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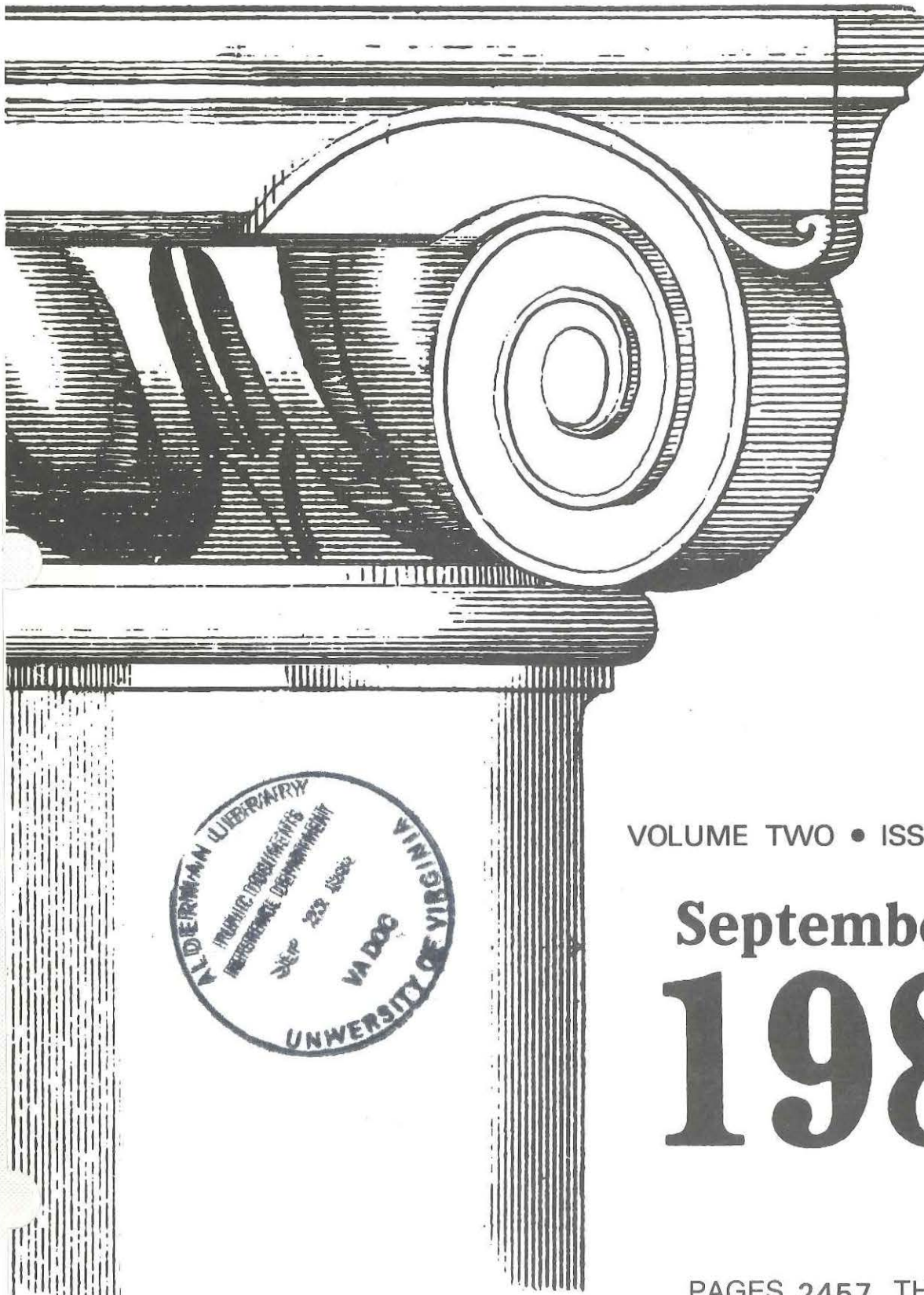
# THE VIRGINIA REGISTER

OF REGULATIONS

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September 15,  
**1986**

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# INFORMATION ABOUT THE VIRGINIA REGISTER OF REGULATIONS

## VIRGINIA REGISTER

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

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

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

## ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

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

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

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

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

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

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

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

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

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

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

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

## EMERGENCY REGULATIONS

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

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

## STATEMENT

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

## CITATION TO THE VIRGINIA REGISTER

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

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VIRGINIA REGISTER OF REGULATIONS

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| July 21                       | July 2                                     |
| Aug. 4                        | July 16                                    |
| Aug. 18                       | July 30                                    |
| Sept. 1                       | Aug. 13                                    |
| Sept. 15                      | Aug. 27                                    |
| Sept. 29                      | Sept. 10                                   |
| Final Index - Volume II       |  |
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| Oct. 27                       | Oct. 8                                     |
| Nov. 10                       | Oct. 22                                    |
| Nov. 24                       | Nov. 5                                     |
| Dec. 8                        | Nov. 19                                    |
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| Jan. 19                       | Dec. 31                                    |
| Feb. 2                        | Jan. 14                                    |
| Feb. 16                       | Jan. 28                                    |
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| May 11                        | Apr. 22                                    |
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## Symbol Key

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

## DEPARTMENT OF CORRECTIONS (BOARD OF)

**Title of Regulation:** VR 230-30-001. Minimum Standards for Jails and Lockups.

**Statutory Authority:** §§ 53.1-5, 53.1-68 and 53.1-131 of the Code of Virginia.

### Public Hearing Dates:

November 18, 1986 - 7 p.m.

November 20, 1986 - 7 p.m.

November 25, 1986 - 7 p.m.

(See Calendar of Events section for additional information).

### Summary:

The proposed standards are summarized as follows:

Part I contains definitions and legal base for the standards. Responsibility for the administration of the standards is also outlined.

Part II contains standards pertaining to the philosophy, goals, objectives and policies and procedures for the administration of jails.

Part III contains standards pertaining to the management of the jails as they relate to inmate classification, records, logs and release of information. It also outlines required elements of the grievance procedure.

Part IV contains standards pertaining to jail programs for social, volunteer, educational, library, medical and food services. They also address inmate participation in commissary and visiting programs and include regulations for mail and telephone usage.

Part V contains standards pertaining to the operation of jails. The standards address reception and orientation, inmate property control, hygiene, clothing, conduct and release. Standards pertaining to jail security are also included.

Part VI contains standards dealing with jails' physical plant and includes fire and health standards, and standards for housing areas and other special purpose areas.

Part VII contains standards that deal with the housing of juveniles.

Part VIII contains standards pertaining to the

administration and operation of lockups and includes admissions processes, inmate control, visiting, coverage, medical care availability, records and property inventory. Standards also deal with physical plant security.

VR 230-30-001. Minimum Standards for Jails and Lockups.

## PART I. INTRODUCTION.

### Article 1. Definitions.

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

"Administrative segregation" means a form of segregation from the general population when the continued presence of the inmate in the general population would pose a serious threat to life, property, self, staff or other inmates, or to the security or orderly running of the institution. Inmates pending investigation for trial on a criminal act or pending transfer can also be included.

"Annually" means an action performed each calendar year.

"Appeal" means the procedure for review of an action by a higher authority.

"Appropriate heating" means temperatures appropriate to the summer and winter comfort zones. Heat shall be evenly distributed in all rooms so that a temperature no less than 65°F is maintained. Air conditioning or mechanical ventilating systems, such as electric fans, shall be provided when the temperature exceeds 85°F.

"Appropriate lighting" means at least 20 footcandles at desk level and in personal grooming area.

"Audit" means the determination of facility compliance with standards through an examination of records and operations by a team of qualified professionals.

"Certification" means an official approval by the Board of Corrections which allows a facility to operate.

"Chief executive" means the elected or appointed individual who by law or position has the overall responsibility for the facility's administration and operation.

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**"Classification"** means the process for determining inmate housing, custody and program assignments.

**"Communication system"** means a mechanical audio transmission such as telephone, intercom, walkie talkie or T.V. monitor.

**"Contraband"** means any item possessed by inmates or found within the jail or lockup which is illegal by law or not specifically approved for inmate possession by the administrator of the facility.

**"Daily log"** means a written record for the recording of daily activities or unusual incidents.

**"Detainee"** means any person confined but not serving a sentence.

**"Disciplinary detention"** means the separation of an inmate from the general population for major violations of conduct or regulations.

**"Educational release"** means a custody status under which inmates leave a facility to attend school or educational programs in the community.

**"Fire prevention practices"** means the activities and written procedures utilized and rehearsed to ensure the safety of staff, inmates and public.

**"Fire safety inspection"** means an inspection conducted by the Office of State Fire Marshal or local fire department.

**"Grievance procedure"** means the method by which inmates may formally address complaints to the facility administration.

**"Health care personnel"** means individuals whose primary duties are to provide health services to inmates.

**"Health inspection"** means an inspection conducted by the local or State Department of Health.

**"Indigent inmate"** means an inmate who has no financial means to purchase personal hygiene items or postage for mailing letters.

**"Inmate handbook"** means a manual, pamphlet or handout which contains information describing inmate activities and conduct.

**"Inmate records"** means written information concerning the individual's personal, criminal and medical history, behavior and activities while in custody.

**"Impartial officer or committee"** means individual(s) who are unbiased and are not directly involved in the particular incident or situation being reviewed.

**"Juvenile"** means a person less than 18 years of age.

**"Lockup"** means a temporary detention facility where detainees are held for not more than 12 hours.

**"Quarterly"** means an action which occurs once every three months within a calendar year.

**"Medical screening"** means an observation and interview process within the booking procedure designed to obtain pertinent information regarding an individual's medical or mental health condition.

**"Major violations"** means those institutional violations for which an inmate may be punished either by being placed in disciplinary detention or by losing statutory good time.

**"Minor violations"** means those institutional violations punishable by less severe sanctions such as reprimand or loss of privileges.

**"Permanent log"** means a written record of a facilities' activities which cannot be altered or destroyed subject to state law.

**"Policy and procedures manual"** means a written record containing all policies and procedures needed for the operation of the facility in accordance with the law and the minimum standards for local jails and lockups.

**"Post order"** means a list of specific job functions and responsibilities required of each duty position.

**"Protective custody"** means a form of separation from the general population for inmates requesting or requiring protection from other inmates.

**"Recreational activities"** means any out-of-cell activity ranging from scheduled outside or inside recreation to informal table top games.

**"Semi-annual"** means an action occurring once every six months within a calendar year.

**"Volunteer"** means individuals who provide services to the detention facility without compensation.

**"Work release"** means a formal program whereby an inmate is permitted to leave confinement to maintain regular employment in the community and returns to custody during nonworking hours.

## Article 2. Legal Base.

§ 1.2. The Code of Virginia is the foundation for the development of Minimum Standards for Local Jails and Lockups. Section 53.1-68 of the Code of Virginia directs the State Board of Corrections to establish minimum standards for the construction, equipment, administration and operation of local correctional facilities. This Code section also authorizes the Board of Corrections to establish minimum standards for the construction, equipment and

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operation of lockups.

§ 1.3. The State Board of Corrections is authorized to monitor the activities of the department and its effectiveness in implementing the standards and goals of the board as specified by § 53.1-5 of the Code of Virginia.

## Article 3. Administration.

§ 1.4. The Minimum Standards for Local Jails and Lockups, adopted by the Board of Corrections on March 24, 1980, and amended on May 13, 1980, are superseded on the effective date of these standards.

§ 1.5. The primary responsibility for application of these standards shall be with the sheriff or chief executive officer of the jail or lockup.

§ 1.6. These standards shall become effective on March 1, 1987.

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

## PART II. JAIL ADMINISTRATION.

### Article 1. Philosophy, Goals and Objectives.

§ 2.1. The facility shall have a written statement discussing its philosophy, goals and objectives.

### Article 2. Policies and Procedures.

§ 2.2. Written policy and procedures shall be maintained in a manual and shall be available 24 hours a day to all staff.

§ 2.3. Written policy shall provide that each facility shall be headed by a single chief executive officer to whom all employees and functional units are responsible.

§ 2.4. A written annual report of the availability of services and programs to inmates in a facility shall be reviewed and provided to the sentencing courts and may be provided to relevant community agencies.

## PART III. MANAGEMENT INFORMATION.

### Article 1. Release of Information.

§ 3.1. Written policies and procedures covering the release of information shall be developed in accordance with the rules and recommendations promulgated by the Criminal Justice Services Board and the Virginia Plan for the Privacy & Security of Criminal History Record Identification.

## Article 2. Inmate Records.

§ 3.2. Written policy and procedures shall ensure that inmate records are current and accurate.

§ 3.3. Personal records shall be maintained on all inmates committed or assigned to the facility. These records shall contain, but not be limited to, the:

1. Inmates data form;
2. Commitment form and court order;
3. Records developed as a result of classification;
4. All medical orders issued by the facilities physician;
5. All disciplinary actions, or unusual incidents;
6. Work record and program involvement; and
7. Copies of inmates' property expenditure records and receipts.

## Article 3. Facility Logs and Reports.

§ 3.4. The facility shall maintain a daily log(s) which records the following information:

1. Inmate count and location;
2. Intake and release of inmates;
3. Entries and exits of physicians, attorneys, ministers, and other nonfacility personnel; and
4. Any unusual incidents such as those that result in physical harm to or threaten the safety of any person, or the security of the facility.

## Article 4. Classification.

§ 3.5. Written policy and procedures shall ensure the following:

1. Classification of inmates as to level of housing assignment and participation in correctional programs;
2. Separate living quarters for males, females, and juveniles;



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3. Prohibition of segregation of inmates by race, color, creed or national origin;

4. Security permitting, equal access to all programs and activities, through separate scheduling, or other utilization of combined programs under supervision;

5. The proper release of inmates; and

Any exception to the above to be documented in writing.

## Article 5. Grievance Procedure.

§ 3.6. A written grievance procedure shall be developed and made available to all inmates with the following elements:

1. Grievance shall be responded to within a prescribed reasonable time limit;

2. Written responses including the reason for the decision shall be made to all grievances;

3. A review shall be made by someone not directly involved in the grievance; and

4. All inmates shall have access to the procedures with guaranty against reprisal.

## PART IV. JAIL PROGRAMS AND SERVICES.

### Article 1. Inmate Participation.

§ 4.1. The facility administrator shall make each inmate aware of available programs.

§ 4.2. Written policy and procedures shall:

1. Allow inmates to participate voluntarily in available religious activities consistent with health and safety considerations;

2. Provide inmates access to recreational activities consistent with health and security regulations;

3. Provide all inmates access to regular physical exercise;

4. Specify eligibility for work assignments;

5. Govern the administration of local work programs;

6. Govern the administration of local work or education release programs if applicable; and

Any exception to the above shall be documented in writing.

### Article 2. Social and Volunteer Services.

§ 4.3. The facility shall secure and support social services and volunteer programs from the community. Where volunteers provide direct services to inmates in the facility there shall be written policies and procedures.

§ 4.4. The volunteer program shall be coordinated and administered in accordance with written policies and procedures. Each volunteer shall sign a statement agreeing to abide by facility rules and regulations.

### Article 3. Education and Library Services.

§ 4.5. Written policy and procedures shall govern the availability and administration of educational services for inmates. The facility administrator should coordinate and cooperate with local authorities for the provision of local community services and resources utilized for this purpose where they are available.

§ 4.6. The facility shall provide reading materials which include current periodicals (not more than one year old).

§ 4.7. Reading materials, including newspapers, magazines and books, shall be permitted in the jail unless the material poses a threat to security.

### Article 4. Commissary.

§ 4.8. The facility shall make available to inmates commissary services where they may purchase from an approved list of items.

### Article 5. Medical Services.

§ 4.9. A licensed physician shall supervise the facility's medical and health care services.

§ 4.10. No restrictions shall be imposed on the physician by the facility in the practice of medicine; however, administrative and security regulations applicable to facility personnel shall apply to medical personnel as well.

§ 4.11. Health care personnel shall meet appropriate and current licensing or certification requirements.

§ 4.12. Where in-house medical and health care services are provided there shall be space for the private examination and treatment of inmates.

§ 4.13. Written policy shall provide 24-hour emergency medical care availability.

§ 4.14. Written policy and procedure shall provide that receiving and medical screening be performed on all inmates upon admission to the facility.

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§ 4.15. Written procedures shall be developed whereby inmates can be informed, at the time of admission to the facility, of the procedures for gaining access to medical services.

§ 4.16. All staff involved in security shall be trained and competent in rendering basic first aid equivalent to that defined by the American Red Cross in its use in emergency care procedures. Further, there shall be at least one person per shift who is competent in administering basic life support cardio-pulmonary resuscitation (CPR).

§ 4.17. Written standard operating procedures for the management of pharmaceuticals shall be established and approved by the facility's physician or pharmacist.

§ 4.18. The medical record for each inmate shall include:

1. The completed receiving screening form; and,
2. All findings, diagnoses, treatment, dispositions, prescriptions, and administration of medication.

§ 4.19. Summaries of the medical record file shall be forwarded to the facility to which the inmate is transferred.

§ 4.20. Written policy shall prohibit medical or pharmaceutical testing for experimental or research purposes.

§ 4.21. Medical care performed by personnel other than a physician shall be pursuant to a written protocol or order.

## Article 6. Food Services.

§ 4.22. Written policy and procedures shall ensure that the facility's food service equipment and personnel meet the established safety and protection standards and requirements as set forth by the State Board of Health's rules and regulations governing restaurants and the requirements by the Virginia Department of Corrections.

§ 4.23. Written policy and procedures shall ensure a food service program that meets the requirements as set forth by the Virginia Department of Corrections which shall ensure that:

1. The menu meets the dietary allowances as stated in the Recommended Dietary Allowances, National Academy of Sciences;
2. There is at least a one-week advance menu preparation; and
3. Modifications in menus are based on inmates' medical or reasonable religious requirements.

§ 4.24. Written policy and procedures shall ensure a food

service program that meets the requirements as set forth by the Virginia Department of Corrections which shall ensure meals are served under the direct supervision of staff.

§ 4.25. Written policy and procedures shall ensure a food service program that meets the requirements as set forth by the Virginia Department of Corrections which shall ensure that records of meals served are kept for a minimum of three years.

§ 4.26. Written policy and procedures shall ensure a food service program that is not used as a disciplinary measure and meets the requirements as set forth by the Virginia Department of Corrections.

§ 4.27. Written policy and procedures shall provide for at least three meals daily with no more than 14 hours between evening meal and breakfast, and a minimum of two hot meals within every 24 hours.

## Article 7. Mail.

§ 4.28. Written policy and procedures governing inmate correspondence shall ensure that all inmates, regardless of their jail status, shall be afforded the same correspondence privileges; correspondence privileges shall not be withdrawn as punishment.

§ 4.29. Written policy and procedures shall ensure that there is no limit on the volume of letter mail an inmate may send or receive, or on the length, language, content or source of such letter mail, except where there is clear and convincing evidence to justify such limitations.

§ 4.30. Written policy and procedures shall make available, when requested by an indigent inmate, a postage allowance of not more than five first-class rate (one ounce) letters per week.

§ 4.31. Written policy and procedures shall ensure that outgoing letters shall be collected and sent daily except Saturdays, Sundays, and holidays. Incoming letters to inmates shall be delivered no later than 24 hours after arrival at the facility or shall be promptly forwarded or returned to sender.

§ 4.32. Inmate mail shall not be read except where there is reasonable suspicion that a particular item of correspondence threatens the safety or security of the institution, or the safety of any person, or is being used for furtherance of illegal activities.

§ 4.33. Written policy and procedures shall assure that notice of the seizures of mailed contraband be given to the inmate and the sender together with the written reason for the seizure. The sender shall be allowed the opportunity to appeal and challenge the seizure before the facility administrator or a designee empowered to reverse seizure. Unless it is needed for a criminal investigation or

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prosecution, property which can legally be possessed outside the facility shall be stored, returned to sender or destroyed, as the inmate desires.

## Article 8. Telephone.

§ 4.34. Written policy and procedures shall ensure inmates reasonable access to telephone facilities.

§ 4.35. Written policy and procedures shall ensure that emergency messages to inmates are delivered promptly and recorded. When possible, the jail chaplain shall be notified of an immediate family member's death or serious illness.

## Article 9. Visiting.

§ 4.36. Written policy and procedures shall ensure maximum visiting opportunities limited only by facility schedules, space and personnel constraints.

§ 4.37. The facility shall have a list of approved items which visitors may bring into the facility. Items brought into the facility by visitors for inmates shall be subject to inspections and approval.

§ 4.38. Written policy and procedures shall specify visitor registration upon entry into the facility and the circumstances and methods under which visitors may be searched.

## PART V. JAIL OPERATIONS.

### Article 1. Reception and Orientation.

§ 5.1. Written policy and procedures for admitting individuals into the jail shall address the following:

1. Verification of commitment;
2. Complete search of the individual and his possessions;
3. Disposition of clothing and personal possessions;
4. Interview for obtaining identifying data;
5. Photograph; and
6. Telephone calls.

§ 5.2. Written policy and procedures for those inmates to be confined in the jail shall address the following:

1. Shower/search;
2. Issue of clean clothing/hygiene items;

3. Classification and housing assignment; and

4. Orientation.

§ 5.3. Written policy and procedures shall specify that newly admitted inmates who are physically capable are permitted to complete at least two local or collect long-distance telephone calls during the admissions process.

### Article 2. Linen and Clothing.

§ 5.4. Written policy and procedure shall provide that a record be kept to show that clean linen and towels be supplied once a week, a clean change of clothing be provided twice a week and inmates shall be held accountable for their use.

§ 5.5. The facility shall provide for the issuance of special and protective clothing to inmates assigned to food services, farm, sanitation, mechanical services, and other special work functions.

### Article 3. Bathing and Hygiene.

§ 5.6. There shall be sufficient hot and cold water for bathing. Each inmate shall be required to bathe twice a week. Inmates shall be permitted to bathe daily.

§ 5.7. The facility shall provide soap, a toothbrush, and toothpaste or toothpowder to each inmate upon admission to the general population. Notwithstanding security considerations, shaving equipment, including a mirror, and haircuts shall be made available, and hygiene needs of all inmates shall be met.

### Article 4. Inmate Money and Property Control.

§ 5.8. Written policy and procedures shall state what items the inmate may retain in his possession.

§ 5.9. A written itemized inventory of cash and personal property of each inmate shall be made at the time of initial booking. A signed copy shall be furnished the inmate.

§ 5.10. An itemized account shall be maintained of each inmate's expenditures and receipts of money while in the facility and acknowledged by the inmate in writing.

§ 5.11. Inmate's property and funds shall be returned to him upon his release or transfer and acknowledged by the inmate in writing.

### Article 5. Inmate Conduct and Discipline.

§ 5.12. Written policy and procedures shall govern inmate conduct and shall include:

1. Rules of conduct;
2. Definition of major and minor violations; and
3. Prohibition of the use of food as a disciplinary measure.

§ 5.13. Written policy and procedures shall govern the reporting and disposition of disciplinary infractions by inmates and shall include:

1. Procedures and provisions for pre- and post-disciplinary detention of inmates; and

2. Procedures for handling minor violations:

- a. The accused inmate is given written notice of the charge and the factual basis for it;
- b. The accused inmate shall have an opportunity to explain or deny the charge;
- c. The accused inmate shall have an opportunity to appeal any finding of guilt to the facility administrator; and

3. Procedures for handling major violations:

- a. The accused inmate is given written notice of the charge and the factual basis for it at least 24 hours prior to the hearing of the charge;
- b. The charge is heard in the inmate's presence by an impartial officer or committee.
- c. The accused inmate is given an opportunity to have the assistance of a staff member or fellow inmate in defending the charge;
- d. Witness statements and documentary evidence will be permitted in his defense; and
- e. The accused inmate is permitted to appeal any finding of guilt to the facility administrator.

#### Article 6. Security.

§ 5.14. The facility shall maintain a designated post, manned 24 hours a day, that controls activities and flow of people in and out of the secure area of the jail.

§ 5.15. The facility's outside recreation area shall be secure so that inmates shall not have physical access to the general public without authorization.

§ 5.16. Written policy and procedures shall require that all security perimeter entrances, control center doors, cell block doors and all doors opening into a corridor are kept locked except when used for admission or exit of employees, inmates or visitors, or in emergencies.

§ 5.17. Written policy and procedures shall govern the security, storage and use of firearms, ammunition, chemical agents, and related security devices to ensure that:

1. Personnel who carry firearms are assigned positions that are inaccessible to inmates (with the exception of emergencies);
2. Personnel who discharge firearms or use chemical agents submit written reports to the administrator or designated subordinate no later than the conclusion of the shift during which same are discharged or used.

§ 5.18. Written policy and procedures shall specify the conditions under which an officer can enter a security cell or cell block.

§ 5.19. The facility shall provide a communications system allowing staff to communicate with each other to facilitate staff supervision.

§ 5.20. Written policy and procedures shall specify that, at least once daily, a careful examination be made of all security devices and that maintenance be routinely performed to ensure their proper operation.

§ 5.21. Written policy and procedures shall specify the process for conducting and documenting searches of the facility and inmates.

§ 5.22. The facility shall post the policy regarding searches for the control of contraband or otherwise make it available to staff and inmates. Further, the policy shall be reviewed at least annually and updated as needed.

§ 5.23. Written policy and procedures shall govern key and door control.

§ 5.24. Written policy and procedures shall govern the control and use of tools, culinary items and cleaning equipment.

§ 5.25. Written policy and procedures shall specify the control, storage and use of all flammables, toxic and caustic materials.

§ 5.26. Written post orders shall clearly describe the functions of each duty post in the facility and include copies in the policy and procedures manual.

§ 5.27. Written policy and procedures shall specify and restrict the use of physical force which is necessary for instances of self-protection, protection of others, protection of property and prevention of escapes. Such physical force shall be restricted to that necessary only to overcome such force as is being exerted. A written report shall be prepared following all such incidents described above and shall be submitted to the administrator for review and justification.

# Proposed Regulations

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§ 5.28. Written policy and procedures shall govern the use of restraint equipment.

§ 5.29. Written policy and procedures shall provide for administrative segregation of inmates who pose a security threat to the facility or other inmates and for inmates requiring protective custody.

§ 5.30. Written policies and procedures shall ensure that, inmate behavior permitting, the disciplinary detention and administrative segregation units provide physical living conditions that approximate those offered the general inmate population.

§ 5.31. Written policy and procedure shall specify the handling of mental health inmates to include an agreement to utilize mental health services from either a private contractor or the community services board.

§ 5.32. Written policy and procedures shall ensure that a log be kept to record all activities in disciplinary detention and administrative segregation units.

§ 5.33. Written policy and procedures shall require that an assessment, including a personal interview and medical evaluation, is conducted when an inmate remains in administrative segregation or disciplinary detention beyond 15 days and every 15 days thereafter.

§ 5.34. The facility shall provide for around-the-clock supervision of all inmates by trained personnel. The security of the facility shall be inspected a minimum of every 30 minutes. All checks and unusual incidents shall be documented.

§ 5.35. Supervisory staff shall inspect the institution daily. Unusual findings shall be indicated in writing and submitted to an administrative official for review.

§ 5.36. Written policies and procedures shall regulate the movement of inmates within the facility.

§ 5.37. Written policy shall prohibit inmates from supervising, controlling or exerting any authority over other inmates.

§ 5.38. Written policy and procedures shall specify the process to be followed in emergency situations, mass arrest, fire, disturbance, taking of hostages, escapes, attempted suicides, loss of utilities and natural disasters. All personnel shall be trained in the implementation of emergency plans. Plans shall be reviewed annually.

## Article 7. Release.

§ 5.39. Written policy and procedures shall require that, prior to an inmate's release, positive identification is made of the releasee, authority for release is verified and a check for holds in other jurisdictions is completed.

## PART VI. JAIL PHYSICAL PLANT.

### Article 1. Fire and Health Inspection.

§ 6.1. The facility shall have an annual state or local health and fire safety inspection, and written reports, filed with the facility administrator. One fire safety inspection shall be completed by the Office of the State Fire Marshal every three years.

### Article 2. Fire Prevention and Safety.

§ 6.2. Written policy and procedures shall specify the facility's fire prevention practices to ensure the safety of staff, inmates, and the public. They shall be reviewed annually.

§ 6.3. Mattresses, pillows and trash receptacles present in the secured housing shall be of nontoxic and fire retardant materials.

§ 6.4. The facility shall have a written master plan for the safe and orderly evacuation of all persons in the event of a fire or an emergency. Such a plan shall be reviewed by all staff quarterly. The quarterly review shall be documented.

### Article 3. Facility Cleanliness.

§ 6.5. Facility floors, halls, corridors, and other walkway areas shall be maintained in a clean, dry, hazard-free manner.

§ 6.6. The facility shall control vermin and pests and should be serviced at least quarterly by professional pest control personnel.

### Article 4. Housing Areas.

§ 6.7. All housing and activity areas shall provide for appropriate lighting and heating.

§ 6.8. All housing areas shall have toilets, showers, drinking water and washbasins with hot and cold running water accessible to inmates.

### Article 5. Special Purpose Area.

§ 6.9. The facility shall have a special purpose area to provide for the temporary detention and care of persons under the influence of alcohol or narcotics or for persons who are uncontrollably violent or self-destructive and those requiring medical supervision.

# Proposed Regulations

## Article 6. Security Equipment Storage.

§ 6.10. The facility shall provide secure storage for firearms, chemical agents, and related security equipment accessible to authorized personnel only and located outside the security perimeter or the inmate housing and activity areas.

## PART VII. JUVENILES.

### Article 1. Housing.

§ 7.1. Those facilities which, on occasion, house juveniles shall be certified by the Board of Corrections for the express purpose of holding juveniles.

§ 7.2. Juveniles shall be so housed as to be separated by a wall or other barrier which would result in preventing visual contact and normal verbal communication with adult prisoners except in instances of casual contact under supervision.

§ 7.3. The facility shall have one or more persons on duty at all times responsible for auditory and visual contact with each juvenile at least every 30 minutes. Contact shall be at least every 15 minutes when juveniles exhibit self-destructive or violent behavior.

### Article 2. Isolation or Segregation.

§ 7.4. Isolation cells or segregation within a cellblock shall be utilized only as a protective or disciplinary measure.

## PART VIII. LOCKUPS.

### Article 1. Responsibility.

§ 8.1. The chief of police, town sergeant, or, in case of a county's operating a lockup, the sheriff shall be responsible for seeing that the lockup is operated in full conformity with these regulations.

### Article 2. Coverage.

§ 8.2. When the lockup is occupied at least one employee shall be on duty at the lockup at all times.

### Article 3. Search and Inspection.

§ 8.3. The facility shall comply with the search requirements included in § 19.2-59.1 of the Code of Virginia.

§ 8.4. Quarterly inspections shall be made and recorded of bars, locks and all security devices.

### Article 4. Commitment and Release.

§ 8.5. A written record shall be maintained to include name, date, and time of commitment and release of all detainees confined in the lockup.

### Article 5. Property.

§ 8.6. Written policy and procedures shall govern the inventory and control of detainee property. The detainee shall sign for all property taken upon admission and returned to him upon release. If the detainee refuses to sign this shall be witnessed and documented.

### Article 6. Telephone.

§ 8.7. Written policy and procedures shall specify that newly admitted inmates who are physically capable are permitted the opportunity to complete at least two local or collect long distance telephone calls during the admissions process.

### Article 7. Separation of Inmates.

§ 8.8. A lockup shall detain juveniles in strict compliance with § 16.1-249 of the Code of Virginia.

§ 8.9. Males shall be housed separately from females.

§ 8.10. There shall be written policy for the protection of inmates appearing to be vulnerable to physical or sexual attack.

### Article 8. Medical.

§ 8.11. Written policy and procedures shall provide for 24-hour emergency medical and mental health care availability.

§ 8.12. A permanent log shall be maintained on all medical findings, diagnoses, treatment, dispositions, prescriptions and administration of medications.

### Article 9. Visiting.

§ 8.13. Written policy and procedures shall ensure that:

1. There be visiting opportunities limited only by facility schedules, security, space and personnel constraints;
2. Visitors register upon entry into the facility;

# Proposed Regulations

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3. *Circumstances and methods under which visitors may be searched are delineated;*

4. *Attorneys be permitted to have confidential visits with their clients; and*

*Any exception to the above shall be documented in writing.*

## Article 10. Inmate Control.

§ 8.14. *Written policies and procedures shall ensure that punishment shall not be utilized as a means of control or discipline in lockups. Tear gas, chemical mace, or similar devices shall not be used as punishment and may only be used to control detainees where there is an imminent threat of physical injury.*

## Article 11. Incident Report.

§ 8.15. *A report setting forth in detail the pertinent facts of deaths, escapes, discharging firearms, using chemical agents, or any other serious occurrences shall be reported to the Regional Manager, Department of Corrections, or his designee.*

## Article 12. Facility and Inmate Cleanliness.

§ 8.16. *A detainee shall have access to a wash basin and toilet facility.*

§ 8.17. *The detention area shall be maintained in a clean, dry, hazard-free manner.*

## DEPARTMENT OF HIGHWAYS AND TRANSPORTATION (BOARD OF)

**Title of Regulation:** VR 385-01-4. Rules and Regulations of the State Highway and Transportation Commission for the Administration of Waysides and Rest Areas.

**Statutory Authority:** § 33.1-218 of the Code of Virginia.

**Public Hearing Date:** November 17, 1986 - 10 a.m.  
(See Calendar of Events section  
for additional information)

### **Summary:**

*This proposed regulation gives the Highway and Transportation Board the authority to allow persons to offer items for sale in waysides and rest areas. Currently, nothing may be offered for sale by anyone.*

VR 385-01-4. Rules and Regulations of the State Highway and Transportation Commission for the Administration of

Waysides and Rest Areas.

§ 1. Waysides identified by name and without lights shall be open from 8 a.m. to one hour after sunset. Areas having security lighting will be open at all times.

§ 2. When an area is posted for limited parking, the operator of each vehicle may be required to sign a register setting forth the time arrival.

§ 3. When posted, parking shall be limited to the period specified.

§ 4. No overnight parking will be permitted.

§ 5. Camping is not permitted at any time.

§ 6. No vehicle shall be parked in such manner as to occupy more than one marked parking space.

§ 7. No domestic animals shall be permitted to go at large. Dogs must be kept on lease and shall not be taken into any shelter or other building.

§ 8. No person shall pick any flowers, foliage, or fruit, or cut, break, dig up, or in any way mutilate or injure any tree, shrub, plant, grass, turf, railing, seat, fence, structure, or anything within this area, or cut, carve, paint, mark or paste on any tree, stone, fence, wall, building, monument or other object therein, any bill, advertisement, or inscription whatsoever.

§ 9. No person shall disturb or injure any bird, birds' nests, or eggs, or any squirrel or other animal within this area.

§ 10. No person shall dig up, or remove any dirt, stones, rock or other thing, make any excavation, quarry any stone or lay or set off any blast, or cause or assist in doing any of said things within this area without the special order or license of the Commissioner.

§ 11. No threatening, abusive, boisterous, insulting or indecent language or gesture shall be used within this area. Nor shall any oration, or other public demonstration be made, unless by special authority of the Commissioner.

§ 12. No person shall offer any article or thing for sale within this area *except by permission of the State Highway and Transportation Board*.

§ 13. No person shall bathe or fish in any waters within this area, except in such places and subject to such regulations as the Commissioner may, from time to time, specially designate by a public notice set up for that purpose within the same.

§ 14. No person shall light, kindle or use any fire within this area, except at fireplaces designed and built for such purposes and the person or persons building a fire therein will be responsible for having it completely extinguished

# Proposed Regulations

before leaving it.

§ 15. No person shall discharge or set off within this area, any firearms, firecrackers, torpedoes, rockets, or other fireworks, except by permit from said the Commissioner.

§ 16. No bottles, broken glass, ashes, waste paper, or other rubbish shall be left within this area, except at such places as may be provided for the same.

§ 17. No automobile or other vehicle shall be taken into or driven upon this area, except upon such drives and subject to such regulations as the Commissioner may, from time to time, designate by a public notice set up for that purpose within the same.

§ 18. Sleeping in any section of the rest area building is not permitted at any time.

§ 19. Any person violating any of the preceding rules and regulations shall be guilty of a misdemeanor and, upon conviction, be fined not less than five dollars nor more than one hundred dollars for each offense.

## DEPARTMENT OF MOTOR VEHICLES

**Title of Regulation:** VR 485-30-8601. Regulations Governing Grants to be Made Pursuant to the Virginia Alcohol Fuel Production Incentive Program Fund.

**Statutory Authority:** Article 3.1 of Chapter 21 of Title 58.1 (§ 58.1-2127.1 et seq.) of the Code of Virginia.

**Public Hearing Date:** November 18 & 19, 1986 - 10 a.m.  
(See Calendar of Events section for additional information).

### Summary:

*This proposed regulation and accompanying forms are to be used in the administration of the Virginia Alcohol Fuel Production Incentive Program Fund. The regulations: (i) provide instructions for registering plants; filling annual reports and filing monthly reports and grant applications; (ii) define three classes of plants; and (iii) describe payment of grants. These proposed regulations are to replace emergency regulations which were effective as of July 11, 1986.*

VR 485-30-8601. Regulations Governing Grants to be Made Pursuant to the Virginia Alcohol Fuel Production Incentive Program Fund.

### PART I. GENERAL PROVISIONS.

#### § 1.1. Definitions.

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

"Act" means Article 3.1 of Chapter 21 of Title 58.1 of the Code of Virginia.

"Department" means the Department of Motor Vehicles of this Commonwealth.

"Person" means every natural person, firm, partnership, association or corporation.

"Producer" means every person who owns or operates a plant in Virginia which produces denatured anhydrous ethyl alcohol.

"Program" means the Alcohol Fuel Production Incentive Program established pursuant to the Act.

"Registration" means Certificate of Registration issued by the Department of Motor Vehicles.

§ 1.2. These regulations are made and promulgated pursuant to Chapters 1.1:1 and 1.2 of Title 9, and § 58.1-2127.7 of the Code of Virginia. They are intended only as a supplement to the provisions of Article 3.1 of Chapter 21 of Title 58.1 of the Code of Virginia and shall be read in conjunction with that act.

§ 1.3. All registration applications, annual reports and monthly report and grant applications required by these rules shall be filed at the Headquarters Building of the Department of Motor Vehicles, P.O. Box 27422, Richmond, Virginia, 23261-7422. If mailed to said address, they shall be deemed filed on the date postmarked. If mailed to any other address or if delivered other than by mail, they shall be considered filed when received at 2300 West Broad Street, Richmond, Virginia.

### PART II. REGISTRATION.

§ 2.1. Every plant for which an Alcohol Fuel Production Incentive Program Grant will be sought shall be registered with the Department of Motor Vehicles. There will be no charge for such registration. Application for such registration shall be made on forms prescribed by the department. Applications shall be filed with the department on or before July 15, 1986, for all Class I and Class III plants; and on or before July 15, 1986, for all Class II plants installed or substantially completed on or before that date. Class II plants installed or substantially completed after July 15, 1986, shall file an application not less than 15 days prior to the date production begins. The registration certificate shall:

1. Describe fully the physical characteristics of the plant facility;
2. State fully the person or persons who own or operate the plant as producers;
3. State the ethanol production capacity of the plant;



# Proposed Regulations

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4. State whether the plant is a Class I, II, or III plant; and

5. Identify the plant by a unique numerical designation which the department shall assign to the plant and which shall not change for the duration of the program.

§ 2.2. Registration certificates shall be transferrable provided that notice is given to the department within 15 days after any change in ownership of the plant including any change in the identity of the producers associated with the plant.

§ 2.3. Each applicant for registration shall state on the application for such registration whether the plant is a Class I, II, or III plant, and shall identify every individual who holds an ownership interest in the plant or in the primary producer if the primary producer is other than an individual, except that if the producer is a publicly held corporation only those individuals holding more than 10% ownership interest in the producer need be identified.

## A. Class I plants.

A Class I plant is a plant, located in Virginia, in which denatured anhydrous ethyl alcohol is produced and which was installed or substantially completed as of January 1, 1986. For each Class I plant the total annual production for which grants will be paid, per fiscal year, pursuant to the program shall be limited to the lesser of 3.5 million gallons or the installed annual production capacity of such Class I plant as of January 1, 1986 (using feedstock of 194 proof or less ethyl alcohol). An applicant for a Class I plant registration shall state on the application the installed annual production capacity of such plant, as of January 1, 1986, using feedstock of 194 proof or less ethyl alcohol. This figure shall be stated upon the registration certificate and shall not be changed for such plant for the duration of the program, unless the department determines that the figure improperly reflects such capacity. The total annual statewide production for which grants will be paid for Class I plants cannot exceed 45 million gallons per fiscal year, but may be less than 45 million gallons if the qualifying production of Class I plants does not reach that level or if the production of Class II and Class III plants reduces the number of gallons to be allocated to Class I plants below 45 million gallons.

## B. Class II plants.

A Class II plant is a plant, located in Virginia, in which denatured anhydrous ethyl alcohol is produced, and which was not installed or substantially completed before January 1, 1986. No grants shall be paid for the alcohol produced by a Class II plant unless both the fermentation and distillation processes are conducted entirely in Virginia. Applicants for a Class II plant registration shall state on the application whether the fermentation process will be conducted at the plant, and, if not, where such fermentation will take place. There is no limit on the

number of gallons for which grants will be paid for the production of Class II plants, except for the total statewide limit of 65 million gallons for all alcohol fuel production plants for each fiscal year.

## C. Class III plants.

A Class III plant is a plant, located in Virginia, in which denatured ethyl alcohol is produced, and which was not installed or substantially completed as of January 1, 1986. To qualify as a Class III plant, the producer must have had on March 1, 1986, a binding contractual agreement for the purchase of the terminal facility which is the site where the Class III plant will be built. The denatured anhydrous ethyl alcohol produced by a Class III plant need not have been fermented in Virginia in order to qualify for grants. The total annual production for which grants will be paid shall not exceed 3.5 million gallons per fiscal year for each Class III plant, subject to the statewide limit of 65 million gallons for all alcohol fuel production plants for each fiscal year.

## PART III. ANNUAL REPORTS.

§ 3.1. An annual report as required by § 58.1-2127.3 of the Code of Virginia shall be filed separately for each plant registered with the department on forms provided by the department. Each such report shall state clearly the plant identification number assigned to the plant on the registration certificate issued for it. If no registration has been issued, then the annual report form shall accompany the application for registration. Annual reports shall be filed on or before July 15, 1986, for the fiscal year 1986-87, and on or before May 31 of each subsequent fiscal year. Plants which begin operations after the time for filing an annual report shall file such report not later than 15 days from the date production begins.

§ 3.2. Annual reports shall project, as accurately as possible, the approximate monthly production of denatured anhydrous ethyl alcohol for the plant, including the number of gallons of alcohol for which grants will be sought, for the upcoming fiscal year. No applications for grants shall be processed unless a current annual report is on file with the department.

## PART IV. MONTHLY REPORT AND GRANT APPLICATION.

§ 4.1. A "Monthly Report and Grant Application" shall be filed separately for each plant registered with the department, on forms provided by the department. Such report shall be filed, and shall report all ethyl alcohol produced during the reporting month, even if no grants are sought for the month being reported and even if no ethyl alcohol is produced for that month. Each such report shall state the plant identification number assigned to the plant on the registration certificate issued for it.

§ 4.2. Monthly report and grant applications which are not

# Proposed Regulations

filed on or before the 15th business day of the month following the month being reported shall not be considered for grant payments, nor shall any further grants be made for that plant until all delinquent monthly reports have been filed. A business day shall be every day except Sundays and those holidays observed by the Commonwealth of Virginia.

## PART V. PAYMENT OF GRANTS.

§ 5.1. Payment of all grants will be made on the basis of the plant registration and will be made to the primary producer or producers listed on the registration certificate in the percentages stated thereon. Grants shall be paid only for actual production, during the month reported, of denatured anhydrous ethyl alcohol produced for resale and intended for blending with motor fuel. The amount of the grant will be calculated by multiplying the grant rate per gallon as provided in the Act for the month being reported, times the number of qualifying gallons of anhydrous ethyl alcohol produced during the reporting month, subject to the gallonage limitations provided by statute. In the event the total grant applications for a particular month will cause the fiscal year's production total to exceed the production limits established in the Act (45 million gallons for all Class I plants and 65 million gallons for all plants), proportional grants will be allocated to each plant from the remaining available production gallonage based upon the amount requested compared to the number of gallons available. Grants for Class I plants will be satisfied before considering requests for Class II and Class III plants. The general formula for figuring the entitlement for an individual plant when the fiscal year limits of the fund are to be exceeded is as follows:

### Remaining available gallons

Month's total grant request = Percent of plant grant  
requested to be awarded

(Percent) x (grant request for each plant) = amount of  
actual grant for each plant

**Example 1:** As of April 30, 44 million gallons worth of grants have been awarded for all Class I plants for the fiscal year. Therefore, the remaining gallonage available for all Class I plant grants would be one million gallons. If the applications for all Class I plants for the month of May equals 2 million gallons, then each Class I plant would be allocated 50 percent of its grant request:

$\frac{1 \text{ million gallons}}{2 \text{ million gallons}} = 50\%$  of request for each Class I plant

If a grant for 200,000 gallons was sought for Class I plant XYZ, and a grant for 300,000 gallons was sought for Class I plant ABC, the actual grants would be as follows:

Plant XYZ:  $50\% \times 200,000 \text{ gallons} = \text{grant for } 100,000 \text{ gallons}$

Plant ABC:  $50\% \times 300,000 \text{ gallons} = \text{grant for } 150,000 \text{ gallons}$

..... and so on for all Class I plants.

**Example 2:** As of May 31, 63 million gallons worth of grants have been awarded for all plants for the fiscal year. Therefore, the remaining gallonage available for all plants would be two million gallons. If the total applications for all plants for the month of June equals five million gallons, one million for Class I plants and four million for Class II and III plants, then grants for all Class I plants would be paid in full (assuming that the 45 million gallon limit for Class I plants would not be exceeded) and grants for one million gallons would be available for all Class II and Class III plants. In this example, each Class II and III plant would be allocated 25 percent of its grant request.

$\frac{1 \text{ million gallons}}{4 \text{ million gallons}} = 25\%$  of requests for Class II and III plants

If a grant for 200,000 gallons was sought for Class II plant ABC, and a grant for 100,000 gallons was sought for Class III plant XYZ, the actual grants would be as follows:

Plant ABC:  $25\% \times 200,000 \text{ gallons} = \text{grant for } 50,000 \text{ gallons}$

Plant XYZ:  $25\% \times 100,000 \text{ gallons} = \text{grant for } 25,000 \text{ gallons}$

..... and so on for all Class II and III plants

**Example 3:** As of May 31, 64 million gallons worth of grants have been awarded to all plants for the fiscal year. Therefore, the remaining gallonage available for all plants would be one million gallons. If the total applications from all plants for the month of June equals three million gallons, two million from Class I plants and one million from Class II and III plants, then each Class I plant would be allocated 50 percent of its grant request (assuming that the 45 million gallon limit for Class I plants would not be exceeded) while Class II and III plants would not receive any grants for that month:

$\frac{1 \text{ million gallons}}{2 \text{ million gallons}} = 50\%$  of request for each Class I plant

If a grant for 200,000 gallons was sought for Class I plant XYZ, and a grant for 300,000 gallons was sought for Class I plant ABC, the actual grants would be as follows:

Plant XYZ:  $50\% \times 200,000 \text{ gallons} = \text{grant for } 100,000 \text{ gallons}$

Plant ABC:  $50\% \times 300,000 \text{ gallons} = \text{grant for } 150,000 \text{ gallons}$

..... and so on for all Class I plants.

GSA 148 (7/86) COMMONWEALTH OF VIRGINIA - DEPARTMENT OF MOTOR VEHICLES  
 P. O. BOX 27422 - RICHMOND, VIRGINIA 23261 - 7422  
 APPLICATION FOR CERTIFICATE OF REGISTRATION FOR PLANTS PRODUCING DENATURED ANHYDROUS ETHYL ALCOHOL UNDER PROVISIONS OF THE ALCOHOL FUEL PRODUCTION INCENTIVE PROGRAM FUND (ARTICLE 3.1, CHAPTER 21, TITLE 58.1, CODE OF VIRGINIA)

(Complete a separate application for each plant. Use Page 4 or attach additional sheet(s), if necessary.)

|   |        |                                       |          |
|---|--------|---------------------------------------|----------|
| NAME OF PRIMARY PRODUCER (AS IT IS TO APPEAR ON THE REGISTRATION CERTIFICATE) |        | SOCIAL SECURITY NO. OR FEDERAL ID NO. |          |
| ADDRESS   | STREET | STATE                                 | ZIP CODE |
|   | CITY   |                                       |          |
| MAILING ADDRESS (IF DIFFERENT FROM ABOVE)                                     |        |                                       |          |

|   |         |        |       |          |
|---|---------|--------|-------|----------|
| OTHER PRODUCER(S) HAVING AN INTEREST IN PLANT | NAME    | STREET | STATE | ZIP CODE |
|   | ADDRESS | CITY   |       |          |
| PLANT   | NAME    | STREET | STATE | ZIP CODE |
|   | ADDRESS | CITY   |       |          |

|  |  |   |
|--|--|---|
| FORM OF ORGANIZATION OF PRIMARY PRODUCER (Check appropriate box) | <input type="checkbox"/> Sole Proprietorship | <input type="checkbox"/> Corporation                |
|  | <input type="checkbox"/> Partnership         | <input type="checkbox"/> Unincorporated Association |

|                                  |   |
|----------------------------------|---|
| IF THE OWNER IS A/AN .....       | GIVE THE .....  |
| Sole Proprietorship .....        | name and address of the proprietor.   |
| Partnership .....                | names and addresses of all partners.  |
| Corporation .....                | names, titles and addresses of the principal officers and all shareholders.     |
| Unincorporated Association ..... | name and address of the member authorized to sign in behalf of the association. |

\*(In the case of publicly held companies only shareholders holding more than a 10% ownership interest.)

|                |                          |                        |
|----------------|--------------------------|------------------------|
| NAME           | ADDRESS                  | TITLE                  |
| NAME           | ADDRESS                  | TITLE                  |
| NAME           | ADDRESS                  | TITLE                  |
| NAME           | ADDRESS                  | TITLE                  |
| IF CORPORATION | STATE IN WHICH CHARTERED | NAME OF VIRGINIA AGENT |

NAME(S) AND ADDRESS(ES) OF OTHER PERSON(S) NOT SHOWN ABOVE WHO HAVE AN INTEREST IN THIS PLANT AS A PRODUCER; INDICATE PERCENTAGE OF OWNERSHIP AND/OR TYPE OF INTEREST.

(Continued)

GSA 149 (7/86)

Give the following information on the Executive Officer(s) or other person(s) authorized to furnish information on the plant's activities involving the production of Denatured Anhydrous Ethyl Alcohol.

|                |         |               |
|----------------|---------|---------------|
| NAME AND TITLE | ADDRESS | TELEPHONE NO. |
|                |         |               |
|                |         |               |
|                |         |               |

|   |                     |                 |          |
|---|---------------------|-----------------|----------|
| LOCATION OF PLANT                               | STREET              | STATE           | ZIP CODE |
|   | CITY                |                 |          |
| DATE PLANT INSTALLED OR SUBSTANTIALLY COMPLETED | VIRGINIA PERMIT NO. | DATE PERMIT NO. |          |

| CLASS OF PLANT (Circle One) | DEFINITIONS  |
|-----------------------------|--|
| I                           | A plant, located in Virginia, in which denatured anhydrous ethyl alcohol is produced and which was installed or substantially completed as of January 1, 1986.   |
| II                          | A plant, located in Virginia,<br>• in which denatured anhydrous ethyl alcohol is produced and<br>• which was not installed or substantially completed as of January 1, 1986.<br><br>A plant does not qualify for grants as a Class II plant unless both the fermentation and distillation processes are conducted entirely in Virginia.  |
| III                         | A plant, located in Virginia, in which denatured anhydrous ethyl alcohol is produced, and which was not installed or substantially completed as of January 1, 1986. To qualify as a Class III plant the producer must have had on March 1, 1986, a binding contractual agreement for the purchase of the terminal facility which is the site where the plant will be built. The denatured anhydrous ethyl alcohol produced by a Class III plant need not have been fermented in Virginia in order to qualify for grants. |

|   |                                      |  |
|---|--------------------------------------|--|
| CLASS I AND III PLANTS USING FEEDSTOCK OF 10% PROOF OR LESS   | INSTALLED ANNUAL PRODUCTION CAPACITY | BASE PROOF USED FOR CALCULATING CAPACITY |
| CLASS II PLANTS USING FERMENTATION AND DISTILLATION PROCESSES |                                      |  |

Do you use Ethyl Alcohol as a feedstock in the production of Denatured Anhydrous Ethyl Alcohol?  YES  NO

|                  |         |                                      |
|------------------|---------|--------------------------------------|
| NAME OF SUPPLIER | ADDRESS | PROOF OF ETHYL ALCOHOL WHEN RECEIVED |
|                  |         |                                      |
|                  |         |                                      |

IF CLASS II PLANT Will the fermentation process be conducted at the plant?  YES  NO

If "NO", give location(s) of Process:

(Continued)

GSA 148 (7/86)

Is this plant currently producing Denatured Anhydrous Ethyl Alcohol?  Yes  No  
 If "NO", give Projected Date Plant Will Begin Production:

Is the Denatured Anhydrous Ethyl Alcohol stored on the plant premises?  Yes  No  
 If "NO", give Location(s) of Storage:

KIND OF PRODUCT USED FOR DENATURING ALCOHOL, (Specify)

| FUEL USED IN THE PLANT FOR PRODUCTION OF DENATURED ANHYDROUS ETHYL ALCOHOL | TYRESIS | PERCENTAGE |
|--|---------|------------|
|  |         |            |
|  |         |            |
|  |         |            |

Grant payments are to be made payable and sent to the Primary Producer unless other payees are requested. Other payees (who must be listed as Producers on page 1) and the percentage of grant payments to each are as follows:

| NAME | PERCENTAGE |
|------|------------|
|      |            |
|      |            |
|      |            |

REQUIRED ATTACHMENTS

- Attach to this application an accurate plan of the plant premises, identifying roads, streams and other structures. The plan must be in sufficient detail to locate the operation. A description of the still must be given; specifically, the TYPE, MANUFACTURER and SERIAL NUMBER.
- Applicants for CLASS III PLANT registration must attach to this application all evidence of the existence of a binding contractual agreement for purchase of the site of the plant.

I hereby swear or affirm that all information in this application is true and correct to the best of my knowledge.

|                      |                  |
|----------------------|------------------|
| AUTHORIZED SIGNATURE | DATE             |
| TITLE                | TELEPHONE NUMBER |

You MUST notify the Department of Motor Vehicles within 15 days if you:

- Change the ownership, corporate structure or officers of this organization
- Change your organization's address
- Cease operations
- Change any information requested on this application.

(Use next page to include additional information, if needed.)

|          |                     |
|----------|---------------------|
| FOR      | DATE RECEIVED       |
| DMV      | REGISTRATION NUMBER |
| USE ONLY | AUTHORIZATION       |

GSA 148 (7/86)

ADDITIONAL INFORMATION:

CSA 149 (7/84)

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF MOTOR VEHICLES

REGISTRATION CERTIFICATE

|   |   |  |       |     |      |  |  |  |
|---|---|--|-------|-----|------|--|--|--|
| DMV PLANT REGISTRATION NUMBER<br><br>Use this number on ALL documents and correspondence. | CLASS OF PLANT<br><input type="checkbox"/> I <input type="checkbox"/> II <input type="checkbox"/> III | DATE ISSUED<br><table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">MONTH</td> <td style="width: 33%;">DAY</td> <td style="width: 33%;">YEAR</td> </tr> <tr> <td style="height: 30px;"></td> <td></td> <td></td> </tr> </table> | MONTH | DAY | YEAR |  |  |  |
| MONTH   | DAY   | YEAR   |       |     |      |  |  |  |
|   |   |  |       |     |      |  |  |  |

- This Certificate must be maintained at the plant registered with the Department of Motor Vehicles.
- This Certificate is transferrable provided notice is given to the Department of Motor Vehicles within 15 days after any change in ownership or operation of the plant.
- If you cease to conduct this business, or change your business location to another place in this State, or change the ownership, corporate structure or officers of this business, you must, within 15 days, return this Certificate with written notice of such change to the Department of Motor Vehicles, P. O. Box 27422, Richmond, Virginia 23261-7422.
- Information on this Certificate, including the Classification of the plant, is based on information supplied by the owner/ producer identified on the front of this Certificate and has not been independently verified by DMV or its agents. DMV reserves the right to challenge any information on this Certificate and to correct any erroneous information at any time.
- The sole purpose of this Certificate is to identify this plant as a participating plant in the Alcohol Fuel Production Incentive Program.

|   |      |  |   |
|---|------|--|---|
| NAME OF PRIMARY PRODUCER  |      | SOCIAL SECURITY OR FEDERAL ID NUMBER                                   |   |
| STREET  |      |  |   |
| ADDRESS   |      | CITY   | STATE   |
| FORM OF ORGANIZATION  |      | <input type="checkbox"/> Sole Proprietorship                           | <input type="checkbox"/> Corporation<br><i>(Officers and shareholders listed below)</i>         |
|   |      | <input type="checkbox"/> Partnership<br><i>(Partners listed below)</i> | <input type="checkbox"/> Unincorporated Association<br><i>(Authorized persons listed below)</i> |
| PRINCIPALS  | NAME | TITLE  | ADDRESS   |
|   |      |  |   |
|   |      |  |   |
|   |      |  |   |
|   |      |  |   |
| NAME(S) AND ADDRESS(ES) OF OTHER PERSON(S) HAVING AN INTEREST IN THIS PLANT AS A PRODUCER (IF NOT SHOWN ABOVE) AND TYPE OF INTEREST:  |      |  |   |
|   |      |  |   |
| METHOD OF PRODUCTION  |      |  |   |
| Denatured Anhydrous Ethyl Alcohol is produced from<br><input type="checkbox"/> feedstock of 194 proof or less ethyl alcohol<br><input type="checkbox"/> fermentation and distillation processes |      |  |   |
| INSTALLED ANNUAL PRODUCTION CAPACITY  |      | BASE PROOF USED FOR CALCULATING CAPACITY                               |   |
| PHYSICAL CHARACTERISTICS OF PLANT   |      |  |   |

(See Reverse Side)

GSA 126 (7/86)

COMMONWEALTH OF VIRGINIA DEPARTMENT OF MOTOR VEHICLES  
P. O. BOX 27422 - RICHMOND, VIRGINIA 23261-7422

| ALCOHOL PRODUCER'S ANNUAL REPORT  |                          | (Complete one report for each plant.)                 |  |
|---|--------------------------|---|--|
| DMV PLANT REGISTRATION NO. _____  |                          | CLASS OF PLANT (CIRCLE)                               |  |
|   |                          | I   | II III                                   |
| PERIOD: BEGINNING _____   | ENDING JUNE 30, 19 _____ | PERMIT NUMBER: _____                                  | BATE _____                               |
| NAME OF PRIMARY PRODUCER REGISTERED WITH DMV _____  |                          | SOCIAL SECURITY OR FEDERAL ID NUMBER _____            |  |
| ADDRESS: STREET _____   |                          |   |  |
| CITY _____  |                          | STATE _____   | ZIP CODE _____                           |
| LOCATION OF PLANT (IF DIFFERENT FROM ABOVE ADDRESS) _____   |                          | DATE PLANT INSTALLED OR SUBSTANTIALLY COMPLETED _____ |  |
|   |                          | INSTALLED ANNUAL PRODUCTION CAPACITY                  | BASE PROOF USED FOR CALCULATING CAPACITY |
| CLASS I AND III PLANTS USING FEEDSTOCK OF 194 PROOF OR LESS   |                          |   |  |
| CLASS II PLANTS USING FERMENTATION AND DISTILLATION PROCESSES   |                          |   |  |
| PROJECTED MONTHLY PRODUCTION SUBJECT TO GRANT (GALLONS)   | JULY _____               | AUGUST _____  | SEPTEMBER _____                          |
|   | OCTOBER _____            | NOVEMBER _____  | DECEMBER _____                           |
| JANUARY _____   | FEBRUARY _____           | MARCH _____   | APRIL _____                              |
| MAY _____   | JUNE _____               |   |  |
|   |                          |   | ANNUAL GALLONS                           |
| 1. Denatured anhydrous ethyl alcohol on-hand at beginning of period .....   |                          |   |  |
| 2. Denatured anhydrous ethyl alcohol to be produced by fermentation and distillation .....  |                          |   |  |
| 3. Denatured anhydrous ethyl alcohol to be produced from feedstock of 194 proof or less .....   |                          |   |  |
| 4. Inventory Gain .....   |                          |   |  |
| 5. Other (explain) .....  |                          |   |  |
| 6. Total (add lines 1 through 5) .....  |                          |   |  |
| 7. Denatured anhydrous ethyl alcohol to be sold for blending with motor fuels .....   |                          |   |  |
| 8. Denatured anhydrous ethyl alcohol to be sold for other purposes .....  |                          |   |  |
| 9. Denatured anhydrous ethyl alcohol to be used by Producer (not sold) .....  |                          |   |  |
| 10. Inventory Loss .....  |                          |   |  |
| 11. Other (explain) .....   |                          |   |  |
| 12. Total (add lines 7 through 11) .....  |                          |   |  |
| 13. Denatured anhydrous ethyl alcohol to be on-hand at end of period (subtract line 12 from line 6) .....   |                          |   |  |
| I hereby swear or affirm that all information in this report is true and correct to the best of my knowledge utilizing available information for projecting denatured anhydrous ethyl alcohol production. |                          |   |  |
| NAME AND SIGNATURE OF AUTHORIZED PERSON _____   |                          | DATE _____  |  |
| TITLE _____   |                          | TELEPHONE NUMBER AND AREA CODE _____                  |  |

(see reverse side for INSTRUCTIONS)

GSA 126 (7/86)

INSTRUCTIONS

1. Fill in the period covered by this report. Producers who begin production after July 1 must file this report showing projected production of Denatured Anhydrous Ethyl Alcohol through June 30. NOTE: File a separate report for each plant.
2. Fill in DMV PLANT REGISTRATION NUMBER and circle the appropriate CLASS OF PLANT.
3. Fill in the primary producer's name, social security or federal identification number, address and valid alcohol permit numbers currently held with the Commonwealth of Virginia, Virginia Department of Agriculture and Consumer Services and the Federal Bureau of Alcohol, Tobacco and Firearms (BATF).
4. Fill in the location of the plant if different from the first address.
5. Fill in the date the plant was installed or substantially completed, the installed annual production capacity of the plant and base proof upon which capacity has been calculated.
6. On lines 1 through 13, project your annual production of Denatured Anhydrous Ethyl Alcohol and your projected sales and/or use of such alcohol. Projections must be based on pertinent records (i.e., actual production for prior year) and other reliable data that can be substantiated.
7. TIME LIMIT FOR FILING "Alcohol Producer's Annual Report"
  - (a) The report for fiscal year 1986-87 (July 1, 1986 to June 30, 1987) must be filed with DMV on or before July 15, 1986.
  - (b) After July 15, 1986, reports must be filed on or before May 31 of each year. (EXAMPLE: The report for fiscal year 1987-88 must be filed by May 31, 1987.)
  - (c) A new plant which begins operating during a FISCAL YEAR must file a report within 15 days from the date production begins.
  - (d) Mail reports to:
 

Department of Motor Vehicles  
P. O. Box 27422  
Richmond, Virginia 23261-7422

If mailed to above address, this report will be deemed filed on the date postmarked. If mailed to any other address or if delivered other than by mail, it shall be considered filed when received at 2300 West Broad Street, Richmond, Virginia.
8. IMPORTANT - Producers who fail to file an "Alcohol Producer's Annual Report" by the dates as specified in number "7." above, will not be eligible to obtain a grant until all requirements are met.
9. RETAIN ALL RECORDS FOR AUDIT PURPOSES.

GSA 121 (7/86)

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF MOTOR VEHICLES  
P. O. BOX 27422  
RICHMOND, VIRGINIA 23261-7422

**MONTHLY REPORT  
AND  
GRANT APPLICATION**  
*(Complete one application for each plant.)*

|                               |  |
|-------------------------------|--|
| DMV PLANT REGISTRATION NUMBER | THIS DOCUMENT COVERS THE MONTH OF _____ 19__ |
|-------------------------------|--|

|  |                    |                                     |                             |
|--|--------------------|-------------------------------------|-----------------------------|
| NAME OF PRIMARY PRODUCER REGISTERED WITH DMV   |                    | SOCIAL SECURITY OR FEDERAL ID NO.   |                             |
| STREET   |                    |                                     |                             |
| ADDRESS  | CITY               | STATE                               | ZIP CODE                    |
| MAILING ADDRESS (IF DIFFERENT FROM ABOVE)  |                    |                                     |                             |
| VIRGINIA PERMIT NUMBER   | BATF PERMIT NUMBER | PLANT CLASS (CHECK APPROPRIATE BOX) |                             |
|  |                    | <input type="checkbox"/> I          | <input type="checkbox"/> II |
| TOTAL NUMBER OF GALLONS OF DENATURED ANHYDROUS ETHYL ALCOHOL PRODUCED FOR MONTH FROM FEEDSTOCK OF 194 PROOF OR LESS ETHYL ALCOHOL: |                    |                                     |                             |
| TOTAL NUMBER OF GALLONS OF DENATURED ANHYDROUS ETHYL ALCOHOL PRODUCED FOR MONTH FROM FERMENTATION AND DISTILLATION PROCESSES:      |                    |                                     |                             |

| DENATURED ANHYDROUS ETHYL ALCOHOL PRODUCED FOR RESALE<br>AND INTENDED FOR BLENDING WITH MOTOR FUEL   |   |   |  |  |  |  |  |
|--|---|---|--|--|--|--|--|
| (a)<br>GALLONS PRODUCED<br><small>(If feedstock of 194 proof or less ethyl alcohol is used for production, complete and attach Schedule, Form GSA 121 - A.)</small>  | (b)<br>RATE OF GRANT<br><small>(cents per gallon)</small> | (c)<br>GRANT AMOUNT REQUESTED<br><small>[(a) x (b) = (c)]</small> |  |  |  |  |  |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">FROM FEEDSTOCK OF 194 PROOF OR LESS</td> <td style="width: 50%; padding: 2px;">FROM FERMENTATION AND DISTILLATION IN VIRGINIA</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px;"></td> </tr> </table> | FROM FEEDSTOCK OF 194 PROOF OR LESS                       | FROM FERMENTATION AND DISTILLATION IN VIRGINIA                    |  |  |  |  |  |
| FROM FEEDSTOCK OF 194 PROOF OR LESS  | FROM FERMENTATION AND DISTILLATION IN VIRGINIA            |   |  |  |  |  |  |
|  |   |   |  |  |  |  |  |
| REPORTING MONTH  |   |   |  |  |  |  |  |
| FISCAL YEAR TO-DATE  |   |   |  |  |  |  |  |

*I hereby swear or affirm that all information in this report/application is true and correct and that the denatured anhydrous ethyl alcohol was produced in the month covered by this report/application.*

|                               |                             |
|-------------------------------|-----------------------------|
| AUTHORIZED NAME AND SIGNATURE | DATE                        |
| TITLE                         | TELEPHONE NO. AND AREA CODE |

*(See reverse side for INSTRUCTIONS)*

|                    |          |               |
|--------------------|----------|---------------|
| DMV<br>USE<br>ONLY | APPROVED | DATE          |
|                    | FOR      | AMOUNT        |
|                    | PAYMENT  | AUTHORIZATION |

GSA 121 (7/86)

**INSTRUCTIONS**

1. File a separate report/application for each plant. Fill in DMV PLANT REGISTRATION NUMBER and check the appropriate box which indicates PLANT CLASS.

NOTE: A monthly report/application for each plant is required even if there was no production or if such production exceeds the gallons subject to grant.

2. Fill in the primary producer's name, address, social security or federal identification number. Show the valid Commonwealth of Virginia, Virginia Department of Agriculture and Consumer Services and the Federal Bureau of Alcohol, Tobacco and Firearms (BATF) alcohol permit numbers which you currently hold for the plant covered in this report/application.

3. Fill in the number of wine gallons of Denatured Anhydrous Ethyl Alcohol produced, the rate a grant and the amount of grant requested.

4. Alcohol producers who use feedstock of 194 proof or less for the production of Denatured Anhydrous Ethyl Alcohol are required to complete and attach "Schedule of Ethyl Alcohol Receipts" (form GSA 121-A).

5. Any alcohol producer applying for a grant for a CLASS I plant is limited to the lesser of:

- 3.5 million gallons per fiscal year (July 1 to June 30) per plant or
- the installed annual production capacity of each plant, as of January 1, 1986, using feedstock of 194 proof or less ethyl alcohol.

Any alcohol producer applying for a grant for a CLASS III plant is limited to 3.5 million gallons per fiscal year (July 1 to June 30) per plant.

6. Accumulate Fiscal Year-to-Date GALLONS PRODUCED and GRANT AMOUNT REQUESTED. Note these amounts in the appropriate spaces on the front of this report/application.

7. TIME LIMIT FOR FILING "Monthly Report and Grant Application"

The report/application MUST be filed monthly with DMV on or before the 15th business day following the month covered by the "Monthly Report and Grant Application." (NOTE: A business day shall be every day except Sundays and those holidays observed by the Commonwealth of Virginia.)

Mail the "Monthly Report and Grant Application" to:

Department of Motor Vehicles  
P. O. Box 27422  
Richmond, Virginia 23261-7422

If mailed to above address, this report/application will be deemed filed on the date postmarked. If mailed to any other address or if delivered other than by mail, it shall be considered filed when received at 2300 West Broad Street, Richmond, Virginia.

NOTE: Any "Monthly Report and Grant Application" filed after the TIME LIMIT FOR FILING will not be authorized for payment.

8. RATES FOR ALCOHOL PRODUCER'S GRANTS:

- July 1, 1986 to June 30, 1988 - 60¢ per gallon
- July 1, 1988 to June 30, 1990 - 40¢ per gallon
- July 1, 1990 to June 30, 1992 - 20¢ per gallon

9. RETAIN ALL RECORDS FOR AUDIT PURPOSES.

GSA 121 - A (7/85)

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF MOTOR VEHICLES  
**SCHEDULE OF ETHYL ALCOHOL RECEIPTS**  
(Attach to Form GSA 121)

THIS DOCUMENT COVERS THE MONTH OF \_\_\_\_\_ 19\_\_

NAME OF PLANT OWNER/PRODUCER REGISTERED WITH DMV

DMV PLANT REGISTRATION NUMBER

| DATE OF RECEIPT | FROM WHOM RECEIVED | ORIGIN | *METHOD OF DELIVERY | GALLONS | PROOF |
|-----------------|--------------------|--------|---------------------|---------|-------|
|                 |                    |        |                     |         |       |
|                 |                    |        |                     |         |       |
|                 |                    |        |                     |         |       |
|                 |                    |        |                     |         |       |
|                 |                    |        |                     |         |       |
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|                 |                    |        |                     |         |       |
|                 |                    |        |                     |         |       |
|                 |                    |        |                     |         |       |
|                 |                    |        |                     |         |       |

|                          |      |   |                |      |   |                 |
|--------------------------|------|---|----------------|------|---|-----------------|
| METHOD OF DELIVERY CODES | B    | - | BARGE OR SHIP  | B.R. | - | RAILROAD        |
|                          | C.C. | - | COMMON CARRIER | T.T. | - | TRUCK TRANSPORT |
|                          | C.T. | - | CUSTOMER TRUCK | X    | - | OTHER           |
|                          | P.L. | - | PIPELINE       |      |   |                 |

Total Gallons      Average Proof \*\*  
\*\* Average Proof Cannot Exceed 194.



# Proposed Regulations

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## DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

### Division of Child Support Enforcement

**Title of Regulation:** VR 615-70-7. Posting of Security, Bond or Guarantee.

**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 federal regulation 45 CFR 303.104 and pursuant to § 63.1-250.4 of the Code of Virginia, the Department of Social Services' Division of Child Support Enforcement will require a responsible person with accrued arrearages totaling more than \$1,000 to post security or bond or give some guarantee when the responsible person is delinquent in an amount equal to at least one month's support and no other enforcement remedies are appropriate.*

VR 615-70-7. Posting of Security, Bond or Guarantee.

#### § 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.*

*"Bond" means a written instrument guaranteeing payment.*

*"Division of Child Support Enforcement" means the single and separate organizational unit within the Department of Social Services which carries out the responsibility for the IV-D Child Support Programs in Virginia.*

*"Guarantee" means a promise to answer for the debt of an obligor.*

*"Responsible person" (RP) means any person obligated under Virginia law for the support of a dependent child, or the caretaker or parent of such child.*

*"Security" means an indemnification in order to assure payment by furnishing a resource to be used in case of default.*

#### § 2. Posting of security, bond or guarantee.

*A responsible person (RP) with accrued arrearages*

*totaling more than \$1,000 shall be required to post security or bond or give some guarantee when the RP is delinquent in an amount equal to at least one month's support and no other enforcement remedies are appropriate.*

*Advance notice shall be sent to the RP of the proposed action to be taken by the Division of Child Support Enforcement. This notice shall also include the amount of the delinquency and the procedures available to the RP for contesting the impending action.*

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

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

**Effective Date:** October 15, 1986

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

### Summary:

*The promulgation of an amendment to Regulation VIII (§ 8) lowers the maximum acceptable somatic cell count from 1,500,000 cells to 1,000,000 cells per milliliter on individual producer Grade "A" raw milk for pasteurization. This brings Virginia regulations into conformance with current recommendations of the United States Public Health Service and The Food and Drug Administration. Also, it ensures the marketability of higher quality Virginia produced Grade "A" raw milk for pasteurization in interstate commerce and within the Commonwealth of Virginia.*

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

### Regulation 8.

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

All Grade "A" raw milk for pasteurization and all Grade "A" pasteurized market milk and market milk products and all milk products shall be produced, processed, and pasteurized to conform with the following chemical, bacteriological, somatic cell, and temperature standards, and the sanitation requirements of these regulations. No

process or manipulation other than pasteurization, processing methods integral therewith, and appropriate refrigeration shall be applied to milk, market milk, market milk products, and milk products for the purpose of removing or deactivating microorganisms. Provided, that in the bulk shipment of raw cream, skim milk, or lowfat milk, the heating of the raw milk to temperatures no greater than 125°F for separation purposes is permitted when the resulting bulk shipments of cream, skim milk, and lowfat milk are labeled heat treated.

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

Grade "A" Raw Milk for Pasteurization

Temperature.....

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

Bacterial Limits.....

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

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

Antibiotics.....

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

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

Somatic Cell Limits.....

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

Grade "A"

Temperature.....

# Final Regulations

Pasteurized Milk, Market Milk Products, and Milk Products Cooled to 45°F or less and maintained thereat.

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

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

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

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

\* Not applicable to cultured products.

\*\*\*\*\*

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

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

**Effective Date:** October 15, 1986

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

## Summary:

*The promulgation of amendments to Regulation AHD XXI, Section XXI.8(e) VR 115-05-05, § 3, lowers the maximum acceptable somatic cell count from 1,500,000 cells to 1,000,000 cells per milliliter in individual herd milk. This brings the Virginia somatic cell count standard into conformance with the U.S. Department*

*of Agriculture's standard or recommendation. It enables Virginia's "manufacturing" milk producers to compete in markets controlled by federal regulations.*

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

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

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

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

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

C. 3. Brucellosis test. The herd shall be located in an area within the state *Commonwealth* in which the percentage of cattle affected with brucellosis does not exceed ~~one percent~~ 1.0%; and the percentage of herds in which brucellosis is present does not exceed ~~five percent~~ 5.0%, in accordance with provisions of the "Uniform Methods and Rules" for establishing and maintaining Certified Brucellosis-Free Herds of Cattle, Modified Certified Brucellosis Areas, and Certified Brucellosis-Free Areas which are approved by the Veterinary Services, Animal and Plant Health Inspection Services, United States Department of Agriculture. If the area in which the herd is located does not meet these requirements, the herd shall be blood-tested annually or milk ring-tested semi-annually. All additions to the herd shall be from an area or from herds meeting these same requirements.

D. 4. Mastitis and drug residues. Milk from cows known to be infected with mastitis , or milk containing residues of drugs used in treating mastitis or any other infection , shall not be sold or offered for sale for human food. Milk from cows treated for mastitis by infusion of the udder (treatment of infected quarters by the introduction of drugs into the

udder through the teat canal) shall be excluded from the supply for at least 72 hours after the last treatment, unless the label of the antibiotic container states otherwise. Drugs administered by injection into the blood stream or muscular tissue that leave a residue in the milk longer than 96 hours after injection shall not be used.

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

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

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

**2- (2) Catalase Test - 30% Oxygen**

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

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

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

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

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

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

**3- (3) A third milk sample shall be taken after a lapse of ~~2~~ three days and within 14 days of the inspection sending of a notice required under (2) above. If this sample also indicates a high somatic cell count, the state regulatory authority agency**

shall proceed with its responsibility to suspend the producers' certification for repeated noncompliance with the provisions of Section XXI. 8.E. § 3.A.5 of these regulations. Effective January 1, 1981; provided, that this standard will be reviewed at that time and, if warranted, a further extension may be granted.

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

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

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

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

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

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

**Section XXI.10. C. Milking procedure.**

**A. 1. Cows shall be kept clean.**

**B. 2. The udders and flanks of all milking cows shall be kept clean. The udders and teats shall be washed or wiped immediately before milking with a clean damp cloth or paper towel moistened with a sanitizing solution and wiped dry, or by any other sanitizing method. The milker's clothing shall be clean and his hands clean and dry.**

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

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

**Section XXI.11. D. Cooling.**

# Final Regulations

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

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

## ~~Section XXI-12.~~ E. Milkhouse or milkroom.

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

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

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

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

B- 5. A milkhouse or milkroom conveniently located and properly constructed, lighted, and ventilated shall be provided for handling and cooling milk, and for washing and storing of utensils and equipment. It shall not be used for any other purpose ~~and~~ . It shall be equipped with a hot water heater, wash and rinse vat, utensil rack, and cooling facilities. If a part of the milking barn or other building, it shall be partitioned, ceiled, and screened to prevent the entrance of dust, flies, or other contamination. A milking parlor used strictly as a milking facility in combination with a milkhouse, when properly equipped, arranged and maintained , need not be partitioned. Concentrates, if stored in the building, shall be kept in a tightly covered box or bin. The floor of the building shall be of concrete or other impervious material and graded

to provide proper drainage. The walls and ceilings shall be constructed of smooth, easily cleaned material. All outside doors shall open outward and be self-closing, unless they are provided with tight-fitted screen doors that open outward. The board in its discretion shall at a time subsequent to the effective date of these regulations determine the effective date of this subsection.

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

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

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

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

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

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

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

## ~~Section XXI-15.~~ H. Inspections, notices of violations, exclusion, and reinstatement of producers.

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

B- 2. No plant shall receive raw milk for

manufacturing purposes from a producer unless the producer is in reasonable compliance with the provisions of this regulation, provided that notice has been given regarding existing violations. Notice of violations or of failure to conform to the provisions of this regulation shall be deemed to have been given considered issued when an inspection report, signed and dated by the fieldman or inspector, has been given the producer, or mailed to him, or posted on the dairy farm in a place agreed upon by the producer and the fieldman.

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

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

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

## DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

**Title of Regulation:** VR 615-01-10. Job Training Partnership Act (JTPA), Title II, Part A, Income Disregards in the Aid to Dependent Children (ADC) Program.

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

**Effective Date:** January 1, 1987.

### **Summary:**

As set forth in § 63.1-25 of the Code of Virginia, the State Board of Social Services has been delegated the authority to promulgate rules and regulations

necessary for operation of public assistance programs in Virginia. The board intends to disregard a dependent child's earned income derived from participation in Job Training Partnership Act (JTPA), Title II, Part A programs for six calendar months per calendar year and to disregard a dependent child's unearned income derived from participation in the Job Training Partnership Act (JTPA), Title II, Part A program indefinitely.

It is the position of the board that this regulation will further encourage children to seek and retain employment and training opportunities as the regulation will provide the least effect on the amount of the family's monthly assistance payments allowable under federal regulations.

VR 615-01-10. Job Training Partnership Act (JTPA), Title II, Part A, Income Disregards in the Aid to Dependent Children (ADC) Program.

## PART I. DEFINITIONS.

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

"Aid to Dependent Children (ADC) Program" means the program, administered by the Virginia Department of Social Services, through which a relative can receive monthly cash assistance for the support of his dependent children.

"Assistance unit" means those persons who have been determined categorically and financially eligible to receive an assistance payment.

"Board" means the State Board of Social Services.

"Dependent child" means a child who has not attained the age of 18 years, or if 18 and in school, is expected to graduate by his 19th birthday. The child must be living with a relative, and deprived of support and care of at least one parent by reason of death, disability, or continued absence.

"Determination of eligibility" means the screening procedure to determine the need for assistance and the amount of the monthly assistance payment. This includes the 185% screen, determination of need, and grant computation.

"Disregard" means that income which is not considered when determining eligibility for the Aid to Dependent Children (ADC) Program.

## PART II. DISREGARDED INCOME OF DEPENDENT CHILDREN.

# Final Regulations

§ 2.1. As specified below, certain earned income of members of the assistance unit shall be disregarded in the determination of eligibility. This income shall also be disregarded in determining the need for assistance of any other individual in another assistance unit. In addition, income disregarded under the provisions of other federal assistance programs shall not be counted as income to the assistance unit. With the exception of items numbered 1 and 2, the items listed below are not disregarded during the 185% screen. Income disregards are to be applied to gross earned income in the following order:

1. Earned income of any eligible child derived from employment under Title II ~~Part~~ *Parts A and B* of the Job Training Partnership Act (JTPA) and Job Corps shall be disregarded for a total of six months per calendar year in the 185% screen, determination of need (for applicants) and grant computation. Title II, ~~Part~~ *B*, programs include all projects known as Summer Youth Employment Programs.

a. Full-time students. Subsequent to these six months, Title II, ~~Part~~ *Parts A and B*, JTPA/Job Corps earnings are to be counted in the 185% screen and determination of need but shall continue to be disregarded in the grant computation.

b. All other eligible children. Subsequent to these six months, Title II, ~~Part~~ *Parts A and B*, JTPA/Job Corps earnings are to be counted in the 185% screen, determination of need and grant computation.

2. Other earned income of any eligible child who is a full-time student shall be disregarded for a total of six months per calendar year in the 185% screen, determination of need (for applicants) and grant computation. Subsequent to these six months, such earnings shall only be disregarded in the grant computation.

3. Earned income of any eligible child who is a part-time student, not employed full-time, shall be disregarded.

Certain unearned income of a member of the assistance unit, a parent not included in the assistance unit, or anyone whose income is used in determining eligibility or the amount of assistance shall be disregarded. Any unearned income received by an eligible child under Title II, ~~Part~~ *Parts A and B* of the Job Training Partnership Act (JTPA) is to be disregarded.

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

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

**Effective Date:** October 15, 1986.

## Summary:

*Under the provisions of Article 21 (§ 58.1-520 et seq.) of Chapter 3 of Title 58.1 (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 Commonwealth prior to satisfying any other overdue support payment. This final regulation states this intent.*

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 debt 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.

# Final Regulations

**Effective Date:** October 15, 1986.

**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, adopted 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 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.

**Effective Date:** October 15, 1986.

**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, limits 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.



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# EMERGENCY REGULATION

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## DEPARTMENT OF TAXATION

**Title of Regulation:** VR 630-10-112. Welfare Assistance Redeemable in Goods. (Retail Sales and Use Tax).

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

**Effective Date:** October 1, 1986 through September 30, 1987

### ORDER ADOPTING AN EMERGENCY REGULATION OF THE DEPARTMENT

Pursuant to the authority vested in the Department of Taxation by § 58.1-203 of the Code of Virginia, and in accordance with § 9-6.14:9 of the Code of Virginia,

IT IS ORDERED that the following regulation be, and the same is hereby adopted

VR 630-10-112: Retail Sales and Use Tax: Welfare Assistance Redeemable in Goods

IT IS FURTHER ORDERED that this regulation shall be adopted upon the signature of the Governor and shall become effective on October 1, 1986 and remain in effect until September 30, 1987.

IT IS FINALLY ORDERED that this regulation be published and filed as required by the provisions of §§ 58.1-204, 9-6.14:9, and 9-6.14:22 of the Code of Virginia.

Enter: Virginia Department of Taxation

/s/ W. H. Forst, Tax Commissioner  
Date: August 21, 1986

/s/ Gerald L. Ballies, Governor  
Date: August 28, 1986

/s/ Joan W. Smith, Registrar of Regulations  
Date: August 29, 1986

#### Preamble:

Effective October 1, 1986, § 58.1-608.66 of the Code of Virginia provides an exemption from the sales and use tax for "tangible personal property purchased with food coupons issued by the United States Department of Agriculture under the Food Stamp Program or drafts issued through the Virginia Special Supplemental Food Program for Women, Infants, and Children."

The Department of Taxation finds that an emergency situation exists necessitating the immediate promulgation of this regulation, that such emergency precludes the usual procedures set forth for the promulgation of regulations in the Virginia Administrative Process Act ("APA", § 9-6.14:1 of the Code of Virginia, *et seq.*), and that emergency promulgation of this regulation is permitted in

accordance with the APA.

The precise reason and factual basis for the emergency situation is that food dealers impacted by this change will require guidance prior to the October 1, 1986 effective date of the exemption and that a permanent regulation could not be adopted prior to such time under the provisions of the APA. It is therefore necessary to provide immediate guidance to such dealers for the period from October 1, 1986 until such time as a regulation can be formally adopted under the APA.

This emergency regulation shall be adopted upon the signature of the Governor and shall take effect on October 1, 1986. It will expire on September 30, 1987, at which time a regulation will have been adopted under the procedures set forth in the APA.

The Department of Taxation will receive, consider and respond to any comments or suggestions to reconsider or revise this emergency regulation which might be submitted by interested persons or groups prior to its expiration.

VR 630-10-112. Welfare Assistance Redeemable in Goods. (Retail Sales and Use Tax).

#### § 1. Generally.

Except as provided in § 2, Food stamps and WIC drafts, the tax applies to tangible personal property purchased by individuals with government food stamps or similar stamps or vouchers welfare benefits.

#### § 2. Food stamps and WIC drafts.

Effective October 1, 1986, the tax does not apply to tangible personal property purchased by individuals with food coupons ("food stamps") issued by the U.S. Department of Agriculture under the Food Stamp Program or drafts (WIC drafts) issued through the Virginia Special Supplemental Food Program for Women, Infants, and Children.

#### § 3. Other purchases by food stamp and WIC program participants.

The exemptions set forth in § 2, Food stamps and WIC drafts, apply only to food or other items of tangible personal property actually purchased with food stamps or WIC drafts. Thus, all other purchases by food stamp and WIC program participants that are not paid for with food stamps or WIC drafts are subject to the tax.

#### § 4. Dealer's returns.

In computing the total exempt sales relating to goods paid for with food stamps and WIC drafts, a dealer may make an exact accounting of such sales or may choose one of the two following alternative methods:

# Emergency Regulation

## ALTERNATIVE 1.

A dealer may compute his exempt food stamp and WIC sales by utilizing the monthly total of all food stamps deposited, plus the total number of \$1 food stamps retained at the end of the month, less the total amount of coinage given as change from food stamps during the month. To this total should be added the total amount of WIC drafts deposited during the month.

Example: Tendered to Dealer A during the month are \$10,000 in food stamps on purchases of eligible foods. Dealer A returns \$1,000 of such stamps and \$180 in coin to customers as change from food stamp purchases. Thus, Dealer A has taken in a net total of \$9,000 in food stamps for the month. Of this total, Dealer A deposits with his bank during the month \$8,950 and on the last business day of the month withholds fifty food stamps of the \$1 denomination in order to have sufficient change for the next business day. In addition, Dealer A deposits WIC drafts totalling exempt purchases of \$500 during the month. Dealer A would compute his total deduction from gross receipts for exempt food stamp and WIC sales as follows:

|  |                |
|--|----------------|
| Food stamps deposited during month .....                             | \$8950         |
| Food stamps retained at end of month .....                           | 50             |
| WIC drafts deposited during month .....                              | 500            |
| Coin change from food stamp purchases .....                          | (180)          |
| <b>Total deduction for exempt food stamp<br/>and WIC sales .....</b> | <b>\$9,320</b> |

## ALTERNATIVE 2.

The second option available to a dealer in computing his exempt food stamp and WIC sales is to utilize the monthly total of food stamps deposited, plus the total number of \$1 food stamps retained at the end of the month, multiplied by 98%. To this total should then be added the total amount of WIC drafts deposited during the month.

Dealers utilizing this approach may also seek authorization from the department to use an alternative percentage to account for coin change returned to customers from food stamps. Any such request must be accompanied by a detailed analysis of not less than one month's food stamp transactions.

Example: Tendered to Dealer B during the month are \$10,000 in food stamps. Returned to customers in change from such stamps are \$1,000 in food stamps; thus, Dealer B has taken in a net total of \$9,000 in food stamps during the month. Of this total, Dealer B deposits \$8,950 into his bank account and retains \$50 in food stamps on the last day of the month. In addition, Dealer B deposits WIC drafts totalling \$500 during the month. Dealer B would compute his total deduction from gross receipts for exempt food stamp and WIC sales as follows:

|  |         |
|--|---------|
| Food stamps deposited during month ..... | \$8,950 |
|--|---------|

|  |                |
|--|----------------|
| Food stamps retained at end of month .....                           | 50             |
| .....  | \$9,000        |
| .....  | x .98          |
| .....  | \$8,820        |
| WIC drafts deposited during month .....                              | 500            |
| <b>Total deduction for exempt food stamp<br/>and WIC sales .....</b> | <b>\$9,320</b> |

The total exempt food stamp and WIC sales arrived at under either option would then be added to the total of other exempt sales and deducted from gross receipts when the dealer files his monthly sales and use tax return, Form ST-9. The option selected by the dealer for purposes of filing his first return for taxable periods beginning on or after October 1, 1986 must be followed for all subsequent returns, unless the dealer obtains written authorization from the Tax Commissioner for the use of an alternative method. Section revised 1/79, 10/86)

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# STATE CORPORATION COMMISSION

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AT RICHMOND, AUGUST 25, 1986

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. PUC860003

Ex Parte: In the matter of adopting procedures to implement Virginia Code § 56-508.5 to Establish Competitive Rates for Radio Common Carriers.

## FINAL ORDER

On January 30, 1986, the Commission entered an order soliciting comments regarding implementation of Virginia Code § 56-508.5B. Subsection B of § 56-508.5 authorizes the Commission, if it determines that radio common carrier service will be provided on a competitive basis, to approve rates, charges, and regulations as it might deem appropriate for any public service company furnishing such competitive service, provided such rates, charges and regulations are nondiscriminatory and in the public interest. Five parties filed comments about the statute and the nature of the industry and suggested ways in which this statute could be implemented.

On April 18, 1986, the staff filed its report in this proceeding, which analyzed the comments of interested parties and drafted proposed rules for our consideration.

On May 16, 1986, we entered an order which directed our Division of Communications to give notice to the public of the rules we were considering. Those rules, with minor amendments, were essentially those proposed by the staff. The May 16th Order invited interested parties, including any public service corporation subject to the rules, to file comments regarding same no later than July 2, 1986. The Chesapeake and Potomac Telephone Company of Virginia ("C&P") and Central Telephone Company ("Centel") filed further comments in this proceeding.

C&P's comments focused on §§ 5 and 6 of the rules. As proposed, §§ 5 and 6 read as follows:

### § 5.

If a radio common carrier ("RCC") provides regulated services and is permitted to implement competitively established rates, it may establish a separate subsidiary for its detariffed radio common carrier operations or it may, at its option, carry such operations as below the line items. Any assets directly related to its radio common carrier operations must be transferred below the line at net book value adjusted for deferred taxes and unamortized investment tax credits. All costs attributable to the RCC operations must be allocated on a fully distributed basis. RCCs must submit their allocation plans for approval by the Commission. If a separate

subsidiary is used, both the transfer of assets and cost allocation procedures must be approved in an affiliate agreement.

### § 6.

Each radio common carrier shall file annually a current stockholder's report, a SEC Form 10k (or if the carriers' securities are not publicly traded, current financial statements), and an income statement of the carrier's Virginia radio common carrier operations. The carrier's books shall be maintained in accordance with generally accepted accounting principles.

In its comments, C&P suggested that "applicant" be substituted in both §§ 5 and 6 of the rules for the terms "radio common carrier" in order to make clear that these provisions apply to telephone companies providing radio common carrier service as well as to those companies involved in radio common carrier operations alone. C&P also urged that the fully distributed cost standard and separate subsidiary option set out in § 5 be rejected by the Commission. C&P suggested that if information on this subject was deemed necessary, a hearing should be held. We do not regard additional information on this section of the rules to be necessary.

C&P noted that the separate subsidiary option contained in the rules could force C&P to incur needless administrative costs. C&P also observed that it had been granted a waiver of the Modification of Final Judgment to provide paging service between Richmond and Norfolk, upon the condition that C&P provide these services through a separate subsidiary. C&P also suggested that antitrust courts and the Federal Communications Commission ("FCC") have found the fully distributed cost standard flawed.

In its comments, Centel stated that it believed the public interest would best be served by statewide deregulation of radio common carrier services and that the Commission had authority under Virginia Code § 56-508.5 to permit the industry to be deregulated. Centel observed that a market-by-market approach to deregulation would be confusing to customers and extremely difficult for the Commission to monitor and control.

On July 11, 1986, the staff filed its report in this matter. In its report, the staff accepted C&P's recommendation that references to "applicant" be substituted in § 5 of the rules. In this regard, the staff has included the word "applicants" parenthetically after the words "public service companies" in the "purpose" section of the proposed rules. In § 6 of the rules, the staff amended the reference to "radio common carrier" to "each public service corporation providing radio common carrier service".

The staff has noted in its comments that the FCC has embraced a fully distributed cost methodology as a useful means of ensuring that regulated and unregulated services do not subsidize one another, citing CC Docket No. 86-111,

# State Corporation Commission

FCC Rel. No. 86-146 (April 17, 1986). The staff observed that the activities of antitrust courts and the FCC were not binding authority upon the Commission as it considered its policy regarding radio common carrier rates. The staff concluded that public service companies were not compelled to seek competitive rates under § 56-508.5 and could continue to use their existing accounting methodologies for their radio common carrier operations if they did not choose to file applications under this statute.

In addressing the issues raised by Centel's comments, the staff noted that Virginia Code § 56-508.5 did not "deregulate" the radio common carrier industry. Carriers are still subject to service regulation and are still required to seek certification prior to offering service in the Commonwealth. Instead, the statute appears to permit the Commission to relax regulation, rather than "deregulate" radio common carrier rates.

Having considered the record and the applicable statutes, we would observe that structurally § 56-508.5 is similar to § 56-481.1, which we have interpreted as encouraging a level playing field among those carriers offering competitive interexchange, inter-LATA service. Consequently, within the parameters of the statute, we desire to adopt rules which will foster competition in the radio common carrier industry. However, it must be kept in mind that a public service company providing radio common carrier service is not compelled to take advantage of § 56-508.5.

This statute contemplates application by an individual public service company to the Commission for competitive rate treatment throughout all areas for which it holds a certificate. In the absence of an application to so establish rates competitively, a public service company would have its rates for radio common carrier service established pursuant to Chapter 10 of Title 56 of the Code of Virginia.

We agree with the staff that a public service company offering regulated services in addition to its radio common carrier operations should be given the option of establishing separate subsidiaries or transferring these operations below the line. We agree these services should support their own operations free of subsidies from other regulated operations. It is up to the company, as part of its application under § 56-508.5, to propose an allocation methodology that fairly allocates its joint and direct costs below the line for its radio common carrier operations. If a company chooses to set up a separate subsidiary, it must file an affiliate arrangement, which we will consider, to assure that the separation of radio common carrier operations from the regulated entity and transfer of same to an subsidiary is accomplished appropriately.

In short, we find that the staff's report represents a logical means by which to implement § 56-508.5 and we adopt this report and the rules appended thereto, with certain editorial changes.

The most significant editorial change we make is that

the references to "rates" in the purpose section of the rules as well as throughout the body of the rules shall be amended and be interpreted to mean rates, charges, and regulations. Such an amendment follows the language contained in the statute. Other changes in the text of the rules merely serve to clarify same rather than to alter the substance of the rules.

Accordingly, IT IS ORDERED that the rules set out in Attachment A hereto shall be adopted, effective forthwith, and that Centel shall amend its application filed in Case No. PUC850037, which has been continued pending adoption of rules in this docket, to comply with the rules adopted herein.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: all local exchange telephone companies subject to the Commission's jurisdiction, including telephone cooperatives; all radio common carriers subject to the Commission's jurisdiction; the Division of Consumer Counsel, Office of the Attorney General, 101 North 8th Street, Richmond, Virginia 23219; Joseph E. Blackburn, Jr., Esquire, White, Blackburn & Conte, P.C., 300 West Main Street, Richmond, Virginia 23220; Richard D. Gary, Esquire, Hunton & Williams, P.O. Box 1535, Richmond, Virginia 23212; Allen Layman, Executive Vice President, Roanoke & Botetourt Telephone Company, P.O. Box 174, Daleville, Virginia 24083; Edward L. Flippen, Esquire, Mays & Valentine, P.O. Box 1122, Richmond, Virginia 23208; Warner F. Brundage, Jr., Esquire, The Chesapeake and Potomac Telephone Company, 703 East Grace Street, Richmond, Virginia 23219; Gregory L. Wells, Business Affairs Manager, Central Telephone Company, P.O. Box 6788, Charlottesville, Virginia 22906; and to the Commission's Divisions of Accounting and Finance, Communications, and Economic Research and Development.

## ATTACHMENT A

### RULES GOVERNING ESTABLISHMENT OF COMPETITIVE RATES, CHARGES, AND REGULATIONS PURSUANT TO VIRGINIA CODE § 56-508.5B

#### Purpose

The purpose of these rules is to implement the filing of applications pursuant to Virginia Code § 56-508.5B by public service companies ("Applicants"), as defined in Code § 56-508.1, desiring to have their rates, charges and regulations (hereafter "rates") established on a competitive basis, rather than pursuant to Chapter 10 of Title 56 of the Code of Virginia.

#### Rules

##### § 1.

An original and 15 copies of the application for competitive rates shall be filed with the Clerk of the State

# State Corporation Commission

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Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23216, and shall contain all the information and exhibits required herein.

## § 2.

Notice of the application shall be given to each existing public service corporation providing radio common carrier service operating within the applicant's service area(s) and shall be provided to governmental officials as required by the Commission in its initial order setting the case for hearing. Each applicant shall publish notice in newspapers having general circulation throughout the service area(s) held by applicant in a form to be prescribed by the Commission. Applicants shall submit information which identifies the applicant, including:

- A. Its name, address and telephone number;
- B. The certificated areas it serves;
- C. The radio paging services it offers or will offer in that area(s);
- D. The frequencies allocated to applicant by the Federal Communications Commission (FCC);
- E. The name, address, and telephone number of its corporate parent or parents, if any; and
- F. The name, address, and telephone number of its legal counsel.

## § 3.

The application shall include identification of the existing public service corporations providing radio common carrier service in applicant's certificated area, and the types of services these companies offer, as well as the frequencies available for assignment in that area.

## § 4.

If the Commission grants the application and permits applicant's rates to be established by the marketplace, the applicant must give notice to its customers of each intended change it makes in any of its rates after the Commission authorizes applicant's rates to be established by the marketplace. Such notice must identify the old rate for service and the new rate. A copy of the changed tariffs must be filed with the Commission's Division of Communications no later than ten days after they are effective.

## § 5.

If an applicant provides other regulated services and is permitted to implement competitively established rates, it may establish a separate subsidiary for its detariffed radio common carrier operations or it may, at its option, carry such operations as below the line items. Any assets

directly related to its radio common carrier operations must be transferred below the line at net book value, adjusted for deferred taxes and unamortized investment tax credits. All costs attributable to the radio common carrier operations must be allocated on a fully distributed basis. Applicants must submit their allocation plans for approval by the Commission. If a separate subsidiary is used, both the transfer of assets and cost allocation procedures must be approved in an affiliate agreement filed with the Commission.

## § 6.

Each public service corporation providing a radio common carrier service shall file annually a current stockholder's report, a SEC Form 10k (or if the carriers' securities are not publicly traded, current financial statement), and an income statement of the corporation's Virginia radio common carrier operations. The applicant's books shall reflect its radio common carrier operations in accordance with generally accepted accounting principles.

## § 7.

Applicant shall not unreasonably discriminate in its rates, charges and regulations among subscribers requesting service. Any finding of such discrimination may result in suspension or revocation of the certificate of public convenience and necessity, and result in the regulation of the applicant's rates according to Virginia Code Title 56, Chapter 10, or result in such other action as the Commission deems appropriate under the circumstances of the case.

## § 8.

If, after notice to the public and any affected radio common carriers and after an opportunity is afforded for any interested party to be heard, the Commission determines that competition, although previously found by the Commission to exist among certain radio common carriers, no longer exists, it may require that the rates of such carriers be determined pursuant to Chapter 10 of Title 56 of the Code of Virginia.

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# GOVERNOR

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## GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

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

### DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: VR 460-03-2.0152. Definition of Home Ownership.

Ray T. Sorrell, Director  
Department of Medical Assistance Services  
Suite 1300  
600 East Broad Street  
Richmond, Virginia 23219

Dear Mr. Sorrell:

I have reviewed the regulations for amending the definition of home ownership for application by your agency under the procedures of Executive Order Number Five (86).

Although the amendment you propose is intended to promote clarity in determining eligibility of benefits recipients, the new language of the regulation will in fact promote more confusion in application of the standards. The proposed deletion of the "whichever is less" language from the existing emergency regulation will give localities a choice of standards in determining how much land contiguous to a homesite is to be exempted from the calculation of the assets of an applicant for benefits. The amendment will also mandate the use of differing standards by your agency and the Department of Social Services.

Because the proposed regulation will not serve the Commonwealth's interests in promoting uniformity in the determination of eligibility for benefits, I would not support the adoption of a regulation to define "home ownership" until the regulation reflects uniform eligibility standards and the differences between your standards and those of the Department of Social Services are resolved.

/s/ Gerald L. Baliles, Governor  
Date: August 25, 1986

### DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

Title of Regulation: VR 015-01-14. Entitlement Date in the General Relief Program.

Governor's Comment:

The regulations appear carefully drawn to eliminate those situations in which a recipient of general relief

benefits moves from one Virginia jurisdiction to another and loses benefits because of a delay in processing of the application or other circumstances beyond the recipient's control. Because of the positive impact and policy considerations addressed by these regulations, I have no objections to these proposals as presented.

/s/ Gerald L. Baliles, Governor  
Date: August 11, 1986

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# GENERAL NOTICES/ERRATA

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| <b>Symbol Key †</b> |
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| † Indicates entries since last publication of the Virginia Register |
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## NOTICES OF INTENDED REGULATORY ACTION

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Agriculture and Consumer Services intends to consider promulgating regulations entitled: **Recordkeeping and Biosecurity by Poultry Dealers for the Control of Avian Influenza and Other Contagious and Infectious Diseases of Poultry**. The purpose of the proposed regulations is to require the registration of dealers in poultry and their agents doing business in Virginia as a means of tracing poultry disease to its source, and thus as a means of enhancing disease-eradication capability.

Statutory Authority: §§ 3.1-726, 3.1-727, 3.1-735, and 3.1-736 of the Code of Virginia.

Written comments may be submitted until October 1, 1986, to Poultry Dealers, Bureau of Veterinary Services, Virginia Department of Agriculture and Consumer Services, Washington Building, Suite 600, 1100 Bank Street, Richmond, Virginia 23219

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

### STATE AIR POLLUTION CONTROL BOARD

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Air Pollution Control Board intends to consider amending regulations entitled: **VR120-01. Regulations for the Control and Abatement of Air Pollution: Permits for Stationary Sources (Part VIII)**. The primary purpose of this notice is to seek comment on the pros and cons of two proposals (and any possible alternatives) the agency is considering regarding its regulations concerning permits for stationary sources. They are as follows:

1. To establish a requirement for a renewable permit to operate for all existing stationary sources currently subject to the agency's regulations.

2. To establish a requirement that a fee be required for the proposed permit to operate specified above and the permit to construct for new stationary sources currently in the agency's regulations.

In addition to the primary purpose specified above, the secondary purpose will be to undertake a review and seek comment on all aspects of the regulations covering permits for stationary sources. Consideration will be given to any suggestions that are received by the agency prior to September 15, 1986.

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

Written comments may be submitted until September 15, 1986, to Director of Program Development, State Air Pollution Control Board, P.O. Box 10089, Richmond, Virginia 23240

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

### VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Health Services Cost Review Council intends to consider amending regulations entitled: **Rules and Regulations of the Virginia Health Services Cost Review Council**. The proposed amendments will give the council the authority to assess fees which are reasonable and necessary for the operation of the agency in a more timely and appropriate manner.

Statutory Authority: §§ 9-156 through 9-166 of the Code of Virginia.

Written comments may be submitted until September 16, 1986.

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

**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 amending regulations entitled: **Regulations for Institutional Approval of In and Out-of-State Institutions**. The purpose of the regulation is to clarify and modify, as appropriate, the current regulations for approving in-state private institutions to offer degrees by level and for out-of-state institutions to offer degree programs and courses in Virginia.

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

Written comments may be submitted until October 1, 1986, to Dr. John Molnar, State Council of Higher Education, 101 North 14th Street, Richmond, Virginia 23219

Contact: Grace I. Lessner, Information Officer, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2638

**STATE HIGHWAY AND TRANSPORTATION BOARD**

**Notice of Intended Regulatory Action**

Notice is hereby given in accordance with this agency's public participation guidelines that the State Highway and Transportation Board intends to consider amending regulations entitled: **VR 385-01-4. Rules and Regulations for the Administration of Waysides and Rest Areas**. The purpose of the proposed amendments is to allow for sale of refreshments in rest areas with the approval of the State Highway and Transportation Board.

Statutory Authority: § 33.1-218 of the Code of Virginia.

Written comments may be submitted until November 17, 1986.

Contact: John M. Wray, Jr., Chief Engineer, Virginia Department of Highways and Transportation, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-2707

**DEPARTMENT OF MENTAL HEALTH AND MENTAL HEALTH RETARDATION**

**Notice of Intended Regulatory Action**

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

Mental Health and Mental Retardation intends to consider promulgating regulations entitled: **Temporary Detention Facilities**. The purpose of the proposed regulations is to set standards for the licensing of Temporary Detention Facilities by the Department of Mental Health and Mental Retardation.

Statutory Authority: § 37.1-67.1 of the Code of Virginia.

Written comments may be submitted until September 30, 1986, to Rubyjean Gould, James Madison Building, Room 1315, 13th Floor, 109 Governor Street, Richmond, Virginia 23219

Contact: Barry Craig, Director of Licensure, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3472

**BOARD FOR THE RIGHTS OF THE DISABLED**

**Notice of Intended Regulatory Action**

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for the Rights of the Disabled intends to consider promulgating regulations entitled: **Public Participation Guidelines**. The purpose of the proposed regulations is to set forth the procedures for public participation in the development of regulations.

Statutory Authority: § 51.01-40 of the Code of Virginia.

Written comments may be submitted until September 30, 1986.

Contact: Bryan K. Lacy, Systems Advocacy Attorney, James Monroe Bldg., 17th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2042 (toll-free number 1-800-552-3962)

**DEPARTMENT OF SOCIAL SERVICES**

**Notice of Intended Regulatory Action**

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services, Division of Licensing Programs, intends to consider amending regulations entitled: **Standards and Regulations for Licensed Homes for Adults**. The purpose of the proposed amendments is to (i) amend standards dealing with TB examination; (ii) review emergency regulations dealing with semi-mobile residents; (iii) incorporate recommendations of the fire safety committee; and (iv) to amend standards dealing with administration of medication.



# General Notices/Errata

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

Written comments may be submitted until September 15, 1986.

Contact: Catherine A. Loveland, Program Specialist, Licensing Programs, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025

## DEPARTMENT OF TAXATION

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-2-300 et seq. Individual Income Tax and VR 630-3-300 et seq. Corporation Income Tax.** The purpose of the proposed amendments is to incorporate legislative changes made by the 1985 Acts of Assembly, Chapters 221, (HB 1475 Technical corrections to recodification) and 560, (SB 712 Conservation tillage credit), and the 1986 Acts of Assembly, Chapter 407, (SB 50 Extend Neighborhood Assistance Act) and other appropriate amendments as may be suggested.

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

Written comments may be submitted until September 15, 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 630-2-322. Virginia Taxable Income. (Virginia Individual Income Tax).** This regulation is being amended to conform to the changes made by the 1986 General Assembly to § 58.1-322 of the Code of Virginia (Chapters 474 and 515). This Code section was amended to provide an additional \$1,000 deduction for each child under permanent foster care residing in a taxpayer's home for the entire taxable year, provided that the child qualifies as that taxpayer's dependent under § 151 of the Internal Revenue Code. This Code section was also amended to provide an exclusion from the income tax for benefits paid by retirement plans organized by public institutions of higher education under § 51-111.28 of the Code of Virginia.

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

Written comments may be submitted until September 15,

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 630-8-1712. Virginia Tax on Wills and Administration.** The purpose of the proposed amendments is to incorporate legislative changes made by the 1985 Acts of Assembly, Chapter 474, (HB 1521 Raise threshold to \$500) and other appropriate amendments as may be suggested.

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

Written comments may be submitted until September 15, 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 630-9-3809. Virginia Writ Taxes.** The purpose of the proposed amendments is to incorporate legislative changes made by the 1985 Acts of Assembly, Chapters 106, (HB 1393 Exempt appeal of involuntary commitment order) and 221, (HB 1475 Technical corrections to recodification) and other appropriate amendments as may be suggested.

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

Written comments may be submitted until September 15, 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 630-10-22.1. Churches. (Retail Sales and Use Tax).** This regulation is being amended to conform to the change made by the 1986 General Assembly to § 58.1-608.38 of the Code of Virginia (Chapter 605, Senate Bill 192). This Code section was amended to expand the exemption for nonprofit churches to include purchases of

baptistries, certain printed materials used in carrying out the work of the church and gifts for use outside church buildings.

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

Written comments may be submitted until September 15, 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 630-10-86. Printing. (Retail Sales and Use Tax).** The purpose of of the proposed revision is to reference legislation enacted by the 1986 session of the General Assembly exempting high speed electrostatic duplicators and other duplicators which have a printing capacity of 4000 or more impressions per hour from the sales and use tax when purchased or leased by persons engaged primarily in the printing or photocopying of products for sale or resale.

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

Written comments may be submitted until September 15, 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 630-10-102.11. Taxidermists. (Retail Sales and Use Tax).** This regulation will set forth the application of the sales and use tax to taxidermists.

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

Written comments may be submitted until September 15, 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 630-14-800 et seq. Virginia Recordation Tax.** The purpose of the proposed amendments is to incorporate legislative changes made by the 1985 Acts of Assembly Chapters 134, (HB 1697 Deeds conveying property to the original beneficiaries of a deed in trust) and 246, (HB 1637 Deed claiming exemption from tax must cite code section granting exemption) and other appropriate amendments as may be suggested.

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

Written comments may be submitted until September 15, 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 630-18-796.11:3. Levy of Tax; Rules and Regulations; and VR 630-18-796.11:4. Handler to Deduct Tax from Payment to Farmers; Report and Payment of Tax by Handler. (Egg Excise Tax).** The purpose of the proposed amendments is to reflect 1985 legislative changes to § 3.1-796.11:3 of the Code of Virginia which narrowed the levy of the egg excise tax to eggs produced or sold in Virginia.

Statutory Authority: §§ 3.1-796.11:3 and 58.1-203 of the Code of Virginia.

Written comments may be submitted until September 15, 1986.

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

## THE DEPARTMENT OF TREASURY AND THE TREASURY BOARD

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that The Department of Treasury and The Treasury Board intends to consider promulgating and amending regulations entitled: **VR 640-02. Virginia Security Public Deposits Act Regulations.** The purpose of the proposed regulations is to replace emergency regulations promulgated on May 21, 1986, which will expire on May 20, 1987. Those regulations

# General Notices/Errata

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incorporated the provisions of the amendments to the Act passed in 1984 to include federal savings and loan associations, federal savings banks, and savings and loan associations organized under Virginia law, as eligible depositories for public funds with reporting requirements as were already required for banking institutions.

telephone (804) 257-0387

Statutory Authority: § 2.1-364 of the Code of Virginia.

Written comments may be submitted until October 10, 1986.

Contact: Pat Watt, Director, Financial Policy Analysis, Department of Treasury, P.O. Box 6-H, Richmond, Virginia 23215, telephone (804) 225-2142

## GENERAL NOTICES

### NOTICES 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

### STATE WATER CONTROL BOARD

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider amending regulations entitled: **Public Participation Guidelines**. The amendments will clarify the manner in which the agency will encourage the participation of interested parties in the development and adoption of agency regulations under the Administrative Process Act.

Statutory Authority: § 62.1-44.15 (10) of the Code of Virginia.

Written comments may be submitted until September 16, 1986.

Contact: Cindy M. Berndt, Policy Analyst, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6828

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider amending regulations entitled: **Water Quality Standards**. The proposed amendments will establish water quality standards for the protection of the Chesapeake Bay, its tributaries and other state waters from nutrient enrichment.

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

Written comments may be submitted until November 7, 1986.

Contact: Jean Gregory, Ecology Supervisor, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230,

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# CALENDAR OF EVENTS

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## Symbols Key

- † Indicates entries since last publication of the Virginia Register  
☒ Location accessible to handicapped  
☎ Telecommunications Device for Deaf (TDD)/Voice Designation

### 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.

### EXECUTIVE

#### GOVERNOR'S ADVISORY BOARD ON AGING

October 7, 1986 - 1 p.m. - Open Meeting  
October 8, 1986 - 9 a.m. - Open Meeting  
October 9, 1986 - 9 a.m. - Open Meeting  
Sheraton Beach Inn, Oceanfront at 39th Street, Virginia Beach, Virginia. ☒

The board will meet with the executive directors of Virginia's 25 area agencies on aging, and with members of these agencies local boards, to discuss matters of interest and concern to the Commonwealth's older citizens.

**Contact:** William Peterson, Department for the Aging, James Monroe Bldg., 101 N. 14th St., Richmond, Va. 23219-2797, telephone (804) 225-3140

#### DEPARTMENT FOR THE AGING

##### Long-Term Care Ombudsman Program Advisory Council

December 4, 1986 - 9:30 a.m. - Open Meeting  
James Monroe Building, Conference Room E, 101 North 14th Street, Richmond, Virginia. ☒

The council will discuss the work of Virginia's

Long-Term Care Ombudsman Program and hear interim reports from various subcommittees.

**Contact:** Catherine P. Saunders, Department for the Aging, James Monroe Bldg., 18th Floor, 101 N. 14th St., Richmond, Va. 23219-2797, telephone (804) 225-2912

### VIRGINIA AGRICULTURAL COUNCIL

† November 10, 1986 - 10 a.m. - Open Meeting  
† November 11, 1986 - 9 a.m. - Open Meeting  
Holiday Inn - Airport, 5203 Williamsburg Road, Sandston, Virginia

A two-day meeting of the council called by the chairman to hear project proposals which have been received and properly supported by the board of directors of a commodity group.

**Contact:** Henry H. Budd, Assistant Secretary, Washington Bldg., Room 203, 1100 Bank St., Richmond, Va. 23219, telephone (804) 786-2373

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

September 22, 1986 - 2 p.m. - Public Hearing  
Washington Building, 2nd Floor Board Room, 1100 Bank Street, Richmond, Virginia ☒

Notice is hereby given in accordance with § 9-6.14:17.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to repeal regulations entitled: **Rules and Regulations Governing the Production, Processing and Sale of Grade "A" Condensed and Dry Milk Products and Grade "A" Condensed and Dry Whey.** These regulations govern the production, packing, labeling, storage, transportation, handling and sale of condensed and dry milk products and condensed and dry whey for use in commercial preparation of Grade "A" pasteurized milk products.

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

Written comments may be submitted until September 5, 1986, to Raymond D. Vaughan, Secretary, Board of Agriculture and Consumer Services, P.O. Box 1163, Richmond, Virginia 23209

# Calendar of Events

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

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**September 22, 1986 - 2 p.m. - Public Hearing**  
Washington Building, 2nd Floor Board Room, 1100 Bank Street, Richmond, Virginia ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to amend regulations entitled: **VR 115-05-01. Rules and Regulations Governing the Production, Processing and Sale of Grade "A" Pasteurized Market Milk and Grade "A" Pasteurized Market Milk Products and Certain Milk Products.** These regulations prescribe the production, processing, labeling and distribution of Grade "A" Market Milk, and Grade "A" Market Milk Products within the Commonwealth of Virginia.

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

Written comments may be submitted until September 5, 1986, to Raymond D. Vaughan, Secretary, Board of Agriculture and Consumer Services, P.O. Box 1163, Richmond, Virginia 23209

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

\* \* \* \* \*

**September 22, 1986 - 2 p.m. - Public Hearing**  
Washington Building, 2nd Floor Board Room, 1100 Bank Street, Richmond, Virginia ☐

Notice is hereby given in accordance with § 9-6.14:17.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to amend regulations entitled: **VR 115-05-02. Rules and Regulations Governing the Cooling or Storage of Milk on Dairy Farms; The Sampling and Sample Handling of Milk From the Farm to the Laboratory; The Handling Transferring, Hauling and Delivery of Milk From the Farm to the Processing Plant.** These regulations govern the cooling and storage of milk on dairy farms, sampling and handling of milk samples and the hauling, transferring, storage, handling and delivery of milk from the farm to the processing plant within the Commonwealth of Virginia.

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

Written comments may be submitted until September 5, 1986, to Raymond D. Vaughan, Secretary, Board of Agriculture and Consumer Services, P.O. Box 1163,

Richmond, Virginia 23209

**Contact:** W. R. Crump, Jr., Chief, Bureau of Dairy Services, Department of Agriculture and Consumer Services, Division of Dairy and Foods, P.O. Box 1163, Richmond, Va. 23208, telephone (804) 786-1452

\* \* \* \* \*

**November 5, 1986 - 9 a.m. - Open Meeting**  
Washington Building, Room 204, 1100 Bank Street, Richmond, Virginia. ☐

The Virginia Board of Agriculture and Consumer Services (Board) has been petitioned by the Environmental Defense Fund and the Virginia Seafood Council to ban or restrict the use of Tributyltin (TBT) in anti-fouling paints under the board's authority to regulate the sale and use of pesticides in Virginia. TBT is a pesticidal ingredient in some anti-fouling paint used on boats and ships to reduce the attachment of barnacles.

The board is sponsoring an Evidential Hearing pursuant to § 9-6.14:8 of the Administrative Process Act to be conducted by an appointed hearing officer to seek data from scientific research and opinions of experts on the toxicity and harmful effects of the use of TBT in anti-fouling paints as well as the economic impact of prohibiting or restricting the use of such paints in Virginia. Specifically, the board is seeking data in the following areas:

- a. Scientific data on TBT in anti-fouling paint as to:
  1. Toxicity to aquatic life
  2. Persistence in aquatic systems
  3. Current concentration in Virginia waters
  4. Concentration in aquatic organisms, if any
  5. Observed effects on marine life in any Virginia waters where TBT levels have been determined
  6. Rates of release of TBT from "Free Association" as compared to copolymer TBT anti-fouling paints.
- b. To solicit facts and figures on the economic impact to boat owners and operators as well as shipyard facilities by banning or prohibiting the use of TBT in anti-fouling paints.
- c. To solicit facts and figures on the economic impact to the Virginia Seafood Industry from the use or continued use of TBT in anti-fouling paints.
- d. To solicit facts on the kinds and amounts of anti-fouling paint containing TBT used in Virginia.
- e. To solicit facts and figures on the use of "Free

Association" vs. copolymer TBT in anti-fouling paints in Virginia.

f. Wetted hull areas on commercial, recreational, and federal vessels that are using TBT anti-fouling paints in Virginia.

g. Any scientific facts or other relevant data not addressed in a - f above.

Anyone having scientific data or other relevant facts is invited to appear and make presentations to the board. Written copies of presentations are requested and should be provided at the hearing for incorporation into the official record. Presentation should be limited to one-half hour. However, written text may be of any necessary length to transmit pertinent scientific data and relevant facts. Anyone planning to make a presentation should contact Billy W. Southall, Director, Division of Product and Industry Regulation, 1100 Bank Street, P.O. Box 1163, Room 403, Richmond, Virginia 23209, telephone (804) 786-3534 to obtain an assigned hour for presentation in order to best utilize the time and effort of participants. The hearing may extend beyond November 5 into November 6 and November 7, if necessary, to accommodate the number of people who wish to make presentations. Data submitted will be used by the board to reach a decision on whether or not to promulgate regulations to ban or restrict the use of TBT in anti-fouling paints in Virginia.

Contact: Raymond D. Vaughan, 1100 Bank St., Room 210, Richmond, Va. 23219, telephone (804) 786-3501

## STATE ADVISORY BOARD ON AIR POLLUTION

† October 7, 1986 - 9 a.m. - Open Meeting  
Ramada Oceanside Tower, 57th Street and Oceanfront, Virginia Beach, Virginia

An annual meeting of the Advisory Board on Air Pollution. (Agenda available upon request.)

Contact: Dick Stone, State Air Pollution Control Board, P.O. Box 10089, Richmond, Va. 23229, telephone (804) 786-5478

## STATE AIR POLLUTION CONTROL BOARD

† October 6, 1986 - 9 a.m. - Open Meeting  
Ramada Oceanside Tower, 57th Street and Oceanfront, Virginia Beach, Virginia

A general meeting of the board.

Contact: Dick Stone, State Air Pollution Control Board, P.O. Box 10089, Richmond, Va. 23229, telephone (804) 786-5478

## Region V

† September 17, 1986 - 10 a.m. - Public Hearing  
8205 Hermitage Road, (Region V Office), Richmond, Virginia

Following a 30-day comment period, a public hearing will be held on a permit application from the Gravure Packaging, Inc. facility to install and operate an additional printing press at their Richmond, Virginia plant.

† September 22, 1986 - 4 p.m. - Public Hearing  
Powhatan County Administration Building, Board Room, 3834 Old Buckingham Road, Powhatan Courthouse, Virginia.

Following a 30-day comment period, a public hearing will be held on a permit application from Mega Corporation to install and operate an asphalt concrete plant at the Luck Stone Corporation Quarry, 2.5 miles west of the Chesterfield/Powhatan County line.

Contact: William M. Jewell, Jr., 8205 Hermitage Rd., Richmond, Va. 23228, telephone (804) 264-3067

## DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL BOARD

September 23, 1986 - 10 a.m. - Public Hearing  
2901 Hermitage Road, 1st Floor Hearing Room, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Alcoholic Beverage Control intends to adopt and amend regulations concerning the manufacture, sale and advertising of alcoholic beverages. These amendments are to provide clarification of various issues; to establish guidelines and to deregulate the following areas:

Advertising (VR 125-01-2);

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

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

Retail Operations (VR 125-01-5);

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

Other Provisions (VR 125-01-7).

# Calendar of Events

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

**Basis:** This amendment is proposed under the authority contained in §§ 4-7(1), 4-11(a), 4-69, 4-98.10(w) and 4-98.14 of the Code of Virginia.

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

**Purpose:** The amendment to subsection A, paragraph 3, is the deletion of language which limits the number of additional advertising and increase their visibility to the public. It would also serve as a tourist attraction.

**Issue:** 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 addition advertising cause an unsightly proliferation of signage?

**Substance:** The farm wineries are in support of this deregulation because it would help introduce the winery and its products to the public and thus increase business. Wineries should be able to advertise in the same manner as any other retail business in the Commonwealth in compliance with the rules, regulations and ordinances of the county, city or town in which the establishment is located.

**Impact:** It would allow wineries to do unlimited roadside directional advertising in accordance with the laws of the local governing body. It would not cause an unsightly proliferation of signage because the winery would only put up as many directional signs as permitted by local governing bodies. This is deregulation and would have little or no affect on the agency.

§ 9. Advertising; coupons.

**Basis:** The amendment is proposed under the authority contained in §§ 4-7(1), 4-11(a), 4-69, 4-79, 4-98.10(w), 4-98.14 and 4-103(b) and (c) of the Code of Virginia.

**Purpose:** 1. To provide another source for the public to obtain refund coupons. Currently, refund coupons may be obtained from the product, in the print media, or by direct mail to the consumer from the manufacturer. This amendment would permit wholesalers, on behalf of manufacturers, to attach refund coupons to cut case cards.

2. To limit the value of a refund coupon to not more than 50% of the normal retail price.

**Issues:** 1. Should wholesalers be permitted to provide this additional service for retailers and the general public?

2. Is it in the best interest of the public to place a limit on the value of refund coupons?

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

**Substance:** 1. Beer wholesalers are opposed to the regulation because they are in competition with wine wholesalers. The wine wholesalers favor the regulation because it would help balance the competition between large wineries and small wineries, which do not have the facilities to attach refund pads prior to their reaching the retail establishment. Also since coupons are allowed to be attached to case cards in the State A.B.C. stores, they should be permitted in the general marketplace.

2. This amendment would limit the amount of the refund where no such limitation currently exists. Refund coupons cannot exceed 50% of the normal retail value of the product. The Beer Wholesalers Association opposed the regulation. It favored manufacturers being permitted to affix coupons of an unlimited value.

**Impact:** 1. There may be a slight cost of enforcement, making sure retailers consented to the coupons and that coupons were offered to all retail licensees equally. The implementation will cause an additional cost to those wine wholesalers who desire to attach such coupons, but it will not affect the agency other than as noted above.

2. Implementation and enforcement of this regulation will cause an insignificant cost to the agency.

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**Title of Regulation:** VR 125-01-3. Tied-House.

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

**Basis:** This amendment is proposed under the authority contained in §§ 4-7(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.

**Purpose:** 1. To allow wholesalers to remove from their assigned positions the misplaced merchandise of other wholesalers.

2. To permit wholesalers to provide additional services to retailers and further deregulation by the board.

3. 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.

**Issues:** 1. Does permitting a wholesaler to remove another wholesaler's product from an area which the first wholesaler has been assigned by the retailer constitute a resetting which is in violation § 4-79 of the Code of Virginia.

2. Should the board authorize wholesalers to engage in this activity?

3. Would this place an additional burden on small wholesalers?

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

**Substance:** 1. The Beer Wholesalers Association proposed the relaxation in the regulation regarding wholesalers moving the merchandise of other wholesalers. These amendments would permit wholesalers greater flexibility in keeping their assigned space in the retail establishment free from the merchandise of other wholesalers.

2. This deregulation would permit wholesalers to perform a service which is currently prohibited.

3. The Virginia Winery Association is greatly in favor of this amendment because wines have a short shelf life and need to be exchanged to protect the integrity of the product.

**Impact:** 1. The cost of enforcement and implementation of this amendment would be minimal to this agency. The cost incurred would be by those wineries and wholesalers who wish to engage in this activity. This is deregulation which will allow wholesalers more flexibility in providing services for retailers.

§ 6. Certain transactions to be for cash; "cash" defined; reports by sellers; payments to the board.

**Basis:** The amendment is proposed under the authority contained in §§ 4-7(1), 4-11(a), 4-33, 4-44, 4-60(h) and (j), 4-98.11, 4-98.18, 4-98.19, 4-103 (b) and 4-107 of the Code of Virginia.

**Purpose:** Wholesalers would no longer be required to submit an invalid check report when no such checks have been received from retail licensees. This is deregulation.

**Issues:** 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?

**Substance:** When a wholesaler has not received any invalid checks he would no longer be required to submit an invalid check report to the board.

**Impact:** This is deregulation which would enhance both administrative and industrial efficiency. It would eliminate unnecessary paper work for the agency, as well as the wholesaler.

§ 9. Inducement to retailers; tapping equipment; bottle or can openers; banquet licenses; cut case cards; *clip-ons and table tents*.

**Basis:** These amendments are proposed under the authority contained in §§ 4-7(1), 4-11(a), 4-69.2, 4-79(f) and (h) and 4-98.14 of the Code of Virginia.

**Purpose:** 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 resulting from a statutory change in § 4-79 of the Code of Virginia, as amended by the 1986 General Assembly.

**Issue:** Should wholesalers be restricted to the furnishing of such equipment and materials to retailers as presently provided in § 9 of VR 125-01-3?

**Substance:** 1. The first amendment inserts a new subsection B. which permits wine tapping equipment. The amendment defines what is and is not considered part of the equipment.

2. The second major amendment to the section permits beer manufacturers, bottlers or wholesalers to sell, lend, buy for or give to any retailer beer cut case cards. The cut case cards must be supported by or affixed to an integral part of the case display and the wholesaler may mark or affix retail prices on them with the consent of the retailer.

3. The third amendment permits wine wholesalers to sell, lend, buy for or give to any retailer wine clip-ons and table tents. The amendments limit the number of wines to be listed on these items to four.

**Impact:** The regulation will permit the wine and beer wholesalers more flexibility in assisting retailers in advertising wine and beer products. The agency will not have to increase staff to enforce this regulation; thus, there should be no significant costs of implementation or enforcement.

§ 10. Routine business entertainment; definition; permitted activities; conditions.

**Basis:** The amendment is proposed under the authority contained in §§ 4-7(1), 4-11(a), 4-79, 4-98.14 and 4-103(b) of the Code of Virginia.

**Purpose:** 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 § VR 125-01-3 and pursuant to § 4-79 of the Code of Virginia, as amended by the 1986 General Assembly.

**Issues:** Should a licensed manufacturer of alcoholic beverages be allowed to furnish entertainment to licensed retailers?

**Substance:** See purpose.

**Impact:** This regulation will affect those manufacturers who provide the entertainment and the retailers who are recipients of the entertainment. It will impose no costs on any retailer and a very minor record keeping requirement on the manufacturer. No additional costs to this agency are anticipated with respect to implementation and enforcement of this regulation.



# Calendar of Events

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

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

**Basis:** The regulation is proposed under the authority contained in §§ 4-7(h) and (l) and 4-11(a) of the Code of Virginia.

**Purpose:** Allows manufacturers of wine coolers and sangria-type wines to use artificial coloring. The language of this regulation is the same as adopted in Emergency Regulation A-245, effective August 7, 1985.

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

**Substance:** See purpose.

**Impact:** This has been in effect since August 1985. All costs will be incurred by industry. This amendment will have no affect on this agency with respect to implementation and enforcement.

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**Title of Regulation: VR 125-01-5. Retail Operations.**

**§ 2.** Determination of legal age of purchaser.

**Basis:** This regulation is proposed under the authority contained in §§ 4-7(1), 4-11(a), 4-62, 4-98.14 and 4-103(b) of the Code of Virginia.

**Purpose:** To reduce the types of valid identification acceptable by retail licensees as proof of age.

**Issues:** 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?

**Substances:** Reduce the sources of valid identification that may be used to procure alcoholic beverages. Reduce the potential for false identification as most college identifications fail to meet the specifications of height and weight.

**Impact:** This may place a greater burden on retailers when purchasers do not possess a driver's license.

However, the amendment should reduce incidents of sales of alcoholic beverages to persons less than the legal age. Thus, the costs to this agency for implementation and enforcement will be reduced.

**§ 17.** Caterer's license.

**Basis:** This regulation is proposed under the authority contained in §§ 4-7(1), 4-11(a), 4-69 and 4-98.2(c) of the Code of Virginia, amended by Senate Bill 254, of the 1986 General Assembly.

**Purpose:** To permit and define mixed beverage caterer's licenses and qualifications.

**Issues:** 1. To whom should such a license be issued?

2. What specific restrictions should be placed on such a license?

**Substance:** The proposed regulation is Emergency Regulation A-247, effective July 1, 1986, with the following amendments. The proposed amendment to subsection A, paragraph 2, requires the caterer to have gross sales averaging at least \$5,000 per month.

Subsection B, paragraph 4, is proposed to be amended so that the established place of business where the caterer may store alcoholic beverages must also be approved by the board.

The proposed amendments to subsections C.2 and C.6 will expand the regulations to include sponsoring groups or organization as well as persons.

The proposed amendment to subsection C.4 will reduce the number of times the caterer will have to notify the board of catered events, but requires the caterer to plan his schedule by the month. The caterer should notify the board in writing at least two calendar days in advance of any events to be catered under his license for the following month.

Subsection C.5 will be limited by the proposed amendment to private events at which alcoholic beverages are served, but not sold.

The proposed amendment to subsection C.7 would replace the present language with the following language: "The licensee shall insure that all functions at which alcoholic beverages are sold are ones which qualify for a banquet license, for a special event license or a mixed beverage special events license. Licensees are entitled to all services and equipment now available under a banquet license from wholesalers."

The proposed amendment to subsection C.8 eliminates the requirement that the caterer's license, which must be present at the catered event, be certified.

The proposed amendment to subsection C.9 would make

the exceptions to § 4-79 of the Code of Virginia that provide for banquet or mixed beverage special events licenses inapplicable to a caterer's license.

**Impact:** The license tax on such a license is \$1,300 per annum; however, this new license category will cause this agency additional costs for processing applications, licensing and monitoring. At this time it cannot be predicted how great an impact this new regulation will have.

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**Title of Regulation:** VR 125-01-6. Manufacturers and Wholesalers Operators.

§ 4. Indemnifying bond required of wholesale wine distributors.

**Basis:** This amendment is proposed under the authority contained in §§ 4-7(a), (b) and (1), 4-11(a) and 4-31(g) of the Code of Virginia.

**Purpose:** 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, as amended by the 1986 General Assembly.

**Issues:** 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.

**Substance:** See purpose.

**Impact:** This is deregulation. This will result in administrative efficiency by reducing paperwork when a wholesaler requests and is granted such a waiver for good cause shown.

§ 6. Beer, importer licenses; conditions for issuance and renewal.

**Basis:** The amendment is proposed under the authority contained in §§ 4-7(b) and (1), 4-11 and 4-25(g) and (e) of the Code of Virginia.

**Purpose:** To eliminate unauthorized persons shipping wine into the Commonwealth to wholesalers without the brand owner's approval.

**Issues:** 1. Will requiring wine importers to provide the board with a list of the brands of wines they will import and written authorization of those brand owners to import their brand into the state preventing transshipping of wine to wholesalers in Virginia?

2. Do wine importers and wholesalers need the same

safeguards now afforded to beer importers?

**Substance:** The Virginia Wine Wholesalers Association supports this regulation because of the risk of product adulteration and product liability resulting in higher issuance premiums. The regulation would protect wineries.

**Impact:** The costs of implementation and enforcement are insignificant. The amendment will require wine importers to do more paper work to prove they are authorized to import the wine into the Commonwealth.

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**Title of Regulation:** VR 125-01-7. Other Provisions.

§ 6. Alcoholic beverages for hospitals, industrial and manufacturing users.

**Basis:** This amendment is proposed under the authority contained in §§ 4-7(a), (b) and (1), 4-11(a), 4-15.02 (effective July 1, 1986), 4-48(a) and 4-72.1 B. of the Code of Virginia.

**Purpose:** To remove the current regulatory burden on shipper or carrier of a transportation permit.

2. Regulatory clarification as a result of the removal of the board's authority to sell wine.

**Issues:** 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 alcoholic beverages to the permittee be sufficient as is the current practice in the marketplace?

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

4. 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 wines other than Virginia farm winery wines or vermouth?

**Substance:** 1. This amendment would reduce the burdens of shippers having to get transportation permits for every shipment. Instead, the shipper would only be required to get a yearly permit. However, the permittee shall submit a valid copy of the invoice covering the transaction to the board.

2. The word "markup" usually refers to wine sales. The board can no longer sell wines other than Virginia farm winery wines or vermouth; therefore, "markup" should be changed to "permit fee" to be used with regards to other alcoholic beverages.

# Calendar of Events

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**Impact:** 1. Cost of implementation would be insignificant. The amendment would enhance administrative efficiency, for there would be less paper work.

2. This is merely a clarification in the regulation. No additional costs will be incurred by the agency to implement and enforce this regulation. Also it will have no substantial impact on the alcoholic beverage industry.

**Statutory Authority:** §§ 9-6.14:7.1 and 9-6.12:22 of the Code of Virginia.

Written comments may be submitted until September 23, 1986.

**Contact:** Robert N. Swinson, Assistant Secretary to the Board, Department of Alcoholic Beverage Control, P. O. Box 27491, Richmond, Va. 23261, telephone (804) 257-0617

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

### State Board of Professional Engineers

**September 19, 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 July 30, 1986, meeting; (ii) review applications; and (iii) consider cases.

**Contact:** Joan L. White, Assistant Director, APELSCLA, Department of Commerce, Travelers Bldg., 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8512

### VIRGINIA BARBER BOARD

† **September 22, 1986 - 9 a.m. - Open Meeting**  
Department of Commerce, Travelers Building, 5th Floor, Conference Room 2, 3600 West Broad Street, Richmond, Virginia. ☒

The board will discuss general business, involving the consideration of complaints; and changes of the regulations.

**Contact:** Les Newton, Department of Commerce, Travelers Bldg., 5th Floor, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8500

### CHESAPEAKE BAY COMMISSION

**September 25, 1986 - 1 p.m. - Open Meeting**  
**September 26, 1986 - 9 a.m. - Open Meeting**  
Great Oak Landing, Chestertown, Maryland

A working session of the commission to revise and update the policy positions adopted by the commission in November 1983, and documented in the Commission's 1983 Annual Report.

**Contact:** Margaret Johnston, 60 West St., Suite 200, Annapolis, Md. 21401, telephone (301) 263-3420

### DEPARTMENT OF COMMERCE

**September 17, 1986 - 10 a.m. - Public Hearing**  
Department of Commerce, Travelers Building, 3600 West Broad Street, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Commerce intends to adopt regulations entitled: **VR 190-01-1. Rules and Regulations Governing Employment Agencies.** These regulations regulate individuals, partnerships and corporations offering employment agency services.

**Statutory Authority:** § 54-872.23:1 of the Code of Virginia.

Written comments may be submitted until September 5, 1986.

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

### STATE BOARD FOR COMMUNITY COLLEGES

**September 17, 1986 - 3 p.m. - Open Meeting**  
James Monroe Building, Board Room, 15th Floor, 101 North 14th Street, Richmond, Virginia. ☒

State Board Committees (Audit, Personnel, Curriculum and Program, Budget and Finance) will meet at the above address. (Agenda unavailable)

The Facilities committee meeting will be held at the J. Sargeant Reynolds Community College, Goochland Campus (3 p.m.).

**September 18, 1986 - 9 a.m. - Open Meeting**  
James Monroe Building, Board Room, 15th Floor, 101 North 14th Street, Richmond, Virginia. ☒

A state board meeting. (Agenda unavailable)

# Calendar of Events

Contact: Mrs. Joy Graham, James Monroe Bldg., Board Room, 15th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2126

## DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

### Rappahannock Scenic River Advisory Committee

† September 25, 1986 - 11 a.m. - Open Meeting  
Fauquier Springs County Club, Warrenton, Virginia

Initial meeting to discuss general business and issues affecting the scenic portion of the Rappahannock River.

Contact: Richard G. Gibbons, Division of Parks and Recreation, Washington Bldg., Room 1201, Capitol Square, Richmond, Va. 23219, telephone (804) 225-3004

### Virginia Soil and Water Conservation Board

September 18, 1986 - 7:30 p.m. - Open Meeting  
Empire Restaurant, Interstate 81 at Exit 9, Abingdon, Virginia.

A regular bi-monthly business meeting.

Contact: Donald L. Wells, Suite 206, 203 Governor St., Richmond, Va. 23219, telephone (804) 786-2064

## BOARD OF CORRECTIONS

September 17, 1986 - 10 a.m. - Open Meeting  
October 15, 1986 - 10 a.m. - Open Meeting  
Department of Corrections, 4615 West Broad Street, Richmond, Virginia. ☐

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

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

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November 12, 1986 - 10 a.m. - Public Hearing  
Board of Corrections, Board Room, 4615 West Broad Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Corrections intends to amend regulations entitled: VR 230-40-003. **Post Dispositional Confinement for Secure Detention**

and Court Service Units. This proposed amendment establishes standards for confinement and treatment of juveniles in post dispositional care.

Statutory Authority: § 16.1-284.1 of the Code of Virginia.

Written comments may be submitted until September 30, 1986.

Contact: Glenn D. Radcliffe, Chief of Operations/Support Services, Division of Youth Services, 4615 W. Broad St., P.O. Box 26963, Richmond, Va. 23261, telephone (804) 257-0385

\* \* \* \* \*

† November 18, 1986 - 7 p.m. - Public Hearing  
Ramada Inn East, 351 York Street, Williamsburg, Virginia  
† November 20, 1986 - 7 p.m. - Public Hearing  
Holiday Inn, Fair Oaks Mall, 11787 Lee Jackson Highway, Fairfax, Virginia  
† November 25, 1986 - 7 p.m. - Public Hearing  
Holiday Inn, Junction of US 11, I-81 and I-77, Wytheville, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Corrections intends to adopt regulations entitled: **Minimum Standards for Jails and Lockups**. These regulations establish minimum standards for the administration and operation of jails and lockups.

Basis and Purpose: The Code of Virginia provides for the establishment and operation of jails and lockups by counties and cities throughout the Commonwealth. Currently, there are 94 jails and 30 lockups operating in Virginia.

The Board of Corrections is authorized to establish minimum standards for construction, equipment, administration and operations of these local corrections facilities. These standards have been promulgated to fulfill the requirements as outlined in the Code of Virginia.

### Estimated Impact:

- a. These standards will affect 94 jails and 30 lockups.
- b. There is no additional cost to these entities for implementation or enforcement.
- c. There is no additional cost to the department for implementation and compliance.
- d. General funds will be used for implementation of and compliance with these standards.
- e. No other forms, reports or procedural requirements are mandated or required.

Statutory Authority: §§ 53.1-5, 53.1-68 and 53.1-131 of the

# Calendar of Events

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Code of Virginia.

Written comments may be submitted until November 15, 1986.

**Contact:** John T. Britton, Manager, Certification Unit, 5001 W. Broad St., Suite 300, Richmond, Va. 23230, telephone (804) 281-9240

## CRIMINAL JUSTICE SERVICES BOARD

**October 1, 1986 - 1:30 p.m. - Open Meeting**  
Department of Motor Vehicles, Agecroft Room, 2300 West Broad Street, Richmond, Virginia. ☐

A meeting to consider matters related to the board's responsibilities for criminal justice training and improvement of the criminal justice system.

### Committee on Training

**October 1, 1986 - 9:30 a.m. - Open Meeting**  
Division of Motor Vehicles, Agecroft Room, 2300 West Broad Street, Richmond, Virginia. ☐

A meeting to discuss matters related to training for criminal justice personnel.

### Criminal Justice Information Systems Committee

**September 25, 1986 - 10 a.m. - Open Meeting**  
Ninth Street Office Building, Governor's Cabinet Conference Room, 6th Floor, 9th and 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

**September 25, 1986 - 8 a.m. - Open meeting**  
Omni International Hotel, 777 Waterside Drive, Norfolk, Virginia. ☐

A meeting to consider board disciplinary actions, finance and other regular business.

**September 25, 1986 - 10 a.m. - Open Meeting**  
Omni International Hotel, 777 Waterside Drive, Norfolk, Virginia. ☐

A formal hearing on Dr. Martha Elizabeth Nunn.

† **September 28, 1986 - 1:30 p.m. - Open Meeting**

Omni International Hotel, 777 Waterside Drive, Norfolk, Virginia. ☐

A meeting to consider board disciplinary action, finance and other regular business.

Formal hearings for the following:

1:30 p.m. - Kenneth George, D.D.S.

2:30 p.m. - Victor Skaff, D.D.S.

3:30 p.m. - Keith Smith, D.D.S.

4:30 p.m. - Donald Snow, D.D.S.

**September 27, 1986 - 9 a.m. - Open Meeting**  
Omni International Hotel, 777 Waterside Drive, Norfolk, Virginia. ☐

A meeting to consider board disciplinary actions, finance and other regular business.

† **October 2, 1986 - 11:30 a.m. - Open Meeting**  
Northern Virginia Community College, Building CN, Room 211-212, Annandale Campus, Fairfax, Virginia

A formal hearing on Steven Bruno, D.D.S.

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

## DEPARTMENT OF EDUCATION (BOARD OF)

**October 28, 1986 - 1:30 p.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 Board of Education intends to amend regulations entitled: **Regulations Governing Pupil Transportation Including Minimum Standards for School Buses in Virginia**. The purpose of the proposed amendment is to prescribe the scope of physical examinations for school bus drivers.

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

Written comments may be submitted until October 29, 1986.

**Contact:** R. A. Bynum, Associate Director, Department of Education, P.O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2037

\* \* \* \* \*

**November 12, 1986 - 1:30 p.m. - Public Hearing**  
James Monroe Building, Large Conference Room, 18th Floor, 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 Board of Education intends to amend regulations entitled: **VR 270-01-010. Regulations Governing Pupil Accounting Records.** The regulations direct local school division personnel in maintaining school attendance of pupils in the public school system.

Statutory Authority: §§ 22.1-16, 22.1-20 and Chapter 14 of Title 22.1 of the Code of Virginia.

Written comments may be submitted until November 12, 1986.

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

## GOVERNOR'S COMMISSION ON EFFICIENCY IN GOVERNMENT

**September 25, 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:

9/25/86: 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 GENERAL SERVICES

### Art and Architectural Review Board

† **October 3, 1986 - 10 a.m. - Open Meeting**  
Virginia Museum of Fine Arts, Main Conference Room, Boulevard and Grove Avenue, Richmond, Virginia. ☐

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

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

## DEPARTMENT OF HEALTH (BOARD OF)

**October 20, 1986 - 2 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 State Board of Health intends to amend regulations entitled: **VR 355-39-01. Regulations Governing Eligibility Standards and Charges for Medical Care Services.** The purpose of the amendments is to establish medical indigency; prescribe income scales and charges for services to patients who are not declared medically indigent.

Statutory Authority: § 32.1-11 of the Code of Virginia

Written comments may be submitted until 5 p.m., October 20, 1986.

**Contact:** Barbara W. Jernigan, Administrative Supervisor, 109 Governor St., Room 512, James Madison Bldg., Richmond, Va. 23219, telephone (804) 786-3554

## Division of Water Programs

**October 15, 1986 - 10 a.m. - Public Hearing**  
James Madison Building, 1st 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 State Board of Health, Division of Water Programs, intends to amend regulations entitled: **Commonwealth of Virginia Sanitary Regulations for Marinas and Boat Moorings.** The regulations require all marinas and boat moorings to provide sanitary facilities.

Statutory Authority: § 32.1-246 of the Code of Virginia.

Written comments may be submitted until October 15, 1985, to Dr. C. M. Sawyer, Virginia Department of Health, Division of Water Programs, Madison Building, Room 903, 109 Governor Street, Richmond, Virginia 23219

**Contact:** Albert F. Golding, Marina Supervisor, Virginia Department of Health, Division of Water Programs, James Madison Bldg., Room 903A, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-1761

# Calendar of Events

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## VIRGINIA STATEWIDE HEALTH COORDINATING COUNCIL

September 16, 1986 - 1 p.m. - Open Meeting  
September 17, 1986 - 1 p.m. - Open Meeting  
Virginia Beach Hilton Inn, Eighth Street and Atlantic Avenue, Virginia Beach, Virginia. ☐

The Statewide Health Coordinating Council will hold its annual meeting beginning at 1 p.m. on September 16, and concluding at 12 noon on September 17, 1986, to conduct regular business of the council.

Contact: Raymond O. Perry, Assistant Health Commissioner, Department of Health, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-6970

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September 19, 1986 - 10 a.m. - Public Hearing  
James Madison Building, Main Floor Auditorium, 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 1980-1984, Volume 1, pp. 474-475. Standards for evaluating Certificate of Public Need applications to establish or expand ambulatory surgical services.

Statutory Authority: § 32.1-120 of the Code of Virginia.

Written comments may be submitted until September 19, 1986.

Contact: Ellen Zagorin, Health Planning Consultant, James Madison Bldg., Room 1010, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-4891

## COUNCIL ON HEALTH REGULATORY BOARDS (DEPARTMENT OF)

† October 21, 1986 - 1:30 p.m. - Open Meeting  
(Location to be announced) Richmond, Virginia

The annual meeting of the council will be preceded by the following meetings of standing committees:

- Public and Professional Information and Education Committee - 9 a.m.
- Scope and Standards of Practice Committee - 10:30 a.m.
- Executive Committee - 12 Noon

Reports of these committees and of the Administration and Budget Committee, Compliance and Discipline Committee, and Regulatory Evaluation and Research Committee will be considered by the full council on

Health Regulatory Boards.

### Administration and Budget Committee

† October 6, 1986 - 1:30 p.m. - Open Meeting  
Department of Health Regulatory Boards, 517 West Grace Street, Richmond, Virginia. ☐

To consider reports to be presented to the council at the annual meeting.

### Compliance and Discipline Committee

† October 6, 1986 - 3:30 p.m. - Open Meeting  
Department of Health Regulatory Boards, 517 West Grace Street, Richmond, Virginia. ☐

To consider reports to be presented to the council at the annual meeting.

### Regulatory Evaluation and Research Committee

September 16, 1986 - 1:30 p.m. - Open Meeting  
James Monroe Building, Conference Rooms C, D, and E, 101 North 14th Street, Richmond, Virginia. ☐ (Interpreter for deaf provided if requested)

The Virginia Council on Health Regulatory Boards invites comments from the public on the issue of the regulation of social workers employed by public and private nonprofit and certain other organizations. Presently these social workers are exempted from the requirement for licensure under the Code of Virginia, § 54-944 (d) which provides that the requirements for licensure in Chapter 28 shall not be applicable to "Persons employed as salaried employees or volunteers of the federal government, the Commonwealth, a locality, or of any agency established or funded, in whole or part, by any such governmental entity or of a private, nonprofit organization or agency sponsored or funded, in whole or part, by a community-based citizen group or organization." The Board of Social Work has recommended termination of this exemption. This recommendation is under study by the Council on Health Regulatory Boards under the authority granted by § 54-955 of the Code of Virginia. Interested individuals and agencies are invited to submit written comments until 5:00 p.m. on the hearing date. Requests to present oral testimony should be made to Richard D. Morrison, Policy Analyst, Council on Health Regulatory Boards.

† October 7, 1986 - 10 a.m. - Open Meeting  
Department of Health Regulatory Boards, 517 West Grace Street, Richmond, Virginia. ☐

To consider reports to be presented to the council at

the annual meeting.

\* \* \* \* \*

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

September 22, 1986 - 10 a.m. - Public Hearing James Monroe Building, 9th Floor Conference Room, 101 North 14th Street, Richmond, Virginia. ☐

Task Force for the Study of Definitions of Nursing

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Council of Higher Education for Virginia intends to adopt regulations entitled: VR 380-01-01. Regulations for the Senior Citizen Higher Education Program. These regulations 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).

† October 1, 1986 - 7 p.m. - Public Hearing Wytheville Community College, 104 Bland Hall, Wytheville, Virginia. ☐ (Interpreter for the deaf provided if requested) † October 9, 1986 - 1 p.m. - Public Hearing Arlington Hospital, John T. Hazel Conference Center, 1701 North George Mason Drive, Arlington, Virginia. ☐

Pursuant to HJR 12 of the 1986 General Assembly, the Department of Health Regulatory Boards' Task Force for the Study of the Definitions of Nursing will hold a public hearing on the need to revise statutory definitions of professional nursing practice. The public is invited to appear at this hearing to present testimony and to submit written comments by October 15, 1986, to Corinne F. Dorsey, Executive Director, State Board of Nursing, P.O. Box 27708, Richmond, Virginia 23261.

Statutory Authority: §§ 23-9.6:1 and 23-38.56 of the Code of Virginia.

Written comments may be submitted until September 12, 1986.

Contact: Corinne F. Dorsey, Executive Director, 517 W. Grace St., Richmond, Va. 23220, telephone (804) 786-0377

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

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

DEPARTMENT OF HIGHWAYS AND TRANSPORTATION (STATE BOARD OF)

September 24, 1986 - 9:30 a.m. - Open Meeting Virginia Center for Health Affairs, 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.

September 18, 1986 - 10 a.m. - Open Meeting Department of Highways and Transportation, Annex Building Board Room, 1401 East Broad Street, Richmond, Virginia. ☐ (Interpreter for deaf provided if requested)

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

October 16, 1986 - 10 a.m. - Open Meeting Hotel Roanoke, Roanoke, Virginia. ☐ (Interpreter for deaf provided if requested)

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

Monthly meetings of the board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval.

† October 1, 1986 - 9 a.m. - Open Meeting College of William and Mary, Williamsburg, Virginia

A monthly council meeting. (Agenda available on request.) NOTE: Please call the council for specific location of meeting.

Contact: Albert W. Coates, Jr., Virginia Department of Highways and Transportation, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-9950

\* \* \* \* \*

Contact: Grace I. Lessner, James Madison Bldg., 9th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2638

† November 17, 1986 - 10 a.m. - Public Hearing State Capitol, House Room 4, Capitol Square, Richmond, Virginia. ☐



# Calendar of Events

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Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of the Virginia that the Department of Highways and Transportation intends to amend regulations entitled: **Rules and Regulations for the Administration of Waysides and Rest Areas**. The proposed regulations will allow sale of items, including refreshments, in rest areas with permission of the Highway and Transportation Board.

## STATEMENT

The purpose of the proposed amendment is to allow the sales of items, including refreshments in wayside and rest areas, with permission of the Highway and Transportation Board. This revision is prompted by the expressed desire of the board to place vending machines for snacks and soft drinks in selected rest areas. Studies in other states indicate that vending machines in rest areas would result in a positive net revenue to the Commonwealth with no additional work or administrative cost. In addition, the safety of the travelling public will be increased by having refreshments readily available so that weary drivers will be more inclined to stop.

Statutory Authority: § 33.1-218 of the Code of Virginia.

Written comments may be submitted until November 17, 1986.

**Contact:** John M. Wray, Jr., Chief Engineer, Department of Highways and Transportation, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-2707

## VIRGINIA HOUSING DEVELOPMENT AUTHORITY

**September 16, 1986 - 9 a.m. - Open Meeting**  
Kingsmill on the James, Williamsburg, Virginia. ☒

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

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

## BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

**October 20, 1986 - 10 a.m. - Public Hearing**  
State Capitol, House Room 4, Capitol Square, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **Virginia Uniform Statewide Building Code Volume I - New Construction Code/1984 edition, Article 2**.

The purpose of this amendment is to change the definition of the word "Ambulatory" as it appears in Volume I - New Construction Code of the Uniform Statewide Building Code compatible with the state statute's definition of "Ambulatory" as amended in § 63.1-174.1 of the Code of Virginia by the 1986 Session of the General Assembly.

Statutory Authority: Article 1 (§ 36.97 et seq.) of Chapter 6 of Title 36 of the Code of Virginia.

Written comments may be submitted until October 20, 1986.

\* \* \* \* \*

**October 20, 1986 - Open Meeting** (following the public hearing at 10 a.m. on "Ambulatory")  
State Capitol, House Room 4, Capitol Square, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

To afford interested persons and groups an opportunity to submit data, views and arguments regarding the impact the Virginia Public Building Safety Law has on existing public buildings. Anyone wishing to speak or offer written statements relating to the impact of this law will be given an opportunity to do so on the day of the hearing. Written statements may be prefiled with the agency if received by October 20, 1986.

**Contact:** Jack A. Proctor, CPCA, Deputy Director, Building Regulatory Services, Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4751

† **October 20, 1986 - 1 p.m. - Open Meeting**  
State Capitol, House Room 4, Capitol Square, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

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

at the above address of the board meeting one week prior to the date of the meeting.

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

GOVERNOR'S JOB TRAINING COORDINATING COUNCIL

September 22, 1986 - 10:30 a.m. - Open Meeting Jefferson Sheraton Hotel, Franklin and Adams Streets, Richmond, Virginia. ☒

This is a general meeting of the council and is open to the public.

Contact: Gladys Walker, Governor's Employment and Training Department, P.O. Box 12083, Richmond, Va. 23241, telephone (804) 786-8085

VIRGINIA STATE LIBRARY BOARD

September 15, 1986 - 11 a.m. - Open Meeting Jefferson-Madison Regional Library, The McGuire Room, 2nd and East Jefferson Streets, Charlottesville, Virginia
† October 20, 1986 - 11 a.m. - Open Meeting Virginia State Library, 11th Street at Capitol Square, Richmond, Virginia. ☒

A regular meeting to discuss administrative matters.

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

COMMISSION ON LOCAL GOVERNMENT

September 23, 1986 - 2 p.m. - Open Meeting Omni International Hotel, 777 Waterside Drive, Norfolk, Virginia. ☒

A regular bimonthly meeting to consider such matters as may be presented.

October 20, 1986 - 9 a.m. - Open Meeting
October 21, 1986 - 9 a.m. - Open Meeting
October 22, 1986 - 9 a.m. - Open Meeting
Town of Christiansburg (site to be determined)

Oral presentations regarding the Town of Christiansburg - Montgomery County annexation action.

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

VIRGINIA'S LONG-TERM CARE COUNCIL

September 16, 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

BOARD OF MEDICAL ASSISTANCE SERVICES

October 31, 1986 - 9 a.m. - Public Hearing General Assembly Building, Senate Room B, Capitol Square, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medical Assistance Services intends to adopt regulations entitled: Rehabilitation Services. These regulations define the amount, duration and scope of rehabilitation services covered by the department.

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

Written comments may be submitted until October 27, 1986.

Contact: Martha B. Pulley, Health Programs Consultant, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-7933

\* \* \* \* \*

October 31, 1986 - 9 a.m. - Public Hearing General Assembly Building, Senate Room B, Capitol Square, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medical Assistance Services intends to adopt regulations entitled: VR 460-03-2.6152. Definition of Home Ownership. The purpose of the regulation is to establish the definition of home ownership to be used in determining eligibility for Medicaid.

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

Written comments may be submitted until October 27, 1986.

# Calendar of Events

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Contact: Ann E. Cook, Medical Social Services Director, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 225-4220

## VIRGINIA STATE BOARD OF MEDICINE

### Executive Committee

† October 10, 1986 - 9:30 a.m. - Open Meeting  
Department of Health Regulatory Boards, 517 West Grace Street, Richmond, Virginia. ☒

The Executive Committee to the Virginia State Board of Medicine will meet to review case files which have been closed by letter, and other board business that may require the committee's attention before the full board meeting in November.

### Informal Conference Committee

† October 3, 1986 - 9:30 a.m. - Open and Closed Meetings  
Alexandria Hospital, 4320 Seminary Road, Alexandria, Virginia

The committee will inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine in Virginia.

The committee will meet in open and closed session pursuant to § 2.1-344 (a)(6) of the Code of Virginia.

### Advisory Committee on Physician Assistants

September 19, 1986 - 2 p.m. - Open Meeting  
Department of Health Regulatory Boards, 517 West Grace Street, Richmond, Virginia. ☒

A meeting to (i) discuss general business; (ii) review regulations; and (iii) discuss Health Care Walk In Centers.

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

## STATE BOARD OF MENTAL HEALTH AND MENTAL RETARDATION

September 24, 1986 - 10 a.m. - Open Meeting  
Southwestern State Hospital, Marion, Virginia. ☒

A regular monthly meeting. The agenda will be

published on September 17 and may be obtained by calling Jane Helfrich.

Contact: Jane V. Helfrich, Board Secretary, State Mental Health and Mental Retardation Board, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3921

## DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

### Office of Cross-Cultural Services

† October 24, 1986 - 9 a.m. - Open Meeting  
Virginia Polytechnic Institute and State University, Northern Virginia Campus, 2990 Telestar Center, Falls Church, Virginia. ☒

A planned group meeting to discuss the refugee mental health grant and information training and other activities.

Contact: Pham Quang Thuy, 217 Governor St., Richmond, Va. 23214, telephone (804) 786-1196

## STATE MILK COMMISSION

† September 17, 1986 - 10 a.m. - Open Meeting  
Ninth Street Office Building, Room 1015, 9th and Grace Streets, Richmond, Virginia. ☒

A routine monthly meeting.

Contact: C. H. Coleman, Administrator, Ninth Street Office Bldg., Room 1015, 9th and Grace Sts., Richmond, Va. 23219, telephone (804) 786-2013

## VIRGINIA DEPARTMENT OF MOTOR VEHICLES

† November 18, 1986 - 10 a.m. - Public Hearing  
Division of Motor Vehicles Branch Office, Tanglewood Mall, Conference Room, 4206 Electric Road, Roanoke, Virginia

† November 19, 1986 - 10 a.m. - Public Hearing  
Department of Motor Vehicles, Agcroft Room, No. 131, 2300 West Broad Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Motor Vehicles intends to adopt regulations entitled: **Regulations Governing Grants to be Made Pursuant to the Virginia Alcohol Fuel Production Incentive Program Fund.** These regulations provide for interpretations, registration, enforcement, and payment of grants under the Virginia Alcohol Fuel Production

Incentive Program.

## STATEMENT

**Subject and Substance:** The proposed regulations will be used by the Department of Motor Vehicles to formalize and standardize the registration of alcohol plants in the Commonwealth who produce denatured anhydrous ethyl alcohol for resale and blending with motor fuel. The regulations will provide for the payment of grants to alcohol producers in accordance with limitations set forth in the statute.

**Issues:** Prior to July 1, 1986, blenders of denatured anhydrous ethyl alcohol with motor fuel were receiving a tax incentive of eight cents per gallon. The 1986 General Assembly passed legislation whereby the tax incentive for blenders was repealed. In consideration of alcohol production in the Commonwealth, the legislature passed an Alcohol Fuel Production Incentive Program Fund which provides for payment of grants to alcohol producers within certain requirements and limitations. Alcohol plants installed or substantially completed by January 1, 1986, were grandfathered under the new legislation to use feedstock of 194 proof in the production of denatured anhydrous ethyl alcohol. Alcohol plants having a binding contractual agreement on or before May 1, 1986, can also utilize 194 proof feedstock. However, alcohol plants completed after January 1, 1986, for which no contractual agreement existed must ferment and distill anhydrous ethyl alcohol in the Commonwealth to qualify for payment of grants.

**Basis:** §§ 58.1-2127.1 through 58.1-2127.7 of the Code of Virginia.

**Purpose:** To provide for registration on alcohol plants in Virginia that produce denatured anhydrous ethyl alcohol for resale and blending with motor fuel, interpretation of the statutes, enforcement and payment of grants to alcohol producers.

**Statutory Authority:** § 58.1-2127.7 of the Code of Virginia.

Written comments may be submitted until November 15, 1986. All persons who intend to comment at the public hearings are requested to give notice of this intent to the contact person by November 12, 1986.

**Contact:** B. H. Conner, Manager, Fuels Tax Division, Virginia Department of Motor Vehicles, P. O. Box 27422, Richmond, Va. 23261-7422, telephone (804) 257-8116

## VIRGINIA MUSEUM OF FINE ARTS

### Full Board of Trustees

**September 18, 1986 - 11:30 a.m. – Open Meeting**  
Virginia Museum of Fine Arts, Auditorium, Boulevard and Grove Avenue, Richmond, Virginia. ☒

A quarterly meeting to consider committee and staff reports and budget review.

### Accessions Committee

**September 17, 1986 - 2 p.m. – Open Meeting**  
Virginia Museum of Fine Arts, Auditorium, Boulevard and Grove Avenue, Richmond, Virginia. ☒

A quarterly meeting to consider gifts and purchases.

### Education in the Arts Committee

**September 30, 1986 - 12 Noon – Open Meeting**  
Virginia Museum of Fine Arts, Members' Suite, Payne Room, Boulevard and Grove Avenue, Richmond, Virginia. ☒

Study of museum by-laws relative to functioning of the education in the arts committee.

### Entertainment Committee

**September 16, 1986 - 3 p.m. – Open Meeting**  
Virginia Museum of Fine Arts, Members' Suite, Boulevard and Grove Avenue, Richmond, Virginia. ☒

A meeting to schedule the year's entertainment events with hostesses.

### Executive Committee

**October 16, 1986 - 11:30 a.m. – Open Meeting**  
Virginia Museum of Fine Arts, Auditorium, Boulevard and Grove, Richmond, Virginia. ☒

A meeting to consider committee and staff reports and budget review.

### Exhibitions Committee

**October 8, 1986 - 10:30 a.m. – Open Meeting**  
Virginia Museum of Fine Arts, Conference Room, Boulevard and Grove Avenue, Richmond, Virginia. ☒

A meeting to review proposed exhibitions for the museum.

# Calendar of Events

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## Finance Committee

**September 18, 1986 - 10:30 a.m. – Open Meeting**  
Virginia Museum of Fine Arts, Members' Suite, Payne Room, Boulevard and Grove Avenue, Richmond, Virginia.

☐

Budget review.

**October 16, 1986 - 10:30 a.m. – Open Meeting**  
Virginia Museum of Fine Arts, Members' Suite, Payne Room, Boulevard and Grove Avenue, Richmond, Virginia.

☐

Budget review.

## Programs Committee

**October 8, 1986 - 12 Noon – Open Meeting**  
Virginia Museum of Fine Arts, Members' Suite, Payne Room, Boulevard and Grove Avenue, Richmond, Virginia.

☐

Study of museum by-laws relative to functioning of the programs committee.

**Contact:** Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, Boulevard and Grove Ave., Richmond, Va. 23221, telephone (804) 257-0553/SCATS 327-0553

## STATE BOARD OF NURSING

**September 22, 1986 - 9 a.m. – Open Meeting**  
**September 23, 1986 - 9 a.m. – Open Meeting**  
**September 24, 1986 - 9 a.m. – Open Meeting**  
Department of Health Regulatory Board, 517 West Grace Street, Richmond, Virginia. ☐

A regular meeting of the State Board of Nursing to consider (i) matters related to nursing education programs; (ii) discipline of licensees; and (iii) licensing by examination and endorsement and other matters under jurisdiction of the board.

## Informal Conference Committee

† **October 9, 1986 - 8:30 a.m. – Open Meeting**  
† **October 14, 1986 - 8:30 a.m. – Open Meeting**  
Department of Health Regulatory Boards, Board Room, 517 West Grace Street, Richmond, Virginia. ☐

The committee will inquire into allegations that certain licensees may have violated laws and regulations governing the practice of nursing in Virginia.

**Contact:** Corinne F. Dorsey, R.N., Executive Director, 517 W. Grace St., Richmond, Va. 23220, telephone (804) 786-0377

## STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

**September 24, 1986 - 9 a.m. – Open Meeting**  
Department of Commerce, Travelers Building, Conference Room 2, 3600 West Broad Street, Richmond, Virginia. ☐

A regulatory review committee meeting.

**September 25, 1986 - 9 a.m. – Open Meeting**  
Department of Commerce, Travelers Building, Conference Rooms 1, 2 and 3, 3600 West Broad Street, Richmond, Virginia. ☐

An open board meeting to (i) conduct administering of the examination; (ii) to consider complaints; (iii) regulatory review; and (iv) discuss the state written exam.

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

## STATE BOARD OF PHARMACY

† **September 23, 1986 - 8 a.m. – Open Meeting**  
† **September 24, 1986 - 8 a.m. – Open Meeting**  
Howard Johnson Hotel, 3207 North Boulevard, Richmond, Virginia. ☐

Board examinations and board meeting.

† **October 9, 1986 - 9 a.m. – Open Meeting**  
† **October 10, 1986 - 9 a.m. – Open Meeting**  
Holiday Inn, 3200 West Broad Street, Richmond, Virginia. ☐

A formal hearing for Arliss R. Culler, Pharmacist, Grays Pharmacy, 4710 Hampton Boulevard, Norfolk, Virginia. This case was previously scheduled for August 13 and 14, 1986, but was continued.

## Informal Conference Committee

† **September 19, 1986 - 9 a.m. – Open Meeting**  
Holiday Inn, Room 239, 3200 West Broad Street, Richmond, Virginia. ☐

The committee will inquire into the allegations that certain pharmacists may have violated laws and regulations governing the practice of pharmacy in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 (a)(6) of the Code of

# Calendar of Events

## Virginia.

Contact: J. B. Carson, Department of Health Regulatory Boards, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0182

### POLYGRAPH EXAMINERS ADVISORY BOARD

† October 9, 1986 - 10 a.m. - Open Meeting  
Department of Commerce, Travelers Building, 3600 West Broad Street, Richmond, Virginia ☐

The board will meet for the purpose of administering the Virginia Polygraph Examiner Licensing Examination to eligible licensed examiner interns.

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

### VIRGINIA BOARD OF PSYCHOLOGY

† September 18, 1986 - 9 a.m. - Open Meeting  
Department of Health Regulatory Boards, 517 West Grace Street, Richmond, Virginia. ☐

A meeting to (i) conduct general board business; (ii) review applications; (iii) respond to correspondence; and (iv) discuss regulations.

Contact: John W. Braymer, Ph.D., Executive Director, 517 W. Grace St., Richmond, Va. 23220, telephone (804) 786-3434

### VIRGINIA REAL ESTATE BOARD

† September 22, 1986 - 9 a.m. - Open Meeting  
Department of Commerce, Travelers Building, 5th Floor, 3600 West Broad Street, Richmond, Virginia. ☐

A regular business meeting of the board. The agenda will consist of (i) investigative cases (files) to be considered; (ii) files to be reconsidered; (iii) matters relating to fair housing, property registration; and (iv) licensing issues (e.g., reinstatement, eligibility requests).

In addition to the regular business, the board will discuss and review licensing regulations.

Contact: Florence R. Brassier, Assistant Director, Real Estate, Department of Commerce, Travelers Bldg., 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8552

## BOARD OF REHABILITATIVE SERVICES

† September 26, 1986 - 10 a.m. - Open Meeting  
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☐

A regular meeting to conduct the business of the department.

### Evaluation Committee

† September 19, 1986 - 1 p.m. - Open Meeting  
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☐

A meeting to discuss policy and procedures, organ transplantation, strategic long-range planning and other items which may be placed on the agenda.

### Finance Committee

† September 25, 1986 - 3 p.m. - Open Meeting -  
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☐

A meeting to discuss budgetary matters.

### Program Committee

† September 25, 1986 - 11 a.m. - Open Meeting  
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☐

A meeting to review and discuss policies governing vocational rehabilitation and independent living rehabilitation programs and services administered or coordinated by Department of Rehabilitative Services.

### Task Force on Fiscal Policy

† September 25, 1986 - 9:30 a.m. - Open Meeting  
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☐

A meeting to continue development of a proposed statement of fiscal policies and financial objectives.

Contact: Jim Hunter, Department of Rehabilitative Services, 4901 Fitzhugh Ave., Richmond, Va. 23230, telephone (804) 257-6446 (toll-free number 1-800-552-5019)

## VIRGINIA SAFETY AND HEALTH CODES BOARD

September 25, 1986 - 1:30 p.m. - Open Meeting  
Jefferson-Sheraton Hotel, Roosevelt Room, Franklin and

# Calendar of Events

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Adams Streets, Richmond, Virginia. ☒

The board will meet to receive the following: (i) proposed amendment for Cotton Dust Standard, 1910.1043, corrections; (ii) proposed amendment to Ethylene Oxide Standard, 1910.1047, technical corrections; (iii) proposed amendment to Asbestos Standard for General Industry, 1910.1001; (iv) proposed amendment to Asbestos Standard for Construction Industry, 1926.58; and (v) proposed amendments to Electrical Standard for Construction Industry, subpart K, 1926.400-449.

**Contact:** Margaret T. Gravett, Administrative Staff Specialist, Department of Labor and Industry, P.O. Box 12064, Richmond, Va. 23241, telephone (804) 786-9877

## STATE SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

**September 24, 1986 - 10 a.m. - Open Meeting**  
General Assembly Building, Senate Room A, Capitol Square, Richmond, Virginia. ☒

A meeting to hear and render a decision on all Appeals of Denials of On-Site Sewage Disposal System Permits.

**Contact:** P. M. Brooks, James Madison Building, Room 502, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-1931

## VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

**September 16, 1986 - 9 a.m. - Public Hearing**  
Albemarle County Office Building, Room 7, 401 McIntire Road, Charlottesville, 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

## DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

**September 19, 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 Board of Social Services intends to amend regulations entitled: **VR 615-01-14. Entitlement Date in the General Relief Program.** These regulations specify the first month for which maintenance assistance shall be provided for an individual eligible for General Relief.

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

Written comments may be submitted until September 19, 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, Division of Benefit Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8600, telephone (804) 281-9046

\* \* \* \* \*

**October 31, 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 Board of Social Services intends to amend regulations entitled: **VR 615-50-1. Standards and Regulations for Agency Approved Providers.** The proposed amendments will expand standards used by local social service agencies to approve certain types of providers.

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

Written comments may be submitted until October 10, 1986.

\* \* \* \* \*

**October 31, 1986 - Written comments may be submitted until this date.**

Notice is hereby given in accordance with § 9-16.14:7.1 of the Code of Virginia that the Board of Social Services intends to adopt regulations entitled: **VR 615-52-1. Policy Regarding Purchased Services.** This regulation will set forth the broad parameters to permit local social service agencies to purchase applicable services for a client.

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

Written comments may be submitted until October 31, 1986.

**Contact:** Linda N. Booth, Administrative Planning Supervisor, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, (toll-free number 1-800-552-7091)

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## Division of Child Support Enforcement

† November 14, 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 adopt regulations entitled: VR 616-70-7. Posting of Security, Bond or Guarantee. The proposed regulations set forth procedures for posting security, bond or guarantee to secure payment of overdue support.

### STATEMENT

**Subject:** This regulation is to accommodate federal regulation 45 CFR 303.104, procedures for posting security, bond or guarantee to secure payment of overdue support.

**Substance:** Section 45 CFR 303.104 of the Code of Federal Regulations was effective October 1, 1985. The proposed regulation has also been developed pursuant to § 63.1-250.4 of the Code of Virginia effective July 1, 1986.

**Issues:** Federal regulation 45 CFR 303.104 provides that the state agency shall have in effect and use procedures which require that absent parents post security, bond or give some other guarantee to secure payment of overdue support. In addition, the state agency must provide advance notice to the absent parent regarding the delinquency of the support payment and the requirement of posting security, bond or guarantee, and inform the absent parent of his or her rights and the methods available for contesting the impending action, in full compliance with the state's procedural due process requirements.

**Basis:** The proposed regulation has been developed pursuant to § 63.1-250.4 of the Code of Virginia and § 45 CFR 303.104 of the Code of Federal Regulations.

**Purpose:** The requirement for the posting of security, bond or giving some guarantee when the responsible person is delinquent in an amount equal to one month's support also specifies that it should be used when no other enforcement remedy is appropriate. Examples of suitable cases might be those in which the absent parent is self-employed or is a seasonal worker or realizes income from commissions or irregular payments.

Statutory Authority: § 63.1-250.4 of the Code of Virginia.

Written comments may be submitted until November 14 1986, to Jean M. White, Director of Child Support Enforcement, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia. 23288

Contact: Jane L. 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

## DEPARTMENT OF TAXATION

October 6, 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 the Virginia that the Department of Taxation intends to amend regulations entitled: VR 630-10-49.2. Innovative High Technology Industries and Research (Retail Sales and Use Tax). This regulation sets forth the application of the sales and use tax to businesses engaged in high technology production or research.

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

Written comments may be submitted until October 6, 1986.

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

## VIRGINIA BOARD OF VETERINARY MEDICINE

† October 29, 1986 - 1 p.m. - Open Meeting  
October 30, 1986 - 9 a.m. - Open Meeting  
House Appropriations Committee Room, General Assembly Building, 9th Floor, Capitol Square, Richmond, Virginia. ☒

A general board meeting.

Contact: Moria C. Lux, Virginia Board of Veterinary Medicine, P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0069

## VIRGINIA DEPARTMENT FOR THE VISUALLY HANDICAPPED

† October 8, 1986 - 11 a.m. - Open Meeting  
Administrative Headquarter, 397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested) ☞

A quarterly board meeting 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 Ave., Richmond, Va. 23227, telephone (804)



# Calendar of Events

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264-3145

**October 15, 1986 - 3 p.m. - Open Meeting**  
**October 15, 1986 - 7 p.m. - Open Meeting -**  
Medical Foundation of Roanoke, 3000 Keagy Road, Salem,  
Virginia. ☒ (Interpreter for deaf provided if requested) ☛

Commissioner John A. McCann invites the comments of all interested parties regarding the services, priorities, and mission of the Virginia Department for the Visually Handicapped. Comments are especially sought from blind individuals, their families, and advocacy groups of or for the blind.

**Contact:** Donald L. Cox, Virginia Department for the Visually Handicapped, Commonwealth of Virginia Bldg., 210 Church Ave., SW, Room B50, Roanoke, Va., 24011, telephone (703) 982-7122

**October 16, 1986 - 3 p.m. - Open Meeting**  
**October 16, 1986 - 7 p.m. - Open Meeting**  
Southwest Region Office, Department of Social Services,  
190 Patton Street, Abingdon, Virginia. ☒ (Interpreter for deaf provided if requested) ☛

Commissioner John A. McCann invites the comments of all interested parties regarding the services, priorities, and mission of the Virginia Department for the Visually Handicapped. Comments are especially sought from blind individuals, their families, and advocacy groups of or for the blind.

**Contact:** Richard Fanis, Virginia Department for the Visually Handicapped, 111 Commonwealth Ave., Bristol, Va. 24201, telephone (804) 669-0114

## VIRGINIA VOLUNTARY FORMULARY BOARD

† **October 7, 1986 - 10:30 a.m. - Open Meeting**  
Virginia Department of Health, James Madison Building,  
5th Floor, Conference Room 516A, 109 Governor Street,  
Richmond, Virginia. ☒

A meeting to review public hearing comments and drug product data for drug products being considered for inclusion in the Virginia Voluntary Formulary.

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

## STATE WATER CONTROL BOARD

† **September 16, 1986 - 10:30 a.m. - Public Hearing**  
Harrisonburg City Council Chambers, 345 South Main  
Street, Harrisonburg, Virginia

A public hearing to receive comments on the reissuance of NPDES Permit No. VA0002208 issued to Avtex Fibers, Inc. located in Front Royal, Virginia. Avtex Fibers is involved in the manufacture of rayon yarn, staple, and tow by the viscose process. Avtex Fibers has industrial discharges from its operation into the South Fork Shenandoah River.

† **September 16, 1986 - 3 p.m. - Public Hearing**  
Harrisonburg City Council Chambers, 345 South Main  
Street, Harrisonburg, Virginia

A public hearing to receive comments on the reissuance of NPDES Permit No. VA00001856 issued to Wayn-Tex, Inc. located in Waynesboro, Virginia. Wayn-Tex, Inc. is a manufacturer of polypropylene fiber and fabric. Wayn-Tex has an existing industrial discharge from their operation which discharges into the South River.

**September 22, 1986 - 8:30 a.m. - Open Meeting**  
**September 23, 1986 - 9 a.m. - Open Meeting**  
**September 24, 1986 - 9 a.m. - Open Meeting**  
Holiday Inn, Fair Oaks, 11787 Lee Highway, Fairfax,  
Virginia

Quarterly board meetings.

**September 30, 1986 - 2 p.m. - Open Meeting**  
Prince William County Board Room, McCourt Building, 1  
County Complex Court, 4850 Davis Ford Road, Prince  
William, Virginia.  
**October 2, 1986 - 2 p.m. - Open Meeting**  
Norfolk City Council Chambers, 11th Floor, City Hall,  
Norfolk, Virginia

The State Water Control Board will hold a public meeting to receive comments on the proposed development of water quality standards for the protection of state waters from the effects of nutrient enrichment.

**Contact:** Doneva A. Dalton, State Water Control Board,  
2111 N. Hamilton St., P.O. Box 11143, Richmond, Va.  
23230, telephone (804) 257-6829

\* \* \* \* \*

**November 6, 1986 - 2 p.m. - Public Hearing**  
Virginia War Memorial, Auditorium, 621 South Belvidere  
Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **Water Quality Standards: Water Quality Criteria for Surface Water**. The proposed amendment would revise the water quality criteria values for ammonia, arsenic, cadmium, chromium III, chromium VI, copper, cyanide, and lead.

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

Written comments may be submitted until November 17, 1986, to Ms. Doneva Dalton, Office of Policy Analysis, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Stu Wilson, Water Resources Ecologist, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-0387

## VIRGINIA COUNCIL ON THE STATUS OF WOMEN

September 23, 1986 - 9 a.m. - Open Meeting  
AT&T Communications, 1st Floor Conference Room, 1001 East Broad Street, (Old City Hall), Richmond, Virginia

A regular meeting of the council to conduct general business and to receive reports from the committees of the council.

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

### COMMISSION ON ALZHEIMER'S DISEASE AND RELATED DISORDERS

† September 16, 1986 - 9 a.m. - Open Meeting  
General Assembly Building, 5th Floor Conference Room, Capitol Square, Richmond, Virginia. ☒

The first meeting of the 1986 interim for the Commission on Alzheimer's Disease and Related Disorders. (HJR 134)

Contact: Brenda Edwards, Research Associate, Division of Legislative Services, P.O. Box 3-AG, Richmond, Va. 23220, telephone (804) 786-3591

### HOUSE APPROPRIATIONS COMMITTEE

September 15, 1986 - 9:30 a.m. - Open Meeting  
General Assembly Building, Conference Room, 9th Floor, Capitol Square, Richmond, Virginia. ☒

A regular monthly meeting.

Contact: Donna C. Johnson, House Appropriations

Committee, General Assembly Bldg., 9th Floor, Capitol Square, Richmond, Va. 23219, telephone (804) 786-1837

### JOINT SUBCOMMITTEE STUDYING THE SCREENING OF CHILD-CARE PERSONNEL

September 16, 1986 - 2 p.m. - Open Meeting  
General Assembly Building, 4th Floor West Conference Room, Capitol Square, Richmond, Virginia. ☒

A work session for discussion and development of recommendations. (HJR 98)

Contact: Susan Ward, Staff Attorney, Division of Legislative Services, General Assembly Bldg., 2nd Floor, Capitol Square, Richmond, Va. 23219, (804) 786-3591

### JOINT MEETING OF HOUSE COMMITTEE ON CORPORATIONS, INSURANCE AND BANKING AND SENATE COMMITTEE ON COMMERCE AND LABOR

September 15, 1986 - 9 a.m. - Open Meeting  
(the time listed as 5 p.m. was in error)  
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. ☒

The purpose of this meeting is for briefing by three Commissioners of the State Corporation Commission.

Contact: C. William Cramme, III, Staff Attorney, Division of Legislative Services, General Assembly Bldg., 2nd Floor, Capitol Square, Richmond, Va. 23219, telephone (804) 786-3591

### JOINT SUBCOMMITTEE STUDYING THE NEED TO ESTABLISH A RETENTION SCHEDULE FOR COURT RECORDS

† October 9, 1986 - 10 a.m. - Public Hearing  
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☒

A public hearing to receive testimony from clerks of courts, judiciary and research historians. (HJR 69)

Contact: Oscar Brinson, Staff Attorney, Division of Legislative Services, General Assembly Bldg., 2nd Floor, Capitol Square, Richmond, Va. 23219, telephone (804) 786-3591

# Calendar of Events

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## HOUSE EDUCATION SUBCOMMITTEE #2 (Students Generally and Their Curricula)

**September 17, 1986 - 10 a.m.** - Open Meeting  
General Assembly Building, 4th Floor West Conference  
Room, Capitol Square, Richmond, Virginia. ☒

The purpose of this meeting is to discuss HB 345,  
relating to day care programs outside school hours.  
HB 345 was carried over from the 1986 session.

**Contact:** Norma Szakal, Staff Attorney, Division of  
Legislative Services, General Assembly Bldg., 2nd Floor,  
Capitol Square, Richmond, Va. 23219, telephone (804)  
786-3591

## SPECIAL SUBCOMMITTEE STUDYING HJR 13

**September 15, 1986 - 4 p.m.** - Open Meeting  
General Assembly Building, House Room C, Capitol Square,  
Richmond, Virginia. ☒

Competitive Environment for Tourism Marketing.

4 - 5 p.m.: Briefing Session  
5 - 6 p.m.: Open Meeting

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

## SPECIAL SUBCOMMITTEE STUDYING THE REGULATION OF FINANCIAL PLANNERS,

**September 17, 1986 - 10 a.m.** - Open Meeting  
General Assembly Building, House Room C, Capitol Square,  
Richmond, Virginia. ☒

An organizational meeting to discuss whether financial  
planners should be regulated and if so, to what extent.

**Contact:** C. William Cramme', III, Staff Attorney, Division  
of Legislative Services, General Assembly Bldg., 2nd Floor,  
Capitol Square, Richmond, Va. 23219, telephone (804)  
786-3591

## SPECIAL GENERAL LAWS SUBCOMMITTEE STUDYING HOUSING IN THE COMMONWEALTH

† **September 15, 1986 - 9 a.m.** - Open Meeting  
General Assembly Building, House Room C, Capitol Square,  
Richmond, Virginia. ☒

Second public hearing in a series of hearings on  
Housing in the Commonwealth. (HR 4)

Additional information may be obtained from: Angela  
Bowser, Staff Attorney, Division of Legislative Services,

P.O. Box 3-AG, Richmond, Virginia 23208, telephone (804)  
786-3591

**Contact:** Those persons wishing to speak should contact:  
Anne R. Howard, House of Delegates, P.O. Box 406,  
Richmond, Va. 23203, telephone (804) 786-7681

## JOINT SUBCOMMITTEE REVIEWING THE SAVINGS AND LOAN LAWS AND INTEREST RATE LAWS OF THE COMMONWEALTH AND INTERSTATE BANKING

**September 16, 1986 - 10 a.m.** - Open Meeting  
State Capitol, House Room 1, Capitol Square, Richmond,  
Virginia. ☒

A special subcommittee of the Savings and Loan  
Subcommittee will review credit card laws in Virginia.

**September 16, 1986 - 10 a.m.** - Open Meeting  
State Capitol, House Room 2, Capitol Square, Richmond,  
Virginia. ☒

A special subcommittee of the Savings and Loan  
Subcommittee will review carried over HB 400 dealing  
with interest rate laws in Virginia.

**Contact:** C. William Cramme', III, Staff Attorney, Division  
of Legislative Services, General Assembly Bldg., 2nd Floor,  
Richmond, Va. 23219, telephone (804) 786-3591

## CHRONOLOGICAL LIST

### OPEN MEETINGS

#### September 15

Appropriations Committee, House  
House Committee on Corporations, Insurance and  
Banking and Senate Committee on Commerce and  
Labor, Joint Meeting of  
Library Board, Virginia State  
† Special General Laws Subcommittee Studying  
Housing in the Commonwealth  
Special Subcommittee Studying HJR 13

#### September 16

† Alzheimer's Disease and Related Disorders,  
Commission on  
Child-Care Personnel, Joint Subcommittee  
Studying the Screening of  
Health Coordinating Council, Virginia Statewide  
Health Regulatory Boards, Council of  
- Regulatory Evaluation and Research Committee  
Housing Development Authority, Virginia

## Calendar of Events

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Long-Term Care Council, Virginia's  
Museum of Fine Arts, Virginia  
- Entertainment Committee  
Savings and Loan Laws and Interest Rate Laws  
of the Commonwealth and Interstate Banking,  
Joint Subcommittee Reviewing  
Small Business Authority, Virginian

### September 17

Community Colleges, State Board for  
Corrections, Board of  
Education Subcommittee #2  
Financial Planners, Special Subcommittee Studying  
the Regulations of  
Health Coordinating Council, Virginia Statewide  
† Milk Commission, State  
Museum of Fine Arts, Virginia  
- Accessions Committee

### September 18

Community Colleges, State Board for  
Conservation and Historic Resources, Department of  
- Virginia Soil and Water Conservation Board  
Highways and Transportation, Department of  
(State Board of)  
Museum of Fine Arts, Virginia  
- Finance Committee  
- Full Board of Trustees  
† Psychology, Virginia Board of

### September 19

Architects, Professional Engineers, Land Surveyors  
and Certified Landscape Architects  
- State Board of Professional Engineers  
Medicine, Virginia State Board of  
- Advisory Committee on Physician Assistants  
† Pharmacy, State Board of  
- Informal Conference Committee  
† Rehabilitative Services, Board of  
- Evaluation Committee

### September 22

† Barber Board, Virginia  
Job Training Coordinating Council, Governor's  
Nursing, State Board of  
† Real Estate Board, Virginia  
Water Control Board, State

### September 23

Local Government, Commission on  
Nursing, State Board of  
† Pharmacy, State Board of  
Water Control Board, State  
Women, Council on the Status of, Virginia

### September 24

Health Services Cost Review Council, Virginia  
Mental Health and Mental Retardation, State  
Board of  
Nursing Home Administrators, State Board of  
Examiners for

Nursing, State Board of  
† Pharmacy, State Board of  
Sewage Handling and Disposal Appeals Review  
Board, State  
Water Control Board, State

### September 25

Chesapeake Bay Commission  
† Conservation and Historic Resources, Department of  
- Rappahannock Scenic River Advisory Committee  
Criminal Justice Services Board  
- Criminal Justice Information Systems Committee  
Dentistry, Virginia Board of  
Efficiency in Government, Governor's Commission on  
Nursing Home Administrators, State Board of  
Examiners for  
† Rehabilitative Services, Board of  
- Finance Committee  
- Program Committee  
- Task Force on Fiscal Policy  
Safety and Health Codes Board, Virginia

### September 26

Chesapeake Bay Commission  
† Dentistry, Virginia Board of  
† Rehabilitative Services, Board of

### September 27

Dentistry, Virginia Board of

### September 30

Museum of Fine Arts, Virginia  
- Education in the Arts Committee  
Water Control Board, State

### October 1

Criminal Justice Services Board  
- Committee on Training  
† Higher Education for Virginia, State Council

### October 2

† Dentistry, Virginia Board of  
Water Control Board, State

### October 3

† General Services, Department of  
- Art and Architectural Review Board  
† Medicine, Virginia State Board of  
- Informal Conference Committee

### October 6

† Air Pollution Control Board, State  
† Health Regulatory Boards, Council on  
- Administration and Budget Committee  
- Compliance and Discipline Committee

### October 7

Aging, Governor's Advisory Board on  
† Air Pollution, State Advisory Board on  
† Health Regulatory Boards, Council on  
- Regulatory Evaluation and Research Committee

# Calendar of Events

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† Voluntary Formulary Board, Virginia

## October 8

Aging, Governor's Advisory Board on  
Museum of Fine Arts, Virginia  
- Exhibitions Committee  
- Programs Committee of the Board of Trustees  
† Visually Handicapped, Virginia Department for the

## October 9

Aging, Governor's Advisory Board on  
† Nursing, State Board of  
- Informal Conference Committee  
† Pharmacy, State Board of  
† Polygraph Examiners Advisory Board

## October 10

† Medicine, Virginia State Board  
- Executive Committee  
† Pharmacy, State Board of

## October 14

† Nursing, State Board of  
- Informal Conference Committee

## October 15

Corrections, Board of  
Efficiency in Government, Governor's Commission on  
Visually Handicapped, Virginia Department for the

## October 16

Highways and Transportation, Department of  
(State Board of)  
Museum of Fine Arts, Virginia  
- Executive Committee  
- Finance Committee  
Visually Handicapped, Virginia Department for the

## October 20

† Housing and Community Development, Board of  
† Library Board, Virginia State  
Local Government, Commission on

## October 21

† Health Regulatory Board, Council on  
Local Government, Commission on

## October 22

Local Government, Commission on

## October 24

† Mental Health and Mental Retardation,  
Department of  
- Office of Cross-Cultural Services

## October 29

† Veterinary Medicine, Virginia Board of

## October 30

Veterinary Medicine, Virginia Board of

## November 5

Agriculture and Consumer Services, State Board of

## November 10

† Agricultural Council, Virginia

## November 11

† Agricultural Council, Virginia

## November 18

Efficiency in Government, Governor's Commission on

## December 4

Aging, Department for the  
- Long-Term Care Ombudsman Program Advisory  
Council

## PUBLIC HEARINGS

## September 16

Small Business Financing Authority, Virginia  
† Water Control Board, State

## September 17

† Air Pollution Control Board, State  
- Region V  
Commerce, Department of

## September 19

Health Coordinating Council, Virginia Statewide

## September 22

Agriculture and Consumer Services, Department of  
† Air Pollution Control Board, State  
- Region V  
Higher Education for Virginia, State Council of

## September 23

Alcoholic Beverage Control Board, Department of

## October 1

† Health Regulatory Board, Department of  
- Task Force for the Study of Definitions of  
Nursing

## October 6

Taxation, Department of

## October 9

† Court Records, Joint Subcommittee Studying  
the Need to Establish a Retention for  
† Health Regulatory Board, Department of  
- Task Force for the Study of Definitions of  
Nursing

## October 15

Health, Department of  
- Division of Water Programs

## Calendar of Events

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- October 20  
Health, Board of  
Housing and Community Development, Board of
- October 28  
Education, Department of (Board of)
- October 31  
Medical Assistance Services, Board of
- November 6  
Water Control Board, State
- November 12  
Corrections, Board of  
Education, Department of (Board of)
- November 17  
† Highways and Transportation, Department of
- November 18  
† Corrections, Department of (Board of)  
† Motor Vehicles, Virginia Department of
- November 19  
† Motor Vehicles, Virginia Department of
- November 20  
† Corrections, Department of (Board of)
- November 25  
† Corrections, Department of (Board of)
- December 17  
Efficiency in Government, Governor's Commission on

## Calendar of Events

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