the type
 used for information required to be on the label
 under paragraph subsection A and shall also include
 in red letters on a background of distinctly contrasting
 color a statement substantially as follows: "Treated
 with Poison", "Poison Treated", or "Poison". Such
 treatment shall appear in type no smaller than eight
 points.

2. Substances similarly toxic to mercurials include the
 following: Aldrin (technical), Demeton, Dieldrin,
 Endrin, Heptachlor, O, O-diethyl S-(ethylthiomethyl)
 phosphorodithiolate and O, O-diethyl S-2 (ethylthio)

ethyl phosphorodithiolate. Any amount of such substances remaining with the seed shall be considered harmful to humans and other vertebrate animals.

D. Other harmful substances.

If any substance, other than one which would be classified as a mercurial or similarly toxic substance under paragraph subsection C, is used in the treatment of seed; the amount remaining with the seed is considered harmful to humans or other vertebrate animals unless the seed is in containers of four ounces or less. Seed treated with such substances shall be labeled with an appropriate caution statement in type no smaller than eight points worded substantially as follows: "Do not use for food", "Do not use for feed", "Do not use for oil purposes", or "Do not use for food, feed, or oil purposes". This paragraph subsection applies to all chemical substances not within paragraph subsection C except that the following substances shall not be deemed harmful when present at a rate less than the number of parts per million indicated:

Allethrin - 2 p.p.m.

Malthion - 8 p.p.m.

Methoxychlor - 8 p.p.m.

Piperonyl butoxide - 20 p.p.m. except 8 p.p.m. on Oat and Sorghum.

Pyrethrins - 3 p.p.m. except 1 p.p.m. on Oat and Sorghum.

E. Weight of treatment substance.

When the weight of treatment substances added exceed 1.0 percent % of the net weight of seed, the rate of treatment must be given on the analysis tag.

Regulation No. 5:

§ 5. Agricultural seeds.

A. Agricultural seeds are the seed of the following:

Alfalfa - *Medicago sativa*

Barley - *Hordeum vulgare*

Beet, sugar - *Beta vulgaris*

Bentgrass or:

Bentgrass, colonial - *Agrostis tenuis*

Bentgrass, creeping - *Agrostis* [*stolonifera* var.]
palustris

Bentgrass, velvet - *Agrostis canina*

Bermudagrass - Except as specified in Regulation No. 2 §

2. of these regulations .

Common - *Cynodon dactylon* [var. *dactylon*]

Giant - *Cynodon* [sp. *dactylon* var. *avidus*]

Bluegrass:

Canada - *Poa compressa*

Kentucky - *Poa pratensis*

Rough - *Poa trivialis*

Wood - *Poa nemoralis*

Brome, smooth - *Bromus inermis*

Broomcorn - *Sorghum* [~~vulgare~~ var. *technicum* *bicolor*]

Buckwheat - *Fagopyrum esculentum*

Canarygrass, reed - *Phalaris arundinacea*

Carpetgrass - *Axonopus affinis*

Clover:

Alsike - *Trifolium hybridum*

Crimson - *Trifolium incarnatum*

Red - *Trifolium pratense*

Sweet - (See Sweet Clover)

White - *Trifolium repens* including the var. *Ladino*

Corn:

Field - *Zea mays*

Pop - *Zea mays* var. *everta*

Cotton - *Gossypium* spp.

Cowpea - *Vigna* [*siniensis unguiculata* subsp. *unguiculata*]

Crambe - *Crambe abyssinica*

Crownvetch - *Coronilla varia*

Dallisgrass - *Paspalum dilatatum*

Fescue:

Chewings - *Festuca rubra* var. *commutata*

Hard - *Festuca trachyphylla*

Meadow - *Festuca* [*elatior pratensis*]

Red - *Festuca rubra* [subsp. *rubra*]

Sheep - *Festuca ovian*

Tall - *Festuca arundinacea*

[Field Pea - *Pisum sativum* var. *arvense*]

Lespedeza:

Bicolor - *Lespedeza bicolor*

Korean - *Lespedeza stipulacea*

Serica - *Lespedeza cuneata*

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Striate - *Lespedeza striata*

Millet, browntop - [*Panicum ramosum* *Brachiaria ramosa*]

Millet, [~~Foxtail~~ Italian] - *Setaria italica*

Millet, Japanese - *Echinochloa crusgalli* var. *frumentacea*

Millet, pearl - *Pennisetum* [~~glaucum~~ *americanum*]

Millet, proso - *Panicum millaceum*

Oat - *Avena* spp.

Oatgrass, tall - *Arrhenatherum elatius*

Orchardgrass - *Dactylis glomerata*

[Pea, field - *Pisum sativum* var. *arvense*]

Peanut - *Arachis hypogaea*

Rape, winter - *Brassica napus* va. *biennis*

Redtop - *Agrostis* [*alba gigantea*]

Rye - *Secale cereale*

Ryegrass, annual or Italian - *Lolium multiflorum*

Ryegrass, intermediate - *Lolium X hybridum*

Ryegrass, perennial - *Lolium perenne*

Sorghum, grain and sweet - *Sorghum* [~~vulgare~~ *bicolor*]

Sorghum, Sudangrass hybrid - [*S. vulgare* X *S. sudanense* *Sorghum bicolor* X *Sorghum sudanense*]

Soybeans - *Glycine max*

Sudangrass - *Sorghum sudanense*

Sunflower - *Helianthus annuus*

Sweet Clover:

 White - *Mellilotus alba*

 Yellow - *Mellilotus officinalis*

Timothy - *Phleum pratense*

Tobacco - *Nicotiana tabacum*

Trefoil, Birdsfoot - *Lotus corniculatus*

Triticale - *Triticosecale*

Vetch, hairy - *Vicia villosa* subsp. *villosa*

Wheat - *Triticum aestivum*

B. Kinds not listed under subsection A:

Any kind of seed not listed under subsection A above or in Regulation 9: § 9. of these regulations when present incidentally in seed samples of the kinds so listed shall be considered to be a weed seed unless such kind is classified solely as a crop seed by the Association of Official Seed Analysts in its handbook "Uniform Classification of Weed and Crop Seeds".

Regulation No. 6:

§ 6. Weed seeds.

As provided by § 3.1-265 (a) (6) of the Code of Virginia, agricultural seed of the following kinds may contain weed seeds not to exceed the following limitations:

- A. Korean Lespedeza - *Lespedeza stipulacea*1.50%
- B. Orchardgrass - *Dactylis glomerata* (Hulled)1.50%
- C. Oatgrass, tall - *Arrhenatherum elatius*1.50%
- D. Redtop - *Agrostis* [*alba gigantia*]1.50%

Regulation No. 7:

§ 7. Code designation.

As provided by § 3.1-264, subsections B paragraph (12) (b) and I (10) (b) of the Code of Virginia, any Virginia seed dealer may request from the commissioner a code designation to be used in lieu of his name and address for use on seed labeled for intrastate shipment provided; however, such shipments must be labeled to show the name and address of the consignee. Such designation will bear the prefix VDA followed by an appropriate assigned number; however, a bona fide AMS (C&MS) number may be used in lieu of the VDA code designation provided it is recorded with the commissioner by the seed dealer.

Regulation No. 8:

§ 8. Controlled conditions.

Controlled conditions are those minimum field standards for certification last established by the State Certified Seed Commission as authorized under Article 2, Chapter 16, Title 3.1, of the Code of Virginia.

Regulation No. 9:

§ 9. Vegetable seeds and minimum germination standards.

A. Vegetable seeds are the seeds of the following, and the germination standards are as indicated:

Kind	Germination Standard
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Asparagus - <i>Asparagus officinalis</i>	70	Eggplant - <i>Solanum melongena</i>	60
Beans, garden - <i>Phaseolus vulgaris</i>		Endive - <i>Cichorium endivia</i>	70
(Varieties other than Rival, Topcrop, and Logan, Improved or Resistant Tendergreen, King Green, Processor, Ranger, Seminole, Tenderbest, Tenderlong 15, Tenderpod, Topmost, Wade, White seeded Tendergreen, Woodruff's Hyscore, Earligreen, Slenderwhite, Slimgreen, and Tenderwhite)	75	Kale - <i>Brassica</i> spp.	75
Bean garden - <i>Phaseolus vulgaris</i>	70	Kohlrabi - <i>Brassica oleracea</i> var. <i>gongylodes</i>	75
(varieties Rival, Topcrop, Logan, Improved or Resistant Tendergreen, King Green, Processor, Ranger, Seminole, Tenderbest, Tenderlong 15, Tenderpod, Topmost, Wade, White seeded Tendergreen, Woodruff's Hyscore, Earligreen, Slenderwhite, Slimgreen, and Tenderwhite)	70	Leek - <i>Allium porrum</i>	60
Bean lima - <i>Phaseolus lunatus</i> [var. <i>macrocarpus</i>]	70	Lettuce - <i>Lactuca sativa</i>	80
Beet - <i>Beta vulgaris</i>	65	Muskmelon (Cantaloupe) - <i>Cucumis melo</i>	75
Broccoli - <i>Brassica oleracea</i> var. <i>botrytis</i>	75	Mustard - <i>Brassica juncea</i>	75
Brussels sprouts - <i>Brassica oleracea</i> var. <i>gemmifera</i>	70	Mustard, spinach - <i>Brassica perviridis</i>	75
Cabbage - <i>Brassica oleracea</i> var. <i>capitata</i>	75	Okra - [<i>Hibiscus Abelmoschus</i>] <i>esculentus</i>	50
Carrot - <i>Daucus carota</i>	55	Onion - <i>Allium cepa</i>	70
Cauliflower - <i>Brassica oleracea</i> var. <i>botrytis</i>	75	Parsley - <i>Petroselinum crispum</i>	60
Celeriac - <i>Apium graveolens</i> var. <i>rapaceum</i>	55	Parsnip - <i>Pastinaca sativa</i>	60
Celery - <i>Apium graveolens</i> var. <i>dulce</i>	55	Peas, garden - <i>Pisum sativum</i>	80
Chicory - <i>Cichorium intybus</i>	65	Pepper - <i>Capsicum</i> spp.	55
Cirton - <i>Citrullus lanatus</i> var. <i>citroides</i>	65	Pe-tsai or Chinese cabbage - <i>Brassica pekinensis</i>	75
Collards - <i>Brassica oleracea</i> var. <i>acephala</i>	80	Pumpkin - <i>Cucurbita pepo</i>	75
Corn, garden - <i>Zea mays</i>	75	Radish - <i>Raphanus sativus</i>	75
Cornsalad - <i>Valerianella locusta</i>	70	Rhubarb - <i>Rheum</i> [rhaponticum <i>rhabarbarum</i>]	60
Cowpea - <i>Vigna</i> [<i>sinesis unguiculata</i> subsp. <i>unguiculata</i>]	75	Rhubaraga - <i>Brassica napus</i> var. <i>napobrassica</i>	75
Cress, garden - <i>Lepidium sativum</i>	75	Salsify - <i>Tragopogon porrifolius</i>	75
Cress, upland - <i>Barbarea verna</i>	60	Spinach (except New Zealand) - <i>Spinacia oleracea</i>	60
Cress, water - [Rorippa nasturtium-aquaticum <i>Nasturtium officinale</i>]	40	Spinach, New Zealand - <i>Tetragonia</i> [expansa <i>tetragonioides</i>]	40
Cucumber - <i>Cucumis sativus</i>	80	Squash - <i>Cucurbita pepo</i>	75
		Swiss chard - <i>Beta vulgaris</i> var. <i>cicla</i>	65
		Tomato - <i>Lycopersicon</i> [esculentum <i>lycopersicon</i>]	75
		Turnip - <i>Brassica rapa</i>	80
		Watermelon - <i>Citrullus</i> [vulgaris <i>lanatus</i>]	70

B. Testing tolerances shall not be applied unless the percentage of germination is shown on the seed package or label attached to the seed container. If no germination percentage is shown on the label, the seed must meet

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minimum standards without benefit of tolerance.

Regulation No. 10: Labeling of Lawn Seed Mixtures:

A. When labeling lawn and turf seed mixtures with the headings "Fine Textured Grasses" and "Coarse Kinds" as provided by Section 3.1-264 (1) (1), the format demonstrated by the following example shall be used:

Grass Seed Mixture Lot C-40M

Fine Textured Grasses:	Germination
41.40% Merion Kentucky Bluegrass	75%
10.25% Creeping Red Fescue	85%
18.45% Kentucky Bluegrass	80%
10.40% Chewings Fescue	85%
Coarse Kinds:	
5.73% Redtop	85%
.....	Tested August 1966

Other Ingredients:

- 1.60% Other Crop Seed
- 2.67% Inert Matter
- .50% Weed Seeds

Packed by Acme Products, Inc. Alleyoak, Va.

NET WEIGHT 5 POUNDS

B. When so labeled, the following may be claimed as fine textured. All other kinds claimed must be listed as coarse kinds:

Colonial Bentgrass (*Agrostis tenuis*), Creeping Bentgrass ermdagrass (*Cynodon dactylon*), Canada Bluegrass (*Poa compressa*), Kentucky Bluegrass (*Poa pratensis*), Rough Bluegrass (*Poa trivialis*), Wood Bluegrass (*Poa nemoralis*), Chewings Fescue (*Festuca rubra* var. *commutata*), Red Fescue (*Festuca rubra*), and Sheep Fescue (*Festuca ovina*).

Regulation No. 11:

§ 10. Origin.

Origin as required by § 3.1-264 (B) (4) of this Law the Code of Virginia shall not apply to seed in lawn or turf grass mixtures in prepacked containers of fifty pounds or less; however, the formulator of such mixtures shall maintain origin records as required by § 3.1-266 of the Code of Virginia .

Regulation No. 12:

§ 11. Flower seed and minimum germination standards.

A. The kinds of flower seeds listed below are those for which standard testing procedures have been prescribed and which are, therefore, required to be labeled in accordance with the germination labeling provisions of § 3.1-263 and § 3.1-264 of the Virginia Seed Law Code of Virginia . The percentage listed opposite each kind is the germination standard for that kind. For the kinds marked with an asterisk, this percentage is the total of percentage germination and percentage hard seed. For other kinds, it is the percentage germination.

.....	Minimum
Kind	Germination
.....	Standard
African daisy - <i>Dimorphotheca</i> [<i>aurantiaca sinuata</i>] ...	55
Ageratum - <i>Ageratum</i> [mexicanum <i>houstonianum</i>]	60
Alyssum - <i>Alyssum compactum</i> , A. [<i>lobularia</i>] <i>maritima</i> , [A. <i>procumbens</i> ;] A. <i>saxatile</i>	60
Anemone - <i>Alemone coronaria</i> , A. <i>pulsatilla</i>	55
Angel trumpet - [<i>Datura arborea</i> <i>Brugmansia arborea</i>]	60
Arabis - <i>Arabis alpina</i>	60
Aster, China - <i>Callistephus chinensis</i> except Pompon, Powderpuff, and Princess types	55
Aster, China - <i>Callistephus chinensis</i> , Pompon, Powderpuff and Princess types	50
Aubrietia - <i>Aubrietia deltoides</i>	45
Balsam - <i>Impatiens balsamina</i>	70
Calendula - <i>Calendula officinalis</i>	65
California poppy - <i>Eschscholtzia californica</i>	60
Calloopsis - <i>Coreopsis</i> [<i>bicolor</i> , C. <i>drummondii</i> , C. <i>elegans</i> C. <i>Basalis</i>]	65
Campanula:	
Canterbury bells - <i>Campanula medium</i>	60
Cup and Saucer bellflower - <i>Campanula medium calycanthema</i>	60
Carpathian bellflower - <i>Campanula carpatica</i>	50
Peach bellflower - <i>Campanula persicifolia</i>	50
Candytuft, annual - <i>Iberis amara</i> , I. <i>umbellata</i>	65
Candytuft, perennial - <i>Iberis gibraltarica</i> , I. <i>sempervirens</i>	55
*Castor bean - <i>Ricinus communis</i>	60

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Cathedral bells - <i>Cobaea scandens</i>	65	Gourds: [Yellow flowered -] <i>Cucurbita</i> [pepo spp.]; [White-flowered -] <i>Lagenaria</i> [spp. sisceraria ; Dishcloth - <i>Luffa cylindrica</i>]	70
Celosia - <i>Celosia argentea</i>	65	Gypsophila: annual baby's breath - <i>Gypsophila elegans</i> ; perennial baby's breath - <i>G. paniculata</i> , <i>G. pacifica</i> , <i>G. repens</i>	70
Centaurea: basked Flower - <i>Centaurea americana</i> , Cornflower - <i>C. cyanus</i> , dusty miller - <i>C. [candidissima, cineraria]</i> royal centaurea - <i>C. [imperialis, sweet sultan, Amberboa] moschata</i> , Velvet centaurea - <i>C. gymnocarpa</i>	60	Helichrysum - <i>Helichrysum [monstrosum bracteatum]</i> .	60
Chinese forget-me-not - <i>Cynoglossum amabile</i>	55	*Hollyhock - [Althea <i>Alcea</i>] <i>rosea</i>	65
Chrysanthemum, annual - <i>Chrysanthemum carinatum</i> , <i>C. coronarium</i> , <i>C. segetum</i>	40	*Ipomea: Cypress vine - <i>Ipomea quamoclit</i> ; Moonflower - <i>I. [noctiflora alba]</i> ; morning glories, cardinal climber, hearts and honey vine - <i>I spp.</i>	75
Clarkia - <i>Clarkia [elegans unguiculata]</i>	65	Job's tears - <i>Coix lacryma-jobi</i>	70
Cleome - <i>Cleome [gigantea hasslerana]</i>	65	Kochia - <i>Kochia [chilensis scoparia trichophylla]</i>	55
Columbine - <i>Aquilegia spp.</i>	50	Larkspur, annual - [Delphinium ajacis <i>Consolida ambigua</i>]	60
Coral bells - <i>Heuchera sanguinea</i>	55	Lantana - <i>Lantana camera [; L. (hybrida)]</i>	35
Coreopsis, perennial - <i>Coreopsis lanceolata</i>	40	Linaria - <i>Linaria spp.</i>	65
Cosmos: Sensation, Mammoth and Crested type - <i>Cosmos bipinnatus</i> ; Klondyke type - <i>C. sulphureus</i>	65	Lobelia, annual - <i>Lobelia erinus</i>	65
Dahlia - <i>Dahlia spp.</i>	55	Lunaria, annual - <i>Lunaria annua</i>	65
Delphinium: [perennial ; Belladonna and Bellanosum types;] cardinal larkspur, [perennial delphinium] - <i>Delphinium cardinale</i> ; Pacific giant, gold metal and other hybrids, [belladonna, bellanosum types] Chinensis types of <i>D. elatum</i>	55	*Lupine - <i>Lupinus spp.</i>	65
Dianthus:		Marigold - <i>Tagetes spp.</i>	65
Carnation - <i>Dianthus caryophyllus</i>	60	Marvel of Peru - <i>Mirabilis jalapa</i>	60
China pinks - <i>Dianthus Chinensis, Heddewigii, Heddensis</i>	70	Mignonette - <i>Reseda odorata</i>	55
Grass pinks - <i>Dianthus plumarius</i>	60	Myosotis - <i>Myosotis alpestris, M. oblongata, M. pulastris [M. scorpioides]</i>	50
Maiden pinks - <i>Dianthus deltoides</i>	60	Nasturtium - <i>Tropaeolum spp.</i>	60
Sweet William - <i>Dianthus barbatus</i>	70	Nemesia - <i>Nemesia spp.</i>	65
Sweet wivelsfield - <i>Dianthus [X] allwoodi</i>	60	Nemophila - <i>Nemophila [menziesii subsp.] insignis</i>	70
Dracena - [Dracena indica <i>Cordyline australis</i>]	55	Nicotiana - <i>Nicotiana [affinis, N. sanderae, N. sylvestris alata, N. X sanderae]</i>	65
English daisy - <i>Bellis perennis</i>	55	Nierembergia - <i>Nierembergia spp.</i>	55
Foxglove - <i>Digitalis spp.</i>	60	Nigella - <i>Nigella damascena</i>	55
Gaillardia, annual - <i>Gaillardia pulchella</i> , [G. var.] <i>picta</i> ; perennial - <i>G. [grandiflora aristata]</i>	45	Pansy - <i>Viola tricolor</i>	60
Geum - <i>Geum spp.</i>	55	Penstemon - <i>Penstemon barbatus, P. grandiflorus, P. laevigatus, P. [pupeseensis hirsutus]</i>	60
Gilia - <i>Gilia spp.</i>	65		
Godetia - [Godetia <i>Clarkia var. concinne</i>] <i>amoena</i> , [G. Grandiflora]	65		

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Petunia - <i>Petunia</i> spp.	45
Phacelia - <i>Phacelia campanularis</i> , <i>P. minor</i> , <i>P. tanacetifolia</i>	65
Phlox, annual - <i>Phlox drummondii</i> all types and varieties	55
Physalis - <i>Physalis</i> spp.	60
Poppy: shirley poppy - <i>Papaver rhoeas</i> ; Iceland poppy - <i>P. nudicaule</i> ; oriental poppy - <i>P. orientale</i> ; tulip poppy - <i>P. glaucum</i>	60
Portulaca - <i>Portulaca grandiflora</i>	55
Salpiglossis - <i>Salpiglossis</i> [<i>sinuata</i>] <i>Gloxinaeflora</i> , <i>S.</i> [<i>sinuata salpiglossis</i>]	60
Salvia - Scarlet Sage - <i>Salvia splendens</i> ; mealycup sage (blue bedder) - <i>S. farinacea</i>	50
Saponaria - <i>Saponaria ocymoides</i> , <i>S. Vaccaria</i> [<i>Pyramidata</i>]	60
Scabiosa, annual - <i>Scabiosa atropurpurea</i>	50
Scabiosa, perennial - <i>Scabiosa caucasica</i>	40
Schizanthus - <i>Schizanthus</i> spp.	60
Shasta Daisy - <i>Chrysanthemum maximum</i> , <i>C. leucanthemum</i>	65
Snapdragon - <i>Antirrhinum</i> spp.	55
Solanum - <i>Solanum</i> spp.	60
Stocks: Common- <i>Matthiola incana</i> ; Evening Scented - <i>Matthiola</i> [<i>longipetala</i> subsp.] <i>bicornis</i>	65
Sunflower - <i>Helianthus</i> spp.	65
*Sweet pea, annual and perennial other than dwarf bush - <i>Lathyrus odoratus</i> , <i>L. latifolius</i>	75
*Sweet pea, dwarf bush - <i>Lathyrus odoratus</i>	65
Thunbergia - <i>Thunbergia alata</i>	60
Torch flower - <i>Tithonia</i> [<i>speciosa rotundifolia</i>]	70
Tritoma - <i>Kniphofia</i> spp.	65
Verbena, annual - <i>Verbena hybrida</i>	35
Vinca - [<i>Vinca rosea Catharanthus roseus</i>]	60
Viola - <i>Viola cornuta</i>	55
Wallflower - <i>Cheiranthus</i> [allionii <i>cheiri</i>]	65

Zinnia [~~(except linearis and creeping)~~] - *Zinnia linearis*; ~~*Salvitalia procumbens*~~ *Zinnia angustifolia*, *Z. elegans*, *Z. grandiflora*, *Z. acerosa*, *Z. peruviana*]

B. Testing tolerances shall not be applied unless the percentage of germination is shown on the seed package or label attached to the seed container. If no germination percentage is shown on the label, the seed must meet the minimum standards without benefit of tolerance.

Regulation No. 13:

§ 12. Labeling of flower seed.

Flower seeds shall be labeled with the name of the kind and variety or a statement of type and performance characteristics as prescribed by § 3.1-264 (F) and (G) of the Code of Virginia .

A. For seeds of plants grown primarily for their blooms:

1. Seeds of a single name variety shall be labeled to show the kind and variety name. For example - "Marigold, Butterball".

2. Seeds of a single type and color for which there is no special variety name shall be labeled to show either the type of plant or the type and color of bloom. For example - "Scabiosa, Tall, Large Flowered, Double, Pink".

3. Seeds consisting of an assortment or mixture of colors or varieties of a single kind, the kind name, the type of plant, and the type or types of bloom shall be indicated. In addition, it shall be clearly indicated that the seed is mixed or assorted. An example of labeling such a mixture or assortment is - "Marigold, Dwarf Double French, Mixed Colors".

4. Seeds consisting of an assortment or mixture of kinds, shall clearly indicate that the seed is assorted or mixed and the specific use of the assortment or mixture shall be indicated. For example - "Cut Flower Mixture", or "Rock Garden Mixture". Such statements as "Wild Flower Mixture", "General Purpose Mixture", "Wonder Mixture", or any other statement which fails to indicate the specific use of the seed shall not meet the requirements of this provision unless the specific use of the mixture is also stated.

B. Seeds of plants grown for ornamental purposes other than their blooms shall be labeled to show the kind and variety, or the kind together with a descriptive statement concerning the ornamental part of the plant. For example - "Ornamental Gourds, Small Fruited, Mixed".

Regulation No. 14:

§ 13. Application of germination standards to mixture of kinds of flower seed.

A mixture of kinds of flower seeds will be considered to be below standard if the germination of any kind or combination of kinds constituting 25 per cent $\frac{1}{4}$ or more of the mixture by number is below standard for the kind or kinds involved.

Regulation No. 15.

§ 14. Tree and shrub seeds.

Tree and shrub seeds are seeds of the following:

Abies balsamea (L.) Mill. - Balsam Fir

Abies fraseri (Pursh.) Poir - Fraser Fir

Acer rubrum L. - Red Maple

Acer saccharum Marsh. - Sugar Maple

Aesculus glabra - Ohio Buckeye

Aesculus octandra - Sweet Buckeye

Allanthus altissima (Mill.) Swingle - Tree of Heaven,
Allanthus

Amelanchier canadensis - Service Berry

Betula lenta L. - Sweet Birch

Betula alleghaniensis Britton - Yellow Birch

Betula nigra L. - River Birch

Carya tomentosa - Mockernut Hickory

Carya glabra - Pignut Hickory

Carya ovata - Shagbark Hickory

Carya laciniosa - Shellbark Hickory

Castanea dentata - American Chestnut

Catalpa bignonioides Walt. - Southern Catalpa

Cedrus deodara (Roxb.) Loud. - Deodar Cedar

Cedrus libani Loud. - Cedar of Lebanon

Celtis occidentalis - Hackberry

Chamaecyparis thyoides - Southern White Cedar or Atlantic
White Cedar

Cornus florida - Flowering Dogwood

Diospyros virginiana - Persimmon

Fagus grandifolia - American Beech

Fraxinus americana - White Ash

Fraxinus pennsylvanica Marsh. - Green Ash

Fraxinus pennsylvanica var. *lanceolata* (Borkh.) Sarg.
Green Ash

Gleditsia triacanthos L. - Honey Locust

Ilex opaca - American Holly

Juglans cinerea - Butternut

Juglans nigra - Black Walnut

Juniperus virginiana - Eastern Red Cedar

Larix decidua Mill. - European Larch

Larix [*leptolepis* (Sieb. & Zucc.) Gord.] - Japanese Larch

Liquidambar styraciflua L. - Sweetgum

Liriodendron tulipifera - Yellow Poplar

Magnolia acuminata - Cucumber

Malus spp. - Apple

Malus spp. - Crabapple

Maclura pomifera - Osage Orange

Morus rubra - Red Mulberry

Nyssa aquatica - Tupelo Gum

Nyssa sylvatica var. *sylvatica* - Black Gum

Nyssa sylvatica var. *biflora* - Swamp Black Gum

Picea abies (L.) Karst. - Norway Spruce

Picea glauca (Moench.) Voss - White Spruce

Picea pungens Engelm. - Blue Spruce, Colorado Spruce

Picea pungens var. *glauca* Reg. - Colorado Blue Spruce

Picea rubens Sarg. - Red Spruce

Pinus banksiana Lamb. - Jack Pine

Pinus densiflora Sieb. & Zucc. - Japanese Red Pine

Pinus echinata Mill. - Shortleaf Pine

Pinus elliotii Engelm. - Slash Pine

Pinus mugo Turra. - Mountain Pine

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- Pinus nigra* Arnold - Austrian Pine
- Pinus nigra* [var.] *Poirotiana* (Ant.) Aschers & Graebn. - Corsican Pine
- Pinus palustris* Mill. - Longleaf Pine
- Pinus resinosa* Ait. - Red pine, Norway Pine
- Pinus rigida* Mill. - Pitch Pine
- Pinus serotina* - Pond Pine
- Pinus strobus* L. - Eastern White Pine
- Pinus sylvestris* L. - Scotch Pine
- Pinus taeda* L. - Loblolly Pine
- Pinus thunbergii* Parl. - Japanese Black Pine
- Pinus virginiana* Mill. - Virginia Pine, Scrub Pine
- Platanus occidentalis* - Sycamore
- Populus balsamifera* - Eastern Cotton Wood
- Populus tremuloides* - Quaking Aspen
- Prunus avium* (L.) - Cherry
- Prunus serotina* - Black Cherry
- Pseudotsuga menziesii* var. *glauca* (Beissn.) Franco - Blue Douglas Fir
- Pseudotsuga menziesii* var. *caesia* (Beissn.) Franco - Gray Douglas Fir
- Pseudotsuga menziesii* var. [~~viridis~~ *menziesii*] - Green Douglas Fir
- Pyrus communis* L. - Pear
- Quercus alba* - White Oak
- Quercus borealis* - Northern Red Oak
- Quercus coccinea* - Scarlet Oak
- Quercus falcata* - Southern Red Oak
- Quercus falcata* var. *pagodaefolia* - Cherrybark Oak
- Quercus lyrata* - Swamp White Oak
- Quercus macrocarpa* - Bur Oak
- Quercus montana* - Chestnut Oak
- Quercus nigra* - Water Oak
- Quercus palustris* - Pin Oak
- Quercus phellos* - Willow Oak
- Quercus rubra* - Red Oak
- Quercus veketina* - Black Oak
- Quercus virginiana* - Live Oak
- Robinia pseudoacacia* L. - Black Locust
- Salix nigra* - Black Willow
- Sassafras verifolium* - Sassafras
- Syringa vulgaris* L. - Common Lilac
- Taxodium distichum* - Bald Cypress
- Thuja occidentalis* L. - Northern White Cedar, Eastern Arborvitae
- Tilia americana* - Basswood
- Tsuga canadensis* (L.) Carr. - Eastern Hemlock, Canada Hemlock
- Ulmus americana* L. - American Elm
- Ulmus parvifolia* Jacq. - Chinese Elm

Regulation No. 16:

§ 15. Zone for labeling origin from which tree and shrub seeds were collected in Virginia.

The Virginia zone designations for labeling of tree and shrub seeds shall be as follows:

A. Mountain - The Blue Ridge Mountains and Westward.

B. Piedmont - East of the Blue Ridge Mountains and west of U.S. No. 1 from North Carolina line to Richmond and U.S. No. 301 from Richmond to Potomac River Bridge.

C. Coastal Plains - East of U.S. No. 1 from North Carolina line to Richmond and U.S. No. 301 from Richmond to Potomac River Bridge.

D. Eastern Shore - Northampton and Accomack Counties.

Regulation No. 17:

§ 16. Maximum percentage of inert matter.

Seed or seed mixtures as defined by § 3.1-263 of the Code of Virginia shall not contain more than 15% by weight of inert matter, excluding coating material which has been added to enhance the planting value.

Regulation No. 18.

§ 17. Minimum size of peanut seed.

Shelled peanuts for agricultural seed as defined in § 3.1-263 of the Code of Virginia shall be a size of which 97% by weight of whole seed shall pass over a 16/64 inch screen and none shall pass through a 14/64 inch screen.

Regulation No. 18.

§ 18. Minimum germination standard for peanut seed.

Peanuts for agricultural seed as defined in § 3.1-263 of the Code of Virginia shall have a 75% minimum total germination.

BOARD OF AGRICULTURE AND CONSUMER SERVICES

Adopted September 27, 1966

* * * * *

Title of Regulation: VR 115-04-10. Rules and Regulations for the Enforcement of the Virginia Fertilizer Law.

Statutory Authority: § 3.1-104 of the Code of Virginia.

Effective Date: June 25, 1986

Summary:

The amendments to the Virginia Fertilizer Regulations were for clarification and simplicity as follows: (i) nontechnical changes were made to 84 rules to improve sentence structure and to add clarity and simplicity to the regulation; (ii) one provision of the 1970 regulations was deleted. In § 2, industry was given one year from the date of the regulations (1970) to remove the term "borax" from product labels. Since the period for this provision has expired it was deleted from these regulations; and (iii) one provision was added to the regulations. In the regulatory review process, the fertilizer industry requested that investigation allowances be amended to provide that an overage in primary nutrients compensate, within certain limits, for a deficiency in another primary nutrient when determining when a fertilizer is deficient. The Regulatory Review Committee concluded this request was justified to take into account unique mixing, storage and transportation problems associated with nonuniform blends of fertilizer materials which have different bulk densities and particle sizes. This provision is included in § 5 of the regulation.

VR 115-04-10. Rules and Regulations for the Enforcement of the Virginia Fertilizer Law of 1970.

Regulation III.

§ 1. Definitions.

A. Except as the board designates otherwise in specific cases, the names and definitions for commercial fertilizer shall be those adopted as official by the Association of American Fertilizer Plant Food Control Officials.

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

"Commissioner" means the Commissioner of the Virginia Department of Agriculture and Consumer Services.

"Fertilizer Law" means Chapter 10 (§ 3.1-74 et seq.) of Title 3.1 of the Code of Virginia, known as the Virginia Fertilizer Law.

"Pesticide Law" means Chapter 14 (§ 3.1-189 et seq.) of Title 3.1 of the Code of Virginia, known as the Virginia Pesticide Law.

Regulation I.

§ 2. Plant nutrients in addition to nitrogen, phosphorus and potassium.

Other plant nutrients, when claimed in any form of written, printed, or graphic matter, shall be registered and for shall be guaranteed on the package; ; or if in bulk, on the accompanying invoice or delivery slip. Guarantees shall be made on the elemental basis; except boron may also be guaranteed as borax provided that the elemental form is also shown for a period of one year from date of this regulation. Sources of the guaranteed elements guaranteed and proof of their availability shall be provided to the commissioner upon request. The minimum percentages which will be accepted as guarantees and/or for registration are as follows:

Table with 2 columns: Element Name and Percentage. Includes Calcium (Ca) 1.0, Magnesium (Mg) 0.50, Sulfur (S) 1.0, Boron (B) 0.02, Chlorine (Cl) 0.10, Cobalt (Co) 0.0005, Copper (Cu) 0.05, Iron (Fe) 0.10, Manganese (Mn) 0.05, Molybdenum (Mo) 0.0005, Sodium (Na) 0.10, Zinc (Zn) 0.05.

Guarantees or claims for the above listed plant nutrients are the only ones which will be accepted. Proposed labels and directions for use of the fertilizer shall be furnished upon request with the application for registration upon request. Warning or caution statements are required on the label for any product which contains 0.001% or more of molybdenum. Any of the above listed elements which are guaranteed shall appear in the order listed,

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Immediately following guarantees for the primary nutrients ; nitrogen, phosphorous, and potassium. (The Board authorized the present industry an extension of one year from the date of these regulations to dispose of or use their present inventories of labeling materials which are not in compliance with the regulation at the present time.)

Regulation H:

§ 3. Speciality fertilizer labels.

A. The following information, if not appearing on the face or display side in a readable and conspicuous form, shall occupy at least the upper third of a side of the container , and shall be considered the label . (With the exception of "net weight" , which must always appear on the display panel package or container.)

Net Weight

1. Brand name.

2. Grade.

Guaranteed Analysis:

Total Nitrogen (N) %
 % Ammoniacal Nitrogen**
 % Nitrate Nitrogen**
 % Water Insoluble Nitrogen*

Available Phosphoric Acid (P2O5) %

Soluble Potash (K2O) %

Additional Plant Nutrients as prescribed by regulation.

** Potential Acidity or Basicity% orlbs.

Calcium Carbonate Equivalent per ton.

Name and address of registrant.

NOTES:

* If claimed or the statement "organic" or "slow acting nitrogen" is used on the label.

** If claimed or required.

B. Slowly available plant nutrients.

1. No fertilizer label shall bear a statement that connotes or ~~infers~~ implies the presence of a slowly available plant nutrient unless the nutrient or nutrients are identified.

2. When a fertilizer label ~~infers~~ implies or connotes

that the nitrogen is slowly available through the use of "organic", "organic nitrogen", "ureaform", "long - lasting" or similar terms, the guaranteed analysis must indicate the percentage of water insoluble [or slowly available] nitrogen in the material.

3. To supplement (b), it should be established that If a label states the amount of organic nitrogen present in a phrase, such as "25% of the nitrogen from ureaformaldehyde (ureaform)," then the water insoluble nitrogen guarantee must be not less than 60% of the nitrogen so designated.

Example: 10-6-4 Rose Food
 25% of Nitrogen is Organic

10 (Total N) X .25 (%N claimed or Organic) X .60 (Average insolubility in H2O) of organic nitrogen sources = 1.5% WIN

4. When the water insoluble [or slowly available] nitrogen is less than 15% of the total nitrogen, the label shall bear no references to any designations ; such as stated in (b) subsection B paragraph 2 of these regulations .

5. The term "Coated-slow release fertilizer", or "Coated-slow release" shall be accepted as descriptive of products.

6. Further, the [above terms and] phrases (e) in [paragraph subparagraphs 2 and] 5 [of this regulation] shall be allowed for any products that can show a testing program substantiating the claim. (Testing under the guidance of experiment station personnel, or a recognized reputable researcher, etc.) [Water insoluble nitrogen must be guaranteed at 15% of the total nitrogen level as in organic materials.]

7. The Association of Official Analytical Chemist (AOAC) Method 2,047 shall be used initially to substantiate the fact that "Coated-slow release" materials are present. The determination need only be modified by the elimination of sample grinding during preparation. When the AOAC Committee, working on this problem, comes up with a more specific method it will, of course, be substituted.

C. Soil conditioners.

1. Each container of a soil conditioner shall be labeled in a legible and conspicuous form to show the following information:

a. The net weight of the contents;

b. The name of the product;

c. The guaranteed analysis, including the common or usual English name and the percentage of each active ingredient, and the name and percentage of

inert ingredients;

d. A statement as to of the purpose of the product ; , stated in terms of the claimed or beneficial effect resulting from the use of the product;

e. Adequate directions for use ; , and cautions or warnings against misuse , if applicable; and

f. The name and address of the registrant.

2. Bulk lots shall be labeled by attaching a copy of a printed label to the invoice , or by the inclusion on the invoice of all information required by (3)a C 1. The invoice shall be furnished given to the purchaser at the time of sale or delivery.

3. The commissioner may require proof of any claim or claims made for any soil conditioner. If no claims are made, the commissioner may require proof of usefulness and value of the soil conditioner . For evidence of proof, the commissioner may rely on experimental data, evaluations or advice supplied from such sources as the extension service of the Virginia Polytechnic Institute and State University. The experimental data shall relate to Virginia conditions for which the product is advertised or sold. The commissioner may accept or reject other sources of proof as additional evidence in evaluating soil conditioners.

4. No soil conditioning ingredient may be listed or guaranteed on the labels or in labeling of soil conditioners without the commissioner's approval. The commissioner may allow a soil conditioning ingredient to be listed or guaranteed on the label or in labeling if satisfactory supportive data is provided the Commissioner to substantiate the value and usefulness of the soil conditioning ingredients product . The commissioner may rely on outside sources such as the extension service of the Virginia Polytechnic Institute and State University for assistance in evaluating the data submitted. When a soil conditioning ingredient is permitted to be listed and guaranteed , it must be determinable verifiable by laboratory methods and is subject to inspection and analysis. The commissioner may prescribe methods and procedures of inspection and analysis of the soil conditioning ingredient.

5. The applicant shall submit When the application for registration for each product the applicant shall submit a copy of the label , and a copy of all advertisements ; brochures, posters, and television and radio announcements and any other materials to be used in promoting the sale of the soil conditioner.

Regulation IV.

§ 4. Percentages.

The term of "Percentage", when used by symbol or word

when used on a fertilizer label , shall represent only the amount of individual plant nutrients or other factors in relation to the total weight of the product by weight .

Regulation V.

§ 5. Investigational allowances or tolerances and penalties.

A. * A commercial fertilizer shall be deemed deficient if the analysis of any primary nutrient is below the guaranteed analysis or grade by an amount exceeding 0.30 of one percent more than 0.30% plus three percent 3.0% of the guarantee, or if the overall index value of the fertilizer is below 97 percent % . Except when the found relative value of a sample is equal to or exceeds the guaranteed relative value, an overage in primary nutrients may compensate for a deficiency in another primary nutrient up to 10% of the guarantee of the deficient nutrient, not to exceed two units. No compensation will be allowed toward a deficiency unless the total percent of primary plant nutrients is equal to or greater than the percent guaranteed or if the deficiency exceeds 10% of the guarantee or the deficiency exceeds two units. If more than one primary nutrient is in penalty status, no compensation will be allowed.

* For these investigational allowances to be applicable apply, the recommended AOAC procedures for obtaining samples, sample preparation, and analysis must be used. These are described in the Official Methods of Analysis of the Association of Official Agriculture Chemists, 10th edition, 1965 beginning on page 9 and in succeeding issues of the Journal of the Association of Official Analytical Chemists. In evaluating replicate data, Table 19, page 925, Journal of the Association of Official Analytical Chemists, Volume 49, No. 5, October, 1966 should be followed. Averaging at least two values must be adhered to. If more than two values are obtained, all significant values must be averaged. Values carried to two decimals places are needed in applying averages to this table. Values may be "rounded" to one place where preferred in reporting.

* In applying these investigational allowances, the recommended Association of Official Analytical Chemists procedures for obtaining samples, sample preparation, and analyses must be used. These are described in the current edition of the Official Methods of the Association of Official Analytical Chemists and in subsequent issues of the Journal of Official Analytical Chemists. Averaging at least 2 values must be adhered to. Values carried to 2 decimals are to be used in this averaging, but values may be (rounded) to 1 place where preferred in reporting.

B. Assessment for deficiency of nitrate nitrogen or water insoluble nitrogen.

If the analysis of any commercial fertilizers guaranteed to contain a minimum of one percent or less of nitrogen derived from nitrate, or one percent or less of water insoluble nitrogen, shall fall as much as or more than one-third below the guarantee in either of these constituents, it

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shall be the duty of the Commissioner to assess against the manufacturer, dealer or agent, who sold such commercial fertilizer, a penalty amounting to twice the value of such deficiency or deficiencies. Fertilizers guaranteed to contain 1.0% or less. If the nitrogen content of any commercial fertilizer is found to be one-third or more less than the guaranteed minimum, the commissioner shall assess a penalty against the manufacturer, dealer, or agent. This penalty shall amount to twice the value of the deficiency.

If the analysis of any commercial fertilizer guaranteed to contain a minimum of more than one percent of either of the constituents shall fall as much as, or more than one fourth below the guarantee in either of the constituents, it shall be the duty of the Commissioner to assess against the manufacturer, dealer or agent, who sold such commercial fertilizer, a penalty amounting to twice the value of such deficiency or deficiencies. Fertilizers guaranteed to contain more than 1.0%. If the nitrogen content of any commercial fertilizer is found to be one-fourth or more less than the guaranteed minimum, the commissioner shall assess a penalty against the manufacturer, dealer, or agent. This penalty shall amount to twice the value of the deficiency.

C. Secondary and minor elements shall be deemed deficient if any element is below the guarantee by an amount exceeding the values in the following schedule:

ELEMENT

Calcium	0.2 unit + 5.0% of guarantee
Magnesium	0.2 unit + 5.0% of guarantee
Sulfur	0.2 unit + 5.0% of guarantee
Boron	0.003 unit + 25% of guarantee
Cobalt	0.0001 unit + 30% of guarantee
Molybdenum	0.0001 unit + 30% of guarantee
Chlorine	0.005 unit + 10% of guarantee
(except for tobacco)	
Copper	0.005 unit + 10% of guarantee
Iron	0.005 unit + 10% of guarantee
Manganese	0.005 unit + 10% of guarantee
Sodium	0.005 unit + 10% of guarantee
Zinc	0.005 unit + 10% of guarantee

The maximum allowance when calculated in accordance to the as above shall be one unit (1.0%).

D. Penalties for secondary and minor elements.

For each deficiency in a secondary or micronutrient element, a penalty of \$1.00 per ton, plus three times the commercial value of the shortage, shall be paid to the ultimate user of the fertilizer. If the purchaser is not known, then the penalty shall be paid to the State Treasury and reported to the State Comptroller, who shall credit the same amount to a special fund.

E. Assessment for excess chlorine for tobacco only if the chlorine content of any lot of fertilizer branded for

tobacco shall exceed the maximum amount guaranteed by more than one half of one percent, a penalty shall be assessed equal to ten percent of the value of the fertilizer for each additional one half of one percent of excess or fraction thereof. If the guaranteed minimum chlorine content of fertilizer labeled for tobacco is exceeded by more than 0.5%, a penalty shall be assessed equal to 10% of the value of the fertilizer for each 0.5% or fraction thereof of excess.

Regulation VII.

§ 6. Fertilizer-pesticide mixtures.

A. Specialty fertilizer-pesticide mixtures.

The labeling, claims and use of all mixtures shall comply with and be registered under the Virginia Fertilizer Law and the Virginia Pesticide Law, and shall be subject to approval by the commissioner.

B. Farm crop fertilizer-pesticide mixtures.

1. General sale.

Combinations of fertilizer with pesticides, when offered for general sale, whether in bulk or bags, when offered for general sale, bulk lots or bags of fertilizer with pesticides must be registered and labeled as required by the Virginia Pesticide Law prior to sale or distribution. Although the Fertilizer Law does not require registration, labeling must meet its other requirements stated therein, and shall be subject to approval by the commissioner. All bulk containers and bins shall be labeled with a copy of the registered label and, a copy of such label which shall accompany each shipment and delivery.

2. Custom mixtures.

Pesticides may be mixed with fertilizers without label registration when the pesticide product is properly registered under the Virginia Pesticide Law, except when such these mixtures are prohibited by the registered pesticide label; provided that the mixture is:

a. Applied to the user's property by the distributor or his authorized agent; or

b. To be applied by the user or his authorized agent provided. In this case, each delivery must be accompanied by a label, including directions for application use limitations, and sufficient caution and warning statements; all of which shall be subject to approval by the commissioner.

Regulation VIII.

§ 7. Chlorine guarantees for tobacco fertilizer. (All commercial fertilizers labeled for tobacco shall show a

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guarantee for chlorine.)

A. The maximum chlorine guarantees permitted for tobacco plant bed fertilizers shall be:

1. *One-half (0.5) percent chlorine* for fertilizers with nitrogen guarantees up to and including ~~six percent~~; ~~one half (0.5) percent chlorine, 6.0%.~~
2. *One (1) percent chlorine* for fertilizers with a nitrogen guarantee above ~~six percent~~; ~~one (1) percent chlorine 6.0% .~~

B. The maximum chlorine guarantees permitted for field crop tobacco fertilizer shall be:

1. *A maximum chlorine guarantee of two percent 2.0%* for fertilizer with nitrogen guarantees up to and including ~~four percent~~ a ~~maximum chlorine guarantee of two (2) percent 4.0% .~~
2. *A maximum chlorine guarantee not more than one-half of the respective total nitrogen guarantee* for fertilizer with nitrogen guarantees greater than ~~four percent~~; a ~~maximum chlorine guarantee not more than one-half (1/2) of the respective total nitrogen guarantee 4.0% .~~

C. The maximum chlorine guarantee permitted in tobacco top dressers shall be ~~2.00 percent~~ 2.0% .

Regulation IX.

§ 8. Minimum plant food allowed.

A. No person shall be allowed to distribute, register, or offer for sale any mixed fertilizer, colloidal phosphate or similar materials in this state *Commonwealth* which contains less than ~~eighteen percent~~ 18% of plant food, (namely, total nitrogen, available phosphoric acid and soluble or available potash, either singly or in combination ;) except as provided in ~~(b) B and (c) C~~ of this section and in § 3.1-79 of the Code of Virginia .

B. There may be one grade of tobacco plant bed fertilizer in which the sum of guarantees for total nitrogen, available phosphoric acid , and soluble or available potash shall not total less than ~~sixteen percent~~ 16% .

C. The minimum plant food requirement shall not apply to ground rock phosphate.

Procedures used in sample preparation and analysis for enforcement of these regulations are available from:

Association of Official Analytical Chemists
1111 North 29th Street
Suite 210

Title of Regulation: VR 115-04-12. Rules and Regulations for the Enforcement of the Virginia Gasoline and Motor Fuels Law.

Statutory Authority: §§ 59.1-153 and 59.1-156 of the Code of Virginia.

Effective Date: June 25, 1986

Summary

Four specifications included in the 1969 regulations were deleted. "Pour Point", "Viscosity", "Carbon Residue" and "Ash" specifications for diesel fuel have historically been found to present no problems in Virginia. Two requirements were added to the regulations. Motor fuel registrants must include on their application for registration and post on all retail dispensing devices the percent of ethanol or methanol in the fuel if it is 1.0% or more of the mixture. Twelve specifications included in the 1969 regulations have been updated and adopted by reference to reflect the American Society of Testing and Materials (ASTM) current regional requirements. A mid-point maximum distillation specification has been added to insure good warm-up and acceleration properties in gasoline. The phrase "or Dry Method For Oxygenated Fuels" was added to the ASTM method D-323 for determining Reid Vapor Pressure.

VR 115-04-112. Rules and Regulations for the Enforcement of the Virginia Gasoline and Motor Fuels Law.

Scope of Rules and Regulations.

Section 59.1-149 of the Gasoline Law, Chapter 12 (§ 59.1-149 et seq.) of Title 59.1 of the Code of Virginia , defines gasoline as follows ; : "Gasoline shall be construed to include naphtha, benzine, and other like liquids and fluids derived from petroleum or other sources and used, or intended to be used, for power purposes, except kerosene."

The term "gasoline" ; as defined in the Gasoline Law § 59.1-149 of the Code of Virginia , includes all liquids and fluids used for power purposes ; : except kerosene, whether intended for highway or nonhighway use.

Nothing in these specifications and , rules and regulations shall affect the distribution for sale, offering for sale or sale of gasoline or diesel fuel intended for nonhighway use except as provided in Regulation III subsection C of § 3 of these regulations for labeling every dispensing device used in the retail of gasoline or diesel fuel.

Regulation I.

§ 1. Definitions.

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

"Commissioner" means the Commissioner of the Virginia Department of Agriculture and Consumer Services.

"Diesel fuel" means For the purpose of these Specifications and Rules and Regulations the term "Diesel Fuel", except as provided in Regulation III, apply only to liquids and fluids used, or intended to be used, for power purposes in automotive internal combustion compression ignition engines, except as provided in subsection C of § 3 of these regulations, liquids used or intended for use for power purposes in automotive internal combustion compression ignition engines.

"Gasoline" means For the purpose of these Specifications and Rules and Regulations the term "Gasoline" shall, except as provided in Regulation III, C, apply only to liquids and fluids used, or intended to be used, as carburants for power purposes in automotive internal combustion spark ignition engines, except as provided in subsection C of § 3 of these regulations, liquids used or intended for use as carburants for power purposes in automotive internal combustion spark ignition engines.

"Virginia Gasoline Law" or "Law" means Chapter 12 (§ 59.1-149 et seq.) of Title 59 of the Code of Virginia.

Regulation II:

§ 2. Specifications for gasoline and diesel fuel.

A. Gasoline.

Gasoline shall meet the requirements of the following specification, specifications when tested in accordance compliance with the latest version of the American Society for Testing and Materials Methods of Tests (ASTM) specified below, with the exception of the test for water and sediment.

Test	ASTM Method
1. Distillation	D86
Percent evaporated at 70°C (158°F)	
Percent evaporated during months of:	
January, February, November, and December at 50°C (122°F)	Minimum 10%
March, April, and October at 55°C (131°F)	
Minimum	10%

May, June, July, August, and September at 60°C (140°F)	Minimum	10%
Percent evaporated at 140°C (284°F)		
Percent evaporated during months of:		
January, February, November, and December at 110°C (230°F)	Minimum	50%
March, April, and October at 113°C (235°F)	Minimum	50%
May, June, July, August, and September at 116°C (240°F)	Minimum	50%
Percent evaporated at 200°C (392°F)		
[Percent evaporated at 77°C (170°F)	Maximum	50%]
Percent evaporated at 185°C (365°F)	Minimum	90%
End point, maximum	225°C (437°F)	
Residue, percent maximum		2%
2. Reid Vapor Pressure at 100°F PSI	D323	[or Division of Consolidated Laboratories dry method for oxygenated fuels]
Maximum during the months of November, December, January, and February		15.0
Maximum during the months of November and March		14.0
Maximum during the months of September, October, April, and May	March, April, and October	13.0 13.5
Maximum during the months of May, June, July, August, and September		11.5
3. Sulfur, maximum percent by weight	D2622 (D1266 shall be the referee method)	15
4. Corrosion, ASTM Copper Strip	D130 122°F	
Corrosion Scale, maximum	No. 1 Strip	

5 3. Undissolved water and sediment, percent by volume, maximum 0.01 %
 VDACS
 Method of Test

6 4. ~~Existent~~ Gum, mg. per 100 ml., maximum 5 D381

7 5. The octane number shall not be more than one octane number below the octane number filed in connection with registration. D2699 or D2722 and D2700

8 6. Gasoline labeled as "unleaded" "no lead" or "lead free" shall not contain more than 0.05 grams lead per gallon and not more than 0.005 grams of phosphorus per gallon. Lead: D3237 Phos: D3231

B. Diesel fuel.

Diesel fuel shall meet the requirements of the following specifications ; when tested in accordance compliance with the latest version of the American Society for Testing and Materials Methods of Tests specified below.

Test	ASTM Method
1. Flash Point, deg. F minimum <i>(If registered and labeled as #1 Diesel) 100°F</i> <i>(If registered and labeled as #2 Diesel) 125°F</i>	+10 D93
2. Pour Point, deg. F. maximum	+20 D97
3. Viscosity, Saybolt Universal at 100°F., maximum	45 D88 seconds
4 2. Water and Sediment, percent by volume, maximum	0.05 % D1796
5 3. Sulfur, percent by weight maximum	0.5 % D2622 (D129 shall be the referee method)
6. Carbon Residue on 10 percent residuum, per cent maximum	.5 D624
7. Ash, per cent maximum	0.01 D482
8 4. Cetane Number, minimum	40 D613
9 5. 90 percent Distillation Point, deg. F maximum	675°F D86 640°F
10 6. Corrosion - ASTM Copper Strip Scale, maximum	No. 3 D130 3 hrs. at 50°C

Regulation III-

§ 3. Labeling.

A. Gasoline.

Each and Every dispensing pump or other dispensing device used in the retail sale of gasoline shall be plainly and conspicuously labeled with the brand ; name or trade name of the gasoline, and if the product contains 1.0% or more of ethanol or methanol, a label identifying the kind of alcohol and the percentage of each shall be posted in letters not less than one inch in height.

B. Diesel fuel.

Each and Every dispensing device used in the retail of diesel fuel shall be plainly and conspicuously labeled with , in letters not less than one inch in height , with the words "Diesel fuel" and . The device shall also be labeled with the brand name, or trade name of the diesel fuel being dispensed therefrom . Labeling of said dispensing device with the brand, name or trade name of the diesel fuel being dispensed there from when the word "diesel" appears as part of said brand, name or trade name shall be deemed full compliance with the provision herein requiring the use of the words "Diesel Fuel" provided the word "Diesel" is spelled out with letters not less the one (1) inch in height When the word "diesel" appears in letters at least one inch high as part of the brand name or trade name on the dispenser, this labeling shall be considered sufficient compliance with the requirements of this provision .

C. Power fuels for nonhighway use.

Each and Every dispensing device or container used in the retail sale of gasoline (as defined in § 59.1-149 of Chapter 12 of Title 59.1 of the 1960 Code of Virginia) and intended for nonhighway use shall be plainly and conspicuously labeled with , in letters not less than one inch in height , "Aviation Gasoline", "Marine Gasoline", "Marine Diesel Fuel" or a another term approved by the commissioner ; which clearly identifying identifies the product.

Regulation IV-

§ 4. Registration of gasoline and diesel fuel.

A. All manufacturers, wholesalers and jobbers before selling or offering for sale in this state any gasoline or diesel fuel shall file the following information with the Commissioner upon forms furnished by the Commissioner. Before selling or offering for sale any gasoline or diesel fuel in this Commonwealth, these products shall be registered with the Virginia Department of Agriculture and Consumer Services. The following information shall be included on forms provided by the commissioner:

1. The name and address of the registrant.

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2. The brand ; name or trade name under which the gasoline or diesel fuel will be offered for sale or sold.

3. The octane number of each gasoline as determined by the latest version of ASTM Research Method D008 or D1856, whichever is applicable D2699 and ASTM Motor Method D2700, and expressed as an average of the two methods $(R+M)/2$.

4. A statement that the gasoline or diesel fuel will comply with the requirements of the Virginia Gasoline Law and the specifications and , rules , and regulations adopted under §§ 59.1-153 and 59.1-156 of the Code of Virginia .

5. The percentage and kinds of alcohol included in the gasoline.

B. If any of the information required under subsection A above ceases to be factual and no longer applicable to any product, the registrant shall, prior to the sale or distribution of that product, file a new registration which shall supersede all previous registration.

Regulation V.

§ 5. Gasoline and diesel fuel condemned.

When a sample of gasoline or diesel fuel has been drawn by an inspector and found not to conform with the requirements of the Virginia Gasoline Law, Chapter 12 of Title 59.1 of the Code of Virginia (1950) as amended and the specifications and , rules and regulations adopted under §§ 59.1-153 and 59.1-156 of the said Law Code of Virginia , a Stop Sale, Use or Removal Order shall be issued and . The fill cap, pump, delivery line , or any other means for of withdrawing the contents of the tank or affected container from which said sample was drawn may be sealed by an inspector ; and . The contents shall not be removed except under the following conditions:

A. Age or staleness.

If the gasoline or diesel fuel does not meet the requirements of the Virginia Gasoline Law and Specifications and Rules and Regulations due to age or staleness and not by the addition or substitution of any other material including gasoline or diesel fuel of a lower quality, when requested, the Commissioner shall grant permission to the owner to blend it with a gasoline or diesel fuel of such quality as will bring it within the requirements of the Law and the Specifications and Rules and Regulations and request that an Inspector take another sample and if the gasoline or diesel fuel is then found to meet the requirements of the Virginia Gasoline Law and the Specifications and Rules and Regulations the Commissioner shall release the gasoline or diesel fuel for sale in Virginia. The commissioner may grant permission to the owner to blend aged or stale gasoline or diesel fuel with the fuel of sufficient quality to bring it up to standard. If a second sampling shows that the gasoline or

diesel fuel meets the requirements, the commissioner shall release it for sale in Virginia .

B. Adulteration.

If the gasoline or diesel fuel does not meet the requirements of the Virginia Gasoline Law and the specifications and , rules and regulations due to adulteration by substituting other materials , including gasoline or diesel fuel of a lower quality, the commissioner shall notify the registrant ; or his local representative ; of the said gasoline or diesel fuel and request his cooperation in determining how such the source of the adulteration was accomplished .

The said Gasoline or diesel fuel may be released by the commissioner to be returned to the manufacturer, producer, or refiner , or to be disposed of in a manner approved by the commissioner provided that . Prior to its release of the gasoline or diesel fuel , the commissioner shall be furnished given an affidavit stating that the gasoline or diesel fuel will not be distributed for sale, offered for sale or sold in Virginia for use as a fuel in internal combustion engines , and further also stating the disposition of the gasoline or diesel fuel.

Regulation VI.

§ 6. Publication of information filed in connection with registration and results of tests of official samples.

From time to time, the commissioner shall ; from time to time, publish in a bulletin of the Department of Agriculture and Commerce Consumer Services the names of registrants, the brands, names or trade names of gasoline and diesel fuel registered, the octane number as filed in connection with the registration of gasoline, the results of tests of official samples found to be in violation , and other data ; as will which may be of information useful to consumers of gasoline and diesel fuel.

Board of Agriculture and Consumer Services

Adopted April 22, 1960

NOTE: These rules and regulations replace those heretofore in effect entitled "Specifications, Rules and Regulations of Gasoline and Diesel Fuels" adopted by the Board on September 28, 1964 and which were repealed upon the effective date of these rules and regulations.

Procedures used in sample preparation and analysis for enforcement of these regulations are available from:

American Society for Testing and Materials
1916 Race Street
Philadelphia, Pennsylvania 19103

CRIMINAL JUSTICE SERVICES BOARD

Title of Regulation: VR 240-01-6. Rules Relating to Compulsory Minimum Training Standards for Courthouse and Courtroom Security Officers/Deputy Sheriffs Designated to Serve Process.

Statutory Authority: § 9-170 of the Code of Virginia.

Effective Date: July 1, 1986

Summary:

In accordance with the provisions of §§ 9-6.14:7.1, 9-170(5) and 9-170(5a) of the Code of Virginia, the Criminal Justice Services Board has adopted Rules Relating to Compulsory Minimum Training Standards for Courthouse and Courtroom Security/Process Servers. These rules will supersede the existing regulations amended November 10, 1982.

The adopted regulations revise the minimum training standards for courthouse and courtroom security officers and include training for deputy sheriffs designated to serve process. Mandatory training concerning the service of process, and laws and procedures concerning arrest authority, have been included.

As a result of written comments received and testimony given at the public hearing, nonsubstantive clarification changes were made. These changes did not alter the content of the regulations as submitted in proposed form. In addition, there have been no significant changes in the basis, purpose, or impact of these regulations as originally proposed.

VR 240-01-6. Rules Relating to Compulsory Minimum Training Standards for Courthouse and Courtroom Security Officers/Deputy Sheriffs Designated to Serve Process.

Pursuant to the provisions of § 9-170 of the Code of Virginia, the Department of Criminal Justice Services Criminal Justice Services Board hereby promulgates the following rules for compulsory minimum training standards for persons designated as courthouse and courtroom security officers /deputy sheriffs designated to serve process .

§ 1. Definitions.

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

C: "Agency administrator" means any chief of police, sheriff or agency head of a state, county, or local law-enforcement agency.

D: "Approved training school" means a courthouse and courtroom security training school which provides

instruction of at least the minimum training standards as established mandated by the department board and which school has been approved by the department for the specific purpose of training criminal justice personnel .

A: "Board" means the Criminal Justice Services Board.

B: "Department" means the Department of Criminal Justice Services.

C: "Director" means the chief administrative officer of the department.

F: "Full-time attendance" means that officers in training shall attend all classes and shall not be placed on duty or call except in cases of emergency for the duration of the school.

E: "School director" means the chief administrative officer of an approved training school.

§ 2. Compulsory minimum training standards.

Pursuant to the provisions of §§ 9-170(1), 9-170(5) , [9-170(5a)] and 53.1-120 of the Code of Virginia, the Department board establishes the following as the compulsory minimum training standards for courthouse and courtroom security officers /process servers .

	Hours
I: A. Administration.	4 3
A: 1. Orientation	
1: Welcome	
2: School Rules and Regulations	
3: Attitude	
4: Attendance	
B: 2. Examinations	
1: Testing	
2: Review	
3: Critique	
C: 3. Evaluations	
1: Subject Matter	
2: Presentations	
3: Accommodations	

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(A, B, C above)	2
D. Courtroom Security Discussion	2
H. B. Security procedures and responsibilities	5 9
A. 1. Security threats	1
B. Search Procedures and Prisoner Transport	4
C. 2. Explosives and bomb search and security Procedures	4 2
III. Court Security Responsibilities	7
A. 3. Duties and responsibilities of court security personnel	2
B. 4. Identification of personnel, package control and detection devices	2
C. 5. Sequestered Juries and Witnesses	2 1
D. 6. Courtroom demeanor and appearance	1
IV. C. Legal matters	33 43
A. 1. Constitutional law and habilities civil liability ..	2
B. 2. Virginia court structure	1
C. 3. Law of arrest and probable cause	4 6
4. Search and seizure and rules of evidence	6
5. Juvenile law	4 2
6. Department of Motor Vehicle notices	2
7. Laws of civil process	16
8. Legal document workshop	8
V. E D. Skills	25
A. 1. Firearms (Refer to Section 7-0, D.)	
B. 2. 1. Moot problem and courtroom search	5 3
C. 2. 2. Defensive tactics Officer safety and arrest techniques	16
D. 4. 3. Recognizing and handling abnormal persons	2
E. 5. 4. Field notetaking and report writing	2 4
E. Report writing	2
GRAND TOTAL	60 80
F. E. Firearms	

(Refer to § 7 D.)

§ 3. Applicability.

A. Every person employed on or after January 1, 1986, who is designated to provide courthouse and courtroom security /deputy sheriffs designated to serve process [as defined in §§ 53-1-120 and 9-170(1) of the Code of Virginia, and who has not met the compulsory minimum training standards for Courthouse and Courtroom Security Officers subsequent to the effective date of these regulations,] must meet the training standards herein established unless provided otherwise in accordance with § 3.B of these regulations .

B. The director ; with the approval of the Board whose decision shall be final, may exempt a grant an exemption or partial exemption of the compulsory minimum training standards established herein, in accordance with § 9-173 of the Code of Virginia courthouse and courtroom security officer of any criminal justice agency, who has had previous experience and training as a courthouse and courtroom security officer with any criminal justice agency, from the mandatory attendance at courses which are required for the successful completion of the compulsory minimum training standards .

§ 4. Time requirement for completion of training.

A. Every officer employed after January 1, 1973, courthouse and courtroom security officer/deputy sheriff designated to serve process who is required to take the compulsory courthouse and courtroom security training comply with the compulsory minimum training standards must satisfactorily complete such training within 12 months of the date of his/her employment appointment unless provided otherwise in accordance with § 4 B of these regulations .

B. The director may grant an extension of the time limit for completion of the minimum training required upon presentation of evidence by the agency administrator that the officer was unable to complete the required training within the specified time limit due to illness, injury, military service or special duty assignment required and performed in the public interest. However, each agency administrator must request such extension prior to expiration of any time limit.

C. Any courthouse or courtroom security officer /deputy sheriff designated to serve process who originally complied with all training requirements and later separated from court courthouse and courtroom security /process server status, in excess of 24 months, upon his/her reentry as a court courthouse and courtroom security officer /process server will be required to complete all compulsory minimum training standards unless provided otherwise in accordance with § 3 B of these regulations .

§ 5. How minimum training may be attained.

A. The compulsory minimum training required for courthouse and courtroom security may standards shall be obtained attained by attendance attending and satisfactory completion of satisfactorily completing an approved training school.

B. Officers attending an approved training school are required to be present for all classes and should not be placed on duty or on call except in cases of emergency. In the event of such an emergency, the agency administrator shall advise the school director within 24 hours. Absences not exceeding 10% of the minimum training curriculum are permissible providing such absence is a result of injury, illness or required court appearance. Officers will be responsible for any material missed during an excused absence.

§ 6. Approved training schools.

A. Courthouse and courtroom security /process server training schools [~~must shall~~] be approved training schools by making application to the Director on forms provided by the department prior to the first scheduled class. Approval is requested by making application to the director on forms provided by the department . The director may approve those schools which, on the basis of curricula, instructors, facilities and examinations provide the required minimum training. Applications are to One application for all mandated training shall be submitted annually prior to the beginning with the first school of each calendar fiscal year ; and unless significant changes in curriculum, sequence and/or instructors are instituted, succeeding schools for that year will only require a . A curriculum indicating the listing subjects, the instructors, dates, and times and instructors for such training the entire proposed session shall be submitted to the department 30 days prior to the beginning of each such proposed session. An exemption to the 30-day requirement may be granted for good cause shown by the school director .

B. Each school director will be required to maintain a current file of all lesson plans and supporting material for each subject contained in the compulsory minimum training program standards .

C. Schools which are approved will be subject to inspection and review by the director and/or staff.

D. The director may suspend the approval of an approved training school upon written notice , which shall contain the reason(s) upon which the suspension is based, to the school's director and . The school's director may within ten (10) days after receipt of such notice request a hearing before the board. The request shall be in writing and must be received by the department within 15 days of the date of the notice of suspension.

E. The director may revoke the approval of any approved training school upon written notice , which shall contain the reason(s) upon which the revocation is based,

to the school's director and . The school's director may request within ten (10) days request in writing a hearing before the board. The request shall be in writing and must be received by the department within 15 days of the date of the notice of revocation.

§ 7. Grading.

A. All written examinations shall include a minimum of two (2) questions for each hour of mandatory instruction. This requirement likewise includes the classroom instruction on performance-oriented subject matter. However, for those subjects which exceed five (5) hours of instruction, ten (10) questions will suffice as an acceptable minimum. one test question pertaining to each instructional objective specified in the document entitled "Resumes and Objectives For Courthouse and Courtroom Security Officers/Process Servers."

B. All officers [~~must shall~~] attain a minimum grade of 70% in each grading category to satisfactorily complete mandatory training. Any officer who fails to attain the minimum 70% in any grading category will be required to take all subjects comprising that grading category in a subsequent approved training school. The officer must then may be tested and retested and achieve 70% minimum score before being certified as satisfactorily completing the mandatory training. All minimum training must be completed within 12 months of the date of employment as set forth in Section 4.0.A. as may be necessary within the limits of § 4 of these rules and each academy's written policy. An officer shall not be certified as having complied with compulsory minimum training standards unless all applicable requirements have been met.

C. The school director shall ; within thirty (30) days of completion of the school, submit a grade reports report on each officer using on forms [provided approved] by the department. The grading categories are as follows:

1. Basic Security Procedures
2. Court Security Responsibilities
3. Legal Matters
4. Skills (excluding firearms range training)
5. Firearms Range Training will be graded on a satisfactory/unsatisfactory basis

D. The following firearms training will be required for each officer attending an approved school:

1. Nomenclature and care of service revolver;
2. Safety (on the firearms range, on duty and off duty);
3. Legal responsibilities and liabilities of firearms;

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4. Service revolver (handling, firing principles);
5. Dry firing and application of basic shooting principles;
6. Prequalification shooting (150 rounds, minimum);
7. Virginia Modified Double Action Course (70% minimum qualification required);
8. Qualification (70% minimum required) on one of the following record courses:
 - a. Modified Tactical Revolver Course,
 - b. Modified Practical Pistol Course,
 - c. Virginia Modified Combat Course I,
 - d. Virginia Modified Combat Course II;
9. Familiarization with the police shotgun (20 rounds required - shoulder and hip position)

For further instructions and specific course requirements, refer to the "Course Resumes and Objectives for Required Compulsory Minimum Training for Courthouse and Courtroom Security Officers /Process Servers."

§ 8. Failure to comply with rules and regulations.

Any courthouse and courtroom security officer /process server attending an approved training school shall comply with the rules and regulations promulgated by the department board and any other rules and regulations within the authority of the school director . The school director shall be responsible for their proper enforcement of all rules and regulations established to govern the conduct of attendees. If the school director considers a violation of the rules and regulations detrimental to the welfare of the school, the school director may expel the officer from the school and the individual will not receive a certificate . Notification of such action shall immediately be reported, in writing, to the agency administrator of the officer and the Department through its director.

§ 9. Administrative requirements.

A. Reports will be required from the agency administrator and school director on forms approved or provided by the department and at such times as designated by the director.

B. Forms and reports that may be required by the Department shall be submitted by The school director shall, within 30 days of upon completion of the an approved training school : , comply with the following:

1. Prepare a grade report on each officer maintaining the original for academy records and forwarding a

copy to the agency administrator of the officer.

2. Submit to the department a roster containing the names of those officers who have satisfactorily completed all training requirements and, if applicable, a revised curriculum for the training session.

C. The school director shall furnish the each instructor with a copy complete set of the course resumes and objectives which set forth the minimum training requirements for the assigned subject matter .

D. The school director may be required to Approved courthouse and courtroom security/process server training schools shall maintain accurate records such as, but not limited to, attendance records, of all tests , scores grades and testing procedures. range qualification scores for officers attending approved schools. The period for retention of these records shall be established by the Director Training school records must be maintained in accordance with the provisions of these rules and §§ 42.1-76 through 42.1-91 of the Code of Virginia .

E. All school applications and/or curricula must be submitted to the Department thirty (30) days prior to the start of the school.

[§ 10. Effective Date:

These rules shall be effective on and after July 1, 1986, and until amended or recinded.]

* * * * *

Title of Regulation: VR 240-01-12. Rules Relating to Certification of Criminal Justice Instructors.

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

Effective Date: July 1, 1986

Summary:

In accordance with the provisions of §§ 9-6.14:7.1 and 9-170 of the Code of Virginia, the Criminal Justice Services Board, on April 2, 1986, adopted new rules relating to the Certification of Criminal Justice Instructors. These rules will supersede the existing rules which took effect on July 1, 1984.

Amended rules are designed to strengthen the requirements for criminal justice instructors, to insure an acceptable level of ability and experience, and to provide for some retraining before an individual can be recertified.

As a result of written comments received during the public comment period and testimony given at the public hearing, some changes were made. These

changes did not significantly alter the content of the regulations as submitted in the basis, purpose, or impact of these regulations as originally proposed.

VR 240-01-12. Rules Relating to Certification of Criminal Justice Instructors.

Pursuant to the provisions of § 9-170(1) and (11), of the Code of Virginia, the Department of Criminal Justice Services Board hereby establishes the following rules relating to the certification of criminal justice instructors.

§ 1. Definitions.

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

~~D.~~ "Approved training school" means a training school which provides instruction of at least the minimum training standards mandated by the department and has been approved by the department for the specific purpose of training criminal justice personnel.

["Criminal justice agency" means any government agency or identifiable subunit which has as its principal duty(s): the prevention, detection, and investigation of crime; the apprehension, detection, and prosecution of alleged offenders; the confinement or correctional supervision of accused or convicted persons; or the administrative or technical support of these functions.]

~~A.~~ "Department" means the Department of Criminal Justice Services.

~~B.~~ "Director" means the chief administrative officer of the department.

~~F.~~ "Instructional staff" means any individual employed in training on a full-time basis who shall instruct in approved training schools promulgated by the department.

~~G.~~ "Instructor" means an individual who shall instruct, teach or lecture for more than three mandated hours in any individual approved training school.

~~E.~~ "School director" means the chief administrative officer of an approved training school.

§ 2. Minimum standards for instructors in approved training schools.

Instructors in approved training schools [~~must shall~~] possess one of the following certifications authorized by the department, excluding those enumerated in §§ 4 and 5 of these rules:

A. Provisional instructor certification.

For the individual [~~officer~~] who has had little or no previous teaching experience, this certification:

1. Requires a high school diploma or high school equivalency certificate (GED);

2. Requires [~~successful completion of that the individual has met~~] the compulsory minimum training standards for the primary function for which employed by a criminal justice agency, *if applicable* ;

3. Is valid for two years and is not renewable; however, upon expiration of this certification, an instructor certification may be issued in accordance with subsection B of § 2, of these rules; and

4. Does not authorize an individual to instruct or qualify others in mandated firearms, defensive tactics or driver training courses.

B. Instructor certification.

For individuals who have professional [~~and/~~] or proficiency skills in a field directly related to criminal justice, this certification:

1. Requires a high school diploma or high school equivalency certificate (GED);

2. Requires the applicant to be instructional staff, an employee of a [*Virginia*] criminal justice agency, or a school director;

3. Requires the applicant to have completed the compulsory minimum training standards for instructor certification, excluding those individuals enumerated in ~~Section 5-0-A,~~ subsection A of § 5, of these rules;

4. Requires a minimum of two years' experience in a criminal justice agency;

~~4.~~ 5. Is valid for three years and may be renewed; and

~~5.~~ 6. Does not authorize an individual to instruct or qualify others in mandated firearms, defensive tactics, or driver training courses.

C. Firearms instructor certification.

For the individual who has had extensive firearms training and experience, this certification:

1. Requires a high school diploma or high school equivalency certificate (GED);

[2. Requires the applicant to be instructional staff, an employee of a Virginia criminal justice agency, or a school director;]

[~~2.~~ 3.] Requires a minimum of two years' experience in a criminal justice agency;

[~~3.~~ 4.] Requires the applicant to have attended and

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successfully completed a firearms instructors course which meets or exceeds the standards of the firearms instructors school approved by the department;

[~~4~~ ~~5~~] Requires the applicant also to have successfully completed an instructor development course which meets or exceeds the standards for instructor schools approved by the department;

[~~4~~ ~~5~~ ~~6~~] Is valid for three years and may be renewed;

[~~6~~ ~~7~~] Requires prequalification on a 50-yard course with a score of ~~86%~~, on either a *Practical Pistol Course (PPC)* or a *Tactical Revolver Course (TRC)*. Requires prequalification on a department approved 25-yard course with a score of 90%;]

[~~7~~ ~~8~~] Requires the applicant to serve an apprenticeship under a certified instructor until they can demonstrate the ability to instruct on their own. The certified instructor shall document this successful completion of the apprenticeship on the instructor application form; and

[~~5~~ ~~8~~ ~~9~~] Authorizes an individual to instruct mandated firearms training courses and to conduct firearms qualifications only.

D. Defensive tactics instructor certification.

For the individual who has had extensive training and experience in the area of defensive tactics, this certification:

1. Requires a high school diploma or a high school equivalency certificate (GED);

[~~2~~] Requires the applicant to be instructional staff, an employee of a Virginia criminal justice agency, or a school director;]

[~~2~~ ~~3~~] Requires a minimum of two years experience in a criminal justice agency;

[~~3~~ ~~4~~] Requires the applicant to have attended and successfully completed a defensive tactics instructors course which meets or exceeds the standards of the defensive tactics instructors school approved by the department.

[~~4~~ ~~5~~] Requires the applicant also to have successfully completed an instructor development course which meets or exceeds the standards for instructor schools approved by the department;

[~~4~~ ~~5~~ ~~6~~] Is valid for three years and may be renewed; and

[~~6~~ ~~7~~] Requires the applicant to serve an apprenticeship under a certified instructor until they

can demonstrate the ability to instruct on their own. The certified instructor shall document this successful completion of the apprenticeship on the instructor application form; and

[~~5~~ ~~7~~ ~~8~~] Authorizes the individual to instruct defensive tactics subjects only.

E. Driver training instructor certification.

For the individual who has had extensive training and experience in the area of driver training, this certification:

1. Requires a high school diploma or a high school equivalency certificate (GED);

[~~2~~] Requires the applicant to be instructional staff, an employee of a Virginia criminal justice agency, or a school director;]

[~~2~~ ~~3~~] Requires a minimum of two years experience in a criminal justice agency;

[~~3~~ ~~4~~] Requires the applicant to have attended and successfully completed a driver training instructors course which meets or exceeds the standards of the driver training instructors school approved by the department;

[~~4~~ ~~5~~] Requires the applicant also to have successfully completed an instructor development course which meets or exceeds the standards for instructor schools approved by the department;

~~4~~ ~~5~~ ~~6~~] Is valid for three years and may be renewed; and

[~~6~~ ~~7~~] Requires the applicant to serve an apprenticeship under a certified instructor until they can demonstrate the ability to instruct on their own. The certified instructor shall document this successful completion of the apprenticeship on the instructor application form; and

~~5~~ ~~7~~ ~~8~~] Authorizes the individual to instruct driver training subjects only.

§ 3. Compulsory minimum training standards for instructor development.

A. The department establishes the following compulsory minimum training standards for instructors in approved training schools:

1. At a minimum, the instructor development course [~~must~~ shall] be at least 40 hours in length and cover the following subjects:

Role of the Instructor/Adult Learner

Fundamentals of Communication

Determining Training Needs

Liability of Instructors

Research and Development

Instructional Performance Objectives

Preparation and Use of Lesson Plans

Methods of Instruction

Preparation and Use of Audio-Visual Material

Criteria Testing

Student Presentations

Other Optional (Subject matter Topics [←] must pertain to instructor development[→] .)

B. Application to conduct an approved instructor development training session shall be submitted on forms provided by the department.

§ 4. Exemptions to certification requirements.

The following individuals are exempted from the certification requirements set forth in § 2 of these rules:

A. 1. Individuals who instruct three hours or less in any individual approved training school;

B. 2. Individuals assigned by the school director to instruct in emergency situations.

C. 3. Individuals who possess professional or proficiency skills in a field of endeavor directly related to the subject matter in which they are instructing. This would include but not be limited to members of the bar, medical profession, public administrators, teachers, social service practitioners, etc.;

D. 4. Section 4 , ¶ paragraph 3, may apply to employees of criminal justice agencies of this State Commonwealth and its political subdivisions if approved by the department; and

E. 5. Certified emergency care and first aid instructors.

§ 5. Exceptions.

The following individuals are excepted from the certification requirements set forth in § 2 of these rules:

[**A. 1.** Individuals serving as instructors on a regular basis in approved training schools on the effective date of these rules. Such exception shall not exceed a period of three years and is subject to renewal in

accordance with § 7 of these rules; and]

[**B. 2- 1.**] Individuals who serve as field training officers or on-the-job training officers for purposes of providing field training as required by minimum training standards. Such exception shall not be construed to apply to training promulgated by the department other than field training or on-the-job training.

§ 6. Application for instructor certification.

A completed "Instructor Certification Application" is required from each potential instructor prior to certification on forms provided by the department. The application [*must shall*] be accompanied by a recommendation from the chief of police, sheriff, agency administrator or his designee.

§ 7. Renewal of certification.

Instructor certifications, other than those issued to provisional instructors, will be valid for a period of three years. Applications for renewal will be submitted on forms provided by the department.

A. 1. Applicants for recertification [*must shall*] be recommended by the chief of police, sheriff, agency administrator or his designee;

B. 2. Applications for renewal shall include a statement from the school director relative to the instructional performance of the applicant;

3. Applicants [*must shall*] attend and successfully complete a recertification seminar [*not to exceed eight hours*] , approved by the department for each type of certification held. Completion of this requirement [*must shall*] occur within the three-year period in which the certification is valid. Those who were certified prior to the effective date of these regulations will have three years from the effective date to comply.

Completion of one or more of the skills recertification seminars (firearms, defensive tactics or driver training) will qualify an instructor for recertification in the general category.

4. Individuals whose certification is allowed to expire [*must shall*] submit a new application and meet any requirements that are in effect at that time [; including completion of the recertification seminar] ; and

5. Individuals [*must shall*] have taught a minimum of eight [hours mandated or approved hours of instruction] during the present period of certification in order to be eligible for recertification.

§ 8. Revocation of instructor certification.

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The department may suspend or revoke any instructor certification issued under these rules if it is determined that an individual has falsified any department report, application, form or roster or has otherwise misused the authority granted herein.

§ 9. Administrative requirements.

Reports will be required from the school director, chief of police, sheriff, or agency administrator on forms provided by or approved by the director and at such times as designated by the director.

[§ 10. Effective date.

These rules shall be effective on and after July 1, 1984 1986 , and until amended or rescinded.]

BOARD OF EDUCATION

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

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

Effective Date: June 25, 1986

Summary:

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

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

PREAMBLE

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

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

Section 2 of Article VIII requires the Board of Education to prescribe "...Standards of Quality for the several school divisions..." Standard 5 of such Standards of

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

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

PART I. [INTRODUCTION.]

Article I. Applicability.

§ 1.1. These regulations shall apply to all local school divisions in the Commonwealth effective July 1, [1985 1986].

Article II. Definitions.

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

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

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

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

1. General intellectual ability. Students with advance general or specific information and an advance aptitude for abstract reasoning and conceptualization,

whose mental development is accelerated to the extent that they need and can [profit benefit] from specifically planned educational services differentiated from those generally provided by the general program experience.

2. **Specific academic ability.** Students who have aptitude in a specific area such as language arts or math, and who are consistently superior to the extent that they need and can [profit benefit] from specially planned educational services differentiated from those generally provided by the general program experience.

3. **Visual or performing arts ability.** Students who excel consistently in the development of a product or performance in any of the visual and performing arts to the extent that they need and can [profit benefit] from specifically planned educational services differentiated from those generally provided by the general program experience.

4. **Practical arts ability.** Students who excel consistently in the development of a product or performance in any area of vocational education to the extent that they need and can [profit benefit] from specifically planned educational services differentiated from those generally provided by the general program experience.

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

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

["Identification/Placement Committee" means a standing committee appointed by the principal which is composed of the principal or his designee, the referring teachers and others deemed appropriate. This committee may also operate at the division level. In such case, a committee of like nature would be appointed by the superintendent or his designee.]

PART II. RESPONSIBILITIES OF THE LOCAL SCHOOL

DIVISIONS.

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

Article I. Identification.

§ 2.2. [Each school division shall establish and maintain procedures to permit referrals from school personnel, parents, peers, other persons in the community, and a self-referral of those students suspected of being gifted for a review by the Child Study Committee in each school. This committee shall review records and other performance evidence of such referred students. Where such review by the Child Study Committee indicates that students meet the general definition of gifted, their names shall be forwarded to the local school division administrator of programs for the gifted, or designee, who shall obtain additional assessment data when appropriate, and then shall refer students to the Eligibility/Placement Committee for a determination of eligibility. Each school division shall establish and maintain a uniform procedure for screening and identification of gifted students. These procedures will permit referrals from school personnel, parents, or legal guardians, other persons of related expertise, and self-referral of those students believed to be gifted. Pertinent information, records, and other performance evidence of referred students will be examined by a building level or division level identification committee. Further, the committee will determine the eligibility of the referred students for differentiated programs. Students who are found to be eligible by the Identification/Placement Committee shall be offered a differentiated program by the school division.]

§ 2.3. [The Eligibility/Placement Committee shall review the available data and, where necessary, request additional information and/or testing to (i) determine if referred students are gifted (ii) require a differentiated program and (iii) recommend placement in an appropriate program when found eligible. Such gifted students shall then be referred to an administrator who has authority to implement the recommended differentiated program. Each school division shall maintain a review procedure for students whose cases are appealed. This procedure shall involve individuals, the majority of whom did not serve on the Identification/Placement Committee.]

Article II. Assessment.

[§ 2.4. Many facets of the child study process, other than tests, should be included in assessing students who have been referred for consideration by the Eligibility/Placement Committee. To be inclusive rather than exclusive for groups such as the disabled or culturally different, other elements of assessment must be considered in the overall evaluation of students suspected

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of being gifted. No single instrument shall be used as the sole criterion in determining students who qualify for programs for the gifted.

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

[§ 2.4 No single criterion shall be used in determining students who qualify for programs for the gifted. The eligibility of students for programs for the gifted shall be based on two or more of the following:]

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

Article III. Local Plan.

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

§ 2.5. Each school division shall submit a plan for the education of gifted students. Modifications to the plan shall be reported to the Department of Education on dates specified by the agency. The plan shall include the components as follow:]

1. A statement of philosophy;

2. A statement of goals and objectives;

3. Procedures for the [early and on-going] identification and [program] placement of gifted students;

4. Program design which includes curriculum [goals and differentiated instruction] for kindergarten through grade 12;

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

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

[7. A policy for identified gifted students' entry into and exit from the program which includes an opportunity for levels of appeal with reasonable timelines and an opportunity for parents who disagree with the committee(s) decision to meet and discuss their concern(s) with an appropriate administrator; and A procedure for notifying parents/legal guardians when additional testing or additional information is required during the assessment process and for obtaining permission prior to placement of student in the program.

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

9. Assurances that records are maintained according to "Management of Students Scholastic Record into Public Schools of Virginia";

10. Assurances that testing and evaluative materials selected and administered (i) are neither culturally nor racially discriminatory; (ii) are sensitive to language differences; (iii) have been validated for the specific purpose for which they are used; and (iv) are administered and interpreted by trained personnel in conformance with the instructions by their producer.

11. Other information as required by the Department of Education.]

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

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

B. Testing and evaluative materials selected and

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

[§ 2-8. § 2.6.] Each school division shall [establish provide] a local advisory committee composed of parents, teachers, and community members [, and others] whose purpose is to advise the school board through the division superintendent on the educational needs of gifted students; and to review annually the local plan for the education of gifted students [and the extent to which the plan for the previous year was implemented].

Article IV. Funding.

[§ 2-8. § 2.7.] State funds administered by the Department of Education for the education of gifted students shall [only] be used to support [only] those activities [as] identified in the [local] school division's [annual plan as] approved by the Board of Education.

COMMISSION OF GAME AND INLAND FISHERIES

Title of Regulation: VR 325-01-1. In General.

Statutory Authority: §§ 29-125, 29-126 and 29-127 of the Code of Virginia

Effective Date: June 1, 1986

NOTE: The Commission of Game and Inland Fisheries is exempted from the Administrative Process Act, (§ 9-6.14:4.1 of the Code of Virginia); however, it is required by § 9-6.14:22 to publish all proposed and final regulations. This regulation is numbered to conform to the new classification system by the Virginia Code Commission.

VR 325-01-1. In General.

Summary:

Summaries are not provided since, in most instances, the summary would be as long or longer than the full text.

§ 12. Appointment of new consignment agents for sale of hunting and fishing licenses.

A. No person shall be appointed as a consignment agent for the sale of hunting and fishing licenses unless [such person he] first sells licenses on a cash basis for at least one year. [B.] In addition, the dollar volume of actual or projected sales must equal at least 90% of the average hunting and fishing license sales of consignment agents in

[that the] locality.

[C. B.] If the cash agent sells the required number of licenses, [such agent will he may] be appointed as a consignment agent, provided [such agent he] is approved for a surety bond by the Commission's bonding company.

[D. C.] This [section regulation] is applicable to new appointments and not to transfers of existing appointments within a locality.

STATE BOARD OF HEALTH

Title of Regulation: VR 355-22-1.1. Regulations Prohibiting the Taking of Finfish in Designated Portions of the James River and Its Tributaries.

Statutory Authority: §§ 28.1-176, 28.1-177 and 32.1-248 of the Code of Virginia

Effective Date: July 1, 1986 through June 30, 1988, unless rescinded or extended.

Summary:

This amendment to the regulation continues the ban on commercial fishing for striped bass, croaker and eel not depurated until June 30, 1988. All previous restrictions on crabbing, which were removed from the regulation previously, continue to be suspended. There are no restrictions on recreational finfishing and crabbing.

VR 355-22-1.1. Regulations Prohibiting the Taking of Finfish in Designated Portions of the James River and Its Tributaries.

PART I. DEFINITIONS.

Section 2- § 1.1. The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise.

2-01 "Finfish" means any cold-blooded, strictly aquatic, water-breathing craniate vertebrate with fins, including cyclostomes, elasmobranchs and higher gilled aquatic vertebrates with cartilaginous or bony skeletons. Eels are included in this category.

2-02 "Kepone" means a chlorinated pesticide known as chlordecone.

2-03 "Recreational fishing" means the catching exclusively by hook and line of finfish which may be kept for personal consumption. It does not include keeping for purposes of sale or distribution for sale.

2-04 "The fall line of the James River" means the line

Final Regulations

formed by the crossing of the Fourteenth Street Bridge over the James River in the City of Richmond.

~~2-05~~ "The mouth of the James River" means the line formed by the crossing of the Hampton Roads Bridge-Tunnel across the James River through Willoughby Split on the South shore of the James River northwesterly to the former toll plaza location at the Southwest end of Willard Avenue on the North shore of the James River.

~~2-06~~ "The tributaries of the James River" means those streams and rivers flowing into the James River and include but are not limited to the Elizabeth River, Nansemond River, Chuckatuck Creek, Chickahominy River, Appomattox River, Hampton River, Pagan River and Warwick River.

PART II. GENERAL PROVISIONS.

Section 1: General Information.

§ 2.1. Authority.

~~1-01~~ Authority.

A. Section 32.1-248 of the Code of Virginia (~~1950~~), as amended, authorizes the State Board of Health to adopt regulations or orders closing any river in which a toxic substance is present in such a manner as to constitute a present threat to public health and welfare. These regulations are also promulgated pursuant to the powers granted to the State Health Commissioner by Chapter 7 of Title 28.1 of the Code of Virginia. Section § 28.1-177 of the Code of Virginia which provides, in pertinent part, as follows: when from examination of or analysis of the shellfish, finfish or crustacea in a shellfish, finfish or crustacea growing area, of the bottom in or adjacent to such area, or the water over such area, or the sanitary or pollution conditions adjacent to finfish or crustacea growing area, or the bottom in or adjacent to such area, the Health Commissioner determines that the shellfish, finfish or crustacea growing in such area is unfit for market, he shall cause limits or boundaries of such area upon which area shall be condemned, and remain so until such time as the Health Commissioner shall find such shellfish, finfish or crustacea or area sanitary and not polluted.

B. Section 28.1-176 of the Code of Virginia provides, in pertinent part: The Health Commissioner may establish, alter and change in his discretion, at any time, standards, examinations, analysis and inspections which shall control the taking and marketing from the health standpoint, of fish, shellfish, and crabmeat; and he shall be the sole judge as to whether or not such fish, shellfish and crabmeat are sanitary and fit for market and also such standards, examinations, analysis and inspections.

~~1-02~~ § 2.2. Purpose of regulations.

The State Board of Health and State Health Commissioner promulgate these regulations to restrict the taking, distributing and consumption of finfish from designated portions of the James River and its tributaries. These regulations provide for the enforcement of the prohibitions imposed on the taking of finfish.

~~1-03~~ § 2.3. Administration of regulations.

~~1-03-01~~ A. The State Board of Health and State Health Commissioner shall have the responsibility to promulgate, amend and repeal these regulations.

~~1-03-02~~ B. The State Board of Health and State Health Commissioner shall have the responsibility to review on a quarterly basis the specific data on which these regulations are based and thereafter to amend or repeal as may be appropriate.

~~1-03-03~~ C. Commonwealth Attorney The attorney for the Commonwealth, pursuant to § 28.1-180 of the Code of Virginia, is required to prosecute criminal violations without delay.

~~1-04~~ § 2.4. Effective date of regulations.

These regulations shall become effective on July 1, ~~1982~~ 1986 .

~~1-05~~ § 2.5. Application of the Administrative Process Act.

The provisions of the Virginia Administrative Process Act, Section § 9-6.14:1 et seq. of the Code of Virginia, shall govern the adoption, amendment, modification, and revision, of these regulations, and the conduct of all proceedings involving case decisions hereunder except when there is a lessening of the restrictions placed upon fishing or their usage of the waters subject to this regulation. The commissioner may adopt revisions which allow lessening of such restrictions without applying the provisions of the Administrative Process Act, as provided in § 32.1-248 of the Code of Virginia.

~~1-06~~ § 2.6. Severability.

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

PART III.

Section 3: PROHIBITED ACTS. and Authorized Acts.

~~3-01~~ § 3.1. Finfish. and Turtles. Prohibited acts.

~~3-01-01~~

Final Regulations

No person shall catch, net or take finfish from the James River or any of its tributaries from the fall line to the mouth of the James River as follows:

3.01.01.01 Commercial Fishing.

1. Commercial fishing for striped bass and croaker throughout the effective period.

3.01.01.02 Commercial Fishing.

2. Commercial fishing for eel without a depuration holding period of 50 days.

3.01.01.03 Commercial Fishing.

3. Commercial fishing for grey trout and bluefish between July 1, and December 31 of each year.

3.01.02 Authorized Acts.

Persons engaged in recreational and commercial fishing may take and keep finfish as follows:

3.01.02.01 Recreational Fishing.

Any person engaged in recreational fishing may catch and keep any finfish within the James River and its tributaries. As a condition for allowing such recreational fishing, hazard warnings for consuming finfish from these areas shall be issued periodically.

3.01.02.02 Commercial Fishing.

3.01.02.02.01 Catfish, shad, herring and turtles may be taken from the James River and its tributaries during any time period. Eel may be taken from the James River and its tributaries during any time period where such eel are held 50 days for Kepone depuration prior to marketing.

3.01.02.02.02 Except for striped bass, and croaker all other finfish may be caught, netted or taken from the James River and its tributaries between January 1 and June 30.

PART IV.

PENALTIES. Section 4: Penalties.

§ 4.1. Pursuant to § 32.1-27 of the Code of Virginia, violation of this regulation is a Class 1 misdemeanor punishable by a fine or up to \$1,000, a jail term of up to one year, or both.

PART V.

Section 5: EXPIRATION OF REGULATIONS.

§ 5.1. This regulation shall expire on June 30, 1986 1988, unless earlier rescinded or extended by the Board of Health and State Health Commissioner.

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Safety and Health Codes Commission

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

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

Effective Date: June 25, 1986

Summary:

On November 27, 1986, Federal OSHA published in the Federal Register an amendment to its Hazard Communication Standard, 29 CFR 1910.1200 (50 Fed. Reg. 48750). The amendment was published as an Interim Final Rule with an effective date of November 27, 1986.

This amendment narrows the standard's definition of "trade secret" and extends access to trade secret information in nonemergency situations to employees and their designated representatives. In addition, two typographical errors in the trade secret access provisions are corrected.

This amendment was prepared in accordance with the Third Circuit's decision in United Steelworkers of America v. Auchter, 763 F.2d 728 (3rd Cir. 1985). In that decision the Court ordered Federal OSHA to:

(1) Narrow the definition of "trade secret" incorporated into the rule to ensure that it is not broader than applicable state laws, and does not permit chemical identities to be claimed as trade secrets if such identities can be readily discovered through reverse engineering; and

(2) To extend access to trade secret information in nonemergency situations to employees and collective bargaining agents.

In response to the court order, Federal OSHA has amended its trade secret definition to better reflect the nation's common law (i.e. to conform with the widely relied upon definition of "trade secret" found in the Restatement of Torts), and is extending access to trade secret chemical identities to employees and their designated representatives who demonstrate a "need-to-know" the information, and the means to maintain its confidentiality.

Federal OSHA decided to publish an Interim Final Rule rather than seeking public comment prior to implementation because:

(1) The changes are designed to carry out the Third Circuit order;

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(2) The issues have already been extensively commented upon during the lengthy Hazard Communication rulemaking; and

(3) The November 25, 1985, effective date of the standard and the demonstrated need for the standard make it "impracticable, unnecessary and contrary to the public interest" to delay implementation of the trade secret provision or the standard itself.

Federal OSHA estimates that the amendment will add from \$1.7 million to \$2.5 million to the cost of enforcing the Hazard Communication Standard nationwide (1.1% to 1.6% of the total cost).

Federal Regulation 29 CFR 1953.23(a)(2) requires Virginia to adopt within six months changes to Federal standards in verbatim or to promulgate equivalent changes which are at least as effective as the Federal change. The Virginia Code reiterates this requirement in § 40.1-22(5). Adopting this amendment to 1910.1200 allows Virginia to conform to the federal standard.

Pursuant to Virginia Code § 9-9.14:4.1(C)(4)(c) this amendment to 1910.1200 may be adopted without further Virginia public participation in the regulatory adoption process.

Editor's Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, the Virginia Occupational Safety and Health Standards for General Industry, Hazard Communication Standard, is declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Virginia Register of Regulations. Copies of this document are available for inspection at the Department of Labor and Industry, 205 North Fourth Street, Richmond, Virginia, and in the office of The Registrar of Regulations, Room 215, General Assembly Building, Capitol Square, Richmond, Virginia.



COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION
General Assembly Building

POST OFFICE BOX 3 AG
RICHMOND, VIRGINIA 23206
(804) 786-2591

May 13, 1986

William G. Bryson, Chairman
Virginia Safety and Health Codes Board
Department of Labor and Industry
205 North Fourth Street
Richmond, Virginia 23241

Re: Federal OSHA amendments to the
Hazard Communication Standard
Effective date: June 25, 1986

Dear Mr. Bryson:

This will acknowledge receipt of the amendments to the above standards from the Virginia Safety and Health Codes 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. Please note that as required under the same section, the effective date of these regulations cannot be less than 30 days from the date of publication. Therefore, we have determined the effective date to be June 25, 1986.

Sincerely,

Joan W. Smith
Registrar of Regulations

JWS:s11

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Safety and Health Codes Commission

Title of Regulation: VR 425-02-7. Cotton Dust Standard—Virginia Occupational Safety and Health Standards for General Industry.

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

Effective Date: June 25, 1986

Summary:

On December 13, 1985, Federal OSHA published in the Federal Register an amendment to its Cotton Dust Standard, 29 CFR 1910.1043. The amended provisions of 1910.1043 became effective on January 13, 1986. One separate start-up date six months after the effective date is provided for medical surveillance in cotton seed processing and waste processing.

This amendment provides for the incorporation of an action level (at one-half the PEL); modification of exposure monitoring requirements; extension of compliance deadlines for ring spinning of coarse count yarn with a high cotton content; addition of a protocol

for determining equivalency to the vertical elutriator; incorporation of a wage retention provision; exclusion of oil mist from the definition of cotton dust; clarification of scope of coverage; and substantial changes to the washed cotton provisions reflecting current research. The standard's permissible exposure limits (PELs) of 200 micrograms per cubic meter (200 ug/m3) for yarn production and 750 ug/m3 for slashing and weaving operations and methods of compliance provisions with preference for engineering controls remain unchanged.

Together the final amendments result in substantial deregulation while maintaining health protection for employees. The changes result in nationwide cost savings of \$57.3 million in capital expenditures and \$28.9 million per year in annual operating costs. No additional cost or adverse impact on Virginia employers is anticipated.

Changes are being made to the cotton dust standard in textiles to make it more cost effective and performance oriented. Basic provisions are being retained because they have been achieved and have improved the health of cotton textile workers. Both the American Textile Manufacturers Institutes and Amalgamated Clothing and Textile Workers Union generally approve of the cotton dust standard as amended.

Federal Regulation 29 CFR 1953.23(a)(2) requires Virginia to adopt within six months changes to federal standards in verbatim or to promulgate equivalent changes which are at least as effective as the federal change. The Virginia Code reiterates this requirement in § 40.1-22(5). Adopting this amendment to 1910.1043 will allow Virginia to conform to the federal standard.

Pursuant to Virginia Code § 9-9.14:4.1(C)(4)(c) this amendment to 1910.1043 may be adopted without further Virginia public participation in the regulatory adoption process.

Editor's Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, the Virginia Occupational Safety and Health Standards for General Industry, Cotton Dust Standard, is declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Virginia Register of Regulations. Copies of this document are available for inspection at the Department of Labor and Industry, 205 North Fourth Street, Richmond, Virginia, and in the office of The Registrar of Regulations, Room 215, General Assembly Building, Capitol Square, Richmond, Virginia.



COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION
General Assembly Building

POST OFFICE BOX 3 AG
RICHMOND, VIRGINIA 22204
(804) 781-2191

May 13, 1986

William G. Bryson, Chairman
Virginia Safety and Health Codes Board
Department of Labor and Industry
205 North Fourth Street
Richmond, Virginia 23241

Re: Federal OSHA amendments to the
Cotton Dust Standard
Effective date: June 25, 1986

Dear Mr. Bryson:

This will acknowledge receipt of the amendments to the above standards from the Virginia Safety and Health Codes 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. Please note that as required under the same section, the effective date of these regulations cannot be less than 30 days from the date of publication. Therefore, we have determined the effective date to be June 25, 1986.

Sincerely,
Joan W. Smith
Joan W. Smith
Registrar of Regulations

JWS:s11

MARINE RESOURCES COMMISSION

Title of Regulation: VR 450-01-0039. Pertaining to Crab Catch Limits.

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

Effective Date: April 24, 1986 through May 24, 1986.

NOTE: The Marine Resources Commission is exempted from the Administrative Process Act (§ 9-6.14:4 of the Code of Virginia); however, it is required by § 9-6.14:22B to publish the final regulations.

PREAMBLE

This regulation establishes a daily catch limit for the taking of crabs during the 30-day period beginning April 24, 1986, and ending May 24, 1986. This is an emergency regulation promulgated in the interest of conservation and the crabbing industry.

The Marine Resources Commission, recognizing the need for the immediate preservation of the public peace, safety, welfare, and protection of the seafood industry, and acting under the authority of §§ 28.1-23, 28.1-25 and 28.1-168 of the Code of Virginia, does hereby promulgate this emergency regulation.

Final Regulations

VR 450-01-0039. Pertaining to Crab Catch Limits.

§ 1. Authority, prior regulations, effective date, and termination date.

A. This regulation is promulgated pursuant to the authority contained in §§ 28.1-23, 28.1-25 and 28.1-168 of the Code of Virginia.

B. Regulation VR 450-01-0007, which also pertains to crab catch limits, establishes a 25-barrel limit for the period December 1 to March 31, of each year.

C. The effective date of this regulation is April 24, 1986.

D. This regulation shall terminate on May 24, 1986.

§ 2. Catch limit.

A. No boat or vessel shall take, catch or have in possession more than 51 bushels or 17 barrels of crabs in any one day.

B. In examining a particular boat's catch, if the law enforcement officer finds crabs in excess of the 51-bushel or 17-barrel limit, the quantity of crabs in excess shall be immediately returned to the water by the person who possessed such crabs. The refusal to return the crabs to the water shall constitute a separate violation of this regulation.

§ 3. Penalty.

As set forth in § 28.1-23 of the Code of Virginia, any person, firm or corporation violating any provision of this regulation shall be guilty of a Class 1 misdemeanor.

* * * * *

Title of Regulation: VR 450-01-8602. Closing of James River Seed Area.

Statutory Authority: § 28.1-85 of the Code of Virginia

Effective Date: June 1, 1986 through October 1, 1986.

NOTE: The Marine Resources Commission is exempted from the Administrative Process Act (§ 9-6.14:4.1 of the Code of Virginia); however, it is required by § 9-6.14:22B to publish the final regulations.

PREAMBLE

The following order of the Marine Resources Commission closes the James River Seed Area to the taking of oysters.

VR 450-01-8602. Closing of James River Seed Area.

§ 1. Authority and effective date:

A. This order is promulgated pursuant to the authority contained in § 28.1-85 of the Code of Virginia.

B. The effective date of this order is June 1, 1986.

§ 2. Purpose:

The purpose of this order is to close the James River Seed Area to the taking of oysters and to protect and promote the oyster resource in that area.

§ 3. Closed area:

That area, known as the James River Seed Area, upstream of a line drawn from Cooper's Creek in Isle of Wight County on the south side of the James River to the Newport News municipal water tank located on Warwick Boulevard between 59th and 60th streets in the City of Newport News, is hereby closed to the taking of oysters.

§ 4. Expiration date:

This order shall terminate October 1, 1986.

EMERGENCY REGULATION

VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Title of Regulation: Virginia Board of Funeral Directors and Embalmers Public Participation Guidelines.

Effective Date: April 30, 1986

PREAMBLE

Statement of Need and Factual Basis for Emergency Regulations of the Virginia Board of Funeral Directors and Embalmers to set forth Guidelines for Public Participation pursuant to § 9-6.14:7.1 of the Code of Virginia, to solicit the input and involvement of interested parties in the formulation and development of proposed regulations.

These guidelines set forth methods for the identification and notification of interested parties and develop a specific means of seeking input from interested groups including consumer agencies, memorial societies, and professional associations. Provisions include the formation and use of standing committees, ad hoc advisory panels, consulting groups and private individuals registering interest in the conduct of the regulation process of the Virginia Board of Funeral Directors and Embalmers.

It was the intent of the board to incorporate these guidelines as part of the total regulatory package as a result of the regulatory review process. It was later determined that guidelines must be promulgated prior to promulgation of regulations proposed as a result of regulatory review. Delays in the finalization of the board's review process, other board business including reciprocal licensure negotiations, and development of a proposed fee increase have delayed the promulgation of regulations until this point.

This request for filing for emergency promulgation of the Public Participation Guidelines is necessitated due to a requirement that a proposed fee structure increase be instituted and be in effect by November 1, 1986. Should such fees not be in place by the renewal period, the board would be confronted with a deficit in operational revenue by the second half of the biennium.

This request for emergency procedures includes provision of a mechanism for continual public and professional involvement in the finalization of the regulatory review process. All interested parties will have the opportunity to review and comment on the proposed regulations under the terms of the Public Participation Guidelines if they are placed into effect on an emergency basis and become operative immediately. The guidelines will then be submitted for adoption under standing provisions of the Administrative Process Act. Thus, the guidelines themselves will be subject to full public participation. The net outcome will be fully reviewed guidelines and regulations proposed to conclude the process of regulatory review.

/s/ Bernard L. Henderson, Jr., Director

Virginia Department of Health Regulatory Boards
Date: March 7, 1986

/s/ Gerald L. Baliles, Governor
Commonwealth of Virginia
Date: April 30, 1986

/s/ Joan Smith, Registrar of Regulations
Virginia Code Commission
Filed: April 30, 1986 - 4:31 p.m

Virginia Board of Funeral Directors and Embalmers Public Participation Guidelines.

Article XXI.

§ 1. Mailing list.

The executive secretary of the Virginia Board of Funeral Directors and Embalmers will maintain a list of persons and organizations who will be mailed the following documents as they become available:

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

§ 2. Being placed on list; deletion.

Any person wishing to be placed on the mailing list may do so by writing the board. In addition, the board may, in its discretion, add to the list any person, organization, or publication if believes will serve the purpose of responsible participation in the formation or promulgation of regulations. Those on the list will be provided all information stated in § 1. Those on the list may be periodically requested to indicate their desires to continue to receive documents or to be deleted from the list. When mail is returned as undeliverable, or when no timely response is forthcoming, they will be deleted from the list.

§ 3. Notice of intent.

At least 30 days prior to publication of the notice to conduct an informational proceeding as required by § 9-6.14:1 of the Code of Virginia, the board will publish a "notice of intent". This notice will contain a brief and concise statement of the possible regulation or the problem and the regulation would address and invite any person to provide written comment on the subject matter. Such notice shall be transmitted to the Registrar for inclusion in the Virginia Register of Regulations.

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

At least once each biennium, the board will conduct an

Emergency Regulation

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

§ 5. Petition for rulemaking.

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

§ 6. Notice of formulation and adoption.

At any meeting of the board or subcommittee of the board at which the formulation or adoption of regulations is to occur, the subject matter shall be transmitted to the Registrar for inclusion in the Virginia Register of Regulations.

§ 7. Advisory committees.

The board may appoint advisory committees as it may deem necessary to provide for adequate citizen participation in the promulgation, adoption and review of regulations.

STATE CORPORATION COMMISSION

STATE CORPORATION COMMISSION

Bureau of Insurance

April 30, 1986

Administrative Letter 1986-5

TO: ALL DOMESTIC INSURERS AUTHORIZED TO WRITE LIFE INSURANCE, ANNUITIES, AND/OR ACCIDENT AND SICKNESS INSURANCE; ALL DOMESTIC NONPROFIT LIFE BENEFIT COMPANIES, MUTUAL ASSESSMENT LIFE, ACCIDENT AND SICKNESS INSURERS, BURIAL SOCIETIES AND FRATERNAL BENEFIT SOCIETIES; AND INSURANCE SUPERVISORY OFFICIALS OF THE JURISDICTIONS LISTED HEREIN

SUBJECT: Prohibition Against Insuring Lives or Persons of Residents of States in Which Insurer is not Licensed

Section 38.1-433 of the Code of Virginia will be superseded by § 38.1-3102 effective July 1, 1986. The text of § 38.1-3102 is attached hereto for your reference. This statute prohibits domestic insurers (as described above) from insuring the lives or persons of residents of jurisdictions in which such insurers are not licensed, PROVIDED that such other jurisdiction has a like statute. There are certain exceptions to the basic prohibition, which are fully set out in subsection C of § 38.1-3102.

The only substantive difference between §§ 38.1-433 and 38.1-3102 is that, under the new insurance title, the Commission will no longer be obligated to annually provide you with a list of those jurisdictions in which you would be prohibited from writing life insurance or accident and sickness insurance unless duly licensed to do so by that jurisdiction.

The attached list of "Reciprocal States", then, is being furnished to you for the last time. Henceforth, you will be responsible for determining whether or not jurisdictions in which you seek to write life insurance or accident and sickness insurance are "Reciprocal States" as defined by § 38.1-3102. The Bureau of Insurance has surveyed the various states and other jurisdictions, and a listing of those which are "Reciprocal States" follows.

This Administrative Letter is also being sent to the Insurance Supervisory Official of each "Reciprocal State", and we ask them to notify the Bureau of Insurance at any time that they discover violations by any of our domestic insurers with respect to the subject matter hereof.

It is suggested that this Administrative Letter be retained for future reference. Kindly address any questions, in writing, to Gerald A. Milsky, Assistant Commissioner, Life and Health Division, at the above address

/s/ James M. Thomson
Commissioner of Insurance

JURISDICTIONS DEEMED "RECIPROCAL STATES" PURSUANT TO § 38.1-3102 (FORMERLY § 38.1-433) OF THE CODE OF VIRGINIA

NOTE: The reciprocal states laws of most states apply to any insurance contract issued upon the life or person of a resident of, or property or operations located in, a reciprocal state. Virginia's law, however, applies only to contracts issued upon the lives or persons of residents of reciprocal states. Thus, Virginia is "reciprocal" only with regard to life insurance, annuities, and accident and sickness insurance.

JURISDICTION CITATION

ALASKA - (§ 21.69.420, Alaska Statutes)
CALIFORNIA - (§ 706.7, California Insurance Code)
COLORADO - (§ 10-1-121, Colorado Insurance Code)
DELAWARE - (Title 18, § 4935, Delaware Insurance Code)
FLORIDA - (§ 628.291, Florida Insurance Code)
HAWAII - (§ 431-150, Hawaii Insurance Code)
IDAHO - (§ 41-2851, Idaho Insurance Code)
KANSAS - (§ 40-214, Kansas Insurance Code)
LOUISIANA - (§ 22:1251, Louisiana Insurance Code)
MAINE - (Title 24-A, § 3421, Maine Insurance Code)
MARYLAND - (Article 48A, § 275, Maryland Insurance Code)
MICHIGAN - (§ 500.5208(1), Michigan Insurance Code)
MISSISSIPPI - (§ 83-19-69, Mississippi Insurance Code)
MONTANA - (§ 33-3-502, Montana Insurance Code)
NEBRASKA - (§ 44-2501, Nebraska Insurance Code)
NEW HAMPSHIRE - (§ 402:54-55, New Hampshire Insurance Code)
NEW MEXICO - (§ 59-34-33, New Mexico Insurance Code)
NORTH CAROLINA - (§ 58-54.27, North Carolina Insurance Laws)
NORTH DAKOTA - (§ 26.1-05-34, North Dakota Insurance Laws)
OHIO - (§ 3905.44, Ohio Insurance Code)
OREGON - (§ 731-454, Oregon Insurance Code)
PUERTO RICO - (§ 2932(3), Puerto Rico Insurance Code)
SOUTH DAKOTA - (§ 58-5-100, South Dakota Insurance Laws)
UTAH - (§ 31-7-13, Utah Insurance Code)
VIRGIN ISLANDS - (Title 22, § 314, Virgin Islands Code)
WASHINGTON - (§ 48.07.150, Washington Insurance Code)

Code of Virginia, as amended Title 38.2, Chapter 31, Article 1

§ 38.1-3102. Domestic insurers prohibited from insuring lives and persons of residents of "reciprocal states". -A. As used in this section, "reciprocal state" means a state whose laws prohibit its domestic insurers from insuring the lives or persons of residents of this Commonwealth unless the insurer is licensed in this Commonwealth. The prohibition may be subject to exceptions similar to those

State Corporation Commission

set forth in subsection C of this section.

B. Subject to the exceptions set forth in subsection C of this section, a domestic insurer shall not enter into an insurance contract upon the life or person of a resident of a reciprocal state unless the insurer is licensed in that state.

C. The following are exceptions to the provisions of subsection B of this section:

1. Contracts entered into when the person insured, or proposed to be insured, is, at the time he signs the application, personally present in a state where the insurer is licensed;
2. Certificates issued under any lawfully issued group life or group accident and sickness policy, when the group policy is entered into in a state where the insurer is licensed;
3. Contracts made pursuant to a pension or retirement plan of an employer, when the contracts are applied for in a state where the employer is personally present or doing business and where the insurer is also licensed; or
4. Contracts renewed, reinstated, converted, or continued in force, with or without modification, that are otherwise lawful and that were not originally executed in violation of this section.

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Title of Regulation: VR 115-95-11. Rules and Regulations Pertaining to the Sanitation and Operating Requirements in Retail Food Stores.

Governor's Comment:

I have reviewed the attached rules and regulations governing retail food stores, as proposed by the Department of Agriculture and Consumer Services, and have no objection to the proposed regulations as presented. I draw the attention of the Commissioner to the comments from the Department of Planning and Budget regarding several key definitions, and urge the Department to carefully consider any public comments received on these regulations prior to their final adoption.

/s/ Gerald L. Bailes
Date: April 24, 1986

DEPARTMENT OF HEALTH

Title of Regulation: VR 355-22-1.1. Regulations Prohibiting the Taking of Finfish in Designated Portions of the James River and Its Tributaries.

Governor's Comment:

No objections to the proposed regulations as presented.

/s/ Gerald L. Bailes
Date: May 11, 1986

STATE WATER CONTROL BOARD

Title of Regulation: National Pollutant Discharge Elimination System (NPDES) Permit Program Subpart G, Pretreatment and Industrial User Control Program (Regulation No. 6).

Title of Regulation: Water Quality Standards and Policy for Chlorine in Surface Waters (Section 1:11).

Title of Regulation: Water Quality Standards and Policy for Mercury in Fresh Water (Section 1.10B.2).

Title of Regulation: VR 680-14-02. NPDES General Permit for Sewage Discharges of Less than 1,000 Gallons Per Day.

Title of Regulation: VR 680-14-01. NPDES General Permit for Ground Water Heat Pumps.

Title of Regulation: Basin and Section Description Table (Shenandoah Rivers Sub-basin, Natural Trout Waters Section 5D).

Governor's Comment:

I have reviewed the following regulations under the procedures of Executive Order 51 (84) which was in effect at the time of their original submission:

1. National Pollutant Discharge Elimination System (NPDES) Permit Program Subpart G, Pretreatment and Industrial User Control Program (Regulation Number 6)
2. Water Quality Standards and Policy for Chlorine in Surface Waters (Section 1:11)
3. Water Quality Standards and Policy for Mercury in Fresh Water (Section 1.10B.2)
4. VR 680-14-02. NPDES General Permit for Sewage Discharges of Less than 1,000 Gallons Per Day
5. VR 680-14-01. NPDES General Permit for Ground Water Heat Pumps
6. Basin and Section Description Table (Shenandoah Rivers Sub-basin, Natural Trout Waters Section 5D)

Regulations 1, 3, 4, 5 and 6 appear carefully drawn to reduce administrative burdens and to bring the Board's standards into compliance and conformity with federal and Virginia law. Because of the positive impact and policy considerations addressed by these regulations, I have no objections to these proposals as presented.

I have also reviewed very carefully the regulation regarding chlorine concentration in surface waters. The obvious care with which this regulation was written indicates the Board's sensitivity to the need to protect aquatic life in Virginia's waters from the dangers of high concentrations of chlorine.

Because of the potential impact of this regulation on disinfection processes across the state, I encourage the Board to consider carefully any comments received from the public on this regulation before adopting final regulations. I also encourage the Board to consider the comments of the Department of Planning and Budget.

/s/ Gerald L. Bailes
Date: March 27, 1986

Governor

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER TEN (86)

RESCINDING CERTAIN GUBERNATORIAL MEMORANDA ISSUED BETWEEN 1966 AND 1983

By virtue of the authority vested in me as Governor and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby rescind the following twenty-two obsolete executive memoranda and policy memoranda. In each case, subsequent legislative or executive action has superseded the memorandum.

A. The following executive memorandum issued by Governor Mills E. Godwin, Jr. in 1966, is hereby rescinded:

<u>DATE ISSUED</u>	<u>SUBJECT</u>
December 13, 1966	Coordination of Agency Office Space

B. The following six executive memoranda issued by Governor Linwood Holton between 1970 and 1973, are hereby rescinded:

<u>DATE ISSUED</u>	<u>SUBJECT</u>
November 21, 1970	Research Grants and Contract Overhead and National Defense Student Loan Fund Overhead
May 14, 1971	Revised Charges for State-Owned Aircraft
July 3, 1973	Automated Data Processing Services
September 11, 1973	Uniform Statewide Building Code
November 21, 1973	Response to Gasoline Shortages
November 27, 1973	General Fund Reversions

C. The following five executive memoranda issued by Governor Mills E. Godwin, Jr. between 1974 and 1977, are hereby rescinded:

<u>DATE ISSUED</u>	<u>SUBJECT</u>
May 22, 1974	Automated Data Processing Responsibility
October 21, 1974	Appropriation Reductions
January 6, 1975	Policy on Organizational Memberships
November 1, 1976	Defensive Driving
July 7, 1977	Overtime Payments

D. The following five executive memoranda issued by Governor John N. Dalton between 1978 and 1980, are hereby rescinded:

<u>DATE ISSUED</u>	<u>SUBJECT</u>
September 26, 1978	Disclosure of Economic Interests of Public Officials
October 23, 1978	Issuance of Policy Memorandum
July 5, 1979	Initiation of Management Support Program
March 17, 1980	Simplification of Regulatory Activities Affecting Small Businesses
December 10, 1980	A Process for the Review and Evaluation of the Management of Virginia's Coastal Resources

E. The following three policy memoranda issued by Governor John N. Dalton between 1978 and 1980, are hereby rescinded:

<u>DATE ISSUED</u>	<u>SUBJECT</u>
October 23, 1978 1979 (date not shown)	Annual Review of Agency Grants of Authority Compliance of State Agencies with Title V, Sections 503 and 504 of the Rehabilitation Act of 1973
May 27, 1980	Utilization of Science and Technology in State Government

F. The following two executive memoranda issued by Governor Charles S. Robb in 1982 and 1983, are hereby rescinded:

<u>DATE ISSUED</u>	<u>SUBJECT</u>
July 2, 1982	Allotment Reductions
March 3, 1983	Policy Document Search

This Executive Order will become effective upon its signing and will remain in full force and effect until amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this thirtieth day of April, 1986.

/s/ Gerald L. Ballies

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

NOTICES OF INTENDED REGULATORY ACTION

DEPARTMENT FOR THE AGING

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department for the Aging intends to consider the promulgation of regulations entitled: **Regulations Implementing Title V of the Older Americans Act and Section 124 of the Job Training Partnership Act**. The purpose of the proposed regulations is to determine resource allocations to Virginia's 25 Area Agencies on Aging under Title V of the Older Americans Act (as amended) and Section 124 of the Job Training Partnership Act.

Public hearings will be held. Copies of the proposed regulations to be considered are available after April 14, 1986.

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

Written comments may be submitted until June 27, 1986.

Contact: William Peterson, Human Resources Developer, Virginia Department for the Aging, 101 N. 14th St., 18th Floor, Richmond, Va. 23219-2797, telephone (804) 225-3140.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department for the Aging intends to consider amending regulations entitled: **State Plan for Aging Services funded under Title III of the Older Americans Act, as amended - October 1, 1985, through September 30, 1987**. The purpose of the proposed regulations is to revise the intrastate formula for allocation of Title III Older Americans Act funds to the 25 Area Agencies on Aging throughout Virginia. Public hearings will be held.

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

Written comments may be submitted until June 27, 1986.

Contact: Williams Peterson, Human Resources Developer, Virginia Department for the Aging, 101 N. 14th St., 18th

Floor, Richmond, Va., telephone (804) 225-3140.

VIRGINIA ATHLETIC BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Athletic Board intends to consider promulgating, amending, or repealing regulations entitled: **Virginia Athletic Board Rules and Regulations**. The purpose of this action is to examine existing regulations as to their effectiveness toward safety of contestants. In accordance with the Virginia Athletic Board Public Participation Guidelines, the board will solicit input of all interested parties.

Statutory Authority: §§ 9-46 and 54-1.28 of the Code of Virginia.

Written comments may be submitted until May 30, 1986.

Contact: Doug Beavers, Assistant Director, 3600 W. Broad St., Room 505, Richmond, Va. 23230, telephone (804) 257-8507

DEPARTMENT OF COMMERCE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Commerce intends to consider promulgating, amending or repealing regulations entitled: **Polygraph Examiners Regulations**. The purpose of the proposed action is to amend the Standards of Conduct to require polygraph examiners to produce two charts before rendering a conclusion; limit to 12 the number of examinations an examiner may perform in any 24-hour period; limit examiners to three evaluations of examination (deception indicated, no deception indicated and inconclusive); prohibit examiners from making hiring or retention recommendations; prohibit accusatory interrogation as well as knowing coercion and intimidation in employment examinations; prohibit asking questions dealing with the sexual preference or sexual activities of the examinee; limit the number of questions which may be asked on any examination; require a minimum time interval between questions; require each polygraph chart to be marked in a

specific manner.

Statutory Authority: § 54-917 of the Code of Virginia.

Written comments may be submitted until May 28, 1986.

Contact: David E. Dick, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8515 (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: **Pupil Accounting Records**. The purposes of the proposed action are (i) to clarify the intent and purpose of the regulations; and (ii) to reduce the period of continuous days of absence, expulsion, or suspension after which a pupil must be automatically withdrawn from school.

Statutory Authority: §§ 22.1-16, 22.1-20 and 22.1-259 of the Code of Virginia.

Written comments may be submitted until June 10, 1986.

Contact: Howell L. Gruver, Administrative Director, M.I.S., Virginia Department of Education, P.O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2099

VIRGINIA EMPLOYMENT COMMISSION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Employment Commission intends to consider promulgating, amending or repealing regulations entitled: **Rules and Regulations Affecting Unemployment Compensation**. The scope of the proposed action is not limited to unemployment compensation matters; rather, it shall cover all phases of the agency's operations. The Commission will receive public comment on existing regulations as to their effectiveness, efficiency, necessity, clarity, and cost compliance and will also receive public comment on the need for any new rules or regulations affecting agency operations.

Statutory Authority: § 60.1-34 of the Code of Virginia.

Written comments may be submitted until June 15, 1986.

Contact: Joseph L. Hayes, Special Assistant, Commission Appeals, Virginia Employment Commission, P.O. Box 1358, Richmond, Va. 23211, telephone (804) 786-7554

VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with the agency's public participation guidelines that the Virginia Board of Funeral Directors and Embalmers intends to consider promulgating regulations entitled: **Rules and Regulations of the Virginia Board of Funeral Directors and Embalmers**. The purpose of the proposed action is to begin the promulgative process of board rules and regulations governing funeral practice in the Commonwealth. Substantial amendments and proposals will include: (i) reorganization of regulations in accordance with § 9-6.20 of the Code of Virginia; (ii) deletion of unnecessary, archaic, or duplicative language; (iii) promulgation of public participation guidelines; and (iv) proposal of a fee increase for professional licenses and permits.

Statutory Authority: § 54-260.69 of the Code of Virginia

Written comments may be submitted until May 30, 1986.

Other pertinent information: The board has completed a comprehensive self-study of these rules and regulations in conjunction with the Governor's Regulatory Review Process.

Contact: Mark L. Forberg, Executive Secretary, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0076

DEPARTMENT OF HEALTH

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Health intends to consider amending regulations entitled: **Hazardous Waste Management Regulations**. The purpose of the proposed amendment is in response to changes in the federal regulations governing hazardous waste management promulgated since July 1, 1985, implementing requirements of the Hazardous and Solid Waste Amendments of 1984. The proposed amendment will maintain the Virginia program fully equivalent to the federal Resource Conservation and Recovery Act.

Statutory Authority: Chapter 6, Art. 3 (§ 32.1-177 et seq.)

General Notices/Errata

of Title 32.1 of the Code of Virginia.

Written comments may be submitted until July 1, 1986.

Contact: Wladimir Gulevich, Director, Bureau of Hazardous Waste Management, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2667 (toll-free number 1-800-552-2075)

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Council of Higher Education for Virginia intends to consider promulgating regulations entitled: **Regulations for the Senior Citizens Higher Education Program**. The regulations to be promulgated will stipulate the requirements under which senior citizens may take courses at Virginia's state-supported institutions of higher education without paying tuition or fees. The Senior Citizens Higher Education Act, as amended in 1984, provides that courses taken for credit are free if a senior citizen has a taxable income of less than \$7,500. Noncredit courses may be taken without charge regardless of income. Effective July 1, 1986, institutions may count these enrollments in their census of full-time equivalent students (FTES).

Statutory Authority: § 23-9.6:1 (m) of the Code of Virginia.

Written comments may be submitted until May 28, 1986.

Contact: Barry M. Dorsey, Associate Director, State Council of Higher Education, James Madison Bldg., 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2632

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT with the VIRGINIA FIRE BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development with the Virginia Fire Board intends to consider promulgating, amending or repealing regulations entitled: **Statewide Fire Prevention Code**: The purpose of the proposed action is to provide for statewide standards for optional local enforcement to safeguard life and property from the hazards of fire and explosion arising from the improper maintenance of life safety and fire prevention/protection materials, devices, and systems, in buildings and structures; and the unsafe storage, handling, and use of substances, materials and devices wherever located.

Statutory Authority: § 27-97 of the Code of Virginia.

Written comments may be submitted until June 1, 1986 to Neal J. Barber, Director, Department of Housing and Community Development, 205 North Fourth Street, Richmond, Virginia 23219

Contact: Howard H. Summers, Jr., State Fire Marshal, Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4751

BOARD OF MEDICAL ASSISTANCE SERVICES

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medical Assistance Services intends to consider promulgating regulations entitled: **Real property—definition of the home**. The purpose of the proposed regulations is to define the amount of property contiguous to an individual's home which will be disregarded in determining eligibility for Medicaid. In November, 1985, Governor Charles Robb issued emergency regulations effective January 1, 1986. As required by statute, the department proposed to submit these regulations for public comment.

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

Written comments may be submitted until June 16, 1986.

Contact: Ann E. Cook, Director, Division of Medical Social Services, Department of Medical Assistance Services, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-4995

VIRGINIA STATE BOARD OF MEDICINE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Board of Medicine intends to consider promulgating regulations entitled: **Rules and Regulations for the Healing Arts - Foreign Medical Schools and Other Foreign Institutions**. The purpose of the regulation is to establish the requirements for approving Foreign Medical Schools and Other Foreign Institutions that teach the Healing Arts. The approval of the institutions will be a prerequisite to licensure of the graduates for those institutions to ensure that they are sufficiently prepared to practice their branch of the Healing Arts competently and safely.

Statutory Authority: § 54.291 of the Code of Virginia.

Written comments may be submitted until May 28, 1986.

(804) 786-7702

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

Notice of Intended Regulatory Action

Notice is hereby given that the Virginia State Board of Medicine intends to consider promulgating, amending or repealing regulations entitled: **Rules and Regulations Relating to the Healing Arts for Medicine, Osteopathic Medicine, Podiatry, Chiropractic, Clinical Psychology, Physical Therapy, Physician Assistants, Respiratory Therapy Practitioners, and Correctional Health Assistants.** The purpose of the proposed regulations is to establish the requirements for licensure for Doctors of Medicine, Osteopathic Medicine, Chiropractic, Podiatry, Clinical Psychology, and Physical Therapy and certification requirements for Physicians Assistants, Respiratory Therapy Practitioners and Correctional Health Assistants to ensure that the course of instruction provided training sufficient to prepare practitioners to practice their branch of the healing arts with competency and safety in the Commonwealth.

Statutory Authority: § 54-291 of the Code of Virginia.

Written comments may be submitted until May 28, 1986.

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

VIRGINIA BOARD OF PROFESSIONAL COUNSELORS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Professional Counselors intends to consider promulgating or repealing regulations entitled: **Regulations Governing the Certification of Substance Abuse Counselors.** The purpose of the proposed regulations is to establish the requirements for certification as substance abuse counselors in Virginia, to regulate the certification of substance abuse counselors and to discharge the duties required of the board pursuant to § 54-929 of the Code of Virginia in protecting the health, safety, and welfare of the citizens of the Commonwealth.

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

Written comments may be submitted until May 28, 1986.

Contact: John W. Braymer, Executive Director, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Professional Counselors intends to consider promulgating or repealing regulations entitled: **Regulations Governing the Practice of Professional Counseling.** The purpose of the proposed regulations is to establish the requirements for licensure as professional counselors in Virginia, to regulate the licensure of professional counselors and to discharge the duties required of the board pursuant to § 54-929 of the Code of Virginia in protecting the health, safety and welfare of the citizens of the Commonwealth.

Written comments may be submitted until May 28, 1986.

Other pertinent information: The regulations to be proposed follow a comprehensive review of existing regulations in 1984 and 1985.

Contact: John W. Braymer, Executive Director, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-7702

VIRGINIA BOARD OF PSYCHOLOGY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Psychology intends to consider promulgating or repealing regulations entitled: **Regulations Governing the Practice of Psychology.** The purpose of the proposed regulations is to establish the requirements for licensure as a psychologist, school psychologist and clinical psychologist in Virginia, to regulate the licensure of psychologists and school psychologists and to discharge the duties required of the board by § 54.929 of the Code of Virginia in protecting the health, safety and welfare of the citizens of the Commonwealth.

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

Written comments may be submitted until May 28, 1986.

Other pertinent information: The regulations to be proposed follow a comprehensive review of existing regulations in 1984 and 1985.

Contact: John W. Braymer, Executive Director, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-3434

General Notices/Errata

VIRGINIA BOARD OF SOCIAL WORK

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Social Work intends to consider promulgating or repealing regulations entitled: **Regulations Governing the Practice of Social Work and Clinical Social Work**. The purpose of the proposed regulations is to establish the requirements for licensure as clinical social workers and social workers in Virginia, to regulate the licensure of clinical social workers and social workers and to discharge the duties required of the board pursuant to § 54-929 of the Code of Virginia in protecting the health, safety and welfare of the citizens of the Commonwealth.

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

Written comments may be submitted until than May 28, 1986.

Other pertinent information: The regulations to be proposed follow a comprehensive review of existing regulations in 1984 and 1985.

Contact: John W. Braymer, Executive Director, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-7703

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: **VR 630-10-49.2. Innovative High Technology Industries and Research (Virginia Retail Sales and Use Tax Regulation)**. 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: This date has been extended from April 16 until May 28, 1986.

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

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider promulgating regulations entitled: **VR 630-10-24.5. Computer Software**. This regulation will set forth the application of the sales and use tax to computer software and implement the 1986 legislation exempting certain types of computer software from the sales and use tax.

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

Written comments may be submitted until May 30, 1986.

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

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-10-112. Welfare Assistance Redeemable in Goods (Virginia Retail Sales and Use Tax Regulation)**. This regulation is being amended and revised to reflect the 1986 legislative change exempting from the tax food stamp and WIC draft purchases, effective October 1, 1986.

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

Written comments may be submitted until May 30, 1986.

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

GENERAL NOTICES

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL VIRGINIA ALCOHOLIC BEVERAGE CONTROL BOARD

Notice to the Public

Pursuant to its Public Participation Guidelines contained in § 5.1 of VR 125-01-1, the board intends to consider the amendment or adoption of regulations as set forth below and will conduct a public meeting on such proposals as indicated below:

1. § 3 of VR 125-01-2. Advertising; exterior; signs; trucks; uniforms.

a. Subject of proposal - Amend regulation to permit more than two directional signs not farther than one mile from the licensed establishment.

b. Entities affected - Manufacturers and wholesalers, including wineries and farm wineries.

c. Purpose of proposal - To allow more than two directional signs away from the premises of such winery and farm winery.

d. Issues involved - Is the current restriction of two directional signs not farther than one-half mile from the licensed establishment sufficient for advertising to the general public or would additional advertising cause an unsightly proliferation of signage?

e. Applicable laws or regulations - Sections 4-7(1), 4-11(a), 4-69 of the Code of Virginia.

This requested by Virginia Wineries Association.

2. § 9 of VR 125-01-2. Coupons.

a. Subject of proposal - To allow wholesalers of wine and beer to attach refund coupon pads, sweepstakes and contest pads to cut case cards at the retail premises, if done for all retail licensees equally.

b. Entities affected - Manufacturers and distributors of wine and beer, retailers and the general public.

c. Purpose of proposal - This would provide another source for the public to obtain refund coupons or to participate in sweepstakes and contests. Currently, refund coupons may be obtained from the product, in the print media, or by direct mail to the consumer from the manufacturer.

d. Issues involved - Should wholesalers be permitted to provide this additional service for retailers and the general public?

e. Applicable laws or regulations - Sections 4-7(1), 4-11(a), 4-69, 4-98 and 4-103(b) and (c) of the Code of Virginia.

3. § 9 of VR 125-01-2. Coupons.

a. Subject of proposal - Amend the regulation to limit the value of wine or beer refund coupons to not more than 50% of the normal retail price.

b. Entities affected - Manufacturers and distributors of wine and beer, retailers and the general public.

c. Purpose of proposal - To limit the value of a refund coupon to not more than 50% of the normal retail price.

d. Issues Involved -

(1) Is it in the best interest of the public to place a limit on the value of refund coupons?

(2) Would a refund of more than 50% of the normal retail price constitute an inducement to purchase alcoholic beverages?

e. Applicable laws or regulations - Sections 4-7(1), 4-11(a), 4-69, 4-98 and 4-103(b) and (c) of the Code of Virginia.

This requested in part by the Virginia Wine Wholesalers Association, Inc.

4. § 2 of VR 125-01-3. Rotation and exchange of stocks of retailers by wholesalers; permitted and prohibited acts.

a. Subject of proposal - Amend regulation to allow wholesale licensees to provide shelf-space plans to retailers on an equal basis.

b. Entities affected - Wholesale and retail licensees.

c. Purpose of proposal - To authorize wholesale licensees to provide a limited service to retail licensees for the purpose of providing schematic drawings outlining proposed shelf and space layout for the retailer.

d. Issues involved - Should this limited service be authorized as a clarification to Circular Letter 84-8?

e. Applicable laws or regulations - Section 4-79 of the Code of Virginia.

5. § 2 of VR 125-01-3. Rotation and exchange of stocks of retailers by wholesalers; permitted and prohibited acts.

a. Subject of proposal - To allow wholesalers to mark or affix retail prices to their products.

b. Entities affected - Wholesale and retail licensees.

c. Purpose of proposal - To permit wholesalers to provide additional services to retailers and further deregulation by the board.

d. Issues involved -

(1) Should wholesalers be permitted to provide further services for retail licensees?

(2) Would this add an additional burden to small wholesalers?

e. Applicable laws or regulations - Section 4-79 of the Code of Virginia.

6. § 6 of VR 125-01-3. Certain transactions to be for cash; "cash" defined; reports by sellers; payments to the board.

General Notices/Errata

a. Subject of proposal - Amend regulation to eliminate the requirement that wholesalers report to the board on or before the fifteenth day of each month any invalid checks received during the preceeding month.

b. Entities affected - Wholesalers.

c. Purpose of proposal - To remove a burden on wholesalers to submit such report when no invalid checks were received from retailers.

d. Issues involved - Should a wholesaler be required to submit an invalid check report to the board when there are no such invalid checks to report to the board?

e. Applicable laws or regulations - Sections 4-7(1), 4-11(a), 4-44, 4-60(h) and (f) of the Code of Virginia.

This requested by Mr. Al Weed, Chairman, Legislative Committee, Virginia Wineries Association.

7. § 2 of VR 125-01-3. Inducement to retailers; tapping equipment; bottle or can openers; banquet licensees; cut case cards.

a. Subject of proposal - Amend to permit a wine wholesaler to exchange wine on an identical quantity, brand or package basis for quality control purposes.

b. Entities affected - Wine wholesalers and retail licensees.

c. Purpose of proposal - To permit wine wholesalers to exchange wine on an identical quantity, brand or package basis for quality control purposes and to ensure that fresh stock is maintained in retail establishments.

d. Issues involved.

Should wine wholesalers be permitted to exchange wine for quality control purposes, now permitted for beer wholesalers?

e. Applicable laws or regulations - Sections 4-7(1), 4-11(a), 4-22.1, 4-33(d), 4-37(e), 4-79, 4-103(b) and 4-115 of the Code of Virginia.

This requested by the Virginia Wine Wholesalers Association, Inc.

8. § 9 of VR 125-01-3. Inducements to Retailers; Tapping Equipment; Bottle or Can Openers; Banquet Licenses; Cut Case Cards.

a. Subject of proposal - Amend regulation to permit the furnishing of wine table tents, wine bottle openers, wine knobs, wine clip-ons, nitrogen gas or compressed air to retail licensees. Also, to permit manufacturers or wholesalers to provide beer cut case cards to

retailers as presently provided for wine cut case cards.

b. Entities affected - Wine and beer manufacturers, wholesalers and retail licensees.

c. Purpose of proposal - To clarify and define the limitations and restrictions in which these materials and equipment may be furnished to retailers by manufacturers and wholesalers of alcoholic beverages.

d. Issues involved - Should wholesalers be restricted to the furnishing of such equipment and materials to retailers as presently provided in § 9 of VR 125-01-3?

e. Applicable laws or regulations - Sections 4-7(1), 4-11(a), 4-69.2, 4-79(f) and (h) and 4-98.14 of the Code of Virginia.

This requested in part by the Virginia Beer Wholesalers Association.

9. § 10 of VR 125-01-3. Routine business entertainment; definition; permitted activities; conditions.

a. Subject of proposal - Amend the regulation to permit routine business entertainment by manufacturers to retail licensees and to define such entertainment.

b. Entities affected - Manufacturers, whoesalers and retailers of alcoholic beverages.

c. Purpose of proposal - To permit manufacturers to entertain retailers in a similar manner as wholesalers are permitted to do by § 4-79 (a2) of the Code of Virginia and § 10 of VR 125.01-3.

d. Issues involved - What limits should be placed on entertainment that a licensed manufacturer of alcoholic beverages may furnish to licensed retailers?

e. Applicable laws or regulations - Section 4-79 of the Code of Virginia.

This requested by the Virginia Beer Wholesalers Associaton, Inc.

10. § 2 of VR 125-01-4. Wines, qualifying procedures, disqualifying factors; samples; exceptions.

a. Subject of proposal - To amend the regulation to permit artificial coloring in wine coolers containing 14% or less alcohol by volume and in sangria-type wines.

b. Entities affected - Manufacturers, wine importers, wholesalers, retailers of wine and the general public.

c. Purpose of proposal - This is simply a housekeeping measure. The board adopted an emergency regulation

General Notices/Errata

effective August 7, 1985, permitting artificial coloring to be added to wine coolers and sangria-type wines.

d. Issues involved - Should manufacturers of wine coolers and sangria-type wines be permitted to add artificial coloring which is now allowed by the federal authorities?

e. Applicable laws or regulations - Sections 4-7(h) and (1), and 4-11(a) of the Code of Virginia.

11. § 2 of VR 125-01-5. Determination of legal age of purchaser.

a. Subject of proposal - To eliminate identification cards issued by a college or university as acceptable identification of proof of age for the purchase of alcoholic beverages.

b. Entities affected - Retail licensees and the general public.

c. Purpose of proposal - To reduce the types of valid identification acceptable by retail licensees as proof of age.

d. Issues involved -

(1) Will the elimination of college and university identification cards reduce the instances of sales of alcoholic beverages to persons less than the legal drinking age?

(2) Will the elimination of such identification cards cause a hardship to those persons not possessing operator's licenses?

(3) Can college and university identification cards be easily altered or forged to procure alcoholic beverages?

e. Applicable laws or regulations - Sections 4-7(1), 4-11(a), 4-62, 4-98.14 and 4-103(b) of the Code of Virginia.

12. § 4 of VR 125-01-6. Idemnifying bond required of wholesale wine distributors.

a. Subject of proposal - Amend regulation to eliminate federal, state and municipal bonds in lieu of surety for wholesale wine distributors. Further, amend the section to provide for waiver of bond and surety by wholesale wine distributors.

b. Entities affected - Wholesale wine licensees.

c. Purpose of proposal - To eliminate federal, state and local bonds in lieu of surety bond and authorize the board to waive the requirement of both the surety and the bond in cases where the wholesaler has previously demonstrated his financial responsibility as

provided by a change in § 4-31 of the Code of Virginia at the 1986 General Assembly.

d. Issues involved - Whether the board should waive the requirement of both the surety and the bond in cases where the wholesaler has previously demonstrated his financial responsibility.

e. Applicable laws or regulations - Sections 4-7(a), (b) and (1), 4-11(a) and 4-31(g) of the Code of Virginia.

13. § 6. of VR 125-01-6. Beer importer licenses; conditions for issuance and renewal.

a. Subject of proposal - Amend regulation to require that all persons applying for the issuance or renewal of a wine importer's license shall file with the board a list of the brands of wine they intend to sell and deliver or ship into this state, along with a corresponding list of the names of the owners of such brands and copy of the written permission from the brand owner, or its designated agent. Also, subsequent to the issuance or renewal of a wine importer's license, the licensee shall make a supplemental filing with the board identifying such additional brands, brand owner and providing the required evidence of authorization by the brand owner.

b. Entities affected - Wine importers and wine wholesalers.

c. Purpose of proposal - To eliminate transshipping of wine products. Transshipping is defined as unauthorized persons shipping wine into the state to wholesalers without the brand owner's approval.

d. Issues involved -

(1) Do wine importers and wholesalers need the same safeguards now afforded to beer importers?

(2) Will the proposal prevent "transshipping" or "boot legging" of wine to wholesalers in Virginia by obtaining a brand of wine and selling it in the state without the permission of the brand owner, which is usually the winery?

Applicable laws or regulations - Sections 4-7(b) and (1), 4-11 and 4-25(g) of the Code of Virginia.

This requested by the Virginia Wine Wholesalers Association.

14. § 6 of VR 125-01-7. Alcoholic beverages for hospitals, industrial and manufacturing users.

a. Subject of proposal - Amend regulation to eliminate the requirement of a transportation permit, which is currently required to accompany the shipment of alcoholic beverages or other alcoholic beverages to the permittee.

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b. Entites affected - Hospitals, nursing homes, industrial and manufacturing users.

c. Purpose of proposal - To remove a regulatory burden from the shipper or carrier of a transportation permit.

d. Issues involved -

(1) Will the elimination of the transportation permit to the shipper or carrier create an enforcement problem relating to the control of alcohol or alcoholic beverages coming into or through Virginia?

(2) Will a bill of lading or a complete and accurate memorandum accompanying the shipment of alcohol or alcoholic beverages to the permittee be sufficient as is currently the practice?

(3) Should a copy of the bill of lading or memorandum be submitted to the board by the permittee after delivery?

e. Applicable laws or regulations - Sections 4-7(a), (b) and (1), 4-11(a), 4-48(a) and 4-72.1 B. of the Code of Virginia.

15. § 6 of VR 125-01-7. Alcoholic beverages for hospitals, industrial and manufacturing users.

a. Subject of proposal - Amend regulation to eliminate references to "markup" and insert "permit fee" throughout regulation.

b. Entites affected - Hospitals, nursing homes, industrial and manufacturing users.

c. Purpose of proposal - Regulatory clarification as a result of the removal of the board's authority to sell wine.

d. Issues involved - Is the elimination of references to "markup", which applied to wine sales by the board, appropriate since the board no longer has authority to sell wine after June 30, 1986?

e. Applicable laws or regulations - Sections 4-7(a), (b) and (1), 4-11(a), 4-15.02 (effective July 1, 1986) and 4-48(a) of the Code of Virginia.

This is requested by Mr. John R. Metz, Martha Jefferson Hospital, Charlottesville.

16. § 15 of VR 125-01-7. Wholesale alcoholic beverage and beverage sales; discounts, price-fixing; price increases; price discrimination; retailers.

a. Subject of proposal - Amend regulation to allow a winery or brewery to reduce its prices either throughout the Commonwealth or within specific market areas.

b. Entites affected - Wineries, breweries, wholesale and retail licensees, and the general public.

c. Purpose of proposal - To permit wineries and breweries to reduce its prices to wholesalers within specific geographical markets to meet marketing conditions regardless of the existing "competing price" exceptions in the regulations.

d. Issues involved -

(1) Would the reduced prices given to wholesalers in a specific market area be fair to all other wholesalers representing the same winery or brewery?

(2) Are the present exceptions for reduced prices in the current regulations, i.e., a bona fide difference in the cost of sale or delivery, or where a lower price was charged in good faith to meet an equally low price charged by a competing winery or brewery or wholesaler adequate to accomodate the marketplace?

(3) Would the provisions of the Wine and Beer Franchise Acts against discrimination be affected?

e. Applicable laws or regulations - Sections 4-7(1), 4-11(a), 4-103(b), 4-118.12, 4-118.12:1, 4-118.15, 4-118.32, 4-118.33 and 4-118.36 of the Code of Virginia.

This requested in part by Miller Brewing Company.

17. § 17 of VR 125-01-7. Farm Wineries; percentage of Virginia products; other agricultural products; remote outlets.

a. Subject of proposal - Amend regulation to make it clear that a vineyard must be at the site of the winery and to further define a cooperative formed by an association.

b. Entites affected - Farm wineries.

c. Purpose of proposal - To ensure that cooperatives meet the guidelines established for farm winery licensees.

d. Issues involved -

(1) Should cooperatives have to meet the same conditions and restrictions imposed on other farm winery licensees?

(2) Should it be mandatory that a vineyard be located on land owned by or leased by individual members of the cooperative?

e. Applicable laws or regulations - Sections 4-2(10a), 4-11(a) and 4-25.1 of the Code of Virginia.

18. Adopt a new regulation concerning caterer's licenses.

a. Subject of proposal - Adopt a regulation to provide guidelines and clarification concerning requirements for a mixed beverage caterer's license.

b. Entities affected - Mixed beverage caterer licensees.

c. Purpose of proposal - To permit and define mixed beverage caterers licenses and qualifications.

d. Issues involved -

(1) To whom should such a license be issued?

(2) What specific restrictions should be placed against such a licensee?

e. Applicable laws or regulations - Section 4-98.2(c) of the Code of the Virginia. (Amended by Senate Bill 254, 1986 General Assembly)

Regulations are adopted by the board pursuant to authority contained in §§ 4-11, 4-98.14, 4-103 and 4-6.14 et seq. of the Code of Virginia.

The board requests that all persons interested in the above described subjects please submit comments in writing by May 29, 1986, to the undersigned, P.O. Box 27491, Richmond, Virginia 23261 or attend the public meeting scheduled below.

The board will hold a public meeting and receive the comments or suggestions of the public on the above subjects. The meeting will be in the First Floor Hearing Room at 2901 Hermitage Road, Richmond, Virginia at 10 a.m. on May 29, 1986.

Contact Robert N. Swinson if you have questions, at the above address or by phone at (804) 257-0617.

Virginia Alcoholic Beverage Control Board
/s/ Robert N. Swinson
Assistant Secretary

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

CALENDAR OF EVENTS

<p>Symbol Key † † Indicates entries since last publication of the Virginia Register ☒ Location accessible to handicapped</p>

THE VIRGINIA CODE COMMISSION

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.

† June 17, 1986 - 9 a.m. - Open Meeting
General Assembly Building, Senate Room A, Capitol Square, Richmond, Virginia. ☒

A meeting to discuss (i) the open burning regulation; (ii) appointments to the Technical Advisory Committee; (iii) a permit request from Rocco Industries; (iv) appointments to the Central Virginia Air Pollution Control Committee; and (v) regulations covering documents incorporated by reference. This is a tentative agenda and may change before the board meeting.

Contact: Dick Stone, State Air Pollution Control Board, P.O. Box 10089, Richmond, Va. 23240, telephone (804) 786-5478

EXECUTIVE

GOVERNOR'S ADVISORY BOARD ON AGING

July 31, 1986 - 8:30 a.m. - Open Meeting
Sheraton Airport Inn, (Hershberger Road West), 2727 Ferndale Drive, Roanoke, Virginia. ☒

A meeting to discuss issues and topics of relevance to older Virginians. The board will also welcome new board members and provide an orientation to services and programs for older Virginians to these new members.

Contact: William Peterson, Assistant to the Commissioner, Virginia Department for the Aging, 101 N. 14th St., 18th Floor, Richmond, Va. 23219, telephone (804) 225-2271/3140

STATE AIR POLLUTION CONTROL BOARD

† June 9, 1986 - 7:30 p.m. - Open Meeting
Plains Elementary School, Timbersville, Virginia. ☒

Following a 30-day public comment period, a public hearing will be held on a permit application from the Mountain View Rendering Company to construct and operate a poultry rendering plant in Timbersville, Virginia, adjacent to the Rocco lamb processing plant.

Contact: Donald L. Shepherd, State Air Pollution Control Board, Suite A, 5338 Peters Creek Road, Roanoke, Va. 24019, telephone (703) 982-7328

VIRGINIA ALCOHOLIC BEVERAGE CONTROL BOARD

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. ☒

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

Contact: Robert N. Swinson, 2901 Hermitage Rd., Richmond, Va. 23220, telephone (804) 257-0616

VIRGINIA APPRENTICESHIP COUNCIL

† June 12, 1986 - 10 a.m. - Open Meeting
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☒

A regular quarterly meeting.

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

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

Board of Certified Landscape Architects

June 24, 1986 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, 5th Floor,
3600 West Broad Street, Richmond, Virginia. ☒

Board members grading exam.

† July 16, 1986 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, 5th Floor,
3600 West Broad Street, Richmond, Virginia. ☒

The board will meet (i) to approve minutes of the March 19, 1986, meeting; (ii) review applications; and (iii) possibly to review regulations.

Board of Professional Engineers

† July 30, 1986 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, 5th Floor,
3600 West Broad Street, Richmond, Virginia. ☒

The board will meet to (i) approve minutes of the February 19, 1986, meeting; (ii) review investigative cases; (iii) review applications; (iv) conduct oral examinations; and (v) possibly discuss regulations.

Contact: Johnsie Williams, Assistant Director, APELSCLA, Department of Commerce, Travelers Bldg., Room 507, 3600 W. Broad St., Richmond, Va. 23220, telephone (804) 257-8512

VIRGINIA AUCTIONEERS BOARD

June 24, 1986 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, Conference Room 1, 3600 West Broad Street, Richmond, Virginia. ☒

An open board meeting to consider (i) status of certification examination; (ii) development of examination; and (iii) complaints.

Contact: Geralde W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8508

VIRGINIA BOARD OF EXAMINERS FOR AUDIOLOGY AND SPEECH PATHOLOGY

† June 3, 1986 - 10 a.m. - Open Meeting
Department of Commerce, Travelers Building, Conference

Room 1, 3600 West Broad Street, Richmond, Virginia. ☒

A board meeting to consider (i) reinstatement of temporary permits; (ii) update on expenditures, revenue and fees; and (iii) to discuss possible legislation on the use of the term "Audiologist."

Contact: Geralde W. Morgan, Assistant Director, 3600 W. Broad St., Richmond, Va. 23220-4917, telephone (804) 257-8554

INTERDEPARTMENTAL LICENSURE AND CERTIFICATION OF CHILDREN'S RESIDENTIAL FACILITIES

Advisory Committee

June 11, 1986 - 10 a.m. - Open Meeting
Department of Social Services, Blair Building, 2nd Floor, Conference Room A, 8007 Discovery Drive, Richmond, Virginia. ☒ Interpreter for deaf provided if requested.

A meeting to (i) elect officers; (ii) discuss revision of by-laws; (iii) report on After Action Report for Social Workers Visiting Facilities; and (iv) report on establishment of subcommittee to study needs for children removed from their homes.

Coordinating Committee

May 30, 1986 - 2 p.m. - Open Meeting
Department of Corrections, Room 105, 4615 West Broad Street, Richmond, Virginia. ☒

A meeting to discuss (i) interdepartmental training plan; (ii) structured interim monitoring strategies for children's residential facilities; and (iii) the annual plan.

June 20, 1986 - 8:00 a.m. - Open Meeting
Department of Social Services, Blair Building, 2nd Floor Conference Room, 8007 Discovery Drive, Richmond, Virginia. ☒ Interpreter for deaf provided if requested.

A meeting to (i) elect a chairman; (ii) discuss preliminary report of facility programs for high risk children; and (iii) discuss annual report.

Contact: Sandra G. Davis, Blair Bldg., 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025

DEPARTMENT OF COMMERCE

May 28, 1986 - 10 a.m. - Open Meeting
May 29, 1986 - 10 a.m. - Open Meeting

Calendar of Events

Fredericksburg Circuit Court, 815 Princess Anne Street,
Fredericksburg, Virginia

The department will meet to conduct a formal administrative hearing: Department of Commerce v. Edward E. Cox. This proceeding was continued from March 27-28, 1986.

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

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

Outdoor Recreation Advisory Board

† June 4, 1986 - 9:30 a.m. - Open Meeting
State Capitol, House Room 1, Capitol Square, Richmond,
Virginia. ☐

A quarterly business meeting to review matters pertaining to state-wide recreation and state park matters.

Contact: Art Buehler, Virginia Division of Parks and Recreation, 1201 Washington Bldg., Richmond, Va. 23219, telephone (804) 786-2556

Virginia Soil and Water Conservation Board

† July 9, 1986 - 2 p.m. - Open Meeting
Blacksburg Marriott Inn, 900 Prices Fork Road, N.W.,
Blacksburg, Virginia. ☐

A regular bimonthly business meeting.

Contact: Donald L. Wells, 203 Governor St., Suite 206,
Richmond, Va. 23219-2094, telephone (804) 786-2064

BOARD OF CORRECTIONS

June 18, 1986 - 10 a.m. - Open Meeting
4615 West Broad Street, Richmond, Virginia. ☐

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

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

CRIMINAL JUSTICE SERVICES BOARD

Committee on Criminal Justice Information Systems

† June 26, 1986 - 10 a.m. - Open Meeting
Ninth Street Office Building, Governor's Cabinet Conference Room, 6th Floor, 9th & Grace Streets, Richmond, Virginia. ☐

A meeting to discuss projects and business of the committee.

Contact: Dr. Jay W. Malcan, Staff Executive, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000

VIRGINIA BOARD OF DENTISTRY

May 29, 1986 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, Board Room, 517 West Grace Street, Richmond, Virginia

A formal hearing on Doctors Grover C. Hill, Jr., Kent M. Stevens and James W. Dale. (Date changed from April 29 to May 29).

July 30, 1986 - 2 p.m. - Open Meeting
July 31, 1986 - 9 a.m. - Open Meeting
Sheraton Hotel, Ball Room, 4700 South Laburnum Avenue, Richmond, Virginia. ☐

The board will consider proposed changes to the regulations governing the practice of dentistry and dental hygiene heard at its public hearing on April 10, 1986.

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

DEPARTMENT OF GENERAL SERVICES

Art and Architectural Review Board

† June 6, 1986 - 10 a.m. - Open Meeting
Virginia Museum of Fine Arts, Main Conference Room, Boulevard and Grove Avenue, Richmond, Virginia. ☐

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

Contact: Dorothy E. Ivankoe, Department of General Services, Room 209, Ninth Street Office Bldg., Richmond,

Calendar of Events

Va. 23219, telephone (804) 786-3311

Division of Consolidated Laboratory Services Advisory Board

† June 6, 1986 - 9:30 a.m. - Open Meeting
James Monroe Building, Conference Room B, 101 North
14th Street, Richmond, Virginia. ☐

A meeting to discuss programs and issues of concern
which will affect the Division of Consolidated
Laboratory Services and user agencies.

Contact: Dr. A. W. Tiedemann, Jr., Director, Division of
Consolidated Laboratory Services, 101 N. 14th St.,
Richmond, Va. 23219, telephone (804) 786-7905

GOVERNOR'S COMMISSION ON EFFICIENCY IN GOVERNMENT

† June 18, 1986 - (Times and locations to be announced)
- Public Hearing
† July 24, 1986 - 10 a.m. - Open Meeting
General Assembly Building, Speaker's Conference Room,
6th Floor, Capitol Square, Richmond, Virginia. ☐
Interpreter for deaf provided if requested.
† September 17, 1986 - 10 a.m. - Open Meeting
† October 15, 1986 - 10 a.m. - Open Meeting
† November 18, 1986 - 10 a.m. - Open Meeting
† December 17, 1986 - 10 a.m. - Public Hearing
General Assembly Building, House Room D, Capitol
Square, Richmond, Virginia. ☐

The Governor's Commission on Efficiency in
Government has established its 1986 meeting schedule
as follows:

5/22/86 - Commission briefing; organizational
discussion; paperwork reduction
6/18/86 - Regional public hearings
7/24/86 - Work session and discussion of
recommendations and procedures
9/17/86 - Implementation of commission procedures
and July meeting decisions
10/15/86 - Implementation of commission procedures
and September meeting decisions
11/18/86 - Review results of work conducted in
September and October; prepare recommendations
12/17/86 - Public hearing on recommendations to
Governor and 1987 General Assembly; finalize
recommendations

Contact: Alan Albert or Leonard Hopkins, Office of the
Governor, State Capitol, Richmond, Va. 23219, telephone
(804) 786-2211

DEPARTMENT OF HEALTH

† July 15, 1986 - 10 a.m. - Open Meeting
Abingdon Council Chambers, 133 West Main Street,
Abingdon, Virginia. ☐
† July 16, 1986 - 10 a.m. - Open Meeting
Roanoke Council Chambers, 215 Church Street, S.W.,
Roanoke, Virginia. ☐
† July 17, 1986 - 10 a.m. - Open Meeting
Warrenton Council Chambers, Municipal Building, 18 Court
Street, Warrenton, Virginia. ☐
† July 18, 1986 - 10 a.m. - Open Meeting
Williamsburg/James City Court House, 321-45 Court Street,
West, Williamsburg, Virginia. ☐

This joint meeting/workshop is being held by the State
Water Control Board and the Department of Health in
order to discuss with the public proposed amendments
to the Commonwealth of Virginia Sewerage
Regulations. The joint regulations originally became
effective on February 1, 1977, and these amendments
primarily reflect advances in technology including
ultraviolet light irradiation, composting, and rotating
biological contractors and significant revisions to
sections on land application of sludge, land application
of wastewater, aerated lagoons, disinfection, and sludge
handling processes. Drafts of the regulations are
available upon request. Comments may be also be
submitted in writing through July 18, 1986.

Contact: Paul Farrell, Department of Health, Division of
Water Programs, Madison Bldg., Room 927, 109 Governor
St., Richmond, Va. 23219, telephone (804) 786-1758

VIRGINIA STATEWIDE HEALTH COORDINATING COUNCIL

May 30, 1986 - 1 p.m. - Public Hearing
James Madison Building, Main Floor Conference Room,
109 Governor Street, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14.7.1
of the Code of Virginia that the Virginia Statewide
Health Coordinating Council intends to amend
regulations entitled: **Virginia State Health Plan
1980-84: Magnetic Resonance Imaging; Virginia State
Health Plan 1980-84, Amendment Number 4, Volume
1, pp. 528, 533-540, 545, 547-549 and Volume 2, pp.
183-193.** These standards evaluate Certificate of Public
Need applications to establish or expand computed
tomography or magnetic resonance imaging services.

STATEMENT

Basis: Section 32.1-120 of the Code of Virginia authorizes
the Virginia Statewide Health Coordinating Council to
revise as necessary the State Health Plan, which contains
both nonregulatory and regulatory material. Related laws
include § 32.1-102.1, et seq. of the Code of Virginia and

Calendar of Events

the National Health Planning and Resources Development Act of 1974 (P.L. 93-641), as amended.

Purpose: The purpose of these proposed regulations is to contain the cost of health care in Virginia by promoting an efficient distribution of efficacious computed tomography and magnetic resonance imaging services, consistent with the population's need for reasonable access to such services.

These regulations are expected to reduce the cost of complying with the Medical Care Facilities Certificate of Public Need law by setting forth specific standards and criteria for the evaluation of applications. The regulations are intended to avoid the high cost of preparing and analyzing superfluous and subjective information that would otherwise be submitted to defend a project, and to avoid the preparation and analysis of applications for projects that would not normally be approved.

Summary: Computed tomography (CT) and magnetic resonance imaging (MRI) services are highly sophisticated technologies by which cross-sectional images of the human anatomy may be constructed with the assistance of computer analysis. Under state law, a medical care facility may not acquire or place in service a CT or MRI device without having obtained a Certificate of Public Need. A major reference document pertaining to the evaluation of Certificate of Public Need applications is the State Health Plan, as amended, which presently contains standards specific to CT and MRI services. Considerable experience with these technologies has been gained, however, since the promulgation of those standards.

The proposed new standards are the result of a review of recently published information on CT and MRI services as well as information provided by an ad hoc advisory panel of interested parties consistent with the council's Guidelines for Public Participation in the Development of Regulations. This information led to a number of proposed changes that would focus the regulations primarily upon efficient use of resource capacity, logical distribution of resources, and efficacy of operations.

Proposed deletions from the present CT standards are requirements that all applicants must be hospitals that (alone or in combination with other health service providers) offer 24-hour ER services with physician on duty, offer a radiology department that has at least three full time radiologists and performs at least 30,000 examinations annually, and have active nuclear medicine and ultrasound facilities that are effectively utilized.

Two other current CT standards are proposed to be deleted. These require the proposed owner to provide written assurances that CT services will be available for emergency cases at all times, and that no patient referred for an indicated study will be denied timely access to the service. The proposed standards would require supervision of a CT service by one or more qualified physicians rather than by radiologists.

The current CT standards require a projected annual utilization of 2,500 HECTs (Head Equipment Computed Tomograms) as a condition of approval, but do not specify how that projection is to be derived. The proposed standards would set forth a specific formula for projecting HECTs and would raise the required number to 3,000.

Since the present CT standards were developed prior to the introduction of MRI services, they fail to address the impact of one upon the other. The American Hospital Association estimates that at least 34% of current CT service volume will be replaced by MRI. Accordingly, the proposed regulations preclude the addition of a stationary CT scanner to an existing CT service if the facility also offers MRI services (or is approved to do so), but whose MRI services have not been in operation for at least one year.

Three elements of the current MRI standards are proposed to be deleted. First, the site would no longer need to be a hospital; however, the service would have to be under the operational control of one or more hospitals that meet standards similar to those currently required. Second, there would no longer be a restriction of actions by parties to a previous shared service agreement. Third, there would no longer be a reduced standard for placement for an MRI device at a hospital with an AMA-accredited residency training program in diagnostic radiology that proposes to perform a significant amount of MRI work within a formal investigational program.

Impact: These regulations would apply to any medical care facility desiring to establish or expand CT or MRI services. While general hospitals are the most likely such facilities (they numbered 108 as of January, 1986), a small number of private physicians' offices could also be affected. These regulations will expand opportunities for small businesses interested in providing CT and MRI services compared with such opportunities under the current regulations, primarily through recognition of mobile

Statutory Authority: § 32.1-120 of the Code of Virginia.

Written comments may be submitted until May 30, 1986

Contact: John P. English, Health Planning Consultant, Madison Bldg., Room 1010, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-4891

**BOARD ON HEALTH REGULATORY BOARDS
(COUNCIL ON HEALTH REGULATORY BOARDS)
Eff. 7/1/86**

† June 12, 1986 - 10 a.m. - Public Hearing
General Assembly Building, House Room D, Richmond,
Virginia. ☐ Interpreter for deaf provided if requested.

Pursuant to HJR 12 of the 1986 General Assembly, the

Calendar of Events

Board on Health Regulatory Boards will hold an informational hearing relative (i) to its study of the need to regulate technicians who operate x-ray machines; (ii) to review the necessary minimum education requirements for x-ray technicians who perform their duties under the supervision of individuals licensed by the boards of Medicine, Dentistry, and Veterinary Medicine; and (iii) to discuss the feasibility of initiating accreditation based on work experience; and of creating three distinct classes of x-ray technicians for dental, medical, and veterinary practice. The public is invited to appear at this hearing to present testimony and/or to submit written comments by June 30, 1986, to Richard D. Morrison.

† **June 12, 1986 - 1 p.m.** – Public Hearing
General Assembly Building, House Room D, Richmond, Virginia. ☒ Interpreter for deaf provided if requested.

Pursuant to HJR 150 of the 1986 General Assembly, the Board on Health Regulatory Boards will hold an informational hearing on the need for regulating dietitians and nutritionists in the Commonwealth. The public is invited to appear at this hearing to present testimony and/or to submit written comments by June 30, 1986, to Richard D. Morrison.

† **July 15, 1986 - 1:30 p.m.** – Open Meeting
Virginia Center for Health Affairs, 4200 Innslake Drive, Glen Allen, Virginia. ☒ Interpreter for deaf provided if requested.

A regular quarterly meeting of the Council (formerly Board) on Health Regulatory Boards. The agenda will include discussion and adoption of new committee structures and appointments of council members to standing and ad-hoc committees.

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

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

May 28, 1986 - 9:30 a.m. – Open Meeting
Virginia Hospital Association Headquarters, 4200 Innslake Drive, Glen Allen, Virginia. ☒

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

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

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

June 4, 1986 - 9 a.m. – Open Meeting
James Monroe Building, 9th Floor Conference Room, 101 North 14th Street, Richmond, Virginia. ☒

A monthly council meeting. The agenda will be available on request.

Contact: Grace I. Lessner, 9th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2638

VIRGINIA DEPARTMENT OF HIGHWAYS AND TRANSPORTATION

† **June 12, 1986 - 9 a.m.** – Public Hearing
Salem District Highway Department Building, 731 Harrison Street (off Route 460), Salem, Virginia. ☒ Interpreter for deaf provided if requested.

A public hearing to receive comments from the four western highway districts on highway allocations for the coming year and one updating the six-year improvement program for the interstate, primary and urban systems.

† **June 19, 1986 - 9 a.m.** – Public Hearing
Virginia Department of Highways and Transportation, Auditorium, 1221 East Broad Street, Richmond, Virginia. ☒ Interpreter for deaf provided if needed.

A public hearing to receive comments from the five eastern highway districts on highway allocations for the coming year and on updating the six-year improvement program for the interstate, primary and urban systems.

† **June 19, 1986 - 10 a.m.** – Open Meeting
Virginia Department of Highways and Transportation, Annex Building, Board Room, 1401 East Broad Street, Richmond, Virginia. ☒ Interpreter for deaf provided if requested.

Monthly meeting of the Virginia Department of Highways and Transportation Board 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., Virginia Department of Highways and Transportation, 1401 E. Broad St., Richmond, Va., telephone 804-786-9950

VIRGINIA STATE LIBRARY BOARD

† **June 24, 1986 - 11 a.m.** – Open Meeting

Calendar of Events

Virginia State Library, State Librarian's Office, 11th Street at Capitol Square, Richmond, Virginia. ☒

A regular quarterly meeting to discuss administrative matters.

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

VIRGINIA'S LONG-TERM CARE COUNCIL

July 24, 1986 - 9:30 a.m. -- Open Meeting
James Monroe Building, Conference Room E, 101 North 14th Street, Richmond, Virginia. ☒ Interpreter for the deaf provided if requested.

A meeting to discuss issues relevant to the development and provision of long-term care services in the Commonwealth. The council will also hear a report on the development of a statewide uniform intake, assessment, and tracking mechanism for use by all publicly-funded human services agencies.

Contact: Catherine Saunders, Staff, Virginia Department for the Aging, 18th Floor, 101 N. 14th St., Richmond, Va. 23219-2797, telephone (804) 225-2271/2912

VIRGINIA MARINE PRODUCTS BOARD

† June 10, 1986 - 5 p.m. -- Open Meeting
Ramada Inn, Room 4, Route 17, Newport News, Virginia

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

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

MARINE RESOURCES COMMISSION

May 27, 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

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (Board of)

June 10 - 10 a.m. -- Open Meeting
James Madison Building, 13th Floor Conference Room, 109 Governor Street, Richmond, Virginia. ☒

A board meeting to (i) approve minutes of the March 11 meeting; (ii) discuss State Plan amendments on exception to 21-day limit; Co-operative Agreements between Title XIX and Title IV-D; Nursing Home/Hospital Reimbursement Plan changes; and (iii) other business pertinent to the board.

Contact: Jacquie M. Fritz, Department of Medical Assistance Services, Suite 800, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-7933

VIRGINIA STATE BOARD OF MEDICINE

† June 27, 1986 - 10 a.m. -- Open Meeting
Department of Health Regulatory Boards, 517 West Grace Street, Richmond, Virginia

The Executive Committee of the Board of Medicine will meet in open and closed session to conduct general business and to review case decisions.

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

BOARD OF MENTAL HEALTH AND MENTAL RETARDATION

May 28, 1986 - 10 a.m. -- Open Meeting
Valley Community Services Board, Waynesboro, Virginia. ☒

A regular monthly meeting. The agenda will be published on May 21, and may be obtained by calling Jane Helfrich.

Contact: Jane V. Helfrich, State Mental Health and Mental Retardation Board Secretary, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3921

Calendar of Events

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

May 29, 1986 - 9 a.m. - Open Meeting
Eastern State Hospital, Education Building No. 3,
Williamsburg, Virginia. ☐

A public forum conducted by the Virginia Bar Association and the Department of Mental Health and Mental Retardation on two proposals concerning surrogate treatment decision-making.

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

Interagency Coordinating Council

† May 27, 1986 - 1:30 p.m. - Open Meeting
Commission for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia. ☐

A monthly meeting of the council concerning Delivery of Related Services to Handicapped Children.

Contact: Dr. Michael Fehl, Department of Mental Health and Mental Retardation, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3710

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, 1986 - Open Meeting
May 30, 1986 - Open Meeting
Colonial Williamsburg Conference Center, Williamsburg, Virginia. ☐

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

DEPARTMENT OF MOTOR VEHICLES

† June 4, 1986 - 9 a.m. - Open Meeting
† June 5, 1986 - 9 a.m. - Open Meeting
† June 6, 1986 - 12 Noon - Open Meeting
Airfield 4-H Center, Wakefield, Virginia

A project committee will conclude preparation of recommended revisions to the Motor Vehicle Dealer Licensing Act.

Contact: Joe Chandler, Committee Chairman, Department of Motor Vehicles, 2300 W. Broad St., Richmond, Va. 23220, telephone (804) 257-0463

STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

June 12, 1986 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, Conference Room 2, 3600 West Broad Street, Richmond, Virginia. ☐

An open board meeting to (i) administer examinations; (ii) consider complaints; (iii) discuss state written exam; and (iv) regulatory review.

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

VIRGINIA BOARD OF OPTOMETRY

May 28, 1986 - 9:30 a.m. - Open Meeting
May 29, 1986 - 9:30 a.m. - Open Meeting
Williamsburg Hilton, 1st Floor, Room 4, 50 Kingsmill Road, Williamsburg, Virginia. ☐

A general business meeting and review of the state board examination.

July 16, 1986 - 8 a.m. - Open Meeting
R. Blackwell Smith Pharmacy Building, 410 North 12th Street, Richmond, Virginia. ☐

The board will administer the State Practical Examination.

July 17, 1986 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, Board Room, 517 West Grace Street, Richmond, Virginia

A general business meeting.

Contact: Moria C. Lux, Executive Director, Virginia Board of Optometry, P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0131

Calendar of Events

VIRGINIA OUTDOORS FOUNDATION

† June 11, 1986 - 10:30 a.m. - Open Meeting
State Capitol, House Room 1, Richmond, Virginia. ☒

A general business meeting.

Contact: Tyson B. VanAuken, 221 Governor St., Richmond, Va. 23219, telephone (804) 786-5539

STATE PERINATAL SERVICES ADVISORY BOARD

June 12, 1986 - 12:30 p.m. - Open Meeting
James Madison Building, Main Floor Conference Room,
109 Governor Street, Richmond, Virginia. ☒

A regular meeting of the board. The agenda will be provided upon request two weeks prior to the meeting.

Contact: Alice S. Linyear, M.D., Director, Bureau of Maternal and Child Health, 6th Floor, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-7367

STATE BOARD OF PHARMACY

June 24, 1986 - 8 a.m. - Open Meeting
June 25, 1986 - 8 a.m. - Open Meeting
Richmond Marriott Hotel, 500 East Broad Street,
Richmond, Virginia. ☒

Board examinations and board meeting.

Contact: J. B. Carson, Executive Director, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0182

BOARD OF COMMISSIONERS TO EXAMINE PILOTS

June 18, 1986 - 10 a.m. - Open Meeting
Hasler and Company, 121 Tazewell Street, Norfolk, Virginia

The board will meet to conduct routine business.

Contact: David E. Dick, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8515/8463 OR William L. Taylor, Clerk of the Board, 3329 Shore Dr., Virginia Beach, Va. 23451, telephone (804) 496-0995

POLYGRAPH EXAMINERS ADVISORY BOARD

† June 17, 1986 - 10 a.m. - Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A meeting to review regulations and routine business.

† July 29, 1986 - 10 a.m. - Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

The board will meet for the purpose of administering the Virginia Polygraph Examiner Licensing Examination to eligible licensed Examiner Interns, and to determine and record results.

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

VIRGINIA REAL ESTATE BOARD

May 28, 1986 - 10 a.m. - Open Meeting
Department of Commerce, Travelers Building, 5th Floor, Conference Room 1, 3600 West Broad Street, Richmond, Virginia. ☒

The board will meet to conduct a formal administrative hearing: Virginia Real Estate Board v. Lloyd N. Dallas.

May 29, 1986 - 10 a.m. - Open Meeting
Department of Commerce, Travelers Building, 5th Floor, Conference Room 1, 3600 West Broad Street, Richmond, Virginia. ☒

The board will meet to conduct a formal administrative hearing: Virginia Real Estate Board vs. Walter H. Loving.

June 9, 1986 - 10 a.m. - Open Meeting
June 10, 1986 - 10 a.m. - Open Meeting
Holiday Inn-Waterside, Elizabeth Room, 700 Monticello Avenue, Norfolk, Virginia

The board will meet to conduct a formal hearing: Virginia Real Estate Board v. Robert W. Horton, Jr.

June 12, 1986 - 10 a.m. - Open Meeting
June 13, 1986 - 10 a.m. - Open Meeting
Massey Building, Board of Supervisors Room, A Level, 4100 Chain Bridge Road, Fairfax, Virginia

The board will meet to conduct a formal hearing: Virginia Real Estate Board v. David R. Kline.

June 18, 1986 - 10 a.m. - Open Meeting
June 19, 1986 - 10 a.m. - Open Meeting
June 20, 1986 - 10 a.m. - Open Meeting
Chesapeake Circuit Court, Courtroom 3, 300 Cedar Road, Chesapeake, Virginia

The board will meet to conduct a formal hearing: Virginia Real Estate Board v. John Henry Martin. This proceeding was continued from April 23-24, 1986.

Calendar of Events

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

BOARD OF REHABILITATIVE SERVICES

June 27, 1986 - 10 a.m. – Open Meeting
Department of Rehabilitative Services, 4901 Fitzhugh
Avenue, Richmond, Virginia. ☐

The board will hold a regular meeting to conduct the
business of the department.

Ad Hoc Committee

† **June 10, 1986 - 9 a.m. – Open Meeting**
Department of Rehabilitative Services, 4901 Fitzhugh
Avenue, Richmond, Virginia. ☐

A meeting to study the role and function of the Board
of Rehabilitative Services.

Evaluation Committee

June 20, 1986 - 1 p.m. – Open Meeting
Department of Rehabilitative Services, 4901 Fitzhugh
Avenue, Richmond, Virginia. ☐

A meeting to discuss policy and procedures.

Finance Committee

June 26, 1986 - 3 p.m. – Open Meeting
Department of Rehabilitative Services, 4901 Fitzhugh
Avenue, Richmond, Virginia. ☐

A meeting to discuss budgetary matters.

Program Committee

May 22, 1986 - 1 p.m. – Open Meeting
June 26, 1986 - 1 p.m. – Open Meeting
Department of Rehabilitative Services, 4901 Fitzhugh
Avenue, Richmond, Virginia. ☐

A meeting to review, discuss and, when appropriate,
recommend to the board necessary policies governing
the vocational rehabilitation and independent living
rehabilitation programs and services administered
and/or coordinated by the Department of
Rehabilitative Services.

Contact: Jim Hunter, 4901 Fitzhugh Ave., Richmond, Va.
23220, telephone (804) 257-6446 (toll-free number
1-800-522-5019)

STATE SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

May 28, 1986 - 9 a.m. – Open Meeting
James Monroe Building, Conference Room C, 101 North
14th Street, Richmond, Virginia. ☐

June 25, 1986 - 9 a.m. – Open Meeting
James Monroe Building, Conference Room E, 101 North
14th Street, Richmond, Virginia. ☐

To hear and render a decision on all Appeals of
Denials of On-Site Sewage Disposals System Permits.

Contact: P.M. Brooks, 502 Madison Bldg., Richmond, Va.
23219, telephone (804) 786-1931

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

June 17, 1986 - 9 a.m. – Open Meeting
General Assembly Building, House Room C, Capitol Square,
Richmond, Virginia. ☐

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

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

† **August 14, 1986 - 9 a.m. – Open Meeting**
General Assembly Building, House Room C, Capitol Square,
Richmond, Virginia. ☐

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

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

BOARD OF SOCIAL SERVICES

† **June 18, 1986 - (Time to be announced) – Open Meeting**
† **June 19, 1986 - (Time to be announced) – Open
Meeting**

† **July 16, 1986 - (Time to be announced) – Open Meeting**
† **July 17, 1986 - (Time to be announced) – Open Meeting**
Department of Social Services, Blair Building, 8007
Discovery Drive, Richmond, Virginia. ☐

Calendar of Events

A work session and business meeting.

Contact: Phyllis Sisk, 8007 Discovery Drive, Richmond, Va. 23229-8699, telephone (804) 281-9236

DEPARTMENT OF SOCIAL SERVICES

Division of Benefit Programs

July 12, 1986 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to amend regulations entitled: VR 615-01-9. Definition of a Home in the Aid to Dependent Children (ADC) Program. The purpose of the regulation is to expand the disregard of the home as a resource to include property contiguous to the house and lot provided the value of the land does not exceed \$5,000.

STATEMENT

Subject: Proposed amendment to the following regulation: Definition of a Home in the Aid to Dependent Children (ADC) Program. This amendment is being proposed for a 60-day public comment period.

Substance: It is the intent of the State Board of Social Services to amend regulations in the Aid to Dependent Children (ADC) Program which specify the amount of real property, owned by the applicant/recipient, to be disregarded from resource evaluation as the home. The regulation set forth herein will bring current regulations into compliance with the provisions of Senate Bill 605 and House Bill 473 which were enacted by the 1985 session of the Virginia General Assembly.

Pursuant to Senate Bill 605 and House Bill 473, the home will be defined as the house and lot used as the principal residence and all contiguous property as long as the value of the land does not exceed \$5,000.

Issues: The 1986 Appropriations Act specifies that the Department of Social Services, in accordance with § 63.1-25 of the Code of Virginia, must modify its restriction on real property which may be disregarded to conform with the provisions of Senate Bill 605 and House Bill 473. This legislation amended § 32.1-325 of the Code of Virginia relative to the amount of real property to be disregarded in the Commonwealth's medical assistance program.

In implementing the revised definition of a home, the

Departments of Medical Assistance Services and Social Services adopted slightly different versions of what constitutes a home. As a result, agency heads and respective counsel mutually agreed to pursue adoption of the proposed regulation as set forth herein.

The General Assembly mandated the legislation (Sentate Bill 605 and House Bill 473) which became effective January 1, 1986. To ensure compliance with this requirement, an emergency regulation was adopted by the respective departments. The regulation was signed by then Governor Robb on November 30, 1985, and filed with the Registrar of Regulations on December 3, 1985.

Basis: The 1985 Appropriations Act mandates the Department of Social Services implement the provisions of Senate Bill 605 and House Bill 473 in the determination of eligibility for assistance pursuant to § 63.1-25 of the Code of Virginia.

Purpose: The purpose of the proposed regulation is to modify the restriction on real property to be disregarded as the "home" in the determination of eligibility for assistance in the Aid to Dependent Children (ADC) Program.

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

Written comments may be submitted until July 12, 1986, to I. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699

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

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June 2, 1986 - 9 a.m. - Public Hearing
Richmond Regional Office, Wythe Building, Conference Rooms A and B, 1604 Santa Rosa Road, Richmond, Virginia

June 2, 1986 - 10 a.m. - Public Hearing
City Hall Building, Council Chambers, 11th Floor, 810 Union Street, Norfolk, Virginia

June 2, 1986 - 1 p.m. - Public Hearing
Roanoke Regional Office, Commonwealth Building, Conference Room Suite 100, 210 Church Avenue S.W., Roanoke, Virginia

June 4, 1986 - 2 p.m. - Public Hearing
Northern Virginia Regional Office, 2nd Floor Training Room, 11166 Main Street, Fairfax, Virginia

June 6, 1986 - 10 a.m. - Public Hearing
Valley Regional Office (behind the Corner Parts building), Conference Room, Route 612, Verona, Virginia

June 6, 1986 - 1 p.m. - Public Hearing
Southwest Regional Office, Conference Room, 190 Patton Street, Abingdon, Virginia

July 14, 1986 - 9:30 a.m. - Public Hearing
Blair Building, Conference Room A, 8007 Discovery Drive,

Calendar of Events

Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to amend regulations entitled: **VR 615-08-1. Virginia Fuel Assistance Program.** Increase the age limit in the voluntary quit eligibility criteria; change the five geographic regions to six climate zones; add an eligibility criteria in ECAP and change one of the mandated type of assistance to optional one and lower the administrative cost reimbursement ceiling.

STATEMENT

Substance: The Department proposes to amend the program to:

1. Increase the age from 16 to 18 years under the voluntary quit provision so that dependent children under 18 could quit their jobs and it would have no effect on the household's eligibility for fuel assistance or ECAP.

2. Change the five geographic areas used for benefit levels to the six climate zones developed by the National Oceanic and Atmospheric Administration. The recognized climate zones will effect some local departments of social services because they will be placed in different regions than they were in previous years.

3. Make two changes to the Energy Crisis Assistance Program (ECAP):

A. The addition of an eligibility criteria will mean that only those households who have changes in their circumstances beyond their control will be eligible for ECAP for payment of their electric bills or heat-related security deposits.

B. Changing emergency repairs of a dwelling to prevent heat loss from mandatory to optional type of assistance. This will mean that local departments of social services will not be required to provide this type of assistance, but may do so if they wish.

4. Lower the ceiling on administrative cost reimbursement from 150% to 125% of the average administrative cost per case. This will mean that some local department of social services will not be reimbursed for all their expenditures.

Purpose: The purpose of each amendment is as follows:

1. The age of the voluntary quit provision is being raised so that the employment habits of dependent children under 18 will have no effect on the household's eligibility for fuel assistance or ECAP.

2. Changing the geographic areas to coincide with the recognized climate zones will ensure that all counties and cities of the Commonwealth are placed in areas that are more realistically in line with their climates.

3. ECAP

A. Adding another eligibility criteria to the ECAP component will reduce the ECAP expenditures and ensure that ECAP is only provided to those most in need.

B. Changing emergency repairs to an optional component must be done because of the unavailability of the service in some localities and because it usually cannot be accomplished for \$200 or less.

4. The administrative cost reimbursement ceiling must be lowered because of federal reductions in the grant.

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

Written comments may be submitted until July 11, 1986.

Contact: Charlene Chapman, Supervisor, Energy and Emergency Assistance, Division of Benefit Programs, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046 (toll-free number 1-800-552-7091)

Division of Child Support Enforcement

† July 26, 1986 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services, Division of Child Support Enforcement, intends to amend regulations entitled: **VR 615-70-1. State Income Tax Intercept for Child Support.** The proposed regulation allows the Department of Social Services to intercept state income tax refunds for payment of certain debts.

STATEMENT

Subject: This regulation is to accommodate federal regulation 45 CFR 303.102, Collection of Overdue Support by State Income Tax Refund Setoff Process pursuant to Article 21 (§ 58.1-520 et seq.) of Chapter 3 of Title 58.1 of the Code of Virginia. Federal regulation 45 CFR 303.102 was effective October 1, 1985.

Substance: The Setoff Debt Collection Act set out in Article 21 (§58.1-520 et seq.) of Chapter 3 of Title 58.1 of the Code of Virginia allows a claimant agency to intercept state income tax refunds for payment of debts. A claimant agency is an administrative unit of state government such as a department. The Department of Social Services certifies cases to the Department of Taxation to satisfy a debt owed for public assistance paid or to collect overdue support payments for an applicant for support enforcement services.

Issues: Federal regulation 45 CFR 303.102, effective October 1, 1985, gave states the option of applying intercepted state tax refunds to satisfy a debt due the

Calendar of Events

Commonwealth or to satisfy arrearages due the custodial parent. This can happen when an applicant for services has been a recipient of public assistance and a debt owed to the Commonwealth was never satisfied. The Department of Social Services has chosen to satisfy first the debt owed the Commonwealth in these situations. The amount of money the Commonwealth will recoup is not known, as it is impossible to know how many applicants for services have received public assistance in the past. However, it is the consensus of the Board of Social Services and the Department of Social Services that money owed the taxpayer should be paid before satisfying other arrearage amounts.

Basis: The proposed regulation has been developed pursuant to the provisions of Title 63.1 of the Code of Virginia and the Setoff Debt Collection Act and 45 CFR 303.102 of the Code of Federal Regulations.

Purpose: The purpose of proposing this regulation is to ensure that the State Income Tax Refund Setoff will pay back money spent for public assistance. Currently, there is no provision for who should be reimbursed first, either the Commonwealth or the custodial parent who was previously on the welfare rolls and accrued a debt that was never satisfied.

Statutory Authority: § 63.1-25 of the Code of Virginia, and 45 CFR 303.102 of the Code of Federal Regulations effective October 1, 1985.

Written comments may be submitted until July 26, 1986, to Jean White, Director, Division of Child Support Enforcement, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23288

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† July 26, 1986 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services, Division of Child Support Enforcement, intends to adopt regulations entitled: VR 615-70-2. **Application Fee Scale.** The proposed regulations provide a sliding scale for application fees for child support enforcement services.

STATEMENT

Substance: The proposed regulation, as set forth in the scale of application fees, has been based on income levels as stated in the U.S. Poverty Guidelines issued in March, 1985. The application fee scale is a sliding scale ranging from \$1.00 to \$25.00. This is the maximum amount allowed by federal regulations.

Issues: Effective October 1, 1985, federal regulation 45 CFR 302.33 requires states to charge those people not receiving public assistance an application fee which shall

not exceed \$25.00. This application fee shall be based on the applicant's income and shall be designed so as not to discourage the application for services by those most in need.

Section 63.1-250.2 of the Code of Virginia, effective October 1, 1985, required the Board of Social Services to establish a schedule of fees, based on ability to pay. The criteria set forth in the federal regulation is stated in the state law. The amount to be charged is low enough to allow anyone to apply who wants child support enforcement services.

Basis: The proposed application fee scale has been developed pursuant to §§ 63.1-25 and 63.1-250.2 of the Code of Virginia, and 45 CFR 302.33 of the Code of Federal Regulations.

Purpose: The purpose of proposing a sliding scale for application fees is to allow people with a lesser income to better afford child support enforcement services. We believe the proposed application fee scale is consistent with the intent of state and federal laws.

Statutory Authority: § 63.1-250.2 of the Code of Virginia and 45 CFR 302.33 of the Code of Federal Regulations.

Written comments may be submitted until July 26, 1986 to Jean White, Director, Division of Child Support Enforcement, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23288.

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† July 26, 1986 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services, Division of Child Support Enforcement intends to adopt regulations entitled: VR 615-70-3. **Separate Fee Charged for Child Support Enforcement Services.** The proposed regulation defines what separate charges will be recovered for costs incurred above the application fee for child support enforcement services.

STATEMENT

Substance: The proposed regulation defines what separate charges will be recovered for costs incurred above the application fee for child support enforcement services. The child support enforcement program, by provision of state law and federal regulation, may charge for these costs. In addition, federal regulations allow for charges to be made for specific federal services rendered.

Issues: Effective October 1, 1985, the Code of Virginia states that the Board of Social Services shall establish a schedule of additional fees which may be charged to cover the costs incurred by the department in providing

Calendar of Events

child support enforcement services. Because the intent of state and federal law is not to discourage those most in need from using these services, the Department of Social Services, with the approval of the Board of Social Services, proposes to limit the charge for additional fees to the cost of HLA (Human Leukocyte Antigen) blood testing only. HLA blood testing is a specific type of blood test allowed by state law as admissible evidence in paternity suits. If the alleged responsible person is determined to be the father, then he will be charged for the cost of the blood test. If he is not found to be the father, then the Department of Social Services will absorb the costs. Section 63.1-250.2 of the Code of Virginia provides that costs shall be recoverable from the responsible person and not the custodial parent.

Basis: The proposed regulation has been developed pursuant to §§ 63.1-25 and 63.1-250.2 of the Code of Virginia.

Purpose: By proposing a regulation to limit separate charges for child support enforcement services to one additional fee, those most in need will not be discouraged from applying for services. In addition, to the extent possible, the person named as the legal father of the child should not burden the taxpayers by having the state bear this expense when he is financially capable of paying. We believe the proposed regulation is consistent with the intent of state and federal laws.

Statutory Authority: § 63.1-250 of the Code of Virginia.

Written comments may be submitted until July 26, 1986, to Jean White, Director, Division of Child Support Enforcement, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23288.

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

BOARD OF SOCIAL WORK

† June 20, 1986 - 1 p.m. - Open Meeting
The John Marshall Hotel, 5th and Franklin Streets,
Richmond, Virginia

A meeting to (i) conduct general board business; (ii) review applications; (iii) respond to correspondence; and (iv) act on reports of oral examining committees.

Contact: John W. Braymer, Ph.D, Executive Director, 517 W. Grace St., Richmond, Va. 23220, telephone (804) 786-7703

DEPARTMENT OF TAXATION

July 8, 1986 - 10 a.m. - Public Hearing
General Assembly Building, House Room C, Capitol Square,
Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to amend the regulation entitled: VR 630-2-322. Virginia Taxable Income (Individual Income Tax Regulation). This regulation sets forth the method for computing the Virginia taxable income of individuals, including the various additions, subtractions, deductions, and modifications provided by law.

STATEMENT

Basis: This regulation is issued under the authority granted by § 58.1-203 of the Code of Virginia.

Purpose: As revised, this regulation sets forth the procedure for the subtraction of qualified agricultural contributions from the taxable income of individuals, as well as the other steps necessary to compute Virginia taxable income.

Issues: § 58.1-402 of the Code of Virginia provides for the subtraction from taxable income of qualified agricultural contributions made between January 1, 1985, and December 31, 1988. Contributions eligible for subtraction are those of crops that are donated by an individual engaged in the trade or business of raising such crops. Furthermore, the crops must be donated to an organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and the crops must be fit for human consumption, the use of the crops by the donee must be related to the purpose or function constituting the basis for the donee's exemption under § 501(c)(3) of the Internal Revenue Code, the contribution cannot be made in exchange for money, property, or service, and the donor must receive from the donee a written statement stating how the donated crops will be used. The value of a donation for purposes of the subtraction is the lowest wholesale market price of the donated product in the nearest regional market during the month in which the contribution is made, regardless of the grade or quality of the product. Lastly, the total subtraction computed must be reduced by the amount of any charitable contribution deduction claimed for federal and state income tax purposes on contributions qualifying for subtraction.

Substance: Applying the statutory subtraction available from January 1, 1985, to December 31, 1988, this regulation sets forth the procedure for subtracting qualified agricultural contributions from taxable income. Under the regulation, the word "crop" is limited in meaning to products of the soil; thus, the word excludes animal products. Also, the meaning of the term "fit for human consumption" is limited to edible products. For purposes of computing the actual subtractible value of donated crops, this regulation requires the use of the lowest wholesale market price, regardless of grade or quality, published for

Calendar of Events

the donated crop by the U. S. Department of Agriculture in the regional market closest to the donor's place of business.

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

Written comments may be submitted until July 8, 1986.

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

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July 8, 1986 - 10 a.m. - Public Hearing
General Assembly Building, House Room C, Capitol Square,
Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to amend the regulation entitled: VR 630-3-402. Virginia Taxable Income (Corporation Income Tax Regulation). This regulation sets forth the method for computing the Virginia taxable income of corporations, including the various additions, subtractions, deductions, and modifications provided by law.

STATEMENT

Basis: This regulation is issued under the authority granted by § 58.1-203 of the Code of Virginia.

Purpose: As revised, this regulation sets forth the procedure for the subtraction of qualified agricultural contributions from the taxable income of corporations, as well as the other steps necessary to compute Virginia taxable income.

Issues: § 58.1-402 of the Code of Virginia provides for the subtraction from taxable income of qualified agricultural contributions made between January 1, 1985, and December 31, 1988. Contributions eligible for subtraction are those of crops that are donated by a corporation engaged in the trade or business of raising such crops. Furthermore, the crops must be donated to an organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and the crops must be fit for human consumption, the use of the crops by the donee must be related to the purpose or function constituting the basis for the donee's exemption under § 501(c)(3) of the Internal Revenue Code, the contribution cannot be made in exchange for money, property, or service, and the donor must receive from the donee a written statement stating how the donated crops will be used. The value of a donation for purposes of the subtraction is the lowest wholesale market price of the donated product in the nearest regional market during the month in which the contribution is made, regardless of the grade or quality of the product. Lastly, the total subtraction computed must be reduced by the amount of any charitable contribution

deduction claimed for federal and state income tax purposes on contributions qualifying for subtraction.

Substance: Applying the statutory subtraction available from January 1, 1985, to December 31, 1988, this regulation sets forth the procedure for subtracting qualified agricultural contributions from taxable income. Under the regulation, the word "crop" is limited in meaning to products of the soil; thus, the word excludes animal products. Also, the meaning of the term "fit for human consumption" is limited to edible products. For purposes of computing the actual subtractable value of donated crops, this regulation requires the use of the lowest wholesale market price, regardless of grade or quality, published for the donated crop by the U. S. Department of Agriculture in the regional market closest to the donor's place of business.

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

Written comments may be submitted until July 8, 1986.

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

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July 8, 1986 - 10 a.m. - Public Hearing
General Assembly Building, House Room C, Capitol Square,
Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to adopt the regulation entitled: VR 630-10-24.4. Common Carriers of Property or Passengers by Railway (Retail Sales and Use Tax Regulation). This regulation sets forth the application of the sales and use tax to tangible personal property used or consumed by common carriers of property or passengers by railway.

STATEMENT

Basis: This regulation is issued under the authority granted by § 58.1-203 of the Code of Virginia.

Purpose: This regulation sets forth the application of the sales and use tax to the use or consumption of tangible personal property by common carriers of property or passengers by railway.

Issues: § 58.1-608 of the Code of Virginia exempts from the sales and use tax tangible personal property used or consumed directly by a common carrier of property or passengers by railway in the rendition of its public service. The Virginia Supreme Court in Commonwealth v. Community Motor Bus Company, 214 Va. 155, 198 S.E. 2d 619 (1973) held that an item of tangible personal property, to be exempt under the statute, must be indispensable to and used immediately in the actual rendition of a carrier's

public service. Under the court's opinion, convenient or facilitative items are not exempt as well as items that are essential to the operation of a business but not an immediate part of the performance of a carrier's public service.

Substance: Utilizing the direct use or consumption concept, the proposed regulation would exempt the track, roadbed, signals, passenger and freight train locomotives and cars, among other items of tangible personal property, of railway common carriers. Among the other exempt items are materials used to construct or erect railway bridges, piers, wharves, and docks (except for the foundations of such structures). Tangible personal property used to repair and maintain exempt property would also be exempt from the tax. Taxable under this regulation would be tangible personal property used in administrative, managerial and record keeping functions, tangible personal property used for the comfort or convenience of employees, and other tangible personal property used indirectly in the rendition of common carrier service. Other taxable items include materials used to construct or erect railway tunnels (except rails and roadbed), station and office building structures, structures designed to carry public or private roads over, under, or across railway tracks, and similar structures used indirectly in the rendition of common carrier service.

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

Written comments may be submitted until July 8, 1986.

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

July 8, 1986 - 10 a.m. - Public Hearing
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 19-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to amend the regulation entitled: **VR 630-10-3. Advertising (Retail Sales and Use Tax Regulation)**. This regulation sets forth the application of the sales and use tax to charges for the provision of concept, writing, graphic design, mechanical art, photography, and production supervision in the planning, creating, or placing or advertising in the media.

STATEMENT

Basis: This regulation is issued under authority granted by § 58.1-203 of the Code of Virginia.

Purpose: This regulation sets forth the application of the sales and use tax to the planning, creating or placing of advertising in the media.

Issues: The 1985 General Assembly counteracted, effective July 1, 1986, the existing sales and use tax regulations which impose a tax on all charges for advertising where a tangible product is produced. In doing so, the General Assembly substantially broadened the exemption which existed prior to July 1, 1985, to include not only ads prepared and placed in the media by the preparer, but also any other ads sold to purchasers who then place the ads in the media themselves. This regulation explains this change and provides examples of taxable and exempt transactions.

Substance: This regulation specifies that charges by an advertising business for professional services in the planning, creating or placing of advertising in newspapers, magazines, billboards, direct mail, television, radio and other media, are not subject to the tax, regardless of how such charges are computed, and whether the advertising business itself, or its client actually places the ad in the media.

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

Written comments may be submitted until July 3, 1986.

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

VIRGINIA PUBLIC TELECOMMUNICATIONS BOARD

June 18, 1986 - 10 a.m. - Open Meeting
Department of Information Technology, 4th Floor, 110 South 7th Street, Richmond, Virginia. ☐

A quarterly meeting regarding telecommunications contracts and public television and radio issues.

Contact: Suzanne Piland, Department of Information Technology, 1st Floor, 110 S. 7th St., Richmond, Va. 23219, telephone (804) 344-5560

THE GOVERNOR'S COMMISSION ON TRANSPORTATION IN THE TWENTY-FIRST CENTURY

May 27, 1986 - 10 a.m. - Open Meeting
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. ☐

COMMISSION MEETING No. 5
Reports on highway trust fund split
VDH&T maintenance and budgeting procedure

June 9, 1986 - 10 a.m. - Open Meeting
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. ☐

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COMMISSION MEETING No. 6
Review of alternative financing
Approaches and legal constraints

July 7, 1986 - 10 a.m. - Open Meeting
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. ☐

COMMISSION MEETING No. 7
Development of recommendations for funding transportation needs

July 21, 1986 - 10 a.m. - Open Meeting
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. ☐

COMMISSION MEETING No. 8
Review of final report

Contact: Jewel A. Paige, Administrative Assistant, 10th Floor, Ninth Street Office Bldg., Richmond, Va. 23219, telephone (804) 786-2405

DEPARTMENT OF THE TREASURY AND TREASURY BOARD

June 19, 1986 - 10 a.m. - Public Hearing
James Monroe Building, First Floor, Conference Room B, 101 North 14th Street, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of the Treasury and Treasury Board intends to adopt regulations entitled: **Guidelines for Public Participation in Regulation Development and Promulgation.**

STATEMENT

Basis: The Department of Treasury and the Treasury Board have under law, responsibilities related to the deposits of the Commonwealth's monies and the security of those deposits and depositories that receive state funds.

Purpose: To establish procedures and guidelines under which interested citizens, professional associations and industry associations can participate in the development and promulgation of regulations related to the deposit, security and disposition of the Commonwealth's monies.

Impact: Currently, 90 banks representing about 1200 deposit locations, 65 savings and loan institutions, other members of the financial community as well as entities of state and local government could, individually or collectively, be interested in or affected by regulations promulgated by the Department of the Treasury or the Treasury Board.

Summary: The Department of the Treasury and the

Treasury Board may determine that regulations are necessary to meet their responsibilities under law for the receipt, disbursement, management and safekeeping of the Commonwealth's monies. The proposed Public Participation Guidelines will allow citizens, professional associations and industry associations to participate in the process of regulations.

Statutory Authority: §§ 2.1-180, 2.1-364, 55-200.1 and 5-210.27 of the Code of Virginia.

Written comments may be submitted until June 1, 1986.

Contact: Joseph K. Reid, Director of Planning, P.O. Box 6-H, Richmond, Va. 23215, telephone (804) 225-2142

VIRGINIA BOARD OF VETERINARY MEDICINE

June 18, 1986 - 1 p.m. - Open Meeting
Best Western-Market Place Hotel, Chesapeake Room, 7th & Marshall Streets, Richmond, Virginia. ☐

A meeting to discuss general board business and informal conferences.

June 19, 1986 - 8 a.m. - Open Meeting
Medical College of Virginia, Sanger Hall, Rooms 1-044 and 2-020, 1101 East Marshall Street, Richmond, Virginia. ☐

Veterinarian examinations (Room 2-020); Animal Technician examinations (Room 1-044).

June 20, 1986 - 9 a.m. - Open Meeting
Medical College of Virginia, Sanger Hall, Room 1050, 1101 East Marshall Street, Richmond, Virginia. ☐

A general board business meeting.

Contact: Moria C. Lux, Virginia Board of Veterinary Medicine, P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0069

VIRGINIA BOARD FOR THE VISUALLY HANDICAPPED

July 16, 1986 - 11 a.m. - Open Meeting
Administration Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☐ Interpreter for deaf provided if requested.

The board meets quarterly to review policy and procedures of the Virginia Department for the Visually Handicapped. The board reviews and approves the department's budget, executive agreement, and operating plan.

Contact: Diane E. Allen, Acting Confidential Secretary, 397 Azalea Avenue, Richmond, Va. 23227, telephone (804) 264-3145

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Advisory Committee on Services

June 14, 1986 - 10:30 a.m. - Open Meeting
Administrative Headquarters, 397 Azalea Avenue,
Richmond, Virginia. ☒ Interpreter for deaf provided if
requested.

This committee meets quarterly to advise the Virginia Department for the Visually Handicapped on matters related to services for the blind and visually handicapped citizens of the Commonwealth.

Contact: George A. Koger, Executive Assistant, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 264-3148

STATE WATER CONTROL BOARD

† **June 23, 1986 - 9 a.m. - Open Meeting**
† **June 24, 1986 - 9 a.m. - Open Meeting**
General Assembly Building, Senate Room B, Capitol Square, Richmond, Virginia ☒

A regular quarterly meeting.

Contact: Doneva A. Dalton, State Water Control Board, Office of Policy Analysis, 2111 N. Hamilton St., P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6829

† **July 15, 1986 - 10 a.m. - Open Meeting**
Abingdon Council Chamber, 133 West Main Street, Abingdon, Virginia. ☒
† **July 16, 1986 - 10 a.m. - Open Meeting**
Roanoke Council Chambers, 215 Church Street, S.W., Roanoke, Virginia. ☒
† **July 17, 1986 - 10 a.m. - Open Meeting**
Warrenton Council Chambers, Municipal Building, 18 Court Street, Warrenton, Virginia. ☒
† **July 18, 1986 - 10 a.m. - Open Meeting**
Williamsburg/James City Court House, 321-45 Court Street, Williamsburg, Virginia. ☒

This joint meeting/workshop is being held by the State Water Control Board and the Department of Health in order to discuss with the public proposed amendments to the Commonwealth of Virginia Sewerage Regulations. The joint regulations originally became effective on February 1, 1977, and these amendments primarily reflect advances in technology since that time. Major changes involve the addition of regulations for newer technologies including ultraviolet light irradiation, composting, and rotating biological contractors and significant revisions to sections on land application of sludge, land application of wastewater, aerated lagoons, disinfections, and sludge handling processes. Drafts of the regulations are available upon request. Comments may also be

submitted in writing through July 18, 1986.

Contact: Charley Banks, State Water Control Board, 2111 N. Hamilton St., Richmond, Va. 23230-1143, telephone (804) 257-6351

VIRGINIA WINEGROWERS ADVISORY BOARD

† **June 3, 1986 - 11 a.m. - Open Meeting**
Boar's Head Sports Club, Charlottesville, Virginia

The board is meeting primarily to discuss the status of a research project which was approved for funding at a previous meeting.

Contact: Lou Ann Ladin, Secretary-Treasurer, Virginia Winegrowers Advisory Board, Virginia Department of Agriculture and Consumer Services, P. O. Box 1163, Richmond, Va. 23209, telephone (804) 786-0481

VIRGINIA COUNCIL ON THE STATUS OF WOMEN

† **June 15, 1986 - 5 p.m. - Open Meeting**
† **June 16, 1986 - 9 a.m. - Open Meeting**
† **June 17, 1986 - 9 a.m. - Open Meeting**
Roslyn Conference Center, 8727 River Road, Richmond, Virginia

A planning session for the council committees and the Virginia Council on the Status of Women. An agenda may be obtained from the council office on June 9th.

Contact: Bonnie H. Robinson, Executive Director, Virginia Council on the Status of Women, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9200

LEGISLATIVE

HOUSE APPROPRIATIONS COMMITTEE

† **June 16, 1986 - 9:30 a.m. - Open Meeting**
Virginia Institute of Marine Science, College of William and Mary, Gloucester Point, Virginia

A meeting to discuss "Virginia's Chesapeake Bay Initiatives."

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

Calendar of Events

COAL AND ENERGY COMMISSION

† June 10, 1986 - 10 a.m. - Open Meeting
General Assembly Building, Senate Room B, Capitol Square, Richmond, Virginia. ☐

The commission will be briefed on the costs and benefits of gasohol as an alternative fuel source (SJR 15) and will receive information on the use of coal in state facilities (HJR 107).

Oil and Gas Subcommittee

† June 19, 1986 - 7:30 p.m. - Public Hearing
Board of Supervisor's Hearing Room, 205 Academy Drive, Abingdon, Virginia

A public hearing to determine the adequacy of the Virginia Oil and Gas Act (§ 45.1-286 et seq. of the Code of Virginia) in light of past ground water contamination occurrences in the Town of Jonesville and at the Paint Bank Fish Hatchery in Craig County.

Contact: Michael Ward, Staff Attorney, or Martin Farber, Research Associate, Division of Legislative Services, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

VIRGINIA CODE COMMISSION

† June 24, 1986 - 9:30 a.m. - Open Meeting
† June 25, 1986 - 9:30 a.m. - Open Meeting
General Assembly Building, Speaker's Conference Room, 6th Floor, Capitol Square, Richmond, Virginia. ☐

The Commission will proceed with the revision of Title 29.1 and Title 54.

Contact: Joan W. Smith, Registrar of Regulations, Virginia Code Commission, General Assembly Building, 2nd Floor, Capitol Square, Richmond, Va. 23219, telephone (804) 786-3591

HOUSE OF DELEGATES COMMITTEE ON EDUCATION

May 29, 1986 - 10 a.m. - Open Meeting
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☐

The committee will meet to review carryover legislation.

Contact: Norma Szakal, Staff Attorney, Division of Legislative Services, General Assembly Bldg., 2nd Floor, Capitol Square, Richmond, Va. 23219, telephone 786-3591

JOINT SUBCOMMITTEE STUDYING TAXATION OF PUBLIC SERVICE CORPORATIONS (SJR 125, 1985)

† June 11, 1986 - 10:30 a.m. - Open Meeting
State Capitol, Senate Room 4, Richmond, Virginia. ☐

A work session.

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

CHRONOLOGICAL LIST

OPEN MEETINGS

May 27

Marine Resources, Commission
Mental Health and Mental Retardation, Department of
- Interagency Coordinating Council
Transportation in the Twenty-First Century, The
Governor's Commission on

May 28

Commerce, Department of
Health Service Cost Review Council, Virginia
Mental Health and Mental Retardation, Board
Optometry, Virginia Board of
Real Estate Board, Virginia
Sewage Handling and Disposal Appeals
Review Board, State

May 29

Commerce, Department of
Dentistry, Virginia Board of
House of Delegates
- Committee on Education
Mental Health and Mental Retardation, Department of
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
Optometry, Virginia Board of
Real Estate Board, Virginia

May 30

Children's Residential Facilities, Interdepartmental
Licensure and Certification of
- Coordinating Committee
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

Calendar of Events

June 3

Alcoholic Beverage Control Board, Virginia
Audiology and Speech Pathology, Virginia Board
of Examiners for
Winegrowers Advisory Board, Virginia

June 4

Conservation and Historic Resources, Department of
- Outdoor Recreation Advisory Board
Higher Education for Virginia, State Council of
Motor Vehicles, Department of

June 5

Motor Vehicles, Department of

June 6

General Services, Department of
- Art and Architectural Review Board
- Division of Consolidated Laboratory Services
Advisory Board
Motor Vehicles, Department of

June 9

Air Pollution Control Board, State
Alcoholic Beverage Control Board, Virginia
Real Estate Board, Virginia
Transportation in the Twenty-First Century, The
Governor's Commission on

June 10

Coal and Energy Commission
Marine Products Board, Virginia
Medical Assistance Services, Department of
Real Estate Board, Virginia
Rehabilitative Services, Board of
- Ad Hoc Committee

June 11

Children's Residential Facilities, Interdepartmental
Licensure and Certification of
- Advisory Committee
Outdoors Foundation, Virginia
Taxation of Public Service Corporations, Joint
Subcommittee Studying

June 12

Apprenticeship Council, Virginia
Highways and Transportation, Virginia Department of
Nursing Home Administrators, State Board of
Examiners for
Perinatal Services Advisory Board, State
Real Estate Board, Virginia

June 13

Real Estate Board, Virginia

June 14

Visually Handicapped, Department of
- Advisory Committee on Services

June 15

Women, Virginia Council on the Status of

June 16

House Appropriations Committee
Women, Virginia Council on the Status of

June 17

Air Pollution Control Board, State
Alcoholic Beverage Control Board, Virginia
Polygraph Examiners Advisory Board
Small Business Financing Authority, Virginia
Women, Virginia Council on the Status of

June 18

Corrections, Board of
Pilots, Board of Commissioners to Examine
Public Telecommunication Board, Virginia
Real Estate Board, Virginia
Social Services, Board of
Veterinary Medicine, Virginia Board of

June 19

Highways and Transportation, Virginia Department of
Real Estate Board, Virginia
Social Services, Board of
Veterinary Medicine, Virginia Board of

June 20

Children's Residential Facilities, Interdepartmental
Licensure and Certification of
- Coordinating Committee
Real Estate Board, Virginia
Rehabilitative Services, Board of
- Evaluation Committee
Social Work, Board of
Veterinary Medicine, Virginia Board of

June 23

Water Control Board, State

June 24

Architects, Professional Engineers, Land Surveyors
and Certified Landscape Architects, State Board of
- Board of Certified Landscape Architects
Auctioneers Board, Virginia
Code Commission, Virginia
Library Board, Virginia State
Pharmacy, State Board of
Water Control Board, State

June 25

Code Commission, Virginia
Pharmacy, State Board of
Sewage Handling and Disposal Appeals Review
Board, State

June 26

Criminal Justice Services Board
- Committee on Justice Information Systems
Rehabilitative Services, Board of
- Finance Committee
- Programs Committee

Calendar of Events

- June 27**
Medicine, Virginia State Board of
Rehabilitative Services, Board of
- July 7**
Transportation in the Twenty-First Century, The
Governor's Commission on
- July 9**
Conservation and Historic Resources, Department of
- Virginia Soil and Water Conservation Board
- July 15**
Health, Department of
Health Regulatory Boards, Council on
Water Control Board, State
- July 16**
Architects, Professional Engineers, Land Surveyors
and Certified Landscape Architects, State Board of
- Board of Certified Landscape Architects
Health, Department of
Optometry, Virginia Board of
Social Services, Board of
Water Control Board, State
Visually Handicapped, Board for the
- July 17**
Health, Department of
Optometry, Virginia Board of
Social Services, Board of
Water Control Board, State
- July 18**
Health, Department of
Water Control Board, State
- July 21**
Transportation in the Twenty-First Century, The
Governor's Commission on
- July 24**
Efficiency in Government, Governor's Commission on
Long-Term Care Council, Virginia
- July 30**
Dentistry, Virginia Board of
- July 29**
Polygraph Examiners Advisory Board
- July 30**
Architects, Professional Engineers, Land Surveyors
and Certified Landscape Architects, State Board of
- Board of Professional Engineers
- July 31**
Aging, Governor's Advisory Board on
Dentistry, Virginia Board of

- August 14**
Small Business Financing Authority, Virginia
- September 17**
Efficiency in Government, Governor's Commission on
- October 15**
Efficiency in Government, Governor's Commission on
- November 18**
Efficiency in Government, Governor's Commission on

PUBLIC HEARINGS

- May 30**
Health Coordinating Council, Virginia Statewide
- June 2**
Social Services, Department of
- June 4**
Social Services, Department of
- June 6**
Social Services, Department of
- June 12**
Health Regulatory Boards, Board on
Highways and Transportation, Virginia Department of
- June 18**
Efficiency in Government, Governor's Commission on
- June 19**
Coal and Energy Commission
- Oil and Gas Subcommittee
Highways and Transportation, Virginia Department of
Treasury, Department of the, and Treasury Board
- July 8**
Taxation, Department of
- July 14**
Social Services, Department of
- December 17**
Efficiency in Government, Governor's Commission