

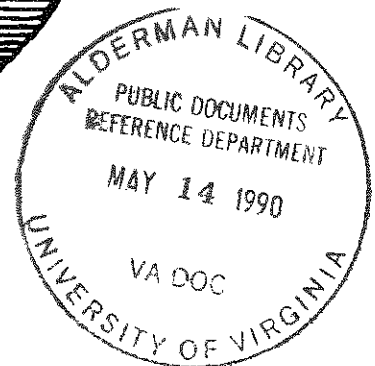
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THE VIRGINIA REGISTER

OF REGULATIONS

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May 7, 1990

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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 periodically by the Department of Taxation, and notices of all public hearings and open meetings of state agencies.

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

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

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

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

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

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

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

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

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

A regulation becomes effective at the conclusion of this thirty-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall

be after the expiration of the twenty-one day extension period; or (ii) the Governor exercises his authority to suspend the regulatory process for solicitation of additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified which date shall be after the expiration of the period for which the Governor has suspended the regulatory process.

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

EMERGENCY REGULATIONS

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

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

STATEMENT

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

CITATION TO THE VIRGINIA REGISTER

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Symbol Key

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

BOARD FOR CONTRACTORS

Title of Regulation: VR 220-01-2. Board for Contractors Regulations.

Publication Date: 5:20 VA.R. 2803-2823 July 3, 1989

The proposed Board for Contractors Regulations, published in the July 3, 1990, issue of the Virginia Register, have been withdrawn at the request of the board.

DEPARTMENT OF CRIMINAL JUSTICE SERVICES (BOARD OF)

Title of Regulation: VR 240-02-02. Privacy and Security of Criminal History Record Information Checks for Firearm Purchases.

Statutory Authority: §§ 9-170 21 and 18.2-308.2:2 of the Code of Virginia.

Public Hearing Date: August 1, 1990 - 10:30 a.m.
(See Calendar of Events section for additional information)

Summary:

These regulations delineate procedures to ensure the proper use of criminal history record information required for criminal record checks on prospective firearms purchasers. Further, the regulations ensure the identity, confidentiality and security of all data provided by the Department of State Police to firearms dealers within the Commonwealth.

VR 240-02-02. Privacy and Security of Criminal History Record Information Checks for Firearm Purchases.

PART I. GENERAL.

Pursuant to the provisions of § 18.2-308.2:2 of the Code of Virginia, criminal history record information checks are required prior to the sale, rental, trade or transfer of certain firearms. A criminal history record information check shall be requested by licensed dealers from the Department of State Police to determine the legal eligibility of a prospective purchaser to possess or transport certain firearms under state or federal law. The Department of Criminal Justice Services hereby promulgates the following regulations governing these criminal history record information checks as required under § 18.2-308.2:2 H of the Code of Virginia. The

purpose of these regulations is to ensure that criminal history record information checks are conducted in a manner which ensures the integrity of criminal history record information, guarantees individual rights to privacy, and supports the needs of law enforcement, while allowing nearly instantaneous sales of firearms to the law abiding public.

§ 1.1. Definitions.

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

"Antique handgun or pistol" means any handgun or pistol, including those with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before 1898, and any replica of such a handgun or pistol, provided such replica: (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or (ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

"Criminal history record information" means records and data collected by criminal justice agencies on adult individuals, consisting of notations of arrests, detentions, indictments, informations, or other formal charges and any disposition arising therefrom.

"Criminal history record information check" (also "criminal record check" and "record check") means a review of a potential purchaser's criminal history record information, to be conducted by the Department of State Police at the initiation of a dealer in order to establish a prospective purchaser's eligibility to possess or transport a firearm, as defined herein, under state or federal law.

"Dealer" means any person licensed as a dealer pursuant to 18 U.S.C. § 921 et seq.

"Dealer identification number" (DIN) means a unique identifying number assigned by the Department of State Police to each individual dealer as defined in § 18.2-308.2:2 G of the Code of Virginia, in order to identify such dealers when they request criminal history record information to determine the eligibility of a prospective purchaser to possess or transport a firearm.

"Department" means the Virginia Department of State Police.

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"Firearm" means (i) any handgun or pistol having a barrel length of less than five inches which expels a projectile by action of an explosion, or (ii) any semi-automatic centerfire rifle or pistol which expels a projectile by action of an explosion and is provided by the manufacturer with a magazine which will hold more than 20 rounds of ammunition, or is designed by the manufacturer to accommodate a silencer or bayonet or is equipped with a bipod, flash suppressor or folding stock.

"Handgun" means any firearm including a pistol or revolver designed to be fired by the use of a single hand.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, and shall include any member of the Regulatory Division of the Department of Alcoholic Beverage Control vested with police authority, any police agent appointed under § 56-353 of the Code of Virginia (provides railroad officials with the authority to appoint police agents), or any game warden who is a full-time sworn member of the enforcement division of the Department of Game and Inland Fisheries. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

"Prospective purchaser" means an individual who intends to buy, rent, trade, or transfer a firearm or firearms as defined herein, and has notified a dealer of his intent.

"Resident of Virginia" means a person who resides and has a present intent to remain within the Commonwealth, as shown by an ongoing physical presence and a residential address within Virginia. If a person does not reside in Virginia, but is on active duty as a member of the U.S. Armed Forces and Virginia is the person's permanent duty station, the person shall, for the purpose of these regulations, be considered a resident of Virginia.

"Transfer" means to sell, rent, trade, or transfer a firearm as defined herein.

"Virginia Firearms Transaction Record Form" means the form issued by the Department of State Police provided to dealers and required for obtaining a criminal history record check, also known as "SP-65," the "VFTR form" or the "VFTR."

PART II. REGULATIONS.

§ 2.1. Applicability of regulations concerning criminal history record checks for firearm purchase.

A. These regulations apply to:

1. All licensed dealers in firearms; and
2. The Department of State Police.

B. These regulations shall not apply to:

1. Transactions between persons who are licensed as firearms importers or collectors, manufacturers or dealers pursuant to 18 U.S.C. § 921 et seq.;
2. Purchases by or sale to any law-enforcement officer or agent of the United States, Commonwealth or any local government;
3. Antique handguns or pistols; or
4. Transactions in any county, city or town that has a local ordinance adopted prior to January 1, 1987, governing the purchase, possession, transfer, ownership, conveyance or transportation of firearms which is more stringent than § 18.2-308.2.2 of the Code of Virginia.

§ 2.2. Responsibilities of dealers.

It shall be the responsibility of dealers that transfer firearms in Virginia to comply with the following:

1. Register with the department and obtain from the department a dealer identification number (DIN) and the toll-free telephone number to participate in the criminal history record check program.
2. Prior to selling, renting, trading or transferring (hereinafter referred to as transfer) any firearm, determine if the firearm is a "firearm" as defined in these regulations and § 18.2-308.2.2 of the Code of Virginia.
3. Complete the VFTR form.
4. Request a criminal history record information check prior to the transfer of any such firearm.
5. Maintain required forms and records according to the procedures outlined in these regulations.
6. Deny the transfer of a firearm if advised by the Department of State Police that the prospective purchaser is ineligible to possess such a firearm and the department disapproved the transfer of a firearm to the prospective purchaser.
7. Allow the Department of Criminal Justice Services access to all forms and records required by these regulations.

§ 2.3. Responsibilities of the Department of State Police.

A. The Department of State Police shall operate a telephone and mail response system to provide dealers in

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firearms (as defined herein) with information on the legal eligibility of prospective purchases to possess or transport firearms covered under these regulations. This information shall be released only to authorized dealers. Prior to the release of the information, the identity of the dealer and the prospective purchaser can be reasonably established.

B. In no case shall the department release to any dealer actual criminal history record information as defined herein. The dealer shall only receive from the department a statement of the department's approval or disapproval of the transfer, and an approval code number, if applicable, unique to the transaction. A statement of approval or disapproval shall be based on the department's review of the prospective purchaser's criminal history record information and restrictions on the transfer of firearms to felons enumerated in § 18.2-308.2 of the Code of Virginia or federal law. This statement shall take one of the following two statuses: (i) approval with an approval code number, or (ii) disapproval with no approval code number.

C. The department shall provide to dealers a supply of VFTR forms, a DIN, and a toll-free number to allow access to the telephone criminal history record check system available for approval of firearms purchases by Virginia residents.

D. The department shall supply all dealers in the Commonwealth with VFTR forms in a manner which allows the department to use the forms to identify dealers and monitor dealers' use of the system to avoid illegal access to criminal history records and other department information systems.

E. The department shall hire and train such personnel as are necessary to administer criminal history record information checks, ensure the security and privacy of criminal histories used in such record checks, and monitor the record check system.

F. Allow the Department of Criminal Justice Services access to all forms and record required by these regulations.

§ 2.4. Preparing for a criminal history record check.

A. General procedures.

1. If any firearm which a prospective purchaser intends to obtain in transfer is a firearm as defined herein, the dealer shall request that the Department of State Police conduct a criminal history record check on the purchaser. The dealer may obtain the required record check from the department for purchasers who are residents of Virginia by telephoning the department, using the provided toll-free number, and requesting the record check. For purchasers who are out-of-state residents, the dealer may only request the record check from the department by mail. However, Virginia residents may, if they elect, request the dealer to obtain a record

check by mail. The initial required steps of completion of the VFTR, obtaining consent of the purchaser, determining residency and verifying identity are common to both telephone and mail methods of obtaining the record check.

2. The dealer shall request a criminal history record check and obtain the prospective purchaser's signature on the consent portion of the form for each new transfer of a firearm or firearms to a given purchaser. One record check is sufficient for any number of firearms in a given transfer, but once a transaction has been completed, no transfer to the same purchaser shall proceed without a new record check.

3. A criminal history record check shall be conducted prior to the actual transfer of a firearm.

B. Completing section A of the Virginia firearms transaction record: Obtaining consent for a criminal history record information check for firearms purchase.

As a condition of any sale, the dealer shall advise the prospective purchaser to legibly complete and sign section A of a VFTR form.

1. The dealer shall require the prospective purchaser to complete section A of the VFTR form in the prospective purchaser's own handwriting, and without the dealer's assistance. The purchaser shall answer the questions listed and shall complete the items that establish residency and describe identity, including name, sex, height, weight, race, date of birth and place of birth.

2. If the prospective purchaser cannot read or write, section A of the VFTR form may be completed by any person other than the dealer or any employee of the dealer according to the procedures specified on the reverse side of the VFTR form.

3. The dealer shall also obtain the prospective purchaser's signature or, if he cannot read or write, his mark, following the consent paragraph at the bottom of section A, which shall certify that the information supplied by the purchaser in section A is true and correct.

C. Completing section B of the Virginia firearms transaction record: Establishing purchaser identity and residency and dealer identity.

Prior to making a request for a criminal history record information check, the dealer shall complete all of section B of the VFTR form for which the dealer is responsible. Information recorded on the VFTR form shall be sufficient to: (i) reasonably establish a prospective purchaser's identity and determine the residency of the prospective purchaser; and (ii) identify the dealer.

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1. Identify prospective purchaser and determine residency.

a. The dealer shall determine residency and verify the prospective purchaser's identity as required in section B of the VFTR, by requiring at least two forms of identification. Only the forms of identification listed below shall be acceptable forms of identification. At least one of the following forms of identification shall include a recent photograph of the prospective purchaser. Accordingly, the dealer shall require the prospective purchaser to furnish one form of identification that contains a recent photograph of the prospective purchaser and at least one other form of identification included in the list below:

(1) A valid and current Virginia driver's license or photo identification card provided by the Virginia Department of Motor Vehicles or another state's issuing authority;

(2) A military identification card;

(3) An immigration card;

(4) An employment identification card, provided the card shows at least the prospective purchaser's name and place of employment;

(5) A passport;

(6) A voter registration card;

(7) Evidence of paid personal property tax or real estate taxes;

(8) A current automobile registration;

(9) A hunting or fishing license;

(10) A social security card; or

(11) Other identification allowed as evidence of residency by Part 178.124 of Title 27, Code of Federal Regulations, and ATF Ruling 79-7.

b. The dealer will ensure that the forms of identification support the listing of the identifying characteristics and the resident's address as supplied by the prospective purchaser in section A.

c. If the dealer discovers any unexplained discrepancy between the two forms of identification (different birth dates, different names), the dealer shall not request a criminal history record check until the prospective purchaser can be adequately identified with two acceptable forms of identification as required.

d. The dealer shall name and identify on the VFTR

form the documents used to verify the prospective purchaser's identity and residence, and shall record all pertinent identifying numbers on the VFTR form.

e. While the dealer is required to collect sufficient information to establish the prospective purchaser's identity and residency from the documents listed above, in no case is the dealer authorized to collect more information on the prospective purchaser than is reasonably required to establish identity and state of residence.

2. Identify dealer. The dealer or his employee shall note on section B of the form:

a. The dealer's or employee's signature;

b. His position title (owner, employee);

c. The trade or corporate name and business address; and

d. The dealer's federal firearms license number.

§ 2.5. Procedures for requesting a criminal history record information check by telephone (Virginia residents only).

A. Once the prospective purchaser has completed section A of the VFTR form and the dealer has completed the necessary portions of the VFTR form and determined that the prospective purchaser is a resident of Virginia, the dealer shall call the Department of State Police and request a criminal history record information check by telephone for the firearm transfer. The dealer shall use the toll-free number provided by the Department of State Police. However, no provision of these regulations shall prohibit a Virginia resident from obtaining a written record check through the dealer for any firearm transfer.

B. The dealer shall identify himself to the department by providing his DIN and the printed number on the upper right-hand corner of the VFTR form prepared by the prospective purchaser.

C. The dealer shall allow the department to verify this identifying information. The Department of State Police may disapprove a firearm purchase if the department determines that the identifying information supplied by the dealer is incomplete, incomprehensible or in error, raises a reasonable doubt as to the origin of the call, or is otherwise unusable.

D. The dealer shall then supply to the department over the telephone all identifying data on the prospective purchaser which is recorded on section A of the VFTR, in the order requested by the department. This information shall be transmitted to the department in a discreet and confidential manner, assuring to the extent possible that the identifying data is not overheard by other persons in the dealer's place of business. If the dealer cannot provide sufficient information to allow the department to conduct a

criminal history record check, the department will not accept the request on the basis of insufficient information to conduct a check. The department may adopt procedures to appropriately address such occurrences.

E. The Department of State Police will respond to the dealer's request for a criminal history record check by consulting the criminal history record information indexes and files, during the dealer's call. In the event of electronic failure or other difficulties, the department shall immediately advise the dealer of the reason for such delay and provide to the dealer an estimate of the length of such delay.

F. If no evidence of a criminal record or other information is found that would preclude the purchaser from possessing or transporting a firearm under state or federal law, the department will immediately notify the dealer that the transfer may proceed, and will provide the dealer with a unique approval code number, which the dealer shall enter in a clear, visible, and convenient manner on the original of the VFTR form.

G. If the initial search discloses that the prospective purchaser may not be eligible to possess a firearm, the department will notify the dealer that a further check must be completed before the end of the dealer's next business day, to determine if the prospective purchaser has a criminal record that makes him ineligible to possess or transport a firearm under state or federal law. This statement of ineligibility shall then be communicated by the dealer to the prospective purchaser in a discrete and confidential manner, recognizing the individual's rights to the privacy of this information.

H. In any circumstance in which the department must return the dealer's telephone call, whether due to electronic or other failure or in order to allow a further search, the dealer shall await the department's call and make no transfer of a firearm to the individual whose record is being checked until:

1. The dealer receives notification of approval of the transfer by telephone from the department; or
2. The department fails to disapprove the transaction of the prospective purchaser before the end of the next business day.
3. Exception: If the department knows at the time of the dealer's telephone call that it will not be able to respond to the request by the end of the dealer's next business day, it will so notify the dealer. Upon receiving notification, the dealer shall note in a clear and visible manner on the VFTR that the department was unable to respond. The dealer may in such cases complete the transfer immediately after his telephone call.

I. In the event that the department is unable to immediately respond to the dealer's request for a criminal

history record check and the prospective purchaser is also unable to await the department's response to the dealer's request and the department ultimately approves of the transfer, the dealer may transfer any firearm or firearms, as listed on the VFTR form that initiated the request for a record check, to the prospective purchaser, after the receipt of the approval of the transfer from the department. The actual transfer of the firearm shall be accomplished in a timely manner. A second record check shall not be required provided that the actual transfer of the firearm occurs within a time period specified by the department.

J. If the dealer is notified by the department that the prospective purchaser is not eligible to possess or transport a firearm or firearms under state or federal law, and the transfer is disapproved, and if he is so notified before the end of the next business day after his accepted telephone request, the dealer shall not complete the transfer.

K. Within 24 hours of any transfer of a firearm covered by these regulations to a resident of Virginia on the basis of a telephone inquiry, the dealer shall send by mail or shall deliver to the department two copies of the VFTR other than the original, with sections A and B properly completed. No information on the type, caliber, serial number, or characteristics of the firearms transferred shall be noted on the copies of the VFTR submitted to the department, but the forms shall otherwise be complete. The dealer shall note the date of mailing on the form, or shall have the form date stamped or receive a dated receipt if the dealer delivers the form.

L. After sale check.

1. Following the receipt of the required two copies of a completed VFTR form recording a transfer to a Virginia resident, the department shall immediately initiate a search of all data bases in order to verify that the purchaser was eligible to possess or transport the firearm(s) under state or federal law.

2. If the search discloses that the purchaser is ineligible to possess or transport a firearm, the department shall inform the chief law-enforcement officer in the jurisdiction where the transfer occurred and the dealer of the purchaser's ineligibility without delay. The department shall mark "disapproved" on one copy of the VFTR submitted by the dealer after the transfer and return the form by mail to the dealer.

§ 2.6. Procedures for requesting a criminal history record check by mail (required for all non-Virginia residents).

A. All transfers of firearms to non-Virginia residents require a written request for a record check. For non-Virginia residents, a criminal history record check for firearm transfer cannot be conducted by telephone. However, at the request of a Virginia resident, a dealer may request a record check by mail for any firearm

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transfer. In either case, the dealer shall follow the procedures as set forth below.

B. If a prospective purchaser is not a resident of Virginia or cannot supply sufficient information to establish or verify residency, the dealer shall obtain a record check by mailing or delivering a completed VFTR form to the department.

C. The dealer shall mail or deliver to the department the appropriate two copies of the completed VFTR form according to procedures established by the department (which shall not describe, list, or note the actual firearms to be transferred) within 24 hours of the prospective purchaser's signing and dating of the consent paragraph in section A of the VFTR form. This shall be evidenced by the dealer's notation of the mailing date on the VFTR, if mailed, or the date stamp of the department on the VFTR form or a receipt provided to the deliverer, if delivered. The original of the completed VFTR form shall be retained at the dealer's place of business.

D. The department will initiate a search only upon receipt of the appropriate two copies of the VFTR form at department headquarters. The department may challenge and refuse to accept any VFTR form if there is an unreasonable, extended time period between the date of the mailing and the date of receipt of the copies of the form at the department.

E. Following its search of Virginia and national criminal history record indexes and files, the department will return to the dealer a copy of the VFTR form, marked "approved," or "not approved." When a dealer receives approval, he may transfer any firearm or firearms, as listed on the VFTR form that initiated the request for a record check, to the prospective purchaser, after his receipt of the approval. The actual transfer of the firearm shall be accomplished in a timely manner. A second record check shall not be required provided that the actual transfer of the firearm occurs within a time period specified by the department. If the transfer is disapproved, he is not authorized to transfer any firearm to the prospective purchaser.

F. In the case of written requests for criminal history record check, initiated by the submission of VFTR forms, the dealer shall wait up to 10 days after the mailing date (noted on the form) or delivery date stamp (if not mailed) of the request for written approval from the department, prior to transferring a firearm as defined herein.

G. However, if 10 days elapse from the date the VFTR form was mailed (as noted on the VFTR form) or delivered to the Department of State Police (as indicated by the date stamped by the department), and the department has not responded to the request initiated by the form by approving or disapproving the transaction proposed, the dealer may complete the transfer to the prospective purchaser on his next business day, after the

tenth day, or thereafter, and not be in violation of the law or these regulations. After completion of the transfer in this case, as in all cases, any new or further transfer of firearms not listed on the VFTR form that initiated the request for a record check to the same purchaser will require a new criminal history record check.

§ 2.7. Proper use of the components of the criminal history record check system: Forms, records, toll-free telephone number and DIN.

A. The VFTR forms will be provided to the dealer by the department. VFTR forms shall not be transferred from one dealer to another. All VFTR forms partially completed, torn, defaced or otherwise rendered unusable shall be marked "VOID" and disposed of in a manner which will not allow their reuse. All unused forms shall remain the property of the Department of State Police and shall be returned to the department in the event that a dealer ceases to engage in the transfer of firearms in a manner which is regulated by the Department of Criminal Justice Services.

B. The dealer will retain the original of the VFTR form for his own files.

C. The dealer shall keep all blank and completed VFTR originals, and all returned copies in a secure area, which will restrict access to the information contained on the VFTR forms to authorized employees only.

D. The department shall retain a copy of all VFTR forms received from dealers according to the procedures outlined below.

1. Approved transfers. Thirty days after the department has notified the dealer of an approved transfer, the department shall destroy the VFTR form still in its possession and all identifiable information collected pertaining to a prospective purchaser.

2. Disapproved transfers. VFTR forms recording a transfer that was not approved shall be maintained by the department in a separate file, maintained by name of prospective purchaser.

a. The information contained in these forms shall be used by the department for legitimate law-enforcement purposes only, and shall be governed by existing regulations concerning the privacy and security of criminal history record information.

b. The department may maintain any other printouts or reports with these copies of the VFTR form, provided they are treated as criminal history record information.

E. The Department of State Police shall maintain a running log of all requests for criminal history record information checks for firearms transfer, which shall

Proposed Regulations

include the following:

1. DIN and name of requester;
2. Dealer's transaction number;
3. Approval code number, if sale is approved;
4. Date of telephone request or mailing or delivery date of mail request;
5. Notation of type of record request - either telephone or mail request;
6. Approved or not approved status; and
7. Date of clearance from department file through mailing of VFTR form to the dealer or other final action.

F. A log shall be retained at the department on each request which leads to approvals of firearm transfers for 12 months from the date of each request.

G. Requests which lead to disapprovals shall be maintained by the department on a log for a period of two years from the date the request was accepted by the department for processing.

H. The department shall monitor and distribute all VFTR forms in an appropriate manner to ensure their proper control and use. This includes designing, redesigning, numbering, distributing, tracking, and processing all VFTR forms.

I. No dealer shall provide his DIN or the toll-free number to another party for any reason.

J. The DIN's and the toll-free number may be changed periodically to ensure that these numbers are not improperly used by unauthorized dealers or unauthorized parties.

§ 2.8. Audits.

A. The Department of State Police shall continuously observe compliance with requirements regarding VFTR form completion, notification of the Department of State Police following firearm transfers, form management and storage, and confidentiality and proper use of the DIN and the toll-free telephone number for Virginia resident telephone record checks.

B. The Department of State Police shall notify the Department of Criminal Justice Services if a dealer has used or may have used the criminal history record information check system improperly in a manner that may jeopardize the confidentiality and security of criminal history record information systems.

C. Upon such notification, the Department of Criminal

Justice Services shall audit the dealership in question and recommend corrective action without delay.

D. The Department of Criminal Justice Services shall annually audit the Department of State Police to ensure the following:

1. That records, VFTR's and other materials, except for the maintenance of the log as outlined above, on purchasers found to be eligible to possess or transport firearms (approved) are being routinely destroyed 30 days from the notification, mailing or delivery date of the accepted request for a record check;

2. That VFTR's and other materials gathered on persons found to be ineligible to purchase a firearm (disapproved) are governed by the regulations for criminal history record information; and

3. That logs recording the approvals and disapprovals of firearm transfers are being correctly maintained according to the provisions of these regulations.

Proposed Regulations

SP - 65 11-1-89

(Print)

**DEPARTMENT OF STATE POLICE
VIRGINIA FIREARMS TRANSACTION RECORD**
All entries on this form must be in ink.

TRANSFEROR'S TRANSACTION

Serial Number A224101
Fee Collected \$2.00 Phone Request
\$5.00 Mail Request

SECTION A - MUST BE COMPLETED PERSONALLY BY TRANSFEREE (BUYER) (See Notices and Instructions on back)

1. TRANSFEREE'S (Buyer's) NAME (Last, First, Middle)	<input type="checkbox"/> Male <input type="checkbox"/> Female	2. HEIGHT	3. WEIGHT	4. RACE
5. RESIDENCE ADDRESS (No., Street, City, County, State, ZIP Code)		6. DATE OF BIRTH MONTH DAY YEAR	7. PLACE OF BIRTH (City and State or City and Foreign Country)	

8. CERTIFICATION OF TRANSFEREE (Buyer) - An untruthful answer may subject you to criminal prosecution. Each question must be answered with a "yes" or a "no" inserted in the box at the right of the question

<p>a. Are you under indictment or information* in any court for a crime punishable by imprisonment for a term exceeding one year? *A formal accusation of a crime made by a prosecuting attorney, as distinguished from an indictment presented by a grand jury.</p>	<p>c. Are you a fugitive from justice?</p>
<p>b. Have you been convicted in any court of a crime punishable by imprisonment for a term exceeding one year? (NOTE: A "yes" answer is necessary if the judge could have given a sentence of more than one year. A "yes" answer is not required if you have been pardoned for the crime or the conviction has been expunged or set aside, or you have had your civil rights restored and, under the law where the conviction occurred, you are not prohibited from receiving or possessing any firearm).</p>	<p>d. Are you an unlawful user of, or addicted to, marijuana, or any depressant, stimulant, or narcotic drug, or any other controlled substance?</p>
	<p>e. Have you ever been adjudicated mentally defective or have you ever been committed to a mental institution?</p>
	<p>f. Have you been discharged from the Armed Forces under dishonorable discharge?</p>
	<p>g. Are you an alien illegally in the United States?</p>
	<p>h. Are you a person who, having been a citizen of the United States, has renounced his/her citizenship?</p>

I hereby certify that the answers to the above are true and correct. I understand that a person who answers "Yes" to any of the above questions is prohibited from purchasing and/or possessing a firearm, except as otherwise provided by Federal and State law. I also understand that the making of any false oral or written statement or the exhibiting of any false or misrepresented identification with respect to this transaction is a crime punishable as a felony. I hereby consent to having the transferor (seller) obtain criminal history record information about me in connection with this transaction.

TRANSFEREE'S (Buyer's) SIGNATURE	DATE
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SECTION B - TO BE COMPLETED BY TRANSFEROR (SELLER) (See Notices and Instructions on back)

9. TYPE OF IDENTIFICATION AND NUMBER (Social Security or driver's license or other identification number which shows name, date of birth, place of residence, and signature.)

Social Security Number _____
 Driver's License Number _____
 Other (Specify Type) Number _____

On the basis of (1) the statements in Section A; (2) the verification of identity noted in Section B; and (3) the information in the current list of Published Ordinances, it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) described below to the person identified in Section A.

10. TYPE (Pistol, Revolver, Rifle)	11. MODEL (Name and Number)	12. CALIBER	13. SERIAL NO.	14. BARREL LENGTH	15. MANUFACTURER
1.					
2.					

16. TRADE/CORPORATE NAME AND ADDRESS OF TRANSFEROR (Seller) (Hand stamp may be used)	17. FEDERAL FIREARMS LICENSE NO. (Hand stamp may be used)
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THE PERSON MAKING THE ACTUAL FIREARMS SALE MUST COMPLETE ITEMS 18 THROUGH 20

18. TRANSFEROR'S (Seller's) SIGNATURE	19. TRANSFEROR'S TITLE	20. TRANSACTION DATE
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DO NOT WRITE BELOW THIS LINE (To be completed by State Police)

(Jack)

NOTICE

The approval for the transfer of the listed firearm(s) indicates that a criminal history record information check has been conducted by the Virginia State Police as required by Section 18.2 - 308.2:2 of the Code of Virginia. Based on the results of that check there is no criminal history record information that would prohibit the transferee from possessing or transporting a firearm by state or federal law.

INSTRUCTIONS TO TRANSFEREE (BUYER)

1. The transferee (buyer) of a firearm will, in every instance, personally complete Section A of the form and certify (sign) that the answers are true and correct. However, if the buyer is unable to read and/or write, the answers may be written by other persons, excluding the transferor (seller). Two persons (other than the seller) will then sign as witnesses to the buyer's answers and signature.

TRANSFEREE (BUYER) RIGHTS

I understand that if I am denied the right to purchase a firearm on the basis of criminal history record information, I may exercise my right of access to and review and correction of that information under Virginia Code Section 9-192, or may institute a civil action as provided in Virginia Code Section 9-194, within thirty days of such denial.

INSTRUCTIONS TO TRANSFEROR (SELLER)

1. Should the buyer's name be illegible, the transferor (seller) shall print the buyer's name above the name printed by the buyer.
2. The transferor (seller) of the firearm(s) will, in every instance, complete Section B of the form.
3. Additional firearms purchased prior by the same buyer may not be added to this form after the buyer has signed and dated it.
4. The identification required by Section B, items 10 through 15, must be provided for each firearm. If more than two firearms are involved, the identification of the firearms transferred in a transaction may be on a separate sheet of paper which must be attached to the form covering the transaction.
5. The transferor (seller) of a firearm is responsible for determining the lawfulness of the transaction and for keeping proper records of the transaction. Consequently, the transferor should be familiar with the provisions of 18 U. S. C. 921-929 and the Federal firearms regulations, Title 27, Code of Federal Regulations, Part 178, and Title 54, 1-4200, 54-1-4201, 54-4.4 and 18.2-308.2:2 of the Code of Virginia.
6. After the transferor (seller) has completed the (firearm) transaction, the purchaser is responsible for completing, original copy of SF 65, Virginia Firearm Transaction Record, part of the seller's permanent firearms records including any supporting documents. This document shall be available to the seller's place of business for a period of ten (10) years. Copy 1 and copy 2 will be forwarded to the Department of State Police within 24 hours of the execution of the form.

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DEPARTMENT OF LABOR AND INDUSTRY

Safety and Health Codes Board

Title of Regulation: VR 425-02-71. Virginia Occupational Safety and Health Standards for General Industry - The Control of Hazardous Energy (Lockout/Tagout).

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

Public Hearing Date: September 18, 1990, - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

The proposed amendment eliminates references which permit an employer to tagout rather than lockout the energy control devices that would disable a piece of machinery or equipment during maintenance or servicing only if the machinery or equipment is "capable of being locked out." Elimination of such references means that employers will be required to use a lockout procedure only whenever the machinery or equipment is capable of being locked out. If machinery is not capable of being locked out, the employer will still be able to use a tagout system under the amendment.

VR 425-02-71. Virginia Occupational Safety and Health Standards for General Industry - The Control of Hazardous Energy (Lockout/Tagout).

§ 1910.147 The control of hazardous energy (lockout/tagout).

(a) Scope, application and purpose-(1) Scope.

(i) This standard covers the servicing and maintenance of machines and equipment in which the unexpected energization or start up of the machines or equipment, or release of stored energy could cause injury to employees. This standard establishes minimum performance requirements for the control of such hazardous energy.

(ii) This standard does not cover the following:

(A) Construction, agriculture and maritime employment;

(B) Installations under the exclusive control of electric utilities for the purpose of power generation, transmission and distribution, including related equipment for communication or metering; and

(C) Exposure to electrical hazards from work on, near, or with conductors or equipment in electric utilization installations, which is covered by Subpart S of this part; and

(D) Oil and gas well drilling and servicing.

(2) Application. (i) This standard applies to the control of energy during servicing and/or maintenance of machines and equipment.

(ii) Normal production operations are not covered by this standard (See Subpart O of this Part). Servicing and/or maintenance which takes place during normal production operations is covered by this standard only if;

(A) An employee is required to remove or bypass a guard or other safety device; or

(B) An employee is required to place any part of his or her body into an area on a machine or piece of equipment where work is actually performed upon the material being processed (point of operation) or where an associated danger zone exists during a machine operating cycle.

Note: Exception to paragraph (a)(2)(ii): Minor tool changes and adjustments, and other minor servicing activities, which take place during normal production operations, are not covered by this standard if they are routine, repetitive, and integral to the use of the equipment for production, provided that the work is performed using alternative measures which provide effective protection (See Subpart O of this Part).

(iii) This standard does not apply to the following.

(A) Work on cord and plug connected electric equipment for which exposure to the hazards of unexpected energization or start up of the equipment is controlled by the unplugging of the equipment from the energy source and by the plug being under the exclusive control of the employee performing the servicing or maintenance.

(B) Hot tap operations involving transmission and distribution systems for substances such as gas, steam, water or petroleum products when they are performed on pressurized pipelines, provided that the employer demonstrates that (1) continuity of services is essential; (2) shutdown of the system is impractical; and (3) documented procedures are followed, and special equipment is used which will provide proven effective protection for employees.

(3) Purpose. (i) This section requires employers to establish a program and utilize procedures for affixing appropriate lockout devices or tagout devices to energy isolating devices, and to otherwise disable machines or equipment to prevent unexpected energization, start-up or release of stored energy in order to prevent injury to employees.

(ii) When other standards in this part require the use of lockout or tagout, they shall be used and supplemented by the procedural and training requirements of this section.

(b) Definitions applicable to this section.

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Affected employee. An employee whose job requires him/her to operate or use a machine or equipment on which servicing or maintenance is being performed under lockout or tagout, or whose job requires him/her to work in an area in which such servicing or maintenance is being performed.

Authorized employee. A person who locks or implements a tagout system procedure on machines or equipment to perform the servicing or maintenance on that machine or equipment. An authorized employee and an affected employee may be the same person when the affected employee's duties also include performing maintenance or service on a machine or equipment which must be locked or a tagout system implemented.

"Capable of being locked out." An energy isolating device will be considered to be capable of being locked out either if it is designed with a hasp or other attachment or integral part to which, or through which, a lock can be affixed, or it has a locking mechanism built into it. Other energy isolating devices will also be considered to be capable of being locked out, if lockout can be achieved without the need to dismantle, rebuild, or replace the energy isolating device or permanently alter its energy control capability.

Energized. Connected to an energy source or containing residual or stored energy.

Energy isolating device. A mechanical device that physically prevents the transmission or release of energy, including but not limited to the following: A manually operated electrical circuit breaker; a disconnect switch; a manually operated switch by which the conductors of a circuit can be disconnected from all ungrounded supply conductors and, in addition, no pole can be operated independently; a slide gate; a slip blind; a line valve; a block; and any similar device used to block or isolate energy. The term does not include a push button, selector switch, and other control circuit type devices.

Energy source. Any source of electrical, mechanical, hydraulic, pneumatic, chemical, thermal, or other energy.

Hot tap. A procedure used in the repair, maintenance and services activities which involves welding on a piece of equipment (pipelines, vessels or tanks) under pressure, in order to install connections or appurtenances. It is commonly used to replace or add sections of pipeline without the interruption of service for air, gas, water, steam, and petrochemical distribution systems.

Lockout. The placement of a lockout device on an energy isolating device, in accordance with an established procedure, ensuring that the energy isolating device and the equipment being controlled cannot be operated until the lockout device is removed.

Lockout device. A device that utilizes a positive means such as a lock, either key or combination type, to hold an

energy isolating device in the safe position and prevent the energizing of a machine or equipment.

Normal production operations. The utilization of a machine or equipment to perform its intended production function.

Servicing and/or maintenance. Workplace activities such as constructing, installing, setting up, adjusting, inspecting, modifying and maintaining and/or servicing machines or equipment. These activities include lubrication, cleaning or unjamming of machines or equipment and making adjustments or tool changes, where the employee may be exposed to the unexpected energization or startup of the equipment or release of hazardous energy.

Setting up. Any work performed to prepare a machine or equipment to perform its normal production operation.

Tagout. The placement of a tagout device on an energy isolating device, in accordance with an established procedure, to indicate that the energy isolating device and the equipment being controlled may not be operated until the tagout device is removed.

Tagout device. A prominent warning device, such as a tag and a means of attachment, which can be securely fastened to an energy isolating device in accordance with an established procedure, to indicate that the energy isolating device and the equipment being controlled may not be operated until the tagout device is removed.

(c) **General-(1) Energy control program.** The employer shall establish a program consisting of an energy control procedure and employee training to ensure that before any employee performs any servicing or maintenance on a machine or equipment where the unexpected energizing start up or release of stored energy could occur and cause injury, the machine or equipment shall be isolated, and rendered inoperative, in accordance with paragraph (c)(4) of this section.

(2) **Lockout/tagout.** (i) If an energy isolating device is not capable of being locked out, the employer's energy control program under paragraph (c)(1) of this section shall utilize a tagout system.

(ii) If an energy isolating device is capable of being locked out, the employer's energy control program under paragraph (c)(1) of this section shall utilize lockout ~~unless the employer can demonstrate that the utilization of a tagout system will provide full employee protection as set forth in paragraph (e)(3) of this section.~~

(iii) After October 31, 1989, whenever major ~~replacement~~, repair, renovation or modification, or ~~replacement~~ of machines or equipment is performed, and whenever new machines or equipment are installed, energy isolating devices for such machines or equipment shall be designed to accept a lockout device.

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(3) Full employee protection. (i) When a tagout device is used in an energy isolating device which is *not* capable of being locked out, the tagout device shall be attached at the same location that the lockout device would have been attached, and the employer shall demonstrate that the tagout program will provide a level of safety equivalent to that obtained by using a lockout program.

(ii) In demonstrating that a level of safety is achieved in the tagout program which is equivalent to the level of safety obtained by using a lockout program, the employer shall demonstrate full compliance with all tagout-related provisions of this standard together with such additional elements as are necessary to provide the equivalent safety available from the use of a lockout device. Additional means to be considered as part of the demonstration of full employee protection *and* shall include the implementation of additional safety measures such as the removal of an isolating circuit element, blocking of a controlling switch, opening of an extra disconnecting device, or the removal of a valve handle to reduce the likelihood of inadvertent energization.

(4) Energy control procedure. (i) Procedures shall be developed, documented and utilized for the control of potentially hazardous energy when employees are engaged in the activities covered by this section.

Note: Exception: The employer need not document the required procedure for a particular machine or equipment, when all of the following elements exist: (1) The machine or equipment has no potential for stored or residual energy or reaccumulation of stored energy after shut down which could endanger employees; (2) the machine or equipment has a single energy source which can be readily identified and isolated; (3) the isolation and locking out of that energy source will completely deenergize and deactivate the machine or equipment; (4) the machine or equipment is isolated from that energy source and locked out during servicing or maintenance; (5) a single lockout device will achieve a locked-out condition; (6) the lockout device is under the exclusive control of the authorized employee performing the servicing or maintenance; (7) the servicing or maintenance does not create hazards for other employees; and (8) the employer, in utilizing this exception, has had no accidents involving the unexpected activation or reenergization of the machine or equipment during servicing or maintenance.

(ii) The procedure shall clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, and the means to enforce compliance including, but not limited to, the following:

(A) Specific statement of the intended use of the procedure;

(B) Specific procedural steps for shutting down, isolating, blocking and securing machines or equipment to control

hazardous energy;

(C) Specific procedural steps for the placement, removal and transfer of lockout devices or tagout devices and the responsibility for them; and

(D) Specific requirements for testing a machine or equipment to determine and verify the effectiveness of lockout devices, tagout devices, and other energy control measures.

(5) Protective materials and hardware. (i) Locks, tags, chains, wedges, key blocks, adapter pins, self-locking fasteners, or other hardware shall be provided by the employer for isolating, securing or blocking of machines or equipment from energy sources.

(ii) Lockout devices and tagout devices shall be singularly identified; shall be the only device(s) used for controlling energy; shall not be used for other purposes; and shall meet the following requirements;

(A) Durable. (1) Lockout and tagout devices shall be capable of withstanding the environment to which they are exposed for the maximum period of time that exposure is expected.

(2) Tagout devices shall be constructed and printed so that exposure to weather conditions or wet and damp locations will not cause the tag to deteriorate or the message on the tag to become illegible.

(3) Tags shall not deteriorate when used in corrosive environments such as areas where acid and alkali chemicals are handled and stored.

(B) Standardized. Lockout and tagout devices shall be standardized within the facility in at least one of the following criteria: Color, shape, or size and additionally, in the case of tagout devices, print and format shall be standardized.

(C) Substantial-(1) Lockout devices. Lockout devices shall be substantial enough to prevent removal without the use of excessive force or unusual techniques, such as with the use of bolt cutters or other metal cutting tools.

(2) Tagout devices. Tagout devices, including and their means of attachment, shall be substantial enough to prevent inadvertent or accidental removal. Tagout device attachment means shall be of a non-reusable type, attachable by hand, self-locking, and non-releasable with a minimum unlocking strength of no less than 50 pounds and having the general design and basic characteristics of being at least equivalent to a one-piece, all-environment-tolerant nylon cable tie.

(D) Identifiable. Lockout devices and tagout devices shall indicate the identity of the employee applying the device(s).

(iii) Tagout devices shall warn against hazardous conditions if the machine or equipment is energized and shall include a legend such as the following: Do Not Start, Do Not Open, Do Not Close, Do Not Energize, Do Not Operate.

(6) Periodic inspection. (i) The employer shall conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirements of this standard are being followed.

(A) The periodic inspection shall be performed by an authorized employee other than the one(s) utilizing the energy control procedure being inspected.

(B) The periodic inspection shall be designed to correct any deviations or inadequacies observed.

(C) Where lockout is used for energy control, the periodic inspection shall include a review, between the inspector and each authorized employee, of that employee's responsibilities under the energy control procedure being inspected.

(D) Where tagout is used for energy control, the periodic inspection shall include a review, between the inspector and each authorized and affected employee, of that employee's responsibilities under the energy control procedure being inspected, and the elements set forth in paragraph (c)(7)(ii) of this section.

(ii) The employer shall certify that the periodic inspections have been performed. The certification shall identify the machine or equipment on which the energy control procedure was being utilized, the date of the inspection, the employees included in the inspection, and the person performing the inspection.

(7) Training and communication. (i) The employer shall provide training to ensure that the purpose and function of the energy control programs are understood by employees and that the knowledge and skills required for the safe application, usage, and removal of energy controls are acquired by employees. The training shall include the following:

(A) Each authorized employee shall receive training in the recognition of applicable hazardous energy sources, the type and magnitude of the energy available in the workplace, and the methods and means necessary for energy isolation and control.

(B) Each affected employee shall be instructed in the purpose and use of the energy control procedure.

(C) All other employees whose work operations are or may be in an area where energy control procedures may be utilized, shall be instructed about the procedure, and about the prohibition relating to attempts to restart or reenergize machines or equipment which are locked out or tagged out.

(ii) When tagout systems are used, employees shall also be trained in the following limitations of tags:

(A) Tags are essentially warning devices affixed to energy isolating devices, and do not provide the physical restraint on those devices that is provided by a lock.

(B) When a tag is attached to an energy isolating means, it is not to be removed without authorization of the authorized person responsible for it, and it is never to be bypassed, ignored, or otherwise defeated.

(C) Tags must be legible and understandable by all authorized employees, affected employees, and all other employees whose work operations are or may be in the area, in order to be effective.

(D) Tags and their means of attachment must be made of materials which will withstand the environmental conditions encountered in the workplace.

(E) Tags may evoke a false sense of security, and their meaning needs to be understood as part of the overall energy control program.

(F) Tags must be securely attached to energy isolating devices so that they cannot be inadvertently or accidentally detached during use.

(iii) Employee retraining.

(A) Retraining shall be provided for all authorized and affected employees whenever there is a change in their job assignments, a change in machines, equipment or processes that present a new hazard, or when there is a change in the energy control procedures.

(B) Additional retraining shall also be conducted whenever a periodic inspection under paragraph (c)(6) of this section reveals, or whenever the employer has reason to believe, that there are deviations from or inadequacies in the employee's knowledge or use of the energy control procedures.

(C) The retraining shall reestablish employee proficiency and introduce new or revised control methods and procedures, as necessary.

(iv) The employer shall certify that employee training has been accomplished and is being kept up to date. The certification shall contain each employee's name and dates of training.

(8) Energy isolation. Implementation of lockout or the tagout system shall be performed only by authorized employees.

(9) Notification of employees. Affected employees shall be notified by the employer or authorized employee of the application and removal of lockout devices or tagout devices. Notification shall be given before the controls are

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applied, and after they are removed from the machine or equipment.

(d) Application of control. The established procedure for the application of energy control (implementation of lockout or tagout system procedures) shall cover the following elements and actions and shall be done in the following sequence:

(1) Preparation for shutdown. Before an authorized or affected employee turns off a machine or equipment, the authorized employee shall have knowledge of the type and magnitude of the energy, the hazards of the energy to be controlled, and the method or means to control the energy.

(2) Machine or equipment shutdown. The machine or equipment shall be turned off or shut down using the procedures required by this standard. An orderly shutdown must be utilized to avoid any additional or increased hazard(s) to employees as a result of equipment deenergization.

(3) Machine or equipment isolation. All energy isolating devices that are needed to control the energy to the machine or equipment shall be physically located and operated in such a manner as to isolate the machine or equipment from the energy source(s).

(4) Lockout or tagout device application. (i) Lockout or tagout devices shall be affixed to each energy isolating device by authorized employees.

(ii) Lockout devices, where used, shall be affixed in a manner to that will hold the energy isolating devices in a "safe" or "off" position.

(iii) Tagout devices, where used, shall be affixed in such a manner as will clearly indicate that the operation or movement of energy isolating devices from the "safe" or "off" position is prohibited.

~~(A) Where tagout devices are used with energy isolating devices designed with the capability of being locked, the tag attachment shall be fastened at the same point at which the lock would have been attached. (Note: Rescinded as being inconsistent with the more stringent Virginia Standard.)~~

(B) Where a tag cannot be affixed directly to the energy isolating device, the tag shall be located as close as safely possible to the device, in a position that will be immediately obvious to anyone attempting to operate the device.

(5) Stored energy. (i) Following the application of lockout or tagout devices to energy isolating devices, all potentially hazardous stored or residual energy shall be relieved, disconnected, restrained, and otherwise rendered safe.

(ii) If there is a possibility of reaccumulation of stored energy to a hazardous level, verification of isolation shall be continued until the servicing or maintenance is completed, or until the possibility of such accumulation no longer exists.

(6) Verification of isolation. Prior to starting work on machines or equipment that have been locked out or tagged out, the authorized employee shall verify that isolation and deenergization of the machine or equipment have been accomplished.

(e) Release from lockout or tagout. Before lockout or tagout devices are removed and energy is restored to the machine or equipment, procedures shall be followed and actions taken by the authorized employee(s) to ensure the following:

(1) The machine or equipment. The work area shall be inspected to ensure that nonessential items have been removed and to ensure that machine or equipment components are operationally intact.

(2) Employees. (i) The work area shall be checked to ensure that all employees have been safely positioned or removed.

(ii) Before lockout or tagout devices are removed and before machines or equipment are energized, affected employees shall be notified that the lockout or tagout devices have been removed.

(3) Lockout or tagout devices removal. Each lockout or tagout device shall be removed from each energy isolating device by the employee who applied the device. Exception to paragraph (e)(3): When the authorized employee who applied the lockout or tagout device is not available to remove it, that device may be removed under the direction of the employer, provided that specific procedures and training for such removal have been developed, documented and incorporated into the employer's energy control program. The employer shall demonstrate that the specific procedure provides equivalent safety to the removal of the device by the authorized employee who applied it. The specific procedure shall include at least the following elements:

(i) Verification by the employer that the authorized employee who applied the device is not at the facility;

(ii) Making all reasonable efforts to contact the authorized employee to inform him/her that his/her lockout or tagout device has been removed; and

(iii) Ensuring that the authorized employee has this knowledge before he/she resumes work at that facility.

(f) Additional requirements. (1) Testing or positioning of machines, equipment or components thereof. In situations in which lockout or tagout devices must be temporarily removed from the energy isolating device and the machine

or equipment energized to test or position the machine, equipment or component thereof, the following sequence of actions shall be followed:

(i) Clear the machine or equipment of tools and materials in accordance with paragraph (e)(1) of this section;

(ii) Remove employees from the machine or equipment area in accordance with paragraph (e)(2) of this section;

(iii) Remove the lockout or tagout devices as specified in paragraph (e)(3) of this section;

(iv) Energize and proceed with testing or positioning;

(v) Deenergize all systems and reapply energy control measures in accordance with paragraph (d) of this section to continue the servicing and/or maintenance.

(2) Outside personnel (contractors, etc.). (i) Whenever outside servicing personnel are to be engaged in activities covered by the scope and application of this standard, the on-site employer and the outside employer shall inform each other of their respective lockout or tagout procedures.

(ii) The on-site employer shall ensure that his/her personnel understand and comply with restrictions and prohibitions of the outside employer's energy control procedures.

(3) Group lockout or tagout. (i) When servicing and/or maintenance is performed by a crew, craft, department or other group, they shall utilize a procedure which affords the employees a level of protection equivalent to that provided by the implementation of a personal lockout or tagout device.

(ii) Group lockout or tagout devices shall be used in accordance with the procedures required by paragraph (c)(4) of this section including, but not necessarily limited to, the following specific requirements:

(A) Primary responsibility is vested in an authorized employee for a set number of employees working under the protection of a group lockout or tagout device (such as an operations lock);

(B) Provision for the authorized employee to ascertain the exposure status of individual group members with regard to the lockout or tagout of the machine or equipment and

(C) When more than one crew, craft, department, etc. is involved, assignment of overall job-associated lockout or tagout control responsibility to an authorized employee designated to coordinate affected work forces and ensure continuity of protection; and

(D) Each authorized employee shall affix a personal

lockout or tagout device to the group lockout device, group lockbox, or comparable mechanism when he or she begins work, and shall remove those devices when he or she stops working on the machine or equipment being serviced or maintained.

(4) Shift or personnel changes. Specific procedures shall be utilized during shift or personnel changes to ensure the continuity of lockout or tagout protection, including provision for the orderly transfer of lockout or tagout devices between off-going and oncoming employees, to minimize exposure to hazards from the unexpected energization, start-up of the machine or equipment, or release of stored energy.

* * * * *

Safety and Health Codes Board

Title of Regulation: VR 425-02-72. Virginia Occupational Safety and Health Standards for the Construction Industry - Sanitation.

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

Public Hearing Date: September 18, 1990, - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

The proposed standard amends the current Sanitation Standard for the Construction Industry, § 1926.51. The standard applies to all employers engaged in construction activity.

Employers who are covered by this amendment are required to furnish, without cost to the employee, potable drinking water and toilet and handwashing facilities.

The proposed amendment details additional sanitary requirements for potable water and toilet and handwashing facilities. The amendment requires that toilet and handwashing facilities be provided at a 20:1 worker to facility ratio. The present standard requires a ratio of one toilet and one urinal for every 40 employees or a 40:1 ratio.

VR 425-02-72. Virginia Occupational Safety and Health Standards for the Construction Industry - Sanitation.

§ 1926.51: Sanitation.

(a) Potable Water. (1) An adequate supply of potable water shall be provided in all places of employment. Water supply. (1) Potable drinking water. (1) Potable water shall be provided and placed in locations readily accessible to all employees.

(ii) The water shall be suitably cool and in sufficient

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amounts, taking into account the air temperature, humidity and the nature of the work performed to meet the needs of all employees.

(iii) The water shall be dispensed in single-use drinking cups or by fountains. The use of the common drinking cup is prohibited.

(2) Portable containers used to dispense drinking water shall be capable of being tightly closed, and equipped with a tap. Water shall not be dipped from containers.

(3) Any container used to distribute drinking water shall be clearly marked as to the nature of its contents and not used for any other purpose. Capable of being tightly closed and equipped with a tap. Water shall not be dipped from containers.

(4) The common drinking cup is prohibited. Where single service cups (to be used but once) are supplied, both a sanitary container for the unused cups and a receptacle for disposing of the cups shall be provided.

(5) Where single service cups (to be used but once) are supplied, both a sanitary container for the unused cups and a receptacle for disposing of the used cups shall be provided. Maintenance. Portable drinking water, toilet and handwashing facilities shall be maintained in accordance with appropriate public health sanitation practices, and shall include the following:

(i) Drinking water containers shall be constructed of materials that maintain water quality;

(ii) Drinking water containers shall be refilled daily and shall be covered; and

(iii) Drinking water containers shall be regularly cleaned.

(b) Nonpotable water. (1) outlets for nonpotable water, such as water for industrial or firefighting purposes only, shall be identified by signs meeting the requirements of Subpart G of this part, to indicate clearly that the water is unsafe and is not to be used for drinking, washing, or cooking purposes.

(2) There shall be no cross-connection, open or potential, between a system furnishing potable water and a system furnishing nonpotable water.

(c) Toilets at construction jobsites. (1) Toilets shall be provided for employees according to the following table:

TABLE D-1

Number of employees	Minimum number of facilities
20 or less	1-

20 or more 1 toilet seat and one urinal per 40 workers

200 or more 1 toilet seat and one urinal per 50 workers-

Toilet and handwashing facilities. (1) One toilet and one handwashing facility shall be provided for each twenty (20) employees or fraction thereof.

(2) Under temporary field conditions, provisions shall be made to assure not less than one toilet facility is available. Toilet facilities shall be adequately ventilated, appropriately screened, have self-closing doors that can be closed and latched from inside and shall be constructed to insure privacy.

(3) Job sites not provided with a sanitary sewer, shall be provided with one of the following toilet facilities unless prohibited by local codes:

(i) Privies (where their use will not contaminate ground or surface water);

(ii) Chemical toilets;

(iii) Recirculating toilets;

(iv) Combustion toilets.

Toilet and handwashing facilities shall be readily accessible to all employees, accessibly located and in close proximity to each other.

(4) The requirements of this paragraph (c) for sanitation facilities shall not apply to mobile crews having transportation readily available to nearby toilet facilities. Toilet facilities shall be operational and maintained in a clean and sanitary condition.

(5) The requirements of this paragraph for sanitation facilities shall not apply to mobile crews having transportation readily available to nearby toilet facilities.

(d) Food handling. All employees' food service facilities and operations shall meet the applicable laws, ordinances, and regulations of the jurisdiction in which they are located. (Note: Rescinded as being inconsistent with the more stringent Virginia Standard.)

(e) Temporary sleeping quarters. When temporary sleeping quarters are provided, they shall be heated, ventilated, and lighted. (Note: Rescinded as being inconsistent with the more stringent Virginia Standard.)

(f) Washing facilities. The employer shall provide adequate washing facilities for employees engaged in the application of paints, coating, herbicides or insecticides, or on other operations where contaminants may be harmful to employees. Such facilities shall be in near proximity to

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the worksite and shall be so equipped as to enable employees to remove such substances. Handwashing facilities shall be refilled with potable water as necessary to ensure an adequate supply of potable water, soap and single use towels.

(g) [Revoked]

(h) Waste disposal. (1) Disposal of wastes from facilities shall not cause unsanitary conditions.

(i) Definitions. (1) "Handwashing" facility means a facility providing either a basin, container or outlet with an adequate supply of potable water, soap and single use towels.

(2) "Potable water" means water that meets the standards for drinking purposes of the state or local authority having jurisdiction or water that meets the quality standards prescribed by the U. S. Environmental Protection Agency's Interim Primary Drinking Water Regulations, published in 40 CFR Part 141.

(3) "Toilet facility" means a fixed or portable facility designed for the containment of the products of both defecation and urination which is supplied with toilet paper adequate to meet employee needs. Toilet facilities include biological, chemical, flush and combustion toilets and sanitary privies.

The following requirements from 29 CFR Part 1910 (General Industry) have been identified as applicable to construction (29 CFR 1926.51, Sanitation), in accordance with their respective scope and definitions.

§ 1910.141. Sanitation.

(a)(1) Scope.— This section applies to all permanent places of employment.

(2) * * *

(v) "Potable water" means water which meets the quality standards prescribed in the U.S. Public Health Service Drinking Water Standards, published in 42 CFR part 72, or water which is approved for drinking purposes by the State or local authority having jurisdiction. (Note: Rescinded as being inconsistent with the more stringent Virginia Standard.)

(5) Vermin control. Every enclosed workplace shall be so constructed, equipped, and maintained, so far as reasonably practicable, as to prevent the entrance or harborage of rodents, insects, and other vermin. A continuing and effective extermination program shall be instituted where their presence is detected.

(g) * * *

(2) Eating and drinking areas. No employee shall be allowed to consume food or beverages in a toilet room nor in any area exposed to a toxic material.* * *

(h) Food handling. All employee food service facilities and operations shall be carried out in accordance with sound hygienic principles, in all places of employment where all or part of the food service is provided, the food dispensed shall be wholesome, free from spoilage, and shall be processed, prepared, handled, and stored in such a manner as to be protected against contamination. (Note: Rescinded as being inconsistent with the more stringent Virginia Standard.)

§ 1910.151. Medical Services and first aid.

* * * * *

(c) Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use.

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Title of Regulation: VR 615-70-17. Child Support Enforcement Program.

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

Public Hearing Date: N/A - Written comments may be submitted until July 6, 1990.

(See Calendar of Events section for additional information)

Summary:

The proposed revision to the Child Support Enforcement Program regulation sets standards to ensure that child support services are effectively and expeditiously provided to custodial parents and their children. The revisions require the Department of Social Services to take specific case actions within specific time frames. These case actions and time frames are required by federal law.

VR 615-70-17. Child Support Enforcement Program.

PART I. DEFINITIONS.

§ 1.1. Definitions.

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

"ADC" means Aid to Dependent Children which is established under Title IV-A of the Social Security Act.

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This is a category of financial assistance paid on behalf of children who are deprived of one or both of their parents by reason of death, disability, or continued absence (including desertion) from the home.

"ADC/FC" means Aid to Dependent Children/Foster Care which is established under Title IV-E of the Social Security Act. This is a category of financial assistance paid on behalf of children who otherwise meet the eligibility criteria for ADC and who are in the custody of the local social service agencies.

"Administrative" means noncourt ordered, legally enforceable actions the department may take to establish or enforce a child support obligation.

"Appeal" means a request for a review of an action taken by the division.

"Application" means a written document requesting child support enforcement services which the department provides to the individual applying for services and which is signed by the custodial parent.

"Bad check" means a check not honored by the bank on which it is drawn.

"Custodial parent" means (i) the natural or adoptive parent with whom the child resides, (ii) a step-parent or other person who has legal custody of the child and with whom the child resides, or (iii) a social service agency which has legal custody of a child in foster care.

"Debt" means the total unpaid support obligation established by court order, administrative order, or payment of public assistance which is owed by an absent responsible parent to either the custodial parent or to the Commonwealth.

"Delinquent" means an unpaid child support obligation.

"Department" means the Virginia Department of Social Services.

"Disregard payment" means a payment made to an ADC recipient in an amount up to \$50. The payment is made from the current child support collected on the individual's behalf.

"District office" means a local office of the Division of Child Support Enforcement responsible for the operation of the Child Support Enforcement Program.

"Division" means the Division of Child Support Enforcement of the Virginia Department of Social Services.

"Enforcement" means ensuring the payment of child support through the use of administrative or judicial means.

"Erroneous payment" means a payment sent to the

custodial parent for which no funds were received by the department to be paid to that client.

"Financial statement" means a sworn document from the custodial parent and absent responsible parent showing their financial situation.

"Foreclosure" means a judicial procedure to enforce debts involving forced judicial sale of the real property of a debtor.

"Health care coverage" means a plan providing hospital, medical, or surgical care coverage for dependent children.

"Hearings officer" means a disinterested person designated by the department to hold appeal hearings and render appeal decisions.

"IV-D agency" means a governmental entity administering the child support program under Title IV-D of the Social Security Act. In Virginia the IV-D agency is the Division of Child Support Enforcement.

"Judicial" means an action initiated through a court.

"Location only services" means that certain entities such as courts and other state child support enforcement agencies can receive only locate services from the department.

"Local social service agency" means one of Virginia's locally administered social service or welfare departments which operate the ADC and ADC/FC programs and other programs offered by the department.

"Location" means obtaining information which is sufficient and necessary to take action on a child support case including information concerning (i) the physical whereabouts of the absent parent or his employer, or (ii) other sources of income or assets, as appropriate.

"Medicaid only" means a category of public assistance whereby a family receives Medicaid but is not eligible for or receiving ADC.

"Mistake of fact" means an error in the identity of the absent responsible parent or in the amount of child support owed.

"Obligation" means the amount and frequency of payments which the absent responsible parent is legally bound to pay.

"Pendency of an appeal" means the period of time after an administrative appeal has been made and before the final disposition.

"Public assistance" means payments for ADC, or ADC/FC, or Medicaid-only.

"Putative father" means an alleged father; a person

named as the father of a child born out-of-wedlock but whose paternity has not been established.

"Recipient" means a person receiving public assistance.

"Responsible parent" means a person required under law to support a dependent child or the child's caretaker.

"Service" or "service of process" means the delivery to or leaving of, in a manner prescribed by state statute, an administrative or court order giving the absent responsible parent reasonable notice of the action being taken against him and affording the person an opportunity to be heard regarding the matter.

"Summary of facts" means a written statement of facts outlining the actions taken by the department on a case which has been appealed.

"Supplemental Security Income" means a program administered by the federal government which guarantees a minimum income to persons who meet the requirement of aged, blind, or disabled.

PART II. GENERAL INFORMATION.

Article 1. Services.

§ 2.1. Services provided.

A. Child support enforcement services shall be provided as a group to ADC, ADC/FC, Medicaid only, and non-ADC clients. Courts and other state IV-D agencies may apply for location-only services.

B. Child support enforcement services shall include the following services which may involve administrative or court action:

1. Location of absent responsible parents, *their employers, or their sources of income* ;
2. Establishment of paternity;
3. Establishment or modification of child support obligations, including the responsibility to provide health care coverage;
4. Enforcement of child support obligations, both administratively and judicially determined; and
5. Collection and disbursement of child support payments, regardless of whether the obligation is legally established.

§ 2.2. Eligibility for services.

A. Individuals residing in Virginia who receive ADC, ADC/FC, or Medicaid only assistance are automatically

eligible for child support services.

1. ADC, ADC/FC, and Medicaid only applicants and recipients must accept child support services as a condition of eligibility for public assistance unless the local social service agency determines that good cause exists for not accepting these services.

2. The department shall suspend action on a child support case in which the local social service agency has determined that good cause exists for not cooperating with the department in its pursuit of child support.

3. The department shall continue to provide child support services to a custodial parent when the ADC case closes.

a. The department shall provide these services without requiring a formal application.

b. The department shall continue to provide these services until the custodial parent states in writing that the services are no longer wanted unless the closure of the child support case is contrary to state or federal law.

B. Individuals residing in Virginia or having a legal residence in Virginia who do not receive ADC, ADC/FC, or Medicaid only assistance must make an application for child support services as a condition of eligibility for those services.

1. The child for whom child support is being requested must be under 18 years of age, unless:

a. There is a court order specifying that support continue until a later age, or

b. The child is handicapped, or

c. The services being requested are for a child support obligation which existed prior to the child's 18th birthday.

2. If the child for whom support is being sought is under 18 years of age, the applicant must be the parent or legal guardian of the child and the child must reside with the applicant.

C. Individuals residing outside of Virginia shall be eligible for child support services upon a request for services from the IV-D agency in the state in which they reside.

D. Courts and other state IV-D agencies are eligible for location only services.

Article 2. Department as Payee.

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§ 2.3. Assignment of rights.

Assignment of child support rights to the Commonwealth is automatic by operation of law with receipt of ADC, ADC/FC, or Medicaid only assistance and, for ADC cases, continues after the public assistance case closes unless the client requests in writing that the services be terminated.

§ 2.4. Authorization to seek or enforce a child support obligation.

Persons receiving child support services shall give the department written authorization to seek or enforce support on behalf of the child or spouse and child.

§ 2.5. Special conditions regarding receipt of ADC or ADC/FC.

A. Receipt of ADC or ADC/FC assistance creates a debt to the Commonwealth.

B. If a debt is owed to the Commonwealth due to the receipt of ADC or ADC/FC assistance, the department shall apply amounts collected for past due child support toward this debt unless the court order stipulates otherwise.

C. Money received from tax intercept shall be applied, in total, toward the ADC or ADC/FC debt.

Article 3.

Application and Case Assessment and Prioritization.

§ 2.6. Application fees.

The application fee for child support services is \$1.00 for nonpublic assistance clients. The department shall pay this fee on behalf of such applicants for child support enforcement services.

§ 2.7. Application process.

A. The department shall make applications accessible to the public and shall include with each application information describing child support enforcement services, the custodial parent's rights and responsibilities, and payment distribution policies.

1. The department shall provide an application on the day an individual requests the application when the request is made in person.

2. The department shall send applications within five working days of the date a written or telephone request for an application is received.

B. The Department shall provide ADC, ADC/FC, and Medicaid-only recipients with the above information, the rights and responsibilities of custodial parents, and general distribution policies within five working days of receiving the referral from a local social service agency.

C. The department shall, within two calendar days of the date of application from a nonpublic assistance recipient or the date a referral of a public assistance recipient is received, establish a case record, and within 20 calendar days, obtain the information needed to locate the absent responsible parent, initiate verification of information, if appropriate, and gather all relevant facts and documents.

§ 2.8. Case assessment and prioritization.

A. Case assessment.

The department shall (i) assess the case information to determine if sufficient information to establish or enforce a child support obligation is available and verified and (ii) attempt to obtain additional case information if the information is not sufficient and (iii) verify case information which is not verified.

B. Case prioritization.

1. The department shall give priority to cases which contain the following information:

a. Verified, current, residential address;

b. Current employer;

c. Last known residential address or last known employer if the information is less than three years old;

d. Social security number and date of birth.

2. The department shall give lowest priority but shall review annually cases in which:

a. The absent responsible parent resides in a country which does not have a reciprocity agreement with the United States of America.

b. The absent responsible parent receives supplemental security income or public assistance.

§ 2.9. Service of process.

Service is necessary when child support obligations are established either administratively or through court action and, in some instances, when actions to enforce the obligation are taken.

A. The methods of service of process required by law vary with the action being taken and include individual personal service, substituted service, posted service, certified mail, and regular mail.

B. The department shall use diligent efforts to serve process. Diligent efforts to serve process shall include:

1. When the method of service of process used to

notify an absent parent of an administrative action is not successful and the address of the absent responsible parent is known and verified, the department shall exhaust every other method allowed by law.

2. When the method of service of process used to notify an absent parent of court action is not successful and the address of the absent parent is known and verified, the department shall provide the sheriff or process server with additional information about the absent parent's address.

3. When the method of service of process is not successful after the department has exhausted all methods of service allowed or has provided the sheriff or process server with an additional information, the department shall repeat its attempts to serve process at least quarterly.

§ 2-7. § 2.10. Costs associated with the provision of child support services.

A. The department may not require custodial parents to pay the costs associated with the provision of child support services.

B. The putative father shall pay the costs associated with the determination of paternity if he is ordered by a court to pay these costs.

PART III. LOCATION.

§ 3.1. The department shall provide location services (i) whenever the location of absent responsible parents or their employers is needed in order to establish or enforce a child support obligation and (ii) when there is sufficient identifying information available to the department to access location sources.

§ 3.2. Location sources.

A. Whenever location services are provided, the department shall access all necessary locate sources. Locate sources include but are not limited to:

1. Local public and private sources.
2. State Parent Locator Services.
3. Electronic Parent Locator Network.
4. Central Interstate Registry.
5. Federal Parent Locator Service.
6. Parents, friends, and other personal sources.

§ 3.3. Location time requirements.

A. The department shall access all appropriate location sources within 75 calendar days of receipts of the application for child support services or the referral of a public assistance recipient if the department determines that such services are needed and quarterly thereafter if the location attempts are unsuccessful.

B. The department shall review at least quarterly those cases which need additional case information in order to establish or enforce the child support obligation.

C. The department shall provide location services immediately if new information is received which may aid in location.

D. When the custodial parent resides in Virginia, the department shall utilize the Federal Parent Locator Service at least annually when other location attempts have failed.

E. When another state requests location services from the department or the department receives a request for location services from another state, the department shall follow the time requirements described in the Code of Federal Regulations, Title 45, part 303, § 303.7.

PART III. IV. ESTABLISHING CHILD SUPPORT OBLIGATIONS.

Article 1. Paternity Establishment.

§ 2-1. § 4.1. Establishing paternity.

In order for the department to establish a child support obligation and to enforce and collect child support payments from a putative father, the father must be determined to be legally responsible for the support of the child. In situations in which the a putative father has not been legally determined to be the father of the child, paternity must be adjudicated established before a child support obligation can be established administratively ordered or court ordered .

1. The department shall obtain a sworn statement(s) from the custodial parent acknowledging the paternity of the child or children for whom child support is sought.

2. Based on this sworn statement, the department shall attempt to locate the putative father, if necessary, according to the locate time requirements described in Part III above.

3. Once the putative father is located, the department shall contact him to determine if he is willing to sign a sworn statement voluntarily acknowledging paternity or to voluntarily submit to blood testing to determine paternity.

a. The department shall advise the putative father

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verbally and in writing of his rights and responsibilities regarding child support prior to obtaining a sworn statement of paternity.

b. A putative father who signs a sworn statement of paternity or who, through genetic blood testing, is affirmed by at least a 98% probability to be the father of the child is responsible for the financial support of the child or children.

4. When the putative father does not sign a sworn statement of paternity or does not voluntarily submit to blood testing or the blood test shows less than a 98% probability of paternity, the department shall petition the court for a paternity determination when there is sufficient evidence to do so.

5. The department may simultaneously take the actions described in subdivisions 3 and 4 above.

6. Within 90 calendar days of locating the putative father, the department shall:

a. Obtain a sworn acknowledgement of paternity or arrange for voluntary blood testing, or

b. File a petition with the court for paternity establishment.

7. In any case where more than one putative father has been identified, the department shall pursue paternity for other putative fathers when a putative father is excluded from paternity by blood testing or the court finds that he is not the father of the child.

8. The department shall monitor all cases in which paternity must be established to assure that, in all cases where the putative father is located, paternity is established or the putative father excluded within one year of the child reaching six months of age or within one year of petitioning the court for paternity, whichever occurs later.

§ 3-2. § 4.2. Establishing paternity in interstate cases.

The department shall establish, if possible, the paternity of children who do not reside in Virginia when the putative father resides in Virginia and a request for such services is received from another state IV-D agency.

Article 2.

Administrative Support Orders.

§ 3-3. § 4.3. Administrative establishment of a child support obligation.

The department has statutory authority to establish child support obligations through noncourt ordered legally enforceable administrative means. These administrative obligations have the same force and effect as a support obligation established by the court.

A. The amount of child support that is owed and the frequency with which it is paid must be established before the payment of child support can be enforced.

B. The administrative order shall be called the Administrative Support Order.

C. The department shall use administrative rather than judicial means to establish the child support obligation whenever possible.

D. The department shall use administrative means to establish a temporary child support obligation when judicial determinations of support are pending due to custody and visitation issues.

E. Within 90 calendar days of locating the absent responsible parent, the department shall attempt to either ensure that a child support obligation is established or shall diligently attempt to complete the service of process necessary for an obligation to be ordered.

F. When a court or an administrative hearings officer dismisses a petition for a support order without prejudice, the department shall examine the reasons for the dismissal and determine when it would be appropriate to seek an order in the future.

~~E. G. The department shall consider~~ The child support obligation to be established when an Administrative Support Order has been served and the 10-day appeal period for the administrative order has elapsed.

~~F. H.~~ The department shall modify the obligation when new information is received necessitating a change.

~~G. I.~~ The department shall modify the amount of the obligation for future child support payments only.

§ 3-4. § 4.4. Determining the amount of the child support obligation.

A. The obligation shall include:

1. Frequency with which the current amount owed is to be paid,
2. Current amount owed,
3. Public assistance debt, if any, and
4. Unpaid past due child support, if any.

B. Financial statements.

1. The department shall use financial statements obtained from the absent responsible parent and the custodial parent to determine the amount of the child support obligation.
2. The absent responsible parent and custodial parent

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shall complete sworn financial statements upon demand by the department and annually thereafter.

3. If the custodial parent is a recipient of public assistance, the department shall use the information obtained through the ADC or ADC/FC eligibility process to meet the financial statement requirement.

4. The department shall define the type of financial information which shall be required based on § 63.1-274.5 of the Code of Virginia which is incorporated by reference.

5. A custodial parent who is not a responsible parent of the child for whom child support is being sought shall not be required to complete a financial statement.

6. The department shall obtain financial statements from both absent responsible parents when the custodial parent is not a responsible parent of the child.

C. When an absent parent is responsible for the support of children receiving ADC or ADC/FC assistance, the department shall initially base the amount of the obligation on the amount of ADC or ADC/FC paid on behalf of the responsible parent's dependents.

1. The department shall change the proposed obligation amount and base it on the child support scale if the absent responsible parent provides financial information during the pendency of an administrative appeal.

2. If the department receives financial information after the obligation is established, the department shall modify the Administrative Support Order prospectively and shall base the future obligation amount on the child support scale.

D. When the absent parent is responsible for the support of children not receiving ADC or ADC/FC and provides a financial statement, the department shall base the amount of the obligation on the child support scale.

1. If the responsible parent does not provide a financial statement and there is no court order and no previously issued administrative order, the department shall issue a default Administrative Support Order.

2. The default administrative order shall be based on the amount of public assistance that would be paid on behalf of the absent responsible parent's dependents if they were eligible for ADC assistance.

E. The department shall determine the amount to be paid monthly toward a child support debt when the obligation is administratively ordered and when a court ordered obligation for support does not specify the amount to be paid toward the debt. The monthly payment for

arrears will be \$65 or 25% of the current obligation, whichever is greater, and shall not exceed the amount allowed under the Consumer Credit Protection Act.

~~§ 3.5.~~ §4.5. Service of the administrative support order.

The department must legally serve the Administrative Support Order on the absent responsible parent or receive a waiver of service from the responsible parent in order to have an established obligation.

~~§ 3.6.~~ § 4.6. Health care coverage.

A. The absent responsible parent shall provide information regarding health care coverage for his dependent children, and his spouse or former spouse if applicable, upon request from the department.

B. The absent responsible parent shall provide health care coverage for the child or children if medical insurance is available through his employment.

~~§ 3.7.~~ § 4.7. Child support scale.

A. The department is required to use the Schedule of Monthly Basic Child Support Obligations and procedures in § 20-108.2 of the Code of Virginia in calculating the amount of administrative child support obligations. This section of the Code is incorporated by reference.

B. The department shall call this schedule the child support scale.

C. The department shall use the scale in establishing Administrative Support Orders except in the two situations identified in § 3-4 4.4 C and D 1.

D. The total child support obligation will be divided between both parents in the same proportion as their individual gross incomes bear to their combined gross income.

E. The department shall consider the following factors in calculating the combined gross income:

1. The absent responsible parent and custodial parent's gross monthly income from all sources with the exception noted in subsection F of this section,

2. The number of children for whom the absent responsible parent and custodial parent share joint legal responsibility,

3. Extraordinary medical and dental expenses which are defined in § 20-108.2 of the Code of Virginia, and

4. The custodial parent's work related child care expenses.

F. The department may not include benefits from public assistance programs as defined in § 63.1-87, Supplemental

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Security Income, or child support received in calculating the combined gross income.

§ 4.8. Periodic reviews of the child support obligation.

The amount of the child support obligation is based on the financial situation of both parents. The department or the courts, depending on who issued the order, may modify the amount of the obligation if the parents' financial situation changes. Either the department or either parent may initiate a review of the amount of the child support obligation.

A. The department shall initiate a review of each child support obligation:

1. At least every three years and more frequently at the discretion of the department.

2. At the request of another state's child support enforcement agency.

B. Either parent may initiate a review of the child support obligation by providing documentation of a change in financial circumstances.

C. The department shall modify an administrative obligation or petition the court to modify a court ordered obligation when the results of the review indicate a change in the gross income of either parent which is greater than \$50 per month.

PART IV. V. ENFORCING CHILD SUPPORT OBLIGATIONS.

Article 1 General.

§ 4.1. § 5.1. Enforcement rules.

A. The department shall, whenever possible, administratively enforce compliance with established child support orders including both administrative and court orders.

B. The department shall enforce child support obligations at the time the Administrative Support Order is initially entered through the use of one of the following methods of wage withholdings:

1. Immediate withholding of earnings
2. Voluntary assignment of earnings

C. The department shall enforce child support obligations when the obligation becomes delinquent through the use of one or more of the following administrative enforcement remedies:

1. Mandatory withholding of earnings

2. Liens

3. Orders to withhold and deliver

4. Foreclosure

5. Distraint, seizure, and sale

6. Unemployment compensation benefits intercept

7. Bonds, securities, and guarantees

8. Tax intercept

9. Internal Revenue Service full collection service

10. Credit bureau reporting

11. Enforcement remedies for federal employees.

D. The department shall attempt to enforce current and delinquent child support payments through administrative means before petitioning the court for enforcement action unless it determines that court action is more appropriate.

E. The department shall, whenever possible, enforce a health care coverage requirement in a child support order within 30 days of receiving notification of noncompliance.

F. When an enforcement action is unsuccessful, the department shall examine the reason(s) and determine when it would be appropriate to take an enforcement action in the future. The department shall take further enforcement action at a time and in a manner determined appropriate by department staff.

§ 4.2. § 5.2. Withholding of earnings rules.

A. The department may issue a withholding of earnings order against all earnings except those exempted from garnishment under federal and state law.

B. The amount of money withheld from earnings may not be more than the amount allowed under the Consumer Credit Protection Act. (§ 34-29 of the Code of Virginia)

C. The department must legally serve the wage withholding order on the absent responsible parent or receive a waiver of service from the individual *within 60 days of the date the noncompliance occurred or the date the absent parent is located, whichever occurs later.*

D. The department shall modify the withholding of earnings order only if there is a change in the amount of the current support or past due debt.

E. The department shall release the withholding of earnings order only if one of the following occurs:

1. The current support obligation terminates and any past due debt is paid in full;

2. Only a past due debt is owed and it is paid in full;
3. The whereabouts of the child or child and caretaker become unknown; or
4. Bankruptcy laws require release;
5. A nonpublic assistance client no longer wants the services of the department.

Article 2.

Immediate and Voluntary Withholding of Earnings.

~~§ 4.3.~~ § 5.3. General.

The Administrative Support Order shall include a requirement for immediate withholding of the child support obligation from the absent responsible parent's earnings. The custodial parent and absent responsible parent may choose a voluntary assignment of earnings as an alternate arrangement for payment of child support.

~~§ 4.4.~~ § 5.4. Immediate withholding of earnings.

The Administrative Support Order shall include a requirement for immediate withholding of the child support obligation from the absent responsible parent's earnings.

~~§ 4.5.~~ § 5.5. Voluntary withholding of earnings.

A. Voluntary withholding of earnings is also called voluntary assignment of earnings.

B. The custodial parent and absent responsible parent may choose a voluntary assignment of earnings at the time the obligation is established as an alternate to immediate withholding of earnings for payment of child support.

C. The department may initiate a voluntary assignment of earnings when it is the most expeditious means of enforcing a wage withholding.

D. The absent responsible parent may not choose a voluntary assignment of earnings as an alternative to mandatory withholding of earnings after enforcement action has been initiated.

Article 3.

Other Enforcement Remedies.

The department shall have the authority to administratively collect delinquent child support payments from absent responsible parents. These are called enforcement remedies.

~~§ 4.6.~~ § 5.6. Mandatory withholding of earnings.

The department shall send a Mandatory Withholding of Earnings order to an employer requiring the deduction of

the child support obligation from the absent responsible parent's earnings when a payment is delinquent in an amount equal to or exceeding one month's child support obligation.

~~§ 4.7.~~ § 5.7. Liens.

A. The department may file a lien on the real or personal property of the absent responsible parent when there is a support debt.

B. Upon receipt of a support order from a jurisdiction outside of Virginia, the department may immediately file a lien.

C. The lien of the department shall have the priority of a secured creditor.

D. The lien of the department shall be subordinate to the lien of any prior mortgagee.

E. The lien shall be released when the child support debt has been paid in full.

~~§ 4.8.~~ § 5.8. Orders to withhold and deliver.

A. The department may use orders to withhold and deliver to collect assets such as bank accounts, trust funds, stocks, bonds, and other types of financial holdings when there is a support debt.

B. The department shall release the order to withhold when the order cannot be served on the absent responsible parent.

C. The department shall release the order to deliver when:

1. The debt on the order is paid, or
2. The absent responsible parent makes satisfactory alternate arrangements for paying the full amount of the debt.

~~§ 4.9.~~ § 5.9. Distrain, seizure, and sale.

A. The department may use distraint, seizure, and sale against the real or personal property of an absent responsible parent when there is a support debt.

B. The director of the division shall give final approval for the use of distraint, seizure, and sale.

~~§ 4.10.~~ § 5.10. Unemployment compensation benefits intercept.

A. The department may intercept unemployment compensation benefits when there is a support debt.

B. The department may, with the consent of the absent responsible parent, intercept unemployment compensation

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benefits when there is not a support debt.

C. The department may intercept unemployment compensation benefits paid by the Commonwealth to an absent responsible parent who lives out of state.

D. The department shall intercept the amount of benefits allowed by the Virginia Employment Commission.

~~§ 4.11.~~ § 5.11. Bonds, securities, and guarantees.

The department shall use administrative bonds, securities, and guarantees as an enforcement action only if the amount of the delinquency exceeds \$1,000 and

1. After all other enforcement actions fail, or
2. When no other enforcement actions are feasible.

~~§ 4.12.~~ § 5.12. Tax intercept.

A. The department may ~~may~~ *shall* intercept state and federal income tax refunds and shall apply these moneys, in whole or in part, first to any debt to the Commonwealth and second to delinquent child support obligations.

B. The Virginia Department of Taxation prescribes rules for interception of state tax refunds and notification to the person whose tax refund is being intercepted.

1. The department may retain moneys up to the amount owed on the due date of the finalization notice from the department to the Virginia Department of Taxation.
2. The department may intercept state tax refunds when the delinquent amount equals at least \$25.
3. The department may not disburse the intercepted taxes if the absent responsible parent has appealed the intercept action and the appeal is pending.
4. The department shall issue a refund to the absent responsible parent when one of the following occurs:
 - a. The intercept was made in error.
 - b. The absent responsible parent pays the delinquent amount in full after the Department of Taxation has been notified of the delinquency and before the tax refund is intercepted.
 - c. Either or both federal and state tax refunds are intercepted, the total amount intercepted is more than the amount of the delinquency at the time that notification of the tax intercept was sent to the Department of Taxation, and the absent responsible parent does not agree to allow the department to apply the excess funds to any delinquency that accrued after certification for tax intercept.

C. The Internal Revenue Service has prescribed rules regarding the interception of federal tax refunds. Part 45, §§ 302.60 and 303.72 of the Code of Federal Regulations are incorporated by reference in this regulation.

Article 4.

Federal Enforcement Remedies.

In addition to state administrative enforcement remedies, the department shall use federal enforcement remedies to enforce child support obligations.

~~§ 4.13.~~ § 5.13. Internal Revenue Service full collection service.

A. The department may ask the Internal Revenue Service to collect delinquent child support payments when all reasonable efforts to collect past due child support payments have been made but have not been successful.

B. The department shall make this request through the federal Office of Child Support Enforcement.

~~§ 4.14.~~ § 5.14. Enforcement remedies to be used against federal employees.

A. The department may apply its enforcement remedies against United States military and civilian active and retired personnel.

B. When enforcement under Virginia law is not possible, the department may use (i) Mandatory Military Allotments and (ii) Involuntary Child Support Allotments for Public Health Services Employees to enforce child support obligations of active military personnel and public health services employees.

1. For the purposes of these two enforcement actions, delinquency shall be defined as failure of the absent responsible parent to make child support payments equal to the amount due for two months.
2. The amount of money withheld from these wages shall be up to the amount allowed under the Consumer Credit Protection Act.

PART V. VI.

ADMINISTRATIVE APPEALS.

Actions to establish and enforce child support obligations administratively may be appealed according to the following rules.

~~§ 6.1.~~ § 6.1. Validity of the appeal.

A. The department shall determine the validity of an appeal.

1. The appeal must be in writing.
2. The appeal must be received within 10 working

days of service when personally delivered.

3. If mailed, the postmark must be no later than 10 working days from the date of service of the notice of proposed action.

B. The only exception to this shall be appeals of federal and state tax intercepts. The absent responsible parent shall have 30 days to appeal a tax intercept notice to the department.

§ 5.2. § 6.2. General rules.

A. The appeal shall be heard by a hearings officer.

1. The hearings officer shall hold the hearing in the district office where the custodial parent resides unless another location is requested by the absent responsible parent and it complies with § 63.1-267.1 of the Code of Virginia.

2. The absent responsible parent and the custodial parent may be represented at the hearing by legal counsel.

3. The absent responsible parent may withdraw the appeal at any time.

4. The hearings officer shall accept a request for a continuance from the absent responsible parent or the custodial parent if:

a. The request is made in writing at least five working days prior to the hearing, and

b. The request is for not more than a 10-day continuance.

B. The hearings officer shall notify the absent responsible parent and custodial parent of the date and time of the hearing and of the disposition of the hearing in accordance with § 63.1-267.1 of the Code of Virginia.

C. Prior to the hearing, the hearings officer shall send the absent responsible parent and the custodial parent a copy of the Summary of Facts prepared by the district office.

D. The hearings officer shall provide the absent responsible parent and the custodial parent with a copy of the hearing decision either at the time of the hearing or no later than 45 days from the date the appeal request was first received by the department.

E. The hearings officer shall notify the absent responsible parent and the custodial parent in writing by certified mail if the appeal is determined to be abandoned because the absent responsible parent did not appear at the hearing.

F. The absent responsible parent or the custodial parent

may appeal the hearings officer's decision to the juvenile and domestic relations district court within 10 calendar days of receipt of the hearings officer's decision. An appeal of a tax intercept must be made to the circuit court within 30 days of the date of the hearings officer's decision.

§ 5.3. § 6.3. Appeal of enforcement actions.

A. The absent responsible parent may appeal the actions of the department to enforce a support obligation only under the following conditions:

1. For withholding of earnings; liens; distraint, seizure, and sale; and unemployment compensation benefits intercept the appeal shall be based only on a mistake of fact.

2. For orders to withhold and deliver the appeal shall be based only on (i) a mistake of fact or (ii) whether the funds to be withheld are exempt by law from garnishment.

3. Federal and state tax intercepts may be appealed based only on (i) a mistake of fact or (ii) the validity of the claim.

B. A mistake of fact is based on:

1. An error in the identity of the absent responsible parent, or

2. An error in the amount of current support or past due support.

§ 5.4. § 6.4. Appeal of federal enforcement remedies.

Actions to enforce child support payments through federal enforcement remedies may not be appealed through the Department of Social Services. Absent responsible parents shall appeal these actions to the federal agency which took the action.

PART VI. VII. INTERSTATE RESPONSIBILITIES.

When the absent responsible parent and the custodial parent reside in different states, cooperation between these states is necessary.

§ 6.1. § 7.1. Cooperation with other state IV-D agencies.

A. The department shall provide the same services to other state IV-D cases that it provides to its own cases with the following conditions:

1. The request for services must be in writing.

2. The request for services must list the specific services needed.

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B. The department shall request in writing the services of other state IV-D agencies when the custodial parent resides in Virginia, but the absent responsible parent resides in another state.

C. Other department responsibilities in providing services to other state IV-D cases and obtaining services from other state IV-D agencies are defined in Part 45, § 303.7 of the Code of Federal Regulations and §§ 63.1-274.6 and 20-88.22 of the Code of Virginia. These regulations are incorporated by reference here.

~~§ 6.2.~~ § 7.2. Central registry.

A. The department shall manage the flow of interstate correspondence through a Central Registry located in the division's central office. Correspondence will be handled according to the rules established by the state and federal regulations cited by reference above.

B. The Central Registry shall act as the Uniform Reciprocal Enforcement of Support Act State Information Agent required by § 20-88.22 of the Code of Virginia.

PART ~~VII.~~ VIII. CONFIDENTIALITY AND EXCHANGE OF INFORMATION.

Article 1. Information Collected by the Department.

~~§ 7.1.~~ § 8.1. Information collected from state, county, and city offices.

A. State, county, and city offices and agencies shall provide the department with information about absent responsible parents.

B. The department shall use this information to locate and collect child support payments from absent responsible parents.

~~§ 7.2.~~ § 8.2 Subpoena of financial information.

The department may subpoena financial records from a person, firm, corporation, association, political subdivision, or state agency to corroborate the existence of assets of the absent responsible parent or the custodial parent identified by the Internal Revenue Service.

Article 2. Information Released by the Department.

~~§ 7.3.~~ § 8.3. Agencies to whom the department releases information.

A. The department may release information on absent responsible parents to courts and other state child support agencies.

B. The department shall release information concerning

the absent responsible parent to consumer credit agencies upon their request.

C. The department may release information concerning custodial parents to courts and other state IV-D agencies as necessary to collect child support on their behalf.

D. The department shall obtain permission from the absent responsible parent or the custodial parent prior to providing information on that person to an entity other than the ones listed above.

~~§ 7.4.~~ § 8.4. Release of information to and from the Internal Revenue Service.

A. The department may not release information provided by the Internal Revenue Service to anyone outside of the department with the following exceptions:

1. The department may release the information to local social service agencies and the courts, but the source of the information may not be released.

2. The department may release information provided by the Internal Revenue Service if that information is verified by a source independent of the IRS.

B. The division director, or a designee, may release information on absent responsible parents to the Internal Revenue Service.

~~§ 7.5.~~ § 8.5. Request for information from the general public.

The department shall answer requests for information from the general public within five working days of receipt of the request or less as federal and state law may require.

~~§ 7.6.~~ § 8.6. Requests for information from absent responsible parents and the custodial parents.

A. The department shall release, upon request from the absent responsible parent or custodial parent, copies of court orders, administrative orders, enforcement actions, and fiscal records.

B. The department shall release to the absent responsible parent and to the custodial parent personal information contained in the case record which pertains to the individual requesting the information with one exception. The department may not release medical or psychological information for which the physician providing the information has stated the individual should not have access.

C. The absent responsible parent and the custodial parent may correct, challenge, or explain the personal information which pertains to that individual.

D. The department shall charge a fee for copying case

record information. The department shall base the fee on the cost of copying the material.

~~§ 7-7.~~ § 8.7. Release of health care information.

The department shall provide specific third party liability information to the Department of Medical Assistance Services in order for that agency to pursue the absent responsible parent's medical provider for any Medicaid funds expended for his dependents who are receiving ADC or ADC/FC or who are Medicaid-only clients.

A. The department shall release health care coverage information on ADC, ADC/FC, and Medicaid only cases to the Department of Medical Assistance Services as prescribed in the cooperative agreement between the department and that agency.

B. The department shall release health care coverage information on ADC, ADC/FC, and Medicaid only cases to other state child support agencies upon their request.

C. The department shall release information on health care coverage for nonpublic assistance cases only with the consent of the custodial parent.

PART VIII IX .
RIGHTS AND RESPONSIBILITIES OF THE
CUSTODIAL PARENT AND OF THE
DEPARTMENT.

Article 1.
Custodial Parent's Rights and Responsibilities.

Throughout this regulation rights and responsibilities of the custodial parents are mentioned in general terms. This section of the regulation does not abridge those rights and responsibilities; it adds to them.

~~§ 8-1.~~ § 9.1. Custodial parents rights.

A. The department shall give the custodial parent prior notice of major decisions about the child support case.

B. The department shall periodically inform the custodial parent of the progress of the case.

C. The department shall provide the custodial parent with copies of appropriate notices as identified in this regulation.

D. The department shall advise custodial parents who receive ADC of the following rights:

1. The \$50 disregard payments,
2. Eligibility for continued Medicaid coverage when ADC is no longer received, and
3. Eligibility for continued child support services when

ADC is no longer received.

E. The department shall inform all non-ADC or ADC/FC clients at the time of application for services of the effect of past receipt of ADC or ADC/FC on the collection of child support payments.

~~§ 8-2.~~ § 9.2. Custodial parent's responsibilities.

A. Custodial parents must give full and complete information, if known, regarding the absent responsible parent's name, address, social security number, current employment, and employment history and provide new information when learned.

B. Custodial parents must inform the department of any public assistance which was received in the past on behalf of the parent and children.

C. Custodial parents must promptly (i) inform the department of any divorce actions or court actions to establish a child support order, (ii) send to the department copies of any legal documents pertaining to divorce, support, or custody, and (iii) inform the department of any changes in custody or plans for reconciliation with the absent responsible parent.

D. Custodial parents must notify the department if an attorney is hired to handle a child support matter.

E. Custodial parents must notify the department immediately of any change in their financial circumstances.

F. Custodial parents must notify the department in writing regarding any change of their address or name. When possible, the custodial parent shall give this notification 30 days in advance.

Article 2.
Department's Rights and Responsibilities.

~~§ 8-3.~~ § 9.3. Department's rights.

A. The department shall decide, in a manner consistent with state and federal requirements, the best way to handle a child support case.

B. The department shall decide when to close a case based on federal requirements and the criteria in Part X.

~~§ 8-4.~~ § 9.4. Department's responsibilities.

A. The department shall act in a manner consistent with the best interests of the child.

B. The department shall establish a priority system for providing services which will ensure that services are provided in a timely manner.

C. The department shall keep custodial parents advised

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about the progress of the child support cases and shall include custodial parents in major decisions made about the handling of the child support case.

PART ~~IX~~. X. PROCESSING SUPPORT PAYMENTS.

Article 1. Child Support Payments.

~~§ 9-1~~. § 10.1. Disbursement of child support payments.

A. An absent responsible parent may have multiple child support obligations.

1. Each case shall receive full payment of the current obligation when possible.

2. If the absent responsible parent's disposable earnings do not cover the full payment for each current support order, the department shall prorate the amount withheld among all orders.

B. Current support obligations shall be satisfied before satisfying a past due debt.

C. The method by which child support payments are disbursed is governed by Part 45, §§ 302.51 and 302.52 of the Code of Federal Regulations which are incorporated by reference.

Article 2. Payment Recovery.

~~§ 9-2~~. § 10.2. Bad checks.

A. When a payment made by an employer or absent responsible parent is not honored upon presentation to the bank on which it was drawn, the department shall first demand payment from the employer or absent responsible parent.

B. If the employer or absent responsible parent does not comply with the demand and the custodial parent is not an ADC or ADC/FC recipient, the department shall recover the payment from the custodial parent according to the methods described in § 9-4 10.4 .

C. The department shall concurrently take enforcement action against the absent parent or legal action against the employer.

D. If a check received from a custodial parent is not honored upon presentation to the bank upon which it was drawn, the department shall demand payment from the custodial parent.

~~§ 9-2~~. § 10.3. Erroneous/duplicate disbursements.

A. When the department sends the custodial parent a payment in error or a duplicate payment, the department

shall first demand payment from the custodial parent.

B. If the custodial parent is not an ADC or ADC/FC recipient and does not comply with the demand, the department shall recover the amount of the payment according to the methods described in § 9-4 10.4 .

~~§ 9-4~~. § 10.4. Methods of payment recovery from the custodial parent.

A. If the custodial parent is not an ADC or ADC/FC recipient, the department shall:

1. Intercept and retain payments for past due debt.
2. Retain 10% of the current support payment.
3. Retain the lesser of the balance due or 100% of any intercepted funds.
4. Retain the lesser of the balance due or funds seized from bank accounts.

B. If the custodial parent is an ADC or ADC/FC recipient, the division shall notify the Division of Benefit Programs when an erroneous or duplicate payment has been retained by the client.

PART ~~X~~. XI. CASE CLOSURE.

~~§ 10-1~~. § 11.1. General rules.

A. The department shall terminate child support enforcement services when : *one of the criteria defined in the Code of Federal Regulations, Title 45, § 303.11 is met.*

1. A custodial parent is no longer eligible for services;
2. A custodial parent no longer wants child support enforcement services, and the department is not required by law to provide the services;
3. The absent responsible parent is no longer responsible for the support of the child and has no past due debt; or
4. The department is unable to obtain information either to establish or enforce the case and has exhausted all methods known to the department to obtain such information.

B. Sixty calendar days prior to closing a case, the department shall notify the custodial parent of its intent to close the case and shall give the reason for the case closure. The department shall not close the case if the custodial parent supplies additional case information.

~~B.~~ C. The department shall continue to provide collection and disbursement services until alternate arrangement for these services has been made.

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D. The department shall reopen a closed case if the custodial parent requests the case be reopened because there is a change in circumstance which could lead to the establishment or enforcement of a child support obligation.

E. The department shall purge all closed case records three years after the case is closed pursuant to the Code of Federal Regulations, Title 45, part 74, subpart D.



Commonwealth of Virginia
Department of Social Services
Division of Child Support Enforcement

RP Name _____
RP SSN _____
Case ID# _____

APPLICATION FOR CHILD SUPPORT ENFORCEMENT SERVICES

I, _____, Social Security number _____ am applying to the Division of Child Support Enforcement for child support enforcement services for the following children:

<u>Children's Name</u>	<u>Date of Birth</u>	<u>Relationship</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

The services I am applying for include:

- Location of the Responsible Parent to obtain child support (if the whereabouts are unknown)
- Obtaining an acknowledgment of paternity (if not already established)
- Establishing child support obligations
- Enforcing and collecting a child support obligation

I authorize the Division of Child Support Enforcement (DCSE) to explore, pursue, and utilize all sources of information available in support of its investigation. I understand that, depending on the information I provide (including, but not limited to, the Responsible Parent's SSN, address and employer), the DCSE will assign a priority level to my case. I understand that the DCSE cannot guarantee the success of its efforts.

I understand that legal assistance may be provided in establishing or enforcing a child support obligation. I acknowledge that any legal assistance which may be provided by the Office of the Attorney General, any office of a Commonwealth's Attorney or otherwise is being provided to the Division of Child Support Enforcement, and not to me personally. A final decision concerning any legal action which may be taken in my case shall be made by the Division, and the Division shall advise me of action they have decided to take. I further acknowledge that I am aware of my right to secure the services of my own attorney to represent me personally at any time. If I choose to retain the services of a private attorney, I will notify the Division immediately.

I authorize the Division of Child Support Enforcement to seek, enforce, and collect for me and my children current or past due support from anyone who has a legal duty to support me and my children.

I authorize the Division of Child Support Enforcement to endorse and cash checks, money orders, or other forms of payment which are made out to me for support payments.



BLAIR BUILDING
507 DISCOVERY DRIVE
RICHMOND, VIRGINIA 23220 8599
804/662-9204

LARRY O. JACKSON
COMMISSIONER

COMMONWEALTH of VIRGINIA
DEPARTMENT OF SOCIAL SERVICES

Dear Employer:

Your employee _____ has been ordered to provide health care coverage for his dependent child(ren) _____ if it can be obtained through his employer even if there is an additional cost to the employee. Please complete the bottom section of this letter by checking the statements which apply and return it to us in the pre-addressed envelope we have enclosed for your convenience.

Sincerely,

Investigator
Telephone

The above-named dependents are covered by the following health care coverage:

Insurance Company: _____

Policy Number: _____

Beginning date of dependent coverage: _____

Coverage type:

- Hospital only
- Hospital, Surgical and Major Medical
- Hospital and Surgical
- Health Maintenance Organization (HMO)
- Champus

- Insurance for the above-named dependents ended on _____ (Date).
- Since enrollment there have been lapses in coverage from _____ to _____ (Dates).
- The above-named dependents are not enrolled in an insurance plan, but insurance is available for the employee's dependents.
- Medical insurance for dependents is not available to this employee.

Date

Signature

Company Name

Company Address

Telephone Number

VSSIT



BLAIR BUILDING
507 DISCOVERY DRIVE
RICHMOND, VIRGINIA 23220 8699
804/662-9204

LARRY O. JACKSON
COMMISSIONER

COMMONWEALTH of VIRGINIA
DEPARTMENT OF SOCIAL SERVICES

Dear :

_____ has enrolled _____ under the following health care policy:

Insurance Company: _____

Policy Number: _____

Beginning Date: _____

Coverage Type: _____

This policy covers certain medical needs. You should make this coverage known when your child(ren) needs medical attention. If your child(ren) is also covered by Medicaid, use both the above insurance information and your Medicaid card when receiving medical services.

Please note that since this insurance coverage is related to the responsible person's employment, any termination of employment will probably void this coverage.

The health care policy for _____ through _____ Insurance Company ended on _____

The health care coverage for _____ has changed. The new insurance information is as follows:

Insurance Company: _____

Policy Number: _____

Beginning Date: _____

Coverage Type: _____

Sincerely,

Investigator
Telephone:

VSSIT

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.

CRIMINAL JUSTICE SERVICES BOARD

Title of Regulation: VR 240-01-4. Rules Relating to Compulsory Minimum Training Standards for Jailors or Custodial Officers ~~/Courthouse and~~ , [Courthouse and] Courtroom Security Officers ~~/Deputy Sheriffs Designated to Serve Process and Process Service Officers~~ .

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

Effective Date: July 1, 1990

Summary:

The amendments expand current training standards to provide performance based training and testing of jailors, custodial officers, courthouse and courtroom security officers, and process service officers based upon the results of a job task analysis which identified job validated tasks required for the performance of the job function. Additionally, the amendments provide clarification to the current rules promulgated by the Criminal Justice Services Board relating to required attendance, application of the amended rules, inspections and review of approved schools and testing and reporting requirements.

VR 240-01-4. Rules Relating to Compulsory Minimum Training Standards for Jailors or Custodial Officers, Courthouse and Courtroom Security Officers and Process Service Officers.

PART I. GENERAL.

Pursuant to the provisions of subdivisions 1, 5, 5A, 5, 6 and 7 of § 9-170 of the Code of Virginia, the Criminal Justice Services Board hereby promulgates the following rules for Compulsory Minimum Training Standards for Jailors or Custodial ~~/Courthouse and~~ [Courthouse and] Officers, Courtroom Security Officers ~~/Deputy Sheriffs Designated to Serve and Process Service Officers~~ .

§ 1-1. 1. Definitions.

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

"Agency administrator" means any chief of police, sheriff or agency head of a state [; county] or local law enforcement agency.

"Approved training school" means a training school

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

"Board" means the Criminal Justice Services Board.

"Department" means the Department of Criminal Justice Services.

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

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

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

§ 1-2. 2. Compulsory minimum training standards.

Pursuant to the provisions of subdivisions 1, 5, 5A, 5, 6 and 7 of §§ 9-170 and 53.1-120 of the Code of Virginia, the board establishes the following as the Compulsory Minimum Training Standards for Jailors or Custodial ~~/Courthouse and Officers~~ , [Courthouse and] Courtroom Security Officers ~~/Deputy Sheriffs Designated to Serve Process and Process Service Officers~~ .

A. Core subjects Hours

1. Administration: Jailors or Custodial Officers and Courthouse and Courtroom Security Officers/Deputy Sheriffs Designated to Serve Process 12

a. Orientation 1

b. Notebook construction and note taking 1

c. Code of ethics 1

d. Jail history 1

e. Testing and review 7

f. Evaluations 1

2. Combined subjects: Jailors or Custodial Officers and Courthouse and Courtroom Security Officers/Deputy Sheriffs Designated to Serve Process. 63

a. Unusual prisoners 6

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b. Officer safety and arrest techniques	16	e. Receiving and discharging inmates	1
e. Report writing	4	f. Standards for local jails and lockups	4
d. Court systems	2	4. Jail security procedures:	7
e. Constitutional law and civil liability	4	a. Escapes	1
f. Code of Virginia	6	b. Trustees	1
g. Search and seizure	8	e. Medication security	1
h. Laws of arrest	6	d. Hostage and disturbance situations	2
i. Rules of evidence	8	e. Supervisory techniques	2
j. Probable cause	1	5. Community relations:	8
k. Juvenile law	2	a. Public responsibilities	1
l. Firearms (refer to § 3-1, subsection D)	2	b. Probation and parole	1
B. Jailors or custodial officers:		e. Work release	1
1. Skills:	24	d. Human relations	4
a. Chemical agents	1	e. Community resources	1
b. Courtroom demeanor and appearance	1	C. Courthouse and courtroom security/deputy sheriffs designated to serve process:	
e. Multimedia first aid	8	1. Court security process server:	2
d. Transportation of prisoners and physical restraints	6	a. Laws of civil process	16
e. Cell search	4	b. Legal document workshop	8
f. Fingerprinting and privacy and security of criminal history records	4	e. D.M.V. notices	2
2. Legal matters:	5	2. Court security procedures and responsibilities: ...	11
a. Role of Commonwealth and defense attorneys ..	1	a. Duties and responsibilities of court security personnel	2
b. Freedom of Information Act	1	b. Security threats	1
c. Juvenile offender and the juvenile justice system - 1		e. Explosives and security problems	2
d. Discipline and due process	2	d. Identification of personnel, package control and detection devices	2
3. Jail operation:	11	e. Sequestered juries and witnesses	1
a. Inmate behavior	1	f. Meet problems and courtroom search	2
b. Jail climate	1	A. Core subjects for jailors or custodial officers, [courthouse and] courtroom security officers and process service officers.	
e. Key control and headcount	1	1. Basic administration. [Testing not required.]	
d. Classification	1		

- a. Orientation.
- b. Notebook construction and notetaking.
- c. Testing and evaluation.
- d. Training standards/training overview.

[Subtotal - 8]

2. Background materials.

- a. Code of ethics.
- b. Jail/criminal justice history.
- c. Court systems.
- d. Commonwealth/defense attorneys/judges.
- e. Juvenile offender/juvenile justice system.
- f. Freedom of Information Act.
- g. Community relations: public responsibility.
- h. Community relations: probation and parole.
- i. Community relations: work release.
- j. Community relations: community resources.
- k. Community relations: communications and crisis.

[Subtotal - 16]

3. Legal issues.

- a. Code of Virginia.
- b. Constitutional law and civil liability.
- c. Laws of arrest.
- d. Rules of evidence.
- e. Probable cause.
- f. Juvenile law.
- g. Search and seizure.

[Subtotal - 35]

4. Combined subjects.

- a. Courtroom demeanor and testimony.
- b. Transportation and physical restraints.
- c. Officer safety and arrest techniques.

- d. Hostages and disturbances.
- e. Unusual prisoners.
- f. Chemical agents.
- g. Firearms.
- h. Standard first aid.
- i. Report writing.
- j. Privacy of criminal history and records.
- k. Searches (cell/persons).

[l. Stress.

m. Fire safety.

n. Crisis intervention.]

[Subtotal - 58]

[TOTAL - 117]

B. Jailors or custodial officers.

1. Jail operations/security.

- a. Standards for local jails/lockups.
- b. Basic security overview.
- c. Supervisory techniques.
- d. Inmate behavior.
- e. Inmate supervision.
- f. Key control/head counts.
- g. Classification.
- h. Receiving and discharging inmates.
- i. Escapes.
- j. Trustees.
- k. Medication.
- l. Discipline/due process.
- m. Introduction to fingerprinting.
- n. Protecting a crime scene.
- o. Jail climate and jailors.

[Subtotal - 27]

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[TOTAL - 27]

C. Courtroom security officers and process service officers.

1. Court security.

- a. Duties and responsibilities.
- b. Security threats, problems, and explosives.
- c. Identification of personnel/package control detection.
- d. Sequestered juries/witnesses.
- e. Moot problem/courtroom search.

[Subtotal - 15]

2. Civil process.

- a. Laws of civil process and implementation duties.
- b. Department of Motor Vehicles.
- c. Legal document workshop.

[Subtotal - 32]

[TOTAL - 47]

[D. Recommended additional subjects.

1. Stress - 4
2. Fire safety - 2
3. Crisis intervention - 2]

TOTALS:

JAILORS OR CUSTODIAL OFFICERS - [144 152]

COURTROOM SECURITY OFFICERS AND PROCESS SERVICE OFFICERS - [132 172]

PART II.

§ 2-1. 3. Applicability.

A. Every person employed as a jailor or custodial officer in accordance with § 9-170(7), of the Code of Virginia, shall meet compulsory minimum training standards herein established in subsections A and B unless provided otherwise in accordance with § 2-1 3, subsection D.

B. Every person employed as a [Courthouse and] Courtroom Security Officer/Deputy Sheriff Designated to Serve Process in accordance with subdivisions 5 and 5A 6

of § 9-170 of the Code of Virginia, shall meet compulsory minimum training standards herein established in subsections A and C unless provided otherwise in accordance with § 2-1 3, subsection D.

C. Every person employed as a Jailor or Custodial Officer/Courthouse and Courtroom Security Officer/Deputy Sheriff Designated to Serve Process and desires to meet both standards in accordance with subdivisions 5, 5A and 7 of § 9-170 of the Code of Virginia, shall meet compulsory minimum training standards herein established in subsections A, B, and C, unless provided otherwise in accordance with § 2-1, subsection D.

D. C. The director may grant an exemption or partial exemption of the compulsory minimum training standards as established herein, in accordance with § 9-173 of the Code of Virginia.

§ 2-2. 4. Time requirement for completion of training.

A. Every jailor or custodial ~~courthouse and officer,~~ [courthouse and] courtroom security officer ~~deputy sheriff designated to serve process and process service officer~~ who is required to comply with the compulsory minimum training standards shall satisfactorily complete such training within 12 months of the date of appointment as a jailor or custodial officer, *courtroom security officer or process service officer* unless provided otherwise in accordance with § 2-2, ~~subsection B 4 B~~ of these regulations.

B. The director may grant an extension of the time limit for completion of the minimum training required upon presentation of evidence by the agency administrator that such officer was unable to complete the required training within the specified time limit due to illness, injury, military service or, special duty assignment required and performed in the public interest or *leave without pay or suspension pending investigation or adjudication of a crime*. The agency administrator shall request such extension prior to expiration of any time limit.

C. Any jailor or custodial ~~courthouse and officer,~~ [courthouse and] courtroom security officer ~~deputy sheriff designated to serve process or process service officer~~ who originally complied with all *applicable* training requirements and later separated from jailor or custodial ~~courthouse and officer,~~ courtroom security ~~process server officer, process service officer~~ status, in excess of 24 months, upon reentry as a jailor, courthouse and courtroom security officer/process server will be required to complete all compulsory minimum training standards unless provided otherwise in accordance with § 2-1, ~~subsection B § 3 D~~ of these regulations.

§ 2-3. 5. How compulsory minimum training may be attained.

A. The compulsory minimum training standards shall be attained by attending and satisfactorily completing an

approved training school.

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

C. All approved training schools which begin on or after July 1, 1990, shall be conducted in conformance with the Rules Relating to Compulsory Minimum Training Standards for Jailors or Custodial Officers, [Courthouse and] Courtroom Security Officers and Process Service Officers as amended by the board on April 4, 1990. However, the period July 1, 1990, through [~~December 31, 1990~~ June 30, 1991], shall serve as a transition period wherein training schools may be approved by the department to conduct training according to the Rules Relating to Compulsory Minimum Training Standards for Jailors or Custodial/Courthouse and Courtroom Security Officers/Deputy Sheriffs Designated to Serve Process as amended by the board on April 1, 1987, or according to the Rules Relating to Compulsory Minimum Training Standards for Jailors or Custodial Officers, [Courthouse and] Courtroom Security Officers and Process Service Officers as amended by the board on April 4, 1990.

§ 2-4. 6. Approved training schools.

A. Jailor or custodial officer training schools, in order to meet § 1-2, subsections 2 A and B of these rules, shall be approved by the department prior to the first scheduled class. Courthouse and [Courthouse and] Courtroom security officers /deputy sheriffs designated to serve process and process service officers training schools, in order to meet § 1-2, subsections 2 A and C of these rules, shall be approved prior to the first scheduled class. Combined jailor or custodial /courthouse and officer, [courthouse and] courtroom security officers /deputy sheriffs designated to serve process and process service officer training schools, in order to meet § 1-2, subsections 2 A, B and C of these rules, shall be approved prior to the first scheduled class. Approval is requested by making application to the director on forms provided by the department. The director may approve those schools which on the basis of curricula, instructors, facilities, and examinations, provide the required minimum training. One application for all mandated training shall be submitted prior to the beginning of each fiscal year. A curriculum listing the subjects, the instructors, dates and times for the entire proposed training session shall be submitted to the department 30 days prior to the beginning of each such proposed session. An exemption to the 30 day requirement may be granted for good cause shown by the school director.

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

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

D. The department may suspend the approval of an approved training school upon written notice, which shall contain the reason(s) upon which the suspension is based, to the school's director. The school's director may request a hearing before the director or his designee. The request shall be in writing and must be received by the department within 15 days of the date of the notice of suspension / revocation. The school's director may appeal the decision of the director or his designee to the board. Such request shall be in writing and must be received by the board within 15 days of the date of the decision of the director or his designee.

E. The department may revoke the approval of any approved training school upon written notice, which shall contain the reason(s) upon which the revocation is based, to the school's director. The school's director may request a hearing before the director or his designee. The request shall be in writing and must be received by the department within 15 days of the date of the notice of revocation. The school's director may appeal the decision of the director or his designee to the board. Such request shall be in writing and must be received by the board within 15 days of the date of the decision of the director or his designee.

PART III. GRADING.

§ 3-1. 7. Grading.

A. All written examinations shall include a minimum of one test question pertaining to each instructional objective specified in the document entitled "Resumes and Objectives for Jailors or Custodial/Courthouse and Courtroom Security Officers/Deputy Sheriffs Designated to Serve Process." Each officer designated as provided for in § 3 A and C shall comply with the applicable performance objectives and subjects set forth in § 2 and the document entitled "Performance Based Training and Testing Objectives for Compulsory Minimum Training Standards for Jailors or Custodial Officers, [Courthouse and] Courtroom Security Officers and Process Service Officers" (October 1989), which is incorporated by reference and made a part of this regulation.

B. All approved training schools shall utilize testing procedures which indicate that every officer, prior to satisfactory completion of the training school, has met the requirements set forth in each performance objective specified in the document entitled "Performance Based Training and Testing Objectives for Compulsory Minimum Training Standards for Jailors or Custodial Officer, [

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Courthouse and] Courtroom Security Officers and Process Service Officers."

B. C. All officers must attain a minimum grade of 70% in each grading category to satisfactorily complete the compulsory minimum training standards. Any officer who fails to attain the minimum 70% in any grading category will be required to take all subjects comprising that grading category in a subsequent approved training school. The officer may be tested and retested as may be necessary within the limits of § 2.2, subsection 4 A of these rules and each academy's written policy. An officer shall not be certified as having complied with the compulsory minimum training standards unless all applicable requirements have been met.

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

1. Nomenclature and care of service [~~revolver handgun~~];
2. Safety (on the firearms range, on duty and off duty);
3. Legal responsibilities and liabilities of firearms;
4. Service [~~revolver handgun~~] (handling, firing principles);
5. Dry firing and application of basic shooting principles;
6. Prequalification shooting (150 rounds, minimum);
7. Virginia Modified Double Action Course (70% minimum qualification required);
8. Qualification (70% minimum required) on one of the following record courses:
 - a. Modified Tactical Revolver Course
 - b. Modified Practical Pistol Course
 - c. Virginia Modified Combat Course I
 - d. Virginia Modified Combat Course II

D. E. Familiarization with the police shotgun (20 rounds required shoulder and hip position).

For further instructions and specific course requirements, refer to the "Course Resumes and Objectives for Required Compulsory Minimum Training for Jailors or Custodial/Courthouse and Courtroom Security Officers/Deputy Sheriffs Designated to Serve Process."

§ 3.2. 8. Failure to comply with rules and regulations.

Any jailor or custodial ~~courthouse~~ and officer,

[courthouse and] courtroom security officer ~~deputy sheriff~~ designated to serve ~~process and process service officer~~ attending an approved training school shall comply with the rules and regulations promulgated by the board and any other rules and regulations within the authority of the school director ~~established by the approved training school~~. The school director shall be responsible for enforcement of all rules and regulations established to govern the conduct of attendees. If the school director considers a violation of the rules and regulations detrimental to the welfare of the school, the school director may expel the officer from the school. Notification of such action shall be reported in writing within 48 hours to the officer's agency administrator and the director.

PART IV. ADMINISTRATION.

§ 4.1. 9. Administrative requirements.

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

B. The school director shall, within 30 days upon completion of an approved training school session, ~~comply with the following: submit to the department a roster containing the names of those officers who have satisfactorily completed all training requirements and, if applicable, a revised curriculum for the training session.~~

1. Prepare a grade report on each officer maintaining the original for the academy records and forwarding a copy to the agency administrator of the officer.

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

C. The school director shall furnish each instructor with a complete set of course resumes and objectives for the assigned subject matter.

D. Approved training schools for jailors or custodial ~~courthouse and officers,~~ [courthouse and] courtroom security officers ~~deputy sheriffs~~ designated to serve ~~process and process service officers~~ shall maintain accurate records of all tests, grades and testing procedures. Training school records shall be maintained in accordance with the provisions of these rules and §§ 42.1-67 through 42.1-91 of the Code of Virginia.

§ 4.2. First aid requirement.

The school director shall be required to insure that each officer has a valid first aid card approved by the American Red Cross or by the State of Virginia EMT Program.

§ 4-3. 10. Effective date.

These rules shall be effective on and after July 1, 1987 [July 1, 1990], and until amended or rescinded.

§ 4.4. Adopted: July 12, 1973.

Amended: April 1, 1987.

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

Statutory Authority: §§ 9-170 1 and 9-170 12 of the Code of Virginia.

Effective Date: July 1, 1990

Summary:

The amendments provide clarification and amendment to current rules promulgated by the Criminal Justice Services Board relating to the qualifications and minimum training standards for the certification and recertification of criminal justice instructors. Changes and additions are made concerning basic qualifications, time requirements, availability of exemptions, and suspension or revocation of instructor certification. The recommended changes were forwarded by a committee of practitioners subject to the provisions of the regulations.

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

§ 1. Definitions.

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

"Academy director" means the chief administrative officer of an approved training school.

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

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

"Department" means the Department of Criminal Justice Services.

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

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

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

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

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

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

A. Provisional instructor certification.

For the individual who has had little or no previous teaching experience not previously met the requirements for instructor certification, this certification:

1. Requires a high school diploma or high school equivalency certificate (GED);
2. Requires that the individual has met the compulsory minimum training standards for the primary function for which employed by a criminal justice agency, if applicable;
3. Is valid for two years and is not renewable; however, upon expiration of this certification, an instructor certification may be issued in accordance with subsection B of § 2, of these rules; and
4. Does not authorize an individual to instruct or qualify others in mandated firearms, defensive tactics or driver training courses ; ; and
4. Is valid for not more than two years and is not renewable. An individual may apply for instructor certification upon meeting the requirements of §§ 2 and 5 of these rules.

B. General instructor certification.

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

1. Requires a high school diploma or high school equivalency certificate (GED);
2. Requires the applicant to be instructional staff, an employee of a Virginia criminal justice agency, or a

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~~school or academy~~ director;

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

~~4. 3. Requires a minimum of two years' experience in a criminal justice agency;~~

~~4. Requires the applicant to have successfully completed an instructor development course which meets or exceeds the standards of the instructor development course enumerated in § 3 of these rules.~~

~~5. Is valid for not more than three years and , but may be renewed; and~~

~~6. Requires the applicant to serve an apprenticeship with a certified instructor until the applicant can demonstrate the ability to successfully instruct without supervision. The certified instructor shall document this successful completion of the apprenticeship on the instructor application form; and~~

~~6. 7. Does not authorize an individual to instruct or qualify others in mandated firearms, defensive tactics, or driver training courses.~~

C. Firearms instructor certification.

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

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

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

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

4. Requires the applicant to have attended and successfully completed [a ~~firearms instructors an instructor development~~] course which meets or exceeds the standards of the [~~firearms instructors instructor development~~] ~~school course [approved by the department enumerated in § 3 of these rules]~~;

5. Requires the applicant also to have successfully completed [~~an instructor development a firearms instructors~~] course which meets or exceeds the standards for of the [~~instructor~~] ~~schools approved by the department [development firearms instructors] course [enumerated in § 3 of these rules approved by the department]~~;

6. Is valid for *not more than three years and , but may be renewed*;

7. Requires prequalification on a department [approved ~~25-yard firearms~~ course "*Modified Double Action Course*"] with a *minimum* score of 90%;

8. Requires the applicant to serve an apprenticeship ~~under~~ with a certified instructor until ~~they~~ the applicant can demonstrate the ability to *successfully* instruct ~~on their own without supervision~~ . The certified instructor shall document this successful completion of the apprenticeship on the instructor application form; and

9. Authorizes an individual to instruct mandated firearms training courses and to conduct *annual* firearms qualifications only.

D. Defensive tactics instructor certification.

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

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

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

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

4. Requires the applicant to have attended and successfully completed [a ~~defensive tactics instructors an instructor development~~] course which meets or exceeds the standards of the [~~defensive tactics instructors instructor development~~] ~~school course [approved by the department enumerated in § 3 of these rules]~~ .

5. Requires the applicant also to have successfully completed [~~an instructor development a defensive tactics instructors~~] course which meets or exceeds the standards for of the [~~general instructor defensive tactics instructors~~] ~~schools approved by the department course [enumerated in § 3 of these rules approved by the department]~~;

6. Is valid for *not more than three years and , but may be renewed*;

7. Requires the applicant to serve an apprenticeship ~~under~~ with a certified instructor until ~~they~~ the applicant can demonstrate the ability to *successfully* instruct ~~on their own without supervision~~ . The certified instructor shall document this successful completion of the apprenticeship on the instructor application form; and

8. Authorizes the individual to instruct defensive tactics subjects only.

E. Driver training instructor certification.

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

1. Requires a high school diploma or a high school equivalency certificate (GED);
2. Requires the applicant to be instructional staff, an employee of a Virginia criminal justice agency, or a ~~school~~ an academy director;
3. Requires a minimum of two years experience in a criminal justice agency;
4. Requires the applicant to have attended and successfully completed [a driver training instructors an instructor development] course which meets or exceeds the standards of the [driver training instructors instructor development] ~~school~~ course [approved by the department enumerated in § 3 of these rules];
5. Requires the applicant also to have successfully completed [an instructor development a driver training instructors] course which meets or exceeds the standards for of the [general instructor driver training instructors] ~~schools~~ approved by the department course [enumerated in § 3 of these rules approved by the department];
6. Is valid for *not more than three years* and , but may be renewed;
7. Requires the applicant to serve an apprenticeship ~~under~~ with a certified instructor until they can demonstrate the ability to *successfully* instruct on their own without supervision . The certified instructor shall document this successful completion of the apprenticeship on the instructor application form; and
8. Authorizes the individual to instruct driver training subjects only.

§ 3. Compulsory minimum training standards for instructor development and recertification courses .

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

1. At a minimum, the An instructor development course shall be at least include a minimum of 40 hours in length of training and ~~ever~~ must address each of the following subjects:

- Role of the Instructor/Adult Learner
- Fundamentals of Communication
- Liability of Instructors

Research and Development

Instructional Performance Objectives

Preparation and Use of Lesson Plans

Methods of Instruction

Preparation and Use of Audio-Visual Material

Criteria Testing and Test Construction

Student Presentations

Other Optional Topics (subject(s) selected at the discretion of the academy director, if applicable, but must pertain to instructor development.)

2. A recertification course shall include a minimum of [four six] hours of training and must address the following mandated subjects:

- a. Review of Instruction Techniques and Methods,
- b. Legal Review Including Liability,
- c. Review of Current Basic and In-Service Course Requirements (Skilled Areas to Emphasize and Review Current Mandates),
- d. Training Innovations and Technology,
- e. Testing and Measurements,
- f. Record Keeping and Documentation.

B. 3. Application Application(s) to conduct an approved instructor development training session and recertification courses shall be submitted on forms provided by the department and within the time limit prescribed by the department .

§ 4. Exemptions to certification requirements.

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

1. Individuals who instruct three hours or less in any individual approved training school;
2. Individuals An individual assigned by the school academy director to instruct in emergency situations;
3. Individuals who possess professional or proficiency skills in a field of endeavor directly related to the subject matter in which they are instructing. This would may include but not be limited to members of the bar, medical profession, public administrators, teachers, social service practitioners, etc. ; Documentation of skills may be requested and final approval, if necessary, rests with the department;

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

5. Certified emergency care and first aid instructors.

6. Individuals who serve as field training officers or on-the-job training officers for purposes of providing field training as required by minimum training standards. Such exemption shall not be construed to apply to training promulgated by the department other than field training or on-the-job training.

§ 6. Exceptions.

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

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

§ 6. § 5. Application for instructor certification.

A. A properly completed "Instructor Certification Application" is required from each potential instructor prior to being considered for certification on forms provided by the department. The application must be received by the department within 12 months of completion of the instructor course for which certification is requested. The application shall be accompanied by a recommendation from the chief of police, sheriff, agency administrator or his designee, and endorsed by the academy director.

B. If a properly completed "Instructor Certification Application" is not received within the 12-month application period, the applicant must attend the applicable recertification course and comply with apprenticeship requirements prior to certification.

§ 7. Renewal of certification § 6. Instructor recertification

An instructor certification, other than those issued to provisional instructors, will be valid for a period of not more than three years. Individual instructors must meet all applicable recertification requirements by December 31 of the third calendar year following issuance of certification. Applications for renewal recertification will be submitted on forms provided by the department.

1. Applicants for recertification shall be recommended by the chief of police, sheriff, agency administrator or his designee; and endorsed, where applicable, by the academy director.

2. Applications for renewal shall include a statement from the school director relative to the instructional performance of the applicant; A recertification application for departmental firearms instructors does not require endorsement by the academy director.

3. Applicants shall attend and successfully complete a recertification seminar not to exceed eight hours, course which shall be approved by the department for each type of certification held. Completion of this requirement shall occur within the three-year period in which the certification is valid. Those who were certified prior to the effective date of these regulations will have three years from the effective date to comply. This requirement must be completed between the period of January 1 and December 31 of the calendar year in which the instructor is required to be recertified unless provided otherwise in accordance with subdivision 6 of § 6 of these rules.

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

4. Individuals whose certification is allowed to expire expires shall submit a new application comply with all requirements of § 5 of these rules and meet any certification requirements that are in effect at that time; and.

5. Individuals shall have taught a minimum of eight hours of mandated or approved hours of instruction during the present current period of certification evaluated by staff or students in order to be eligible for recertification.

6. The director may grant an extension of the time limit for completion of the recertification requirements. The chief of police, sheriff or agency administrator must present evidence that the applicant was unable to complete the required training within the specified time limit due to illness, injury, military service or special duty assignment required and performed in the public interest or leave without pay or suspension pending investigation or adjudication of a crime. Requests for extension of the time limit must be requested prior to certification expiration.

§ 8. § 7. Suspension and revocation of instructor certification.

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

B. An instructor's certification may be recommended for suspension or revocation for cause upon written request of the chief of police, sheriff, agency administrator, or

academy director.

C. When a certified instructor terminates employment with the criminal justice agency which recommended certification, the certification shall become null and void upon written request of the chief of police, sheriff, agency administrator, or academy director. Upon reemployment with a Virginia criminal justice agency, the instructor's certification may be reinstated upon written request of the chief of police, sheriff or agency administrator. Such request for reinstatement must be authorized by an academy director. Any reinstatement of certification shall not exceed the original date of expiration.

D. Any instructor whose certification is revoked as provided in § 7 A of these rules shall not be eligible to reapply for certification for a period of five years from the date of revocation.

§ 8. Administrative requirements.

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

§ 9. Effective date.

These rules shall be effective on and after July 1, 1986, [July 1, 1990,] and until amended or rescinded.

* * * * *

Title of Regulation: VR 240-04-1. McGruff House Program Regulations.

Statutory Authority: §§ 9-170 and 9-173.4 of the Code Virginia.

Effective Date: July 1, 1990

Summary:

The adopted regulations outline the procedures a local law enforcement agency electing to sponsor a McGruff House Program must follow. These procedures include: application to the Department of Criminal Justice Services, designation as a program sponsor, background investigations of individuals wishing to sponsor a McGruff House, training of those individuals, program operation and civil penalties for the misuse of a sign.

It is intended that these adopted regulations will become effective on July 1, 1990, the date when civil penalties become effective.

Present McGruff House Emergency Regulations shall expire on September 1, 1990, unless the final adoption of these regulations is completed prior to that date.

VR 240-04-1. McGruff House Program Regulations.

PART I.
DESCRIPTION.

§ 1.1. McGruff House description.

A. A McGruff House is a home where a child in immediate emotional or physical danger or who is in immediate fear of abuse or neglect may seek temporary refuge for assistance.

B. The symbol of McGruff with the phrase "McGruff House" shall be the only symbol or logo authorized to designate a home participating in the McGruff House Program on or after July 1, 1989. Similar programs existing prior to July 1, 1989, such as Block Parents or Helping Hands, and others, are authorized to continue using their existing program symbols and program guidelines.

C. McGruff and McGruff House are copyright protected symbols used by the National Crime Prevention Coalition in its National "Take A Bite Out Of Crime" campaign. The symbol of McGruff must be used in accordance with guidelines developed by the National Crime Prevention Coalition.

PART II.
REQUIREMENTS.

§ 2.1. Sponsorship.

A. Participation in the McGruff House Program must be initiated by a local law-enforcement agency. A local law-enforcement agency may participate in the McGruff House Program by having the chief executive of the law-enforcement agency apply in writing on the agency's stationery.

The letter of intent to participate in the McGruff House Program must be sent to the Director of the Department of Criminal Justice Services.

B. Only one law-enforcement agency within a city, county or town jurisdiction may sponsor the McGruff House Program for that locality. The decision as to which law-enforcement agency will sponsor the McGruff House Program is at the option of the locality wishing to participate.

C. Upon written notification from a qualified local law-enforcement agency to participate in the McGruff House Program, the Department of Criminal Justice Services shall provide the requesting law-enforcement agency a copy of the McGruff House Regulations, a McGruff House Starter Kit and a McGruff House Participation Agreement form [(Appendix A)].

D. Qualified law-enforcement agencies that agree to participate in the McGruff House Program by signing the

Final Regulations

McGruff House Participation Agreement must develop internal policy guidelines. Agency internal guidelines, in accordance with these regulations, shall at a minimum prescribe the following procedures:

1. Recruitment;
2. Participant background investigation;
3. Training; and
4. Monitoring and record keeping.

[E. These requirements are the minimum necessary for a law-enforcement agency to sponsor a McGruff House Program. A sponsoring law-enforcement agency may exceed these minimum requirements at its option.]

§ 2.2. Recruitment.

A. Participation in the McGruff House Program is available to residents within a locality where a law-enforcement agency has agreed to participate in the McGruff House Program.

B. The law-enforcement agency may recruit participants through schools, day care programs, crime prevention programs, community groups or by other methods it deems necessary.

C. Individuals interested in participating in the McGruff House Program must apply directly with the law-enforcement agency sponsoring the McGruff House Program in the locality where they reside.

D. All persons 18 years or older residing in a home wishing to be designated a McGruff House must be listed on a McGruff House Participant's Application form. This form authorizes background investigations for all persons 18 years or older residing in the home wishing to participate.

E. [Applications for participation in the McGruff House Program will be valid for one year. Annual reapplication is required to continue participating in the McGruff House Program. Approved households may participate in the McGruff House Program for two years. Reapplication is required within two years of the prior approval date] . Participating law-enforcement agencies will review and update background information of all reapplications.

F. The McGruff House Participation application form used by the law-enforcement agency must at a minimum require the following information.

1. Full names of all persons 18 years or older residing in the applying residence.
2. Birth dates of all persons 18 years or older residing in the applying residence.

3. Social security number or driver's license number of all persons 18 years or older residing in the applying residence.

4. Former home addresses of all persons 18 years or older residing in the applying residence for the previous five years.

5. Address of the applying home.

6. Description of any animals kept at the applying residence.

7. Description of any special conditions which may affect the safety of children who may come into contact with the applying residence.

G. Only those homes where all persons 18 years or older residing at the applying residence have passed the law-enforcement background investigation and have received authorization from the law-enforcement agency may participate in the McGruff House Program.

§ 2.3. Background investigation.

A. The sponsoring law-enforcement agency shall conduct a background investigation of all persons 18 years or older residing in the applying residence using the information provided on the McGruff House Participant's application.

B. The background investigation and the information obtained from the background investigation shall be done in compliance with § 19.2-389 of the [Virginia] Code [of Virginia] , dissemination of criminal history record information.

C. The background investigation of the McGruff House applicants at a minimum will include the following:

1. Local, state and federal criminal history check of all applicants.
2. Local and state check of child/domestic abuse complaints involving the applying residence or any of the applicants.
3. Local, state and federal check of outstanding arrest warrants for all applicants.
4. [A An on site] neighborhood check of no less than three households in the immediate neighborhood.

D. Upon completing the background investigation, the law-enforcement agency must refuse participation in the McGruff House Program to any applying residence where any of the residents have been convicted of a felony, convicted of a narcotic drug law offense, or convicted of any domestic or child abuse related charges, or convicted of any charge involving an offense committed against a juvenile. The law-enforcement agency may also, at its own discretion, refuse participation in the McGruff House

Program to any individual or household it deems not suited for participation, based upon information gathered from the background investigation. All decisions regarding participation in the program shall be the responsibility of the participating law-enforcement agency, in accordance with these regulations.

E. Records of all applicants shall be maintained by the law-enforcement agency. Applicants shall be notified directly by the law-enforcement agency whether they have been accepted or denied within a reasonable period after the background investigation has been conducted. The law-enforcement agency may notify an organized community group, McGruff House Program, Neighborhood Watch, or other similar organizations of authorized McGruff House Program participants. Information pertaining to rejected applicants shall be kept confidential by the law-enforcement agency, unless the law-enforcement agency finds information of a nature which would require it to invoke its statutory law-enforcement obligations.

§ 2.4. Training.

A. Law-enforcement agencies participating in the McGruff House Program shall provide all participants a training session which addresses the following:

1. Review of emergency telephone numbers.
2. Review of emergency and suspicious situation reporting procedures.
3. Review of McGruff House regulations.
4. Review of basic child and community safety information.
5. Review of the procedures for the proper display and use of the McGruff House sign.

B. Participating law-enforcement agencies will advise all personnel of the purpose and regulations of the McGruff House Program and will develop appropriate policy to guide their personnel to implement and administer the McGruff House Program.

§ 2.5. Participant duties and responsibilities.

A. McGruff House participants must display the McGruff House Program sign in a prominent location so that it can be easily seen from the most frequently traveled public area adjoining the property of the residence. The sign shall be displayed at all times.

B. Participants must have a valid homeowner's or renter's liability insurance policy in effect.

C. The participating residence must have a working telephone which can be used to make emergency or referral telephone calls.

D. Participants will provide the following assistance to children who call upon them for aid.

1. Telephone appropriate authorities for help.
2. Reassure and aid children who are frightened or lost.
3. Assist children who have medical emergencies by getting appropriate assistance.
4. Assist children who are immediately in fear of becoming victims of personal crimes or thefts, or who are in immediate fear of child abusers, gangs or bullies.
- [~~5.~~ Report crimes and suspicious situations to law-enforcement officials.]

[~~6.~~ 5. Immediately] report to the law-enforcement agency details of all incidents where children request assistance.

[~~6.~~ Immediately report crimes and suspicious situations to law-enforcement officials.]

E. McGruff House Program participants are not to do any of the following for children requesting assistance.

1. Personally provide first aid or administer medications, except in [~~extreme~~] emergencies and then only if qualified.
2. Act as an escort service or provide transportation.
3. Enforce laws.

[~~4.~~ Provide toilet facilities.]

[~~5.~~ 4.] Provide babysitting or child care services.

[~~6.~~ 5.] Provide food or beverages.

F. The participating law-enforcement agency may at any time disqualify from participation any residence where any of its members engage in activity deemed by the law-enforcement agency to be detrimental to the objective of the McGruff House Program, or where any of the members are found guilty of any of the offenses noted in § 2.3 D of these regulations.

§ 2.6. Record keeping and monitoring.

A. Participating law-enforcement agencies are required to maintain records of the participants and activities of the McGruff House Program.

B. Participating law-enforcement agencies will provide an annual calendar year report of the status of the McGruff House Program to the Department of Criminal Justice Services. [~~This report~~ The McGruff House Annual

Final Regulations

Report (Appendix B)] must be submitted by February 1 of each year. The annual report will include the following:

1. The number of homes participating in the program at the beginning and end of each calendar year.
2. The number of new McGruff House Participant applications.
3. The number of new McGruff House participants.
4. The number of McGruff House Participant applicants denied and reason for denial.
5. The number of McGruff House Participant reapplications.
6. The number of homes which voluntarily discontinue participation in the McGruff House Program.
7. The number of homes removed from participation in the McGruff House Program and reasons for removal.
8. The number of incidents accompanied by a brief description where McGruff Houses were used by children in need of assistance.

§ 2.7. McGruff House sign.

A. The McGruff House sign issued by the National Crime Prevention Coalition is the only sign authorized for use in the McGruff House Program [(see Appendix C)].

B. The McGruff House signs may be obtained by the participating law-enforcement agency from the [*Utah Council for Crime Prevention Virginia Crime Prevention Center, Department of Criminal Justice Services*], which has been designated to administer the McGruff House Program by the National Crime Prevention Coalition. The [*national state*] McGruff Program Administrator may be contacted at:

[*Utah Council for Crime Prevention
4501 South 2700 West
Salt Lake City, UT 84110
(801) 965-4587*

*Virginia Crime Prevention Center
Department of Criminal Justice Services
805 East Broad Street
Richmond Virginia
(804) 786-4000]*

C. The McGruff House signs are rented for \$1.00 per sign by the participating law-enforcement agency. One sign is rented for each participating McGruff House. The rented signs are issued unique serial numbers which are issued to the participating law-enforcement agency which rents them. The law-enforcement agency will maintain a record of the serial numbers of signs issued to McGruff

House participants.

D. A home which discontinues participation or is removed from participating in the McGruff House Program will return the McGruff House sign to the issuing law-enforcement agency within 15 business work days. Failure to return the McGruff House sign [within 15 business days after receiving a certified letter, with return receipt required,] may subject the sign holder to a civil penalty of up to \$100.

PART III. PENALTY.

§ 3.1. Penalty for misuse.

A. Subsequent to July 1, 1990, display of a McGruff House symbol by persons not designated pursuant to §§ 9-173.4 and 9-173.5 of the Code of Virginia and these regulations to participate in the program, shall be subject to a civil penalty of up to \$100.

APPENDIX A



COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

CRIMINAL JUSTICE SERVICES BOARD

805 EAST BROAD STREET RICHMOND, VIRGINIA 23219
(804) 786-4000

RICHARD N. HARRIS
Director

McGRUFF HOUSE PARTICIPATION AGREEMENT

This agreement of sponsorship is entered into effective the last date recorded below between the _____ (Name of Agency) hereinafter "Sponsor", and the Department of Criminal Justice Services, hereinafter the "Department".

Sponsor agrees to administer a McGruff House Program in accordance with Section 9-173.4 et seq of the Code of Virginia, and abide by the Rules Relating to McGruff House Program, VR 240-04-01, as administered by the Department.

Sponsor may voluntarily discontinue participation in the McGruff House Program during the course of this agreement by giving written notice to the Department. The Department may terminate this agreement for cause upon finding of a violation of Section 9-173.4 et seq of the Code of Virginia, or of the McGruff House Regulations. Termination by the Department shall be in writing to the Sponsor. Upon notice of termination, Sponsor agrees to return to the Department, dispose of, or account to the Department for all McGruff House Program materials within fourteen days of receipt of the termination notice.

This agreement shall expire on January 31, 1991, or until terminated by either party. Renewal of this agreement shall be completed by February 1, 1991.

(Title - Chief Law Enforcement Officer)
(Name of Jurisdiction)

Date: _____

Director
Department of Criminal Justice Services

Date: _____

371/JWM
mcagree
0108090





APPENDIX B Annual Report McGruff House



Report Year: 19 _____

Agency: _____
Address: _____

Person Completing Report: _____
Phone Number: () _____
Date of Completion: _____

1. Total number of households participating in your program on January 1 of the reporting year? _____
2. Total number of households participating on December 31 of the reporting year? _____
3. Total number of new households added to your program during the reporting year? _____
4. Total number of households that reapplied for McGruff House status for another year? _____
5. Total number of households that applied to be McGruff Houses during the reporting year? _____
6. Total number of households that had their applications rejected during the reporting year? _____
7. Provide the number of households that were rejected from program participation during the reporting year for each of the reasons listed below.

<input type="checkbox"/> Criminal History	<input type="checkbox"/> No Phone	<input type="checkbox"/> Unsafe Conditions
<input type="checkbox"/> No Insurance	<input type="checkbox"/> Unsuitable Household	<input type="checkbox"/> Other
8. Provide the number of households that ended participation during the reporting year for each of the reasons listed below.

<input type="checkbox"/> Moved	<input type="checkbox"/> Lost Interest	<input type="checkbox"/> Inappropriate Behavior
<input type="checkbox"/> Criminal Activity	<input type="checkbox"/> Other	
9. Total number of background investigations conducted on individuals within households applying to be McGruff Houses during the reporting year? _____
10. Provide the number of individuals who were rejected from participation during the reporting year for each of the reasons listed below.

<input type="checkbox"/> Misdemeanor	<input type="checkbox"/> Felony
<input type="checkbox"/> Drug Offense Conviction	<input type="checkbox"/> Sex Offense Conviction
<input type="checkbox"/> Domestic/Child Abuse Conviction	<input type="checkbox"/> Miscellaneous Conviction
<input type="checkbox"/> Arrest Without Conviction	

Continued on next page.

11. Provide a brief description of each instance where a McGruff House was used by a child in need of assistance during the reporting year.

DATE _____
CIRCUMSTANCES _____

DATE _____
CIRCUMSTANCES _____

DATE _____
CIRCUMSTANCES _____

Use additional sheets if necessary.

12. Please make any general observations or comments about your experience with the McGruff House Program. _____

RETURN BY FEB. 1 TO:
Virginia Crime Prevention Center
Department of Criminal Justice Services
805 E. Broad Street, 10th Floor
Richmond, Virginia 23219

APPENDIX C



Final Regulations

MARINE RESOURCES COMMISSION

NOTE: Effective July 1, 1984, the Marine Resources Commission was exempted from the Administrative Process Act for the purposes of promulgating regulations. However, they are required to publish the full text of final regulations.

Title of Regulation: VR 450-01-9002. Closed Public Oyster Season.

Statutory Authority: §§ 28.1-82 and 28.1-85 of the Code of Virginia.

Effective Date: April 1, 1990 to October 1, 1990

Preamble:

The following order of the Marine Resources Commission closes all public oyster rocks, grounds and shoals within certain designated areas of the Commonwealth in order to promote and protect the oyster fishery.

VR 450-01-9002. Closed Public Oyster Season.

§ 1. Authority, effective date.

A. This order is promulgated pursuant to authority contained §§ 28.1-82 and 28.1-85 of the Code of Virginia.

B. The effective date of this order is April 1, 1990.

§ 2. Purpose.

The purpose of this order is to close all public oyster grounds, rocks, and shoals in the "clean cull" areas of the Commonwealth, except the Jail Island clean cull area of the James River; and all public oyster grounds, rocks, and shoals on the Seaside of Eastern Shore to the taking of oysters in order to conserve the resource and promote the growth of the oysters in these areas.

§ 3. Designated areas.

The following areas in the Commonwealth, where public oyster rocks, grounds, and shoals are located are closed to the taking of oysters:

1. Seaside of Eastern Shore.
2. All "clean cull" areas of the Commonwealth, except the Jail Island clean cull area of the James River.

§ 4. Expiration date.

This order shall terminate on October 1, 1990.

/s/ William A. Pruitt
Date: March 27, 1990

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

REGISTRAR'S NOTICE: This regulation is excluded from Article 2 of the Administrative Process Act in accordance with § 9-6.14:4.1 C 4(c) of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation. The Department of Social Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: VR 615-01-34. Aid to Dependent Children - Unemployed Parent (ADC-UP) Program.

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

Effective Date: October 1, 1990

Summary:

According to the Family Support Act of 1988, Public Law 100-485, states are mandated to implement the Aid to Dependent Children - Unemployed Parent (ADC-UP) Program. All categorical requirements and conditions of eligibility are the same as for the ADC Program unless otherwise specified except that deprivation of a child is due to the unemployment of the principal wage earner parent and the dependent child must be living in a residence where both natural or adoptive parents are residing. The regulation set forth herein assures compliance with federal regulations and laws by implementing the ADC-UP Program for two-parent unemployed families.

VR 615-01-34. Aid to Dependent Children - Unemployed Parent (ADC-UP) 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:*

"Application for assistance" means the date of receipt of a signed, completed application requesting assistance.

"Attachment to the workforce" means the principal wage earner parent received unemployment compensation benefits under an unemployment compensation law of Virginia or of the United States or would have qualified for unemployment compensation under Virginia's Unemployment Compensation Act, or had employment in six or more calendar quarters of work within a 13-consecutive-calendar-quarter period ending within one year of application for assistance.

"Bona fide offer of employment or training" means that there was a definite offer of employment actually made.

"Dependent child" means any child of an unemployed parent, who would be eligible under the Aid to Dependent Children (ADC) Program except for the fact that his parent is not dead, absent from the home, or incapacitated. The child must be living in a place of residence with both natural or adoptive parents.

"Employment Services Program" means a program operated by the Department of Social Services which helps ADC-UP recipients in securing employment or the training or education needed to secure employment.

"Good cause" means the factors which must be considered, such as the capacity of the principal wage earner parent to do the work; the location of the employment and whether transportation is needed and available; applicable minimum wage requirements and customary wages paid for comparable work in the community; or working conditions, such as risks to health and safety or lack of workers' compensation protection.

"Principal wage earner" means the parent in the home who earned the greater amount of income in the 24-month period, the last month of which immediately precedes the month in which an application is filed for assistance.

"Qualified for unemployment compensation" means that the principal wage earner parent would have been eligible to receive benefits had he applied, based on wages covered under the Unemployment Compensation Act of Virginia, wages not covered under the Unemployment Compensation Act of Virginia, or a combination of both.

"Quarter of work" means a period of three consecutive calendar months ending March 31, June 30, September 30, or December 31 in which the principal wage earner parent earned at least \$50 or participated in the Employment Services Program (ESP).

"Sibling" means two or more children with at least one natural or adoptive parent in common.

"Unemployed" means employed less than 100 hours a month; or exceeds that standard for a particular month if his work is intermittent and the excess is of a temporary nature as evidenced by the fact that he was under the 100-hour standard for two prior months and is expected to be under the standard during the next month.

PART II. HOUSEHOLD COMPOSITION.

§ 2.1. Aid to Dependent Children - Unemployed Parent (ADC-UP) Program is limited to those families with a dependent child who is residing with both natural or adoptive parents, who would be eligible for assistance through the Aid to Dependent Children (ADC) Program except that he is not deprived due to the continued absence, death or incapacity of at least one parent, but due to the unemployment of the parent.

§ 2.2. Any sibling of a child who is deprived based on the unemployment of a parent, who is himself deprived based on the continued absence or death of a parent will be included in the ADC-UP assistance unit.

PART III. DEPRIVATION.

§ 3.1. The dependent child is deprived due to the unemployment of the principal wage earner parent. The principal wage earner parent is that parent who earned the greater amount of income in the 24-month period, the last month of which immediately precedes the month in which an application is filed for assistance and the principal wage earner parent:

1. Has been unemployed for at least 30 days prior to receipt of assistance, and
2. Has not without good cause, within such 30-day period prior to receipt of assistance, refused a bona fide offer of employment or training, and
3. Has an attachment to the work force as evidenced by receipt of unemployment compensation benefits or would have qualified for unemployment compensation benefits within one year prior to application for assistance, or had six quarters of work within a 13-consecutive-calendar-quarter period ending within one year of application for assistance, and
4. Has not refused to apply for or accept unemployment compensation which he qualified for under the Unemployment Compensation Act of Virginia or of the United States.

PART IV. FINANCIAL ELIGIBILITY.

§ 4.1. Unemployment compensation received by a principal wage earner parent shall be considered only by subtracting it from the amount of the assistance payment after the payment has been determined under the Commonwealth's payment method.

PART V. EMPLOYMENT SERVICES.

§ 5.1. In addition to sanctioning a parent who fails or refuses to participate in the Employment Services Program (ESP), the needs of the other parent will also not be taken into account in determining the family's eligibility and the amount of assistance if the other parent is not participating in ESP.

PART VI. DATE OF ENTITLEMENT.

§ 6.1. The date of entitlement shall not begin before the principal wage earner parent has been unemployed for at least 30 days.

Final Regulations



COMMONWEALTH of VIRGINIA

JOAN W. SMITH
REGISTRAR OF REGULATIONS

VIRGINIA CODE COMMISSION
General Assembly Building

POST OFFICE BOX 443
RICHMOND, VIRGINIA 23208
(804) 786-2591

May 1, 1990

Larry D. Jackson, Commissioner
Department of Social Services
8007 Discovery Drive
Richmond, Virginia 23229

Re: VR 615-01-34. Aid to Dependent Children - Unemployed Parent
(ADC-UP) Program

Dear Mr. Jackson:

This will acknowledge receipt of the above-referenced regulations from the Department of Social Services.

As required by § 9-6.14:4.1 C.4. (c) of the Code of Virginia, I have determined that these regulations are exempt from the operation of Article 2 of the Administrative Process Act since they do not differ materially from those required by Federal law.

Sincerely,

Joan W. Smith
Registrar of Regulations

JWS:sl1

EMERGENCY REGULATIONS

DEPARTMENT OF HISTORIC RESOURCES (BOARD OF)

Title of Regulation: Emergency Regulations of the Virginia Board of Historic Resources Governing Permits for the Archaeological Excavation of Human Remains.

Statutory Authority: § 10.1-2300 et seq. of the Code of Virginia.

Effective Dates: April 16, 1990 through April 15, 1991

Preface:

The purpose of these regulations is to implement provisions of the Virginia Antiquities Act, §§ 10.1-2300 through 2306 of the Code of Virginia, until such time as final regulations may be promulgated by the Virginia Board of Historic Resources.

Section 10.1-2305 of the Code of Virginia states:

It shall be unlawful for any person to conduct any type of archaeological field investigation involving the removal of human skeletal remains or associated artifacts from any unmarked human burial regardless of age on an archaeological site and regardless of ownership without first receiving a permit from the Director [of the Department of Historic Resources].

Furthermore, the Board is directed to promulgate regulations to implement § 10.1-2305 of the Code. Such regulations must provide for:

1. Appropriate public notice prior to issuance of a permit;
2. Appropriate treatment of excavated remains;
3. The scientific quality of the research conducted on the remains; and
4. The appropriate disposition of the remains upon completion of the research.

The purpose of this regulation is to implement the provisions of § 10.1-2305 until such time as final regulations are promulgated by the Board. In the interim there are or may be situations in which human burials which have or may have scientific or historic significance are threatened with immediate and unavoidable destruction. Threats include human actions, including development projects or construction, and natural processes, such as floods or erosion. In others, remains are encountered unexpectedly. In still other cases, testing must be performed in order to determine whether remains are present. This regulation is intended to be restricted solely to those situations where failure to initiate a scientific investigation immediately would result in the irreversible loss of significant information. Such

situations include but are not limited to:

1. Construction projects where avoidance or delays are not possible or would constitute major hardships; and
2. Sites where natural processes such as floods or erosion threaten destruction.

Accordingly, the Board finds that an emergency exists and that the promulgation of emergency regulations implementing § 10.1-2305 will address the emergency until regulations addressing all aspects of the excavation of human burials may be promulgated.

In accordance with § 9-6.14:4.1.C.6 of the Virginia Administrative Process Act, the Board, through the Director of the Department, will receive, consider, and respond to petitions by any interested party at any time with respect to reconsideration or revision of these emergency regulations.

These regulations will become effective upon their filing with the Registrar of Regulations, pursuant to § 9-6.14:9 of the Code of Virginia, and shall expire not later than twelve months thereafter, unless sooner superseded by permanent regulations adopted pursuant to the Administrative Process Act.

Emergency Regulations of the Virginia Board of Historic Resources Governing Permits for the Archaeological Excavation of Human Remains.

PART I. DEFINITIONS.

Unless the context clearly indicates otherwise, the following words and terms shall have the following meanings:

"Archaeological site" means a geographic area on dry land that contains any evidence of human activity which is or may be the source of important historic, scientific, archaeological or educational data to objects, regardless of age.

"Board" means the Virginia Board of Historic Resources.

"Department" means the Virginia Department of Historic Resources.

"Director" means the Director of the Department of Historic Resources.

"Emergency" means a situation in which human burials which have or may have scientific or historic significance are threatened with immediate and unavoidable destruction. Threats include human actions, including development projects or construction, and natural processes, such as floods or erosion. An emergency may exist regardless of whether the human remains are

Emergency Regulations

encountered unexpectedly, or may reasonably be anticipated or suspected.

"Field Investigation" means the study of the traces of human culture at any site by means of surveying, sampling, excavating, or removing surface or subsurface material, or going on a site with that intent.

"Person" means any natural individual, partnership, association, corporation, or other legal entity.

PART II. APPLICABILITY.

§ 2.0. This regulation shall apply to any person who conducts any field investigation involving the removal of human remains or associated artifacts from any unmarked human burial on an archaeological site. This regulation also applies if archaeological investigations are undertaken as part of a court-approved removal of a cemetery.

PART III. PERMIT APPLICATION.

§ 3.0. Any person intending to conduct any field investigation involving or which may reasonably be anticipated to involve the removal of human remains or associated artifacts from any unmarked human burial on an archaeological site shall first obtain a permit from the Director.

§ 3.1. Application for a permit shall be in such form as required by the Director, but shall include the following:

- A. A statement detailing goals and objectives of the project and proposed research strategy;
- B. Qualifications of the applicant to complete the proposed work;
- C. A statement describing the specific threats facing the human skeletal remains or associated artifacts;
- D. A statement describing the proposed disposition of the remains upon completion of the research.

§ 3.2. The application shall be signed by the person who will conduct the field investigation and the owner of the property upon which the field investigation will occur, if different.

PART IV. PUBLIC COMMENT.

§ 4.0. Upon receiving notice from the Director that the permit application is complete, the applicant shall publish or cause to be published a notice in a newspaper of general circulation in the area where the field investigation will occur. The notice shall be of a form approved by the Director and shall invite interested persons to express their views on the proposed field

investigation to the Director by a date certain prior to the issuance of the permit. Such notice shall be published once each week for four consecutive weeks.

§ 4.1. Prior to the issuance of a permit, the Director may elect to hold a public meeting on the permit application. The purpose of the public meeting shall be to obtain public comment on the proposed field investigation.

§ 4.2. If in the opinion of the Director the severity of the emergency is such that compliance with the above public notice requirements may result in the loss of significant information, the Director may issue a permit prior to completion of the public notice and comment requirements. In such cases the applicant shall provide for such public notice and comment as determined by the Director to be appropriate under the circumstances.

PART V. ISSUANCE OR DENIAL OF PERMIT.

§ 5.0. Upon completion of the public comment period, the Director shall decide whether to issue the permit. The Director may issue a permit only upon a finding that an emergency exists or where the excavation is otherwise required by law. In the event the Director received no adverse public comment, no further action is required prior to decision.

§ 5.1. The Director shall consider any adverse comment received and evaluate it in the light of severity of the emergency and the amount of scientific information which may be lost in the event no permit is issued. He may also take such comments into account in establishing any conditions of the permit.

§ 5.2. In the event the Director proposes to deny a permit application, the Director shall conduct an informal conference in accordance with §§ 9-6.14:11 of the Administrative Process Act.

§ 5.3. In making his decision on the permit application, the Director shall balance the following:

- A. The level of threat facing the human skeletal remains;
- B. The appropriateness of the goals, objectives, research design, and qualifications of the applicants to complete the proposed research in a scientific fashion. The Director shall consider the Standards and Guidelines of the United States Secretary of the Interior for Archaeology and Historic Preservation, set out at 48 Fed. Reg. 44716 (September 29, 1983), in determining the appropriateness of the proposed research and applicants;

- C. Comments received from the public; and
- D. The appropriateness of the proposed disposition of remains upon completion of the research. Final disposition of remains under these regulations may be subject to

additional or different requirements in subsequent regulations promulgated by the Board.

§ 5.4. The permit shall contain such conditions which, in the judgment of the Director, will protect the excavated human remains or associated artifacts.

§ 5.5. A permit shall be valid for a period of time to be determined by the Director as appropriate under the circumstances.

§ 5.6. Upon his own initiative, or upon the request of any interested party, the Director may revoke any permit issued under these regulations for good cause shown. Such revocation shall be in accordance with the provisions of the Administrative Process Act.

PART VI. EXCAVATIONS BY THE DEPARTMENT.

§ 6.0. The Director may perform or cause to be performed a field investigation without a permit. The Director shall comply with the public notice and comment provisions described above.

PART VII. APPEALS.

§ 7.0. Any interested party may appeal the Director's decision to issue a permit or to act directly to excavate human remains to the local circuit court in accordance with § 10.1-2305.E of the Code of Virginia.

It is so ordered.

By: /s/ Hugh C. Miller
Director
Date: March 23, 1990

Approved by: /s/ Elizabeth H. Haskell
Secretary of Natural Resources
Date: March 28, 1990

Approved by: /s/ Lawrence Douglas Wilder
Governor of the Commonwealth
Date: April 13, 1990

Filed with: /s/ Ann M. Brown
Deputy Registrar of Regulations
Date: April 16, 1990 - 3:03 p.m.

STATE CORPORATION COMMISSION

STATE CORPORATION COMMISSION

NOTICE TO THE PUBLIC

The STATE CORPORATION COMMISSION OF VIRGINIA will consider adopting proposed changes to its SECURITIES ACT RULES. The purpose of the proposed changes is to implement or conform the Rules to the Securities Act amendments passed during the 1990 session of the General Assembly. The proposed changes, which will affect broker-dealers, agents of broker-dealers, investment advisors and investment advisor representatives, are:

(1) To change Rules 200, 208, 215, 1000 and 1100 by incorporating therein the new provisions of Code Section 13.1-505 I permitting the Commission, under certain circumstances, to extend the time by which it must act on an application for registration as a broker-dealer, an agent, an investment advisor or an investment advisor representative.

(2) To change Rule 305, Prohibited Business Conduct by broker-dealers and agents, to clarify that a violation thereof can serve as the basis for the imposition of a monetary penalty, for the denial of or refusal to renew an application for registration, or for revocation of a registration.

(3) To add Rule 401.1, which will permit, under certain circumstances, the refunding of a portion of the fees paid in connection with securities registration statements filed by unit investment trusts.

(4) To add Rule 505, which will provide a securities registration exemption, pursuant to new paragraph (14) of Code Section 13.1-514(a), for certain securities issued by foreign issuers.

(5) To add Rule 1301, which will permit investment advisors, under certain circumstances, to be compensated based on the performance of the funds under contract.

It is anticipated that the foregoing proposals will become effective July 1, 1990. Copies of the proposed changes are available from the Division of Securities and Retail Franchising, P.O. Box 1197, Richmond, Virginia 23209, (804) 786-7751. Written comments are invited. Any interested person who files objections to the proposed changes will, if so requested, be afforded an opportunity to present evidence and be heard. Comments and requests must be received by May 23, 1990. They should be sent to the State Corporation Commission, Document Control Center, P.O. Box 2118, Richmond, Virginia 23216, and should make reference to Case No. SEC900034. Interested persons who file objections and request to be heard will be notified of the date, time and place of the hearing.

ARTICLE II

BROKER-DEALERS, BROKER-DEALER AGENTS AND

AGENTS OF THE ISSUER

Registration, Expiration, Renewal, Updates and Amendments, Termination, Changing Connection, Merger or Consolidation, Examinations/Qualification, Financial Statements and Reports

BROKER-DEALERS

Rule 200 Application for Registration as a Broker-Dealer

- A. Application for registration as a broker-dealer shall be filed with the Commission at its Division of Securities and Retail Franchising and/or such other entity designated by the Commission on and in full compliance with forms prescribed by the Commission and shall include all information required by such forms.
- B. An application shall be deemed incomplete for purposes of applying for registration as a broker-dealer unless the following executed forms, fee and information are submitted to the Commission:
1. Form BD (adopted by Rule 800).
 2. Statutory fee payable to the Treasurer of Virginia in the amount of \$200.00 pursuant to Section 13.1-505 F of the Act.
 3. All items included on the Virginia Supplemental Sheet to Form BD.
 4. A signed and executed Agreement for Inspection of Records form.
 5. A copy of the firm's written supervisory procedures. Sole proprietorships are excluded.
 6. Financial statements required by Rule 207.
 7. Evidence of exam requirements for principals required by Rule 206.
 8. Any other information the Commission may require.
- C. The Commission shall either grant or deny each application for registration within thirty (30) days after it is filed, ~~but this period may be extended if additional time is required for formal hearing on the application.~~ *However, if additional time is needed to obtain or verify information regarding the application, the Commission may extend such period as much as ninety days by giving written notice to the applicant. No more than three such extensions may be made by the Commission on any one application. An extension of the initial thirty-day period, not to exceed ninety days, shall be granted upon written request of the applicant.*

BROKER-DEALER AGENTS

State Corporation Commission

Rule 208 Application for Registration as a Broker-Dealer Agent

- A. Application for registration as a *NASD member broker-dealer agent* shall be filed on and in compliance with all requirements of the NASAA/NASD Central Registration Depository system and in full compliance with the RULES prescribed by the Commission. The application shall include all information required by such forms.
- B. An application shall be deemed incomplete for purposes of applying for registration as a broker-dealer agent unless the following executed forms, fee and information are submitted:
1. Form U-4 (adopted by Rule 800).
 2. The statutory fee in the amount of \$30.00. The check must be made payable to the NASD.
 3. Provide evidence in the form of a NASD exam report of obtaining a minimum passing grade of 70% on the Uniform Securities Agent State Law Exam, "USASLE", Series 63 exam. (Rule 214)
 4. Any other information the Commission may require.
- C. Application for registration for all *other broker-dealer agents* shall be filed on and in compliance with all requirements and forms prescribed by the Commission.
- D. An application shall be deemed incomplete for purposes of applying for registration as a broker-dealer agent unless the following executed forms, fee and information are submitted:
1. Form U-4 (adopted by Rule 800).
 2. The statutory fee in the amount of \$30.00. The check must be made payable to the Treasurer of Virginia.
 3. Provide evidence in the form of a NASD exam report of obtaining a minimum passing grade of 70% on the Uniform Securities Agent State Law Exam, "USASLE", Series 63 exam. (Rule 214)
 4. Any other information the Commission may require.
- E. The Commission shall either grant or deny each application for registration within thirty (30) days after it is filed ; ~~but this period may be extended if additional time is required for formal hearing on the application . However, if additional time is needed to obtain or verify information regarding the application, the Commission may extend such period as much as ninety days by giving written notice to the applicant. No more than three such extensions may be made by the Commission on any one application. An extension~~

of the initial thirty-day period, not to exceed ninety days, shall be granted upon written request of the applicant.

Rule 209 Expiration

The registration, and any renewals thereof, of a broker-dealer agent shall expire annually at midnight on the thirty-first day of December unless renewed in accordance with Rule 210.

AGENTS OF THE ISSUER

Rule 215 Application for Registration as an Agent of the Issuer

- A. Application for registration as an agent of the issuer shall be filed on and in compliance with all requirements and forms prescribed by the Commission.
- B. An application shall be deemed incomplete for purposes of applying for registration as an agent of the issuer unless the following executed forms, fee and information are submitted:
1. Form U-4.
 2. The statutory fee in the amount of \$30.00. The check must be made payable to the Treasurer of Virginia.
 3. Completed Agreement for Inspection of Records Form.
 4. Provide evidence in the form of a NASD exam report of obtaining a minimum passing grade of 70% on the Uniform Securities Agent State Law Exam, "USASLE", Series 63 exam. (Rule 221)
 5. Any other information the Commission may require.
- C. The Commission shall either grant or deny each application for registration within thirty (30) days after it is filed ; ~~but this period may be extended if additional time is required for formal hearing on the application . However, if additional time is needed to obtain or verify information regarding the application, the Commission may extend such period as much as ninety days by giving written notice to the applicant. No more than three such extensions may be made by the Commission on any one application. An extension of the initial thirty-day period, not to exceed ninety days, shall be granted upon written request of the applicant.~~

Rule 216 Expiration

The registration, and any renewals thereof, of an agent of the issuer shall expire annually at midnight on the thirty-first day of December unless renewed in

State Corporation Commission

accordance with Rule 217.

Rule 305 Prohibited Business Conduct

A. *No broker-dealer shall:*

1. Engage ~~ing~~ in a pattern of unreasonable and unjustifiable delays in the delivery of securities purchased by any of its customers and/or in the payment upon request of free credit balances reflecting completed transactions of any of its customers.
2. Induce ~~ing~~ trading in a customer's account which is excessive in size or frequency in view of the financial resources and character of the account;
3. Recommend ~~ing~~ to a customer the purchase, sale or exchange of any security without reasonable grounds to believe that the recommendation is suitable for the customer based upon reasonable inquiry concerning the customer's investment objectives, financial situation and needs, and any other relevant information known by the broker-dealer;
4. Execute ~~ing~~ a transaction on behalf of a customer without authority to do so;
5. Exercise ~~ing~~ any discretionary power in effecting a transaction for a customer's account without first obtaining written discretionary authority from the customer, unless the discretionary power relates solely to the time and/or price for the execution of orders;
6. Execute ~~ing~~ any transaction in a margin account without securing from the customer a properly executed written margin agreement promptly after the initial transaction in the account;
7. Fail ~~ing~~ to segregate customers' free securities or securities held in safekeeping;
8. Hypothecate ~~ing~~ a customer's securities without having a lien thereon unless the broker-dealer secures from the customer a properly executed written consent promptly after the initial transaction, except as permitted by Rules of the Securities Exchange Commission;
9. Enter ~~ing~~ into a transaction with or for a customer at a price not reasonably related to the current market price of a security or receiving an unreasonable commission or profit;
10. Fail ~~ing~~ to furnish to a customer purchasing securities in an offering, no later than the date of confirmation of the transaction, either a final prospectus or a preliminary prospectus and an additional document, which together include all information set forth in the final prospectus;
11. Introduce ~~ing~~ customer transactions on a "fully disclosed" basis to another *broker-dealer* that is not exempt under Section 13.1-514(b)(7) of the Act;
12. Charge ~~ing~~ unreasonable and inequitable fees for services performed, including miscellaneous services such as collection of monies due for principal, dividends or interest, exchange or transfer of securities, appraisals, safekeeping, or custody of securities and other services related to its securities business;
13. Offer ~~ing~~ to buy from or sell to any person any security at a stated price unless such broker-dealer is prepared to purchase or sell, as the case may be, at such price and under such conditions as are stated at the time of such offer to buy or sell;
14. Represent ~~ing~~ that a security is being offered to a customer "at a market" or a price relevant to the market price unless such broker-dealer knows or has reasonable grounds to believe that a market for such security exists other than that made, created or controlled by such broker-dealer, or by any person for whom he is acting or with whom he is associated in such distribution, or any person controlled by, controlling or under common control with such broker-dealer;
15. Effect ~~ing~~ any transaction in, or induce ~~ing~~ the purchase or sale of, any security by means of any manipulative, deceptive or fraudulent device, practice, plan, program, design or contrivance, which may include but not be limited to:
 - a. Effecting any transaction in a security which involves no change in the beneficial ownership thereof;
 - b. Entering an order or orders for the purchase or sale of any security with the knowledge that an order or orders of substantially the same size, at substantially the same time and substantially the same price, for the sale of any security, has been or will be entered by or for the same or different parties for the purpose of creating a false or misleading appearance of active trading in the security or a false or misleading appearance with respect to the market for the security; provided, however, nothing in this subsection shall prohibit a broker-dealer from entering bona fide agency cross transactions for its customers;
 - c. Effecting, alone or with one or more other persons, a series of transactions in any security creating actual or apparent active trading in such security or raising or depressing the price of such security, for the purpose of inducing the purchase or sale of such security by others;
16. Guarantee ~~ing~~ a customer against loss in any

State Corporation Commission

securities account of such customer carried by the broker-dealer or in any securities transaction effected by the broker-dealer with or for such customer;

17. Publishing or circulating, or causing to be published or circulated, any notice, circular, advertisement, newspaper article, investment service, or communication of any kind which purports to report any transaction as a purchase or sale of any security unless such broker-dealer believes that such transaction was a bona fide purchase or sale of such security; or which purports to quote the bid price or asked price for any security, unless such broker-dealer believes that such quotation represents a bona fide bid for, or offer of, such security;

18. Using any advertising or sales presentation in such a fashion as to be deceptive or misleading. An example of such practice would be a distribution of any nonfactual data, material or presentation based on conjecture, unfounded or unrealistic claims or assertions in any brochure, flyer, or display by words, pictures, graphs or otherwise designed to supplement, detract from, supersede or defeat the purpose or effect of any prospectus or disclosure;

19. Failing to make reasonably available upon request to any person expressing an interest in a solicited transaction in a security, not listed on a registered securities exchange or quoted on an automated quotation system operated by a national securities association approved by regulation of the Commission, a balance sheet of the issuer as of a date within eighteen months of the offer and/or sale of the issuer's securities and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, the names of the issuer's proprietor, partners or officers, the nature of the enterprises of the issuer and any available information reasonably necessary for evaluating the desirability or lack of desirability of investing in the securities of an issuer. All transactions in securities described in this subsection shall comply with the provisions of Section 13.1-507 of the Act;

20. Failing to disclose that the broker-dealer is controlled by, controlling, affiliated with or under common control with the issuer of any security before entering into any contract with or for a customer for the purchase or sale of such security, the existence of such control to such customer, and if such disclosure is not made in writing, it shall be supplemented by the giving or sending of written disclosure at or before the completion of the transaction;

21. Failing to make a bona fide public offering of all of the securities allotted to a broker-dealer for distribution, whether acquired as an underwriter, a

selling group member, or from a member participating in the distribution as an underwriter or selling group member; or

22. Failing or refusing to furnish a customer, upon reasonable request, information to which the customer is entitled, or to respond to a formal written request or complaint.

B. The following conduct by an agent is deemed unsuitable and shall be grounds for denial of an application for registration as an agent filed under Section 13.1-505 of the Act:

No agent shall:

1. Engaging in the practice of lending or borrowing money or securities from a customer, or acting as a custodian for money, securities or an executed stock power of a customer;

2. Effecting any securities transactions not recorded on the regular books or records of the broker-dealer which the agent represents, unless the transaction is authorized in writing by the broker-dealer prior to execution of the transaction;

3. Establishing or maintaining an account containing fictitious information in order to execute a transaction which would otherwise be unlawful or prohibited;

4. Sharing directly or indirectly in profits or losses in the account of any customer without the written authorization of the customer and the broker-dealer which the agent represents;

5. Dividing or otherwise splitting the agent's commissions, profits or other compensation from the purchase or sale of securities in this state with any person not also registered as an agent for the same broker-dealer, or for a broker-dealer under direct or indirect common control; or

6. Engaging in conduct specified in subsection A.2., 3., 4., 5., 6., 10., 15., 16., 17., or 18. of this Rule.

C. The conduct set forth above is not inclusive. Engaging in other conduct such as forgery, embezzlement, non-disclosure, incomplete disclosure or misstatement of material facts, or manipulative or deceptive practices shall also be grounds for denial of an application for registration filed under Section 13.1-505 of the Act.

C. Engaging in or having engaged in conduct specified in subsection A or B of this Rule or other conduct such as forgery, embezzlement, non-disclosure, incomplete disclosure or misstatement of material facts, or manipulative or deceptive practices shall be grounds under the Act for imposition of a penalty, denial of a

State Corporation Commission

pending application or refusal to renew or revocation of an effective registration. The following conduct by a broker-dealer is deemed unsuitable and shall be grounds for denial of an application for registration as a broker-dealer filed under Section 13.1-505 of the Act:

- D. Engaging in or having engaged in the conduct specified in subsection A., in the case of a broker-dealer, or subsection B., in the case of an agent, of this Rule shall be grounds for the institution of a proceeding under Section 13.1-506 of the Act to revoke or to refuse to renew the registration of such broker-dealer or agent.

Proposed New Rule

Rule 401.1 Refund of Fees Paid by Unit Investment Trusts

- A. A unit investment trust (or sponsor who acted on behalf of such trust) which has paid a fee pursuant to Section 13.1-509 of the Act may obtain a refund of that portion of the fee paid in excess of \$400 if all of the following conditions are satisfied:
1. A Request for Refund Affidavit (form S.A.10) and the information specified in subsection A.2. of this Rule are filed with the Commission at its Division of Securities and Retail Franchising within sixty (60) days of the Virginia effective date of the registration statement related to the offering for which the refund is requested.
 2. A list containing the following information is filed within the time period specified in subsection A.1. of this Rule:
 - a. The names and addresses of all persons who purchased units of the trust pursuant to offers or sales made in the Commonwealth.
 - b. The date of purchase, number of units purchased and gross purchase price paid by each of the persons referred to in paragraph a., above.
 3. The amount of the refund due is \$25 or more.
- B. The refundable portion of a fee is that part of the fee which exceeds \$400 less 1/20 of one percent of the amount, if any, by which sales in the Commonwealth pursuant to the offering exceeded \$800,000.
- C. The provisions of this Rule shall apply to fees paid on and after July 1, 1990. S.A. 10 (7/90)

S.A. 10 (7/90)

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
Division of Securities and Retail Franchising.

REQUEST FOR REFUND AFFIDAVIT
(Unit Investment Trust)

State/Commonwealth of _____

County/City of _____, to wit:

1. Name of Trust _____

2. Address _____

3. Name of Sponsor (if applicable) _____

Address _____

4. Contact Person _____

5. Telephone Number (_____) _____

6. Virginia Effective Date of the Trust's Registration Statement _____

7. Date Offering Closed _____

8. Amount of Fee which Accompanied Registration Statement \$ _____

9. Aggregate Amount of Sales in Virginia Pursuant to the Offering \$ _____

10. Amount of Fee Due Based on Actual Sales in Virginia (Aggregate Amount of Sales x 0.0005; \$400 minimum) \$ _____

11. Amount of Refund Due (subtract item 10 from item 8; if result is less than \$25, no refund will be made) \$ _____

1. Refund Check should be sent to Trust Sponsor

Under penalty of perjury, I state that I have examined the foregoing information and that to the best of my knowledge, it is true, correct and complete.

Date _____, 19____

Name of Trust or Sponsor

By _____
Printed Name Signature of Person Authorized to Sign on Behalf of Trust or Sponsor

Subscribed and sworn to before me, a Notary Public, this _____ day of _____, 19____.

Notary Public

My commission expires: _____ (SEAL)

Proposed New Rule

RULE 505 FOREIGN ISSUER

In accordance with Section 13.1-514 (a) (14) of the Act, any equity or debt security issued by an issuer organized under the laws of any foreign country is exempted from the securities registration requirements of the Act provided the following criteria are met:

A. With respect to an equity security:

1. The security is listed for trading on or through the facilities of a foreign securities exchange or a recognized foreign securities market and has been trading on such exchange or market for at least six months;
2. Daily quotations for both bid and asked or last sale prices for the security provided by the foreign securities exchange or foreign securities market on which the security is traded are continuously available to U. S. broker-dealers in the United States pursuant to an electronic quotation system;
3. The aggregate market value of shares, the ownership of which is unrestricted, is not less than \$1 billion;
4. The average weekly trading volume of such security during the preceding six months is either at least 200,000 shares or \$1 million;
5. The issuer or a predecessor in interest has been in existence for at least five years; and

B. With respect to a debt security:

1. It is part of an original issue having a principal amount of at least \$100 million outstanding;
2. The issuer is not in default on the principal or interest payments of the issue;
3. The issue is rated in one of the two highest rating categories by a nationally recognized statistical rating service; and
4. The issuer or any predecessor in interest has been in existence for at least five years.

State Corporation Commission

Proposed New Rule

RULE 505 FOREIGN ISSUER

In accordance with Section 13.1-514 (a) (14) of the Act, any equity or debt security issued by an issuer organized under the laws of any foreign country is exempted from the securities registration requirements of the Act provided the following criteria are met:

A. With respect to an equity security:

1. The security is listed for trading on or through the facilities of a foreign securities exchange or a recognized foreign securities market and has been trading on such exchange or market for at least six months;
2. Daily quotations for both bid and asked or last sale prices for the security provided by the foreign securities exchange or foreign securities market on which the security is traded are continuously available to U. S. broker-dealers in the United States pursuant to an electronic quotation system;
3. The aggregate market value of shares, the ownership of which is unrestricted, is not less than \$1 billion;
4. The average weekly trading volume of such security during the preceding six months is either at least 200,000 shares or \$1 million;
5. The issuer or a predecessor in interest has been in existence for at least five years; and

B. With respect to a debt security:

1. It is part of an original issue having a principal amount of at least \$100 million outstanding;
2. The issuer is not in default on the principal or interest payments of the issue;
3. The issue is rated in one of the two highest rating categories by a nationally recognized statistical rating service; and
4. The issuer or any predecessor in interest has been in existence for at least five years.

ARTICLE X

INVESTMENT ADVISOR REGISTRATION, EXPIRATION, RENEWAL, UPDATES AND AMENDMENTS, TERMINATION AND MERGER OR CONSOLIDATION

Rule 1000 Application for Registration as an Investment Advisor

- A. Application for registration as an investment advisor shall be filed with the Commission at its Division of Securities and Retail Franchising or such other entity designated by the Commission on and in full compliance with forms prescribed by the Commission and shall include all information required by such forms.
- B. An application shall be deemed incomplete for purposes of applying for registration as an investment advisor unless the following executed forms, fee and information are submitted:
 1. Form ADV.
 2. The statutory fee in the amount of \$200.00. The check must be made payable to the Treasurer of Virginia.
 3. Signed and executed Agreement for Inspection of Records.
 4. Any other information the Commission may require.
- C. The Commission shall either grant or deny each application for registration within thirty days after it is filed ; but this period may be extended if additional time is required for formal hearing on the application . However, if additional time is needed to obtain or verify information regarding the application, the Commission may extend such period as much as ninety days by giving written notice to the applicant. No more than three such extensions may be made by the Commission on any one application. An extension of the initial thirty-day period, not to exceed ninety days, shall be granted upon written request of the applicant.

ARTICLE XI

INVESTMENT ADVISOR REPRESENTATIVE REGISTRATION, EXPIRATION, UPDATES AND AMENDMENTS, TERMINATION, AND CHANGING CONNECTION FROM ONE INVESTMENT ADVISOR TO ANOTHER

Rule 1100 Application for Registration as an Investment Advisor Representative

- A. Application for registration as an investment advisor representative shall be filed on and in compliance with all requirements of the NASAA/NASD Central Registration Depository system and in full compliance with forms prescribed by the Commission. The application shall include all information required by such forms.
- B. An application shall be deemed incomplete for purposes of applying for registration as an investment advisor representative unless the following executed forms, fee and information are submitted:

1. Form U-4.
 2. The statutory fee in the amount of \$30.00. The check must be made payable to the NASD.
 3. Any other information the Commission may require.
- C. The Commission shall either grant or deny each application for registration within thirty (30) days after it is filed ; but this period may be extended if additional time is required for formal hearing on the application . However, if additional time is needed to obtain or verify information regarding the application, the Commission may extend such period as much as ninety days by giving written notice to the applicant. No more than three such extensions may be made by the Commission on any one application. An extension of the initial thirty-day period, not to exceed ninety days, shall be granted upon written request of the applicant.

Proposed New Rule

Rule 1301 Performance Based Fees

- A. In accordance with Section 13.1-503 C of the Act, an investment advisor may enter into, extend, or renew any investment advisory contract to provide for compensation to the investment advisor on the basis of a share of the capital gains upon, or the capital appreciation of, the funds or any portion of the funds of a client, provided that the following conditions of this Rule are satisfied.

B. Nature of the client.

1. a. The client entering into the contract subject to this Rule must be a natural person or a company, as defined in paragraphs B.2. and F.1. of this Rule, who immediately after entering into the contract has at least \$500,000 under the management of the investment advisor; or

b. A person who the registered investment advisor (and any person acting on his behalf) entering into the contract reasonably believes, immediately prior to entering into the contract, is a natural person or a company, as defined in paragraphs B.2. and F.1. of this Rule, whose net worth at the time the contract is entered into exceeds \$1,000,000. (The net worth of a natural person may include assets held jointly with such person's spouse.)
2. The term "company" as used in paragraph B.1. of this Rule does not include
 - a. A private investment company, as defined in paragraph F.2. of this Rule;
 - b. An investment company registered under the Investment Company Act of 1940; or

- c. A business development company, as defined in section 202 (a) (22) of the Investment Advisers Act of 1940, (unless each of the equity owners (other than the investment advisor entering into a contract under the Rule) of any such company is a natural person or company described in this paragraph B.).
- C. Compensation formula. The compensation paid to the advisor under this Rule with respect to the performance of any securities over a given period shall be based on a formula which:

1. Includes, in the case of securities for which market quotations are readily available, the realized capital losses and unrealized capital depreciation of the securities over the period;
2. Includes, in the case of securities for which market quotations are not readily available,
 - a. The realized capital losses of the securities over the period and
 - b. If the unrealized capital appreciation of the securities over the period is included, the unrealized capital depreciation of the securities over the period; and
3. Provides that any compensation paid to the advisor under this Rule is based on the gains less the losses (computed in accordance with paragraphs C.1. and 2. of this Rule) in the client's account for a period of not less than one year.

- D. Disclosure. In addition to the disclosure requirements of Form ADV, the advisor shall disclose to the client, or the client's independent agent, prior to entering into an advisory contract permitted by this Rule, all material information concerning the proposed advisory arrangement including the following:

1. That the fee arrangement may create an incentive for the advisor to make investments that are riskier or more speculative than would be the case in the absence of a performance fee;
2. Where relevant, that the advisor may receive increased compensation with regard to unrealized appreciation as well as realized gains in the client's account;
3. The time period which will be used to measure investment performance throughout the term of the contract and its significance in the computation of the fee;
4. The nature of any index which will be used as a comparative measure of investment performance, the significance of the index, and the reason the advisor believes the index is appropriate; and

State Corporation Commission

5. Where an advisor's compensation is based on the unrealized appreciation of securities for which market quotations are not readily available, how such securities will be valued and the extent to which the valuation will be independently determined.

E. Arms-Length Contract. The investment advisor (and any person acting on its behalf) who enters into the contract must reasonably believe, immediately prior to entering into the contract, that the contract represents an arm's-length arrangement between the parties and that the client (or in the case of a client which is a company as defined in paragraph F.1. of this Rule, the person, representing the company), alone or together with the client's independent agent, understands the proposed method of compensation and its risks. The representative of a company may be a partner, director, officer or an employee of the company or the trustee, where the company is a trust, or any other person designated by the company or trustee, but must satisfy the definition of client's independent agent set forth in paragraph F.4. of this Rule.

F. Definitions. For the purpose of this Rule:

1. The term "company" has the same meaning as in section 202 (a) (5) of the Investment Advisers Act of 1940.

2. The term "private investment company" means a company which would be defined as an investment company under section 3 (a) of the Investment Company Act of 1940 but for the exception provided from that definition by section 3 (c) (1) of such Act.

3. The term "affiliate" has the same meaning as in section 2 (a) (3) of the Investment Company Act of 1940.

4. The term "client's independent agent" means any person agreeing to act as the client's agent in connection with the contract other than:

a. The investment advisor acting in reliance upon this Rule, an affiliated person of the investment advisor, an affiliated person of an affiliated person of the investment advisor, or an interested person of the investment advisor as defined in paragraph F.5. of this Rule;

b. A person who receives, directly or indirectly, any compensation in connection with the contract from the investment advisor, an affiliated person of the investment advisor, an affiliated person of an affiliated person of the investment advisor or an interested person of the investment advisor as defined in paragraph F.5. of this Rule; or

c. A person with any material relationship between himself (or an affiliated person of such person) and the investment advisor (or an affiliated person of the investment advisor) that exists, or has existed at any time during the previous two years.

5. The term "interested person" as used in paragraph F.4. of this Rule means:

a. Any member of the immediate family of any natural person who is an affiliated person of the investment advisor;

b. Any person who knowingly has any direct or indirect beneficial interest in, or who is designated as trustee, executor, or guardian of any legal interest in, any security issued by the investment advisor or by a controlling person of the investment advisor if the beneficial or legal interest of the person in any security issued by the investment advisor or by a controlling person of the investment advisor

i. exceeds one tenth of one percent of any class of outstanding securities of the investment advisor or a controlling person of the investment advisor; or

ii. exceeds 5% of the total assets of the person (seeking to act as the client's independent agent); or

c. Any person or partner or employee of any person who at any time since the beginning of the last two years has acted as legal counsel for the investment advisor.

6. a. The term "securities for which market quotations are readily available" in paragraph C. of this Rule has the same meaning as in Rule 2a-4 (a) (1) under the Investment Company Act of 1940 (17 CFR 270.2a-4 (a) (1)).

b. The term "securities for which market quotations are not readily available" in paragraph C. of this Rule means securities not described in paragraph F.6.a. of this Rule

* * * * *

AT RICHMOND, APRIL 17, 1990

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. PUC890014

Ex Parte: In the matter of
allocating costs pursuant to
Paragraph 22 of the Experimental
Plan for Alternative Regulation
of Virginia Telephone Companies

State Corporation Commission

ORDER DIRECTING FILING OF COST ALLOCATION MANUALS AND SPECIFYING REQUISITES FOR APPROVAL

By Order of November 27, 1989 (Revision Order), the Commission established a procedure for each participating local exchange company (LEC) to revise its Cost Allocation Manual (CAM) filed during October 1989 in order to comply with the Principles and Guidelines the Commission adopted in its Order of July 21, 1989. Comments on those revisions were invited by the Commission's Order of January 26, 1990 (Comment Order).

Only two parties, AT&T Communications of Virginia, Inc. (AT&T) and MCI Telecommunications Corporation of Virginia (MCI) submitted comments. The Staff Report filed March 30, 1990, reflects that the Staff incorporated the pertinent concerns of AT&T and MCI into its discussions with LECs and, as a result, resolved those concerns. Those comments are addressed at pp. 13-14 of the Staff Report. The Commission has considered those comments and concluded that they are properly embodied in the CAM revisions agreed to by the Staff and the LECs.

The Staff Report lists, at Attachments 4-8, the issues that were discussed pursuant to the Revision Order. The great majority of those issues have been resolved and need only to be included with the CAM revisions to be filed pursuant to this order. The Staff Report summarizes the few unresolved issues at pp. 6-7, stating both the Companies' and the Staff's positions. Attachments 9-11 contain the written responses of C&P, Contel, and United concerning those issues.

Having considered the Company responses and the position of the Staff, the Commission is of the opinion that C&P, Contel, and United, in order to comply with the Principles and Guidelines adopted in the Order of July 21, 1989, must, with one exception, revise their CAMs in the manner urged by the Staff. C&P must revise its CAM to include Paragraph 22 allocation methods for actually competitive inside wire costs and Yellow Pages costs. Contel must revise its CAM to develop its general allocator without removal of Yellow Pages revenue and expenses. United must revise its CAM to include Paragraph 22 allocation methods for its actually competitive inside wire costs.

Concerning the one exception, the Commission has determined that the Staff and the five LECs have misconstrued the Commission's intent on classifying certain services under Appendix A to the Experimental Plan. The Commission's intent was to classify all Billing and Collection activities except Denial for Non-payment (DNP), Automatic Number Identification (ANI), and recording as actually competitive. All five companies must revise their CAMs to achieve the Commission's objective of treating all processing, rendering, inquiry, and related activities as actually competitive. The capabilities for DNP, ANI and recording must be treated as basic monopoly services.

The CAMs of Centel and GTE South will be approved when filed in conformance with the above Billing and Collection directive and with the revisions noted in Attachments 4 and 7, respectively, of the Staff Report. The CAMs of C&P, Contel, and United will be approved when filed with the revisions specified above together with the revisions listed in Attachments 5, 6, and 8, respectively, of the Staff Report. This approval is subject to the condition that the 1989 Annual Informational Filings (AIFs) demonstrate a reasonable assignment of costs to actually competitive services. The Staff will assist the Commission in carefully scrutinizing the 1989 AIFs and if the results are not reasonable, the Commission will direct appropriate CAM revisions. Accordingly,

IT IS THEREFORE ORDERED:

(1) That each company perform the CAM revisions directed above, making no revisions other than those specified, and file those revisions within fourteen (14) days of this order;

(2) That within ninety (90) days of filing those revisions, each company submit to the Commission Staff its allocation studies and file with the Document Control Center its AIF for the evaluation of 1989 earnings; and

(3) That this matter is continued generally while the results produced by the CAMs are studied and the 1989 AIF's are evaluated.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to each certificated interexchange carrier operating in Virginia as set out in Attachment A attached hereto; to the Division of Consumer Counsel, Office of the Attorney General, 101 North 8th Street, 6th Floor, Richmond, Virginia 23219; Jean Ann Fox, President, Virginia Citizens Consumer Council, 114 Coachman Drive, Tabb, Virginia 23602; Dellon E. Coker, Chief, Regulatory Law Office, U. S. Army Legal Services, Agency, JALS-RL 5611 Columbia Pike, Falls Church, Virginia 22041-5013; Ronald B. Mallard, Director, Department of Consumer Affairs, County of Fairfax, 3959 Pender Drive, Fairfax, Virginia 22030; Mr. Gerald T. Kowasic, P.O. Box 642, Locust Grove, Virginia 22508; Mr. Charles R. Smith, Hello, Inc., 2315 West Broad Street, Richmond, Virginia 23220; Sue D. Blumenfeld, Esquire, and Mary P. Jaffe, Esquire, attorneys for Cable and Wireless Communications, Inc., 3 Lafayette Center, 1155 21st Street, N.W., Washington, D.C. 20036; Andrew D. Lipman, Esquire, and Russell M. Blau, Esquire, attorneys for DAVID Systems, Inc., 3000 K Street, N.W., 3rd Floor, Washington, D.C. 20007; Laura Burley, Cable and Wireless Communications, Inc., 1919 Gallows Road, Vienna, Virginia 22180; Nancy J. Rollin, Manager, Legal and Regulatory Department, MCI Telecommunications Corporation, 601 South 12th Street, Arlington, Virginia 22202; Warner F. Brundage, Jr., Esquire, C&P Telephone Company, 600 East Main Street, P.O. Box 27241, Richmond, Virginia 23261; Dallas H. Reid, Director, Regulatory Industry Relations, Contel of Virginia, Inc., 1108 East Main Street, Suite 1108, Richmond, Virginia

State Corporation Commission

23219; Elizabeth R. Johnson, Government and Industry Relations Manager, Central Telephone Company of Virginia, 2307 Hydraulic Road, P.O. Box 6788, Charlottesville, Virginia 22906; Warren C. Sanders, Director, Government Affairs, United Intermountain Telephone Company, 1001 East Broad Street, Richmond, Virginia 23219; N. L. Farmer, Director - Revenue and Earnings Management, GTE South, P.O. Box 1412, 4100 North Roxboro Road, Durham, North Carolina 27702; Wilma R. McCarey, Esquire, AT&T Communications, 3201 Jermantown Road, Room 3A2, Fairfax, Virginia 22030-2087; Rita A. Barmann, Esquire, U. S. Sprint Communications Company, 1850 M Street, N.W., Washington, D.C. 20036; and Richard Gabel, Virginia Citizens Consumer Council, 3401 South Utah Street, Arlington, Virginia 22206; to the Commission's Office of General Counsel; and to the Commission's Divisions of Communications, Accounting and Finance, and Economic Research and Development.

ATTACHMENT A

INTER-EXCHANGE CARRIERS

Mr. Gregory F. Allen, Vice President
AT&T Communications of Virginia
Three Flint Hill
3201 Jermantown Road, Room 3B
Fairfax, Virginia 22030-2885

Mr. Robert S. Yeago, President
CF-W Network, Inc.
P.O. Box 2008
Staunton, Virginia 24401

Mr. James R. Newell, Manager
Citizens Telephone Cooperative
Oxford Street
P.O. Box 137
Floyd, Virginia 24091

Mr. Dallas Reid
Contel of Virginia, Inc.
1108 East Main Street, Suite 1108
Richmond, Virginia 23219

Ms. Mary Rouleau
Institutional Communications Company - Virginia
2000 Corporate Ridge
McLean, Virginia 22102

Mr. William F. Marmon, Jr.
MCI Telecommunications Corp. of Virginia
Mid-Atlantic Division
1200 South Hayes Street
Arlington, Virginia 22202

Mr. Allen Layman, Executive Vice President
Roanoke & Botetourt Telephone Company
P.O. Box 174
Daleville, Virginia 24083

Mr. Christopher E. French
President & General Manager
Shenandoah Telephone Company
P.O. Box 459
Edinburg, Virginia 22824

Peter H. Reynolds, Director
SouthernNet of Va., Inc.
780 Douglas Road, Suite 800
Atlanta, Georgia 30342

Ms. Laura Burley, Manager
Regulatory Affairs
TDX Systems, Inc.
1919 Gallows Road
Vienna, Virginia 22180

Mr. Rodney Blythe
Regulatory Affairs Manager
U.S. Sprint Communications Company
2002 Edmund Halley Drive
Reston, Virginia 22090

Mr. Kevin J. Duane, Manager
Rates, Tariffs, Agreements
ITT Communications Services of Virginia, Inc.
100 Plaza Drive
Secaucus, New Jersey 07096

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Alcoholic Beverage Control Board intends to consider amending regulations entitled: **VR 125-01-1 through VR 125-01-7. Regulations of the Virginia Alcoholic Beverage Control Board.** The purpose of the proposed action is to receive information from industry, the general public and licensees of the board concerning adopting, amending or repealing the board's regulations.

NOTICE TO THE PUBLIC

A. Pursuant to the Virginia Alcoholic Beverage Control Board's "Public Participation Guidelines for Adoption or Amendment of Regulations" (VR 125-01-1, Part V of the Regulations of the Virginia Alcoholic Beverage Control Board), the board will conduct a public meeting on June 21, 1990, at 10 a.m. in its Hearing Room, First Floor, A.B.C. Board, Main Offices, 2901 Hermitage Road, Richmond, Virginia, to receive comments and suggestions concerning the adoption, amendment or repeal of board regulations. Any group or individual may file with the board a written petition for the adoption, amendment or repeal of any regulation. Any such petition shall contain the following information, if available.

1. Name of petitioner.
2. Petitioner's mailing address and telephone number.
3. Recommended adoption, amendment or repeal of specific regulation(s).
4. Why is change needed? What problem is it meant to address?
5. What is the anticipated effect of not making the change?
6. Estimated costs and/or savings to regulate entities, the public, or others incurred by this change as compared to current regulations.
7. Who is affected by recommended changes? How affected?
8. Supporting documents.

The board may also consider any other request for

regulatory changes at its discretion. All petitions or requests for regulatory change should be submitted to the board no later than April 12, 1990.

B. The board will also be appointing an Ad Hoc Advisory Panel consisting of persons on its general mailing list who will be affected by or interested in the adoption, amendment or repeal of board regulations. This panel will study requests for regulatory changes, make recommendations, and suggest actual draft language for a regulation, if it concludes a regulation is necessary. Anyone interested in serving on such panel should notify the undersigned by April 12, 1990, requesting that their name be placed on the general mailing list.

C. Petitions for regulatory change and requests to be appointed to the Ad Hoc Advisory Panel should be sent to Robert N. Swinson, Secretary to the Board, 2901 Hermitage Road, Richmond, Virginia 23220 or may be faxed (804) 367-8249 if the original paperwork is also mailed.

D. Entities affected: (1) all licensees (manufacturers, wholesalers, importers, retailers) and (2) the general public.

Statutory Authority: §§ 4-7(1), 4-11, 4-36, 4-69, 4-69.2, 4-72.1, 4-98.14, 4-103(b) and 9-6.14:1 et seq. of the Code of Virginia.

Written comments may be submitted until 10 a.m., June 21, 1990.

Contact: Robert N. Swinson, Secretary to the Board, P. O. Box 27491, Richmond, VA 23261, telephone (804) 367-0616

DEPARTMENT OF COMMERCE

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Commerce intends to consider amending regulations entitled: **VR 190-05-1. Virginia Asbestos Licensing Regulations.** The purpose of the proposed action is to amend the current regulations to include requirements created by legislative action.

Statutory Authority: § 54.1-501 of the Code of Virginia.

Written comments may be submitted until October 15, 1990.

Contact: Peggy J. Wood, Assistant Director, 3600 W. Broad

General Notices/Errata

St., Richmond, VA 23230, telephone (804) 367-8595, SCATS 367-8595 or toll-free 1-800-552-3106

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Commerce intends to consider amending regulations entitled: **Regulations of the Board for Contractors**. The purpose of the proposed action is to amend and adopt regulations pertaining to the practice of contracting. These regulations shall be consistent with statutes effective January 1, 1991.

Statutory Authority: § 54.1-1102 of the Code of Virginia.

Written comments may be submitted until July 2, 1990.

Contact: Kelly G. Ragsdale, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8557, SCATS 367-8557, or toll-free 1-800-552-3016

DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department for the Deaf and Hard-of-Hearing intends to consider amending regulations entitled: **VR 245-02-01. Regulations Governing Eligibility Standards and Application Procedures for the Distribution of Telecommunications Equipment**. The purpose of the proposed action is to ensure confidentiality of all information contained in TAP applications and update regulations to include expansion of services.

Statutory Authority: § 63.1-85.4 of the Code of Virginia.

Written comments may be submitted until July 23, 1990.

Contact: Kathy E. Vesley, Deputy Director, 101 N. 14th St., 7th Floor, Richmond, VA 23219-3678, telephone (804) 225-2570/TDD ☎ or toll-free 1-800-552-7917/TDD ☎

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department for the Deaf and Hard-of-Hearing intends to consider amending regulations entitled: **VR 245-03-01. Regulations Governing Interpreter Services for the Hearing Impaired**. The purpose of the proposed action is to (i) include language authorizing the agency to assess a registration fee for Quality Assurance Screening; (ii) include a confidentiality clause; and (iii) amend the appeal procedure.

Statutory Authority: § 63.1-85.4 of the Code of Virginia.

Written comments may be submitted until July 23, 1990.

Contact: Kathy E. Vesley, Deputy Director, 101 N. 14th St., 7th Floor, Richmond, VA 23219-3678, telephone (804) 225-2570/TDD ☎ or toll-free 1-800-552-7917/TDD ☎

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Funeral Directors and Embalmers intends to consider amending regulations entitled: **Regulations on Preneed Funeral Planning**. The purpose of the proposed action is to promulgate regulations for the practice of preneed funeral sales and arrangements by licensees of the Board of Funeral Directors and Embalmers. Committee meetings on the development of the regulations are as follows: 5/23/90 at 4 p.m.; 6/4/90 at 9 a.m.; 6/17/90 in Charlottesville, Va. (tentative); 10/3/90 at 9 a.m.

Statutory Authority: § 54.1-2803 10 of the Code of Virginia.

Written comments may be submitted until September 28, 1990.

Contact: Meredyth P. Partridge, Executive Director of the Board, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9941

BOARD OF HISTORIC RESOURCES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Historic Resources intends to consider promulgating regulations entitled: **Regulations Governing Permits for the Archaeological Excavation of Human Burials**. The purpose of the proposed action is to implement the Virginia Antiquities Act, § 10.1-2305 of the Code of Virginia governing the issuance of permits for the archaeological excavation of unmarked human burials. This permitting process will affect any persons or entities who conduct any type of archaeological field investigation involving the removal of human remains or associated artifacts from any unmarked human burial. It will also affect any such removal involving archaeological investigation as part of a court-approved removal of a cemetery.

Regulatory and legal alternatives and constraints have not been fully investigated, but will be included as part of the regulation development process. Comment on such alternatives and constraints should be mailed to the contact person listed below. Applicable laws and regulations include but are not limited to §§ 10.1-2300 through 10.1-2306, 57-38.1 and 57-39 of the Code of Virginia, copies of which can be obtained from the

Department of Historic Resources listed below. Draft regulations should be completed for review by the Board of Historic Resources in August, and for public comment beginning in September 1990. A public meeting to receive reviews and comments, and to answer questions about the proposed action will be held on Thursday, May 17, 1990, at 1 p.m. in Senate Room 4 of the Virginia State Capitol, Richmond, Virginia.

Statutory Authority: § 10.1-2305 of the Code of Virginia.

Written comments may be submitted until June 1, 1990.

Contact: M. Catherine Slusser, State Archaeologist, Department of Historic Resources, 221 Governor St., Richmond, VA 23219, telephone (804) 786-3143

LOTTERY BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Lottery Board intends to consider amending regulations entitled: **VR 447-02-1. Instant Game Regulations.** The purpose of the proposed action is to allow lottery retailers to return instant lottery tickets for credit prior to the announced end of the games, and clarify when a claim form is required to redeem prizes.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Written comments may be submitted until May 21, 1990.

Contact: Barbara L. Robertson, Lottery Staff Officer, State Lottery Department, 2021 W. Broad St., Richmond, VA 23220, telephone (804) 367-9433

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Lottery Board intends to consider amending regulations entitled: **VR 447-02-2. On-Line Game Regulations.** The purpose of the proposed action is to allow lottery retailers two methods to cancel a lottery ticket and to clarify when a claim form is required to redeem prizes.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Written comments may be submitted until July 25, 1990.

Contact: Barbara L. Robertson, Lottery Staff Officer, State Lottery Department, 2021 W. Broad St., Richmond, VA 23220, telephone (804) 367-9433

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medical Assistance Services intends to consider amending regulations entitled: **Restoration of Income and Resource Methodologies.** The purpose of the proposed action is to restore the more restrictive income and resource budget methodologies based on the 4th Circuit Court of Appeals stay of the District Court's injunction.

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

Written comments may be submitted until 4:30 p.m., May 18, 1990, to Ann E. Cook, Acting Director, Division of Policy and Research, Department of Medical Assistance Services, Suite 1300, 600 E. Broad St., Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medical Assistance Services intends to consider amending regulations entitled: **Obstetric/Pediatric Maximum Payments.** The purpose of the proposed action is to conform the state plan to the requirements of the Omnibus Budget Reconciliation Act of 1989 § 6402 which required the inclusion of specific payment amounts.

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

Written comments may be submitted until 4:30 p.m., May 18, 1990, to C. Mack Brankley, Director, Division of Client Services, Department of Medical Assistance Services, Suite 1300, 600 E. Broad St., Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medical Assistance Services intends to consider amending regulations entitled: **Federally Qualified Health Centers.** The purpose of the proposed action is to conform the state plan to the requirements of the Omnibus Budget Reconciliation Act of 1989 § 6404 which required cost reimbursement for certain federally qualified health centers.

General Notices/Errata

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

Written comments may be submitted until 4:30 p.m., May 18, 1990, to William R. Blakely, Jr., Director, Division of Cost Settlement and Audit, Department of Medical Assistance Services, Suite 1300, 600 E. Broad St., Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933

BOARD OF MEDICINE

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medicine intends to consider amending regulations entitled: **VR 465-01-01. Public Participation Guidelines.** The purpose of the proposed action is to amend § 2.2 E, Petition for Rule Making, to address re-petitions for same issues submitted to the board.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until June 7, 1990.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9925

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medicine intends to consider amending regulations entitled: **VR 465-02-01. Practice of Medicine, Osteopathy, Podiatry, Chiropractic, Clinical Psychology and Acupuncture.** The purpose of the proposed action is to amend §§ 7.1 A - Examination Licensure Fees, 7.1 B - Fees for Examination in Podiatry, 3.1 - Examination General B to establish requirements for examinations to practice chiropractic and podiatry.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until June 7, 1990.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9925

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medicine intends to consider amending regulations entitled: **VR 465-03-01. Regulations Governing the Practice of Physical**

Therapy. The purpose of the proposed action is to amend §§ 3.1 C, 3.2 A 1 and 2, and 3.2 B to address the new licensure examination process.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until June 7, 1990.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9925

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medicine intends to consider promulgating regulations entitled: **VR 465-09-01. Regulations for Certification of Radiologic Technology Practitioners.** The purpose of the proposed action is to establish requirements for certification and regulation of the radiologic technology practitioner in the Commonwealth of Virginia by the Board of Medicine.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until June 7, 1990.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9925

BOARD OF NURSING

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Nursing intends to consider amending regulations entitled: **VR 495-01-1. Board of Nursing Regulations.** The purpose of the proposed action is to amend requirements for instructional personnel by establishing standards for licensed practical nurses who teach nurse aides pursuant to changes in §§ 54.1-3000 and 54.1-3005 enacted during the 1990 Session of the General Assembly.

Statutory Authority: §§ 54.1-2400 and 54.1-3005 of the Code of Virginia.

Written comments may be submitted until June 7, 1990.

Contact: Corinne F. Dorsey, R.N., Executive Director, Board of Nursing, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9909

PESTICIDE CONTROL BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's

public participation guidelines that the Pesticide Control Board intends to consider promulgating regulations entitled: **Regulations Governing the Storage and Disposal of Pesticides and Pesticide Containers**. The purpose of the proposed action is to establish regulations governing procedures for regulating the storage and disposal of pesticides and pesticide containers.

Statutory Authority: § 3.1-249.30 of the Code of Virginia.

Written comments may be submitted until June 10, 1990.

Contact: Marvin A. Lawson, Program Manager, Virginia Department of Agriculture and Consumer Services, Office of Pesticide Management, P.O. Box 1163, Room 401, 1100 Bank St., Richmond, VA 23209, telephone (804) 371-6559

BOARD OF PSYCHOLOGY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Psychology intends to consider amending regulations entitled: **VR 565-01-2. Regulations Governing the Practice of Psychology**. The purpose of the proposed action is to be consistent with the board's Public Participation Guidelines inviting comment on all existing regulations as part of the board's biennial review of rules. The board is considering modifications to its existing regulations dealing with supervision of technical assistants, filing dates to commence residency on prerequisite to licensing, definitions, classifications, fees, general requirements, previous experience, internship and course requirements, out-of-state applicants, examination scheduling, reexaminations, reapplying, deferrals by candidate, technical assistant requirements and duties, standards of practice, and grounds for revocation, suspension or denial of renewal of license.

This Notice of Intended Regulatory Action is an extension of the Notice of Intent first published on February 12, 1990.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until May 10, 1990.

Contact: Evelyn B. Brown, Executive Director, Board of Psychology, 1601 Rolling Hills Dr., Suite 200, Richmond, VA 23229-5005, telephone (804) 662-9913

VIRGINIA RACING COMMISSION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Racing Commission intends to consider promulgating regulations

entitled: **Racing Officials: Duties, Qualifications and Responsibilities. Permit Holders: Duties, Qualifications and Responsibilities**. The purpose of the proposed action is to set forth duties, qualifications and responsibilities of racing officials and permit holders for pari-mutuel horse racing in Virginia.

Statutory Authority: § 59.1-364 of the Code of Virginia.

Written comments may be submitted until May 12, 1990.

Contact: William H. Anderson, Regulatory Coordinator, Virginia Racing Commission, P. O. Box 1123, Richmond, VA 23209, telephone (804) 371-7363

DEPARTMENT OF REHABILITATIVE SERVICES (BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Rehabilitative Services intends to consider promulgating regulations entitled: **State Plan for the State Vocational Rehabilitation Services Program and the State Supported Employment Services Program**. The purpose of the proposed action is to update state activities under the State Vocational Rehabilitation Services Program authorized under Title I of the Rehabilitation Act of 1973, as amended, and the State Supported Employment Services Program authorized under Title VI Part C of the Act covering fiscal year 1991.

Statutory Authority: §§ 51.5-5 and 51.5-14 of the Code of Virginia.

Written comments may be submitted until July 9, 1990.

Contact: Robert J. Johnson, State Plan Coordinator, Department of Rehabilitative Services, 4901 Fitzhugh Ave., P. O. Box 11045, Richmond, VA 23230, telephone (804) 367-6379 or toll-free 1-800-552-5019

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Social Services intends to consider amending regulations entitled: **VR 615-01-32. Aid to Dependent Children (ADC) Program - Deprivation Due to Continued Absence**. The purpose of the proposed action is to revise the continued absence component of the deprivation policy to discontinue the use of a monetary percentage of need in evaluating the provision of maintenance by absent parents. This revision will bring policy into compliance with the permanent injunction enjoining the use of a monetary percentage of need to evaluate the provision of maintenance that was

General Notices/Errata

issued by the Western District of Virginia, U.S., District Court.

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

Written comments may be submitted until May 23, 1990, to I. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229-8699.

Contact: Peggy Friedenber, Agency Regulatory Coordinator, Bureau of Governmental Affairs, Division of Planning and Program Review, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217 or SCATS 662-9217

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 630-10-31. Virginia Retail Sales and Use Tax Regulation: Dealer's Returns and Payment of the Tax.** The purpose of the proposed action is to replace the current 3.0% dealers discount with a sliding scale discount that ranges from 2.0% to 4.0% based upon dealers monthly sales volume.

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

Written comments may be submitted until May 15, 1990.

Contact: Janie E. Bowen, Director, Tax Policy Division, P.O. Box 6-L, Richmond, VA 23282, telephone (804) 367-8010 or SCATS 367-8010

GENERAL NOTICES

VIRGINIA HEALTH PLANNING BOARD

† Notice to the Public

On March 26, 1990, the Virginia Health Planning Board promulgated **Regulations for Designating Regional Health Planning Agencies (VR 359-02-03)**. In accordance with Article 2, § 3.2 Applications for Designation, the Virginia Health Planning Board will accept applications for designation of Regional Health Planning Agencies in each of the regions described in **Regulations for Designating Health Planning Regions (VR 359-01-01)**, Part III, § 3.1 Initial Regions. Applications must be submitted not later than 5:00 p.m. on the thirtieth days following the publication of this notice in the Virginia Register. Forms may be obtained from Raymond O. Perry, Director, Office

of Planning and Regulatory Services, Virginia Department of Health, 109 Governor St., 1010 James Madison Bldg., Richmond, VA 23219, (804) 786-6970.

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: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

FORMS:

NOTICE OF INTENDED REGULATORY ACTION - RR01
NOTICE OF COMMENT PERIOD - RR02
PROPOSED (Transmittal Sheet) - RR03
FINAL (Transmittal Sheet) - RR04
EMERGENCY (Transmittal Sheet) - RR05
NOTICE OF MEETING - RR06
AGENCY RESPONSE TO LEGISLATIVE OR GUBERNATORIAL OBJECTIONS - RR08
DEPARTMENT OF PLANNING AND BUDGET (Transmittal Sheet) - DPBRR09

Copies of the Virginia Register Form, Style and Procedure Manual may also be obtained at the above address.

ERRATA

DEPARTMENT OF AIR POLLUTION CONTROL

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

Publication: 6:13 VA.R. 1930-1944 March 26, 1990

Correction to the Final Regulation:

Page 1944, first column, subdivision A 5 should read as follows:

"...under §§ 120-04-0304 D and 120-05-0304 D;"

BOARD OF PHARMACY

Title of Regulation: **VR 530-01-02. Regulation for Practitioners of the Healing Arts to Sell Controlled Substances.**

General Notices/Errata

Publication: 6:14 V.A.R. 2111-2118 April 9, 1990

Correction to the Final Regulation:

Page 2115, § 4.3 B, line 3 should read:

"...verify its accuracy in all respects by initiating initialing the record..."

The form Inspection Request shown below was inadvertently omitted from publication.

VIRGINIA SOIL AND WATER CONSERVATION BOARD

Title of Regulation: VR 625-02-00. Erosion and Sedement Control Regulation.

Publication: 6:14 V.A.R. 2102-2107 April 9, 1990

Correction to the Proposed Regulation:

Page 2104, under the definition of "subdivision" (line 2), the section number should read:

§ 15.1-465 of the Code of Virginia

COMMONWEALTH OF VIRGINIA
Virginia Board of Pharmacy
1601 Rolling Hills Drive
Richmond, Virginia 23229
(804) 662-9911

INSPECTION REQUEST OF CONTROLLED SUBSTANCES SELLING AREA

(Name of Practitioner/Facility - print or type)

(Street Address)

(City) (State) (Zip Code)

_____ A.M. until _____ P.M.
(Hours of Operation) (Telephone Number)

DESIGNATION OF RESPONSIBLE PRACTITIONER

The practitioner below is designated as the person responsible for the common stock of controlled substances pursuant to Regulation §3.1.

(Designated Practitioner - please print) (Date)

(Signature of Designated Practitioner)

FOR OFFICE USE ONLY

ACKNOWLEDGEMENT OF INSPECTION REQUESTED

(Inspection Date Assigned) (Date)

CALENDAR OF EVENTS

Symbols Key

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

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.

VIRGINIA CODE COMMISSION

EXECUTIVE

BOARD FOR ACCOUNTANCY

May 7, 1990 - 10 a.m. - Public Hearing
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Accountancy intends to repeal existing regulations and adopt new regulations entitled: **VR 105-01-2. Board for Accountancy Regulations.** The board is repealing its current regulations and proposing new regulations to establish the requirements for certification and licensure as a certified public accountant and establish the standards of practice for the professions.

Statutory Authority: § 54.1-201(5) of the Code of Virginia.

Written comments may be submitted until April 30, 1990.

Contact: Roberta L. Banning, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8590 or toll-free 1-800-552-3016 (VA only)

BOARD OF AGRICULTURE AND CONSUMER SERVICES

May 15, 1990 - 1 p.m. - Open Meeting
May 16, 1990 - 9 a.m. - Open Meeting
Washington Building, 1100 Bank Street, Room 204, Richmond, Virginia. ☒

A meeting to (i) review issues relating to legislation, regulations and fiscal matters and (ii) receive reports from the staff of the Department of Agriculture and Consumer Services. The board may consider other matters relating to its responsibilities.

Contact: Roy E. Seward, Secretary to the Board, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 402, Richmond, VA 23219, telephone (804) 786-3501 or 371-6344/TDD ☎

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

May 16, 1990 - 10 a.m. - Public Hearing
Washington Building, 1100 Bank Street, Room 204, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Agriculture and Consumer Services intends to amend regulations entitled: **VR 115-04-04. Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law.** The purpose of the proposed action is to adopt a method of sale and standards of fill, as determined by weight, for clams, mussels, oysters, and other mollusks.

Statutory Authority: § 3.1-926 of the Code of Virginia.

Written comments may be submitted until April 2, 1990.

Contact: J. Alan Rodgers, Bureau Chief, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 402, P. O. Box 1163, Richmond, VA 23209, telephone (804) 786-2476

Pesticide Control Board

May 7, 1990 - 10:30 a.m. - Public Hearing
Washington Building, 1100 Bank Street, Board Room, Room 204, 2nd Floor, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Pesticide Control Board intends to amend regulations entitled: **VR 115-04-03. Rules and Regulations for the Enforcement of the Virginia Pesticide Law.** The purpose of the proposed amendments is to repeal § 23, "Records" and § 26, "Evidence of Financial Responsibility" of the aforementioned regulation as a part of the development of VR 115-04-22, Regulations Governing

Calendar of Events

Licensing of Pesticide Businesses Under Authority of Virginia Pesticide Control Act. The Pesticide Control Act provides that current regulations, with provisions related to but different than those proposed, will remain in effect "until repealed by the Pesticide Control Board."

Statutory Authority: §§ 3.1-249.28 and 3.1-249.30 of the Code of Virginia.

Written comments may be submitted until April 30, 1990.

Contact: C. Kermit Spruill, Jr., Director, Division of Product and Industry Regulation, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 403, P. O. Box 1163, Richmond, VA 23209, telephone (804) 786-3523

* * * * *

May 7, 1990 - 10 a.m. - Public Hearing
Washington Building, 1100 Bank Street, Board Room, Room 204, 2nd Floor, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Pesticide Control Board intends to adopt regulations entitled: **VR 115-04-20. Rules and Regulations Governing the Pesticide Fees Charged by the Department of Agriculture and Consumer Services under the Virginia Pesticide Control Act.** The purpose of the proposed regulation is to establish fees to be collected by the Virginia Department of Agriculture and Consumer Services for Pesticide Product Registration, Certified Commercial Applicator Certificates, and Registered Technician Certificates as well as for licensing pesticide businesses. This regulation will establish user fees to fund the management of pesticide programs fully in Virginia as recommended by the Council on the Environment in a report entitled Special Report: Pesticide Management in Virginia (January, 1989), which gave impetus to legislation that became the 1989 Pesticide Control Act.

Statutory Authority: § 3.1-249.30 of the Code of Virginia.

Written comments may be submitted until April 30, 1990.

Contact: C. Kermit Spruill, Jr., Director, Division of Product and Industry Regulation, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 403, P. O. Box 1163, Richmond, VA 23209, telephone (804) 786-3523

* * * * *

May 7, 1990 - 11 a.m. - Public Hearing
Washington Building, 1100 Bank Street, Board Room, Room 204, 2nd Floor, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1

of the Code of Virginia that the Pesticide Control Board intends to adopt regulations entitled: **VR 115-04-21. Public Participation Guidelines of the Pesticide Control Board.** The purpose of the proposed regulation is to establish public participation guidelines, pursuant to § 9-6.14:7.1 of the Code of Virginia, for use by the Pesticide Control Board. This regulation will assure that the public is fully involved in the board's development of regulations.

Statutory Authority: § 3.1-249.30 of the Code of Virginia.

Written comments may be submitted until April 30, 1990.

Contact: C. Kermit Spruill, Jr., Director, Division of Product and Industry Regulation, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 403, P. O. Box 1163, Richmond, VA 23209, telephone (804) 786-3523

* * * * *

May 7, 1990 - 10:30 a.m. - Public Hearing
Washington Building, 1100 Bank Street, Board Room, Room 204, 2nd Floor, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Pesticide Control Board intends to adopt regulations entitled: **VR 115-04-22. Regulations Governing Licensing of Pesticide Businesses Operating Under Authority of Virginia Pesticide Control Act.** The purpose of the proposed regulation is to require an annual business license for persons who sell, recommend for use, store, or apply pesticides in Virginia. (Businesses that sell pesticides in limited quantities primarily for limited household use are exempt from the provisions of this regulation.) This regulation will provide a means of identifying those firms that sell, recommend for use, store, or apply pesticides for hire. It will also provide a system for tracking certified commercial applicators and registered technicians. In addition, the regulation will require that records be kept on storage, sale, recommendation for use, and use of pesticides. The regulation also requires evidence of financial responsibility for all licensed entities, which under current regulations is required only of the certified commercial pesticide applicator.

In part, this regulation will supersede two portions of VR 115-04-03, Rules and Regulations for Enforcement of the Virginia Pesticide Law—specifically § 23, "Records," and § 26, "Evidence of financial responsibility." The adoption, therefore, of this new regulation will require the repeal of these two provisions of the present regulation, a step authorized by the Virginia Pesticide Control Act.

Statutory Authority: § 3.1-249.30 of the Code of Virginia.

Written comments may be submitted until April 30, 1990.

Calendar of Events

Contact: C. Kermit Spruill, Jr., Director, Division of Product and Industry Regulation, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 403, P. O. Box 1163, Richmond, VA 23209, telephone (804) 786-3523

ALCOHOLIC BEVERAGE CONTROL BOARD

May 14, 1990 - 9:30 a.m. - Open Meeting

May 31, 1990 - 9:30 a.m. - Open Meeting

2901 Hermitage Road, Richmond, Virginia. ☒

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

Contact: Robert N. Swinson, Secretary, Alcoholic Beverage Control Board, 2901 Hermitage Rd., P. O. Box 27491, Richmond, VA 23261, telephone (804) 367-0616

ALEXANDRIA LOCAL EMERGENCY PLANNING COMMITTEE

May 9, 1990 - 6 p.m. - Open Meeting

Alexandria Police Department, Roll Call Room, 2003 Mill Road, Alexandria, Virginia

A regular meeting.

Contact: Chap Coleman or Janette Jacobs, Alexandria Local Emergency Planning Committee, Alexandria, VA, telephone (703) 838-3825 or 838-4600

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS

† May 17, 1990 - 9 a.m. - Open Meeting

Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) approve minutes of March 8, 1990, meeting; (ii) review correspondence; (iii) review enforcement files; and (iv) review applications.

Contact: Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA, telephone (804) 367-8514 or toll-free 1-800-552-3016

COMMISSION FOR THE ARTS

May 23, 1990 - 9 a.m. - Open Meeting

May 24, 1990 - 9 a.m. - Open Meeting

Holiday Inn, I-81 and U.S. Route 50, East, Winchester, Virginia. ☒

Quarterly meeting (Grant Round).

Contact: Commission for the Arts, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219-3683, telephone (804) 225-3132

ATHLETIC BOARD

† June 28, 1990 - 10 a.m. - Open Meeting

3600 West Broad Street, Board Room No. 3, Richmond, Virginia. ☒

An annual meeting to discuss regulations pertaining to termination of bout, drug testing of contestants, license fees and age of amateur contestants.

Contact: Doug Beavers, Assistant Director, 3600 W. Broad St., Board Room No. 3, Richmond, VA 23230, telephone (804) 367-8507

BOARD FOR AUCTIONEERS

† May 23, 1990 - 10 a.m. - Open Meeting

Department of Commerce, 3600 West Broad Street, Conference Room One, Fifth Floor, Richmond, Virginia.

The Board for Auctioneers will meet to conduct a formal hearing:

File Numbers 89-01436 and 89-01440 Board for Auctioneers v. Bruce King Stampley.

Contact: Gayle Eubank, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8524

BOARD FOR BARBERS

† May 14, 1990 - 9 a.m. - Open Meeting

Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A meeting to review responses from the request for proposals to administer the barber examination.

Contact: Roberta L. Banning, Assistant Director, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590 or toll-free 1-800-552-3016 (VA only)

CENTRAL VIRGINIA ASAP POLICY BOARD

† May 9, 1990 - 7 p.m. - Open Meeting

Cedar Street, 3009 Old Forest Road, Lynchburg, Virginia. ☒

Spring Policy Board meeting regarding activities of the program and future operations.

Contact: L. T. Townes, Director, P.O. Box 4345 Fort Hill Station, Lynchburg, VA 24502, telephone (804) 528-4073

CHESAPEAKE BAY COMMISSION

May 10, 1990 - 10 a.m. - Open Meeting

May 11, 1990 - 9 a.m. - Open Meeting

Carroll Valley Resort/Conference Center, Carroll Valley, Pennsylvania (10 miles west of Gettysburg on Route 116)

A quarterly meeting to discuss (i) legislation passed during the 1990 General Assembly session, (ii) the commission's FY 91 budget, (iii) point source compliance, (iv) integrated pest management, and (v) the 1990 Farm Bill.

Contact: Ann Pesiri Swanson, Executive Director, 60 West St., Suite 200, Annapolis, MD 21401, telephone (301) 263-3420

CHILD DAY-CARE COUNCIL

† May 10, 1990 - 9 a.m. - Open Meeting

Koger Executive Center, Blair Building, Conference Rooms A and B, 8007 Discovery Drive, Richmond, Virginia. ☒

The Child Day-Care Council will meet to discuss issues, concerns, and programs that impact licensed child care centers.

Contact: Peggy Friedenburg, Legislative Analyst, Office of Governmental Affairs, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217

DEPARTMENT FOR CHILDREN

Advisory Board

May 9, 1990 - 10:30 a.m. - Open Meeting

VDC Conference Room, 805 East Broad Street, 11th Floor, Richmond, Virginia. ☒

A regular meeting.

Contact: Gladys C. Finney, Executive Secretary Senior, Department for Children, 805 E. Broad St., 11th Floor, Richmond, VA 23219, telephone (804) 786-5989 or (804) 786-8732/TDD ☎

Contact: Martha Frickert, Human Resources Developer, Department for Children, 805 E. Broad St., 11th Floor, Richmond, VA 23219, telephone (804) 786-5994

COORDINATING COUNCIL FOR INTERDEPARTMENTAL LICENSURE AND CERTIFICATION OF RESIDENTIAL FACILITIES FOR CHILDREN

May 18, 1990 - 8:30 a.m. - Open Meeting

June 15, 1990 - 8:30 a.m. - Open Meeting

Office of the Coordinator, Interdepartmental Licensure and Certification, 1603 Santa Rosa Drive, Tyler Building, Suite 210, Richmond, Virginia. ☒

A regular scheduled meeting to consider such administrative policy issues as may be presented to the committee. A period for public comment is provided at each meeting.

Contact: John J. Allen, Jr., Coordinator, Interdepartmental Licensure and Certification, Office of the Coordinator, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-7124

BOARD OF COMMERCE

† May 18, 1990 - 2 p.m. - Public Hearing

Holiday Inn Roanoke Airport, 6626 Thirlane Road, Roanoke, Virginia. ☒

† May 24, 1990 - 2 p.m. - Public Hearing

3600 West Broad Street, Fifth Floor, Conference Room 1, Richmond, Virginia. ☒

† June 1, 1990 - 2 p.m. - Public Hearing

VPI Graduate Center, 2990 Telestar Court, Room 342, Falls Church, Virginia. ☒

Under the provisions of SJR 124 of the 1990 General Assembly, the Board of Commerce will conduct a public hearing, in cooperation with the Department of Waste Management, to determine if there exists a need for the regulation of operators of landfills and waste management facilities in Virginia.

May 24, 1990 - 11 a.m. - Open Meeting

Department of Commerce, 3600 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ☒

A regular quarterly meeting to discuss the impact of legislation passed by the 1990 General Assembly and review progress on departmental studies mandated by the General Assembly.

† May 24, 1990 - 2 p.m. - Public Hearing

Holiday Inn Crossroads, 2000 Staples Mill Road, Richmond, Virginia. ☒

† June 1, 1990 - 10 a.m. - Public Hearing

VPI Graduate Center, 2990 Telestar Court, Room 342, Falls Church, Virginia. ☒

† June 11, 1990 - 11 a.m. - Public Hearing

Roanoke Marriott Motor Lodge, 2801 Hershberger Road, N.W., Roanoke, Virginia. ☒

Under the provisions of SJR 55 of the 1990 General Assembly, the Board of Commerce will conduct a public hearing to determine if a need exists for the regulation of private vocational rehabilitation providers

Calendar of Events

in Virginia.

† **May 24, 1990 - 2:30 p.m.** – Public Hearing
Holiday Inn Downtown and Holidome, 814 Capitol Landing
Road, Williamsburg, Virginia. ☒

† **May 18, 1990 - 10 a.m.** – Public Hearing
Holiday Inn Airport, 6626 Thirlane Road, Roanoke,
Virginia. ☒

Under the provisions of HR 5 of the 1990 General
Assembly, the Board of Commerce will conduct a
public hearing to determine the merits of creating a
specially classification, under the Board for
Contractors, for water well drillers in Virginia.

Contact: Alvin D. Whitley, Policy Analyst, Director's Office,
Department of Commerce, 3600 W. Broad St., Richmond,
VA 23230, telephone (804) 367-8564 or toll-free
1-800-552-3016 (ext. 8564)

STATE BOARD FOR COMMUNITY COLLEGES

† **May 16, 1990 - 1 p.m.** – Open Meeting
Northern Virginia Community College, 4001 Wakefield
Chapel Road, Annandale, Virginia.

The State Board for Community Colleges' Academic
and Student Affairs, Audit, and Personnel committee
meetings will be held at 1:45 p.m., and the State
Board Budget and Finance and Facilities committee
meetings will be held at 3:45 p.m.

The State Board will meet at 1 p.m. for a working
session in the President's Board Room at Northern
Virginia Community College, Brault Building, 4001
Wakefield Chapel Road, Annandale, Virginia.

† **May 17, 1990 - 9 a.m.** – Open Meeting
Northern Virginia Community College, President's Board
Room, Brault Building, Annandale, Virginia.

A regular meeting.

Contact: Mrs. Joy Graham, Virginia Community College
System, 101 N. 14th St., Richmond, VA 23219, telephone
(804) 225-2126

COMMUNITY CORRECTIONS RESOURCES BOARD

† **May 15, 1990 - 9 a.m.** – Open Meeting
Shenandoah County Jail, Board of Supervisors' Meeting
Room, Woodstock, Virginia. ☒

A meeting to discuss clients and referrals.

Contact: D. Scott Anderson, CDI Coordinator, 112 S.
Cameron St., Winchester, VA 22601, telephone (804)
665-5633

BOARD ON CONSERVATION AND DEVELOPMENT OF PUBLIC BEACHES

May 9, 1990 - 10:30 a.m. – Open Meeting
Hampton City Hall, 8th Floor, Lawson Conference Room,
Hampton, Virginia. ☒

A meeting to discuss proposals from localities
requesting matching grant funds from the board.

Contact: Jack E. Frye, Shoreline Programs Bureau
Manager, P. O. Box 1024, Gloucester Point, VA 23062,
telephone (804) 642-7121

DEPARTMENT OF CONSERVATION AND RECREATION

May 14, 1990 – 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
Conservation and Recreation intends to adopt
regulations entitled: **VR 215-02-00. Stormwater
Management Regulations.** The purpose of the
proposed regulation is to implement the Stormwater
Management Act, Chapters 467 and 499 of the 1989
Acts of Assembly. The proposed regulations specify
minimum technical criteria and administrative
procedures for stormwater management programs
which local governments are authorized to adopt. State
agencies with land development projects are also
governed by the proposed regulations.

Statutory Authority: §§ 10.1-104 and 10.1-603.4 of the Code
of Virginia.

Written comments may be submitted until May 14, 1990, to
Leon E. App, Executive Assistant, Department of
Conservation and Recreation, 203 Governor Street, Suite
302, Richmond, Virginia 23219.

Contact: Donald R. Vaughan, Supervisor, Urban Programs
Section, Department of Conservation and Recreation, 203
Governor St., Suite 206, Richmond, VA 23219, telephone
(804) 371-7483

Catoctin Creek Scenic River Advisory Board

† **May 11, 1990 - 2 p.m.** – Open Meeting

Eleanor Adams' Farm, 2 1/2 miles north of Waterford on
Route 665, turn right on 673 (dirt, the "Bald Hill Road"),
go east about 1/4 mile, turn right into first farm entrance.
Stone house behind red barns.

A meeting to review issues and programs.

Falls of The James Scenic River Advisory Board

† **May 18, 1990 - 12 noon** – Open Meeting

Calendar of Events

City Hall, Assistant City Manager's Conference Room,
Third Floor, Richmond, Virginia

A meeting to review issues and programs.

Upper James Scenic River Advisory Board

† May 16, 1990 - 12 noon - Open Meeting
Sunnybrook Inn, Hollins, Virginia.

A meeting to review issues and programs.

Rappahannock Scenic River Advisory Board

† May 15, 1990 - 7:30 p.m. - Open Meeting
C.M. Bradley Elementary School, Hasting Lane, Warrington,
Virginia

A meeting to review river issues and programs.

Contact: Richard G. Gibbons, Environmental Program
Manager, Department of Conservation and Recreation, 203
Governor St., Suite 326, Richmond, VA 23219, telephone
(804) 786-4134 or 786-2121/TDD ☎

BOARD OF CONTRACTORS

† May 15, 1990 - 9 a.m. - Open Meeting
3600 West Broad Street, Richmond, Virginia. ☒

A meeting of the committee to reconsider previously
denied claims filed against The Virginia Contractor
Transaction Recovery Act, §§ 54.1-1118 through
54.1-1127 of the Code of Virginia.

Contact: A. R. Wade, Assistant Complaints Administrator,
3600 W. Broad St., Richmond, VA 23230, telephone (804)
367-8561 or toll-free 1-800-552-3016

† May 30, 1990 - 11 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Fifth
Floor, Conference Room One, Richmond, Virginia.

The Board for Contractors will meet to conduct a
formal hearing:

Board for Contractors v. Woodside Design and
Construction, Inc. File Numbers 88-00993 and 88-00758.

Contact: Gayle Eubank, Hearings Coordinator, Department
of Commerce, 3600 W. Broad St., Fifth Floor, Richmond,
VA 23230, telephone (804) 367-8524

BOARD OF CORRECTIONS

May 16, 1990 - 10 a.m. - Open Meeting
June 20, 1990 - 10 a.m. - Open Meeting
Board of Corrections, 6900 Atmore Drive, Board Room,
Richmond, Virginia

A regular monthly meeting.

Contact: Vivian Toler, Secretary of the Board, 6900
Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235

* * * * *

May 16, 1990 - 10 a.m. - Public Hearing
Department of Corrections, 6900 Atmore Drive, 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 adopt regulations entitled: VR 230-30-007.
Supervision Fee - Rules, Regulations and Procedures.
These regulations establish the rules and procedures
for the collection of correctional supervision fees.

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

Written comments may be submitted until June 8, 1990.

Contact: Walter M. Pulliam, Jr., Manager, Board of
Corrections, P. O. Box 26963, Richmond, VA 23261,
telephone (804) 674-3064

DEPARTMENTS OF CORRECTIONS; EDUCATION; MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES; AND SOCIAL SERVICES

May 25, 1990 - 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 Departments of
Corrections; Education; Mental Health, Mental
Retardation and Substance Abuse Services; and Social
Services intends to amend regulations entitled: VR
230-40-001, VR 270-01-003, VR 470-02-01, VR 615-20-02.
**Core Standards for Interdepartmental Licensure and
Certification of Residential Facilities for Children.**
This regulation is designed to assure adequate care,
treatment, and education are provided by residential
facilities for children. The proposed revisions amend
and clarify requirements governing staff supervision of
children.

Statutory Authority: §§ 16.1-311, 22.1-321, 37.1-10, 37.1-182,
53.1-249, 63.1-25, 63.1-196.4, and 63.1-217 of the Code of
Virginia.

Written comments may be submitted until May 25, 1990, to
Rhonda G. Merhout-Harrell, Office of Interdepartmental
Licensure and Certification, 8007 Discovery Drive,
Richmond, Virginia 23229-8699.

Contact: John J. Allen, Jr., Coordinator, Office of the
Coordinator, Interdepartmental Licensure and Certification,
Department of Social Services, 8007 Discovery Dr.,
Richmond, VA 23229, telephone (804) 662-7124

Calendar of Events

BOARD FOR COSMETOLOGY

† May 21, 1990 - 9 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A meeting to: (i) review correspondence; (ii) review applications; (iii) review enforcement cases; and (iv) review board business.

Contact: Roberta L. Banning, Assistant Director, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590 or toll-free 1-800-552-3016 (VA only)

DEPARTMENT OF CRIMINAL JUSTICE SERVICES (BOARD OF)

† August 1, 1990 - 10:30 a.m. - Public Hearing
Charlottesville City Council Chambers, 2nd Floor, 605 East Main Street, Charlottesville, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Criminal Justice Services intends to adopt regulations entitled: **VR 240-02-02. Regulations Governing the Privacy and Security of Criminal History Record Information Checks for Firearm Purchase.** The proposed regulations will ensure the identity, confidentiality and security of all records and data provided by the Department of State Police regarding criminal record checks for firearm purchase.

STATEMENT

Purpose: The attached regulations are drafted pursuant to the provisions of §§ 9-170 21 and 18.2-308.2:2 H of the Code of Virginia, which requires the Department of Criminal Justice Services to promulgate regulations that ensure the identity, confidentiality and security of all data provided by the Department of State Police to firearms dealers throughout the Commonwealth.

Estimated Impact: Number and type of regulated entities affected.

Approximately 3,500 firearms dealers, the Department of State Police and the Department of Criminal Justice Services will be the primary groups affected.

It is estimated that the Department of State Police will incur an annual operating cost of \$467,000 for the Firearms Transaction Program. Additionally, firearms dealers will incur costs for the mailing and storage of forms associated with this program. The costs to firearms dealers will vary based upon the number of sales for the specific types of firearms covered under § 18.2-308.2:2 of the Code of Virginia. However, these costs are not a direct result of the proposed regulations but rather the proposed regulations set forth procedures to ensure compliance with mandated requirements already outlined in the Code of

Virginia. Additionally, it should be noted that annual costs to the Department of State Police are partially offset by fees that are collected for the conducting of the criminal history record information checks.

Projected cost to agency for implementation and enforcement.

1. Costs incurred by the Department of Criminal Justice Services at this time are considered minimal and would primarily involve personnel resources expended in compliance with the Administrative Process Act, applicable Executive Orders and the Department's "Public Participation Guidelines."

2. Enforcement costs: Presently, enforcement activities are occurring for this activity consequently, at this time, no significant increase in costs is anticipated.

Explanation of need and potential consequences that may result in the absence of these regulations.

The proposed regulations contain procedures to guide firearms dealers and Department of State Police personnel in the proper use, maintenance and dissemination of criminal history record information to determine the legal eligibility of prospective firearms purchasers to purchase specified firearms. Illegal and improper dissemination of criminal history record information and illegal firearm sales could result should the regulations not be promulgated.

Statutory Authority: §§ 9-170 21 and 18.2-308.2:2 H of the Code of Virginia.

Written comments may be submitted until July 7, 1990, to Charlotte McClamroch, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219.

Contact: Ms. Paula Scott, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-4000

BOARD OF EDUCATION

† May 24, 1990 - 9 a.m. - Open Meeting
† May 25, 1990 - 9 a.m. - Open Meeting
Conference Rooms D & E, James Monroe Building, 101 North Fourteenth Street, Richmond, Virginia. ☒

† June 28, 1990 - 9 a.m. - Open Meeting
† June 29, 1990 - 9 a.m. - Open Meeting
General Assembly Building, 9th and Broad Streets, Richmond, Virginia. ☒

The Board of Education and the Board of Vocational Education will hold a regularly scheduled meeting. Business will be conducted according to items listed on the agenda. The agenda is available upon request.

Contact: Margaret Roberts, Director, Community Relations Officer, State Department of Education, P.O. Box 6-Q, Richmond, VA 23216, telephone (804) 225-2540

DEPARTMENT OF EDUCATION (STATE BOARD OF)

May 24, 1990 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Education intends to amend regulations entitled: **VR 270-01-0034. Regulations Governing the Operation of Proprietary Schools and Issuing of Agent Permits.** These regulations provide a basis for the oversight of certain privately owned occupational training schools and academic programs for handicapped children.

Statutory Authority: § 22.1-321 of the Code of Virginia.

Written comments may be submitted until April 28, 1990.

Contact: Charles W. Finley, Associate Director, Department of Education, P. O. Box 6-Q, Richmond, VA 23216-2060, telephone (804) 225-2081

LOCAL EMERGENCY PLANNING COMMITTEE FOR FAIRFAX COUNTY, THE CITY OF FAIRFAX, AND THE TOWNS OF HERNDON AND VIENNA

† May 10, 1990 - 10 a.m. - Open Meeting
John C. Wood Municipal Center, 3730 Old Lee Highway, Fairfax, Virginia. ☒

Local emergency preparedness committee meeting as required by SARA Title III.

Contact: David Duncan, 4031 University Dr., Fairfax, VA 22030, telephone (703) 246-4386

DEPARTMENT OF GAME AND INLAND FISHERIES

May 10, 1990 - 9 a.m. - Open Meeting
4010 West Broad Street, Richmond, Virginia. ☒

9 a.m. - Planning committee meeting (executive session only).
noon - Finance committee meeting.
1 p.m. - Wildlife and boat committee meeting.
2 p.m. - Law and education committee meeting.

Committee meeting will begin at 9 a.m. to discuss administrative and related matters appropriate to each committee, which will be reported to the full board at its meeting May 11, 1990.

May 11, 1990 - 9:30 a.m. - Public Hearing

4010 West Broad Street, Richmond, Virginia. ☒

The board will consider action on the proposals regarding changes in the hunting, trapping and boating regulations for the 1990-91 season which resulted from the public hearing held on March 15-16, 1990. The proposed changes pertain to a muzzleloading season for deer and importation of the zebra mussel and certain fish by permit only.

Committee reports will be given. General administrative matters will be considered.

Contact: F. M. Harding, Secretary, 4010 W. Broad St., Richmond, VA 23230, telephone (804) 367-1000/TDD ☎

GATE CITY LOCAL EMERGENCY PLANNING COMMITTEE

† June 12, 1990 - 1:30 p.m. - Open Meeting
County Office Building, Gate City, Virginia. ☒

Meeting of LEPC to present an update of Scott County's position.

Contact: Barbara Edwards, Public Information Officer, 112 Water St., Suite 1, Gate City, VA 24251, telephone (703) 386-6521

BOARD FOR GEOLOGY

May 8, 1990 - 10 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Conference Room 3, Richmond, Virginia. ☒

A meeting to (i) approve minutes from March 12, 1990, meeting; (ii) review applications; (iii) discuss exam; and (iv) review correspondence.

Contact: Peggy J. Wood, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595

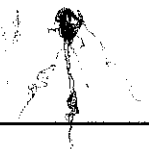
GOVERNOR'S COMMISSION ON EDUCATIONAL OPPORTUNITY FOR ALL VIRGINIANS

† May 14, 1990 - 9:30 a.m. - Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. ☒

A meeting to hear presentations by representatives of statewide organizations with an interest in the issues of pupil, program and fiscal equity.

Contact: Jean Thaxton, Department of Planning and Budget, Ninth Street Office Building, Richmond, VA 23219, telephone (804) 786-6233.

Calendar of Events



GOVERNOR'S JOB TRAINING COORDINATING COUNCIL

† May 21, 1990 - 10:30 a.m. - Open Meeting
Holiday Inn - Crossroads, 2000 Staples Mill Road,
Richmond, Virginia. ☒

A general meeting of the Governor's Job Training Coordinating Council that is open to the public.

Contact: Susan Butler, Executive Secretary, 4615 W. Broad St., The Commonwealth Bldg., Third Floor, Richmond, VA 23230, telephone (804) 367-9816

HAZARDOUS MATERIALS TRAINING COMMITTEE

† May 22, 1990 - 10 a.m. - Open Meeting
Philip Morris U.S.A., Research and Development Center,
4201 Commerce Road, Richmond, Virginia.

A meeting to discuss curriculum, course development, and review existing hazardous materials courses.

Contact: Mr. Larry Logan, Fire and Emergency Services, 3568 Peters Creek Rd., Roanoke, VA 24019, telephone (703) 561-8070

DEPARTMENT OF HEALTH (STATE BOARD OF)

NOTE: EXTENSION OF WRITTEN COMMENT PERIOD
June 30, 1990 - Written comments may be submitted until this date.

The Department of Health has extended the written comment period for "VR 355-11-02. Rules and Regulations Governing the Newborn Screening and Treatment Program."

Contact: Department of Health, 109 Governor St., Suite 400, Richmond, VA 23219, telephone (804) 786-3561

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

† May 22, 1990 - 9:30 a.m. - Open Meeting
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☒

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

Contact: G. Edward Dalton, Deputy Director, 805 E. Broad St., 6th Floor, Richmond, VA 23219, telephone (804) 786-6371/TDD ☎

BOARD FOR HEARING AID SPECIALISTS

May 7, 1990 - 8:30 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street,
Richmond, Virginia. ☒

An open board meeting to (i) administer examinations; (ii) review enforcement cases; (iii) sign certificates; and (iv) consider other matters which require board action.

Contact: Gerald W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534 or toll-free 1-800-552-3016

DEPARTMENT OF HISTORIC RESOURCES

May 17, 1990 - 1 p.m. - Open Meeting
State Capitol, Capitol Square, Senate Room 4, Richmond,
Virginia. ☒

A public meeting to receive reviews of proposed Regulations Governing Permits for Archaeological Excavation of Human Burials.

Contact: M. Catherine Slusser, State Archaeologist, 221 Governor St., Richmond, VA 23219, telephone (804) 786-3143 or (804) 786-1934/TDD ☎

HOPEWELL INDUSTRIAL SAFETY COUNCIL

† June 5, 1990 - 9 a.m. - Open Meeting
Hopewell Community Center, Second and City Point Road,
Hopewell, Virginia. ☒

† July 3, 1990 - 9 a.m. - Open Meeting
Hopewell Community Center, Second and City Point Road,
Hopewell, Virginia. ☒

Local Emergency Preparedness Community meeting on emergency preparedness as required by SARA Title III.

Contact: Robert Brown, Emergency Service Coordinator, 300 N. Main St., Hopewell, VA 23860, telephone (804) 541-2298

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

May 21, 1990 - 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 Housing and Community Development intends to amend regulations entitled: VR 394-01-105. SHARE Expansion Grant/Loan Program. The SHARE Expansion

Grant/Loan Program provides grants and loans for the expansion or creation of emergency shelters, transitional facilities and single room occupancy units.

Statutory Authority: §§ 36-139 and 36-141 et seq. of the Code of Virginia.

Written comments may be submitted until May 21, 1990.

Contact: Irene Clouse, Program Administrator, 205 N. 4th St., Richmond, VA 23219, telephone (804) 786-4661

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† May 15, 1990 - 10 a.m. - Open Meeting
601 South Belvidere Street, Richmond, Virginia. ☒

A regular 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; (iv) may consider and, if appropriate, approve proposed amendments to the Rules and Regulations for Allocation of Low-Income Housing Tax Credits; and (v) will consider such other matters and take such other actions as they may deem appropriate. Various committees of the Board of Commissioners may also meet before or after the regular meeting and consider matters within their purview. 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: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 782-1986

COUNCIL ON INDIANS

† June 6, 1990 - 2 p.m. - Open Meeting
Upper Mattaponi Tribal Center, Route 30 South, King William County, Virginia.

A regular meeting of the Council on Indians to conduct general business and to receive reports from the council standing committees.

Contact: Mary Zoller, Information Director, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9285

COUNCIL ON INFORMATION MANAGEMENT

† May 9, 1990 - 9 a.m. - Open Meeting
The Rotunda, University of Virginia, Charlottesville, Virginia. ☒

A regular council meeting and staff briefing on

proposed statewide planning process for information resources management.

Contact: Linda W. Hening, Administrative Assistant, Washington Bldg, Suite 901, 1100 Bank St., Richmond, VA 23219, telephone (804) 225-3622 or 225-3624/TDD ☒

DEPARTMENT OF LABOR AND INDUSTRY

Safety and Health Codes Board

† September 18, 1990 - 10 a.m. - Open Meeting
General Assembly Building, House Room C, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia or the requirements of federal law that the Department of Labor and Industry intends to amend regulations entitled: VR 425-02-71. **The Control of Hazardous Energy (Lockout/Tagout).** The proposed amendment eliminates reference which permit an employee to tagout rather than lockout energy isolating devices in order to disable machinery or equipment during maintenance or servicing.

STATEMENT

Basis: The Virginia Safety and Health Codes Board is authorized under § 40.1-22(5) of the Code of Virginia to "adopt, alter, amend or repeal rules and regulations to further protect and promote the safety and health of employees in places of employment over which it has jurisdiction and to effect compliance with the Federal Occupational Safety and Health Act of 1970 (P.L. 91-596).

Section 40.1-22(5) further provides that "...in making such rules and regulations to protect the occupational safety and health of employees, the board shall adopt the standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity...."

Purpose: The purpose of the amendment is to provide the most effective safety protection for employees while servicing or working on a piece of equipment or machinery. Using a lock to prevent accidental reactivation of a piece of machinery or equipment is widely recognized to be more effective than using a tag because a tag does not provide a physical barrier to prevent accidental reactivation, as a lock does. A tag only serves as a warning device and has certain built in limitations that a lock does not have: tags can become torn, detached, illegible due to environmental conditions, etc.

Substance: The existing standard concerning control of Hazardous Energy Sources (Lockout/Tagout) is designed to require safe practices and procedures that are necessary to disable machinery or equipment and to prevent the release of potentially hazardous energy while maintenance

Calendar of Events

and servicing activities are being performed by employees.

The proposed amendment eliminates language which permits an employer to tagout a piece of machinery or equipment if it is "capable of being locked out." In such situations employers will be required to use a lockout procedure only. However, if such machinery or equipment is not capable of being locked out, the employer will still be able to use a tagout system under the amendment.

Issues: Adoption of the proposed amendment will assure uniformity and consistency between the amended standard, the Virginia Confined Space Standard for General Industry and the Construction Industry, and the Virginia Confined Space Standard for the Telecommunications Industry, which also require locks in all but limited circumstances. The above standards addressing confined spaces are unique to Virginia. The adoption of the amendment will assure internal consistency because it will provide employees equivalent safety and health protections in differing industrial sectors.

Impact: The proposed amendment is applicable to general industry and, therefore, will apply to all Virginia employers and employees in the general industry sector. There are approximately 6,000 employers in the manufacturing industry (Standard Industrial Classification Codes 20 through 39) in Virginia. These businesses which represent approximately 423,200 employees are most affected by the proposed amendment.

The impact of the amendment will be confined to those employers that have to replace tags with locks. This group is estimated to be few in number.

The cost of compliance with this proposed amendment will depend primarily on the quantity of affected machines or equipment used by the employer, whether the employer uses the current option for tagout which is deleted by the amendment and the number of employees regularly exposed to the hazards addressed by the standard.

Under the proposed amendment, the additional costs to employers will be directly related to the expenditure needed to replace tags with locks for affected machines and equipment. The employer will be required to supply a lock to each employee exposed to the hazards addressed by the standard. Employers in this group are estimated to be few in number.

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

Written comments may be submitted until July 8, 1990

Contact: John J. Crisanti, Senior Policy Analyst, Department of Labor and Industry, P.O. Box 12064, Richmond, VA 23241, telephone (804) 786-2384

† September 18, 1990 - 10 a.m. - Public Hearing
General Assembly Building, House Room C, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Labor and Industry intends to amend regulations entitled: **VR 425-02-72. Virginia Occupational Safety and Health Standards for the Construction Industry, Sanitation.** This action will amend the current Sanitation Standard for Construction Industry, § 1926.51 to include additional sanitary requirements for potable water and toilet and handwashing facilities.

STATEMENT

Basis: The Virginia Safety and Health Codes Board is authorized under § 40.1-22(5) of the Code of Virginia to "adopt, alter, amend or repeal rules and regulations to further, protect and promote the safety and health of employees in places of employment over which it has jurisdiction and to effect compliance with the Federal Occupational Safety and Health Act of 1970 (P.L. 91-596)..."

Section 40.1-22(5) further provides that "...in making such rules and regulations to protect the occupational safety and health of employees, the board shall adopt the standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity..."

Purpose: The purpose of the amendment to the Sanitation in the Construction Industry Standard is designed to improve basic sanitation and drinking water conditions for employees on construction sites. The amendment will also assure uniformity in occupational safety and health regulations between the new construction sanitation requirements and already existing field sanitation requirements for agricultural employers.

Substance: The proposed standard amends the current Sanitation Standard for the Construction Industry, § 1926.51. The standard applies to all employers engaged in construction activity. Employers who are covered by this amendment are required to furnish, without cost to the employee, potable drinking water, toilet facilities and handwashing facilities.

The amendment details additional sanitary requirements for potable water and toilet and handwashing facilities. The potable drinking water which must be furnished under the amendment must be suitably cool and in sufficient amounts so that it is not completely consumed during the workday.

Potable drinking water containers as well as the toilet and handwashing facilities are required to be maintained in a clean and sanitary condition in accordance with appropriate public health sanitation practices. Furthermore, employees shall be allowed opportunities during the workday to use the sanitation facilities.

The proposed amendment requires that toilet and

handwashing facilities be provided at a 20:1 worker to facility ratio. The present standard requires a ratio of one toilet and one urinal for every 40 employees or a 40:1 ratio.

Issues: The proposed amendment is the result of a request from the Virginia State AFL-CIO, dated November 5, 1987, to the Commissioner of Labor and Industry and the Virginia Safety and Health Codes Board, asking the board to adopt amendments to the Sanitation in Construction Industry Standard similar to the requirements contained in the Virginia Field Sanitation Standard (which applies to agricultural workers).

The amendment was developed by a task force appointed by the Commissioner of Labor and Industry after a meeting of the board on July 11, 1988, where the board decided that uniform sanitation standards were needed for employees and employers in the construction industry.

If the Commonwealth of Virginia does not amend the current Sanitation in Construction Industry Standard, there will be a continuation of a lack of uniformity and consistency in the application of occupational safety and health regulations in Virginia. Those employees working in general industry and agriculture will continue to receive more protection than workers in the construction industry.

The amendment will provide employees in different industrial sectors with the same safety and health protections and employers will be assured of consistent and uniform enforcement of regulations by the department.

Impact: The proposed standard will apply to all employers with employees working in the construction industry in Virginia. Separate standards for sanitation already exist for employees and employers in general industry and agriculture. Federal OSHA has jurisdiction over federal workplaces and the maritime industry, so the standard would not apply in these areas.

The proposed standard is a construction standard and accordingly will apply to Virginia employers and employees engaged in construction activity. As there is a sanitation standard currently being enforced, the proposed amendment does not place a significant additional burden upon employers to provide additional toilet and handwashing facilities.

Based on statistics provided by the Virginia Employment Commission (VEC) from March, 1989 and County Business Patterns from the 1st quarter of 1989, the estimated number of effected employers in Virginia is 19,012, representing and estimated 196,800 employees in the construction industry.

The Department of Labor and Industry estimates that the greatest projected expense will result from the decrease in the ratio of the number of employees for each toilet facility that must be provided (the amendment changes

the ratio from 40:1 to 20:1). These facilities, which are readily available throughout the Commonwealth, rent for approximately \$75 - \$95 per month. The amendment will result in a doubling of costs for employers presently complying with the 40:1 ratio. For employers using a ratio of 20:1 or less, no appreciable increase in cost will result from the adoption of the amendment.

As stated earlier, employers are presently required to provide such facilities at their sites at a 40:1 ratio. Furthermore, the cost of providing such facilities is generally considered a cost of doing business which is normally negotiated between the general contractor and subcontractors working at the site. Members of the Commissioner's Task Force (which consisted of representatives of employee and employer interests) also stated that many employers already meet the 20:1 ratio because it was economically feasible to provide as many facilities as necessary so that workers were not wasting time standing in line to use the toilet facilities.

The costs associated with the provision of drinking water will vary according to the type of container which is provided (ranging from individual thermoses to large coolers). Filling the containers with sufficient, suitable cool water may require the purchase of ice.

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

Written comments may be submitted until July 8, 1990.

Contact: John J. Crisanti, Senior Policy Analyst, Department of Labor and Industry, P.O. Box 12064, Richmond, VA 23241, telephone (804) 786-2384

LIBRARY BOARD

† May 16, 1990 - 9:30 a.m. - Open Meeting

† June 20, 1990 - 9:30 a.m. - Open Meeting

The Virginia State Library and Archives, 3rd Floor, Supreme Court Room, 11th Street at Capitol Square, Richmond, Virginia. ☐

A meeting to discuss administrative matters.

Contact: Jean H. Taylor, Secretary to State Librarian, Virginia State Library and Archives, 11th St. at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332

LOCAL GOVERNMENT ADVISORY COUNCIL

† May 14, 1990 - 1 p.m. - Open Meeting

House Room 4, State Capitol, Richmond, Virginia. ☐

There will be a public comment period from 1:00 to 1:30 p.m. Anyone wishing to address the LGAC is welcome to offer comments during this time.

Contact: Robert H. Kirby, Secretary, Local Government

Calendar of Events

Advisory Council, 702 Eighth Street Office Building, Richmond, VA 23219, telephone (804) 786-6508 or 786-8010/TDD ☎

COMMISSION ON LOCAL GOVERNMENT

† May 7, 1990 - 10 a.m. - Open Meeting
House Room 4, State Capitol, Richmond, Virginia. ☒

Special meeting of the Commission on Local Government. Scheduling of the review of Carriage Hill of Virginia, LTD. The City of Bedford and Bedford County annexation action, the Town of Cape Charles - Northampton County annexation action, and to consider such matters as may be presented.

May 23, 1990 - 11 a.m. - Open Meeting
Chatham area (site to be determined)

A meeting to receive oral presentations regarding the Pittsylvania County - Town of Chatham voluntary settlement agreement.

May 23, 1990 - 2:30 p.m. - Open Meeting
Chatham area (site to be determined)

A regular meeting.

May 23, 1990 - 7 p.m. - Public Hearing
Chatham area (site to be determined)

A public hearing regarding the Pittsylvania County - Town of Chatham voluntary settlement agreement.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 Eighth Street Office Bldg., Richmond, VA 23219, telephone (804) 786-6508

LOTTERY BOARD

May 23, 1990 - 10 a.m. - Open Meeting
June 27, 1990 - 10 a.m. - Open Meeting
July 25, 1990 - 10 a.m. - Open Meeting
State Lottery Department, 2201 West Broad Street, Conference Room, Richmond, Virginia. ☒

A regular monthly meeting to conduct business according to items listed on agenda which has not yet been determined. Two periods for public comment are scheduled.

Contact: Barbara L. Robertson, Lottery Staff Officer, State Lottery Department, 2201 W. Broad St., Richmond, VA 23220, telephone (804) 367-9433 or 786-1860/TDD ☎

MARINE RESOURCES COMMISSION

May 22, 1990 - 9:30 a.m. - Open Meeting
Marine Resources Commission, 2600 Washington Avenue,

4th Floor, Room 403, Newport News, Virginia. ☒

The commission will meet to hear and decide cases on fishing licensing, oyster ground leasing, environmental permits in wetlands bottomlands, coastal sand dunes and beaches. The commission hears and decides appeals made on local wetlands board decisions.

Fishery management and conservation measures are discussed by the commission. The commission is empowered to exercise general regulatory power within 15 days and is empowered to take specialized marine life harvesting and conservation measures within five days.

Contact: Cathy W. Everett, Secretary to the Commission, 2600 Washington Ave., Room 303, Newport News, VA 23607-0756, telephone (804) 247-8088

BOARD OF MEDICAL ASSISTANCE SERVICES

† May 16, 1990 - 4 p.m. - Open Meeting
† May 17, 1990 - 1 p.m. - Open Meeting
Board Room, Suite 1300, 600 East Broad Street, Richmond, Virginia. ☒

The board will meet to discuss issues pertinent to medical assistance services. On May 17, 1990, the board will meet to take action on issues pertinent to the board.

Contact: Patricia A. Sykes, Legislative Analyst, Suite 1300, 600 E. Broad St., Richmond, VA 23219, telephone (804) 786-7958, toll-free 1-800-552-8627 or 1-800-343-0634/TDD ☎ FTELE

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

May 25, 1990 - 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 Medical Assistance Services intends to amend regulations entitled: VR 460-02-4.1910. Methods and Standards for Establishing Payment Rates - Inpatient Hospital Care (Inpatient Outlier Adjustments). This proposed regulation will conform the Plan to federal requirements contained in the Medicare Catastrophic Coverage Act of 1988 concerning additional payments for hospitals which have extraordinary costs.

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

Written comments may be submitted until 4:30 p.m., May 25, 1990, to William R. Blakely, Director, Division of Cost Settlement and Audit, Department of Medical Assistance

Calendar of Events

Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933

* * * * *

May 11, 1990 – 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 Medical Assistance Services intends to amend regulations entitled: **VR 460-03-4.1940. Nursing Home Payment System (New Construction Cost Limits)**. This proposed regulation proposes to replace the old no-longer-published Dodge Construction Index, with a new standard, the R.S. Means index, for allowable construction costs.

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

Written comments may be submitted until 4:30 p.m., May 11, 1990, to William R. Blakely, Director, Division of Cost Settlement and Audit, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933

New Drug Review Committee

† **July 12, 1990 - 1 p.m.** – Open Meeting
600 East Broad Street, Suite 1300, Richmond, Virginia. ☐

A meeting to adopt by-laws, review new chemical entities for recommendations to the Board of Medical Assistance Services and determine calendar for next fiscal year (1991).

Contact: David B. Shepherd, Pharmacy Supervisor, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-3820 or toll-free 1-800-552-8627

BOARD OF MEDICINE

June 8, 1990 – 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 Medicine intends to adopt regulations entitled: **VR 465-02-01. Practice of Medicine, Osteopathy, Podiatry, Chiropractic, Clinical Psychology, and Acupuncture.**

The purpose of the proposed action is to amend regulations relating to (i) anabolic steroids; (ii) advertising that a license is board certified; (iii) licensure examination requirement for medicine; (iv) requirements for acupuncture; and (v) patient records.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until June 8, 1990.

Contact: Eugenia K. Dorson, Deputy Executive Director, Board of Medicine, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9925

Credentials Committee

May 12, 1990 - 8:15 a.m. – Open Meeting
† **July 7, 1990 - 8:15 a.m.** – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Board Room 3, Richmond, Virginia. ☐

The committee will meet to conduct general business, interview, and review medical credentials of applicants applying for licensure in Virginia in open and executive session and discuss any other items which may come before this committee.

Executive Committee

May 11, 1990 - 1 p.m. – Open Meeting
NOTE: CHANGE IN MEETING TIME
Department of Health Professions, 1601 Rolling Hills Drive, Board Room 2, Richmond, Virginia. ☐

The committee will meet to review closed cases, cases/files requiring administrative actions and consider any other items which may come before the committee.

Informal Conference Committee

† **May 11, 1990 - 10 a.m.** – Open Meeting
Holiday Inn - Fanny's, I-64 and West Broad Street, Richmond, Virginia. ☐

† **May 18, 1990 - 9:30 a.m.** – Open Meeting
Williamsburg Hilton, 50 Kings Mill Road, Williamsburg, Virginia. ☐

† **June 6, 1990 - 10 a.m.** – Open Meeting
Radisson Hotel - Lynchburg, 601 East Main Street, Lynchburg, Virginia. ☐

The board will inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 A 7 and A 15 of the Code of Virginia.

Calendar of Events

Contact: Karen D. Waldron, Deputy Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9908 or 662-9943/TDD ☎

Legislative Committee

May 11, 1990 - 9 a.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia. ☒

The committee will consider proposed regulations and amendments to the Code.

Advisory Board on Physical Therapy

May 18, 1990 - 9 a.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Board Room 2, Richmond, Virginia. ☒

The advisory board will review and discuss regulations, bylaws, procedural manuals, receive reports, and other items which may come before the advisory board.

Ad Hoc Committee on Radiologic Technology

May 31, 1990 - 11 a.m. - Open Meeting
NOTE: CHANGE IN MEETING DATE
Department of Health Professions, 1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia. ☒

The committee will review public statements, other documents and develop regulations.

Contact: Eugenia K. Dorson, Deputy Executive Director, Board of Medicine, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9925

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

† **May 23, 1990 - 9:30 a.m. - Open Meeting**
Northwestern Community Services Board, Winchester, Virginia. ☒

Regular monthly meeting. Agenda to be published on May 16th. Agenda can be obtained by calling Jane Helfrich.

Tuesday evening - Committee meeting 6 p.m., Informal Session 8:30 p.m. Wednesday - Legislative Breakfast 8 a.m., Regular Session 9:30 a.m. See agenda for location.

Contact: Jane Helfrich, Board Administrator, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3921

Public Education Advisory Group

May 31, 1990 - 1 p.m. - Open Meeting

James Madison Building, 109 Governor Street, 13th Floor Board Room, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A meeting to review implementation of the State Mental Health, Mental Retardation and Substance Abuse Services Public Education Plan.

Contact: Martha J. Mead, Director, Legislation and Public Relations, P. O. Box 1797, Richmond, VA 23214, telephone (804) 786-9048

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

State Human Rights Committee

† **May 23, 1990 - 9 a.m. - Open Meeting**
Holiday Inn, Executive Center, 1050 Millwood Pike, Winchester, Virginia. ☒

A regular meeting of the State Human Rights Committee to discuss business relating to human rights issues. Agenda items are listed prior to meeting.

Contact: Elsie D. Little, State Human Rights Director, Officer of Human Rights, DMHMRSAS, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3988

MIDDLE VIRGINIA BOARD OF DIRECTORS AND THE MIDDLE VIRGINIA COMMUNITY CORRECTIONS RESOURCES BOARD

† **July 5, 1990 - 7 p.m. - Open Meeting**
502 South Main Street, Number 4, Culpeper, Virginia.

From 7 p.m. until 7:30 p.m. the Board of Directors will hold a business meeting to discuss DOC contract, budget, and other related business. Then the CCRB will meet to review cases for eligibility to participate with the program. It will review the previous month's operation (budget, and program related business).

Contact: Lisa Ann Peacock, Program Director, 502 S. Main St., No. 4, Culpeper, VA 22701, telephone (703) 825-4562

MIDDLE VIRGINIA COMMUNITY CORRECTIONS RESOURCES BOARD

Board of Directors

June 7, 1990 - 7 p.m. - Open Meeting
502 South Main Street #4, Culpeper, Virginia

From 7 p.m. to 7:30 p.m. the Board of Directors will hold a business meeting to discuss DOC contract, budget, and other related business. Then the board will meet to review cases for eligibility to participate with the program. It will review the previous month's

operation (budget and program related business).

Contact: Lisa Ann Peacock, Program Director, 502 S. Main St. #4, Culpeper, VA 22701, telephone (703) 825-4562

MOTOR VEHICLE DEALERS' ADVISORY BOARD

† **May 15, 1990 - 9 a.m.** – Open Meeting
Dept. of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

The Virginia Department of Motor Vehicles will host a quarterly meeting of the Motor Vehicles Dealers' Advisory Board. The board will discuss issues and plans concerning the administration of the Motor Vehicle Dealer Licensing Act.

Contact: Jerome L. Stein, Manager, Dealers and Records Division, 2300 W. Broad St., Room 521, Richmond, VA 23230, telephone (804) 367-0455 or 367-1752/TDD ☎

BOARD OF NURSING

† **May 21, 1990 - 9 a.m.** – Open Meeting
† **May 22, 1990 - 9 a.m.** – Open Meeting
† **May 23, 1990 - 9 a.m.** – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A regular meeting to consider matters related to nursing education programs, discipline of licensees, licensing by examination and endorsement and other matters under the jurisdiction of the board.

Special Committee

† **May 8, 1990 - 12 noon** – Open Meeting
Department of Health Professions, Conference Room 3, 1601 Rolling Hills Drive, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A preliminary meeting of a special committee of the Board of Nursing with an advisory committee to begin the development of regulations to authorize licensed practical nurses to teach in nurse aide education programs.

Contact: Corinne F. Dorsey, R.N., Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9909 or 662-7197/TDD ☎

BOARD OF NURSING HOME ADMINISTRATORS

June 8, 1990 – 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 Nursing Home Administrators intends to repeal existing regulations entitled: **VR 500-01-2. Board of Nursing Home Administrators Regulations;** and adopt new regulations entitled: **VR 500-01-2:1. Board of Nursing Home Administrators Regulations.** The proposed regulations establish standards for the practice of nursing home administration including training programs and examination for licensure. The regulations are designed to ensure the public and patients in long-term care protective oversight by providing standards flexible enough to accommodate public needs while being responsive to changes within the industry during the lifetime of the regulation. The public participation section provides opportunity for public involvement in the promulgation and formulation of regulations.

Statutory Authority: § 54.1-3100 of the Code of Virginia.

Contact: Meredyth P. Partridge, Executive Director, Board of Nursing Home Administrators, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9111 or toll-free 1-800-533-1560

OLD DOMINION UNIVERSITY

Board of Visitors Executive Committee

May 14, 1990 - 3 p.m. – Open Meeting
New Administration Building, ODU Campus, Board Room, Room 226, Norfolk, Virginia. ☒

A meeting to conduct university business on behalf of the full board. Agendas should be available at least five working days prior to the meeting.

† **June 20, 1990 - Time to be announced** – Open Meeting
Webb University Center, Hampton/Newport News Room, Norfolk, Virginia. ☒

A meeting to discuss various issues pertaining to the University and to hear standing committee reports. The agenda will be available at least five working days prior to the meeting. Time of meeting to be posted in agenda.

Contact: Donna W. Meeks, Secretary to the Board, Old Dominion University, Norfolk, VA 23529-0029, telephone (804) 683-3072

BOARD OF OPTOMETRY

† **May 17, 1990 - 8 a.m.** – Open Meeting
† **May 18, 1990 - 8 a.m.** – Open Meeting
National Conference Center, Williamsburg Hilton, 50 Kingsmill Road, Williamsburg, Virginia.

Calendar of Events

Schedule - May 17, 1990

8 a.m. - 10 a.m. - Board Meeting (general business)
10 a.m. - 4 p.m. - Formal Hearing
4 p.m. - 6 p.m. - Board Meeting (general business)

Schedule - May 18, 1990

8 a.m. - 9 a.m. - Board Meeting (general business)
9:15 a.m. - 10 a.m. - Informal Conference
10 a.m. - 4 p.m. - Formal Hearing

Contact: Scotti W. Milley, Acting Executive Director, Virginia Board of Optometry, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9910

VIRGINIA OUTDOORS FOUNDATION

May 7, 1990 - 1 p.m. - Open Meeting
Rocklands Executive Retreat Center, Gordonsville, Virginia. ☒

A general business meeting.

Contact: Tyson B. Van Auken, Executive Director, 221 Governor St., Richmond, VA 23219, telephone (804) 786-5539 or 786-1934/TDD ☎

PERINATAL SERVICES ADVISORY BOARD

† May 10, 1990 - 12:30 p.m. - Open Meeting
James Madison Building, Main Floor Auditorium, Richmond, Virginia.

Subcommittees of the board will be meeting in various rooms throughout the Madison Building beginning at 10:30 a.m. Please contact the Division of Maternal and Child Health for additional information.

Contact: Alice S. Linyear, M.D., M.P.H., Director, Division of Maternal and Child Health, 109 Governor St., Richmond, VA 23219, telephone (804) 786-7367

BOARD OF PHARMACY

† May 8, 1990 - 3 p.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia.

A meeting to adopt amendment to § 1.3 B of the Board of Pharmacy Regulations. The board will meet in executive session with examination contractor.

Contact: Jack B. Carson, Executive Director, Virginia Board of Pharmacy, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9911

PORTSMOUTH LOCAL EMERGENCY PLANNING COMMITTEE

May 9, 1990 - 9 a.m. - Open Meeting
St. Julien's Annex, Building 307, Victory Boulevard at Magazine Road, Portsmouth, Virginia

A regular business meeting.

Contact: Diana H. Creecy, Chairperson, American Red Cross, Portsmouth Chapter, 700 London Boulevard, Portsmouth, VA 23704-2413, telephone (804) 393-1031

COUNTY OF PRINCE WILLIAM, CITY OF MANASSAS, AND CITY OF MANASSAS PARK LOCAL EMERGENCY PLANNING COMMITTEE

May 11, 1990 - 2 p.m. - Open Meeting
1 County Complex Court, Prince William, Virginia. ☒

A regular meeting.

Contact: Thomas J. Hajduk, Information Coordinator, 1 County Complex Court, Prince William, VA 22192-9201, telephone (703) 335-6800

BOARD OF PSYCHOLOGY

May 24, 1990 - 9 a.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting to (i) conduct general board business; (ii) review applications for licensure, residency, and registration as Technical Assistants; and (iii) discuss regulatory review.

Contact: Evelyn B. Brown, Executive Director, 1601 Rolling Hills Dr., Suite 200, Richmond, VA 23229-5005, telephone (804) 662-9913

VIRGINIA RACING COMMISSION

May 16, 1990 - 9:30 a.m. - Open Meeting
VSRS Building, 1204 East Main Street, Richmond, Virginia. ☒

A regular commission meeting.

Contact: William H. Anderson, Regulatory Coordinator, Virginia Racing Commission, P. O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363

REAL ESTATE BOARD

June 8, 1990 - 9 a.m. - Open Meeting
Omni International Hotel, 777 Waterside Drive, Norfolk,

Calendar of Events

Virginia

A regular business meeting to consider (i) investigative cases (files); (ii) matters relating to Fair Housing, (iii) Property Registration; and (iv) Licensing issues (e.g., reinstatement, eligibility requests).

Contact: Joan L. White, Assistant Director, Department of Commerce, 3600 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 367-8552 or toll-free 1-800-552-3016

May 10, 1990 - 9 a.m. - Open Meeting
National Center for State Courts Building, 300 Newport Avenue, Room A, Williamsburg, Virginia

The board will conduct a formal hearing: File Number 89-00341, Real Estate Board v. Carol J. Mason.

May 16, 1990 - 10:30 a.m. - Open Meeting
May 17, 1990 - 10:30 a.m. - Open Meeting
Holiday Inn-Portsmouth, 8 Crawford Parkway, Portsmouth, Virginia

The board will conduct a formal hearing: File Number 88-00976, Real Estate Board v. William H. Kilne.

Contact: Gayle Eubank, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 367-8524

BOARD OF REHABILITATIVE SERVICES

† **May 24, 1990 - 9:30 a.m. - Open Meeting**
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

The board will (i) receive department reports, (ii) consider regulatory matters and (iii) conduct the regular business of the board.

Finance Committee

† **May 23, 1990 - 2 p.m. - Open Meeting**
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

The committee will review monthly financial reports and budgetary projections. FY 1991 budget development.

Legislation and Evaluation Committee

† **May 23, 1990 - 4 p.m. - Open Meeting**
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

The committee will (i) review pending federal and state legislation and develop criteria for evaluation of department programs; and (ii) develop program evaluation report schedule.

Program Committee

† **May 23, 1990 - 3 p.m. - Open Meeting**
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

The committee will review vocational rehabilitation regulation proposals and explore options for developing amendments to current VR regulations. FY 1991 committee and board calendar, Client Service Program information and DDS report.

Contact: Susan L. Urofsky, Commissioner, 4901 Fitzhugh Ave., Richmond, VA 23230, telephone (804) 367-0319, toll-free 1-800-552-5019/TDD ☎ or (804) 367-0280/TDD ♾EL

BOARD OF SOCIAL SERVICES

† **May 16, 1990 - 2 p.m. - Open Meeting**
† **May 17, 1990 - 9 a.m. - Open Meeting (If necessary)**
Department of Social Services, 8007 Discovery Drive, Richmond, Virginia. ☒

A work session and formal business meeting.

Contact: Phyllis Sisk, Administrative Staff Specialist, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9236

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

June 8, 1990 - 10 a.m. - Public Hearing
Tyler Building, 8007 Discovery Drive, Suite 220, Conference Room, Richmond, Virginia

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 615-08-01. Virginia Energy Assistance Program.** The proposed amendments affect the Fuel Assistance and Crisis Assistance Components. The amendments will (i) ensure that the neediest clients are served, (ii) establish uniformity in the amount of benefit dollars, and (iii) provide uniform program begin dates for the heat related program components.

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

Written comments may be submitted until June 7, 1990, to Charlene H. Chapman, Department of Social Services, 8007 Discovery Dr., Richmond, Virginia 23229-8699.

Contact: Peggy Friedenber, Agency Regulatory Liaison, 8007 Discovery Dr., Richmond, VA 23229, telephone (804) 662-9217

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Calendar of Events

June 12, 1990 - 1 p m. – Public Hearing
Blair Building, 8007 Discovery Drive, Conference Room B,
Richmond, Virginia

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 adopt regulations entitled: **VR 615-46-02. Assessment Process for Adult Clients.** The purpose of the proposed regulation is to require the use of a standardized needs assessment for the initial assessment and reassessment processes for applicants and recipients of Adult Services, Adult Protective Services and to the extent that resources are available for applicants and recipients of Auxiliary Grants and the Institutional component of the General Relief Program.

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

Written comments may be submitted until June 12, 1990, to Phyllis Groome Gordon, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Peggy Friedenber, Agency Regulatory Liaison, 8007 Discovery Dr., Richmond, VA 23229, telephone (804) 662-9217

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† **July 6, 1990 –** 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 or the requirements of federal law that the Department of Social Services intends to amend regulations entitled: **VR 615-70-17. Child Support Enforcement Program.** The amendments to this regulation add requirements for service of process and case prioritization and establish time requirements for providing applications, locating absent parents, establishing paternity, and establishing and enforcing a support obligation. There is no public hearing as the proposed revisions to the regulation are based on mandatory federal and state law.

STATEMENT

Substance: The proposed revisions to the Child Support Enforcement Program regulation promulgate the rules under which the Department of Social Services will impose requirements and time frames for establishing and maintaining case records, prioritizing cases, locating absent parents, establishing paternity and establishing and enforcing child support obligations.

Issues: The proposed revisions will save tax dollars because in some instances child support payments are sufficient to eliminate dependence on public assistance. In other instances, child support prevents custodial parents from needing public assistance to support their children.

Basis: Chapter 13 of Title 63.1 of the Code of Virginia provides the statutory base for the Child Support Enforcement Program. The proposed revisions are issued under the authority granted by Public Law 98-378. The proposed revisions to the regulation were approved by the Board of Social Services on March 15, 1990.

Purpose: The intent of the proposed revisions is to improve the efficiency and effectiveness of the Child Support Enforcement Program. The proposed revisions will strengthen and clarify program operations. The department must comply with the new law passed by Congress and signed into law in 1988 known as the Family Support Act and to assure that children receive financial support from both parents when one parent is absent from the home.

Estimated impact: The proposed revisions to the Child Support Enforcement Program regulation will increase collections by increasing the efficiency and effectiveness with which the department provides Child Support Enforcement Program.

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

Written comments may be submitted until July 6, 1990, to Jarnice Johnson, Department of Social Services, Division of Child Support Enforcement, 8007 Discovery Dr., Richmond, VA 23229-8699.

Contact: Margaret J. Friedenber, Legislative Analyst, Department of Social Services, 8007 Discovery Dr., Blair Bldg., Richmond, VA 23229-8699, telephone (804) 662-9217

BOARD OF SOCIAL WORK

May 18, 1990 - 9 a.m. – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive,
Suite 200, Richmond, Virginia. ☒

A meeting to (i) conduct general board business; (ii) respond to correspondence; (iii) discuss regulations; and (iv) conduct certification of oral examinations.

Contact: Evelyn B. Brown, Executive Director, 1601 Rolling Hills Dr., Richmond, VA, telephone (804) 662-9914

BOARD FOR PROFESSIONAL SOIL SCIENTISTS

May 24, 1990 - 10 a.m. – Open Meeting
Department of Commerce, 3600 West Broad Street,
Conference Room 3, Richmond, Virginia. ☒

A meeting to (i) approve minutes from March 15, 1990, meeting; (ii) review application; and (iii) review correspondence.

Contact: Peggy J. Wood, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595

VIRGINIA SOIL AND WATER CONSERVATION BOARD

May 14, 1990 - 8 a.m. - Public Hearing
General Assembly Building, Capitol Square, Senate Room
B, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Soil and Water Conservation Board intends to repeal regulations entitled: VR 625-01-01. The Virginia Erosion and Sediment Control Handbook, including Standards, Criteria and Guidelines; and adopt new regulations entitled: VR 625-01-01:1. Erosion and Sediment Control Regulations. These regulations establish minimum standards for the control of soil erosion, sediment deposition and nonagricultural runoff from land-disturbing activities that must be met in local erosion and sediment control programs, and also by state agencies that conduct land-disturbing activities, land-disturbing activities include, but are not limited to clearing, grading, excavating, transporting and filling of land.

Statutory Authority: §§ 10.1-502 and 10.1-561 of the Code of Virginia.

Written comments may be submitted until June 9, 1990, to Leon A. App, Executive Assistant, Department of Conservation and Recreation, 203 Governor Street, Suite 302, Richmond, Virginia 23219.

Contact: Donald R. Vaughan, Urban Programs Supervisor, Department of Conservation and Recreation, Division of Soil and Water Conservation, 203 Governor St., Suite 206, Richmond, VA 23219, telephone (804) 371-7483

May 15, 1990 - 7 p.m. - Open Meeting
Martha Washington Inn, 150 West Main Street, Abingdon, Virginia

A regular bi-monthly meeting.

Contact: Donald L. Wells, Deputy Director, Division of Soil and Water Conservation, 203 Governor St., Suite 206, Richmond, VA 23219, telephone (804) 786-2064

COMMONWEALTH TRANSPORTATION BOARD

† May 16, 1990 - 2 p.m. - Open Meeting
Holiday Inn, I-81 at Route 50, Winchester, Virginia. ☒
(Interpreter for deaf provided if requested)

Work session of the Commonwealth Transportation Board and the Department of Transportation staff.

† May 17, 1990 - 10 a.m. - Open Meeting
Holiday Inn, I-81 at Route 50, Winchester, Virginia. ☒
(Interpreter for deaf provided if requested)

Monthly meeting of the Commonwealth Transportation

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

Contact: Albert W. Coates, Jr., Assistant Commissioner, Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-9950

VALLEY ASAP BOARD

† May 21, 1990 - 8 a.m. - Open Meeting
2 Holiday Court, Staunton, Virginia. ☒

A regular meeting of the local policy board to conduct business pertaining to (i) court referrals; (ii) financial report; (iii) director's report; and (iv) statistical reports.

Contact: Rhoda G. York, Executive Director, 2 Holiday Court, Staunton, VA 24401, telephone (703) 886-5616 or 943-4405 (Waynesboro number)

VIRGINIA MILITARY INSTITUTE

Board of Visitors

May 18, 1990 - 8 a.m. - Open Meeting
Virginia Military Institute, Smith Hall Board Room, Smith Hall, Lexington, Virginia. ☒

A regular meeting to (i) review committee reports; (ii) approve awards, distinctions, and diplomas; (iii) conduct personnel changes; and (iv) elect president pro tem.

Contact: Colonel Edwin L. Dooley, Jr., Secretary to the Board, Virginia Military Institute, Lexington, VA 24450, telephone (703) 464-7206

VIRGINIA RESOURCES AUTHORITY

† May 8, 1990 - 10 a.m. - Open Meeting
Mutual Building, 909 East Main Street, Suite 707, Conference Room A, Richmond, Virginia.

The board will meet to (i) approve minutes of the meeting of April 10, 1990, (ii) review the authority's operations for the prior months; and (iii) consider other matters and take other actions as they may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: Mr. Shockley D. Gardner, Jr., 909 E. Main St., Suite 707, Mutual Bldg., Richmond, VA 23219, telephone (804) 644-3100 or FAX (804) 644-3109

Calendar of Events

DEPARTMENT FOR THE VISUALLY HANDICAPPED

† **May 30, 1990 - 2 p.m.** — Open Meeting
Virginia Rehabilitation Center for the Blind, Assembly
Room, 401 Azalea Avenue, Richmond, Virginia.

A meeting to seek input regarding the amendment to
the Title I and Title VI-C State Plan for Vocational
Rehabilitation Services.

**Contact: James G. Taylor, 397 Azalea Ave., Richmond,
VA 23227**

VIRGINIA VOLUNTARY FORMULARY BOARD

May 14, 1990 - 10 a.m. — Public Hearing
James Madison Building, 109 Governor Street, Main Floor
Conference Room, Richmond, Virginia. ☒

A public hearing to consider the proposed adoption
and issuance of revisions to the Virginia Voluntary
Formulary. The proposed revisions to the Formulary
add and delete drugs and drug products to the
Formulary that became effective on November 15,
1988, and a supplement to the Formulary that became
effective on January 19, 1990. Copies of the proposed
revisions to the Formulary are available for inspection
at the Virginia Department of Health, Bureau of
Pharmacy Services, James Madison Building, 109
Governor Street, Richmond, Virginia 23219. Written
comments sent to the above address and received
prior to 5 p.m. on May 14, 1990, will be made a part
of the hearing record and considered by the board.

**Contact: James K. Thomson, Director, Bureau of
Pharmacy Services, Department of Health, 109 Governor
St., Richmond, VA 23219, telephone (804) 786-4326 or
SCATS 786-3596**

DEPARTMENT OF WASTE MANAGEMENT (VIRGINIA WASTE MANAGEMENT BOARD)

June 12, 1990 - 10 a.m. — Public Hearing
James Monroe Building, 101 North 14th Street, 11th Floor,
Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1
of the Code of Virginia that the Virginia Waste
Management Board intends to amend regulations
entitled: **VR 672-30-1. Regulations Governing the
Transportation of Hazardous Materials.** These
proposed amendments incorporate by reference
changes made from July 1, 1988, through June 30,
1989, by the U.S. Department of Transportation
Hazardous Materials Regulations.

Statutory Authority: §§ 10.1-1402 and 10.1-1450 of the Code
of Virginia.

Written comments may be submitted until June 12, 1990,
to William F. Gilley, Department of Waste Management,
101 North 14th Street, 11th Floor, Richmond, Virginia
23219.

**Contact: Cheryl Cashman, Legislative Analyst, Department
of Waste Management, 101 N. 14th St., 11th Floor,
Richmond, VA 23219, telephone (804) 225-2667 or toll-free
1-800-552-2075**

STATE WATER CONTROL BOARD

May 8, 1990 - 7 p.m. — Public Hearing
Hampton City Council Chambers, City Hall Building, 8th
Floor, 22 Lincoln Street, Hampton, Virginia. ☒

A public hearing to receive comments on the proposed
Virginia Pollutant Discharge Elimination System
(VPDES) Permit No. VA0003930 for Wanchese Fish
Company, Incorporated, 48 Water Street, Hampton,
Virginia 23663. The purpose of the hearing is to
receive comments on the proposed issuance or denial
of the permit and the effect of the discharge on water
quality or beneficial uses of state waters.

**Contact: Lori A. Freeman, Hearings Reporter, State Water
Control Board, Office of Policy Analysis, 2111 N. Hamilton
St., P. O. Box 11143, Richmond, VA 23230-1143, telephone
(804) 367-6815**

May 14, 1990 - 9 a.m. — Open Meeting
General Assembly Building, Capitol Square, Senate Room
A, Richmond, Virginia. ☒

A special board meeting. Agenda will be available
approximately 10 days prior to meeting.

**Contact: Doneva A. Dalton, State Water Control Board,
Office of Policy Analysis, 2111 N. Hamilton St., P. O. Box
11143, Richmond, VA 23230-1143, telephone (804) 367-6829**

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June 5, 1990 - 4 p.m. — Public Hearing
University of Virginia Southwest Center, Classroom 1 and
2, Highway 19 North, Abingdon, 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 repeal existing regulations entitled:
**VR 680-16-06. Water Quality Management Plan for
the Tennessee-Big Sandy River Basins;** and adopt
new regulations entitled: **VR 680-16-06:1. Tennessee-Big
Sandy River Basin Water Quality Management Plan.**
The purpose of this action is to update the
Tennessee-Big Sandy River Basin Water Quality
Management Plan which sets forth measures for the
State Water Control Board to implement in order to
reach and maintain water quality goals in general
terms and numeric loadings for five day biochemical

oxygen demand.

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

Written comments may be submitted until June 5, 1990, to Doneva Dalton, Hearings Reporter, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Ron Sexton, Southwest Regional Office, State Water Control Board, P.O. Box 888, Abingdon, VA 24210, telephone (703) 676-5507

† **May 21, 1990 - 7 p.m.** – Public Hearing
Huddleston Elementary School, Auditorium, Route 626, Huddleston, Virginia. ☐

The State Water Control Board will hold a public hearing to receive comments on the proposed Virginia Pollutant Discharge Elimination System (VPDES) Permit No. VA0083445 for Deerwood Pointe Sewage Treatment Plant, 101 Deer Trail, Huddleston, Virginia 24104. The purpose of the hearing is to receive comments on the proposed issuance or denial of the permit and the effect of the discharge on water quality or beneficial uses of state waters.

Contact: Lori A. Freeman, Hearings Reporter, Office of Policy Analysis, State Water Control Board, 2111 N. Hamilton St., P.O. Box 11143, Richmond, VA 23230-1143, telephone (804) 367-6815

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

† **August 9, 1990 - 8:30 a.m.** – Open Meeting
† **August 10, 1990 - 8:30 a.m.** – Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☐

An open meeting to conduct regulatory review and routine board business.

Contact: Mr. Geralde W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534 or toll-free 1-800-552-3016

WINCHESTER LOCAL EMERGENCY PLANNING COMMITTEE

† **May 30, 1990 - 3 p.m.** – Open Meeting
Old Frederick County Court House Conference Room, Winchester, Virginia.

A meeting to cover plans for the hazardous materials contingency plan exercise to be held in June.

Contact: L.A. Miller, Fire Chief, 126 N. Cameron St., Fire Department Headquarters, Winchester, VA 22601, telephone

(804) 662-5695

COUNCIL ON THE STATUS OF WOMEN

May 7, 1990 - 8 p.m. – Open Meeting
The Embassy Suites Hotel, 2925 Emerywood Parkway, Richmond, Virginia

Meeting of the standing committees of the council.

May 8, 1990 - 9 a.m. – Open Meeting
The Embassy Suites Hotel, 2925 Emerywood Parkway, Richmond, Virginia

A regular meeting of the council to conduct general business and receive reports from the standing committees.

Contact: B. J. Northington, Executive Director, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9200

LEGISLATIVE

VIRGINIA CODE COMMISSION

† **June 12, 1990 - 10 a.m.** – Open Meeting
General Assembly Building, 6th Floor Conference Room, Richmond, Virginia. ☐

The Commission will be studying (i) the revision of the tax criminal penalty laws pursuant to HJR 116, and (ii) the revision and recodification of Title 65.1 of the Code of Virginia pertaining to Workers' Compensation.

Contact: Joan W. Smith, Virginia Code Commission, General Assembly Building, Richmond, VA 23219, telephone (804) 786-3591

EDUCATION SUBCOMMITTEE STUDYING HB 445

† **May 29, 1990 - 1 p.m.** – Open Meeting
General Assembly Building, House Room C, Richmond, Virginia. ☐

The subcommittee will meet to discuss the Regulation on Vocational Nursing Education.

Contact: Norma Szakal, Staff Attorney, Division of Legislative Services, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591

Calendar of Events

CHRONOLOGICAL LIST

OPEN MEETINGS

- May 7**
† Local Government, Commission on Hearing Aid Specialists, Board for Outdoors Foundation, Virginia Women, Council on the Status of
- May 8**
Geology, Board for
† Nursing, Board of
- Special Committee
† Pharmacy, Board of
† Resources Authority, Virginia Women, Council on the Status of
- May 9**
Alexandria Local Emergency Planning Committee Children, Department for
- Advisory Board
† Central Virginia ASAP Policy Board Conservation and Development of Public Beaches, Board on
† Information Management, Council on Portsmouth Local Emergency Planning Committee
- May 10**
Chesapeake Bay Commission
† Child Day-Care Council
Game and Inland Fisheries, Department of
† Fairfax County, Local Emergency Planning Committee for, the City of Fairfax, and the Towns of Herndon and Vienna
† Perinatal Services Advisory Board
Real Estate Board
- May 11**
Chesapeake Bay Commission
† Conservation and Recreation, Department of
- Catoctin Creek Scenic River Advisory Board
Medicine, Board of
- Executive Committee
† - Informal Conference Committee
- Legislative Committee
Prince William, City of Manassas and City of Manassas Park Local Emergency Planning Committee, County of
- May 12**
Medicine, Board of
- Credentials Committee
- May 14**
Alcoholic Beverage Control Board
† Barbers, Board for
† Educational Opportunity for All Virginias, Governor's Commission on
† Local Government Advisory Council
Old Dominion University
- Board of Visitors/Executive Committee
Water Control Board, State
- May 15**
Agriculture and Consumer Services, Board of
† Community Corrections Resources Board
† Conservation and Recreation, Department of
- Rappahannock Scenic River Advisory Board
† Contractors, Board of
† Housing Development Authority, Virginia
Soil and Water Conservation Board, Virginia
† Motor Vehicle Dealers' Advisory Board
- May 16**
Agriculture and Consumer Services, Board of
† Community Colleges, State Board for
† Conservation and Recreation, Department of
- Upper James Scenic River Advisory Board
Corrections, Board of
† Library Board
† Medical Assistance Services, Board of
Racing Commission, Virginia
Real Estate Board
† Social Services, Board of
† Transportation Board, Commonwealth
- May 17**
† Architects, Professional Engineers, Land Surveyors and Landscape Architects, Board for
† Community Colleges, State Board for
Historic Resources, Department of
† Medical Assistance Services, Board of
Real Estate Board
† Optometry, Board of
† Social Services, Board of (If necessary)
† Transportation Board, Commonwealth
- May 18**
† Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board
Medicine, Board of
- Advisory Board on Physical Therapy
† - Informal Conference Committee
Virginia Military Institute
- Board of Visitors
† Optometry, Board of
Social Work, Board of
- May 21**
† Cosmetology, Board for
† Governor's Job Training Coordinating Council
† Nursing, Board of
† Valley ASAP Board
- May 22**
† Hazardous Materials Training Committee
† Health Services Cost Review Council, Virginia
Marine Resources Commission
† Nursing, Board of
- May 23**

Calendar of Events

- Arts, Commission for the
† Auctioneers, Board for
Local Government, Commission on
Lottery Board
† Mental Health, Mental Retardation and Substance
Abuse Services Board, State
- State Human Rights Committee
† Nursing, Board of
† Rehabilitative Services, Board of
- Finance Committee
- Legislation and Evaluation Committee
- Program Committee
Soil Scientists, Board for Professional
- May 24**
Arts, Commission for the
Commerce, Board of
† Education, Board of
Psychology, Board of
† Rehabilitative Services, Board of
- May 25**
† Education, Board of
- May 29**
† Education Subcommittee Studying HB 445
- May 30**
† Contractors, Board for
† Visually Handicapped, Department for the
† Winchester Local Emergency Planning Committee
- May 31**
Alcoholic Beverage Control Board
† Medicine, Board of
- Ad Hoc Committee on Radiologic Technology
State Mental Health, Mental Retardation and Substance
Abuse Services Board
- Public Education Advisory Group
- June 5**
† Hopewell Industrial Safety Council
- June 6**
† Indians, Council on
† Medicine, Board of
- Informal Conference Committee
- June 7**
Middle Virginia Community Corrections Resources
Board
- Board of Directors
- June 8**
Real Estate Board
- June 12**
† Code Commission, Virginia
† Gate City Local Emergency Planning Committee
- June 20**
- Corrections, Board of
† Library Board
† Old Dominion University
† - Board of Visitors
- June 27**
Lottery Board
- June 28**
† Athletic Board
† Education, Board of
- June 29**
† Education, Board of
- July 3**
† Hopewell Industrial Safety Council
- July 5**
† Middle Virginia Board of Directors and the Middle
Virginia Community Corrections, Resources Board
- July 7**
† Medicine, Board of
- Credentials Committee
- July 12**
† Medical Assistance Services, Department of
- New Drug Review Committee
- July 25**
Lottery Board
- August 9**
† Waterworks and Wastewater Works Operators, Board
for
- August 10**
† Waterworks and Wastewater Works Operators, Board
for

PUBLIC HEARINGS

- May 7**
Accountancy, Board for
Agriculture and Consumer Services, Department of
- Pesticide Control Board
- May 8**
Water Control Board, State
- May 11**
Game and Inland Fisheries, Department of
- May 14**
Soil and Water Conservation Board, Virginia
Voluntary Formulary Board, Virginia

Calendar of Events

May 16

Agriculture and Consumer Services, Department of
Corrections, Board of

May 18

† Commerce, Board of

May 21

† Water Control Board, State

May 23

Local Government, Commission on

May 24

† Commerce, Board of
Education, Department of

June 1

† Commerce, Board of

June 5

Water Control Board, State

June 6

Social Services, Department of

June 11

† Commerce, Board of

June 12

Social Services, Department of
Waste Management Board, Virginia

August 1

† Criminal Justice Services, Department of

September 18

† Labor and Industry, Department of