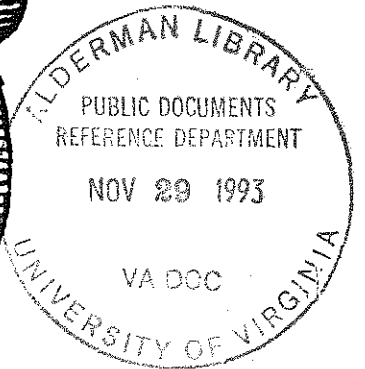


THE VIRGINIA REGISTER

OF REGULATIONS

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November 1, 1993

1993

Pages 435 Through 534

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 the regulation becomes final.

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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VIRGINIA REGISTER OF REGULATIONS

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Noon Wednesday

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Symbol Key †

† Indicates entries since last publication of the Virginia Register

of Animal Health, P.O. Box 1163, Richmond, VA 23209-1163.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

Contact: T. R. Lee, Program Supervisor, 1100 Bank Street, P.O. Box 1163, Richmond, VA 23209-1163, telephone (804) 786-2483.

† Withdrawal of Notice of Intended Regulatory Action

V.A.R. Doc. No. R94-77; Filed October 8, 1993, 4:21 p.m.

The Board of Agriculture and Consumer Services has **withdrawn** the Notice of Intended Regulatory Action for the regulation entitled "VR 115-02-02, Rules and Regulations Governing the Prevention, Control, and Eradication of Bovine Tuberculosis in Virginia," initially published in 8:7 V.A.R. 1035 December 30, 1991.

V.A.R. Doc. No. R94-84; Filed October 8, 1993, 4:21 p.m.

† Withdrawal of Notice of Intended Regulatory Action

The Board of Agriculture and Consumer Services has **withdrawn** the Notice of Intended Regulatory Action for the regulation entitled "VR 115-02-12, Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals and Other Animals or Birds into Virginia," initially published in 8:7 V.A.R. 1035 December 30, 1991.

V.A.R. Doc. No. R94-87; Filed October 8, 1993, 4:21 p.m.

† Notice of Intended Regulatory Action

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Agriculture and Consumer Services intends to consider amending regulations entitled: **VR 115-02-02. Rules and Regulations Governing the Prevention, Control, and Eradication of Bovine Tuberculosis in Virginia.** The purpose of the proposed regulation is to review the regulation for effectiveness and continued need, including but not limited to: (i) adding provisions to require testing and subjecting to other requirements within the regulation of (a) all classes of bovidae (not just cattle), (b) all cervidae (many of the deer), and (c) all capridae (goats); (ii) considering alternative ways of disposing of tuberculosis-infected animals; (iii) a proposal to shorten the time in which a report must be made to the State Veterinarian when tuberculosis is suspected; (iv) requiring owners of cervidae to maintain records for three years to include: (a) owners name and address, (b) individual identification of each animal to include species, (c) name and address of where the animal was purchased, (d) date of purchase, (e) date and to whom the animal was sold, and (f) date and results of any official tests performed; and (v) requiring dealers in livestock/exotic species to register with the State Veterinarian's office. The agency invites comment on whether there should be an advisor appointed for the present regulatory action. An advisor is: (i) a standing advisory panel; (ii) an ad-hoc advisory panel; (iii) consultation with groups, (iv) consultation with individuals; or (v) any combination thereof.

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Agriculture and Consumer Services intends to consider amending regulations entitled: **VR 115-02-12. Rules and Regulations Pertaining to the Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds in Virginia.** The purpose of this regulation is to review the regulation for effectiveness and continued need, including but not limited to: (i) adding provisions governing the importation of cervidae—most varieties of deer; (ii) repealing provisions requiring a permit for the importation of psittacine (parrot-like) birds and repealing provisions requiring that they be treated for psittacosis; (iii) repealing provisions requiring South American camelids of the genus Lama to be tested for bluetongue; (iv) requiring rabies vaccination for cats entering the Commonwealth; (v) adding importation requirements for bison, to treat them more consistently with cattle; and (vi) relaxing certain requirements pertaining to feeder cattle. The agency invites comment on whether there should be an advisor appointed for the present regulatory action. An advisor is: (i) a standing advisory panel; (ii) an ad-hoc advisory panel; (iii) consultation with groups, (iv) consultation with individuals; or (v) any combination thereof.

Statutory Authority: §§ 3.1-724, 3.1-726 and 3.1-730 of the Code of Virginia.

Statutory Authority: §§ 3.1-724, 3.1-726, and 3.1-730 of the Code of Virginia.

Written comments may be submitted until 8:30 a.m. on December 6, 1993, to Dr. W. M. Sims, Jr., VDACS-Division

Written comments may be submitted until 8:30 a.m. December 6, 1993, to Dr. W. M. Sims, Jr., VDACS-Division of Animal Health, P.O. Box 1163, Richmond, VA

Notices of Intended Regulatory Action

23209-1163.

Contact: T. R. Lee, 1100 Bank Street P.O. Box 1163, Richmond, VA 23209-1163, telephone (804) 786-3539.

V.A.R. Doc. No. R94-78; Filed October 8, 1993, 4:20 p.m.

STATE AIR POLLUTION CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Air Pollution Control Board intends to consider promulgating regulations entitled: **VR 120-01. Regulations for the Control and Abatement of Air Pollution (Acid Rain Operating Permits--Revision PP)**. The purpose of the proposed action is to develop a regulation to meet the operating permit requirements contained in Titles IV and V of the Clean Air Act, as amended in November 1990, for sources of the pollutants that produce acid rain.

Public Meeting: A public meeting will be held by the Department in House Committee Room One, State Capitol Building, Richmond, Virginia, at 10 a.m. on December 1, 1993, to discuss the intended action. Unlike a public hearing, which is intended only to receive testimony, this meeting is being held to discuss and exchange ideas and information relative to regulation development.

Ad Hoc Advisory Group: The department will form an ad hoc advisory group to assist in the development of the regulation. If you desire to be on the group, notify the agency contact in writing by close of business October 22, 1993, and provide your name, address, telephone number and the organization you represent (if any). Notification of the composition of the ad hoc advisory group will be sent to all applicants. If you are selected to be on the group, you are encouraged to attend the public meeting and any subsequent meetings that may be needed to develop the draft regulation. The primary function of the group is to develop recommended regulation amendments for department consideration through the collaborative approach of regulatory negotiation and consensus.

Public Hearing Plans: The department will hold at least one public hearing to provide opportunity for public comment on any regulation amendments drafted pursuant to this notice.

Need: Title IV of the Clean Air Act (the Act) as amended November 1990 requires the U.S. Environmental Protection Agency (EPA) to establish a program to reduce nationwide emissions of the primary causes of acid rain, sulfur dioxide (SO₂) and nitrogen oxides (NO_x). The burning of fossil fuels, particularly coal and oil, releases emissions of these chemicals into the atmosphere. Various chemical reactions may then take place, resulting in sulfate, nitrate, sulfuric acid and nitric acid emissions. These newly transformed compounds will then be deposited near the

facilities which emitted them or be transported hundreds of miles. They can be deposited in either a dry form (as a gas, aerosol, or particle) or a wet form (in rain, fog or snow). This acidic deposition results in acidification of streams and lakes which then cannot support fish life, damage to trees and forest ecosystems in general at higher elevations, decrease in visibility, damage to historic buildings, statues, and sculptures, and acceleration of the decay of building materials and paints. Acidic deposition in the form of acidic aerosols may also pose a threat to human health.

The major contributions of SO₂ and NO_x in the atmosphere come from emissions of electric utilities. Throughout the nation as of 1985, 70% of SO₂ emissions and 37% of NO_x emissions came from electric utilities. Reducing the total level of SO₂ and NO_x emissions below present levels will reverse the effects of acidic deposition previously described, prevent the damage caused by these emissions from increasing, and reduce the costs of the damage in future years.

Title V of the Act provides a mechanism to implement the various requirements under the other titles in the Act, including the acid rain provisions of Title IV, through the issuance of operating permits. Under this title, the EPA is required to develop regulations with specific operating permit requirements. The federal regulations (40 CFR Part 70) were promulgated in final form on July 21, 1992. The states are required, in turn, to develop operating permit programs that meet the requirements specified in EPA's regulations. These programs are due to EPA for review by November 15, 1993. The department is completing work on the development of a separate operating permit regulation for all sources subject to Title V except those sources emitting pollutants that produce acid rain.

The operating permits issued under this program should enhance the ability of EPA, the states, and citizens to enforce the requirements of the Act; clarify for the permitted sources exactly which air quality requirements apply; and also aid in implementing the Act by providing states with permit fees to support their programs.

A permit sets out for both the department and the owner the regulatory requirements appropriate to that source's operation. The benefits are that the operator or owner knows what requirements must be fulfilled and the department has an agreement with the owner through the permit that these requirements will be carried out. It enables the department to more efficiently and effectively carry out its source surveillance activities while providing a clear mandate for each source on what its responsibility entails. An operating permit inclusive of all requirements pertaining to the source ensures that the owner of the source is fully informed of all applicable state and federal regulations. The operating permit program provides that both the department and the owner conduct a periodic review of polluting activities to ensure that effective emission reductions are taking place.

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An operating permit provides the mechanism for the department to assess any facility's compliance with the air quality standards and regulations that provide a basis to protect human health and the environment. The permit provides a direct enforcement mechanism for the department to determine a facility's compliance whereas the enforcement of the standards and regulations without the permit is more difficult because specific conditions for the individual facility have not been derived from those standards and regulations.

The public participation requirements of the operating permit program provide an opportunity for citizens to review and to provide comments about the compliance performance of facilities emitting air pollutants along with the department.

Applicable Federal Requirements: The 1990 amendments create a major change to the approach taken by the U.S. Congress in previous promulgations of the Act. Title V of the Act requires the states to develop operating permit programs to cover all stationary sources defined as major by the Act. Permits issued under these programs must set out standards and conditions that cover all the applicable requirements of the Act for each emission unit at each individual stationary source. Affected sources as defined under the acid rain provisions of Title IV of the Act are one of the source categories required to be covered under the provisions of any Title V program. The federal regulations carrying out Title V, 40 CFR Part 70, require that the following elements either be included in operating permit programs developed by the states or considered in the development of those programs:

1. Major sources of volatile organic compounds, nitrogen oxides, sulfur dioxide, particulate matter, lead, and hazardous air pollutants must be subject to the regulation. Nonmajor sources that are regulated under Section 111 of the Act, New Source Performance Standards, and Section 112 of the Act, National Emission Standards for Hazardous Air Pollutants, must be subject to the regulation but can be deferred from initial permitting. Sources subject to the requirements of the acid rain program under Title IV of the Act must be covered under the regulation.
2. The applicant must identify all federal and state requirements applicable to the source and describe emissions of all regulated pollutants from emissions units at the source. The department must verify this information and set terms and conditions in the permit concerning the applicable requirements.
3. The applicant must submit a compliance plan, schedule and certification with the application addressing requirements that have been met and those that have not been met.
4. The permitting authority may provide a permit shield for all terms and conditions specified in the permit, including any requirements that are

specifically identified as not being applicable.

5. The permitting authority must provide an application shield for sources that submit timely and complete applications.
6. The permitting authority must allow the public and affected states to review the draft permit developed by the permitting authority. The permitting authority may allow public hearings to be held in addition to providing an opportunity for public comment. After review of the comments and the development of a proposed final permit, the proposed permit must be sent to EPA. The permitting authority must allow EPA 45 days to review the permit during which time it can object to the permit.
7. The permitting authority must provide in its regulation several mechanisms to modify the permit.
8. The permitting authority may provide operational flexibility for the source through several mechanisms: (i) writing alternative operating scenarios in the permit, (ii) through various emissions trading options, (iii) through changes to the permit (on-permit change) that do not exceed emissions allowed under the permit and do not violate applicable requirements, and (iv) through changes not addressed by the permit (off-permit change) that do not violate applicable requirements or any permit term or condition.

Section 408 of Title IV covers the permit and compliance plan requirements for affected sources, those stationary sources that have at least one emission unit emitting air pollutants which cause acid rain. Section 408(a) states that the requirements of Title IV are to be implemented by permits issued to affected sources in accordance with Title V, as modified by the requirements of Title IV. Any permit issued to an affected source must prohibit all of the following:

1. Annual emissions of sulfur dioxide in excess of the number of allowances to emit sulfur dioxide that is held for the source. An allowance is the authorization to emit one ton of sulfur dioxide during or after a specified calendar year.
2. Exceedances of applicable emissions rates.
3. The use of any allowance prior to the year for which it was allocated.
4. Contravention of any other provision of the permit. Permits must be issued for a period of five years. No permit can be issued that is inconsistent with the applicable requirements of Titles IV and V.

Section 408(b) requires that compliance plans be submitted with each permit application. Alternative methods of compliance may be authorized by permitting authorities; however, a comprehensive description of the schedule and

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means by which the unit will rely on one or more of these alternative methods must be provided by the applicant. Any transfers of allowances recorded by EPA will automatically amend all applicable proposed or approved permit applications, compliance plans and permits. EPA may also require a demonstration of attainment of national ambient air quality standards for a source or, from the owner of two or more affected sources, an integrated compliance plan providing an overall plan for achieving compliance.

Section 408(d) describes the requirements for Phase II permits, those to be issued by states with EPA-approved Title V programs. The owners of sources subject to Phase II of Title IV must submit their permit applications and compliance plans by January 1, 1996, to the state permitting authority. The states with approved programs must issue the permits no later than December 31, 1997. Permit applications and compliance plans that have been received by January 1, 1996, are binding and are enforceable as a permit for purposes of Titles IV and V until a permit is issued by the permitting authority.

Section 408(e) covers new sources or emissions units, those that commence commercial operation on or after November 15, 1990. New sources must submit a permit application and compliance plan to the permitting authority no later than 24 months before the later of (1) January 1, 2000, or (2) the date on which the source commences operation. The permitting authority must issue a permit to a new source if the requirements of Titles IV and V are satisfied.

Section 408(f) covers stationary sources or emissions units subject to nitrogen oxides requirements. Applications and compliance plans must be submitted to permitting authorities no later than January 1, 1998. The permitting authority must issue a permit to these sources or emissions units if the requirements of Titles IV and V are satisfied.

Section 408(g) allows the applicant to submit a revised application and compliance plan at any time after the initial submission. Section 408(h) states that it is unlawful for an owner or designated representative of the owner to fail to submit applications and compliance plans in the time period required by Title IV or to operate any affected source except in compliance with the terms and conditions of a permit and compliance plan issued by EPA or an approved permitting authority. Section 408(h)(3) prohibits shutdown of an electric utility steam generating unit for failure to have an approved permit or compliance plan. However, the unit may be subject to applicable enforcement provisions under section 113 of the Act.

Section 408(i) requires that no permit can be issued to an affected source until the designated representative has filed a certificate of representation with regard to the requirements of Title IV, including the holding and distribution of allowances. This section also describes the requirements for certification of representation when there

are multiple holders of a legal or equitable title to, or leasehold interest in, an affected unit or when a utility or industrial customer purchases power from an affected unit under life-of-the-unit, firm power contractual arrangements.

The regulation carrying out the requirements of Section 408 of Title IV, 40 CFR Part 72, and EPA guidance on Part 72 stipulates specific requirements for affected sources that are different from the requirements of 40 CFR Part 70. The differences include, but are not limited to, the following:

1. Only a designated representative or alternative designated representative of the source owner is authorized to make permit applications and other submissions under the Title IV requirements and must file a certificate of representation with EPA before they can assume these responsibilities. (40 CFR 72, Subpart B.)
2. The state permitting authority must allow EPA to intervene in any appeal of an acid rain permit. (40 CFR Part 72, § 72.72(5)(iv).)
3. The period by which the acid rain portion of an operating permit can be appealed administratively is 90 days. Judicial appeal of an acid rain portion of a permit cannot occur after 90 days. (40 CFR Part 72, § 72.72(5)(ii).)
4. An application is binding and enforceable as a permit until the permit is issued. (40 CFR Part 72, § 72.72(b)(1)(i)(B).)
5. The acid rain portion of an operating permit must be covered by a permit shield. (40 CFR Part 72, § 72.51.)
6. The acid rain rules allow for four different types of permit revisions. Two of these are the same as those provided for in 40 CFR Part 70: permit modifications and administrative amendments. The other two are unique to the acid rain program: fast-track modifications and automatic amendments. (40 CFR Part 72, Subpart H.)
7. In general, permits are issued using Part 70 procedures. However, there are some exceptions. For instance, within 10 days of determining whether an acid rain application is complete, the permitting authority must notify EPA of that determination. The permitting authority must also notify EPA of any state or judicial appeal within 30 days of the filing of the appeal. (40 CFR Part 72, §§ 72.72(b)(1)(i)(C) and 72.72(b)(5)(iii).)

Alternatives: As discussed below, there are three available alternatives that can be considered:

1. Develop a regulation to meet the operating permit requirements of Titles IV and V of the Act and the

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federal regulations implementing those requirements. This alternative would result in the approval by EPA of the Title V program for sources of air pollutants that cause acid rain. The department would have the authority and responsibility to review and to determine the approvability of operating permits for these sources in Virginia. The revenue from emissions fees charged to these sources would be used to fund the department's operating permit program.

2. Make alternative regulatory changes to those required by the provisions of the law and associated regulations and policies. Depending on the differences between the required provisions and the alternatives chosen, this option might or might not result in the approval by EPA of the Title V program for sources of air pollutants that cause acid rain.

3. Take no action to amend the regulations. This alternative would result in the disapproval by EPA of the Title V program for sources of air pollutants that cause acid rain. Furthermore, EPA may choose to sanction the state for failing to develop this requirement of the Title V program. EPA may choose to sanction a state by withholding funds for highway projects, by requiring additional offsets be provided by new or modifying sources in nonattainment areas or both. EPA might also take over that portion of the operating permit program concerning the sources of air pollutants causing acid rain, issuing permits, charging emissions fees and retaining those fees.

Costs and Benefits: The department is soliciting comments on the costs and benefits of the alternatives stated above or other alternatives.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Written comments may be submitted until December 3, 1993, to Manager, Air Programs Section, Department of Environmental Quality, P.O. Box 10089, Richmond, Virginia 23240.

Contact: Nancy S. Saylor, Policy Analyst, Department of Environmental Quality, P. O. Box 10089, Richmond, VA 23240, telephone (804) 786-1249.

V.A.R. Doc. No. C94-48; Filed September 15, 1993, 9:40 a.m.

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects intends to consider promulgating regulations entitled: **Continuing Education Requirements**

for **Land Surveyors**. The purpose of the proposed action is to consider continuing education requirements for regulants and any related regulatory issue proposed by the board or the public. The board will hold a hearing on November 30, 1993, at 2 p.m. at the Department of Occupational and Professional Regulation, 3600 W. Broad Street, Richmond, Virginia 23230. The board does not intend to hold a public hearing during the 60-day comment period.

Statutory Authority: §§ 54.1-200 and 54.1-404 of the Code of Virginia.

Written comments may be submitted until December 3, 1993.

Contact: Willie Fobbs, Board Administrator, Department of Occupational and Professional Regulation, 3600 W. Broad Street, Richmond, Virginia 23230, telephone (804) 367-8514.

V.A.R. Doc. No. R94-90; Filed October 13, 1993, 11:58 a.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects intends to consider amending regulations entitled: **VR 130-01-2. Regulations for the Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects**. The purpose of the proposed action is to consider professional entry requirements, professional responsibility and standards of conduct, and any regulatory issue proposed by the board or public. The board does not intend to hold a public hearing after publication of the proposed regulation.

Statutory Authority: §§ 54.1-200 and 54.1-404 of the Code of Virginia.

Written comments may be submitted until December 3, 1993.

Contact: Willie Fobbs, Board Administrator, Department of Occupational and Professional Regulation, 3600 W. Broad Street, Richmond, Virginia 23230, telephone (804) 367-8514.

V.A.R. Doc. No. R94-91; Filed October 13, 1993, 11:58 a.m.

DEPARTMENT OF CORRECTIONS (STATE BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Corrections intends to consider promulgating regulations entitled: **VR 230-30-001:1. Minimum Standards for Jails and Lockups**. The purpose of the proposed action is to establish minimum standards for the administration of and programs in jails and lockups. A public hearing will be held on the proposed regulations after publication. The location, date, and time of the public hearing will be

Notices of Intended Regulatory Action

published at a later date.

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

Written comments may be submitted until November 5, 1993.

Contact: Lou Ann White, Certification Supervisor, Department of Corrections, P.O. Box 26963, Richmond, VA 23261, telephone (804) 674-3268.

V.A.R. Doc. No. C94-23; Filed September 13, 1993, 3:39 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Corrections intends to consider amending regulations entitled: **VR 230-30-002. Community Diversion Standards.** The purpose of the proposed action is to amend minimum standards for the development, operation and evaluation of programs and services provided under the Community Diversion Incentive Act. The board is conducting its biennial review of the standards. By filing this notice, the board withdraws the Notice of Intent to amend regulations published in 7:23 V.A.R. 3658 August 12, 1991. The board plans to hold a public hearing on the proposed regulations after publication. The location, date, and time of the hearing will be announced following publication of the proposed regulations.

Statutory Authority: §§ 53.1-5, 53.1-180 et seq. of the Code of Virginia.

Written comments may be submitted until November 5, 1993.

Contact: Dee Malcan, Chief of Operations, Department of Corrections, P.O. Box 26963, Richmond, VA 23261, telephone (804) 674-3242.

V.A.R. Doc. No. C94-57; Filed September 15, 1993, 11:24 a.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Corrections intends to consider promulgating regulations entitled: **VR 230-30-009. Day Reporting Center Regulations.** The purpose of the proposed action is to establish regulations governing the operation of day reporting centers. A public hearing will be held on the proposed regulations after publication. The date, time and location of the hearing will be published at a later date.

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

Written comments may be submitted until December 2, 1993.

Contact: R. M. Woodard, Department of Corrections,

Division of Community Corrections, Regional Program Manager, 302 Turner Road, Richmond, VA 23225, telephone (804) 674-3732.

V.A.R. Doc. No. R94-71; Filed October 7, 1993, 3:26 p.m.

BOARD OF DENTISTRY

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Dentistry intends to consider amending regulations entitled: **VR 255-01-1. Board of Dentistry Regulations.** The purpose of the proposed action is to adjust fees, provide a grace period for licensure, provide for interstate mobility for dentists, eliminate retention of insurance records, regulate the advertisement of specialists, establish continuing education requirements, regulate the use of professional designations, and clarify existing regulations. The board will hold a public hearing on the proposed regulations after publication.

Statutory Authority: §§ 54.1-2400 and 54.1-2700 et seq. of the Code of Virginia.

Written comments may be submitted until December 2, 1993.

Contact: Marcia Miller, Executive Director, 6606 West Broad Street, Richmond, VA 23230-1717, telephone (804) 662-9906.

V.A.R. Doc. No. R94-81; Filed October 8, 1993, 3:03 p.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Dentistry intends to consider promulgating regulations entitled: **VR 255-01-2. Public Participation Guidelines.** The purpose of the proposed action is to replace the emergency public participation guidelines with permanent regulations to comply with the Administrative Process Act. The agency does not intend to hold a public hearing on the proposed regulations after publication.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

Written comments may be submitted until December 2, 1993.

Contact: Marcia Miller, Executive Director, 6606 West Broad Street, Richmond, VA 23230-1717, telephone (804) 662-9906.

V.A.R. Doc. No. R94-82; Filed October 8, 1993, 3:02 p.m.

STATE EDUCATION ASSISTANCE AUTHORITY

Notices of Intended Regulatory Action

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Education Assistance Authority intends to consider amending regulations entitled: **VR 275-00-01. Guidelines for the Development and Promulgation of Regulations.** The purpose of the proposed action is to finalize emergency regulations and address methods for the identification and notification of interested parties, and any specific means of seeking input from persons or groups as part of the process of adopting, amending or repealing regulations. The State Education Assistance Authority does not intend to hold a public hearing on the proposed regulations after publication.

Statutory Authority: § 9-6.14:7.1 of the Code of Virginia.

Written comments may be submitted until December 1, 1993, to Marvin L. Ragland, Jr., 411 E. Franklin St., Richmond, VA 23219.

Contact: Sherry Scott, Policy Analyst, 411 E. Franklin St., Richmond, VA 23219, telephone (804) 775-4071 or toll-free 1-800-937-0032.

VA.R. Doc. No. R94-72; Filed October 8, 1993, 11:43 a.m.

DEPARTMENT OF EDUCATION (STATE BOARD OF)

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Education intends to consider repealing regulations entitled: **VR 270-01-0037. Regulations Governing Public School Building Construction.** The purpose of the proposed action is to repeal existing regulations so that new standards for the erection of or addition to public school buildings may be promulgated. The Department of Education will hold public hearings on these proposed regulations according to Administrative Process Act requirements.

Statutory Authority: §§ 22.1-6 and 22.1-138 of the Code of Virginia.

Written comments may be submitted until December 1, 1993.

Contact: David L. Boddy, Director of Facilities, Virginia Department of Education, P.O. Box 2120, Richmond, VA 23216-2120, telephone (804) 225-2035.

VA.R. Doc. No. R94-80; Filed October 8, 1993, 2:59 p.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Education intends to consider promulgating regulations

entitled: **VR 270-01-0060. Minimum Standards for the Accreditation of Child Day Programs Serving Children of Preschool Age or Younger in Public Schools.** The purpose of the proposed action is to set minimum standards for the accreditation of preschool age or younger programs operated by local school divisions in Virginia. Provisions of the Code of Virginia regarding the licensure of child day centers/programs have been amended to require board action regarding day care programs run by the public schools (e.g., before- and after-school programs, four-year-old programs, vocational education programs). Specifically, the legislation requires the Board of Education to incorporate into the Standards of Accreditation the regulations for day care centers issued by the Child Day Care Council. The department has agreed to adopt these regulations with the stipulation that any changes to be made will strengthen requirements, not weaken them. To implement this requirement the department established a 12-member team of professionals with expertise in child day programs and regulatory matters from the department, local school divisions, accredited private schools, and the Department of Social Services. This core team solicited input from other pertinent individuals within the department and from local school divisions and developed proposed regulations to meet the requirements of law. The board will hold public hearings on these regulations during the public comment period.

Statutory Authority: § 22.1-19 of the Code of Virginia.

Written comments may be submitted until December 1, 1993.

Contact: Charles W. Finley, Associate Specialist, Virginia Department of Education, P.O. Box 2120, Richmond, VA 23216-2120, telephone (804) 225-2747 or toll-free 1-800-292-3820.

VA.R. Doc. No. R94-73; Filed October 8, 1993, 10:54 a.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Education intends to consider promulgating regulations entitled: **VR 270-01-0061. Minimum Standards for the Accreditation of Child Day Care Programs Serving School Age Children Offered in Public Schools.** The purpose of the proposed action is to set minimum standards for the accreditation of school age programs operated by local school divisions in Virginia. Provisions of the Code of Virginia regarding the licensure of child day centers/programs have been amended to require board action regarding day care programs run by the public schools (e.g., before- and after-school programs, four-year-old programs, vocational education programs). Specifically, the legislation requires the Board of Education to incorporate into the Standards of Accreditation the regulations for day care centers issued by the Child Day Care Council. The department has agreed to adopt these regulations with the stipulation that any changes to be

Notices of Intended Regulatory Action

made will strengthen requirements, not weaken them. To implement this requirement the department established a 12-member team of professionals with expertise in child day programs and regulatory matters from the department, local school divisions, accredited private schools, and the Department of Social Services. This core team solicited input from other pertinent individuals within the department and from local school divisions and developed proposed regulations to meet the requirements of law. The board will hold public hearings on these regulations during the public comment period.

Statutory Authority: § 22.1-19 of the Code of Virginia.

Written comments may be submitted until December 1, 1993.

Contact: Charles W. Finley, Associate Specialist, Virginia Department of Education, P.O. Box 2120, Richmond, VA 23216-2120, telephone (804) 225-2747 or toll-free 1-800-292-3820.

V.A.R. Doc. No. R94-76; Filed October 8, 1993, 10:54 a.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Education intends to consider promulgating regulations entitled: **Regulations of School Building Construction**. The purpose of the proposed action is to develop standards for the erection of or addition to public school buildings governing instructional, operational, health and maintenance facilities where these are not specifically addressed in the Uniform Statewide Building Code. The Department of Education will hold public hearings on these proposed regulations according to Administrative Process Act requirements.

Statutory Authority: §§ 22.1-16 and 22.1-138 of the Code of Virginia.

Written comments may be submitted until December 1, 1993.

Contact: David L. Boddy, Environmental Technical Services Administrator, Department of Education, P.O. Box 2120, Richmond, VA 23216-2120, telephone (804) 225-2035.

V.A.R. Doc. No. R94-79; Filed October 8, 1993, 2:59 p.m.

BOARD FOR GEOLOGY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Geology intends to consider amending regulations entitled: **VR 335-01-2. Rules and Regulations for the Virginia Board of Geology**. The purpose of the proposed action is to review the current fee structure to assure compliance with §

54.1-113 of the Code of Virginia and review the entire regulation to consider any amendments which may be necessary. The agency does not intend to hold a public hearing on the proposed amendments to this regulation after publication.

Statutory Authority: §§ 54.1-113, 54.1-201, and 54.1-1402 of the Code of Virginia.

Written comments may be submitted until November 19, 1993.

Contact: David E. Dick, Assistant Director, Board for Geology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 376-8595.

V.A.R. Doc. No. R94-27; Filed September 21, 1993, 11:56 a.m.

BOARD FOR HEARING AID SPECIALISTS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Hearing Aid Specialists intends to consider amending regulations: **VR 375-01-02. Board for Hearing Aid Specialists Rules and Regulations**. The purpose of the proposed action is to solicit public comment on all existing regulations as to the effectiveness, efficiency, necessity, clarity and cost of compliance (fee analysis) in accordance with its public participation guidelines and § 54.1-110 of the Code of Virginia. The agency intends to hold a public hearing after publication of the proposed regulations.

Statutory Authority: §§ 54.1-113 and 54.1-201 of the Code of Virginia.

Written comments may be submitted until November 5, 1993.

Contact: Geralde W. Morgan, Board Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534.

V.A.R. Doc. No. C94-53; Filed September 15, 1993, 11:46 a.m.

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: **Amount, Duration, and Scope of Services: Coverage Limits for Single Antigen Vaccines**. The purpose of the proposed action is to promulgate permanent regulations, to supersede the existing emergency regulation, to provide for only a restricted

Notices of Intended Regulatory Action

coverage of single antigen vaccines to conform to the federal restriction. The regulations will provide medically necessary exceptions to be covered. The agency does not intend to hold public hearings on this issue.

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

Written comments may be submitted until December 1, 1993, to Craig Burns, Analyst, Division of Policy and Research, 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) 371-8850.

V.A.R. Doc. No. R94-75; Filed October 6, 1993, 3:44 p.m.

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: **Cost Sharing and Similar Charges; Discontinue Recipient Copayments on Dialysis Services.** The purpose of the proposed action is to discontinue charging recipients for copayments when they are receiving dialysis services. The agency does not intend to hold a public hearing on this regulatory action after publication.

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

Written comments may be submitted until November 3, 1993, to Wayne Kitsteiner, Division of Client Services, 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) 371-8850.

V.A.R. Doc. No. C94-54; Filed September 15, 1993, 11:24 a.m.

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: **Criteria for Preadmission Screening and Continued Stay.** The purpose of the proposed action is to revise the definition of medical/nursing need and the evaluation of persons seeking community-based care to avoid future nursing facility placement. The agency does not intend to hold a public hearing on this regulatory action after publication.

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

Written comments may be submitted until November 5,

1993, to Chris Pruett, 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) 371-8850.

V.A.R. Doc. No. C93-2079; Filed August 13, 1993, 2:47 p.m.

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: **Methods and Standards for Establishing Payment Rates, Home Health Reimbursement; Methods and Standards for Establishing Payment Rates-Long Term Care; Home Health Agency Reimbursement; Nursing Facility Criminal Record Checks.** The purpose of the proposed action is to revise home health agency methodologies, to revise regulations to reimburse providers for the costs of obtaining criminal record background checks on nursing facility employees. The agency does not intend to hold a public hearing on this regulatory action after publication.

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

Written comments may be submitted until November 5, 1993, to Vicki Simmons, 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) 371-8850.

V.A.R. Doc. No. C93-2078; Filed August 13, 1993, 2:46 p.m.

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: **Methods and Standards for Establishing Payment Rates-Inpatient Hospital Care: NICU and GME.** The purpose of the proposed action is to clarify the department's existing reimbursement policies for neonatal intensive care units (NICU) and graduate medical education (GME). The agency does not intend to hold a public hearing on this regulatory action after publication.

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

Written comments may be submitted until November 17, 1993, to Peterson A. Epps, Division of Cost Settlement and Audit, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

Notices of Intended Regulatory Action

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8850.

VA.R. Doc. No. R94-28; Filed September 21, 1993, 3:15 p.m.

† 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: **VR 460-03-4.1940:1. Nursing Home Payment System: Blood Borne Pathogens.** The purpose of the proposed action is to amend the Nursing Home Payment System to reimburse nursing facilities for the costs of complying with OSHA requirements for protecting employees against exposure to blood. The agency does not intend to hold public hearings on this issue.

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

Written comments may be submitted until December 1, 1993, to N. Stanley Fields, 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) 371-8850.

VA.R. Doc. No. R94-74; Filed October 6, 1993, 3:43 p.m.

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: **Liens and Recoveries.** The purpose of the proposed action is to permit the department to place liens against the real property of Medicaid recipients in accordance with § 63.1-133.1 of the Code of Virginia, and with the Code of Federal Regulations at 42 CFR 433.36. The agency does not intend to hold a public hearing on this regulatory action after publication.

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

Written comments may be submitted until November 17, 1993, to Rudy Brown, Fiscal Division, 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) 371-8850.

VA.R. Doc. No. R94-24; Filed September 17, 1993, 10:34 a.m.

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: **PASARR and Annual Resident Review/Education Component of NF Care/NF Residents' Appeal Rights.** The purpose of the proposed action is to amend regulations to comply with regulations issued by the Health Care Financing Administration regarding PASARR. The agency does not intend to hold a public hearing on this regulatory action after publication.

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

Written comments may be submitted until November 5, 1993, to Margie Jernigan, 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) 371-8850.

VA.R. Doc. No. C93-2081; Filed August 13, 1993, 2:47 p.m.

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: **Payment of Title XVIII Part A and Part B Deductible/Coinsurance; Methods and Standards for Establishing Payment Rates - Long Term Care: Nursing Facility Payment System.** The purpose of the proposed action is to limit the payment of Medicare Part A coinsurance amount paid by Medicaid and eliminate overpayments made to providers during the first nine months of the second fiscal year. The agency does not intend to hold a public hearing on this regulatory action after publication.

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

Written comments may be submitted until November 5, 1993, to Stan Fields, 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) 371-8850.

VA.R. Doc. No. C93-2080; Filed August 13, 1993, 2:47 p.m.

BOARD OF MEDICINE

Notice of Intended Regulatory Action

Notices 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. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic, Clinical Psychology and Acupuncture.** The purpose of the proposed action is to amend §§ 2 through 7 pertaining to limited licensees and their application for obtaining full licensure. The agency does not intend to hold a public hearing on the proposed regulation unless requested.

Statutory Authority: §§ 54.1-2400 and 54.1-2936 of the Code of Virginia.

Written comments may be submitted until November 22, 1993, to Hilary H. Connor, M.D., 6606 West Broad Street, 4th Floor, Richmond, Virginia 23230-1717.

Contact: Russell D. Porter, Assistant Executive Director, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908.

VA.R. Doc. R94-41; Filed September 24, 1993, 3:40 p.m.

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES (STATE BOARD)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to consider repealing regulations entitled: **VR 470-01-01. Public Participation Guidelines.** The purpose of the proposed action is to promulgate public participation guidelines in conformance with § 9-6.14:7.1 of the Code of Virginia. The agency does not intend to hold a public hearing on the repeal of the proposed regulation after publication.

Statutory Authority: §§ 9-6.14:7.1 and 37.1-10 of the Code of Virginia.

Written comments may be submitted until November 3, 1993.

Contact: Rubyjean Gould, Administrative Services Director, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3915.

VA.R. Doc. No. C94-11; Filed September 2, 1993, 3:07 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to consider promulgating regulations entitled: **VR 470-01-01:1. Public Participation Guidelines.** The purpose of the proposed action is to promulgate public participation

guidelines in conformance with § 9-6.14:7.1 of the Code of Virginia. The agency does not intend to hold a public hearing on the repeal of the proposed regulation after publication.

Statutory Authority: §§ 9-6.14:7.1 and 37.1-10 of the Code of Virginia.

Written comments may be submitted until November 3, 1993.

Contact: Rubyjean Gould, Administrative Services Director, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3915.

VA.R. Doc. No. C94-78; Filed September 2, 1993, 3:07 p.m.

DEPARTMENT OF MINES, MINERALS AND ENERGY

Board of Examiners

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Mines, Minerals and Energy Board of Examiners intends to consider promulgating regulations entitled: **VR 480-04-2.1. Board of Examiners Certification Regulations.** The purpose of the proposed action is to establish a permanent regulation setting forth requirements for certification of persons performing specialized tasks in mines. This regulation will replace the emergency Board of Examiners Certification Regulations, VR 480-04-2. A public hearing will be held on October 12, 1993, at 10 a.m. at the DMME, Buchanan-Smith Building, Rte. 23, Big Stone Gap, VA, to receive comments on this notice. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 45.1-12 of the Code of Virginia.

Written comments may be submitted until November 3, 1993.

Contact: Harry Childress, Chairman, Board of Examiners, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (703) 523-8100.

VA.R. Doc. No. C93-2193; Filed August 25, 1993, 11:07 a.m.

DEPARTMENT OF MOTOR VEHICLES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Motor Vehicles intends to consider amending regulations entitled: **VR 485-10-7701. Privacy Protection Act Rules and Regulations.** The purpose of the proposed action is to enhance customer services. A public hearing on the

Notices of Intended Regulatory Action

proposed regulation will be held after the proposed regulation is published.

Statutory Authority: § 46.2-208 of the Code of Virginia.

Written comments may be submitted until November 22, 1993.

Contact: Judy Vesely, Policy Analyst, Department of Motor Vehicles, 2300 W. Broad St., Room 321, Richmond, VA 23220, telephone (804) 367-0130.

V.A.R. Doc. No. R94-29; Filed September 23, 1993, 2:19 p.m.

BOARD OF PHARMACY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Pharmacy intends to consider amending regulations entitled: **VR 530-01-1. Regulations of the Virginia Board of Pharmacy.** The purpose of the proposed action is to consider amendments to regulations to include the following issues: satellite pharmacies in hospitals, pharmacy technicians, elements of a prescription, and compounding of sterile products. A public hearing will be held after publication of the proposed regulations.

Statutory Authority: §§ 54.1-2400, 54.1-3307, 54.1-3404 and 54.1-3434 of the Code of Virginia.

Written comments may be submitted until November 18, 1993.

Contact: Scotti W. Milley, Executive Director, Virginia Board of Pharmacy, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9911.

V.A.R. Doc. No. R94-62; Filed September 28, 1993, 4:59 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Pharmacy intends to consider promulgating regulations entitled: **VR 530-01-3. Public Participation Guidelines.** The purpose of the proposed action is to replace emergency Public Participation Guidelines with permanent regulations. No public hearing is planned during the comment period on this matter, as the board plans to adopt without changing the emergency regulations currently in effect.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

Written comments may be submitted until November 18, 1993.

Contact: Scotti W. Milley, Executive Director, Virginia Board of Pharmacy, 6606 W. Broad St., Richmond, VA

23230-1717, telephone (804) 662-9911.

V.A.R. Doc. No. R94-63; Filed September 28, 1993, 4:59 p.m.

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Professional and Occupational Regulation intends to consider amending regulations entitled: **VR 190-03-1. Polygraph Examiners Regulations.** The purpose of the proposed action is to solicit public comment on all existing regulations as to the effectiveness, efficiency, necessity, clarity and cost of compliance (fee analysis) in accordance with its public participation guidelines and § 54.1-110 of the Code of Virginia. The agency intends to hold a public hearing on the proposed regulation after publication, during the comment period.

Statutory Authority: §§ 54.1-113 and 54.1-201 of the Code of Virginia.

Written comments may be submitted until November 19, 1993.

Contact: Geralde W. Morgan, Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534.

V.A.R. Doc. No. R94-42; Filed September 24, 1993, 11:57 a.m.

REAL ESTATE BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Real Estate Board intends to consider amending regulations entitled: **Real Estate Board Regulations, Real Estate License Laws, Fair Housing Laws.** The purpose of the proposed action is to propose to undertake a review and seek public comments on all its regulations for promulgation, amendment and repeal as is deemed necessary in its mission to regulate Virginia real estate licensees. A public hearing will be held on the proposed action after publication.

Statutory Authority: §§ 54.1-200 and 54.1-2105 of the Code of Virginia.

Written comments may be submitted until November 1, 1993.

Contact: Joan L. White, Assistant Director, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552.

V.A.R. Doc. No. C93-2093; Filed August 16, 1993, 12:18 p.m.

Notices of Intended Regulatory Action

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Social Services intends to consider amending regulations entitled: **VR 615-08-1. Virginia Energy Assistance Program.** The purpose of the proposed action is to incorporate emergency regulations as final regulatory action for the 1993-94 program year. Regulatory requirements are contained in Title VI of the Human Services Reauthorization Act of 1990 (Public Law 101-501). No public hearing is planned on the proposed regulation after publication.

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

Written comments may be submitted until December 18, 1993, to Charlene H. Chapman, Department of Social Services, 730 East Broad Street, Richmond, Virginia 23219-1849.

Contact: Margaret J. Friedenber, Legislative Analyst, Bureau of Governmental Affairs, Division of Planning and Program Review, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1820.

V.A.R. Doc. No. C94-64; Filed September 28, 1993, 3:57 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Social Services intends to consider repealing regulations entitled: **VR 615-22-02. Standards of Regulations for Licensed Homes for Adults.** The purpose of the proposed action is to repeal the existing standards and regulations for licensed homes for adults. No public hearing is scheduled after publication of the proposed repeal. The State Board of Social Services will consider public comments at its regularly scheduled meeting.

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

Written comments may be submitted until November 18, 1993, to Cheryl W. Worrell, Program Development Supervisor, Department of Social Services, 730 East Broad Street, Richmond, Virginia 23219-1849.

Contact: Margaret J. Friedenber, Agency Regulatory Coordinator, Bureau of Governmental Affairs, Division of Planning and Program Review, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1820.

V.A.R. Doc. No. C94-43; Filed September 24, 1993, 3:37 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Social Services intends to consider promulgating regulations entitled: **VR 615-39-01. Module for Residential Facilities for Children.** The purpose of the proposed action is to

develop standards applicable to residential facilities for children licensed by the Department of Social Services. This module will be applied in addition to the Standards for Interdepartmental Regulation of Residential Facilities for Children. A public hearing is not planned after publication of the proposed regulation. The board will consider public comments at its regularly scheduled meeting.

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

Written comments may be submitted until November 15, 1993, to Doris Jenkins, Division of Licensing Programs, Department of Social Services, 730 East Broad Street, Richmond, Virginia 23219-1849.

Contact: Margaret J. Friedenber, Legislative Analyst, Governmental Affairs, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1820.

V.A.R. Doc. No. C94-14; Filed September 13, 1993, 3:40 p.m.

BOARD FOR PROFESSIONAL SOIL SCIENTISTS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Professional Soil Scientists intends to consider amending regulations entitled: **VR 627-02-01. Board for Professional Soil Scientists Regulations.** The purpose of the proposed action is to review the current fee structure to assure compliance with § 54.1-113 of the Code of Virginia. The agency does not intend to hold a public hearing on the proposed amendments to this regulation.

Statutory Authority: §§ 54.1-113 and 54.1-201 of the Code of Virginia.

Written comments may be submitted until November 19, 1993.

Contact: David E. Dick, Assistant Director, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595.

V.A.R. Doc. No. R94-25; Filed September 21, 1993, 11:56 a.m.

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 amending regulations entitled: **VR 662-02-02. Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering.** The purpose of the proposed action is to repeal the provisions of § 2.24 which establish procedures for appeals of denial, fines, suspension of licenses and to replace them with regulations which incorporate the provisions of § 59.1-373 of the Code

Notices of Intended Regulatory Action

of Virginia. The commission will hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 59.1-369 of the Code of Virginia.

Written comments may be submitted until December 1, 1993.

Contact: William H. Anderson, Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363.

V.A.R. Doc. No. R94-92; Filed October 13, 1993, 11:47 a.m.

BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Waste Management Facility Operators intends to consider amending regulations entitled: **VR 674-01-02. Waste Management Facility Operators Regulations**. The purpose of the proposed action is to review the current fee structure to assure compliance with § 54.1-113 of the Code of Virginia and review the entire regulation to consider any amendments which may be necessary. The agency does not intend to hold a public hearing on the amendments to this regulation.

Statutory Authority: §§ 54.1-113, 54.1-201, and 54.1-2211 of the Code of Virginia.

Written comments may be submitted until November 19, 1993.

Contact: David E. Dick, Assistant Director, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595.

V.A.R. Doc. No. R94-26; Filed September 21, 1993, 11:56 a.m.

STATE WATER CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider amending regulations entitled: **VR 680-13-07. Ground Water Withdrawal Regulation**. The purpose of the proposed action is to establish regulatory guidelines for agricultural ground water withdrawals as required by the Ground Water Management Act of 1992.

Basis and Statutory Authority: Section 62.1-256.1 of the Ground Water Management Act of 1992 requires that the board issue ground water withdrawal permits in accordance with adopted regulations. Section 62.1-256.8 of the Act authorizes the board to adopt regulations necessary to administer and enforce the Act. Section 62.1-260 E of

the Act requires that all persons withdrawing ground water in excess of 300,000 gallons per month for agricultural or livestock watering purposes in the Eastern Virginia or Eastern Shore Ground Water Management Areas apply for and obtain a ground water withdrawal permit. Section 62.1-258 of the Act requires that any person who proposes a new withdrawal of ground water in excess of 300,000 gallons per month in any ground water management area for agricultural or livestock watering purposes obtain a ground water withdrawal permit.

Need: The Ground Water Management Act of 1992 requires that persons who withdraw more than 300,000 gallons per month for agricultural or livestock watering purposes obtain a ground water withdrawal permit. The Act further requires that the board issue ground water withdrawal permits in accordance with adopted ground water withdrawal regulations. The current Ground Water Withdrawal Regulations must be amended to incorporate application requirements and permit issuance criteria for agricultural ground water withdrawal permits.

Substance and Purpose: This proposed regulatory amendment will establish regulatory guidelines for agricultural ground water withdrawals as required by the Ground Water Management Act of 1992. Agricultural ground water withdrawals were previously exempted from regulation in the Ground Water Act of 1973.

The purpose of this proposed amendment is to establish regulatory controls on agricultural users of more than 300,000 gallons of ground water per month in order to protect the public welfare, safety and health from the negative impacts of over utilization of the ground water resource. Application requirements, permit issuance criteria, and withdrawal monitoring requirements for agricultural ground water withdrawals will be included in the existing regulation.

Estimated Impact: Amendments to the Ground Water Withdrawal Regulation will impact 23 known agricultural ground water users who have voluntarily reported their ground water withdrawals in the past. An unknown additional number of existing agricultural ground water users in the Eastern Virginia and Eastern Shore Ground Water Management Areas will also be impacted. It is anticipated that a maximum of 16 hours will be required to gather necessary information and complete an application for an existing agricultural ground water user. There may be additional costs associated with an agricultural ground water withdrawal permit for withdrawal monitoring and reporting. The range of these costs will be dependent on regulatory requirements. The costs associated with an application for a new agricultural ground water withdrawal will be determined by the information requirements to support such an application that are included in the proposed amendment to the regulation.

Alternatives: The Ground Water Management Act of 1992 requires that agricultural ground water withdrawals in

Notices of Intended Regulatory Action

excess of 300,000 gallons per day within ground water management areas be permitted. The Act further requires that the board issue all permits in accordance with adopted regulations. No alternative, other than amending the Ground Water Withdrawal Regulation, is considered appropriate.

Public Comments: The board seeks written comments from interested persons on the intended regulatory action and on the costs and benefits of the stated alternative or other alternatives. In addition, the board will hold two public meetings to receive views and comments on amendments to the Ground Water Withdrawal Regulation to include agricultural withdrawals. The meetings will be held on October 25, 1993, 7:30 p.m. at the Eastern Shore Community College, Lecture Hall, 29300 Lankford Highway, Melfa, VA 23410 and October 26, 1993, 2 p.m. at the James City County Board of Supervisors Room, Building C, 101 C Mounts Bay Road, Williamsburg, VA 23185. A question and answer session on the proposed action will be held one-half hour prior to the beginning of both of these meetings.

Intent to Hold an Informational Proceeding or Public Hearing: The board intends to hold at least one informational proceeding (informal hearing) on this proposed amendment after it is published in the Register of Regulations. This informational proceeding will be convened by a member of the board. The board does not intend to hold a formal evidential hearing on this proposed amendment after it is published in the Register of Regulations.

Accessibility to Persons with Disabilities: The meetings are being held at public facilities believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Mrs. Doneva A. Dalton at the address listed below or by telephone at (804) 527-5162 or TDD (804) 527-4261. Persons needing interpreter services for the deaf must notify Mrs. Dalton no later than October 13, 1993.

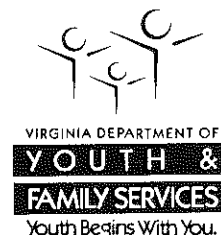
Advisory Committee/Group: An advisory group was convened during the late spring of 1993 to provide input to the agency regarding the proposed amendment to the regulation. The advisory group is composed of representatives from state and federal agencies with knowledge of agricultural water use, the academic community, agricultural interest groups, independent agricultural producers, and regional ground water protection groups. The advisory group is currently finalizing its position on topics to be included in the proposed regulatory amendment.

Statutory Authority: §§ 62.1-256.1, 62.1-256.8, 62.1-260 E and 62.1-258 of the Code of Virginia.

Written comments may be submitted until 4 p.m. on November 5, 1993, to Doneva Dalton, Department of Environmental Quality, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Terry D. Wagner, Office of Spill Response and Remediation, Department of Environmental Quality, P.O. Box 11143, Richmond, VA 23230, telephone (804) 527-5203.

VA.R. Doc. No. C93-2232; Filed August 31, 1993, 3:27 p.m.



BOARD OF YOUTH AND FAMILY SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Youth and Family Services intends to consider promulgating regulations entitled: **Standards for the Conduct of Research on Clients and Records of the Department of Youth and Family Services.** The purpose of the proposed action is to provide guidelines to ensure competent, complete and professional human research activities as defined in § 32.1-162.16 of the Code of Virginia to be conducted or authorized by the department. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 66-10.1 of the Code of Virginia.

Written comments may be submitted until November 18, 1993.

Contact: Donald R. Carignan, Policy Coordinator, Department of Youth and Family Services, P.O. Box 1110, Richmond, VA 23208-1110, telephone (804) 371-0692.

VA.R. Doc. No. R94-61; Filed September 29, 1993, 9:21 a.m.

PROPOSED REGULATIONS

For information concerning Proposed Regulations, see information page.

Symbol Key

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

Withdrawal of Proposed Regulations

The Board of Agriculture and Consumer Services has **withdrawn** the proposed repeal of the regulation entitled "VR 115-02-02, Rules and Regulations Governing the Prevention, Control, and Eradication of Bovine Tuberculosis in Virginia," published in 8:20 V.A.R. 3470 June 29, 1992.

V.A.R. Doc. No. R94-85; Filed October 8, 1993, 4:21 p.m.

The Board of Agriculture and Consumer Services has **withdrawn** the proposed regulation entitled "VR 115-02-02:1, Rules and Regulations Governing the Prevention, Control, and Eradication of Bovidae, Cervidae, and Capridae in Virginia," published in 8:20 V.A.R. 3470-3480 June 29, 1992.

V.A.R. Doc. No. R94-86; Filed October 8, 1993, 4:21 p.m.

The Board of Agriculture and Consumer Services has **withdrawn** the proposed repeal of the regulation entitled "VR 115-02-12, Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals and Other Animals or Birds into Virginia," published in 8:20 V.A.R. 3495 June 29, 1992.

V.A.R. Doc. No. R94-88; Filed October 8, 1993, 4:21 p.m.

The Board of Agriculture and Consumer Services has **withdrawn** the proposed regulation entitled "VR 115-02-12:1, Rules and Regulations Pertaining to the Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds into Virginia," published in 8:20 V.A.R. 3495-3506 June 29, 1992.

V.A.R. Doc. No. R94-89; Filed October 8, 1993, 4:21 p.m.

VIRGINIA RACING COMMISSION

Title of Regulation: VR 662-01-01. Virginia Racing Commission Public Participation Guidelines for Adoption or Amendment of Regulations .

Statutory Authority: § 59.1-369 of the Code of Virginia.

Public Hearing Date: December 8, 1993 - 9:30 a.m.

Written comments may be submitted until January 3, 1994.

(See Calendar of Events section for additional information)

Basis: Section 59.1-369 of the Code of Virginia authorizes the Virginia Racing Commission to promulgate regulations and conditions under which horse racing with pari-mutuel wagering shall be conducted.

Purpose: The proposed amendments to the public participation guidelines of the Virginia Racing Commission will bring the regulation into conformity with recent changes in the Administrative Process Act thereby enhancing the public's participation in the deliberations of the commission.

Substance: The proposed amendments to the public participation guidelines reflect the changes in the Administrative Process Act that became effective on July 1, 1993. These amendments formalize into the regulation practices that the Virginia Racing Commission has observed from its inception, e.g., utilizing advisory and ad hoc panels as well as providing an opportunity for public participation at each regular meeting of the commission.

Issues: The proposed amendments to the public participation guidelines will assist the public in providing input into the regulatory processes and deliberation of the Virginia Racing Commission while enhancing the public's knowledge of the regulations and other activities of the commission.

Impact: The projected number of persons affected by the proposed amendment to the public participation guidelines are all interested parties to the Virginia Racing Commission's regulatory activities. The projected cost is not anticipated to increase for the implementation and compliance required by the amended regulation.

Summary:

The Virginia Racing Commission is authorized by § 59.1-369 of the Code of Virginia to promulgate regulations for the licensure, construction and operation of horse racing facilities with pari-mutuel wagering. The amended regulation brings the commission's public participation guidelines into conformity with recent changes in the Administrative Process Act.

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VR 662-01-01. Public Participation Guidelines.

§ 1. Generally.

A. Chapter 29 (§ 59.1-364 et seq.) of Title 59.1 of the Code of Virginia became effective on January 1, 1989, and vested the Virginia Racing Commission ("commission") with control of all horse racing with pari-mutuel wagering in the Commonwealth. Section 59.1-369 of the Code of Virginia authorizes the commission to promulgate regulations and conditions under which horse racing with pari-mutuel wagering shall be conducted in the Commonwealth.

A. B. These public participation guidelines shall apply to all regulations subject to the Administrative Process Act which are administered by the Virginia Racing Commission. These guidelines shall not apply to regulations adopted on an emergency basis.

B. C. In developing any regulation governing horse racing and pari-mutuel wagering, the Virginia Racing Commission ("commission") is committed to obtaining comments from interested people. The commission intends to involve all interested parties in the development of those regulations.

C. D. Anyone who is interested in participating in the process of developing regulations should notify the commission in writing. This notification should be sent to: Chairman, Virginia Racing Commission, P.O. Box 1123, Richmond, Virginia 23208, the commission's main business office.

1. The commission will maintain a list of the people who notified the commission in writing.

2. The commission will mail to everyone on the list a copy of the Notice of Intended Regulatory Action discussed in § 4 of these guidelines.

E. The commission shall place on its agenda, whenever appropriate, a period for public participation during its regular meetings.

§ 2. Identification of needed regulations.

A. Anyone may identify the need for a new regulation or for an amendment, or addition to, or a repeal of any existing regulation. The request for a new regulation or suggested change to a current regulation should be made in writing and sent to: Chairman, Virginia Racing Commission, P.O. Box 1123, Richmond, Virginia 23208.

A. Any person may petition the commission to request the development of a new regulation or amendment to an existing regulation. The commission upon receiving the petition shall receive, consider, and respond to the petition within 180 days. The commission's decision to initiate or not initiate rulemaking in response to petitions is not subject to judicial review. Requests should be sent to:

Chairman, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208.

B. The commission, at its discretion, may consider any regulatory request or change.

§ 3. Identification of interested parties.

Before the commission develops a regulation, it will identify persons who either would be interested in or affected by the proposal. The methods for identifying interested parties shall include, but not be limited to, the following:

1. Obtaining the statewide listing of business, professional and civic associations published by the Virginia Chamber of Commerce. This list will be used to identify groups which might be interested in the regulation.

2. Using commission files to identify people who have raised questions or expressed an interest in the regulations.

3. Using a list, compiled by the commission, of persons who previously participated in public proceedings.

4. Obtaining from the Secretary of the Commonwealth a list of all persons, associations and others who have registered as lobbyists for the most recent General Assembly session. This list will be used to identify groups which may be interested in the subject matter of the proposed regulation.

5. The commission shall appoint a standing advisory panel which shall be consulted and requested to provide input to the commission regarding the formation and development of each of its regulations. The standing advisory panel shall consist of at least one representative from each of the following: the Virginia Thoroughbred Association, the Virginia Standardbred Association, the Virginia Arabian Racing Association, the Virginia Quarter Horse Association, the Virginia Steeplechase Association, the Association of Racing Commissioners International, and the Jockeys' Guild, together with at least one veterinarian, one attorney, and one accountant who possess expertise in their respective disciplines which is related to the breeding and racing of horses.

6. In addition to the standing advisory panel, the commission, in its discretion, may appoint and make use of ad hoc advisory panels to assist it in the formation and development of regulations whenever the commission considers the subject of such regulations to be outside the expertise of the members of its standing advisory panel or that some additional special expertise would be helpful in the formulation and development of such regulations, e.g., regulations regarding electronic data processing or satellite

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communications.

§ 4. Notification of interested parties.

A. Generally.

The commission will prepare a Notice of Intended Regulatory Action ("notice") before developing any regulation. The notice will identify the subject matter and purpose of the new regulation(s). The notice will specify a time deadline and location for interested persons to submit written comments.

A. In the case of all regulations, except those regulations exempted by § 9-6.14.4.1 of the Code of Virginia, the commission shall provide the Registrar of Regulations with a Notice of Intended Regulatory Action which describes the subject matter and intent of the planned regulation. At least 30 days shall be provided for public comment after publication of the Notice of Intended Regulatory Action. The commission shall not file proposed regulations with the Registrar until the public comment period on the Notice of Intended Regulatory Action has closed.

B. Notifying those interested. The methods for notifying interested persons shall include publishing the notice in the Virginia Register of Regulations (Virginia Register) and also may include the following:

1. Sending the notice to all persons identified as interested parties through the methods described in § 3 above ; and
2. Requesting that groups, associations, and organizations to whom the notice is sent publish the notice in newsletters or journals or use other means available to them to inform their members.

§ 5. Public participation in regulation development ; initial comment; preparing a proposed regulation .

A. ~~Initial comment.~~ After interested parties have responded to the notice, the commission will determine the level of interest.

1. If sufficient interest exists, and if time permits, the commission may schedule informal meetings before the development of the proposed regulation. The meetings will determine the specific areas of interest and concern and will gather factual information on the subject of the regulation.
2. Instead of informal meetings, the commission may ask for additional written comments, concerns or suggestions on the development of the regulation from those who responded to the notice.
3. The commission may decide that the notice resulted in receipt of enough information so that it can develop the proposed regulation without either an informal meeting or additional written comments.

B. ~~Preparing a proposed regulation.~~ After the initial public input on the intended regulatory action, the commission will develop a proposed regulation for review, revision and adoption.

§ 6. Submission of regulation under the Administrative Process Act.

A. After the drafting process ends, the commission-approved regulation will be submitted to the Registrar of Regulations under the Administrative Process Act (APA), Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 ; of the Code of Virginia. The commission-approved regulation will be published as a proposed regulation in the Virginia Register.

B. The commission will furnish a copy of the regulation published in the Virginia Register to persons who make such a request. A copy of the "Notice of Comment Period" form may be sent with the copy of the regulation.

C. If the commission elects to hold a public hearing, the time, date, and place will be specified. In addition, the cutoff date for people to notify the commission that they will participate in the public hearing will be set out. People who choose to participate in the public hearing will be encouraged to submit, in advance, written copies of their comments. These copies will help to ensure that comments are accurately recorded in the formal transcript of the hearing.

C. The commission shall state in the Notice of Intended Regulatory Action whether it intends to hold a public hearing on the proposed regulation after it is published. The commission shall hold such public hearings if required by basic law. If the commission states an intent to hold a public hearing on the proposed regulation in the Notice of Intended Regulatory Action, then it shall hold the hearing. If the commission states in its Notice of Intended Regulatory Action that it does not plan to hold a hearing on the proposed regulation, then no public hearing is required unless, prior to completion of the comment period specified in the Notice of Intended Regulatory Action: (i) the Governor directs that the commission shall hold a public hearing or (ii) the commission receives requests for a public hearing from 25 persons or more.

D. When the commission issues an order adopting a regulation, it may elect to send a notice to people who participated in the APA comment process. The notice will state that the regulation will be published in the Virginia Register and will specify the issue number.

§ 7. Publication and distribution of final regulation.

A. The commission will adopt all final regulations. The final regulations will be submitted for publication in the Virginia Register.

B. The commission will order the printing of all adopted final regulations and make appropriate distribution.

C. The distribution of any regulation will be made with a goal of increasing public knowledge of the policies of the commission and compliance with the commission's regulations.

V.A.R. Doc. No. R94-67; Filed September 30, 1993, 10:05 a.m.

VIRGINIA RACING COMMISSION

Title of Regulation: VR 662-02-05. Satellite Facilities.

Statutory Authority: § 59.1-369 of the Code of Virginia.

Public Hearing Date: December 8, 1993 - 9:30 a.m.

Written comments may be submitted until January 3, 1994.

(See Calendar of Events section for additional information)

Basis: Section 59.1-369 of the Code of Virginia authorizes the Virginia Racing Commission to promulgate regulations and conditions under which horse racing with pari-mutuel wagering shall be conducted.

Purpose: The proposed regulation establishes the conditions under which pari-mutuel wagering on the outcomes of horse races may take place at satellite facilities as well as the requirements for licensure of satellite facilities by the Virginia Racing Commission.

Substance: The proposed regulation has been drafted in accordance with the requirements of the Virginia Racing Commission's own regulations pertaining to the licensure of a racetrack as well as similar regulations from neighboring jurisdictions. The model rules of the Association of Racing Commissioners International were also utilized in the drafting process.

Issues: The proposed regulation requires a full disclosure of the ownership of the satellite facilities as well as providing for local participation in the ownership of satellite facilities. Further, the proposed regulation requires a full disclosure of the plans, hours of operation and security arrangements for the facilities. Finally, the proposed regulation mandates a full disclosure of all local governmental approvals.

Impact: By statute, the Virginia Racing Commission may license up to six satellite facilities in the Commonwealth of Virginia. It is anticipated that each facility will offer substantial employment opportunities in the localities where they are located. Furthermore, a portion of the pari-mutuel wagering will go directly to the general fund of the Commonwealth as well as to the localities where the satellite facilities are located. Finally, a portion of the pari-mutuel wagering at the satellite facilities will be utilized to strengthen the horse breeding industry.

Summary:

The Virginia Racing Commission is authorized by § 59.1-369 of the Code of Virginia to promulgate regulations for the licensure, construction and operation of horse racing facilities with pari-mutuel wagering. The proposed regulation sets forth the conditions under which pari-mutuel wagering on horse races may be conducted at satellite facilities.

VR 662-02-05. Satellite Facilities.

PART I. GENERAL PROVISIONS.

§ 1.1. Definitions.

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

"Commission" means the Virginia Racing Commission.

"Licensee" includes any person holding an owner's, operator's, or limited license under §§ 59.1-375 through 59.1-386 of the Code of Virginia. The licensee under a limited license shall not be deemed an owner for the purposes of owning or operating a satellite facility.

"Satellite facility" means all areas of the property at which simulcast horse racing is received for the purposes of pari-mutuel wagering, and any additional areas designated by the commission.

"Simulcast horse racing" means the simultaneous transmission of the audio or video portion, or both, of horse races from a licensed horse racetrack or satellite facility to another licensed horse racetrack or satellite facility, regardless of state of licensure, whether such races originate within the Commonwealth or any other jurisdiction, by satellite communication devices, television cables, telephone lines, or any other means for the purposes of conducting pari-mutuel wagering.

§ 1.2. Generally.

The commission is authorized to issue licenses for satellite facilities for the promotion, sustenance and growth of a native industry, in a manner consistent with the health, safety and welfare of the people. The operation of satellite facilities shall be conducted so as to maintain horse racing in the Commonwealth of Virginia of the highest quality and free of any corrupt, incompetent, dishonest or unprincipled practices and to maintain in horse racing complete honesty and integrity.

§ 1.3. Local referendum.

The commission shall not grant a license to own or operate a satellite facility until a referendum approving the question is held in the county or city in which the satellite facility is to be located.

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§ 1.4. Observance of regulations.

The holder of a license to own or operate a satellite facility shall be charged with the same duties and responsibilities as are the holders of unlimited licenses with respect to the observance and enforcement of the act and the regulations of the commission.

§ 1.5. Interstate Horse Racing Act.

The conduct of simulcast horse racing must comply with the provisions of the Interstate Horse Racing Act of 1978 (15 USC 3001 et seq.).

§ 1.6. Majority ownership.

The commission shall require that the majority ownership of satellite facilities be restricted to an entity licensed by the commission which owns a horse racetrack in the Commonwealth. Nothing in these regulations shall be deemed to preclude private local ownership or participation in any satellite facility.

§ 1.7. Approval of simulcasting contracts.

Any contractual agreement between a licensee and other entities concerning simulcast horse racing is subject to the approval of the commission.

§ 1.8. Disclosure of contracts.

Each licensee upon request shall provide to the commission copies of all contracts entered into by the licensee relating to the operation of a satellite facility.

§ 1.9. Restrictions on wagering.

Wagering on simulcast horse racing shall take place only at a licensed horse racetrack or satellite facility.

§ 1.10. Permits required.

All racing officials employed in a satellite facility shall apply for permits under the provisions of VR 662-03-01. All participants employed in a satellite facility shall apply for permits under the provisions of VR 662-03-02.

PART II. APPLICATION FOR A LICENSE.

§ 2.1. Where to file application.

An applicant for a license to own or operate a satellite facility shall submit an application on a form, prepared by the commission, to the main office of the commission. The application shall be submitted either by certified mail or hand delivered.

1. An application to be sent by certified mail shall be addressed to:

Executive Secretary
Virginia Racing Commission
Post Office Box 1123
Richmond, VA 23208

2. An application to be hand delivered shall be delivered to the Executive Secretary, Virginia Racing Commission at the commission's office in Richmond, Virginia.

3. Delivery to other than the commission's main office is not acceptable.

4. The applicant assumes full responsibility for the method chosen to deliver the application.

§ 2.2. Application fee.

An applicant for a license to own or operate a satellite facility must submit a nonrefundable application fee to the commission's designee at the time of application by a certified check or bank draft to the order of the Commonwealth of Virginia in the amount of \$500. In the event the cost of the background investigation exceeds the application fee, the applicant must remit the amount of the difference by certified check or bank draft within 10 days after receipt of a bill from the commission.

§ 2.3. Identification of applicant for a license.

An application for a license to own or operate a satellite facility shall include the name, address and telephone number of the applicant, and the name, position, address, telephone number and authorized signature of an individual to whom the commission may make inquiry.

§ 2.4. Applicant's affidavit.

An application for a license shall include an affidavit from the chief executive officer, director, officer or other participant in the applicant setting forth:

1. That the application is made for a license to own or operate a satellite wagering facility at which pari-mutuel wagering on horse racing is conducted;

2. That the affiant is the agent of the applicant, its owners, partners, members, directors, officers and personnel, and is duly authorized to make the representations in the application on their behalf. Documentation of the authority must be attached;

3. That the applicant seeks a grant of privilege from the Commonwealth of Virginia, and the burden of proving the applicant's qualifications rests at all times with the applicant;

4. That the applicant consents to inquiries by the Commonwealth of Virginia and the commission into the financial, character and other qualifications of the applicant by contacting individuals and organizations;

5. That the applicant, its owners, partners, members, directors, officers, and personnel accept any risk of adverse public notice, embarrassment, criticism, or other circumstance, including financial loss, which may result from action with respect to the application and expressly waive any claim which otherwise could be made against the Commonwealth of Virginia, its employees, the commission, staff or agents;

6. That the affiant has read the application and knows the contents; the contents are true to the affiant's own knowledge, except matters therein stated as information and belief; as to those matters, the affiant believes them to be true;

7. That the applicant recognizes all representations in the application are binding on it, and false or misleading information in the application, omission of required information, or substantial deviation from representations in the application may result in denial, revocation or conditioning of a license or imposition of a fine, or any or all of the foregoing;

8. That the applicant will comply with all applicable local, state and federal statutes, regulations and ordinances;

9. The affiant's signature, name, organization, position, address, and telephone number; and

10. The date.

§ 2.5. Disclosure of ownership and control.

An applicant must disclose, if not already a licensee of the commission:

1. The type of organizational structure of the applicant, whether individual, business corporation, nonprofit corporation, partnership, joint venture, trust, association, or other;

2. If the applicant is an individual, the applicant's legal name, whether the applicant is a United States citizen, any aliases and business or trade names currently or previously used by the applicant, and copies of all state and federal tax returns for the past five years;

3. If the applicant is a corporation:

a. The applicant's full corporate name and any trade names currently or previously used by the applicant;

b. The jurisdiction and date of incorporation;

c. The date the applicant began doing business in Virginia and a copy of the applicant's certificate of authority to do business in Virginia;

d. Copies of the applicant's articles of incorporation, bylaws, and all state and federal corporate tax returns for the past five years;

e. The general nature of the applicant's business;

f. Whether the applicant is publicly held as defined by the rules and regulations of the Securities and Exchange Commission;

g. The classes of stock of the applicant. As to each class, the number of shares authorized, number of shares subscribed to, number issued, number outstanding, par value per share, issue price, current market price, number of shareholders, terms, position, rights, and privileges must be disclosed;

h. Whether the applicant has any other obligations or securities authorized or outstanding which bear voting rights either absolutely or upon any contingency, the nature thereof, face or par value, number of units authorized, number outstanding, and conditions under which they may be voted;

i. The names, in alphabetical order, and addresses of the directors and, in a separate list, officers of the applicant. The number of shares held of record directly or indirectly by each director and officer as of the application date of each class of stock, including stock options and subscriptions, and units held of record or beneficially of other obligations or securities which bear voting rights must be disclosed;

j. The names, in alphabetical order, and addresses of each recordholder as of the date of application or beneficial owner of shares, including stock options and subscriptions, of the applicant or units of other obligations or securities which bear voting rights. As to each holder of shares or units, the number and class or type of shares or units must be disclosed;

k. Whether the requirements of the Securities Act of 1933 and Securities and Exchange Act of 1934, as amended, and Securities and Exchange Commission rules and regulations have been met in connection with issuance of applicant's securities, and copies of the most recent registration statement and annual report filed with the Securities and Exchange Commission;

l. Whether the securities registration and filing requirements of the applicant's jurisdiction of incorporation have been met, and a copy of the most recent registration statement filed with the securities regulator in that jurisdiction; and

m. Whether the securities registration and filing requirements of the Commonwealth of Virginia have been met. If they have not, the applicant must

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disclose the reasons why. The applicant must provide copies of all securities filings with Virginia's State Corporation Commission during the past five years;

4. If the applicant is an organization other than a corporation:

a. The applicant's full name and any aliases, business, or trade names currently or previously used by the applicant;

b. The jurisdiction of organization of the applicant;

c. The date the applicant began doing business in Virginia;

d. Copies of any agreements creating or governing the applicant's organization and all of the applicant's state and federal tax returns for the past five years;

e. The general nature of the applicant's business;

f. The names, in alphabetical order, and addresses of any partners and officers of the applicant and other persons who have or share policymaking authority. As to each, the applicant must disclose the nature and extent of any ownership interest, direct or indirect, including options, or other voting interest, whether absolute or contingent, in the applicant; and

g. The names, in alphabetical order, and addresses of any individual or other entity holding a record or beneficial ownership interest, direct or indirect, including options, as of the date of the application, or other voting interest, whether absolute or contingent, in the applicant. As to each, the applicant must disclose the nature and extent of the interest;

5. If a nonindividual record or nonindividual beneficial holder of an ownership or other voting interest of 5.0% or more in the applicant is identified pursuant to subdivision 3 i or j, or subdivision 4 f and g, the applicant shall disclose the information required by those subdivisions as to record or beneficial holders of an ownership or voting interest of 5.0% or more in that nonindividual holder. The commission shall have the right to inquire for further disclosure of the applicant as it deems necessary. When an applicant is unable to provide the information required, it shall explain fully and document its inability to do so;

6. Whether the applicant is directly or indirectly controlled to any extent or in any manner by another individual or entity. If so, the applicant must disclose the identity of the controlling entity and a description of the nature and extent of control;

7. Any agreements or understandings which the

applicant or any individual or entity identified pursuant to this section has entered into regarding ownership or operation of the applicant's satellite facility, and copies of any such agreements in writing;

8. Any agreements or understandings which the applicant has entered into for the payment of fees, rents, salaries, or other compensation concerning the proposed satellite facility by the applicant, and copies of any such agreements in writing; and

9. Whether the applicant, any partner, director, officer, other policymaker, or holder of a direct or indirect record or beneficial ownership interest or other voting interest or control of 5.0% or more has held or holds a license or permit issued by any governmental authority to own or operate a horse racing facility, pari-mutuel wagering facility or any other form of gambling or has a financial interest in such an enterprise or conducts any aspect of horse racing or gambling. If so, the applicant must disclose the identity of the license or permit holder, nature of the license or permit, issuing authority, and dates of issuance and termination.

§ 2.6. Disclosure of character information.

Unless the applicant for a license is already a licensee or holder of a permit from the commission, the applicant shall disclose and furnish particulars regarding whether the applicant or any individual or other entity identified pursuant to § 2.5 or § 2.12 of this regulation or a lease holder of the site of the facility has:

1. Been charged in any criminal proceeding other than in connection with a traffic violation. If so, the applicant must disclose the nature of the charge, the date charged, court and disposition;

2. Had a horse racing, gambling, business, professional, or occupational license or permit revoked or suspended or renewal denied or been a party in a proceeding to do so. If so, the applicant must disclose the date of commencement, circumstances and disposition;

3. Been accused in an administrative or judicial proceeding of violating a statute or regulation relating to horse racing or gambling;

4. Been charged in an administrative or judicial proceeding of violating a statute or regulation relating to unfair labor practices or discrimination;

5. Begun an administrative or judicial action against a governmental regulator of horse racing or gambling. If so, the applicant must disclose the date of commencement, forum, circumstances and disposition;

6. Been the subject of voluntary or involuntary bankruptcy proceedings. If so, the applicant must

disclose the date of commencement, forum, circumstances, date of decision and disposition;

7. Failed to satisfy any judgment, decree or order of an administrative or judicial tribunal. If so, the applicant must disclose the date and circumstances; and

8. Been delinquent in filing a tax return required or remitting a tax imposed by any government. If so, the applicant must disclose the date and circumstances.

§ 2.7. Disclosure of site and facilities.

An applicant for a license must disclose with respect to the satellite facility:

1. The address of the facility, ownership of the site for the last three years, legal description, mortgagors, proof of title insurance, its size and geographical location, including reference to county and municipal boundaries;

2. A site map showing parking facilities, highways and streets adjacent to the facility, and separately showing any proposed highways and streets adjacent to the facility that are under construction, including their scheduled completion dates;

3. A description of the satellite facility, including portions of the facility not used for pari-mutuel wagering, giving:

- a. Total capacity;
- b. Total number of square feet;
- c. Dimensions of the facility;
- d. Configuration of the viewing, dining and concession facilities with the facility;
- e. Approximate location of mutuel windows and cash security areas;
- f. Description of the wagering equipment, including vendor and manufacturer, if known; and
- g. Preliminary architectural plans of the interior and exterior of the facility, if the proposed facility is to be constructed by the licensee.

§ 2.8. Disclosure of development process.

An applicant for a license may propose to lease, acquire or construct premises for each satellite facility. Such premises may be adjacent to or located within other businesses including but not limited to hotels and restaurants. Further, an applicant for a license must disclose with regard to the development of the satellite facility:

1. If the facility is to be constructed, the total cost of construction of the facility distinguishing between known costs and projected cost;

2. Separate identification of the following costs:

- a. Facility design;
- b. Site acquisition or rental costs;
- c. Satellite reception and video equipment; and
- d. Organizational, administrative, accounting and legal.

3. Documentation of the nature of interim financing, if any, and the nature of permanent financing, if any;

4. Documentation of fixed costs;

5. The schedule for construction, acquisition or leasing of the facility, giving, as the case may be:

- a. Acquiring or leasing the site;
- b. Soliciting bids;
- c. Zoning and construction permit approval;
- d. Awarding construction contracts;
- e. Beginning construction;
- f. Completing construction;
- g. Training staff; and
- h. Beginning of operation;

6. Schematic drawings;

7. Copies of contracts, if any, with performance bonds from the:

- a. Architect or other design professional;
- b. Project engineer;
- c. Construction engineer;
- d. Contractors and subcontractors; and
- e. Equipment procurement personnel;

8. Whether the site has been acquired or leased by the applicant; and

9. Whether present planning envisions future expansion of the facility.

§ 2.9. Disclosure of financial resources.

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An applicant for a license must provide the following with regard to financial resources:

1. Unless the applicant is already the holder of a license from the commission, the applicant shall submit the most recently audited financial statement showing:

a. The applicant's current assets, including investments in affiliated entities, loans and accounts receivable;

b. Fixed assets;

c. Current liabilities, including loans and accounts payable;

d. Long-term debt and equity;

e. Contingent tax liability; and

f. Statement of income and expenses, and statement of cash flow.

2. Equity and debt sources of funds to develop, own and operate a satellite facility:

a. With respect to each source of equity:

(1) Identification of the source;

(2) Amount;

(3) Form;

(4) Method of payment;

(5) Nature and amount of present commitment; and

(6) Documentation, copies of agreements and actions which the applicant will take to obtain commitments for additional amounts.

b. With respect to each source of debt:

(1) Identification of the source;

(2) Amount;

(3) Terms of debt;

(4) Collateral;

(5) Identity of guarantors;

(6) Nature and amount of commitments; and

(7) Documentation, copies of agreements and actions the applicant will take to obtain commitments for additional amounts.

3. Identification and description of sources of additional funds needed due to cost overruns, nonreceipt of expected equity or debt funds, failure to achieve projected revenues or other cause.

§ 2.10. Disclosure of financial plan.

An applicant for a license shall submit detailed financial projections for the operation of the satellite facility at the location that includes financing and income, expenses, profits or losses. The applicant shall include projections for purse money, the Virginia Breeders Fund, revenue to the Commonwealth and localities. The applicant shall also include the basis for the projections.

§ 2.11. Disclosure of governmental actions.

An applicant for a license must disclose whether it is in compliance with all state statutes, local charter provisions, local ordinances, and state and local regulations pertaining to the development, ownership and operation of the satellite facility. If the applicant is not in compliance, the applicant must disclose the reasons why the applicant is not in compliance and summarize plans to obtain compliance.

§ 2.12. Disclosure of management.

An applicant for a license must disclose with regard to the management of the satellite facility:

1. A description of the applicant's management plan, with budget and identification of management personnel by function, job description and qualifications for each management position, and a copy of the organization chart;

2. Management personnel to the extent known and with respect to each:

a. Legal name, alias or aliases and previous name or names;

b. Current residence and business addresses and telephone numbers;

c. Qualifications and experience in the following areas:

(1) General business;

(2) Marketing, promotion and advertising;

(3) Finance and accounting;

(4) Horse racing;

(5) Pari-mutuel wagering;

(6) Security; and

(7) Operation of satellite wagering facilities;

d. Description of the terms and conditions of employment and each applicant upon request shall provide to the commission a copy of each form of agreement;

3. Consultants and other contractors who have provided or will provide management-related services to the applicant and with respect to each:

a. Full name;

b. Current address and telephone number;

c. Nature of services;

d. Qualifications and experience; and

e. Description of terms and conditions of each contractor's agreement and a copy of the agreement;

4. Memberships of the applicant, management personnel and consultants in horse racing organizations;

5. Description of the applicant's marketing, promotion and advertising plans;

6. A description of the applicant's plan for concessions, including whether the licensee will operate the concessions and, if not who will; and

7. A description of training of the applicant's personnel.

§ 2.13. Disclosure of affirmative action plan.

An applicant for a license shall develop and disclose a plan to be in compliance with all laws pertaining to discrimination, equal employment and affirmative action; policies regarding recruitment, use and advancement of minorities; policies with respect to minority contracting; and a copy of the Equal Employment Opportunity statement. Such disclosure shall include, but not be limited to, a general policy statement, goals, objectives and strategies for ensuring that the licensee is in compliance with all relevant laws.

§ 2.14. Disclosure of lease.

If the applicant leases the site of the satellite facility, the applicant shall submit copies of any leasing agreement, and any other arrangements for the use of the facility between the applicant and the owner of the facility.

§ 2.15. Disclosure of safety and security plans.

An applicant for a license must disclose with regard to development of the satellite facility the emergency

services available; the fire, safety and security equipment and procedures; the security personnel to be employed; and a plan for uniform identification of employees, enabling customers to generally identify the function of each except undercover security personnel who shall carry a badge cleared with its local police jurisdiction. The disclosure shall include a description of the internal accounting controls to create cross checks and balances in order to safeguard assets and detect fraud and embezzlement.

§ 2.16. Disclosure of impact of the satellite facility.

An applicant for a license must disclose and document the projected impact of satellite facility, including:

1. Economic impact, giving:

a. Number of jobs created, permanent or temporary, type of work, compensation, employer, gender, and race;

b. Purchases of goods and services, types of purchases, and projected expenditures;

c. Public investment and private investment; and

d. State tax revenues generated and local tax revenues generated;

2. Environmental impact;

3. Impact on energy conservation and development of alternative energy sources; and

4. Social impact on the community in which the facility would be located.

§ 2.17. Disclosure of assistance in preparation of application.

An applicant must disclose the name, addresses and telephone numbers of individuals and businesses who assisted the applicant in the completion of its application and supply copies of all studies completed for the applicant.

§ 2.18. Personal information and authorization for release.

In an application for a license, the applicant shall include the following with respect to each individual identified as an applicant, partner, director, officer, other policymaker, or holder of a direct or indirect record or beneficial ownership interest or other voting interest or control of 5.0% or more in the applicant, any lease holder of a site of satellite facility, and each individual identified pursuant to subdivisions 2 and 3 of § 2.12.

1. Full name, business and residence addresses, and telephone numbers, residence addresses for the past five years, date of birth, place of birth, social security

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number if the individual is willing to provide it, and two references; and

2. An authorization for release of personal information, on a form prepared by the commission, signed by the individual providing that he:

a. Authorizes a review by, and full disclosure to the Federal Bureau of Investigation, an agent of the Virginia State Police, of all records concerning the individual;

b. Recognizes the information reviewed or disclosed may be used by the Commonwealth of Virginia and the commission to determine the individual's qualifications for a license; and

c. Releases authorized providers and users of the information from any liability under state or federal data privacy statutes.

PART III. SIMULCASTING SCHEDULE.

§ 3.1. Submission of a simulcasting schedule.

Upon the award of a license, the licensee shall submit to the main office of the commission, not later than 15 days after the award of the license, the proposed simulcasting schedule for each satellite facility for the current year, and if such award is made after the first business day of September, for the next calendar year as well.

Thereafter, the licensee shall submit to the main office of the commission, no later than the first business day of September, the simulcasting schedule for the satellite facility for the following calendar year. The commission may, in its discretion, extend the deadline for submission of such simulcasting schedule.

The commission may grant the licensee leave to amend such simulcasting schedule at such times as the commission deems necessary or appropriate to reflect the broadcast of additional or fewer races.

§ 3.2. Intra-state simulcasting schedule.

The licensee shall disclose the proposed simulcasting schedule of races, if any, emanating from the licensee's racetrack including:

1. The calendar dates;
2. The days of the week and hours of operation;
3. The total number of races per date;
4. The reason certain dates are sought; and
5. Any other information the licensee deems

appropriate in assisting the commission in evaluating the disclosure.

§ 3.3. Inter-state simulcasting schedule.

If the simulcasting dates are requested from a location other than those emanating from the licensee's racetrack, the licensee shall disclose, to the extent known, the simulcast schedule including:

1. The specific dates;
2. The breed of horse;
3. The host track or tracks;
4. The number of races;
5. The number of races per date; and
6. Any other information the licensee deems appropriate in assisting the commission in evaluating the disclosure.

§ 3.4. Special events.

The licensee may make a request to the commission at any time during the calendar year to include any special events that are not included in the disclosure of the simulcasting schedules.

§ 3.5. Commission approval.

Within 15 days of receipt of the simulcasting schedules provided for herein, the commission shall accept, reject or modify any request made by a licensee in its inter-state simulcasting schedule, intra-state simulcasting schedule or special events. In the absence of commission approval, the executive secretary of the commission may grant temporary approval of the simulcasting schedule or any changes therein, pending ratification by the commission, at its next regularly scheduled meeting.

§ 3.6. Interruption of simulcast signal.

A. If there is a problem in the transmission of data or the simulcast signal between the racetrack and the satellite facility, it shall be within the discretion of the stewards to:

1. Order the race to be run on schedule;
2. Delay the race until the matter is resolved, if this is possible; or
3. After having delayed the race, if problem is not resolved and further delay is not possible, order the race to be run.

B. If a race is run before the resolution of a problem the transmission of data or signal between the racetra

and the satellite facility, the stewards shall cause an announcement to be made that any pari-mutuel ticket issued before the running of the race is a valid ticket regardless of the nontransmission of data or the signal.

§ 3.7. Locking wagering machines.

The mutuel manager shall designate a person at the satellite facility to lock the ticket issuing machines at the start of the race in the event of a failure in the system or through the inadvertence of the stewards.

§ 3.8. Digital display.

Unless otherwise permitted by the commission, every simulcast will contain in its video content a digital display of actual time of day, the name of the racetrack from where the race emanates, the number of the race being displayed, and any other relevant information available to patrons at the racetrack.

§ 3.9. Encryption.

The licensee shall maintain security controls over its uplink and communication systems, including encryption of signals unless this requirement is specifically waived by the commission.

V.A.R. Doc. No. R94-66; Filed September 30, 1993, 10:06 a.m.

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LICENSE APPLICATION
FOR
SATELLITE FACILITY

VIRGINIA RACING COMMISSION
MARCH 1994

GENERAL GUIDELINES

The following satellite wagering license application and guidelines are developed to implement the filing of applications pursuant to 59.1-375 and 59.1-377 of the Code of Virginia. The applicant or its designated representative shall execute all sections of this application unless otherwise provided.

1. False or misleading information in a license application, omission of required information or substantial deviation from representation in the application is cause for denial, revocation or suspension of a license or imposition of a fine.

2. The applicant shall provide all information required to be disclosed.

3. The applicant shall provide only information relevant to disclosures required by the Virginia Racing Commission.

4. Upon filing the application, the applicant shall provide the following:

a. A letter of transmittal to the Virginia Racing Commission;

b. An original and 15 copies of the application, in sealed envelopes; and

c. An original and 15 copies of any exhibits and attachments to the application.

5. If the applicant or parties to the application are not already licensed by the Commission, then the applicant shall complete the materials contained in the Appendix and file a disclosure statement on the form attached hereto (original and 15 copies) for itself and for each officer, director, partner, policymaker and owner or holder of 5.0% or more of the legal or beneficial ownership interest in the applicant. If 25.0% or more of the applicant is owned by another entity, disclosure statements shall be filed by the officers, directors, partners and policymakers of the other entity and the owner or holders of 1% or more of the legal and beneficial ownership interest in the other entity. This disclosure shall continue through as many tiers as necessary to disclose the ultimate owners or holders of 1% or more of the legal or beneficial ownership interest in the applicant. A person having an interest subject to disclosure in

more than one applicant shall file one set of disclosure statements for each application. Each disclosure statement shall be attached to the application as an exhibit.

6. Upon request of the Virginia Racing Commission, the applicant shall provide copies of any documents used in the preparation of its application or any other documents the commission requests.

7. Each disclosure required in the application shall be provided in printed or typewritten form on 8 1/2 by 11 inch paper.

8. Each page shall be sequentially numbered including exhibits and attachments.

9. All disclosures shall be submitted in the order that they are presented in the application.

10. If the applicant elects not to utilize this application form, then the applicant shall restate the question and the question number, immediately preceding each response.

11. All documents which are part of the application shall be submitted as a bound, single assemblage unless multiple volumes are necessary, with each disclosure section, exhibit or other attachment identified and separated by tabs.

12. An applicant shall provide photographs of any three-dimensional exhibits.

13. If a question is inappropriate or not applicable, indicate "N.A." on the application.

14. If additional forms are required, the applicant may detach the form and make as many copies as necessary.

4. IDENTIFICATION OF APPLICANT FOR A LICENSE.

Application for a license is hereby made to the Virginia Racing Commission as an operator of a satellite wagering facility:

(Applicant)

(Address)

(City) (State) (Zip Code)

(Area Code) (Telephone)

The Virginia Racing Commission may make inquiries to:

(Name)

(Address)

(City) (State) (Zip Code)

(Area Code) (Telephone)

(Applicant)

5. APPLICANT'S AFFIDAVIT.

The undersigned executes this affidavit of his own free will and with no coercion. The applicant, and to the best of the applicant's knowledge, any partner, officer, director and owner subject to 59.1-375 and 59.1-377 of the Code of Virginia, and any other person with a present, or future direct or indirect financial or management interest in the application meets the qualifications set forth in the Code of Virginia and regulations of the Virginia Racing Commission.

1. That application is made for a license to operate a satellite wagering facility at which pari-mutuel wagering on horse racing is conducted.

2. That the affiant is the agent of the applicant, its owners, partners, members, directors, officers and personnel, and is duly authorized to make the representations in the application on their behalf. Documentation of the authority must be attached. (Identify attached exhibit number.)

3. That the applicant seeks a grant of privilege from the Commonwealth of Virginia, and the burden of proving the applicant's qualifications rests at all times with the applicant.

4. That the applicant consents to inquiries by the Commonwealth of Virginia and the commission members into the financial, character and other qualifications of the applicant by contacting individuals and organizations.

5. That the applicant, its owners, partners, members, directors, officers, and personnel accept any risk of adverse public notice, embarrassment, criticism, or other circumstance, including financial loss, which may result from action with respect to the application and expressly waive any claim which otherwise could be made against the Commonwealth of Virginia, its employees, the commission, staff or agents.

6. That the affiant has read the application and knows the contents; the contents are true to the affiant's own knowledge, except matters therein stated as information and belief; and in those matters, the affiant believes them to be true.

7. That the applicant recognizes all representations in the application are binding on it, and false or misleading information in the application, omission of required information, or substantial deviation from representations in the application may result in denial, revocation or conditioning of a license or imposition of a fine, or any or all of the foregoing.

8. That the applicant will comply with all applicable local, state and federal statutes, regulations and ordinances.

I hereby swear and affirm that of the facts set forth in this application and affidavit and all exhibits and attachments contained herein are true and correct.

this _____ day of _____, 19_____

Further your affiant sayeth not.

(Signature)

(Name)

(Title)

(Address)

(City) (State) (Zip Code)

COMMONWEALTH OF VIRGINIA

COUNTY
_____, personally appeared before me
and having been duly sworn, stated to me _____
the undersigned Notary Public in and for the County of _____
State of _____ that all of the facts set forth in
this application and all exhibits and attachments contained herein
are true and correct and that he executed the same voluntarily and
with full authority to do this _____ day of _____
19_____.

(Notary Public)
(Seal)
My Commission Expires: _____

8. DISCLOSURE OF SITE AND FACILITIES.

An applicant for a license must disclose with respect to the satellite facility:

1. The address of the facility, ownership of the site for the last three years, legal description, mortgagors, proof of title insurance, its size and geographical location, including reference to county and municipal boundaries:

Address of the facility:

(Street Address)
(Municipality)
(County)

Ownership of the site for the last three years:

Present ownership (Supply copy of deed and identify attached exhibit number):

Prior ownership:

Legal description:

Mortgagors:

Proof of title insurance: (Identify attached exhibit number)

Size:

Geographical location, including reference to county and municipal boundaries:

2. A site map showing parking facilities, highways and streets adjacent to the facility, and separately showing why any proposed highways and streets adjacent to the facility that are under construction, including their scheduled completion dates. (Identify attached exhibit number.)

3. A description of the satellite facility, including portions of the facility not used for pari-mutuel wagering, giving:

- a. Total capacity:
b. Total number of square feet:
c. Dimensions of the facility:
d. Configuration of the viewing, dining and concession facilities with the facility:

e. Approximate location of mutual windows and cash security areas:

f. Description of the wagering equipment, including vendor and manufacturer, if known:

g. Preliminary architectural plans of the interior and exterior of the facility, if the proposed facility is to be constructed by the licensee:

9. DISCLOSURE OF DEVELOPMENT PROCESS.

An applicant for a license may propose to lease, acquire or construct premises for each satellite facility. Such premises may be adjacent to or located within other businesses including but not limited to hotels and restaurants. Further, an applicant for a license must disclose with regard to the development of the satellite facility:

1. If the facility is to be constructed, the total cost of construction of the facility, distinguishing between known costs and projected costs:

Known costs:

Total known cost:

Projected costs:

Total projected cost:

2. Separate identification of the following costs:

- a. Facility design: \$ _____
- b. Site acquisition or rental costs: \$ _____
- c. Satellite reception and video equipment: \$ _____
- d. Organizational, administrative, accounting and legal: \$ _____

3. Documentation of the nature of interim financing and the nature of permanent financing, if any. (Identify attached exhibit number.)

4. Documentation of fixed costs. (Identify attached exhibit number.)

- 5. The schedule for construction of the facility, giving:
 - a. Acquiring site or leasing the site: _____
(Completion Date)
 - b. Soliciting bids _____
(Completion Date)
 - c. Zoning and construction permit approval _____
(Completion Date)
 - d. Awarding construction contracts _____
(Completion Date)
 - e. Beginning construction _____
(Completion Date)
 - f. Completing construction _____
(Completion Date)
 - g. Training staff _____
(Completion Date)
 - h. Beginning of operation _____
(Completion Date)
- 6. Schematic drawings (Identify attached exhibit number.)
- 7. Copies of any contracts, if any, with and performance bonds from the:
 - a. Architect or other design professional (Identify attached exhibit number.)
 - b. Project engineer (Identify attached exhibit number.)
 - c. Construction engineer (Identify attached exhibit number.)
 - d. Contractors and subcontractors (Identify attached exhibit number.)
 - e. Equipment procurement personnel. (Identify attached exhibit number.)

- 8. Whether the site has been acquired or leased by the applicant:
 - _____ Acquired
 - _____ Leased

If so, the applicant must provide documentation. (Identify attached exhibit number.)

If not, the applicant must state which actions must be taken in order to obtain the site:

 - 9. Whether present construction planning envisions future expansion of the facility: (Yes or No) _____
- If so, a general description of the nature of such expansion.
- _____
- _____

10. DISCLOSURE OF FINANCIAL RESOURCES.

- An applicant for a license must provide the following with regard to financial resources:
- 1. Unless the applicant is already the holder of a license from the commission, the applicant shall submit the most recently audited financial statement showing: (Identify attached exhibit number)
 - a. The applicant's current assets, including investments in affiliated entities, loans and accounts receivable:
 - b. Fixed assets;
 - c. Current liabilities, including loans and accounts payable;
 - d. Long-term debt and equity; and
 - e. Contingent tax liability; and

f. Statement of income and expenses, and statement of cash flow.

2. Equity and debt sources of funds to develop, own and operate a satellite facility:

a. With respect to each source of equity:

(1) Identification of the source:

(2) Amount:

(3) Form:

(4) Method of payment:

(5) Nature and amount of present commitment:

(6) Documentation copies of agreements and actions which the applicant will take to obtain commitments for additional amounts.

b. With respect to each source of debt:

(1) Identification of the source:

(2) Amount:

(3) Terms of debt:

(4) Collateral:

(5) Identity of guarantors:

(6) Nature and amount of commitments:

(7) Documentation, copies of agreements and actions with the applicant will take to obtain commitments for additional amounts.

3. Identification and description of sources of additional funds needed due to cost overruns, nonreceipt of expected equity or debt funds, failure to achieve projected revenues or other cause.

11. DISCLOSURE OF FINANCIAL PLAN.

An applicant for a license shall submit detailed financial projections for the operation of the satellite facility at the location that includes financing and income, expenses, profits or losses. The applicant shall include projections for purse money, the Virginia Breeders Fund, revenue to the Commonwealth and localities. The applicant shall also include the basis for the projections. (Identify attached exhibit number.)

12. DISCLOSURE OF GOVERNMENTAL ACTIONS.

An applicant for a license must disclose whether it is in compliance with all state statutes, local charter provisions, local ordinances, and state and local regulations pertaining to the development, ownership and operation of the satellite facility. If the applicant is not in compliance, the applicant must disclose the reasons why the applicant is not in compliance and summarize plans to obtain compliance.

Is the applicant in compliance with all state statutes, local charter provisions, local ordinances, and state and local regulations pertaining to the development, ownership and operation of its satellite facility? (Yes or No) _____

If no, the applicant must disclose the reasons why the applicant is not in compliance:

Further, the applicant must summarize plans to obtain compliance:

13. DISCLOSURE OF MANAGEMENT.

An applicant for a license must disclose with regard to the development, ownership and operation of the satellite facility:

1. A description of the applicant's management plan, with budget and identification of management personnel by function, job description and qualifications for each management position, and a copy of the organization chart. (Identify attached exhibit number.)

2. Management personnel to the extent known and with respect to each:

a. Legal name, alias(es) and previous name(s);

b. Current residence and business addresses and telephone numbers;

c. Qualifications and experience in the following areas:

- (1) General business;
- (2) Marketing, promotion and advertising;
- (3) Finance and accounting;
- (4) Horse racing;
- (5) Pari-mutuel wagering;
- (6) Security; and
- (7) Operation of satellite wagering facilities.

d. Description of the terms and conditions of employment and each applicant upon request shall provide to the commission a copy of each form of agreement.

The applicant shall complete the following management disclosure forms for as many managers to the extent known at the time of application.

(Position)

Legal Name: _____

Alias: _____

Previous Name: _____

Current Residence: _____

(City) (State) (Zip Code)

Residence Telephone: _____
(Area Code) (Telephone Number)

Business Address: _____

(City) (State) (Zip Code)

Business Telephone: _____
(Area Code) (Telephone Number)

Qualifications and experience in general business:

Marketing, promotion and advertising:

Finance and accounting:

Horse racing:

Pari-mutuel wagering:

Security:

Satellite wagering facilities:

Attach a description of the terms and conditions of employment and each applicant upon request shall provide to the Commission a copy of each form of agreement. (Identify attached exhibit number.)

_____ Consultant _____ Contractor

Full Name: _____

Current Address: _____

(City) (State) (Zip Code)

Telephone Number: _____
(Area Code) (Telephone Number)

Nature of Services: _____

Qualifications and experience: _____

Description of terms and conditions of agreement: _____

Attach copy of the agreement. (Identify attached exhibit number.)

3. Consultants and other contractors who have provided or will provide management-related services to the applicant and with respect to each:

- a. Full name;
- b. Current address and telephone number;
- c. Nature of services;
- d. Qualifications and experience; and
- e. Description of terms and conditions of each contractor's agreement and a copy of the agreement.

The applicant shall complete the following disclosure form for each of the consultants and contractors who have provided or will provide management-related services to the applicant.

4. Memberships of the applicant, management personnel and consultants in horse racing organizations.

List applicant's memberships in horse racing organizations:

Name	Organization

List management's memberships in horse racing organizations:

Name	Organization

List consultant's memberships in horse racing organizations:

Name	Organization

5. Description of the applicant's marketing, promotion and advertising plans:

Describe plans:

6. A description of the applicant's plan for concessions, including whether the licensee will operate the concessions and, if not who will?

Will applicant operate concessions? (Yes or No) _____

If yes, describe applicant's plan for concessions:

If no, indicate entity that will operate concessions:

7. A description of training of the applicant's personnel:

14. DISCLOSURE OF AFFIRMATIVE ACTION PLAN.

An applicant for a license shall develop and disclose a plan to be in compliance with all laws pertaining to discrimination, equal employment and affirmative action; policies regarding recruitment, use and advancement of minorities; policies with respect to minority contracting; and a copy of the Equal Employment Opportunity statement. Such disclosure shall include, but not be limited to, a general policy statement, goals, objectives and strategies for ensuring that the licensee is in compliance with all relevant laws. (Identify attached exhibit number.)

15. DISCLOSURE OF LEASE.

If the applicant leases the site of the satellite facility, the applicant shall submit copies of any leasing agreement, and any other arrangements for the use of the facility between the applicant and the owner of the facility.

16. DISCLOSURE OF SAFETY AND SECURITY PLANS.

An application for a license must disclose with regard to the development of the satellite facility the emergency services available, the fire, safety and security equipment and procedures, and the security personnel to be employed, a plan for uniform identification of employees, enabling customers to generally identify the function of each except undercover security personnel who shall carry a badge cleared with its local police jurisdiction. The disclosure shall include a description of the internal accounting controls to create cross checks and balances in order to safeguard assets and detect fraud and embezzlement.

17. DISCLOSURE OF IMPACT OF THE SATELLITE FACILITY.

An applicant for a license must disclose and document the projected impact of the satellite facility, including:

1. Economic impact, giving:

- a. Number of jobs created: _____
- Permanent or temporary: _____
- Type of work: _____
- Compensation: _____

Employer: _____

Gender: _____

Race: _____

b. Purchases of goods and services: _____

Types of purchases: _____

Projected expenditures: _____

c. Public investment: _____

Private investment: _____

d. State tax revenues generated: _____

Local tax revenues generated: _____

2. Environmental impact:

3. Impact on energy conservation and development of alternative energy sources:

4. Social impact on the community in which the facility would be located:

18. DISCLOSURE OF ASSISTANCE IN PREPARATION OF APPLICATION.

An applicant must disclose the name, addresses and telephone numbers of individuals and businesses who assisted the applicant in writing of its application and supply copies of all studies completed for the applicant.

Name: _____

Business: _____

Address: _____

_____ (City) (State) (Zip Code)

Telephone Number: _____ (Area Code) (Telephone Number)

Assistance Rendered: _____

19. PERSONAL INFORMATION AND AUTHORIZATION FOR RELEASE.

In an application for a license, the applicant shall include the following with respect to each individual identified as an applicant, partner, director, officer, other policymaker, or holder of a direct or indirect record or beneficial ownership interest or other voting interest or control of 5.0% or more in the applicant and each individual identified pursuant to subdivisions 2 and 3 of section 13.

1. Full name, business and residence addresses, and telephone numbers, residence addresses for the past five years, date of birth, place of birth, Social Security number, if the individual is willing to provide it, and two references (Sample forms on Pages 29 and 30); and

2. An authorization for release of personal information, on a form prepared by the commission (as shown on Page 31), signed by the individual and providing that he or she:

a. Authorizes a review by, and full disclosure to, an agent of the Virginia State Police, of all records concerning the individual;

b. Recognizes the information reviewed or disclosed may be used by the Commonwealth of Virginia and the commission to determine individual's qualifications for a license; and

c. Release authorizes providers and users of the information from any liability under state or federal data privacy statutes.

Name: _____
 Business Address: _____

 _____ (City) (State) (Zip Code)
 Business Telephone: _____
 _____ (Area Code) (Telephone Number)
 Residence Address: _____

 _____ (City) (State) (Zip Code)
 Home Telephone: _____
 _____ (Area Code) (Telephone Number)
 Date of Birth: _____ Place of Birth: _____
 Social Security Number: _____
 Residence Addresses for the Past Five Years:
 From: _____ To: _____
 Address: _____

 _____ (City) (State) (Zip Code)
 From: _____ To: _____
 Address: _____

 _____ (City) (State) (Zip Code)

From: _____ To: _____
 Address: _____
 _____ (City) (State) (Zip Code)
 From: _____ To: _____
 Address: _____
 _____ (City) (State) (Zip Code)
 From: _____ To: _____
 Address: _____
 _____ (City) (State) (Zip Code)
 References:
 Name: _____
 Address: _____
 _____ (City) (State) (Zip Code)
 Telephone: (Area Code): _____ (Number): _____
 How Long Have You Known Reference: _____
 Name: _____
 Address: _____
 _____ (City) (State) (Zip Code)
 Telephone: (Area Code): _____ (Number): _____
 How Long Have You Known Reference: _____

AUTHORIZATION FOR RELEASE OF PERSONAL INFORMATION

I, _____
 (Name)

a _____
 (Title)

of _____
 (Name of Applicant)

hereby authorize a complete review of my background and of the information provided by me in my disclosure statement and the information provided in the applicant's application. In addition, I hereby authorize a complete background investigation to be conducted by the Virginia State Police, Federal Bureau of Investigation, the Virginia Racing Commission, and its agents, contractors and assignees of all records concerning me, whether these records are public, non-public, private or confidential. I accept any risk of adverse public notice, embarrassment, criticism, or other circumstance, including financial loss, which may result from action with respect to the application and expressly waive any claim which otherwise could be made against the Virginia Racing Commission, its employees, commission staff or agents. I recognize that the information provided and discovered may be used by the Virginia Racing Commission, its employees, members, staff and agents in order to evaluate both the applicant and my fitness and qualifications for participation in the applicant's license under 59.1-375 and 59.1-377 of the Code of Virginia; and I further release authorized providers and users of any such information from any liability under state or federal privacy laws.

 (Signature)

Subscribed and sworn to before me:

on this _____ day of _____, 19 ____

 Notary

APPENDIX

6. DISCLOSURE OF OWNERSHIP AND CONTROL.

1. The applicant must disclose the type of organizational structure of the applicant:

- ___ Individual
- ___ Business corporation
- ___ Nonprofit corporation
- ___ Partnership
- ___ Joint Venture
- ___ Trust
- ___ Association
- ___ Other

If other, describe: _____

2. If the applicant is an individual, the applicant must disclose the individual's:

Legal name: _____

United States citizen (Yes or No): _____

Any aliases and business or trade names currently or previously used: _____

Copies of all state and federal tax returns for the past five years. (Identify attached exhibit number.)

3. If the applicant is a corporation, the applicant must disclose the applicant's:

a. Full corporate name: _____

Any trade names currently or previously used: _____

b. Jurisdiction of incorporation: _____

Date of incorporation: _____

c. The date the applicant began doing business in the
Commonwealth of Virginia: _____

A copy of the applicant's certificate of authority to do business in Virginia. (Identify attached exhibit number.)

d. Copies of the applicant's articles of incorporation and bylaws. (Identify attached exhibit number.)

All state and federal corporate tax returns for the past five years. (Identify attached exhibit number.)

e. The general nature of the applicant's business: _____

f. Whether the applicant is publicly held as defined by the rules and regulations of the Securities and Exchange Commission: (Yes or No): _____

g. The classes of stock of the applicant. As to each class, the number of shares authorized, number of shares subscribed to, number issued, number outstanding, par value per share, issue price, current market price, number of shareholders, terms, position, rights and privileges must be disclosed. (Identify attached exhibit number.)

h. Whether the applicant has any other obligations or securities authorized or outstanding which bear voting rights either absolutely or upon any contingency (Yes or No): _____

If yes, the applicant must disclose the nature thereof, face or par value, number of units authorized, number outstanding, and conditions under which they may be voted. (Identify attached exhibit number.)

i. The names, in alphabetical order, and addresses of the directors and, in a separate list, officers of the applicant. The number of shares held of record directly or indirectly by each director and officer as of the application date of each class of stock, including stock options and subscriptions, and units held of record or beneficially of other obligations or securities which voting rights must be disclosed. (Identify attached exhibit number.)

j. The names, in alphabetical order, and addresses of each recordholder as of the date of application or beneficial owner of shares, including stock options and subscriptions, of the applicant or units of other obligations or securities which bear voting rights. As to each holder of shares or units, the number and class or type of shares or units must be disclosed. (Identify attached exhibit number.)

k. Whether the requirements of the Securities Act of 1933 and Security and Exchange Act of 1934, as amended, and Securities and Exchange Commission rules and regulations have been met in connection with issuance of applicant's securities: (Yes or No): _____

The applicant must provide copies of the most recent registration statement and annual report filed with the Securities and Exchange Commission. (Identify attached exhibit number.)

l. Whether the securities registration and filing requirements of the applicant's jurisdiction of jurisdiction have been met: (Yes or No): _____

The applicant must provide a copy of the most recent registration statement filed with the securities regulator in that jurisdiction. (Identify attached exhibit number.)

m. Whether the securities registration and filing requirements of the Commonwealth of Virginia have been met: (Yes or No) _____

If not the applicant must disclose the reasons why: _____

The applicant must provide copies of all securities filings with Virginia's State Corporation Commission during the past five years. (Identify attached exhibit number.)

4. If the applicant is an organization other than a corporation:

a. The applicant's full name: _____

Any aliases, business or trade names currently or previously used:

b. The jurisdiction of organization of the applicant:

c. The date the applicant began doing business in Virginia:

d. Copies of any agreements creating or governing the applicant's organization and all of the applicant's state and federal tax returns for the past five years. (Identify exhibit number.)

e. The general nature of the applicant's business:

f. The names, in alphabetical order, and addresses of any partners and officers of the applicant and other persons who have or share policymaking authority. As to each, the applicant must disclose the nature and extent of any ownership interest, direct or indirect, including options, or voting interest, whether absolute or contingent, in the applicant. (Identify attached exhibit number.)

g. The names, in alphabetical order, and addresses of any individual or other entity holding a record or beneficial ownership interest, direct or indirect, including options, as of the date of the application, or other voting interest, whether absolute or contingent, in the applicant. As to each, the applicant must disclose the nature and extent of the interest. (Identify attached exhibit number.)

5. If a nonindividual record or beneficial holder of an ownership or other voting interest of 5.0% or more in the applicant is identified pursuant to subdivisions 3, i or j, or subdivisions 4, f and g, the applicant shall disclose the information required by those subdivisions as to record or beneficial holders of an ownership or other voting interest of 5.0% or more in that nonindividual holder. The commission shall have the right to inquire for further disclosure of the applicant as it deems necessary. When an applicant is unable to provide the information required, it shall explain fully and document its inability to do so. (Identify attached exhibit number.)

6. Whether the applicant is directly or indirectly controlled to any extent or in any manner by another individual or entity: (Yes or No) _____

If yes, the applicant must disclose the identity of the individual or controlling entity:

The applicant must provide a description of the nature and extent of control:

2. Had a horse racing, gambling, business, professional, or occupational license or permit revoked or suspended or renewal denied or been a party in a proceeding to do so: (Yes or No) _____

If yes, the applicant must disclose:

Name: _____

Title: _____

Date of Commencement: _____

Circumstances: _____

Disposition: _____

3. Been accused in an administrative or judicial proceeding of violating a statute or regulation relating to horse racing or gambling: (Yes or No) _____

If yes, the applicant must disclose:

Name: _____

Title: _____

Date of Commencement: _____

Circumstances: _____

Disposition: _____

4. Been charged in an administrative hearing or judicial proceeding of violating a statute or regulation relating to unfair labor practices or discrimination: (Yes or No) _____

If yes, the applicant must disclose:

Name: _____

Title: _____

7. Any agreements or understandings which the applicant or any individual or entity identified pursuant to this part has entered into regarding ownership or operation of the applicant's satellite wagering facility, and copies of any such agreements in writing. (Identify attached exhibit number.)

8. Any agreements or understandings which the applicant has entered into for the payment of fees, rents, salaries, or other compensation concerning the proposed satellite facility by the applicant, and copies of any such agreements in writing. (Identify attached exhibit number.)

9. Whether the applicant, any partner, director, officer, other policymaker, or holder of a direct or indirect record or beneficial ownership interest or other voting interest or control of 5.0% or more has held or holds a license or permit issued by a governmental authority to own or operate a horse racing facility, pari-mutuel wagering facility or any other form of gambling or has a financial interest in such an enterprise or conducts any aspect of horse racing or gambling. If so, the applicant must disclose the identity of the license or permit holder, nature of the license or permit, issuing authority, and dates of issuance and termination. (Identify attached exhibit number.)

7. DISCLOSURE OF CHARACTER INFORMATION.

Unless the applicant for a license is already a licensee or holder of a permit from the commission, the applicant shall disclose and furnish particulars whether the applicant or any individual or other entity identified pursuant to sections 6 or 13 of this regulation or a lease holder of the site of the facility has:

1. Been charged in any criminal proceeding other than a traffic violation (Yes or No): _____

If yes, the applicant must disclose:

Name: _____

Title: _____

Nature of the Charge: _____

Date charged: _____

Court: _____ Disposition: _____

Date of Commencement: _____

Circumstances: _____

Disposition: _____

5. Begun an administrative or judicial action against a governmental regulator of horse racing or gambling:

If yes, the applicant must disclose:

Name: _____

Title: _____

Date of Commencement: _____

Forum: _____

Circumstances: _____

Disposition: _____

6. Been subject of voluntary or involuntary bankruptcy proceedings: (Yes or No): _____

If yes, the applicant must disclose:

Name: _____

Title: _____

Date of Commencement: _____

Forum: _____

Circumstances: _____

Date of Decision: _____ Disposition: _____

7. Failed to satisfy any judgment, decree or order of an administrative or judicial tribunal: (Yes or No) _____

If yes, the applicant must disclose:

Name: _____

Title: _____

Date: _____

Circumstances: _____

8. Been delinquent in filing a tax return required or remitting a tax imposed by any government: (Yes or No) _____

If yes, the applicant must disclose:

Name: _____

Title: _____

Date: _____

Circumstances: _____

EMERGENCY REGULATIONS

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Title of Regulation: VR 460-03-3.1100. Amount, Duration, and Scope of Services (Supplement 1 to Attachment 3.1 A and B): State Plan for Medical Assistance Relating to Coverage Limits for Single Antigen Vaccines.

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

Effective Dates: October 1, 1993, through September 30, 1994.

Summary:

1. **REQUEST:** The Governor is hereby requested to approve this agency's adoption of the emergency regulation entitled Coverage Limits for Single Antigen Vaccines. This regulation will provide the agency with the regulatory authority to limit the coverage of single antigen vaccines to those accompanied by medical justification.

2. **RECOMMENDATION:** Recommend approval of the Department's request to take an emergency adoption action regarding Coverage Limits for Single Antigen Vaccines. The Department intends to initiate the required public notice requirements contained in the Code of Virginia § 9-6.14:7.1.

/s/ Bruce U. Kozlowski
Director
Date: September 20, 1993

3. CONCURRENCES:

/s/ Howard M. Cullum
Secretary of Health and Human Resources
Date: September 23, 1993

4. GOVERNOR'S ACTION:

/s/ Lawrence Douglas Wilder
Governor
Date: September 30, 1993

5. FILED WITH:

/s/ Ann M. Brown
Deputy Registrar of Regulations
Date: October 1, 1993

DISCUSSION

6. **BACKGROUND:** The section of the State Plan for Medical Assistance affected by this change is the Amount, Duration and Scope of Services, Supplement 1 to Attachment 3.1 A & B.

Currently, with the exception of the measles-mumps-rubella (MMR) vaccine which is provided under the DMAS/Merck vaccine replacement program,

claims for all single- and multi-antigen vaccines are reimbursed at the vaccine's acquisition cost without medical justification. There are currently no requirements that in cases where a multi-antigen vaccine is available that medical necessity be proven to receive Medicaid reimbursement for cases in which a single-antigen vaccine was administered. With the DMAS/Merck MMR vaccine replacement program, approval by DMAS is necessary only to reimburse physicians for the cost of MMR vaccine purchased by the physician for use with Medicaid children.

The Omnibus Budget Reconciliation Act of 1993 requires that federal financial participation (FFP) be denied for any amount expended for a single-antigen vaccine and its administration when a multi-antigen vaccine was medically appropriate. This change is effective October 1, 1993. Additionally, this requirement will focus on immunizations for measles, mumps, and rubella and haemophilus influenza type b, diphtheria, pertussis, and tetanus.

Measles, Mumps, and Rubella

Three different multi-antigen vaccines are available for immunizing Medicaid children against these diseases. The three multi-antigen vaccines are:

- measles/rubella
- rubella/mumps, or
- measles, mumps, and rubella

Medical reasons for using a single-antigen preparation instead of a multi-antigen vaccine include but are not limited to these instances:

- when a child has a history of hypersensitivity or anaphylactic shock reaction following egg ingestion since these antigens have a base of egg protein
- when a measles outbreak occurs or in high risk population groups when the child is 12 months of age or younger, or
- when in a physician's judgment the single-antigen measles vaccine is the most appropriate vaccine for meeting the Commonwealth's school entrance requirements

Haemophilus Influenza type B, Diphtheria, Pertussis, and Tetanus

As of March 1993, a multi-antigen vaccine named Tetramune has been available for immunization against Haemophilus Influenza type B disease (HIB), diphtheria, pertussis, and tetanus. Under OBRA 93 provisions, medical justification will also be required for any immunizations using the single-antigen vaccine for HIB instead of the multi-antigen vaccine for Haemophilus Influenza type B, Diphtheria, Pertussis, and Tetanus.

Medical reasons for using a single-antigen preparation instead of a multi-antigen vaccine include but are not limited to these instances:

- when an older child has already had all of the recommended DPT immunizations and only needs the HIB vaccine
- when a child has reacted violently to an earlier dose of pertussis

7. AUTHORITY TO ACT: The Code of Virginia (1950) as amended, § 32.1-324, grants to the Director of the Department of Medical Assistance Services the authority to administer and amend the Plan for Medical Assistance in lieu of Board action pursuant to the Board's requirements. The Code also provides, in the Administrative Process Act (APA) § 9-6.14:4.1(C)(5)(ii), for an agency's adoption of emergency regulations subject to the Governor's prior approval. Subsequent to the emergency adoption action and filing with the Registrar of Regulations, this agency will comply with the appropriate public notice process contained in Article 2 of the APA.

The Omnibus Budget Reconciliation Act of 1993 § 13631 prohibits the payment of federal financial participation for single-antigen vaccines except where medically justified.

Without an emergency regulation, this amendment to the State Plan cannot become effective until the publication and concurrent comment and review period requirements of the APA's Article 2 are met. Therefore, an emergency regulation is needed to meet the October 1, 1993, effective date established by the Congress.

8. FISCAL/BUDGETARY IMPACT: The newly developed multi-antigen Tetramune vaccine is used to immunize against Haemophilus Influenza type B (HIB), Diphtheria, Pertussis, and Tetanus (DPT). In FY 1993 slightly more than 50,000 HIB claims and slightly more than 60,000 DPT claims were processed at a total cost of \$1,741,083. It is assumed that 90% of all HIB vaccines and 75% of all DPT vaccines will be replaced by the single Tetramune vaccine. (This assumption is made based on the fact that at the most only four HIB vaccines are recommended while five DPT immunizations are recommended.) As a result, approximately 45,000 HIB and DPT vaccines will be replaced by the Tetramune at a total cost of \$1,021,500. The remaining 6,000 single-antigen HIB vaccines will cost a total of \$109,020 while the remaining 15,300 DPT vaccines will cost \$210,987. The total cost for these 3 vaccines will be \$1,341,507 compared to an estimated \$1.74 million under the current reimbursement policies. The total cost savings for the remainder of FY '94 is projected to be a total of \$268,000 (\$134,000 GF). The current budget is based on the assumption that by contracting with the manufacturers, DMAS will reduce its costs for vaccines by 50% so this savings is reduced to \$67,000.

9. RECOMMENDATION: Recommend approval of this request to adopt this emergency regulation to become

effective on October 1, 1993. From its effective date, this regulation is to remain in force for one full year or until superseded by final regulations promulgated through the APA, whichever occurs first. Without an effective emergency regulation, the Department would lack the authority to limit its coverage of single-antigen vaccines to situations where it is medically justified.

10. Approval Sought for VR 460-03-3.1100.

Approval of the Governor is sought for an emergency modification of the Medicaid State Plan in accordance with the Code of Virginia § 9-6.14:4.1(C)(5) to adopt the following regulation:

VR 460-03-3.1100. Amount, Duration and Scope of Services (pages 5 and 5.1).

4b. Early and periodic screening and diagnosis of individuals under 21 years of age, and treatment of conditions found.

A. Payment of medical assistance services shall be made on behalf of individuals under 21 years of age, who are Medicaid eligible, for medically necessary stays in acute care facilities, and the accompanying attendant physician care, in excess of 21 days per admission when such services are rendered for the purpose of diagnosis and treatment of health conditions identified through a physical examination.

B. Routine physicals and immunizations (except as provided through EPSDT) are not covered except that well-child examinations in a private physician's office are covered for foster children of the local social services departments on specific referral from those departments.

C. Orthoptics services shall only be reimbursed if medically necessary to correct a visual defect identified by an EPSDT examination or evaluation. The Department shall place appropriate utilization controls upon this service.

D. Consistent with the Omnibus Budget Reconciliation Act of 1989 § 6403, early and periodic screening, diagnostic, and treatment services means the following services: screening services, vision services, dental services, hearing services, and such other necessary health care, diagnostic services, treatment, and other measures described in Social Security Act § 1905(a) to correct or ameliorate defects and physical and mental illnesses and conditions discovered by the screening services and which are medically necessary, whether or not such services are covered under the State Plan and notwithstanding the limitations, applicable to recipients ages 21 and over, provided for by the Act § 1905(a).

E. Coverage of Multi-Antigen Vaccines.

1. Consistent with the Omnibus Budget Reconciliation Act of 1993 § 13631, single-antigen vaccines shall only

Emergency Regulations

be covered in cases where combined-antigen vaccines are available if the administration of the single-antigen vaccine is medically necessary.

2. Medical reasons for using a single-antigen preparation instead of a multi-antigen vaccine include but are not limited to:

a. Patient has history of hypersensitivity or anaphylactic shock reaction following egg ingestion or reaction to pertussis;

b. A measles outbreak occurs or in high risk population groups when the child is 12 months of age or younger;

c. In the physician's judgment, the single-antigen measles vaccine is the most appropriate for meeting the Commonwealth's school entrance requirements;

d. If an older pediatric patient already has had all of the recommended DPT immunizations and only requires the HIB vaccine instead of the multi-antigen like Tetramune.

4c. Family planning services and supplies for individuals of child-bearing age.

A. Service must be ordered or prescribed and directed or performed within the scope of a license of a practitioner of the healing arts.

B. Family planning services shall be defined as those services which delay or prevent pregnancy. Coverage of such services shall not include services to treat infertility nor services to promote fertility.

5. Physician's services whether furnished in the office, the patient's home, a hospital, a skilled nursing facility or elsewhere.

A. Elective surgery as defined by the Program is surgery that is not medically necessary to restore or materially improve a body function.

B. Cosmetic surgical procedures are not covered unless performed for physiological reasons and require Program prior approval.

VA.R. Doc. No. R94-65; Filed October 1, 1993, 3:25 p.m.

STATE CORPORATION COMMISSION

BUREAU OF INSURANCE

October 4, 1993

.....Administrative Letter 1993-15

TO: All Companies Licensed to Write Workers' Compensation Insurance in Virginia

RE: Distribution of Information on Insureds in the Workers' Compensation Insurance Plan

Senate Bill No. 908 was passed by the 1993 Session of the Virginia General Assembly and amended § 65.2-823 of the Code of Virginia giving the State Corporation Commission the authority to disclose certain information on insureds in the Workers' Compensation Insurance Plan. As stated in § 65.2-823, this information is limited to the insured's name, address, policy expiration, risk identification number, experience modification factor, governing classification, premium, information pertaining to whether the insured has locations in multiple states, and any other information the State Corporation Commission deems appropriate. This information will be available to any agent or insurer licensed in the Commonwealth for the purpose of procuring coverage in the voluntary market. The new law becomes effective on January 1, 1994.

The National Council on Compensation Insurance will make this information available to the State Corporation Commission's Bureau of Insurance on a quarterly basis after January 1, 1994. The Bureau plans to make this list available to all insurers and agents licensed in Virginia after January 1, 1994.

Please notify your agents that this list may be obtained from the Bureau of Insurance. Insurers or agents who would like to receive copies of this list may contact the Bureau after January 1, 1994, by calling (804) 371-9298.

/s/ Steven T. Foster
Commissioner of Insurance

V.A.R. Doc. No. R94-83; Filed October 8, 1993, 3:01 p.m.

* * * * *

October 1, 1993

.....ADMINISTRATIVE LETTER 1993-18

TO: All Insurers Licensed to Write Workers' Compensation Insurance in Virginia

RE: Adoption of Loss Costs Filed by the National Council On Compensation Insurance

The National Council on Compensation Insurance (NCCI) has filed loss costs for the voluntary workers' compensation insurance market with a proposed effective

date of January 1, 1994. This filing is in compliance with the law change effective on that date which prohibits rate service organizations from filing final rates on behalf of their members and subscribers for workers' compensation insurance.

The NCCI loss costs, when approved by the State Corporation Commission, will supersede the NCCI final rates currently on file. In order for insurers to issue or renew policies effective on or after January 1, 1994, it will be necessary to file with the Bureau of Insurance, on or before January 1, 1994, a multiplier to convert the NCCI loss costs to final rates. In addition, insurers must file any expense constants, premium discount tables, size-of-premium expense tables for retrospective rating plans, and minimum premium formulas they intend to use in Virginia. Retrospective rating expense tables will be used with NCCI's table of insurance charges unless otherwise stated in the exception pages.

Insurers will be required to use the attached form (WCLC-VA) to adopt the NCCI loss costs and file their multipliers. The form is self-explanatory, and contemplates a single multiplier applicable to all classification codes. Manual exception pages should be attached showing any expense constants, premium discount tables, retro expense tables, or minimum premium formulas to be applied. Changes to insurers' multipliers and exception pages will be accepted on a file-and-use basis, i.e., they must be filed with the Bureau of Insurance on or before the date they become effective. Any insurer wishing to file different multipliers for various classification codes may do so by filing a computer diskette. Please contact the Bureau of Insurance at (804) 371-9298 for filing instructions.

Should any insurer wish to modify, either upward or downward, the NCCI loss costs approved by the Commission (other than by the filing of an expense multiplier), such filings will be considered to be independent rate filings and, as such, will be subject to the 60-day delayed effect filing provisions of Section 38.2-1912 of the Code of Virginia. Due to the necessity of making these independent filings at least 60 days before the proposed effective date, it is the Bureau's recommendation that such filings be mailed not later than October 26, 1993, if a January 1, 1994, effective date is proposed.

Since the hearing to determine the appropriate level of the NCCI loss costs is scheduled to begin on October 12, 1993, insurers may wish to file only expense multipliers (using Form WCLC-VA) for the January 1, 1994, effective date and defer the filing of any desired modification of the Commission-approved NCCI loss costs to a later date. This will assure the availability of final rates for the insurer to use with any policies effective on and after January 1, 1994, until the appropriateness of the insurer's independent rates can be determined.

Future loss costs filed by NCCI and approved by the State Corporation Commission will supersede the loss costs

State Corporation Commission

previously in effect as of the date stated in the Commission's order approving the revised loss costs. In order to have final rates available for use with policies effective on or after the effective date of the revised loss costs, insurers will need to file a revised Form WCLC-VA, unless the insurer's then-current Form WCLC-VA is marked, on page 1, to have the insurer's multiplier apply to future NCCI loss costs filings (Option 2).

NCCI has filed, for the State Corporation Commission's approval, final rates for the assigned risk workers' compensation market. Since these rates must be uniform, they will be filed as final rates, including provisions for expenses, rather than as loss costs. Insurers' multipliers will not be applicable to assigned risk rates.

Questions regarding loss costs adoption procedures for workers' compensation insurance may be directed to the Bureau of Insurance, Property and Casualty Division, Commercial Lines Rates and Forms Section, at (804) 371-9298.

/s/ Steven T. Foster
Commissioner of Insurance

VAR. Doc. No. R94-70; Filed October 8, 1993, 3 p.m.

INSURER ADOPTION OF NCCI WORKERS' COMPENSATION LOSS COSTS REFERENCE FILING

Submission Date: _____

NCCI Reference Filing No: _____

Applicable to policies effective on and after: _____

INSURER NAME: _____

INSURER NAIC NO: _____ SELECTED MULTIPLIER: _____

The above insurer hereby declares that it is a member or subscriber of the National Council on Compensation Insurance (NCCI). The insurer hereby files to be deemed to have independently submitted as its own filing the prospective loss costs in the captioned reference filing.

The insurer's rates will be the combination of the NCCI loss costs approved by the State Corporation Commission and the company's selected multiplier, as shown above, along with any expense constant, premium discount table, size-of-premium expense table for retrospective rating plans, and minimum premium formula specified in the company's attached manual exception pages.

The selected multiplier, along with any expense constant, premium discount table, and minimum premium formula filed, represent a rate level increase or decrease of _____%, and a premium level increase or decrease of _____%.

CHECK ONE OF THE FOLLOWING:

(Option 1) _____ The insurer elects to have the selected multiplier and the attached exception pages apply only to the NCCI reference filing indicated above. The insurer understands that this will necessitate the submission of a new adoption form and exception pages prior to the effective date of any future NCCI loss costs reference filing.

(Option 2) _____ The insurer elects to have the selected multiplier and the attached exception pages apply to the captioned reference filing, and each subsequent NCCI loss costs reference filing upon its effective date.

NOTE: Insurers selecting either of the above options may amend their multipliers, expense constants, premium discount tables, retrospective rating size-of-premium expense tables, or minimum premium formulas at any time by filing an amended adoption form and manual exception pages.

CHECK ALL THAT APPLY:

Manual exception pages attached for: _____ Minimum Premium Formula _____ Expense Constant _____ Discount Table _____ Retro Expense Table _____ WCLC-VA

SUMMARY OF SUPPORTING INFORMATION WORKERS' COMPENSATION LOSS COSTS MULTIPLIER

INSURER: _____ NAIC NO: _____

NCCI REFERENCE FILING NO: _____

EFFECTIVE DATE OF MULTIPLIER: _____

Development of Expected Loss Ratio (Expressed as a percent of standard premium at company rates):

A. Total Production Expense	_____ %
B. General Expense	_____ %
C. Taxes, Licenses & Fees	_____ %
D. Underwriting Profit & Contingencies	_____ %
E. Residual Market Costs	_____ %
F. Other (explain)	_____ %
G. TOTAL	_____ %

Expected Loss Ratio (100% - G) _____ %

Indicated Company Loss Costs Multiplier: _____ *

Selected Company Loss Costs Multiplier: _____ *

(Explain any differences between the indicated multiplier and the selected multiplier) _____

* Multipliers must be expressed as a factor to be applied to Loss Costs (for example, 1.25).

COMPLETED BY: _____ (Print or type name)

TITLE: _____

TELEPHONE NUMBER: _____

SIGNATURE: _____

NOTE: If an insurer wishes to make any modification to the loss costs filed by NCCI (other than the application of a multiplier to represent the insurer's expenses, profit and contingencies), the resulting rates will be considered to be independent rates, and shall be subject to the delayed-effect provisions of §38.2-1912 of the Code of Virginia, as provided by §38.2-1906.D. Refer to Administrative Letter 1989-10 for further instructions.

The following certification must be completed with respect to the portion of the insurer's workers' compensation rates which represents an allowance for expenses, profit and contingencies.

Chapter 19 - Certification of

(Name of Insurance Company)

NCCI Reference Filing Number: _____

This loss costs multiplier is being filed for policies effective on and after: _____

I, being a qualified actuary, certify that appropriate consideration has been given in this filing to the factors specified in subsections A. and B. of §38.2.-1904 of the Code of Virginia. For the purpose of this certification, a qualified actuary is defined as (1) a member in good standing of the American Academy of Actuaries, or (2) a fellow or associate of the Casualty Actuarial Society, or (3) an individual who has both the educational background necessary for the practice of actuarial science and at least four years of property and casualty actuarial experience.

I am a qualified actuary in accordance with (1)____, (2)____, or (3)____ above.

NAME (please print or type) _____

SIGNATURE _____

DATE _____

(_____) TELEPHONE NUMBER _____

(COF-1 7/87)

..... AT RICHMOND, OCTOBER 5, 1993

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

..... CASE NO. PUE930015

Ex Parte: In re: Investigation into the Effects of Wholesale Power Purchases on Utility Cost of Capital; Effects of Leveraged Capital Structures on the Reliability of Wholesale Power Sellers; and Assurance of Adequate Fuel Supply

FINAL ORDER

On October 24, 1992, the Energy Policy Act of 1992 (the "Act") was enacted. Section 712 of the Act amended Section 111 of the Public Utility Regulatory Policies Act of 1978 ("PURPA") to require state utility regulatory commissions to "perform a general evaluation" of the following new PURPA standards:

- (i) the potential for increases or decreases in the costs of capital for such [electric] utilities, and any resulting increases or decreases in the retail rates paid by electric consumers, that may result from purchases of long-term wholesale power supplies in lieu of the construction of new generation facilities by such utilities;
- (ii) whether the use by exempt wholesale generators (as defined in section 32 of the Public Utility Holding Company Act of 1935) of capital structures which employ proportionally greater amounts of debt than the capital structures of such utilities threatens reliability or provides an unfair advantage for exempt wholesale generators over such utilities;
- (iii) whether to implement procedures for the advance approval or disapproval of the purchase of a particular long-term wholesale power supply; and
- (iv) whether to require as a condition for the approval of the purchase of power that there be reasonable assurances of fuel supply adequacy.

Further provisions of the Act and PURPA required the "general evaluation" to be undertaken following a public hearing and to be concluded prior to October 24, 1993. By Order dated March 19, 1993, we initiated this investigation and established a preliminary procedural schedule calling for the filing of written comment on the issues set forth above and directing the Commission Staff to file testimony containing its recommendation as to whether or not the Commission should implement any new rules or policies as a result of this investigation. The Commission received

written comment from fifteen parties, including electric utilities, non-utility power producers, and consumer and trade associations.

On June 8, 1993, the Staff filed the testimony of two witnesses. Donna Tanner Pippert of the Division of Economics and Finance addressed the first two standards set out above, and Cody Walker of the Division of Energy Regulation addressed the latter two standards. Collectively, the Staff concluded that there was no need at present for the issuance of new rules or policies to implement any of the new PURPA standards. Ms. Pippert concluded that the "standards address many important issues which the Commission should consider; however, I believe the issues are best dealt with on a utility-by-utility basis in rate cases or in other types of proceedings before the Commission." Similarly, Mr. Walker concluded that "such rules or policies are unnecessary and would place undue restrictions on utility purchase decisions." In general, the Staff believed that there were sufficient regulatory tools already in place, for instance, the Commission's "Rules Governing the Use of Bidding Programs to Purchase Electricity from Other Power Suppliers," ("Rules") to ensure adequate performance by non-utility generators.

Following the filing of the Staff testimony, the Commission entered an Order Requiring Notice and Hearing, on June 16, 1993. That Order scheduled a public hearing, prescribed the publication of notice of the hearing to the public, and called for the filing of testimony from parties wishing to participate further in the investigation. Prefiled testimony was received from five parties.

Virginia Electric and Power Company ("Virginia Power") urged the Commission to "avoid any universally applicable mechanistic approach to evaluating the impact of purchased power decisions on cost of capital." Further, Virginia Power "does not currently believe that a pre-approval process is necessary for particular long-term wholesale power purchases resulting from the bidding process." However, the Company did support advanced approval in instances where it was ordered or required to enter into a contract it otherwise would have avoided. In general, Virginia Power agreed with the conclusions of the Commission Staff.

Appalachian Power Company ("Appalachian") recommended that the Commission approach the development of guidelines in an incremental manner. Rather than adopting rules, Appalachian believed "that a broad policy statement be developed which could evolve into rules at a later date, should that become necessary." Policies and guidelines are preferable because they provide for more flexibility and management discretion. Such policies and guidelines should recognize, in Appalachian's view, the potential for increases in the cost of capital for utilities that purchase power, increases which should be recognized in rates; that exempt wholesale generators should be required to maintain capital structures similar to electric utilities; that purchased power costs should be recoverable in rates; and,

State Corporation Commission

that fuel supply adequacy should be a factor in considering the reasonableness of power purchases.

Like Appalachian Power, The Potomac Edison Company ("Potomac Edison") argued that the Commission should require wholesale suppliers to maintain conservative capital structures and develop guidelines to assure fuel supply adequacy. Potomac Edison urged the Commission to adopt a policy of conducting advanced review and approval or disapproval of purchased power contracts. Further, Potomac Edison advocated the adoption of a generic rule by which utilities which purchased power from independent power producers ("IPP") would be "compensated" by the IPP for the "economic costs that it is shifting, without remuneration, to the [utility]."

The Virginia Committee for Fair Utility Rates ("Committee") also supported formal Commission pre-approval of purchased power contracts. The Committee urged the Commission to hold separate proceedings on (i) the need for new capacity, (ii) whether the capacity should be met by new plant or by purchased power contract, and (iii) how the cost of the new capacity will be recovered through rates. The latter proceeding should take place in the context of a rate case after the new capacity is determined to be "used and useful."

The Virginia Association of Non-Utility Power Producers ("Association") filed very brief testimony concurring with the Commission Staff that specific rules or policies are unnecessary. The Association believed that adoption of a "properly designed preapproval process could provide public benefits by reducing regulatory risk" but that the adoption of such procedures was "not absolutely necessary."

On September 16, 1993, this matter was brought on for hearing. At that time, Staff counsel advised the Commission that none of the parties had cross-examination of any other party. By agreement of the parties, all testimony, together with the earlier-filed comments, was admitted into the record without cross-examination.

NOW THE COMMISSION, having considered the comments, testimony and pleadings, as well as the applicable rules and statutes, is of the opinion and finds that, as recommended by its Staff, the issuance of new rules or policies is unnecessary at this time. We agree with our Staff that determining the cost of capital is so highly dependent on the particular circumstances facing each individual company that attempting to render generic rules on capital costs in isolation from those circumstances would be unreasonable. Impacts on capital costs resulting from non-utility purchases are and will continue to be considered in rate applications.

Further, as noted above, the Commission possesses adequate means to ensure performance by other power suppliers while protecting the interests of the regulated utility, its shareholders and its ratepayers. The Rules permit utilities and the Commission broad flexibility to

consider various non-price factors, including demonstrated financial viability, diversity in fuel supply, and environmental impacts in determining the appropriateness of offers of non-utility capacity. We do not find preapproval of purchased power contracts to be in the public interest. The Commission has considered the financial and technical viability of various planned projects in certification proceedings. Another level of formal review is unnecessary at this time.

Accordingly, IT IS ORDERED, that, the investigation being complete, this matter shall be dismissed and the papers transferred to the file for ended causes.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: Evans Brasfield, Esquire, and Richard D. Gary, Esquire, Hunton & Williams, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219-4074; Edward L. Petrini, Esquire, Office of the Attorney General, Division of Consumer Counsel, 101 North 8th Street, 6th Floor, Richmond, Virginia 23219; David B. Kearney, Esquire, City of Richmond, 900 East Broad Street, Suite 300, Richmond, Virginia 23219; Louis R. Monacell, Esquire, 1200 Mutual Building, Richmond, Virginia 23219; Edward L. Flippen, Esquire, P.O. Box 1122, Richmond, Virginia 23208-1122; Stephen H. Watts, II, Esquire, McGuire, Woods, Battle & Boothe, One James Center, Richmond, Virginia 23219-4030; T. Randolph Perkins, 9405 Arrow Point Boulevard, Charlotte, North Carolina 28217; Laurence M. Hamric, Esquire, 1021 East Cary Street, Richmond, Virginia 23210; Beverly Crump, Esquire, McSweeney, Burtch & Crump, 11 South 12th Street, Richmond, Virginia 23219; Thomas L. Bowden, 1309-11 East Cary Street, Richmond, Virginia 23219; Wayne S. Leary, 1006 Albemarle Court, New Bern, North Carolina 28562-2502; George A. Beadles, Jr., 9401 Deer Range Road, Mosley, Virginia 23120-1432; Philip F. Abraham, P.O. Box 3-K, Richmond, Virginia 23206; Wallace N. Davis, P.O. Box 10089, Richmond, Virginia 23240; James S. Copenhagen, P.O. Box 26666, Richmond, Virginia 23261; W. Harrison Welford, Esquire, 601 13th Street, N.W., Suite 3205, Washington, D.C. 20005; Philip J. Bray, Esquire, 10435 Downsville Pike, Hagerstown, Maryland 21740; H. Allen Glover, Esquire, P.O. Box 14125, Roanoke, Virginia 24038-4125; Margaret A. Welsh, 2715 M Street, N.W., Suite 150, Washington, D.C. 20007; Douglas L. Miller, Esquire, 600 Peachtree Street, N.E., Suite 5200, Atlanta, Georgia 30308-2216; August Wallmeyer, 700 East Franklin Street, Suite 701, Richmond, Virginia 23219; Robert M. Hewett, One Quality Street, Lexington, Kentucky 40507; David T. Byrnes, Vice President, Seakay Electrical Conservation, 2700 South Quincy Street, Suite 530, Arlington, Virginia 22206; and John A. Pirko, Esquire, 4201 Dominion Boulevard, Suite 200, Glen Allen, Virginia 23060.

V.A.R. Doc. No. R94-69; Filed October 8, 1993, 3:02 p.m.

SJR 217: Joint Subcommittee on Campaign Finance Reform, Lobbying, and Ethics

September 22, 1993, Richmond

The joint subcommittee reached preliminary agreement on a number of recommendations to include in an exposure draft. The work session covered lobbying issues raised at prior meetings and in the December 1992 report of the Governor's Commission chaired by A. E. Dick Howard. The exposure draft will be released for public comment later in the fall. The joint subcommittee will review its tentative decisions after such comments before a final report and recommendations are forwarded to the 1994 Session.

The exposure draft will include the following changes in today's lobbying statutes. (Parenthetical comments indicate whether the change was recommended in the Governor's Commission report.)

Expanding the definition of lobbying:

Include lobbying of the governor's office with respect to the veto or amendment of bills passed by the General Assembly. *Rationale* — legislative lobbying should reach the entire legislative process, including final action by the governor. (Commission recommendation 9, in part.)

The joint subcommittee requested more background on any further extension of lobbying regulations to other contacts with executive branch agencies and personnel. The Governor's Commission recommended covering lobbying in connection with "quasi-legislative" actions by executive branch agencies.

Exemptions from requirements to register and file disclosure reports under the lobbying laws:

Exempt volunteer, unpaid lobbyists from the registration and disclosure requirements unless they expend more than \$500 on lobbying activities in a calendar year. The present law threshold is \$100. *Rationale* — the present threshold has not been adjusted since 1976 despite inflation or in light of the expansion of the definition to cover lobbying activities on a year-long basis. A reasonable threshold reduces the potential for inadvertent violations of the law while still providing for disclosure of significant lobbying activities. (Commission recommendation 11.)

In addition, exempt volunteer lobbyists from criminal penalties for violations of the lobbying laws. *Rationale* — unpaid volunteer lobbyists who lobby only occasionally may not be aware of the lobbying law requirements. If the debate on legislation is contentious, opposing groups and lobbyists might seize on alleged criminal law violations as a way to attack their opponents.

Exempt compensated lobbyists from the registration and reporting requirements unless the total amount of their compensation and expenditures on lobbying activities in a

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- 8 HJR 532: Joint Subcommittee to Study the Electoral Process**
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calendar year is more than \$500. Present law requires any person who lobbies and receives compensation for lobbying to register and file the disclosure reports. *Rationale* — a reasonable threshold will allow many people, who participate in lobbying activities only occasionally, to talk to their legislators without filing registration and disclosure statements. A threshold is even more appropriate since the lobbying regulations now apply year-round. (Commission recommendation 10.)

Exempt the following categories from the definition of lobbyist and the registration and disclosure requirements: the governor, lieutenant governor, attorney general, cabinet secretaries and their immediate staffs; persons testifying before committees and providing information requested by legislators; legislative officials acting in an official capacity; and federal officials and employees acting in an official capacity. *Rationale* — generally these are government officials acting in an official capacity who must cooperate in establishing public policy or persons who appear at public committee sessions or respond to requests for information. (Commission recommendation 13, in part. The subcommittee deleted the commission's recommended exemption for news media.)

Registration and reporting requirements:

Maintain the new annual report format and do not require quarterly disclosure reports — at least until the new system has been implemented for the coming year. (Commission recommendation 14 suggested a quarterly report format along with year-round reporting. In 1993, the General Assembly required lobbyists to report lobbying activities on a year-round basis and file one report after the session for the prior 12 months.)

Allow 15 days, rather than 5, for persons to register if they lobby only outside of Richmond. Continue the present law requirement to register before lobbying if the lobbying occurs in the capitol city. *Rationale* — reduce the likelihood of inadvertent violations. (Commission recommendation 15.)

Require the lobbyist to provide more information on the registration statement: the name of his employee position if he is lobbying for his employer; a statement of the principal's type of business; the place and phone number for the location of the lobbyist's financial disclosure records; and information to identify working and financial relationships between any legislator (or covered executive branch personnel) and the lobbyist and his principal. *Rationale* — provision for pertinent information to enforce the lobbying laws and make the registration statements more informative. (Commission recommendation 16.)

Require disclosure of lobbying expenditures by totals and categorical breakdowns and include expenditures for advertisements and mailings to support lobbying efforts. *Rationale* — make the disclosure forms more informative. (Commission recommendation 17, in part. The subcommittee deferred action on the commission's recommendation to require the lobbyist to identify by name each individual legislator who benefits from \$100 or more in lobbying expenditures in a calendar year. The

subcommittee wanted further background on the issue of whether this requirement would result in duplication of reported information on the Conflict of Interests Act filings and the lobbying law filings.)

Clarify the present law that campaign contributions reported under the election laws are not lobbying expenditures and are not reportable on the lobbying disclosure forms. *Rationale* — avoid duplicative reporting since candidate campaign finance reports list the contributor's name and identifying information for each contribution over \$100. (Commission recommendation 9, in part.)

Set the disclosure form out in the lobbying statute and clarify that the Secretary of the Commonwealth does not have broad regulatory power to revise the form. *Rationale* — the present law does not set out the disclosure form in detail nor does it clearly give the Secretary of the Commonwealth power to revise the substance of the form. Thus recent revisions in the form have been undertaken without any public notice or comment as provided under the Administrative Process Act.

Public employee lobbyists:

Require a public employee lobbyist to register if he is paid or expends more than \$500 in lobbying activities. Repeal the present prohibition on the hiring of lobbyists by local governments. Exempt local elected officials from the definition of lobbyist. Require registration but do not require the filing of disclosure forms since government agency expenditures will be a matter of public record with the agency. *Rationale* — identification of public sector lobbyists is appropriate since many localities and government agencies lobby in a manner parallel to private sector lobbyists. The requirement to register local or state agency lobbyists identifies the lobbyists for the legislators and provides information useful to the public and other parties lobbying on the same issues. Since these are public sector lobbyists, information on lobbying expenditures will be available from the government agency and the filing of disclosure reports would be duplicative. (Commission recommendation 12, modified.)

Next Meeting

The joint subcommittee will meet for a one-day work session in Richmond in late November. This work session will cover the campaign finance and ethics portions of the commission report. Joint subcommittee members flagged several issues for special attention at its next meeting: campaign contribution limits, limits on campaign expenditures, adjustments to the campaign finance disclosure report schedule, and the addition of a report during the interval between the July 15 and October 15 report dates.

The Honorable Joseph V. Gartlan, Jr., *Chairman*
Legislative Services contact: Mary R. Spain



HJR 692: Joint Subcommittee Studying Human Immunodeficiency Virus (AIDS)

August 26, 1993, Lynchburg

The second 1993 meeting of the joint subcommittee consisted of a morning work session and an afternoon public forum/hearing. During the work session, the joint subcommittee heard presentations on Virginia's HIV/AIDS statistics and demography, HIV prevention efforts on five public campuses, the Northwest and Southwest Regional HIV/AIDS Resource and Consultation Centers, the Lynchburg and Richmond (Arthur Ashe) HIV Early Intervention Centers, and HIV antibody and CD4 cell count testing.

HIV/AIDS Data

Sexual activity is still the most common mode of HIV transmission in Virginia, accounting for 74 percent of the cases (see Figure 1). Also, 88 percent of the total AIDS cases are among men, with 45 percent among the 30-39 year age group. Injecting drug use (IDU) represents the only risk factor for 15 percent of cases, with the cases attributable to IDU increasing steadily.

Although the numbers of AIDS cases are highest in Northern Virginia, reported HIV cases are highest in Central Virginia and Tidewater (see Figure 2). Since the development of full-blown AIDS may take up to 10 years, current HIV age statistics—40 percent are between 30-39 years, 37 percent between 20-29 years—dramatically emphasize the need to design specific programs for and to educate young people. Health Department projections estimate 40,000 HIV-infected individuals in Virginia in 1996.

African Americans constitute only 42 percent of currently diagnosed AIDS cases; however, they make up 64 percent of HIV infected cases, indicating a significant increase in infection among African Americans (see Figure 3).

The Department of Health collaborates with the Division of Consolidated Laboratory Services to conduct an ongoing blinded seroprevalence study of Virginia's childbearing women. Three phases of this study have been conducted, with the HIV-infection rate identified as 1.1 per thousand in the first two phases (August 1989 to February 1990 and July 1990 to June 1991) and 1.5 per thousand in the third phase (October 1992 to May 1993). The fourth phase is in progress. Although women represent only 12 percent of the current AIDS cases in Virginia, 23 percent of the HIV cases are women. These data demonstrate that African-American women are most affected and demonstrate the need for health care providers to routinely assess women's HIV risk factors.

On a positive note, in 1992 Virginia realized, for the first time in four years, a significant reduction, across all groups, in sexually transmitted diseases other than AIDS.

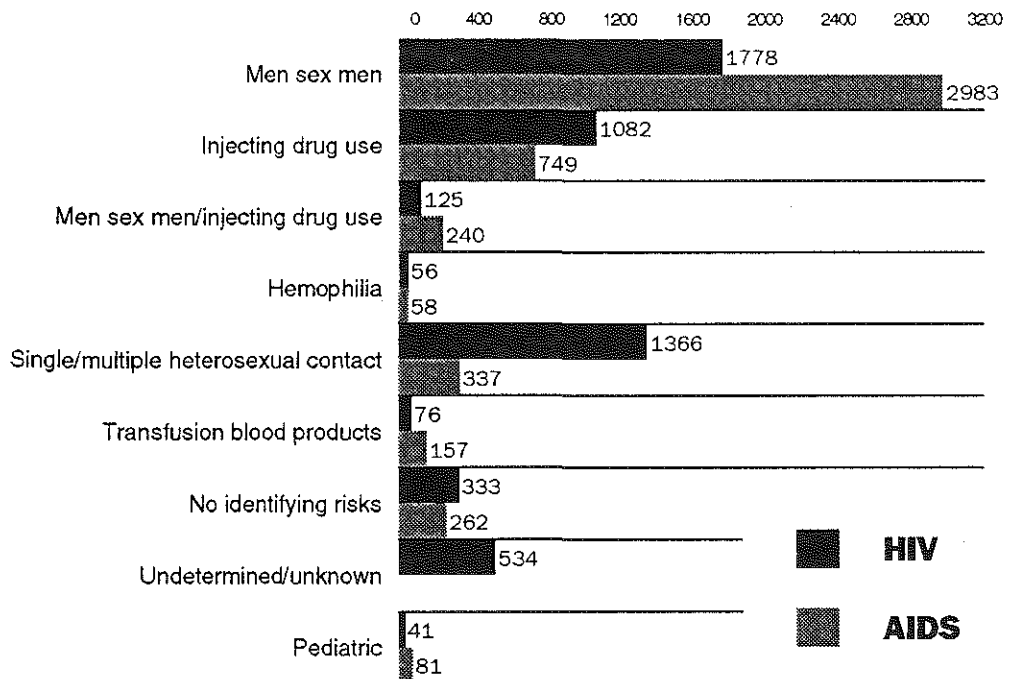


Figure 1. Modes of HIV transmission, 1989-93. Source: Surveillance Quarterly, Vol. 1, No. 4, Issue 10-15-93. Bureau of STD/AIDS, Virginia Department of Health.

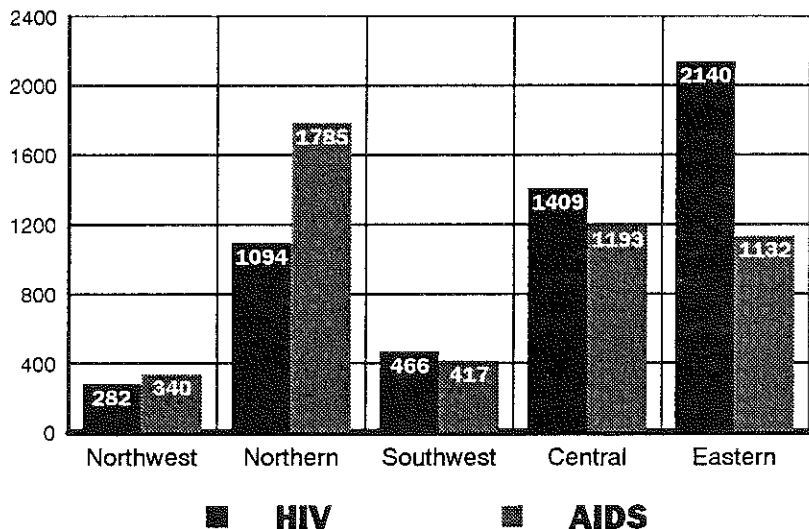


Figure 2. Reported cases of HIV infection and AIDS in Virginia, 1989-93. Source: *Surveillance Quarterly*, Vol. 1, No. 4, Issue 10-15-93. Bureau of STD/AIDS, Virginia Department of Health.

College Students

A Rutgers University film clip and the summaries of HIV prevention activities on public campuses emphasized college students' failure to take preventive steps even though they may know the risks and understand HIV transmission modes. Commonly, students feel invulnerable, view others as at risk but not themselves, combine risks such as sex and alcohol, and do not regularly or effectively use condoms. Testimony from HIV educators from the University of Virginia, Central Virginia Community College, Danville Community College, Radford University, and Virginia Tech described an impressive array of HIV prevention education activities, most of which are tailored to contact students in their daily campus routines.

Regional Centers

In 1989, one of the joint subcommittee's initiatives was to establish and fund five regional AIDS resource and consultation centers (see § 32.1-11.2). The Northwest Regional HIV Resource and Consultation Center is located at the University of Virginia and works closely with the Southwest Center in Roanoke. The centers provide education and technical assistance to health care providers on HIV/AIDS in order to increase the number of practitioners able and willing to provide care to HIV-infected individuals. Training is offered in a variety of sites—at various institutions in classroom settings and through computer programs viewed at the convenience of the individual.

The Southwest and Northwest centers serve large, diverse geographic areas, much of it sparsely populated. Primary health care resources are limited in many of these areas for all patients, particularly for HIV-infected persons. Travel distances create a challenge in service delivery for the HIV training of practitio-

ners and for access to health care for patients. Therefore, computerized instructional materials probably represent the wave of the future. At the University of Virginia, practitioners are developing treatment protocols which they hope to computerize on CD ROM and disseminate through the center to practitioners. However, the future of this project is not secure because the up-front costs would be approximately \$25,000 (primarily programming), with very low follow-up costs (only the costs of discs).

Early Intervention

The joint subcommittee also authorized, in 1989, the establishment of two HIV early intervention centers (formerly known as pilot programs). Supported by general fund appropriations of \$40,000 since its inception, the Lynchburg program provides early treatment of asymptomatic HIV infection to delay disease progression and enhance life quality. Cited as a model of cost and outcomes effectiveness, the Lynchburg Center maintains an active patient load of 70 or more patients. Medical community cooperation and contribution of care have enabled the program to meet an increasing demand for care; however, the program has been stretched to its limit and no more expansion can be obtained without increased funding.

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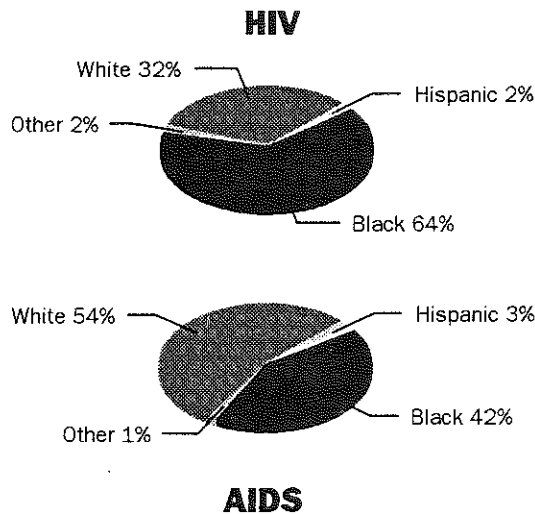


Figure 3. HIV and AIDS cases reported in Virginia, 1989-93, by race/ethnicity. Source: HIV/AIDS Surveillance Program (8-11-93), Virginia Department of Health.

During the 1993 budget process, the Arthur Ashe Center was funded with \$150,000 in state funds to begin early intervention services in Richmond in October. Other support will be provided through local funding and volunteer professional contributions. The Ashe Center, intended to serve primarily young adult African Americans, will offer early intervention medical services (HIV primary health services), case management, and health education. The center will be a cooperative effort, involving community organizations, MCV, the Richmond Urban Primary Care Initiative, and the Richmond Department of Health, and will be operated within the comprehensive primary health care clinic being developed in south Richmond.

Testing

The Division of Consolidated Laboratory Services within the Department of General Services performs various testing related to HIV, including the survey of childbearing women, routine HIV testing on Department of Health clients, and CD4 cell counts. The division has changed its testing procedure to test for the two strains of HIV that are known to cause infection in the United States—HIV-1 and HIV-2. Following an initial positive test, the test is repeated. If the repeated test is positive, a confirmation test is performed. Although multiple testing is always conducted before a specimen is declared positive, different tests may be used under different circumstances. The division performs approximately 17,000 HIV tests per month, most of which are billed to the Department of Health at \$1.77 per test or \$30,500 per month.

CD4 cells (certain kinds of T-lymphocytes, i.e., blood cells) are key components in the body's immune system. Reductions in CD4 cells indicate a reduction in the body's ability to combat infection. Following a 1992 health district survey indicating a need for CD4 testing, appropriations for equipment and personnel were provided which will enable the division to begin CD4 testing by the end of this year.

Public Hearing

Speakers at the afternoon public forum/hearing were requested to direct their remarks to issues related to community services or, if preferred, to any HIV/AIDS issue. Eight registered speakers addressed issues related to licensure of AIDS facilities, adequacy of services and funding for communities, education of young people, and mental health/substance abuse services for HIV-infected individuals. Another public forum/hearing is planned for the joint subcommittee's Northern Virginia meeting on November 29. Concerns addressed during the work sessions and public hearings will be used to identify issues for the joint subcommittee's consideration.

The Honorable Joan H. Munford, *Chairman*
Legislative Services contact: Norma E. Szakal



HJR 444: Select Committee Studying the Game Protection Fund

September 7, 1993, Richmond

The agenda for the second meeting of the Select Committee Studying the Game Protection Fund included (i) a report on the funding of the Department of Motor Vehicles' (DMV)/Department of Game and Inland Fisheries' (DGIF) study of the boat titling and registration program (HJR 443) and (ii) agency funding options.

Boat Registration and Titling

During the 1993 Session, the General Assembly requested that DMV and DGIF jointly study whether DMV should administer the boat registration and titling program. Specifically, the study was to determine the costs of implementing each of four options: (i) DMV would process all boat registration and titles, (ii) DMV and DGIF would both process boat registrations and titles, (iii) DMV would process watercraft dealer licenses and oversee enforcement of dealer rules and regulations, and (iv) DGIF would retain the administration of boat registration and titling and watercraft dealer licenses. The agencies' analyses considered the costs of changing the current program(s), the program or fee structure necessary to make the boat program compatible with programs administered by DMV, any statutory changes that would have to be made, and the benefits or detriments to boat owners or watercraft dealers.

The study found that the initial start up costs for DMV to administer the program would be approximately \$2.9 million, with annual operating costs of \$500,000. Most of these costs would be in computer hardware, programming costs, and staffing. This was characterized as the "Cadillac" option, and it would take 18 months to implement. While it would be the most costly, it would provide the greatest level of service, allowing sportsmen to go to any of the 74 DMV offices to register their boats. Currently, it costs DGIF \$400,000 per year to administer the program, and the \$100,000 difference in annual operating costs between DMV and DGIF is due to the need for additional staff in those DMV branch offices serving areas of the state with high concentrations of registered boats.

The second option would have both DMV and DGIF process boat registrations and titles. This option assumes that DGIF would continue to administer the boat registration program, with DMV also providing services through each of its branch offices. Initial implementation costs for DMV are estimated to be \$261,000, with a 6-to-12 month start-up period. DMV's costs would be in addition to DGIF's current \$412,000 annual operating costs. The benefit of this approach is that registration and titling services would be available at all DMV offices as well as DGIF's central office in Richmond. The disadvantage of this

option is that funds currently generated from boat titling and registration transactions would be transferred to DMV in order to help meet its administrative costs, thereby reducing the funds available for DGIF boating programs.

Under the third option, DMV would process only the watercraft dealer license, and DGIF would retain the rest of its current functions, including titling and registration. The initial costs to DMV for taking over this function would be about \$131,000; however, the annual costs, regardless of whether DMV or DGIF operated the dealer licensing program, would be approximately \$70,000. Because the option only involves shifting responsibility of the watercraft dealer's licensing program from one agency to another, the benefits or detriments to the dealers would be insignificant.

The fourth option would be to continue the current policy by having DGIF retain the administration of boat registration and titling and watercraft dealer licensing. The bulk of the registrations (90%) would be done by mail, with only the central office in Richmond providing walk-in service, as is the current practice. Although customer convenience would not be enhanced, no additional costs would be incurred by having to transfer the program to another agency.

The study also examined the feasibility of establishing a temporary operating certificate (TOC), which would be available to those boat owners who want to operate a boat immediately, without having to obtain formal registration, and to owners whose registration has expired. The TOC would be renewable, valid for 30 days, and would be made available to boat owners at all DMV offices, DGIF regional offices, and at all watercraft dealers, at a cost of \$10. The TOC would allow the boat owner to operate his boat while seeking to obtain a formal registration and title from DGIF, which usually takes less than one week. The TOC would not be valid as proof of ownership, but would serve as an operating certificate. The establishment of a TOC was the option recommended by the DMV/DGIF study group and, if instituted on July 1, 1994, would provide temporary relief and allow the agencies more time to address the issues that generated the study.

Funding Options

The agency's financing proposals are aimed at (i) generating funds from a broader population, (ii) bridging the gap in budget shortfalls, (iii) maintaining services, and (iv) meeting the 10-year goals established in the department's "2003: A Vision for the Future." That document attempts to answer two questions:

- How can wildlife management and boating services be improved?
- What changes could be implemented with additional funding?

Department officials informed the committee that many of their financing problems stem from the fact that they are having to meet the needs of an expanding clientele with a budget that

has remained at its current level over the last three years. The department's current budget is approximately \$25 million, of which \$23.7 million is allocated for operations and \$1.3 million is for capital outlay. The capital budget has been reduced in order to fund agency operations. For DGIF, which is the second largest land holding agency in the state, the small capital budget has meant that less attention is being paid to agency infrastructure. Agency officials suggest that they will need an additional \$36 million for operation and capital outlay, over and above the current \$25 million budget, if the agency is to carry out its mission by the year 2003. In addition, \$40 million in capital improvements will be needed over the next decade to upgrade agency facilities.

The Board of Game and Inland Fisheries presented five funding recommendations for consideration by the committee. The proposals included the allocation of general funds, dedication of the watercraft sales and use tax, dedication of a portion of the sales tax, license increases, and the instituting of a facilities use permit.

Currently, **general fund** moneys in the amount of \$310,000 are allocated for such projects such as fish passage and shad restoration. The board recommends an increase of \$810,000 in general funds, for a total appropriation of \$1.2 million. These funds would be used to continue the fish passage and shad restoration efforts as well as carry out state-mandated programs for nongame and endangered species, hire and train staff for conducting environmental reviews, address the hydrilla problems in Lake Gaston, Lake Anna, and the Potomac River, and develop a program to control the zebra mussel.

The proceeds from the **watercraft sales and use tax** would be used to enhance boating enforcement, establish a 24-hour dispatch capability, increase the number of access sites, and expand the boating safety program. The budget for these initiatives, using watercraft sales and use taxes, is estimated to be \$2.8 million.

The third funding source is the **tax collected on sales of wildlife-related equipment**. The agency estimates that this represented approximately \$9.4 million in tax receipts to the 1992 general fund. The board recommends the agency be allocated \$5.6 million, to be used to (i) enhance the nongame program through formation of a specialized enforcement and protection unit, (ii) establish two urban wildlife interpretive centers, (iii) promote wildlife-related outdoor tourism, (iv) expand the fish and wildlife information systems, and (v) acquire or otherwise protect significant wildlife areas. The proposed acquisition program would receive \$3 million of the recommended \$5.6 million.

In 1991 an estimated 1,020,782 hunting and fishing licenses were sold. Agency representatives suggested that a three-dollar **increase in basic license fees** could generate an additional \$2.7 million. Officials proposed that these funds be used to (i) hire 30 full-time employees to staff field operations in the fish, wildlife, and enforcement programs, (ii) maintain agency prop-

erties and facilities. (iii) develop fishery resources in urban and suburban areas, and (iv) expand the agency's resource education program.

The final proposed funding source is the institution of a **facilities use permit**, which would be required of those individuals, currently not holding a hunting or fishing license or using a registered boat, who want to use facilities owned or operated by DGIF. It would cost six dollars and be valid for one year. The permit would generate about \$620,000 annually. California and Louisiana have a similar type of permit. The proceeds would be spent to (i) develop additional boat access sites, (ii) protect, through easements, agreements, or purchase, critical habitat areas, and (iii) develop more opportunities for wildlife viewing and nature study.

Next Meeting

The committee will take the agency's proposals under advisement and at its next meeting will formulate its recommendations for funding. A date for the next meeting will be announced.

The Honorable A. Victor Thomas, *Chairman*
Legislative Services contact: Martin G. Farber



HJR 593: Study of Crime and Violence Prevention Through Community Economic Stimulation and Development

August 25, 1993, Norfolk

At the subcommittee's third public hearing, a number of public officials and community leaders from Norfolk explained the city's partnership philosophy of community-oriented government, which has been used to assist economically depressed and physically deteriorated communities.

Although Norfolk is one of the Commonwealth's most fiscally stressed localities, the city has devoted resources and efforts to reversing the decline of deteriorated neighborhoods. The city's priorities:

Public Safety — Providing positive incentives to improve behavior, especially with respect to youth, together with having the police work more closely with strengthened neighborhood organizations to reverse inroads by crime and drugs.

Economic Development — Viewed as central to the goal of influencing young people to choose productive, contributing life pathways.

Education — The basic ingredient in Norfolk's rehabilitation efforts, with special attention to parental involvement and an emphasis on early childhood education beginning at age three.

Housing — Utilizing federal assistance in clearing slums and providing low cost housing, together with concurrent social rehabilitation. Norfolk's slum clearance project was the first of its kind nationally under federal housing legislation in 1951.

Recreation, Health Care, and Monitoring — Stressing organized recreation programs, the creation of space for spontaneous recreation, and bringing in volunteer organizations such as the Girl and Boy Scouts to serve as role models to assist youth in making constructive choices. Accessible and coordinated health care programs have complimented these objectives.

Educational Initiatives

Norfolk has been a leader in early childhood educational programs by establishing educational and childhood development projects within depressed communities for four- and five-year-olds. Health care is an integral part of these services. Before- and after-school child care programs have also been established with broad community organizational support.

In addition, a New Start program has been formulated by Norfolk's school board to assist students who have been expelled. Usually such students are expelled for a minimum of one year. The city needs financial help to deal more effectively with these children.

Officials have implemented the random use of metal detectors, "drug" dogs, and searches in Norfolk schools. Moreover, electronic surveillance is utilized and each high school is provided with four security officers (lower schools have two).

An effort has been made to enhance economic opportunities for persons living in depressed neighborhoods. As no outside funding is available for employment initiatives, such efforts have been tied to alternative educational programs, using community residents to help alleviate unemployment.

Law Enforcement

Under community-oriented law enforcement, communities are encouraged to establish their own internal controls, with families kept strong and intact to help children develop good value systems.

Strong police participation has been used in Norfolk neighborhoods to clear out the criminal element, followed by community policing, rebuilding of blighted areas, and addressing social and human decay problems. More and better training of police officers is needed to avoid the use of police specialists. Additionally, emphasis should be placed on keeping officers on their assigned beats, rather than in court; giving more initiative to officers in each neighborhood; increasing pressure on drug dealers with swift and sure punishment; and most importantly,

ensuring that all elements of the community are brought together to deal with common problems.

It was noted in discussion by subcommittee members that small-time drug dealers often have no economic alternatives to dealing illegal drugs. Opportunities should be provided to instill marketable skills in these persons. The subcommittee also discussed methods to deal with vacant properties, which serve as breeding grounds for crime where drug dealers can establish their illegal operations. In this connection, several subcommittee members said a bill to shorten the eminent domain process would be very helpful.

PACE

PACE, Norfolk's Police Assisted Community Enforcement program, is dedicated to resolving community problems and improving the quality of life through partnerships with and among the people of Norfolk. Its goals are to create and maintain safe and healthy communities throughout Norfolk, to develop and expand cooperative elements, and to enhance community-oriented government.

Among those groups working to develop partnerships to address community concerns and to plan cooperative efforts to resolve community problems are city departments, community groups, businesses, and religious organizations. Residents work with city agencies and other organizations to keep their neighborhoods safe and to improve the overall quality of life.

A PACE athletic league has been formed, which involves youths in productive recreational activities such as basketball, volleyball, flag football, and track. A basketball program for older teens and young adults has also been established. Additionally, PACE-ALERT supports and provides training to develop community leadership. Youth forums for high school students provide students the opportunity to speak out about their concerns and propose solutions to problems identified at these forums.

Through collaboration with residents, five community police mini-stations have been established in various city neighborhoods to provide a neighborhood office space for police officers to maintain a close working relationship with neighborhood citizens. Several of these stations also have room for community meetings, and the city provides training for staff volunteers. An important partnership has been developed through PACE between the Norfolk police and realtors and property managers. In neighborhoods throughout the city, the police, citizens, and business people meet on a regular basis to share information, receive training, and explore ways through which neighborhood problems and concerns can be addressed and resolved.

The PACE program has been well accepted by city residents and has developed important working relationships within targeted communities. In addition to those groups previously indicated, approximately 20 churches participate in the PACE program. A number of very successful block celebrations have also been held for neighborhood youth.

Demolition of Abandoned Property

Norfolk City officials explained that the local judiciary has been cooperative in expediting due process requirements to remove abandoned housing, due in part to proper documentation and preparation by the city attorney's office, which aggressively pursues these matters. The city attorney's office also is very active in the collection of liens placed on property for demolition costs, and any funds collected go into a revolving fund to be used for future demolition. It was noted that in the tax sale process, two years is granted to file an appeal. Subcommittee members agreed this period is too long.

Work Session

Staff explained that a number of localities have been contacted and requested to provide proposals for statutory changes they deem most helpful in dealing with urban decay. These proposals will be reviewed by staff and subcommittee citizen members prior to a work session by the full subcommittee later in the fall.

Following some discussion, subcommittee members agreed that there are a number of areas that need to be explored beyond the time constraints of this year's study. Consequently, a resolution will be drafted to continue the study so that other concerns can be addressed, especially factors that would enhance economic development in blighted neighborhoods.

The subcommittee scheduled a public hearing on October 7, 1993, in Northern Virginia.

The Honorable Franklin P. Hall, *Chairman*
Legislative Services contact: Oscar R. Brinson



HJR 532: Joint Subcommittee to Study the Electoral Process

September 8, 1993, Richmond

September 22, 1993, Abingdon

The subcommittee concluded its series of public hearings in Richmond and Abingdon and will begin its work sessions to analyze the comments and recommendations received. Members agreed that a majority of the subcommittee's work will involve the implementation of the National Voter Registration Act of 1993.

Reaching the Disenfranchised Citizen

In Richmond, several speakers urged the subcommittee to concentrate on reaching those citizens who are currently disen-

franchised, but are nevertheless qualified to vote. Critics of the present registration system claim that the system disenfranchises a disproportionate share of minorities, the poor, and persons incarcerated in jails who are eligible to vote. Advocates for same-day registration argued that many disenfranchised citizens are people who do not think about voting until a few days before an election, when it is too late to register. Currently, a person may register to vote up to 29 days before an election.

Several problems with same-day registration were discussed, including the greater possibility of voter fraud and the costs involved in computerizing every polling place to accommodate last-minute registrants. Michael Brown, secretary of the State Board of Elections, asked the subcommittee to wait until the National Voter Registration Act is in place before shortening the registration period, since the state anticipates a dramatic increase in the number of registration transactions immediately following implementation of the act.

Information Requested

In response to allegations that local expenditures for registration programs and elections vary significantly among localities, the subcommittee requested staff to obtain a breakdown of the state and local share on elections in each of the 136 localities. Registrars present at the meeting informed the subcommittee that they had not seen an increase in their operational budgets for a number of years and were operating with the same staff they had in 1980. The subcommittee also requested the Richmond representative of the League of Women Voters to provide the subcommittee with the League's position on poll hours.

Abingdon

Southwest registrars agreed that the primary way to increase voter participation was to increase voter awareness of the current registration procedures, such as absentee voting, state-wide registration, and homebound registration. When asked by the subcommittee what changes to the law could be made to improve the electoral process, several registrars asked that the definition of domicile be clarified to cover college students who register to vote as a first step in obtaining in-state tuition. The registrars testified that determining a person's domicile would become even more difficult when mail registration is implemented, because the registrars will no longer have the face-to-face contact with registrants to assist them in determining their actual voter residence. As a partial solution, the registrars recommended that voter registration should not be considered a factor in determining in-state tuition.

The registrars further requested that the subcommittee revisit the recommendation to replace the poll book with an alphabetical precinct list that either voters or officers of election could sign at the poll. Proponents of the alphabetical list argue that it would facilitate the verification process conducted after the election is over. However, opponents of the signature list argue that it singles out the elderly and illiterate, who may be unable

to sign their names without assistance and who may be deterred from voting in the future.

Motor Voter Task Force

Michael Brown informed the subcommittee that the State Board of Elections had formed an interagency task force to develop and coordinate plans for the implementation of the National Voter Registration Act. The task force, composed of representatives of state agencies that will be directly affected by the act, budget analysts from the Department of Planning and Budget, and local registrars representing both urban and rural localities, held its organizational meeting on September 29 and will resume its work on October 25. Specific implementation issues to be addressed in the next year include transmission methods, production and distribution of forms, training of agency personnel, administrative procedures for providing assistance, record keeping, and other regulatory requirements.

Next Meeting

The joint subcommittee's work session meeting scheduled for October 6 has been rescheduled to November 22 in Richmond.

The Honorable James M. Scott, *Chairman*
Legislative Services contact: Ginny Edwards



SJR 279: Joint Commission on Management of the Commonwealth's Work Force

September 7, 1993, Richmond

At its third meeting, the commission heard a local perspective on human resources management by a representative of the City of Hampton and was given updates on the Commonwealth's health benefits program and worker-family policies.

Hampton

Tharon Greene, director of human resources for the City of Hampton, emphasized that successful organizations are clear about their purpose and mission, share power with their employees and customers, invest in employee development, and focus on results rather than activities. Ms. Greene cited several innovative programs that have worked because of the enthusiasm and initiative of the city employees. For example, the employees raised the funds to purchase and restore the Buckroe Beach carousel, which has been placed on the Hampton waterfront. Employees manage an education fund, which assists

employees with tuition for advanced learning. All supervisors participate in a leadership program; other employees receive training in problem-solving and team dynamics; and city executives and others can participate in a master's degree program at George Washington University.

To reduce the amount of bureaucracy, Hampton gave each assistant city manager an area of responsibility, such as economic development or public safety. All the department heads report directly to the city manager and have a performance contract. The executives and the department heads have been removed from the pay plan, and their salaries, which are set by the city manager, depend on their performance.

Hampton has also successfully reduced the number of supervisory layers by instituting self-directed teams. But the new way of working required changes in the systems for compensation and performance measurement. The city manager wanted employees to initiate rather than wait to be told what to do. That is one reason the city has invested so heavily in employee development. Managers realize that most of the leaders will come from the current work force, and they want to instill organizational values. Ms. Greene spoke of the "moment of truth," or an opportunity for employees to demonstrate commitment to organizational values. For example, when a citizen walks through a door and is greeted by a receptionist, it is a "moment of truth." Either the impression is good or it is not.

Hampton has received significant praise from a citizen satisfaction survey that the city conducts annually. Employees are eligible for bonuses based on the results and at least one company reportedly listed the customer survey among the reasons it chose to locate in Hampton.

Hampton is trying to implement shorter, fewer job descriptions that focus on results rather than activities. Reward strategies include pay, employee involvement, and job redesign. Pay bands are being developed that individuals can move through based on their readiness and results. The Achievement Award Program allows each department to develop its own reward system for employees. The result is 35 employee-designed systems that provide recognition ranging from cash bonuses to nonmonetary rewards for productivity gains and quality improvements. Since the program began, employees have generated savings of more than \$4 million and awards totaling \$200,000 have been made.

Along the way, Hampton has managed to maintain one of the lowest tax rates and debt service in the area, create a small business incubator, and help facilitate downtown development and the building of an air and space museum, neighborhood parks, and a golf course over a former garbage dump. Hampton has done it by communicating the vision, empowering employees and customers, paying for results rather than activities, coaching people to high performance, eliminating systems that get in the way, celebrating successes, and constantly looking for ways to improve.

Commonwealth Health Benefits Program

Paul Mack, manager of Alexander and Alexander Consulting Group, described the findings of his company's analysis of the Commonwealth's Health Benefits Program, which found the design to be appropriate and cost competitive. The claim costs are lower than projected, but this finding is based on a very limited experience (six to eight months). It is too early to know if lower claim costs will be the trend or are merely temporary. Administrative costs also appear to be competitive when compared with other large public or private sector programs. Administration (both internal and by the vendors) appears satisfactory, but continuing education and fine-tuning are required. The key to the success of the program is in the managed care network itself, but there was much dissatisfaction with the implementation process. Education for the providers and the employees will help alleviate any misconceptions.

Mr. Mack suggested that the commission explore health benefits as part of a total compensation package—coupled with pay, incentives, leave policies, and retirement. He also suggested flexibility as a means of meeting the diverse needs of the Commonwealth's work force. When all benefits and compensation are presented under one package, the employee sees how salary fits in the structure. Moving in this direction, however, requires an effective design process, a well-planned communication package delivered over an extended period of time, and an effective human resource management system.

Worker-Family Policies

In reporting on worker-family policies in the Commonwealth, Dorthula Powell-Woodson said that flexible work schedules, parental leave, job sharing, telecommuting, and leave without pay for medical or educational purposes are the most well-received programs. The use of programs varies from agency to agency. The causes are unknown, but programs that cause employees to lose pay are less popular. Twenty other states appear to have similar programs, with one exception. Only Florida and Virginia have a leave program that allows employees time off to assist in schools. Compared to other states, Virginia appears to be a leader in this area. While other states may offer similar programs, few offer as comprehensive a list as Virginia. In addition to programs similar to Virginia's, some states offer a day-care resource and referral service for employees and subsidies for child care.

Senator Holland concluded the meeting with the appointment of five task force chairmen: Strategic Planning—Senator Holland; Worker-Family—Senator Benedetti; Compensation and Classification—Senator Andrews; Career Development—Delegate Heilig; and Continuous Quality Improvement—Delegate Hull.

The next meeting of the commission will be in late November.

The Honorable Richard S. Holland, *Chairman*
Legislative Services contact: Nancy L. Roberts



HJR 465: Joint Subcommittee Studying the Mine Safety Law of 1966

September 29, 1993, Richmond

The joint subcommittee's fifth business meeting produced several recommendations for separate definitions of a mine for underground mineral, surface mineral, underground coal, and surface coal mining. Subcommittee deliberations acknowledged that the definition of a mine will establish parameters for the scope of Commonwealth's mine safety law.

Inspections of Mineral Mines

The U.S. Mine Safety and Health Administration (MSHA) currently inspects all mineral mines in Virginia of which it has knowledge — a total of 185 mines. State mine agency personnel stated that Division of Mineral Mining inspectors check about 500 mineral mines. The difference in the number of mineral mines may be due to MSHA's exclusion of "borrow pits," from which unconsolidated, unprocessed materials are removed for use as fill, from its definition of a mineral mine. This explanation was discounted, however, by the Department of Mines, Minerals and Energy (DMME), because the 500 state-inspected mineral mines do not include borrow pits, which were dropped from DMME regulation following the Virginia Court of Appeal's 1990 decision in *Commonwealth v. May Brothers, Inc.* Following that decision, borrow pits became subject to jurisdiction of the Virginia Occupational Safety and Health (VOSH) program.

The subcommittee heard testimony that approximately 320 mineral mines are inspected by DMME personnel but not by MSHA or VOSH inspectors. It was noted that 149 of the mineral mines inspected by the state produced no tonnage in 1992. These inactive mines did not account for the smaller number inspected by MSHA, however, because about half of these mines were included in MSHA's list of state mineral mines.

At previous meetings the subcommittee had been provided with the number of fatal injuries between 1988 and 1992 for coal and noncoal mining in the nation and in selected states. The corresponding production figures and the rate of fatal incidents for these jurisdictions showed 40 fatalities in 104.4 million production hours in coal mining, and 6 fatalities in 38.7 million production hours in mineral mining over this five-year period. The fatal incident rate for coal mining in Virginia (0.077 per 100 workers per year) is over twice the rate for metal and nonmetal mining (0.031). The rate is determined by multiplying the number of fatalities by 200,000, and dividing by the number of

production hours. The corresponding fatal incident rates for all states are 0.047 for coal mining and 0.029 for metal and nonmetal mining.

Underground Mineral Mines

The subcommittee agreed that the types of operations and activities constituting underground mineral mining should remain as currently provided in the Mine Safety Law, with one exception. At present, an operation is defined as a mine through the completion of final reclamation, concurrent with release of the reclamation bond. The subcommittee proposed that the definition of such a mine only include areas through the time initial reclamation activities are completed. The definition of a mine should continue to include only those sites where minerals are being produced for commercial use. The areas of a site that constitute part of a mine under current law should continue to be included. These areas are the working face, other active underground areas of the mine, inactive areas, shaft and slope construction, and areas at the surface used for material transportation and storage, impoundments, and refuse disposal areas.

Surface Mineral Mines

The subcommittee narrowly agreed that the types of operations and activities constituting surface mineral mining should include areas where exploration activities are being conducted. This is consistent with current DMME practice to regulate activities that disturb the surface in any way except by drilling. The subcommittee agreed, as it did with underground mineral mining, to exclude activities occurring after the completion of initial reclamation activities in the definition of a mine. With respect to defining mining based on the use of the mined product, the members agreed that the definition of a mine should include only operations producing mineral products for commercial use. The members recommended that the definition should exclude sites owned and operated by the government from the definition of a mine. They also endorsed codifying the *May Brothers* decision by including only sites used for mineral extraction where a mineral is mined for its unique characteristics or where processing is required.

The subcommittee did not agree on which areas of a site should be counted as part of a surface mineral mine. Currently, a surface mineral mine includes on-site surface facilities such as mills, offices, shops, and load-out facilities, but excludes off-site surface facilities. The subcommittee tabled discussion of this issue until they deal with the issue of site inspections.

Underground Coal Mines

The subcommittee decided that an underground coal mine should include areas being used for coal extraction activities and for preparation of the site. The members also agreed that a mine should include these areas through the time reclamation activities are completed, rather than through final reclamation and bond release. The members do not want the definition to include

areas where exploration activities are being conducted. They tabled discussion of including areas only through the time extraction is completed and equipment is removed from underground, though this activity would precede completion of initial reclamation activities. The subcommittee adopted a motion that the definition of an underground coal mine not include inactive mines, and that the issue of the scope of regulation of inactive mines will be addressed after staff prepares a proposed definition of an inactive mine.

Underground coal mines should include only sites where coal is being produced for commercial use. Areas of the site that should be subject to the law include the working face, other active underground areas, shaft and slope construction, the land area at the surface, on-site surface facilities other than offices, and areas used for drilling vertical ventilation holes. The subcommittee tabled discussion of whether inactive areas should be included in the definition of underground coal mines.

Surface Coal Mines

The subcommittee decided that the types of operations and activities that should be included in the definition of a surface coal mine should be the same as those for an underground coal mine. Accordingly, they should include areas being used to prepare a site and areas being used for extraction activities, through the time initial reclamation activities are completed. Surface coal mining should not include exploratory activities, and should not extend until completion of final reclamation concurrent with bond release. Inactive mines should not be included in the definition of such mines, but staff should prepare a new definition of inactive mines for consideration. As with underground coal mining, the members tabled discussion of whether areas should be covered only through the time extraction is completed and equipment is removed.

The subcommittee recommended that the definition of a mine include surface coal mines producing coal products for commercial use but not sites owned and operated by government entities. Surface coal mines should include coal extraction areas and other active areas, and on-site surface facilities other than offices. Members agreed to table discussion of including inactive areas and off-site surface facilities in the definition of a surface coal mine.

Next Meeting

The joint subcommittee's next meeting was scheduled for 1:00 p.m. on October 6 in Richmond.

The Honorable Alson H. Smith, Jr., *Chairman*
Legislative Services contact: Franklin D. Munyan



HJR 100: Joint Subcommittee Studying the Use of Vehicles Powered by Clean Transportation Fuels

September 8, 1993, Springfield

The subcommittee's meeting focused primarily on the role of alternatively fueled vehicles in Northern Virginia's plan for complying with the federal Clean Air Amendments of 1990, the problems of and potential for electric-powered vehicles, and the federal Fleet Conversion Task Force's recommendations for including alternatively fueled vehicles in the federal government's Virginia-based vehicle fleet.

Northern Virginia

Northern Virginia's proposed Clean Air Act implementation plan, scheduled to be released by mid-September, will place considerable emphasis on alternatively fueled vehicles. Greater use of these vehicles could not only be cost-effective, but also have the additional advantage of being less burdensome and less disruptive than alternative strategies — such as episodic controls on lawn mower and power boat operations. Should broad-based use of alternatively fueled vehicles not occur in the Washington metropolitan area, however, much more draconian measures aimed at reduction of the number and length of motor vehicle trips would likely be imposed in order to avoid imposition of federal sanctions.

Electric Vehicles

Electrically powered vehicles can play an important role in reducing Virginia's air pollution. The vehicles are safe, have adequate performance to make them acceptable to the public, and are not necessarily more expensive than conventionally powered vehicles (and per-vehicle costs will decrease further as manufacturers shift from one-of-a-kind prototypes and test vehicles to full production). Considerable emphasis was given to the close match between electric vehicles' performance characteristics and the needs of "typical" commuters. Tax incentives were recommended for electric car producers and buyers, along with the suggestion that electric vehicles be granted a blanket exemption from emissions inspections.

Fleet Conversion

The federal Fleet Conversion Task Force (a panel established by the President to make proposals for phasing alternatively fueled vehicles into federal vehicle fleets) recently submitted recommendations to President Clinton. The task force placed the various federal fleets spread across the country among three "tiers," based on the air quality, number of federal fleet vehicles,

fueling infrastructure, and existing state and local alternative fuel programs in place in each geographic area. Federal fleet vehicles in Tier One areas would be converted in 1994, with Tier Two and Tier Three fleets to follow in 1995 and 1996, respectively. The task force recommended that the Washington metropolitan area (including Northern Virginia) be placed in Tier One and the Hampton Roads area in Tier Two. The members felt that the existence of substantial numbers of alternatively fueled federal fleet vehicles in these areas will give a considerable boost to the use of alternatively fueled vehicles by state and local governments, private fleets, and the general public.

The Honorable Arthur R. Giesen, Jr., *Chairman*
Legislative Services contact: Alan B. Wambold



HJR 556: Financial Impact of Third Party Reimbursement on the Commonwealth's Pharmacies

August 24, 1993, Richmond

During the 1992 and 1993 Sessions, pharmacy reimbursement issues generated five study resolutions, resulting in a 1992 Health, Welfare, and Institutions Committee Ad Hoc study and three 1993 interim studies in various venues. During the 1993 Session, four resolutions calling for pharmacy-related reimbursement studies were approved, including HJR 556.

The current study will be examining, in relationship to impact on pharmacies, the quality of pharmacy services, and the best interests of the consumer, such issues as insurers' policies and reimbursement levels vis-à-vis the use of networks and mail-order pharmacies, competitive fairness, and quality of care issues related to the use of mail-order pharmacies and the physician/patient/pharmacist relationship and personal counseling on drug effects and interactions.

Changing Practice

Until recently, pharmacists compounded many, if not most, prescriptions. Following World War II and the advent of medical technology, compounding responsibilities largely shifted to highly competitive drug manufacturing companies. The development of thousands of new drugs, prepackaging of drugs, new standards for manufacturing, controls on substances, and the dissemination of third party payment systems (private

insurance, Medicaid, and Medicare) initiated dramatic changes in pharmacy education and practice. For example, the majority of pharmacists no longer practice in the traditional community drug store. The Virginia Pharmacists Association notes that its membership is at its all time high; however, in recent years, its membership has shifted from 80 percent independent pharmacists/owners to approximately 80 percent employee pharmacists.

According to experts, mail-order drug services are not a new phenomenon, having been available to meet the pharmacy needs of rural patients for at least 100 years. Formal mail order service is said to have been initiated by the Veterans Administration in 1946 and by the American Association of Retired Persons in the 1950s. The spiraling increase in drug prices in the 1980s and the increase in the older population who take more prescription drugs than the general population have coincidentally operated to increase pharmacy costs and to create the need to contain them. Companies and programs have responded by developing service delivery options, such as mail-order pharmacy services and networks. Many studies have focused on obtaining comparative data on the costs of drug distribution through mail-order services versus local pharmacies; however, the results of these studies are contradictory.

Key Advantage

The Commonwealth's Outpatient Prescription Drug Program (part of Key Advantage) provides broad coverage for prescription drugs through participating PCS RECAP pharmacies, a mail-service pharmacy (CareMark), and participating walk-in maintenance pharmacies. Financial incentives are provided for the use of mail-service or walk-in maintenance drug pharmacies for 90-day supplies. This program encourages the use of generic drugs. Two hundred community pharmacies participate in Key Advantage as walk-in maintenance drug pharmacies. Data provided to the joint subcommittee indicate that 3.1 percent of claims are for prescriptions filled through mail-order, 9.5 percent for prescriptions filled by walk-in maintenance drug pharmacies, and 87.4 percent for prescriptions filled by community pharmacies. In 1993, the mail-order pharmacy was paid \$2,875,605 (7.5%), walk-in maintenance drug pharmacies were paid \$8,454,121 (22%), and community pharmacies were paid \$27,082,797 (70.5%).

Blue Cross/Blue Shield

Blue Cross and Blue Shield of Virginia (BCBSVA) states that pharmacy benefits and mental health and substance abuse benefits are the fastest growing components of the health care cost equation. In fiscal year 1993, BCBSVA reimbursed at least 7 million pharmacy claims, totaling approximately \$162 million. Approximately 850,000 of BCBSVA's 1.8 million insured Virginians have pharmacy benefits, with varying copayments, deductibles, and annual maximums. BCBSVA's preferred provider network (PPO)—RX Alternative—services approximately 730,000 of these insureds; certain subsets of this group also have access to mail-service or retail maintenance-drug

pharmacies. BCBSVA estimates that an additional cost of \$12-15 million would have been incurred without the benefit management activities initiated in January 1991, including an electronic claims processing system to confirm coverage, copayments, and deductibles and to transmit acceptances and payment amounts to pharmacists' accounts. This system also detects fraud and abuse, such as over-utilization (multiple purchases in a short period) and alerts pharmacists to quality of care concerns such as interactions (the system includes prescriptions filled by other providers).

Medicaid

The Virginia Medicaid program is described as a prudent purchaser; however, Medicaid pharmacy costs have increased from \$41 million in 1985 to \$160 million in 1993. Product costs demonstrated the greatest increase, with drug manufacturers logging 17% annual rates of return. Medicaid has the highest Virginia dispensing fee at \$4.40. No mail-order services are available through Virginia Medicaid at this time; however, costs are being contained through the federal rebate program. Virginia Medicaid has a fast turn around time for claims—approximately six and a half days.

Pharmacists' Concerns

Many pharmacists decry managed care trends, citing quality of care and prevention concerns. Pharmacists, by training and by law, provide counseling services to patients and monitor prescription integrity as required by the statutory physician/pharmacist/patient requirement. Pharmacy plays a major role in prevention and avoidance of costs (e.g., costly hospitalization caused by failure to adhere to treatment protocols). Pharmacists also note that the costs of medications continue to increase; however, dispensing fees do not. Further, cost shifting to the private sector is no longer a viable alternative, with cost-conscious pharmacy programs being implemented by the private insurance sector. Community pharmacists—particularly owners of independent pharmacies—see the new managed care trends as eroding their market and pushing them out of business while not providing quality, personal care.

Study Plan

The joint subcommittee approved, with some modifications, a study plan consisting of four additional meetings. These meetings will combine site visits, work sessions, and public hearings in order to provide joint subcommittee members with broad experience with the issues. Determination of meeting dates and locations is in progress.

The Honorable Kenneth R. Melvin, *Chairman*
Legislative Services contact: Norma E. Szakal



HJR 712: Blue Ridge Economic Development Commission

September 7, 1993, Roanoke

The Blue Ridge Economic Development Commission, continued in 1993 under HJR 712 for a third year of study, held its second meeting of the year at the Roanoke County Government Center. The agenda included presentations on transportation issues and three new projects in the Blue Ridge region.

Transportation

Several actual and proposed transportation projects are of current interest to the Blue Ridge region, including the present and future widening of Interstate 81 to six lanes from Winchester to Bristol. This project will continue until its expected completion in the early part of the twenty-first century.

Three projects that may affect Virginia's ongoing planning for and rebuilding of I-81—two by the federal government and one by West Virginia—were discussed. The 1991 Federal Appropriations Act authorized the Transamerica Transportation Corridor (TTC) study, an investigation into the feasibility of a major transportation corridor from Los Angeles to Hampton Roads. Besides traditional highways, the study is also examining technologies such as high speed rail and intelligent vehicle/highway systems (IVHS).

The Interstate 73/74 corridor is the second federal proposal that may affect I-81. This project, also established in 1991, proposes a highway from Detroit through Winston-Salem, North Carolina, to Charleston, South Carolina. The highway may overlap I-81 along its route through Virginia. To date, neither of the federal projects have been funded, nor are they likely to be within the next five years.

The third project, Corridor H, is a controversial proposal by West Virginia to extend Interstate 66 from Strasburg, Virginia, to Elkins, West Virginia. Unlike the federal proposals, some planning money has been approved. This project has reached the second tier of analysis, which is an environmental impact study, and Virginia has agreed to cooperate with the second tier study; however, whether or not Virginia remains involved in the project and the extent of that involvement are not yet known.

The possible impact in the region of the Transportation Trust Fund Allocation study (SJR 188) was explained. The discussion focused on the need to change Virginia state law to conform with the provisions of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and on the effects in the region of a change in eligibility requirements for the secondary road fund.

Safety Network

The commission endorsed the implementation of the "safety network" pilot project in the Blue Ridge region, which grew out of a need to educate employers—particularly those with fewer than 200 employees—about Occupational, Health, and Safety (OSHA) standards in an effort to reduce work-related injuries and deaths in the Commonwealth. Participation in the project is voluntary.

The Department of Labor and Industry selected the Blue Ridge region for the pilot project because the relative number of work-related injuries (as measured by workers' compensation claims) is greater than the number of jobs and because the rate of mortality for work-related injuries is much higher than in any other part of Virginia.

In the initial phase of the pilot, employers in manufacturing industries and construction trades with fewer than 200 employees are eligible to receive training. Training personnel, materials, and facilities will be provided by companies in manufacturing and construction with over 200 employees. If they choose to participate, the larger companies will be exempt from OSHA's general (unannounced) inspection schedule, where technical, yet costly, violations are often cited.

Electronic Village

The commission was briefed on the cooperative efforts between C&P and Virginia Tech in creating Blacksburg's "Electronic Village," an idea that began in 1991. Ultimately, voice, data, and video services will become available as the three-phase project is implemented. Subscribers will gain access to information from menus such as education, recreation, community services, and local government.

C&P customers in Blacksburg who choose the enhanced services of the Electronic Village will be billed accordingly. C&P hopes that many of its Blacksburg customers will participate in order to keep costs down.

World Trade

The 1993 General Assembly established the World Trade Alliance of the Blue Ridge to promote exports from the region. The alliance is directed by the Virginia Department of Economic Development (VDED), Division of Export Development. On July 1, 1993, VDED opened an export development office in the Roanoke Regional Chamber of Commerce building. The office has received an average of 25 calls per week, most from small businesses, with translation the most requested service. Twenty-two new companies (with no prior contact with VDED) have been served.

Future Meetings

The commission's next meeting will be held during the Second Annual Western Virginia Strategic Development Con-

ference at James Madison University from October 21-22. The commission's final 1993 meeting will be November 8 at the Homestead, in conjunction with the Virginia Association of Counties meeting.

The Honorable Joan H. Munford, *Chairman*
Legislative Services contact: Diane E. Horvath



SJR 223: Joint Subcommittee on Block Grants

August 25, 1993, Richmond

Since 1982, a joint subcommittee on block grants has annually held one inclusive hearing subsuming the block grants required by federal law to be submitted to "legislative" public hearings. Thus, Virginia complied with federal law and ensured the receipt of the relevant federal funds. Because the federal requirement was not anticipated and no vehicle existed to satisfy this mandate, the initial subcommittee was established through an agreement between the then President Pro Tempore of the Senate, the Chairman of the House Appropriations Committee, and the Speaker of the House of Delegates. Over the years, the need for a flexible vehicle became evident as the original subcommittee dwindled and almost disappeared. SJR 223 of 1993 provided this mechanism.

Currently, only the Community Services Block Grant, with application and funding through the Department of Social Services, requires a legislative public hearing. Previously, hearings were also required on the Preventive Health and Health Services Block Grant and the now defunct Alcohol, Drug Abuse, and Mental Health Services Block Grant (the functions of this program have been divided into two grants).

A summary of the 1994 Community Services Block Grant application was provided, describing the role of Community Services in providing mechanisms for self-help to the low-income communities and individuals who are unemployed, elderly, homeless, very young, and parolees. Examples of CAP activities are emergency services (food, shelter, utility payments, etc.), job training, emotional support for the troubled, weatherization, reinstatement of vital community services such as a grocery closet, renovation of social/culture centers such as a music center, and development of safe drinking water sources and effective sewage disposal facilities. Virginia expects to receive approximately \$5.5 million for these activities in fiscal year 1994.

Testimony was received from a paroled offender who is currently employed and living a productive life; a single mother who received emergency assistance and job training, several

parents of Head Start children, and a young man who had received encouragement and technical advice concerning college selection. In addition, the joint subcommittee heard about the many activities of the Virginia Water Project, a nationally recognized program for assisting poor communities and individuals in developing safe drinking water and adequate sewage

facilities. By unanimous vote, the joint subcommittee endorsed the 1994 Community Services Block Grant application.

The Honorable Charles J. Colgan, *Chairman*
Legislative Services contact: Norma E. Szakal



The Legislative Record summarizes the activities of Virginia legislative study commissions and joint subcommittees. Published in Richmond, Virginia, by the Division of Legislative Services, an agency of the General Assembly of Virginia.



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The Legislative Record is also published in *The Virginia Register of Regulations*, available from the Virginia Code Commission, 910 Capitol Street, 2nd Floor, Richmond, Virginia 23219. **Notices of upcoming meetings of all legislative study commissions and joint subcommittees appear in the Calendar of Events in *The Virginia Register of Regulations*.**

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

GENERAL NOTICES

VIRGINIA CODE COMMISSION

NOTICE TO STATE AGENCIES

Mailing Address: Our mailing address is: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219. You may FAX in your notice; however, we ask that you do not follow-up with a mailed copy. Our FAX number is: 371-0169.

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.

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Virginia Cattle Industry Board

November 4, 1993 - 10 a.m. – Open Meeting
Virginia Cattlemen's Association Office, Daleville, Virginia. ☎

A meeting to review projects and financial position and to discuss potential projects. Any person who needs any accommodation in order to participate at the meeting should contact Reginald Reynolds, Executive Director, at least five days before the meeting so that suitable arrangements can be made for any appropriate accommodation. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes.

Contact: Reginald B. Reynolds, Executive Director, P.O. Box 176, Daleville, VA 24083, telephone (703) 992-1009.

Virginia Seed Potato Board

November 3, 1993 - 8 p.m. – Open Meeting
Eastern Shore Agriculture Experiment Station, Research Drive, Painter, Virginia. ☎

The board will meet to consider whether its regulations should be amended. Any person who needs any accommodation in order to participate at the meeting should contact William Mapp, Program

Director, at least five days before the meeting so that suitable arrangements can be made for any appropriate accommodation. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes.

Contact: J. William Mapp, Program Director, Box 26, Onley, VA 23418, telephone (804) 787-5867.

Virginia Winegrowers Advisory Board

November 8, 1993 - 10 a.m. – Open Meeting
Omni Hotel, Charlottesville, Virginia. ☎

A meeting to hear committee and project monitor reports and review old and new business. Any person who needs any accommodation in order to participate at the meeting should contact Wendy Rizzo at least 14 days before the meeting so that suitable arrangements can be made for any appropriate accommodation.

Contact: Wendy Rizzo, Secretary, 1100 Bank St., Suite 1010, Richmond, VA 23219, telephone (804) 371-7685.

STATE AIR POLLUTION CONTROL BOARD

November 17, 1993 - 10:30 a.m. – Public Hearing
Pohick Regional Public Library, 6450 Sydenstricker Road, Burke, Virginia.

December 3, 1993 – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia and the requirements of § 110(a)(1) of the Federal Clean Air Act that the State Air Pollution Control Board intends to adopt regulations entitled: **VR 120-99-03. Regulation for the Control of Motor Vehicle Emissions.** The purpose of this notice is to provide the public with the opportunity to comment on the proposed regulation and the costs and benefits of the proposal.

The 1990 Clean Air Act amendments require that the Northern Virginia vehicle emissions testing program be upgraded from a "basic" program, which tests vehicle exhaust emissions at idle speed, to an "enhanced" program, which tests exhaust emissions from most vehicles during a simulated driving cycle and also tests for excessive fuel evaporation.

The regulation defines affected motor vehicles and requires that they be presented to a test-only

emissions inspection station biennially to receive a test based on vehicle model year and weight class. Information regarding the vehicle's performance on the test is given to the motorist and a pass, fail, waiver or rejection signal is electronically stored for the purpose of enforcement through registration. The inspection may cost the motorist up to \$20 and there is an administrative fee of \$2 per vehicle, per year of registration, due at the time of registration. This will, in most cases, be collected by the Department of Motor Vehicles and deposited into a fund for the purpose of funding the state oversight costs of this program.

Cars and trucks weighing less than 8,500 pounds, of model years 1968 and newer, will be subject to the "high-tech" exhaust emissions inspection, called IM240, which tests cars in a simulated driving cycle. All but the 1968-70 model years will also get a test of the vehicle's fuel vapor recovery system and of the fuel supply system to detect evaporative leaks. Heavier trucks will get a test of the exhaust emissions at idle and with the engine running at 2,500 RPM, called a "two-speed idle test." In addition to vehicles registered in the area defined by the law, vehicles not registered but operated regularly in the program area, such as on federal installations, will also be subject to testing, regardless of where they are registered. State and local government vehicles are also included.

The test is valid for two years no matter how many times the vehicle is bought or sold. If a motorist wishes to request a waiver of the test, he must spend at least \$450 on emissions-related repairs. The cost amount is adjusted each January by applying the Consumer Price Index released the previous fall by the federal government. The waiver is also valid for two years.

Random testing of vehicles is required and will be accomplished using either roadside pullovers for an idle test or a remote sensing device next to the roadway.

The regulation defines conditions under which an inspection station may be granted a permit and emissions inspectors may be granted a license. Certain conditions for consumer protection, such as location of stations, parameters for determining the number of inspection stations, and motorist waiting time are included in the regulation.

Comparison with federal requirements: The following provisions of the regulation are more stringent than federal requirements:

1. Coverage is extended from the nonattainment area to include Fauquier County based on the requirement in the state statute.

2. Consumer protection requirements regarding the

location of inspection stations, the number of inspection lanes, and the hours of operation provide parameters for these aspects of the program, based on requirements in the state statute, which are not requirements of the federal regulation.

3. Manufacturers or distributors of emissions testing equipment are prohibited from owning or operating emissions inspection stations by statute.

4. The federal requirement for this program is that a calculated reduction in certain emissions, in grams of emissions per vehicle mile traveled, be met through a program based on a model program developed by EPA. Some aspects of a state's program may match the model program, some may be less stringent, and some may be more stringent. Aspects of greater stringency must make up for those aspects which are less stringent.

EPA's model program, i.e. the performance standard, includes:

Network type: Centralized

Start date: January 1, 1995

Test frequency: Annual testing

Model year coverage: 1968 and lower

Vehicle type coverage: Light duty vehicles and light duty trucks rated up to 8,500 pounds GVWR

Transient, mass-emissions test (IM240): 1986 and newer vehicles

Two-speed test, no resistance load: 1981-1985 vehicles

Idle test: 1980 and older

Virginia's proposed program, designed to meet the performance standard, includes these variations on the model program:

Test frequency: Biennial testing

Vehicle type coverage: Vehicles rated up to 26,000 pounds GVWR, with exceptions for diesels, motorcycles, and antique vehicles

Transient, mass-emissions test (IM240): 1968 and newer light duty vehicles and trucks up to 8,500 pounds GVWR

Two-speed test, no resistance load: 1968 and newer heavy duty vehicles and trucks up to 26,000 pounds GVWR

The following provision of the regulation is less stringent

Calendar of Events

than federal requirements:

Used vehicles held in a motor vehicle dealer's inventory for resale may be registered for one year without an emissions inspection provided that the dealer states in writing that the emissions equipment on the motor vehicle was operating in accordance with the manufacturer's or distributor's warranty at the time of resale. This deferment is based on a requirement in the state statute.

Location of proposal: The proposal, an analysis conducted by the department (including a statement of purpose, a statement of estimated impact of the proposed regulation, an explanation of need for the proposed regulation, an estimate of impact of the proposed regulation upon small businesses, and a discussion of alternative approaches) and any other supporting documents may be examined by the public at the office of the Air Programs Section, 9th Street Office Building, 8th Floor, 200-202 North 9th Street, Richmond, Virginia, and at the office of the Mobile Sources Section, Department of Environmental Quality, 7240-D Telegraph Square Drive, Lorton, Virginia, telephone (703) 339-8553, between 8:30 a.m. and 4:30 p.m. of each business day until the close of the public comment period.

Statutory Authority: §§ 46.2-1179 and 46.2-1180 of the Code of Virginia.

Written comments may be submitted through December 3, 1993, to Manager, Air Programs Section, Department of Environmental Quality, P.O. Box 10089, Richmond, Virginia 23240.

Contact: David Kinsey, Policy Analyst, Department of Environmental Quality, P.O. Box 10089, Richmond, VA 23240, telephone (804) 786-1620.

ALCOHOLIC BEVERAGE CONTROL BOARD

November 8, 1993 - 9:30 a.m. - Open Meeting

November 22, 1993 - 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 to the Board, 2901 Hermitage Road, P.O. Box 27491, Richmond, VA 23261, telephone (804) 367-0616.

* * * * *

December 17, 1993 - Written comments may be submitted through this date.

December 20, 1993 - 10 a.m. - Public Hearing

Department of Alcoholic Beverage Control, 2901 Hermitage Road, 1st Floor Hearing Room, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Alcoholic Beverage Control Board intends to amend regulations entitled: VR 125-01-1. Procedural Rules for the Conduct of Hearings Before the Board and Its Hearing Officers and the Adoption or Amendment of Regulations; VR 125-01-2. Advertising; VR 125-01-3. Tied-House; VR 125-01-4. Requirements for Product Approval; VR 125-01-5. Retail Operations; VR 125-01-6. Manufacturers and Wholesalers Operations; and VR 125-01-7. Other Provisions. The proposed amendments to the regulations relate to (i) recodification of Title 4 into new Title 4.1; (ii) informal conferences; (iii) agency representation; (iv) public participation guidelines; (v) allowing manufacturers, bottlers and wholesalers to supply retailers with inflatables and spirits back-bar pedestals; (vi) off-site directional signs for farm wineries and wineries holding retail off-premises winery licenses; (vii) increasing the record retention period from two to three years for licensees and permittees; (viii) prohibiting manufacturers, bottlers and wholesalers from providing customized advertising materials to retail licensees; (ix) wine coolers; (x) when and under what circumstances special agents and other law-enforcement officers shall have access to licensed retail establishments; (xi) the definition of "reasonable hours"; (xii) requiring wine and beer and beer only restaurants to sell meals or other food at substantially all hours that wine and beer are offered for sale; (xiii) the form, content and retention of records and accounts required to be kept by licensees; (xiv) waiver of the banquet license tax for not-for-profit corporations or associations holding nonprofit events; and (xv) grain alcohol permits.

Statutory Authority: §§ 4.1-103, 4.1-111, 4.1-113, 4.1-204, 4.1-320, 4.1-329, 9-6.14:7.1 and 9-6.14:11 of the Code of Virginia.

Contact: Robert N. Swinson, Secretary to the Board, P.O. Box 27491, Richmond, VA 23261-7491, telephone (804) 367-0616.

ASAP POLICY BOARD - VALLEY

† November 8, 1993 - 8:30 a.m. - Open Meeting
Augusta County School Board Office, Fishersville, Virginia. ☒

A regular meeting of the local policy board which conducts business pertaining to (i) court referrals; (ii) financial report; (iii) director's report; and (iv) statistical reports.

Contact: Rhoda G. York, Executive Director, Holiday Court, Suite B, Staunton, VA 24401, telephone in Staunton

(703) 886-5616 or in Waynesboro (703) 943-4405.

VIRGINIA ASBESTOS LICENSING BOARD

December 20, 1993 – 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 Virginia Asbestos Licensing Board intends to adopt regulations entitled: **VR 137-01-1. Public Participation Guidelines.** The proposed guidelines will set procedures for the Virginia Asbestos Licensing Board to follow to inform and incorporate public participation when promulgating asbestos licensing regulations.

Statutory Authority: §§ 9-6.14.7.1 and 54.1-501 of the Code of Virginia.

Contact: David E. Dick, Assistant Director, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8588.

AUCTIONEERS BOARD

† **December 7, 1993 - 2 p.m.** – Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. ☒

An open meeting to conduct regular board business and other matters which may require board action.

Contact: Gerald W. Morgan, Board Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8534.

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

November 4, 1993 - 9:30 a.m. – Open Meeting
6606 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A regularly scheduled board meeting.

Contact: Meredyth P. Partridge, Executive Director, 6606 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9907.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

December 2, 1993 - 10 a.m. – Open Meeting
State Capitol, Senate Room 4, Richmond, Virginia. ☒
(Interpreter for the deaf provided upon request)

The board will conduct general business, including review of local Chesapeake Bay Preservation Area programs. Public comment will be taken early in the

meeting. A tentative agenda will be available by November 23 from the Chesapeake Bay Local Assistance Department.

Contact: Receptionist, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Richmond, VA 23219, telephone (804) 225-3440 or toll-free 1-800-243-7229/TDD ☒

Central Area Review Committee

November 17, 1993 - 10 a.m. – Open Meeting
December 15, 1993 - 10 a.m. – Open Meeting
Chesapeake Bay Local Assistance Department, 805 East Broad Street, Suite 701, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The review committee will review Chesapeake Bay Preservation Area programs for the Central Area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the review committee meeting; however, written comments are welcome.

Contact: Receptionist, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Richmond, VA 23219, telephone (804) 225-3440 or toll-free 1-800-243-7229/TDD ☒

Northern Area Review Committee

November 16, 1993 - 2 p.m. – Open Meeting
December 14, 1993 - 2 p.m. – Open Meeting
Chesapeake Bay Local Assistance Department, 805 East Broad Street, Suite 701, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The review committee will review Chesapeake Bay Preservation Area programs for the Northern Area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the review committee meeting; however, written comments are welcome.

Contact: Receptionist, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Richmond, VA 23219, telephone (804) 225-3440 or toll-free 1-800-243-7229/TDD ☒

Southern Area Review Committee

November 17, 1993 - 2 p.m. – Open Meeting
December 15, 1993 - 2 p.m. – Open Meeting
Chesapeake Bay Local Assistance Department, 805 East Broad Street, Suite 701, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The review committee will review Chesapeake Bay Preservation Area programs for the Southern Area. Persons interested in observing should call the

Calendar of Events

Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the review committee meeting; however, written comments are welcome.

Contact: Receptionist, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Richmond, VA 23219, telephone (804) 225-3440 or toll-free 1-800-243-7229/TDD ☎

CHILD DAY-CARE COUNCIL

† **November 11, 1993 - 9:30 a.m.** – Open Meeting
Koger Executive Center, West End, 1604 Santa Rosa Road, Wythe Building, Conference Rooms A and B, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A meeting to discuss issues, concerns and programs that impact child day centers, camps, school age programs, and preschool/nursery schools. The public comment period will begin at 10 a.m. Please call ahead of time for possible changes in meeting time.

Contact: Peggy Friedenber, Legislative Analyst, Office of Governmental Affairs, Department of Social Services, Theater Row Bldg., 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1820.

INTERDEPARTMENTAL REGULATION OF CHILDREN'S RESIDENTIAL FACILITIES

Coordinating Committee

† **November 19, 1993 - 8:30 a.m.** – Open Meeting
† **December 17, 1993 - 8:30 a.m.** – Open Meeting
Office of Coordinator, Interdepartmental Regulation, 730 East Broad Street, Theater Row Building, Richmond, Virginia. ☒

A regularly scheduled meeting to consider such administrative and 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 Regulation, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1960.

STATE BOARD FOR COMMUNITY COLLEGES

† **November 17, 1993 - 2:30 p.m.** – Open Meeting
Central Virginia Community College, 3506 Wards Road, Lynchburg, Virginia.

State Board committee meetings will be held.

† **November 18, 1993 - 9 a.m.** – Open Meeting

Lynchburg Hilton, 2900 Candler's Mountain Road, Lynchburg, Virginia.

A regularly scheduled meeting.

Contact: Joy Graham, Assistant Chancellor, Public Affairs, Virginia Community College System, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2126 or (804) 371-8504/TDD ☎

COMPENSATION BOARD

† **November 24, 1993 - 1 p.m.** – Open Meeting
† **December 22, 1993 - Noon** – Open Meeting
9th Street Office Building, 202 North 9th Street, Room 913/913A, 9th Floor, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A routine meeting.

Contact: Bruce W. Haynes, Executive Secretary, P.O. Box 3-F, Richmond, VA 23206-0686, telephone (804) 786-3886 or (804) 786-3886/TDD ☎

BOARD OF CONSERVATION AND RECREATION

† **November 4, 1993 - 11 a.m.** – Open Meeting
Department of Environmental Quality, Water Division, Innsbrook Corporate Center, 4900 Cox Road, 1st Floor Training Room, Glen Allen, Virginia. ☒

A joint meeting with the Virginia Soil and Water Conservation Board to consider action on proposed amendments to VR 215-00-00, Regulatory Public Participation Procedures. A public comment period is not on the agenda.

Contact: Leon E. App, Executive Assistant, Virginia Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-4750 or (804) 786-2121/TDD ☎

BOARD FOR COSMETOLOGY

† **November 8, 1993 - 10 a.m.** – Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A general business meeting.

Contact: Karen W. O'Neal, Assistant Director, Board for Cosmetology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8509.

BOARD OF EDUCATION

November 17, 1993 - 8:30 a.m. – Open Meeting

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November 18, 1993 - 8:30 a.m. – Open Meeting
James Monroe Building, 101 North 14th Street, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

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: Dr. Ernest W. Martin, Assistant Superintendent, Department of Education, P.O. Box 2120, Richmond, VA 23216-2120, telephone (804) 225-2073 or toll-free 1-800-292-3820.

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December 3, 1993 - 4 p.m. – Public Hearing
James Monroe Building, 101 North 14th Street, Richmond, Virginia.

December 3, 1993 – 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 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.** The proposed revisions increase user fees to the schools and update and provide consistency between the regulations and current practice. For more information or to receive a copy of the proposals contact Carol Buchanan at the address below.

Statutory Authority: §§ 22.1-321 and 22.1-327 of the Code of Virginia.

Contact: Carol Buchanan, Associate Specialist, Department of Education, P.O. Box 2120, Richmond, VA 23216-2120, telephone (804) 225-2848 or toll-free 1-800-292-3820.

BOARDS OF EDUCATION; MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES; SOCIAL SERVICES; AND YOUTH AND FAMILY SERVICES

December 17, 1993 – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Boards of Education; Mental Health, Mental Retardation and Substance Abuse Services; Social Services; and Youth and Family Services intend to amend regulations entitled: **VR 270-01-003, VR 470-02-01, VR 615-29-02, and VR 690-40-004. Standards for Interdepartmental Regulation of Residential Facilities for Children.** This regulation is designed to assure that adequate care, treatment and education are provided by

residential facilities for children. The proposed revisions amend and clarify requirements governing participation of residents in human research and duration of licenses/certificates.

Statutory Authority: §§ 16.1-311, 22.1-321, 22.1-323.2, 37.1-10, 37.1-182, 37.1-189.1, 63.1-25, 63.1-196.4, 66-10 and 66-24 of the Code of Virginia.

Written comments may be submitted through December 17, 1993, to Rhonda M. Harrell, Office of Interdepartmental Regulation, 730 East Broad Street, Richmond, Virginia 23219-1849.

Contact: John J. Allen, Jr., Coordinator, Office of Interdepartmental Regulation, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1960.

STATE EDUCATION ASSISTANCE AUTHORITY

December 17, 1993 – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Education Assistance Authority intends to amend regulations entitled: **VR 275-01-1. Regulations Governing Virginia Administration of the Federally Guaranteed Student Loan Programs.** The purpose of the proposed amendment is to incorporate changes to federal statute and regulations, to reduce lender due diligence requirements and to respond to changes in federal interest payments for claims.

Statutory Authority: § 23-38.33:1 C 7 of the Code of Virginia.

Written comments may be submitted through December 17, 1993, to Marvin Ragland, Virginia Student Assistance Authorities, 411 Franklin Street, Richmond, Virginia 23219.

Contact: Sherry Scott, Policy Analyst, 411 E. Franklin St., Richmond, VA 23219, telephone (804) 775-4000 or toll-free 1-800-792-5626.

STATE BOARD OF ELECTIONS

November 22, 1993 - 10 a.m. – Open Meeting
General Assembly Building, Senate Room A, 910 Capitol Square, Richmond, Virginia. ☒

A meeting to certify the results of the November 2, 1993, general election.

Contact: Margaret O. "Jane" Jones, Executive Secretary Senior, State Board of Elections, 200 N. 9th St., Room 101, Richmond, VA 23219, telephone (804) 692-3014 or toll-free 1-800-552-9745.

Calendar of Events

LOCAL EMERGENCY PLANNING COMMITTEE - CHESTERFIELD COUNTY

November 4, 1993 - 5:30 p.m. - Open Meeting
December 2, 1993 - 5:30 p.m. - Open Meeting
Chesterfield County Administration Building, 10001
Ironbridge Road, Room 502, Chesterfield, Virginia. ☒

A meeting to meet requirements of Superfund
Amendment and Reauthorization Act of 1986.

Contact: Lynda G. Furr, Assistant Emergency Services
Coordinator, Chesterfield Fire Department, P.O. Box 40,
Chesterfield, VA 23832, telephone (804) 748-1236.

LOCAL EMERGENCY PLANNING COMMITTEE - HENRICO

† November 10, 1993 - 7 p.m. - Open Meeting
Henrico County Public Safety Building, Division of Fire,
Parham and Hungary Springs Roads, 3rd Floor, Richmond,
Virginia. ☒

A meeting to satisfy requirements of the Superfund
Amendment and Reauthorization Act of 1986.

Contact: W. Tim Liles, Assistant Emergency Services
Coordinator, Division of Fire, P.O. Box 27032, Richmond,
VA 23273, telephone (804) 672-4906.

LOCAL EMERGENCY PLANNING COMMITTEE - PRINCE WILLIAM COUNTY, MANASSAS CITY, AND MANASSAS PARK CITY

November 15, 1993 - 1:30 p.m. - Open Meeting
One County Complex Court, Potomac Conference Room,
Prince William, Virginia. ☒

A multi-jurisdictional local emergency planning
committee to discuss issues related to hazardous
substances in the jurisdictions. SARA Title III
provisions and responsibilities for hazardous material
emergency response planning.

Contact: John E. Medici, Hazardous Materials Officer,
One County Complex Court, Internal Zip MC470,
Prince William, VA 22192, telephone (703) 792-6800.

VIRGINIA EMPLOYMENT COMMISSION

State Advisory Board

November 3, 1993 - 1:30 p.m. - Open Meeting
Fredericksburg Sheraton, Route 3, Fredericksburg, Virginia.
☒ (Interpreter for the deaf provided upon request)

A regular meeting of the State Advisory Board to
conduct general business.

Contact: Nancy L. Munnikhuisen, Chief Marketing and
Public Affairs, 703 E. Main Street, Richmond, VA 23219,
telephone (804) 786-3001 or (804) 371-8050/TDD ☎

DEPARTMENT OF ENVIRONMENTAL QUALITY

† November 8, 1993 - 7 p.m. - Public Hearing
Forum, Thomas Harrison Middle School, Harrisonburg,
Virginia.

The department will conduct a public hearing to
receive comments on a draft permit which would
allow the Coors Brewing Company to construct and
operate a brewery and expansion to the existing
packaging facility near Elkton, Virginia.

Contact: Bob Blankenship, Senior Engineer, Department of
Environmental Quality, Roanoke Air Division, Roanoke, VA
24019, telephone (703) 561-7000.

BOARD FOR GEOLOGY

November 19, 1993 - 10 a.m. - Open Meeting
3600 West Broad Street, Conference Room 3, Richmond,
Virginia. ☒

A general board meeting.

November 19, 1993 - 10 a.m. - Open Meeting
3600 West Broad Street, Conference Room 2, Richmond,
Virginia. ☒

Grading of October examination.

Contact: David E. Dick, Assistant Director, Department of
Professional and Occupational Regulation, 3600 W. Broad
St., Richmond, VA 23230, telephone (804) 367-8595 or (804)
367-9753/TDD ☎

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December 20, 1993 - 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 for Geology
intends to repeal regulations entitled: **VR 355-01-1,
Public Participation Guidelines** and adopt regulations
entitled **VR 355-01-1:1, Public Participation
Guidelines**. The proposed guidelines will set
procedures for the Board for Geology to follow to
inform and incorporate public participation when
promulgating geology regulations.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-1402 of the Code
of Virginia.

Contact: David E. Dick, Assistant Director, 3600 W. Broad
St., Richmond, VA 23230, telephone (804) 367-8595.

STATE BOARD OF HEALTH

† **November 11, 1993 - 10 a.m.** – Open Meeting
Airlie Conference Center, Airlie, Virginia.

A retreat to be held from 10 a.m. to 5 p.m. An informal dinner will follow from 7 to 9 p.m.

† **November 12, 1993 - 9 a.m.** – Open Meeting
2 County Complex Court, Board of Supervisors Chambers,
Prince William, Virginia.

A business meeting.

Contact: Susan R. Rowland, Assistant to Commissioner,
1500 E. Main St., Suite 214, Richmond, VA 23219,
telephone (804) 786-3564.

BOARD OF HEALTH PROFESSIONS

December 4, 1993 – 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 Health Professions intends to adopt regulations entitled: **VR 365-01-2. Regulations Governing Practitioner Self-Referral.** The purpose of the proposed regulations is to implement the Practitioner Self-Referral Act enacted by the 1993 General Assembly.

Statutory Authority: § 54.1-2510 of the Code of Virginia.

Contact: Richard D. Morrison, Ph.D., Deputy Director for Research, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9904 or (804) 662-7197/TDD ☎

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

November 23, 1993 - 9:30 a.m. – Open Meeting
Blue Cross Blue Shield of Virginia, 2015 Staples Mill Road,
Richmond, Virginia.

A monthly meeting.

† **December 21, 1993 - 9:30 a.m.** – Open Meeting
Blue Cross Blue Shield of Virginia, 2015 Staples Mill Road,
Richmond, Virginia.

A monthly meeting followed by a public hearing beginning at noon.

Contact: Kim Bolden, Public Relations Coordinator, 805 E. Broad St., 6th Floor, Richmond, VA 23219, telephone (804) 786-6371.

HEMOPHILIA ADVISORY COMMITTEE

November 19, 1993 - 10 a.m. – Open Meeting
James Monroe Building, 101 North 14th Street, Mezzanine
Conference Room, Room 3, Richmond, Virginia.

The Advisory Board consults with the Board of Health regarding programs serving persons suffering from hemophilia and other related bleeding diseases. The board meets annually to discuss (i) budget status; (ii) developments and future trends in blood products; (iii) update on impact of patient insurance program; (iv) planning for future developments in the Hemophilia Program; and (v) plan for treatment and management of hemophilia patients who are HIV positive or suffering from Acute Immune Deficiency Syndrome.

Contact: Pamela G. Plaster, R.N., Hemophilia Nurse Coordinator, Division of Children's Specialty Services, Box 461, MCV Station, Richmond, VA 23298-0461, telephone (804) 786-3306.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

November 17, 1993 - 9 a.m. – Open Meeting
December 14, 1993 - 9 a.m. – Open Meeting
January 11, 1994 - 9 a.m. – Open Meeting
James Monroe Building, 101 North 14th Street, SCHEV
Conference Room, 9th Floor, Richmond, Virginia. ☒

A general business meeting. For more information, contact the council.

Contact: Anne Pratt, Associate Director, James Monroe Bldg., 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2632.

DEPARTMENT OF HISTORIC RESOURCES

November 10, 1993 - 7:30 p.m. – Public Hearing
City Hall, 900 East Broad Street, Richmond, Virginia.

November 16, 1993 - 7:30 p.m. – Public Hearing
Lyceum, 201 South Washington Street, Alexandria, Virginia.

November 17, 1993 - 7:30 p.m. – Public Hearing
Roanoke City Municipal Building, 215 Church Avenue, S.W.,
Roanoke, Virginia.

December 6, 1993 – 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 Historic Resources intends to adopt regulations entitled: **VR 392-01-02. Evaluation Criteria and Procedures for Nomination of Property to the National Register of Historic Places or for Designation as a National Historic Landmark.** The proposed regulation establishes the evaluation criteria

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by which the director shall determine whether property should be nominated to the National Park Service for inclusion in the National Register of Historic Places or for designation as a National Historic Landmark. Pursuant to the requirements of § 10.1-2202 of the Code of Virginia, the criteria are consistent with the criteria set forth in 36 CFR, Part 60, the federal regulations that implement the National Historic Preservation Act, as amended (P.L. 89-665). In addition, the proposed regulation sets out procedures for written notification to property owners and local governments, along with a requirement for public hearings in certain cases, prior to the nomination of property by the director to the National Park Service. Finally, the proposed regulation sets out the procedure by which affected property owners can object to the proposed inclusion of their property in the National Register or to the proposed designation of their property as a National Historic Landmark. The proposed procedures are consistent with the requirements of §§ 10.1-2206.1 and 10.1-2206.2 of the Code of Virginia.

Statutory Authority: § 10.1-2202 of the Code of Virginia.

Contact: Margaret T. Peters, Information Officer, Department of Historic Resources, 221 Governor St., Richmond, VA 23219, telephone (804) 786-3143.

Board of Historic Resources

November 10, 1993 - 7:30 p.m. – Public Hearing
City Hall, 900 East Broad Street, Richmond, Virginia.

November 16, 1993 - 7:30 p.m. – Public Hearing
Lyceum, 201 South Washington Street, Alexandria, Virginia.

November 17, 1993 - 7:30 p.m. – Public Hearing
Roanoke City Municipal Building, 215 Church Avenue, S.W., Roanoke, Virginia.

December 6, 1993 – 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 Historic Resources intends to adopt regulations entitled: **VR 390-01-03. Evaluation Criteria and Procedures for Designations by the Board of Historic Resources.** The proposed regulation establishes the evaluation criteria by which the board shall determine whether property should be designated for inclusion in the Virginia Landmarks Register. Pursuant to the requirements of § 10.1-2205 of the Code of Virginia, the criteria are consistent with the criteria set forth in 36 CFR, Part 60, the federal regulations that implement the National Historic Preservation Act, as amended (P.L. 89-665). In addition, the proposed regulation sets out procedures for written notification of property owners and local governments, along with a requirement for public hearings in certain cases,

prior to a designation by the board. Finally, the proposed regulation sets out the procedure by which affected property owners can object to a proposed designation and prevent the board from making the designation. The proposed procedures are consistent with the requirements of §§ 10.1-2206.1 and 10.1-2206.2 of the Code of Virginia.

Statutory Authority: § 10.1-2205 of the Code of Virginia.

Contact: Margaret T. Peters, Information Officer, Department of Historic Resources, 221 Governor St., Richmond, VA 23219, telephone (804) 786-3143.

HOPEWELL INDUSTRIAL SAFETY COUNCIL

November 2, 1993 - 9 a.m. – Open Meeting

December 7, 1993 - 9 a.m. – Open Meeting

Hopewell Community Center, Second and City Point Road, Hopewell, Virginia. ☒ (Interpreter for the deaf provided upon request)

A Local Emergency Preparedness committee meeting on emergency preparedness as required by SARA Title III.

Contact: Robert Brown, Emergency Services Coordinator, 300 N. Main St., Hopewell, VA 23860, telephone (804) 541-2298.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

November 8, 1993 – 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 adopt regulations entitled: **VR 394-01-1. Public Participation Guidelines.** The purpose of the proposed action is to amend existing regulations to conform with new legislation.

Statutory Authority: § 9-6.14:7.1 of the Code of Virginia.

Contact: Norman R. Crumpton, Program Manager, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7170.

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November 8, 1993 – 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 394-01-2. Certification Standards for Building Inspection Personnel, Amusement Device**

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Inspectors, Blasters, Plumbers, Electricians, and Building Related Mechanical Workers/1990. The purpose of the proposed action is to amend existing regulations to establish certification standards for certain local building and fire inspectors.

Statutory Authority: §§ 15.1-11.4, 36-98.3, 36-137 and 27-97 of the Code of Virginia.

Contact: Norman R. Crumpton, Program Manager, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7170.

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November 8, 1993 – 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 394-01-4. Amusement Device Regulations/1990.** The purpose of the proposed action is to amend existing regulations to add standards for gravity rides.

Statutory Authority: §§ 36-98 and 36-98.3 of the Code of Virginia.

Contact: Norman R. Crumpton, Program Manager, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7170.

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November 8, 1993 – 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 394-01-6. Virginia Statewide Fire Prevention Code/1990.** The purpose of the proposed action is to update to 1993 National Model Fire Prevention Code.

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

Contact: Norman R. Crumpton, Program Manager, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7170.

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November 8, 1993 – 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 394-01-21. Virginia Uniform Statewide**

Building Code - Volume I - New Construction Code/1990. The purpose of the proposed action is to amend existing regulation to update to 1993 National Model Building Code.

Statutory Authority: § 36-98 of the Code of Virginia.

Contact: Norman R. Crumpton, Program Manager, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7170.

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November 8, 1993 – 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 394-01-22. Virginia Uniform Statewide Building Code - Volume II - Building Maintenance Code/1990.** The purpose of the proposed action is to amend existing regulation to update to 1993 National Model Building Code.

Statutory Authority: §§ 36-98 and 36-103 of the Code of Virginia.

Contact: Norman R. Crumpton, Program Manager, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7170.

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November 8, 1993 – 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 394-01-31. Virginia Industrialized Building and Manufactured Home Safety Regulations/1990.** The purpose of the proposed action is to amend existing regulation to update to 1993 National Model Building Code.

Statutory Authority: §§ 36-73 and 36-85.7 of the Code of Virginia.

Contact: Norman R. Crumpton, Program Manager, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7170.

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November 19, 1993 – Written comments may be submitted through 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

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entitled: **VR 394-01-200. Virginia Private Activity Bond Regulations.** The purpose of the proposed amendments is to change year-end carryforward allocation priorities.

Statutory Authority: § 15.1-1399.15 of the Code of Virginia.

Contact: Charles Gravatt, Financial Assistance Coordinator, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7025.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† **November 9, 1993 - 1 p.m.** – Open Meeting
Omni Hotel, 100 South 12th Street, Richmond, Virginia. ☒

† **November 10, 1993 - 8:30 a.m.** – Open Meeting
601 South Belvidere Street, Richmond, Virginia. ☒

This will be a retreat and a regular meeting of the Board of Commissioners. At the retreat, the Board of Commissioners will consider and discuss various policies and issues relating to the authority's programs and operations. At the regular meeting, the board will (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month; and (iv) consider such other matters and take such other actions as it 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 retreat and the meeting will be available at the office of the authority one week prior to the date of the retreat and the meeting.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 782-1986.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

November 8, 1993 - 1 p.m. – Open Meeting
The Homestead, Hot Springs, Virginia.

The regular meeting of the advisory commission will be held in conjunction with the annual conference of the Virginia Association of Counties. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the commission's office at (804) 786-6508 or (804) 786-1860 TDD by October 29, 1993.

Contact: Robert H. Kirby, Secretary, 702 8th Street Office Bldg., Richmond, VA 23219, telephone (804) 786-6508 or (804) 786-1860/TDD ☎

DEPARTMENT OF LABOR AND INDUSTRY

Virginia Apprenticeship Council

November 2, 1993 - 10 a.m. – Open Meeting
General Assembly Building, 910 Capitol Square, House Room C, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A regular meeting of the council. The tentative agenda is (i) review of public participation guidelines; (ii) report of the related instruction task force; (iii) report of the sponsor survey; and (iv) response to the Board of Housing and Community on proposed journeyman status.

Contact: Robert S. Baumgardner, Director, Apprenticeship Division, Department of Labor and Industry, 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2381.

Safety and Health Codes Board

† **November 15, 1993 - 10 a.m.** – Open Meeting
General Assembly Building, 910 Capitol Street, House Room C, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

The tentative agenda items for consideration by the board include:

1. Permit-Required Confined Spaces for General Industry, § 1910.146; Corrections (VR 425-02-92).
2. Incorporation of General Industry Safety and Health Standards Applicable to Construction Work and Technical Amendments; final rule.
3. Revision of the Public Participation Guidelines for the Safety and Health Codes Board; proposed regulations (VR 425-02-101).
4. Revision of the Administrative Regulations Manual; proposed regulations (VR 425-02-11).
5. Underground Construction, § 1926.800; Technical Corrections (VR 425-02-65).
5. Subpart P - Excavations, § 1926.650; Technical Corrections (VR 425-02-89).

Contact: John J. Crisanti, Director, Office of Enforcement Policy, Virginia Department of Labor and Industry, 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2384.

LIBRARY BOARD

† **November 15, 1993 - 10:30 a.m.** – Open Meeting
† **January 24, 1994 - 10:30 a.m.** – Open Meeting
Virginia State Library and Archives, 11th Street at Capitol Square, Supreme Court Room, 3rd Floor, Richmond,

Virginia. ☒

A meeting to discuss administrative matters of the Virginia State Library and Archives.

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.

STATE COUNCIL ON LOCAL DEBT

November 17, 1993 - 11 a.m. – Open Meeting
December 15, 1993 - 11 a.m. – Open Meeting
James Monroe Building, 101 North 14th Street, 3rd Floor, Treasury Board Conference Room, Richmond, Virginia. ☒

A regular meeting, subject to cancellation unless there are action items requiring the council's consideration. Persons interested in attending should call one week prior to meeting date to ascertain whether or not the meeting is to be held as scheduled.

Contact: Gary Ometer, Debt Manager, Department of the Treasury, P.O. Box 6-H, Richmond, VA 23215, telephone (804) 225-4928.

COMMISSION ON LOCAL GOVERNMENT

November 4, 1993 - 9 a.m. – Open Meeting
Department of Social Services, 730 East Broad Street, Lower Level, Meeting Room 3, Richmond, Virginia.

Oral presentations - Town of Colonial Beach - Westmoreland County. Arbitration of school funding issue at request of localities.

Persons desiring to participate in the Commission's proceedings and requiring special accommodations or interpreter services should contact the commission's offices by October 21, 1993.

November 5, 1993 - 9 a.m. – Open Meeting
8th Street Office Building, 805 East Broad Street, Room 702, Richmond, Virginia.

A regular meeting to consider such matters as may be presented. Persons desiring to participate in the commission's meeting and requiring special accommodations or interpreter services should contact the commission's offices.

Contact: Barbara Bingham, Administrative Assistant, 702 Eighth Street Office Building, Richmond, VA 23219, telephone (804) 786-6508 or (804) 786-1860/TDD ☎

LONGWOOD COLLEGE

Executive Committee

December 2, 1993 - 5 p.m. – Open Meeting
Longwood College, Ruffner Building, Farmville, Virginia. ☒

A meeting to conduct routine business.

Contact: William F. Dorrill, President, Longwood College, 201 High St., Farmville, VA 23909-1899, telephone (804) 395-2001.

MANUFACTURED HOUSING BOARD

November 19, 1993 – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Manufactured Housing Board intends to amend regulations entitled: **VR 449-01-01. Public Participation Guidelines.** The purpose of the proposed amendments is to comply with statutory changes by establishing procedures for soliciting input of interested parties in the formation and development of regulations.

Statutory Authority: §§ 9-6.14:7.1 and 36-85.18 of the Code of Virginia.

Contact: Curtis L. McIver, Associate Director, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7160.

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November 19, 1993 – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Manufactured Housing Board intends to adopt regulations entitled: **VR 449-01-02. Manufactured Housing Licensing and Transaction Recovery Fund Regulations.** The purpose of the proposed amendments is to provide increased consumer protection for buyers and users of manufactured homes through mandatory licensing and regulation of manufactured home manufacturers, dealers, brokers and salespeople, statutorily mandated warranties, and a Transaction Recovery Fund. The regulation will be used in the administration and enforcement of the Manufactured Housing Licensing Law and Recovery Fund.

Statutory Authority: §§ 36-85.18 and 36-85.36 of the Code of Virginia.

Contact: Curtis L. McIver, Associate Director, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7160.

ADVISORY COMMITTEE ON MAPPING, SURVEYING AND LAND INFORMATION SYSTEMS

† **November 4, 1993 - 10 a.m. – Open Meeting**

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1100 Bank Street, Room 204, Richmond, Virginia. ☒

The advisory committee will meet jointly with local government technology officials to discuss geographic information systems.

Contact: Chuck Tyger, Computer Systems Chief Engineer, Council on Information Management, 1100 Bank St., Suite 901, Richmond, VA 23219, telephone (804) 786-8169 or (804) 225-3624/TDD ☎

BOARD OF MEDICAL ASSISTANCE SERVICES

November 9, 1993 - 1 p.m. - Open Meeting
600 East Broad Street, Board Room, Suite 1300, Richmond, Virginia. ☒

A meeting to discuss medical assistance services and issues pertinent to the board. The board's two subcommittees will meet at 11 a.m., prior to the full board meeting, to further develop and discuss workplans for the subcommittees.

Contact: Pat Sykes, Policy Analyst, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7958.

BOARD OF MEDICINE

November 24, 1993 - 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 465-11-1. Licensed Acupuncturists.** The proposed initial regulations address the reenactment of the statutes pertaining to licensed acupuncturists and include: general provisions for acupuncturists, requirements for licensure, scope of practice, renewal and reinstatement of licensure, and fees. The regulations are promulgated through the Acupuncture Advisory Committee and the Board of Medicine. The public hearing is being held at a location that is accessible to the disabled.

Statutory Authority: §§ 54.1-100 through 54.1-114, 54.1-2400, and 54.1-2956.9 through 54.1-2956.11 of the Code of Virginia.

Written comments may be submitted until November 24, 1993, to Hilary H. Connor, M.D., Executive Director, 6606 West Broad Street, 4th Floor, Richmond, Virginia 23230-1717.

Contact: Eugenia K. Dorson, Deputy Executive Director, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908.

Advisory Committee on Acupuncturists

December 1, 1993 - 10 a.m. - Open Meeting
6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ☒

A meeting to (i) review and respond to public comments to the proposed regulations for the practice of acupuncturist; (ii) review and approve the application for licensure; and (iii) make recommendations to the full board to adopt the regulations for final promulgation. The chairman will entertain public comments for 15 minutes following the adoption of the agenda.

Contact: Eugenia K. Dorson, Deputy Executive Director, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9923 or (804) 662-7197/TDD ☎

Informal Conference Committee

November 5, 1993 - 9 a.m. - Open Meeting
Fort Magruder Inn, Route 60 East, Williamsburg, Virginia. ☒

† **November 18, 1993 - 9 a.m. - Open Meeting**
Department of Health Professions, 6606 West Broad Street, Richmond, Virginia. ☒

† **November 19, 1993 - 9:30 a.m. - Open Meeting**
Sheraton Resort and Conference Center, I-95 and Route 3, Fredericksburg, Virginia. ☒

A meeting to 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 of the Code of Virginia. Public comment will not be received.

Contact: Karen W. Perrine, Deputy Executive Director, Discipline, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908 or (804) 662-9943/TDD ☎

Advisory Board on Occupational Therapy

NOTE: CHANGE IN MEETING DATE AND TIME.

November 1, 1993 - 10 a.m. - Open Meeting
6606 West Broad Street, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A meeting to (i) review regulations relating to foreign educated therapists to consider additional requirement or alternatives to ensure minimal competency to practice occupational therapy with safety to the public; and (ii) to review public comments on proposed regulations and other issues which may come before the board. The chairperson will entertain public comments during the first 15 minutes of the meeting.

Contact: Eugenia Dorson, Deputy Executive Director, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717,

telephone (804) 662-9923 or (804) 662-7197/TDD ☎

Advisory Board on Physical Therapy

November 4, 1993 - 9 a.m. - Open Meeting
6606 West Broad Street, 5th Floor, Board Room 1,
Richmond, Virginia. ☒

A meeting to receive specific reports from officers and staff; review and evaluate traineeship evaluation forms; review requirements for facilities to employ foreign educated trainees and related forms; clarify decision to allow foreign educated therapist to sit for the examination during the traineeship; clarify, by regulation, the period for license requirements in another state to be eligible for waiver of the required traineeship for foreign applicants; review § 6.1 of the regulations; review passing score for licensure examination and the use of storage of schedule VI drugs; and conduct such other business which may come before the advisory board. The advisory board will also review the public comments on proposed regulations and make recommendations to the Board of Medicine. The chairperson will entertain public comments during the first 15 minutes on any agenda items.

Contact: Eugenia K. Dorson, Deputy Executive Director, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9923 or (804) 662-7197/TDD ☎

Advisory Committee on Physician Assistants

November 5, 1993 - 10 a.m. - Open Meeting
6606 West Broad Street, 5th Floor, Board Room 4,
Richmond, Virginia. ☒

A meeting to (i) review written and public comments received by the board during the 60-day public comment period; (ii) respond to the comments and make recommendations to the full board; and (iii) conduct such other business that may come before the committee. Public comments will be received 15 minutes prior to the committee's review of the public comments.

Contact: Eugenia K. Dorson, Deputy Executive Director, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9923 or (804) 662-7197/TDD ☎

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

November 9, 1993 - 10 a.m. - Public Hearing
James Monroe Building, 101 North 14th Street, Conference Room B, Richmond, Virginia.

A hearing to obtain public comment on the Community Mental Health Services Block Grant application for FFY 1994 and State Mental Health

Plan.

Contact: Janet Lung, Director, Planning and Resource Development, James Madison Bldg., 109 Governor St., Richmond, VA 23219, telephone (804) 371-0359.

State Human Rights Committee

† **November 5, 1993 - 9 a.m. - Open Meeting**
Pleasant View Homes, Route 617, P.O. Box 426, Broadway,
Virginia. ☒

A regular meeting to discuss business relating to human rights issues.

Contact: Elsie D. Little, Director, State Human Rights Office, 109 Governor St., P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3988 or (804) 371-8977/TDD ☎

MIDDLE VIRGINIA BOARD OF DIRECTORS AND THE MIDDLE VIRGINIA COMMUNITY CORRECTIONS RESOURCES BOARD

† **November 4, 1993 - 7 p.m. - Open Meeting**
† **December 2, 1993 - 7 p.m. - Open Meeting**
Camp 11, 1845 Orange Road, 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 CCRB will meet to review cases for eligibility to participate with the program. The board will review the previous month's operation (budget and program related business).

Contact: Lisa Ann Peacock, Program Director, 1845 Orange Road, Culpeper, VA 22701, telephone (703) 825-4562.

BOARD OF NURSING

November 5, 1993 - 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 intends to amend regulations entitled: **VR 495-01-1. Board of Nursing Regulations.** The proposed amendments will adjust fees as required to cover expenditures, simplify and clarify regulations and to proposed requirements for the approval of medication administration program.

Statutory Authority: §§ 54.1-2400 and 54.1-3005 of the Code of Virginia.

Contact: Corinne F. Dorsey, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9909.

Calendar of Events

† November 15, 1993 - 9 a.m. - Open Meeting
† November 18, 1993 - 8:30 a.m. - Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia. ☒
(Interpreter for the deaf provided upon request)

A panel of the Board of Nursing will conduct formal hearings in the morning and two special conference committees will conduct informal conferences in the afternoon.

† November 16, 1993 - 8:30 a.m. - Open Meeting
† November 17, 1993 - 8:30 a.m. - Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia. ☒
(Interpreter for the deaf provided upon request)

A regular meeting to consider matters relating to nursing education programs, discipline of licensees, licensure by examination and endorsement and other matters under the jurisdiction of the board. Public comment will be received during an open forum session beginning at 11 a.m. on Tuesday, November 16, 1993. At 3 p.m. on November 16, 1993, the board will consider comments received during the comment period which ended on November 5, 1993, on proposed amendments to its regulations. Responses to comments will be adopted and the board will take action on the proposed regulations.

Contact: Corinne F. Dorsey, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9909 or (804) 662-7197/TDD ☎

BOARD OF NURSING HOME ADMINISTRATORS

December 1, 1993 - 9:30 a.m. - Open Meeting
6606 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A regularly scheduled board meeting.

Contact: Meredyth P. Partridge, Executive Director, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9907.

VIRGINIA BOARD FOR PEOPLE WITH DISABILITIES

† November 16, 1993 - 7 p.m. - Open Meeting
James Madison Building, 109 Governor Street, 5th Floor, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

An executive committee meeting.

† November 17, 1993 - 9 a.m. - Open Meeting
Radisson Hotel, 555 East Canal Street, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A committee meeting followed by a board meeting at 1 p.m.

Contact: Dave Dunaway, Administrative Assistant, P.O. Box 613, Richmond, VA 23205-0613, toll-free 1-800-846-4464 or (804) 786-0016/TDD ☎

DEPARTMENT OF PERSONNEL AND TRAINING

December 17, 1993 - Written comments may be submitted until 3 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Personnel and Training intends to adopt regulations entitled: **VR 525-01-1. Public Participation Guidelines.** The purpose of the proposed regulation is to establish guidelines for public participation in regulation development and promulgation.

Statutory Authority: § 9-6.14:7.1 of the Code of Virginia.

Contact: Gina Irby, Regulatory Coordinator, Department of Personnel and Training, Office of Health Benefits, 101 N. 14th St., Richmond, VA 23219, telephone (804) 371-6212.

DEPARTMENT OF STATE POLICE

November 19, 1993 - Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of State Police intends to amend regulations entitled: **VR 545-00-01. Regulations Relating to Public Participation Policy.** This amendment to the agency's public participation guidelines identifies specific public participation procedures consistent with recent changes to the Administrative Process Act. The policy will now provide for use of ad hoc advisory groups, standing advisory committees or consultation with groups and individuals registering interest in assisting with drafting or formation of regulation under given circumstances.

Statutory Authority: §§ 9-6.14:7.1, 18.2-295, 18.2-308.2:2, 46.2-1165, 52-8.4, 52-25.1, and 54.1-4009 of the Code of Virginia.

Contact: Captain W. Gerald Massengill, Safety Officer, P.O. Box 85607, Richmond, VA 23285-5607, telephone (804) 674-2017.

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November 19, 1993 - Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1

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of the Code of Virginia that the Department of State Police intends to amend regulations entitled: **VR 545-01-07. Motor Vehicle Safety Inspection Rules and Regulations.** These proposed changes to the regulations are made to be consistent with recent changes in state law, federal regulations, nationally accepted standards and automotive practices. Minor technical and administrative changes are included.

Statutory Authority: §§ 46.2-909, 46.2-1002, 46.2-1018, 46.2-1022, 46.2-1023, 46.2-1024, 46.2-1025, 46.2-1052, 46.2-1053, 46.2-1056, 46.2-1058, 46.2-1063, 46.2-1065, 46.2-1070, 46.2-1090.1, 46.2-1093, 46.2-1163, 46.2-1164, 46.2-1165, and 46.2-1171 of the Code of Virginia.

Contact: Captain W. Gerald Massengill, Safety Officer, P.O. Box 85607, Richmond, VA 23285-5607, telephone (804) 674-2017.

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November 4, 1993 - 2 p.m. – Public Hearing
State Police Academy, 7700 Midlothian Turnpike,
Richmond, Virginia.

December 3, 1993 – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of State Police intends to adopt regulations entitled: **VR 545-01-11. Regulations Governing Purchases of Handguns in Excess of One Within a 30-Day Period.** The purpose of the proposed action is to adopt permanent regulations to carry out the provisions of Chapter 486 of the 1993 Acts of Assembly, which amended § 18.2-308.2:2 of the Code of Virginia governing the purchase of handguns in excess of one within a 30-day period.

Statutory Authority: § 18.2-308.2:2 of the Code of Virginia.

Contact: Lieutenant R. Lewis Vass, Assistant Records Management Officer, P.O. Box 27472, Richmond, VA 23261-7472, telephone (804) 674-2022.

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November 4, 1993 - 2 p.m. – Public Hearing
State Police Academy, 7700 Midlothian Turnpike,
Richmond, Virginia.

December 3, 1993 – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of State Police intends to adopt regulations entitled: **VR 545-01-12. Regulations Governing the Creation of a Criminal Firearms Clearinghouse.** The proposed regulations establish, within the Department of State

Police, a Criminal Firearms Clearinghouse as a central repository of information on all firearms seized, forfeited, found, or otherwise coming into the hands of any state and local law-enforcement agency.

Statutory Authority: § 52-25.1 of the Code of Virginia.

Contact: Lieutenant R. Lewis Vass, Assistant Records Management Officer, P.O. Box 27472, Richmond, VA 23261-7472, telephone (804) 674-2022.

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November 19, 1993 – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of State Police intends to adopt regulations entitled: **VR 545-01-13. Regulations Relating to Standards and Specifications for regrooved or regroovable tires.** This regulation establishes specifications which define standards for regroovable or regrooved tires.

Statutory Authority: § 46.2-1042 of the Code of Virginia.

Contact: Captain W. Gerald Massengill, Safety Officer, P.O. Box 85607, Richmond, VA 23285-5607, telephone (804) 674-2017.

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November 19, 1993 – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of State Police intends to adopt regulations entitled: **VR 545-01-14. Regulations Relating to Standards and Specifications for Warning Stickers or Decals for All-Terrain Vehicles.** This regulation establishes standards and specifications for the warning stickers or decals required to be placed on all-terrain vehicles sold by retailers in the Commonwealth.

Statutory Authority: §§ 46.2-915.1 of the Code of Virginia.

Contact: Captain W. Gerald Massengill, Safety Officer, P.O. Box 85607, Richmond, VA 23285-5607, telephone (804) 674-2017.

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November 19, 1993 – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of State Police intends to adopt regulations entitled: **VR 545-01-15. Regulations Relating to Standards and Specifications for Back-Up Audible Alarm Signals.**

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This regulation establishes specifications for the back-up audible alarm signals required on garbage and refuse collection and disposal vehicles and certain vehicles used primarily for highway repair and maintenance.

Statutory Authority: § 46.2-1175.1 of the Code of Virginia.

Contact: Captain W. Gerald Massengill, Safety Officer, P.O. Box 85607, Richmond, VA 23285-5607, telephone (804) 674-2017.

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November 19, 1993 – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of State Police intends to adopt regulations entitled: **VR 545-01-16. Regulations Relating to Standards and Specifications for Overdimensional Warning Lights.** This regulation establishes standards and specifications for warning lights used in the escorting or towing of overdimensional materials, equipment, boats or manufactured housing units by authority of a highway permit issued pursuant to § 46.2-1139 of the Code of Virginia.

Statutory Authority: § 46.2-1026 of the Code of Virginia.

Contact: Captain W. Gerald Massengill, Safety Officer, P.O. Box 85607, Richmond, VA 23285-5607, telephone (804) 674-2017.

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November 19, 1993 – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of State Police intends to adopt regulations entitled: **VR 545-01-17. Regulations Relating to Standards and Specifications for the Safety Lights for Farm Tractors in Excess of 108 Inches in Width.** This regulation establishes specifications for safety lights used on farm tractors and multi-purpose drying units in excess of 108 inches in width which are hauled, propelled, transported or moved on the highway.

Statutory Authority: § 46.2-1102 of the Code of Virginia.

Contact: Captain W. Gerald Massengill, Safety Officer, P.O. Box 85607, Richmond, VA 23285-5607, telephone (804) 674-2017.

POLYGRAPH EXAMINERS ADVISORY BOARD

December 7, 1993 - 10 a.m. – Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to administer the Polygraph Examiners Licensing Examination to eligible polygraph examiner interns and to consider other matters which may require board action.

Contact: Gerald W. Morgan, Board Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534.

BOARD OF PROFESSIONAL COUNSELORS

† **November 19, 1993 - 8:30 a.m.** – Open Meeting
Department of Health Professions, 6606 West Broad Street, Conference Rooms 1 and 4, Richmond, Virginia. ☒

At 8:30 a.m. the board will conduct an informal conference in accordance with § 9-6.14:11 of the Code of Virginia regarding the credentials of a prospective applicant. No public comments will be received. A board meeting will begin at 10 a.m. to (i) conduct general board business to include responding to committee reports; and (ii) regulatory review. No public comments will be received.

Contact: Evelyn B. Brown, Executive Director, or Joyce D. Williams, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9912.

BOARD OF PSYCHOLOGY

† **November 16, 1993 - 10 a.m.** – Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Room 1, Richmond, Virginia. ☒

A meeting to conduct general board business, review public comments and adopt final regulations.

Contact: Evelyn B. Brown, Executive Director, or Jane Ballard, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9913.

Credentials Committee

† **November 16, 1993 - 9 a.m.** – Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Room 1, Richmond, Virginia. ☒

A meeting to conduct an informal fact-finding in accordance with §§ 54.1-2400 and 9-6.14:11 of the Code of Virginia, and VR 565-01-2, to determine the eligibility of an applicant for residency acceptance. No public comment will be received.

Contact: Evelyn B. Brown, Executive Director, or Jane Ballard, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9913.

Examination Committee

† **November 5, 1993 - 8 a.m.** – Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Room 1, Richmond, Virginia. ☒

A meeting to review results of October 12, 1993, written examinations.

Contact: Evelyn B. Brown, Executive Director, or Jane Ballard, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9913.

RADIATION ADVISORY BOARD

† **November 30, 1993 - 9 a.m.** – Open Meeting
State Capitol, House Room 1, Richmond, Virginia.

An annual meeting to discuss radiological health issues.

Contact: Leslie P. Foldesi, 1500 E. Main St., Room 104-A, Richmond, VA 23219, telephone (804) 786-5932 or toll-free 1-800-468-0138.

REAL ESTATE APPRAISER BOARD

† **December 7, 1993 - 10 a.m.** – Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A general business meeting.

Contact: Karen W. O'Neal, Assistant Director, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2039.

REAL ESTATE BOARD

† **November 3, 1993 - 9 a.m.** – Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

A meeting to conduct board business including review of applications for licensure, disciplinary investigations, correspondence, etc.

Contact: Joan L. White, Assistant Director, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552.

VIRGINIA RESOURCES AUTHORITY

November 9, 1993 - 9:30 a.m. – Open Meeting
The Mutual Building, 909 East Main Street, Suite 607, Board Room, Richmond, Virginia.

A meeting to approve minutes of the meeting of October 12, 1993, to review the authority's operations for the prior months, and to 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. Public comments will be received at the beginning of the meeting.

Contact: Shockley D. Gardner, Jr., Mutual Building, 909 E. Main St., Suite 707, Richmond, VA 23219, telephone (804) 644-3100 or fax (804) 644-3109.

SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

† **November 17, 1993 - 10 a.m.** – Open Meeting
Ramada Inn, 1130 Motel Drive, Allegheny Room, Woodstock, Virginia. ☒

A meeting to hear all administrative appeals of denials of onsite sewage disposal systems permits pursuant to §§ 32.1-166.1 et seq. and 9-6.14:12 of the Code of Virginia, and VR 355-34-02.

Contact: Constance G. Talbert, Secretary to the Board, 1500 E. Main St., Suite 117, P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-1750.

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

November 8, 1993 – 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 State Board of Social Services intends to amend regulations entitled: **VR 615-45-3. Child Protective Services Release of Information to Family Advocacy Representatives of the United States Armed Forces.** These regulations will establish guidelines for local departments of social services on sharing with the Family Advocacy Program information on founded child protective services complaints involving military families.

Statutory Authority: § 63.1-248.6 of the Code of Virginia.

Written comments may be submitted until November 8, 1993, to Suzanne Fountain, CPS Program Consultant, 730 East Broad Street, Richmond, Virginia 23219.

Contact: Margaret Friedenber, Legislative Analyst, Bureau

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of Governmental Affairs, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1820.

BOARD OF SOCIAL WORK

† **November 5, 1993 - 9 a.m.** – Open Meeting
Department of Health Professions, 6606 West Broad Street, Richmond, Virginia. ☒

An informal conference. Public comment will not be heard.

Contact: Evelyn B. Brown, Executive Director, Department of Health Professions, 6606 W. Broad St., Richmond, VA, telephone (804) 662-7328.

BOARD FOR PROFESSIONAL SOIL SCIENTISTS

December 20, 1993 – 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 for Professional Soil Scientists intends to **repeal** regulations entitled: **VR 627-01-1, Public Participation Guidelines** and **adopt** regulations entitled **VR 627-01-1:1, Public Participation Guidelines**. The proposed guidelines will set procedures for the Board for Professional Soil Scientists to follow to inform and incorporate public participation when promulgating soil science regulations.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-201 of the Code of Virginia.

Contact: David E. Dick, Assistant Director, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595.

VIRGINIA SOIL AND WATER CONSERVATION BOARD

† **November 4, 1993 - 11 a.m.** – Open Meeting
Department of Environmental Quality, 4900 Cox Road, Innsbrook Corporate Center, 1st Floor Training Room, Glen Allen, Virginia. ☒

A joint meeting with the Board of Conservation and Recreation to consider action on proposed amendments to VR 625-00-00:1, Regulatory Public Participation Procedures. A public comment period is not on the agenda.

Contact: Leon E. App, Executive Assistant, or Linda J. Cox, Administrative Assistant, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-4570, (804) 786-2152 or (804) 786-2121/TDD ☎

VIRGINIA STUDENT ASSISTANCE AUTHORITIES

Board of Directors

November 18, 1993 - 10 a.m. – Open Meeting
411 East Franklin Street, 2nd Floor Board Room, Richmond, Virginia. ☒

A general business meeting.

Contact: Catherine E. Fields, Administrative Assistant, One Franklin Square, 411 E. Franklin St., Suite 300, Richmond, VA 23219, telephone (804) 775-4648 or toll-free 1-800-792-5626.

TREASURY BOARD

November 17, 1993 - 9 a.m. – Open Meeting
December 15, 1993 - 9 a.m. – Open Meeting
James Monroe Building, 101 North 14th Street, Treasury Board Room, 3rd Floor, Richmond, Virginia.

A regular meeting of the board.

Contact: Gloria J. Hatchel, Administrative Assistant, Department of the Treasury, 101 N. 14th St., 3rd Floor, Richmond, VA 23219, telephone (804) 371-6011.

VIRGINIA RACING COMMISSION

† **November 10, 1993 - 9:30 a.m.**
General Assembly Building, 910 Capitol Square, House Room C, Richmond, Virginia. ☒

A discussion of procedures for the conduct of informal fact-finding conferences in regard to evaluating applications to construct, own and operate racetracks.

Contact: William H. Anderson, Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363.

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† **December 8, 1993 - 9:30 a.m.** – Public Hearing
State Corporation Commission, Tyler Building, 1300 East Main Street, Richmond, Virginia.

January 3, 1994 – 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 Virginia Racing Commission intends to amend regulations entitled: **VR 662-01-01. Public Participation Guidelines**. The purpose of the proposed amendment is to bring the public participation guidelines into conformity with the recent changes in the Administrative Process Act.

Statutory Authority: § 59.1-369 of the Code of Virginia.

Contact: William H. Anderson, Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363.

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† **December 8, 1993 - 9:30 a.m.** – Public Hearing
State Corporation Commission, Tyler Building, 1300 East Main Street, Richmond, Virginia.

January 3, 1994 – 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 Virginia Racing Commission intends to adopt regulations entitled: **VR 662-02-05. Satellite Facilities.** The purpose of the proposed regulation is to establish conditions under which pari-mutuel wagering on horse races may take place at satellite facilities.

Statutory Authority: § 59.1-369 of the Code of Virginia.

Contact: William H. Anderson, Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363.

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Advisory Committee on Services

† **January 22, 1994 - 11 a.m.** – Open Meeting
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

The committee meets quarterly to advise the Virginia Board for the Visually Handicapped on matters related to services for blind and visually impaired citizens of the Commonwealth.

Contact: Barbara G. Tyson, Executive Secretary Senior, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140, toll-free 1-800-622-2155 or (804) 371-3140/TDD ☎

VIRGINIA COUNCIL ON VOCATIONAL EDUCATION

November 10, 1993 - 8:30 a.m. – Open Meeting
Hyatt Richmond, 6624 West Broad Street, Richmond, Virginia.

Council members will gather at the Hyatt for transportation to correctional institutions to conduct on-site visits to vocational education programs at the institutions. Council committees will meet at the Hyatt from 2 p.m. to 5 p.m.

November 11, 1993 - 8:30 a.m. – Open Meeting
Hyatt Richmond, 6624 West Broad Street, Richmond, Virginia.

There will be a council session at the Hyatt to conduct council business and receive reports from liaison agency representatives.

Contact: Jerry M. Hicks, Executive Director, 7420-A Whitepine Rd., Richmond, VA 23237, telephone (804) 275-6218 or fax (804) 743-2088.

VIRGINIA VOLUNTARY FORMULARY BOARD

† **December 16, 1993 - 10:30 a.m.** – Open Meeting
Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia.

A meeting to consider public hearing comments and review new product data for products pertaining to the Virginia Voluntary Formulary.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, 109 Governor St., Room B1-9, Richmond, VA 23219, telephone (804) 786-4326.

COLLEGE OF WILLIAM AND MARY

November 5, 1993 – 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 College of William and Mary intends to adopt regulations entitled: **Motor Vehicle Parking and Traffic Rules and Regulations.** The proposed regulation regulates traffic and parking on the campus of the College of William and Mary.

Statutory Authority: § 23-9.2:3 of the Code of Virginia.

Written comments may be submitted until November 5, 1993, to Mark Gettys, Parking Services, College of William and Mary, P.O. Box 8795, Williamsburg, Virginia 23187-8795.

Contact: Nancy S. Nash, Assistant to the Vice President for Administration and Finance, P.O. Box 8795, Williamsburg, VA 23187-8795, telephone (804) 221-2743.



BOARD OF YOUTH AND FAMILY SERVICES

Calendar of Events

November 9, 1993 - 8:30 a.m. – Open Meeting
Fl. McGruder Inn, Route 60, Williamsburg, Virginia. ☒

Committee meetings will be held from 8:30 a.m. to 10 a.m., and a general meeting will begin at 10 a.m. to review programs recommended for certification or probation, to consider adoption of draft policies, and to discuss other matters that may come before the board.

Contact: Donald R. Carignan, Policy Coordinator, Department of Youth and Family Services, P.O. Box 1110, Richmond, VA 23208-1110, telephone (804) 371-0692.

LEGISLATIVE

CHESAPEAKE BAY COMMISSION

† **November 18, 1993 - 1 p.m. – Open Meeting**
† **November 19, 1993 - 9:15 a.m. – Open Meeting**
Hyatt Regency Hotel, Baltimore, Maryland.

A quarterly meeting. Thursday's agenda includes Chesapeake Bay Foundation's "Report Card" on the Chesapeake Bay Program and the status of stream buffer protection in the watershed. Agenda on Friday includes blue crab management, implementing the 1993 Chesapeake Executive Council Directives, and exotic species.

Contact: Ann Pesiri Swanson, 60 West St., Suite 200, Annapolis, MD 21401, telephone (410) 263-3420.

JOINT SUBCOMMITTEE STUDYING EARLY INTERVENTION SERVICES FOR INFANTS AND TODDLERS WITH DISABILITIES

† **November 19, 1993 - 10 a.m. – Open Meeting**
General Assembly Building, 910 Capitol Square, House Room C, Richmond, Virginia.

The subcommittee will meet to hear recommendations on early intervention. HJR 627.

Contact: Jessica Bolecek, Staff Attorney, Division of Legislative Services, 910 Capitol Square, Richmond, VA 23219, telephone (804) 786-3591.

COMMISSION ON ECONOMIC DEVELOPMENT IN THE BLUE RIDGE REGION

November 8, 1993 - 1 p.m. – Open Meeting
The Homestead, Hot Springs, Virginia.

A meeting to coincide with the 59th annual meeting of the Virginia Association of Counties. Individuals

requiring interpreter services or other accommodations should contact Bettie Jacobsen, (804) 786-7681, by October 25, 1993.

Contact: Diane Horvath, Staff Attorney, Division of Legislative Services, 910 Capitol Square, Richmond, VA 23219, telephone (804) 786-3591, or the Committee Operations Office, telephone (804) 786-7681.

JOINT SUBCOMMITTEE STUDYING HUMAN IMMUNODEFICIENCY VIRUSES

November 29, 1993 - 10 a.m. – Public Hearing
Alexandria City Council Chamber, 301 King Street, Alexandria, Virginia.

The joint subcommittee will meet for a public hearing at 10 a.m. A work session will begin at 1:30 p.m. and will include reports from various studies relating to the joint subcommittee's work. HJR 692.

Contact: Norma Szakal, Staff Attorney, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION

† **November 8, 1993 - 9:30 a.m. – Open Meeting**
General Assembly Building, 910 Capitol Square, Senate Room A, Richmond, Virginia.

A staff briefing on the RF&P Corporation.

Contact: Phil Leone, General Assembly Bldg., 910 Capitol Square, Suite 1100, Richmond, VA 23219, telephone (804) 786-1258.

COMMISSION ON POPULATION GROWTH AND DEVELOPMENT

November 15, 1993 - 2 p.m. – Open Meeting
General Assembly Building, 910 Capitol Square, Senate Room A, Richmond, Virginia. ☒

This will be a public information session on the Virginia Growth Strategies Act. Public comments are invited. For a copy of the legislation, contact the commission office.

Contact: Katherine L. Imhoff, Executive Director, General Assembly Building, 910 Capitol Street, Room 519B, Richmond, VA 23219, telephone (804) 371-4949.

JOINT SUBCOMMITTEE STUDYING SOLID WASTE MANAGEMENT AND RECYCLING NEEDS

† **November 16, 1993 - 10 a.m.** – Open Meeting
General Assembly Building, 910 Capitol Square, House
Room D, Richmond, Virginia.

The committee will meet to discuss regionalization and full cost reporting. HJR 494.

Contact: Shannon Varner, Staff Attorney, Division of Legislative Services, 2nd Floor, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

STATE WATER COMMISSION

December 1, 1993 - 10 a.m. – Open Meeting
General Assembly Building, 910 Capitol Square, 6th Floor
Conference Room, Richmond, Virginia.

A meeting to discuss proposed legislation.

Contact: Shannon Varner, Staff Attorney, Division of Legislative Services, 2nd Floor, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

VIRGINIA COMMISSION ON YOUTH

November 16, 1993 - 1 p.m. – Public Hearing
General Assembly Building, 910 Capitol Square, House
Room C, Richmond, Virginia.

A public hearing on juvenile justice concerns: Serious Juvenile Offenders "Criteria for the Trial of Juvenile Offenders as Adults." HJR 431.

November 16, 1993 - 3 p.m. – Public Hearing
General Assembly Building, 910 Capitol Square, House
Room C, Richmond, Virginia.

A public hearing on juvenile justice concerns: Detention Homes "Solutions to Secure Juvenile Detention Homes Overcrowding." HJR 446.

Contact: Joyce Huey, General Assembly Building, 910 Capitol Street, Richmond, VA 23219, telephone (804) 371-2481.

CHRONOLOGICAL LIST

OPEN MEETINGS

November 1
Medicine, Board of
- Advisory Board on Occupational Therapy

November 2

Hopewell Industrial Safety Council
Labor and Industry, Department of
- Apprenticeship Council

November 3
Agriculture and Consumer Services, Department of
- Virginia Seed Potato Board
† Real Estate Board
Virginia Employment Commission
- State Advisory Board

November 4
Agriculture and Consumer Services, Department of
- Virginia Cattle Industry Board
Audiology and Speech-Language Pathology, Board of
† Conservation and Recreation, Board of
Emergency Planning Committee, Local - Chesterfield
County
Local Government, Commission on
† Mapping, Surveying and Land Information Systems,
Advisory Committee on
Medicine, Board of
- Advisory Board on Physical Therapy
† Middle Virginia Board of Directors and the Middle
Virginia Community Corrections Resources Board
† Soil and Water Conservation Board, Virginia

November 5
Local Government, Commission on
Medicine, Board of
- Advisory Committee on Physician Assistants
† Mental Health, Mental Retardation and Substance
Abuse Services, Department of
- State Human Rights Committee
† Psychology, Board of
- Examination Committee
† Social Work, Board of

November 8
Agriculture and Consumer Services, Department of
- Virginia Winegrowers Advisory Board
Alcoholic Beverage Control Board
† Cosmetology, Board for
† ASAP Board - Valley
Economic Development in the Blue Ridge Region,
Commission on
Intergovernmental Relations, Advisory Commission on
† Legislative Audit and Review Commission, Joint

November 9
† Housing Development Authority, Virginia
Medical Assistance Services, Board of
Resources Authority, Virginia
Youth and Family Services, Board of

November 10
† Emergency Planning Committee, Local - Henrico
Historic Resources, Department of
† Housing Development Authority, Virginia
† Virginia Racing Commission
Vocational Education, Virginia Council on

Calendar of Events

November 11

- † Child Day-Care Council
- † Health, State Board of Vocational Education, Virginia Council on

November 12

- † Health, State Board of

November 15

- Emergency Planning Committee, Local - Prince William County, Manassas City and Manassas Park City
- † Labor and Industry, Department of
 - Safety and Health Codes Board
- † Library Board
- † Nursing, Board of
- Population Growth and Development, Commission on

November 16

- Chesapeake Bay Local Assistance Board
 - Northern Area Review Committee
- Historic Resources, Department of
- † Nursing, Board of
- † People with Disabilities, Virginia Board for
- † Psychology, Board of
 - Credentials Committee
- † Solid Waste Management and Recycling Needs, Joint Subcommittee Studying

November 17

- Chesapeake Bay Local Assistance Board
 - Central Area Review Committee
 - Southern Area Review Committee
- † Community Colleges, State Board for Education, Board of
- Higher Education for Virginia, State Council of
- Historic Resources, Department of
- Local Debt, State Council on
- † Nursing, Board of
- † People with Disabilities, Virginia Board for
- † Sewage Handling and Disposal Appeals Review Board
- Treasury Board

November 18

- † Chesapeake Bay Commission
- † Community Colleges, State Board for Education, Board of
- † Medicine, Board of
- † Nursing, Board of
- Student Assistance Authorities, Virginia
 - Board of Directors

November 19

- † Chesapeake Bay Commission
- † Early Intervention Services for Infants and Toddlers with Disabilities, Joint Subcommittee Studying
- Geology, Board for
- Hemophilia Advisory Committee
- † Interdepartmental Regulation of Children's Residential Facilities, Coordinating Committee for

- † Medicine, Board of
- † Professional Counselors, Board of

November 22

- Alcoholic Beverage Control Board
- Elections, State Board of

November 23

- Health Services Cost Review Council, Virginia

November 24

- † Compensation Board

November 30

- † Radiation Advisory Board

December 1

- Medicine, Board of
 - Advisory Committee on Acupuncturist
- Nursing Home Administrators, Board of
- Water Commission, State

December 2

- Chesapeake Bay Local Assistance Board
- Emergency Planning Committee, Local - Chesterfield County
- Longwood College
 - Executive Committee
- † Middle Virginia Board of Directors and the Middle Virginia Community Corrections Resources Board

December 7

- † Auctioneers Board
- Hopewell Industrial Safety Council
- Polygraph Examiners Advisory Board
- † Real Estate Appraiser Board

December 14

- Chesapeake Bay Local Assistance Board
 - Northern Area Review Committee
- Higher Education for Virginia, State Council of

December 15

- Chesapeake Bay Local Assistance Board
 - Central Area Review Committee
 - Southern Area Review Committee
- Local Debt, State Council on
- Treasury Board

December 16

- † Voluntary Formulary Board, Virginia

December 17

- † Interdepartmental Regulation of Children's Residential Facilities, Coordinating Committee for

December 21

- † Health Services Cost Review Council, Virginia

December 22

- † Compensation Board

January 11, 1994

Higher Education for Virginia, State Council of

January 22

† Visually Handicapped, Department for
- Advisory Committee on Services

January 24

† Library Board

PUBLIC HEARINGS

November 4

State Police, Department of

November 8

† Environmental Quality, Department of

November 9

Mental Health, Mental Retardation and Substance
Abuse Services, Department of

November 10

Historic Resources, Board of
Historic Resources, Department of

November 16

Historic Resources, Board of
Historic Resources, Department of
Youth, Virginia Commission on

November 17

Historic Resources, Board of
Historic Resources, Department of

November 17

Air Pollution Control Board, State

November 29

Human Immunodeficiency Viruses, Joint Subcommittee
Studying

December 3

Education, State Board of

December 8

† Virginia Racing Commission

December 20

Alcoholic Beverage Control Board

Calendar of Events
