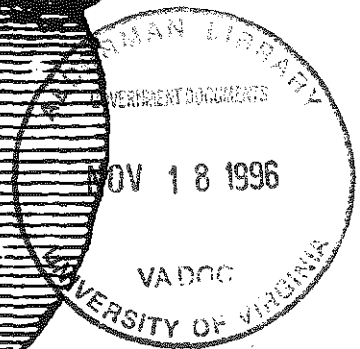
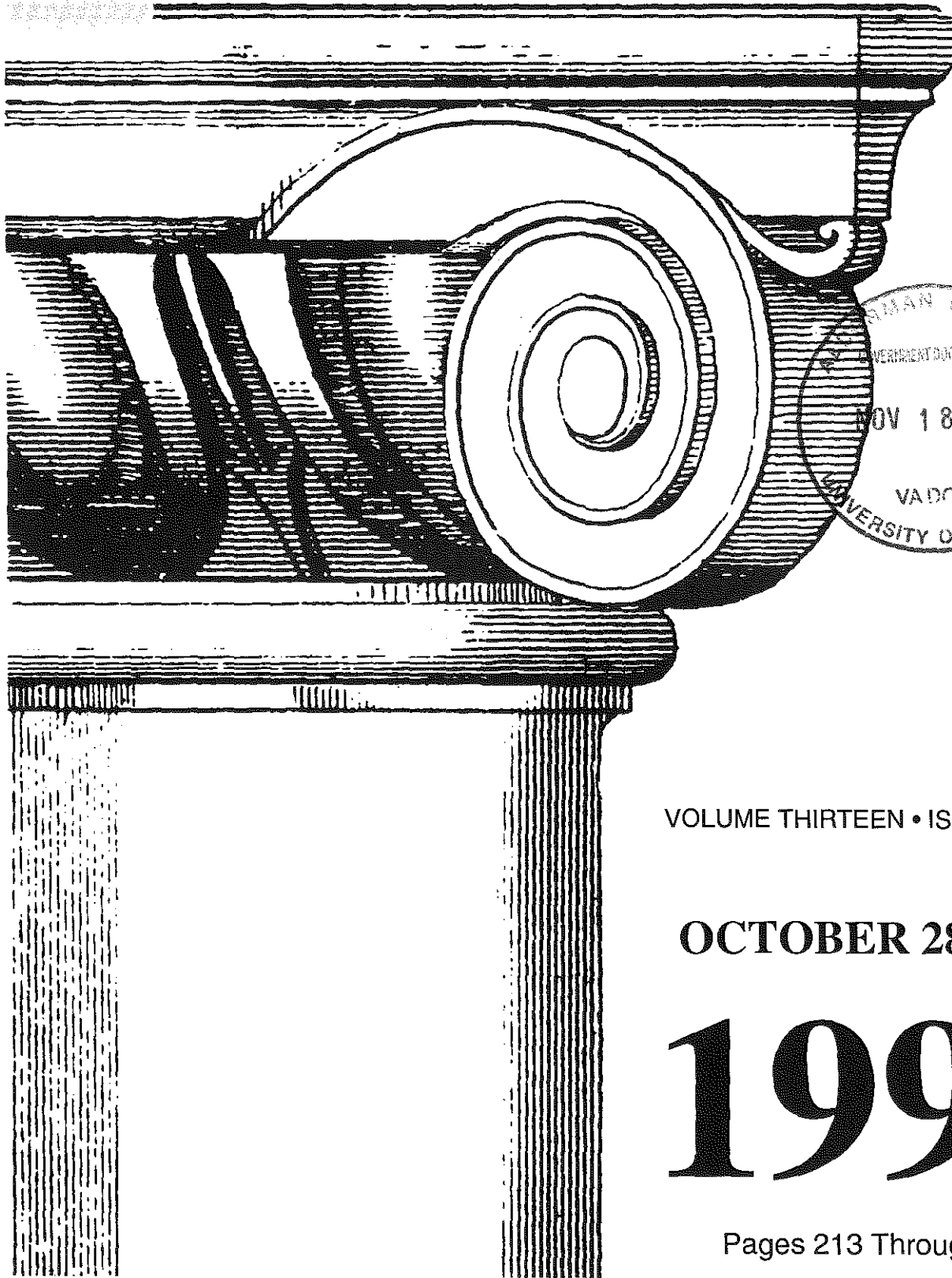


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THE VIRGINIA REGISTER

OF REGULATIONS

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VOLUME THIRTEEN • ISSUE THREE

OCTOBER 28, 1996

1996

Pages 213 Through 330

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 new and amended sections of regulations, both as proposed and as finally adopted, 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 and executive orders issued by the Governor, the Virginia Tax Bulletin issued periodically by the Department of Taxation, and notices of 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 intended regulatory action; a basis, purpose, substance and issues statement; an economic impact analysis prepared by the Department of Planning and Budget; the agency's response to the economic impact analysis; a summary; a notice giving the public an opportunity to comment on the proposal; and the text of the proposed regulation.

Following publication of the proposal in the *Virginia Register*, the promulgating agency receives public comments for a minimum of 60 days. The Governor reviews the proposed regulation to determine if it is necessary to protect the public health, safety and welfare, and if it is clearly written and easily understandable. If the Governor chooses to comment on the proposed regulation, his comments must be transmitted to the agency and the Registrar no later than 15 days following the completion of the 60-day public comment period. The Governor's comments, if any, will be published in the *Virginia Register*. Not less than 15 days following the completion of the 60-day public comment period, the agency may adopt the proposed regulation.

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 Registrar and the promulgating agency. The objection will be published in the *Virginia Register*. Within 21 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 agency again publishes the text of the regulation as adopted, highlighting all changes made to the proposed regulation and explaining any substantial changes made since publication of the proposal. A 30-day final adoption period begins upon final publication in the *Virginia Register*.

The Governor may review the final regulation during this time and, if he objects, forward his objection to the Registrar and the agency. In addition to or in lieu of filing a formal objection, the Governor may suspend the effective date of a portion or all of a regulation until the end of the next regular General Assembly session by issuing a directive signed by a majority of the members of the appropriate standing committees and the Governor. The Governor's objection or suspension of the regulation, or both, will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation have substantial impact, he may require the agency to provide an additional 30-day public comment period on the changes. Notice of the additional public comment period required by the Governor will be published in the *Virginia Register*.

The agency shall suspend the regulatory process for 30 days when it receives requests from 25 or more individuals to solicit additional public comment, unless the agency determines that the changes have minor or inconsequential impact.

A regulation becomes effective at the conclusion of the 30-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 21-day extension period; (ii) the Governor exercises his

authority to require the agency to provide for additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the period for which the Governor has provided for additional public comment; (iii) the Governor and the General Assembly exercise their authority to suspend the effective date of a regulation until the end of the next regular legislative session; or (iv) the agency suspends the regulatory process, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 30-day public comment period.

Proposed regulatory action may be withdrawn by the promulgating agency at any time before the regulation becomes final.

EMERGENCY REGULATIONS

If an agency demonstrates that (i) there is an immediate threat to the public's health or safety; or (ii) Virginia statutory law, the appropriation act, federal law, or federal regulation requires a regulation to take effect no later than (a) 280 days from the enactment in the case of Virginia or federal law or the appropriation act, or (b) 280 days from the effective date of a federal regulation, it then requests the Governor's approval to adopt 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 to addressing specifically defined situations and may not exceed 12 months in duration. Emergency regulations are published as soon as possible in the *Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures. To begin promulgating the replacement regulation, the agency must (i) deliver the Notice of Intended Regulatory Action to the Registrar in time to be published within 60 days of the effective date of the emergency regulation; and (ii) deliver the proposed regulation to the Registrar in time to be published within 180 days of the effective date of the emergency regulation. If the agency chooses not 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 (§ 9-6.14:7.1 et seq.) of Chapter 1.1:1 of the Code of Virginia be examined carefully.

CITATION TO THE VIRGINIA REGISTER

The *Virginia Register* is cited by volume, issue, page number, and date. **12:8 VA.R. 1096-1106 January 8, 1996**, refers to Volume 12, Issue 8, pages 1096 through 1106 of the *Virginia Register* issued on January 8, 1996.

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Members of the Virginia Code Commission: **Joseph V. Gartlan, Jr.**, Chairman; **W. Tayloe Murphy, Jr.**, Vice Chairman; **Robert L. Calhoun**; **Russell M. Carneal**; **Bernard S. Cohen**; **Jay W. DeBoer**; **Frank S. Ferguson**; **E. M. Miller, Jr.**; **Jackson E. Reaser, Jr.**; **James B. Wilkinson**.

Staff of the Virginia Register: **E. M. Miller, Jr.**, Acting Registrar of Regulations; **Jane D. Chaffin**, Deputy Registrar of Regulations.

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By Noon Wednesday**

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Symbol Key

† Indicates entries since last publication of the *Virginia Register*

BOARD FOR ACCOUNTANCY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Accountancy intends to consider amending regulations entitled: **18 VAC 5-20-10 et seq. Board for Accountancy Regulations.** The purpose of the proposed action is to establish an efficient staggered system for collection of renewal fees. Each regulant would be given a particular month in which to renew. The agency does not intend to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until October 31, 1996.

Contact: Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-2474, or (804) 367-9753/TDD

VA.R. Doc. No. R97-18; Filed September 11, 1996, 11:27 a.m.

CHARITABLE GAMING COMMISSION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Charitable Gaming Commission intends to consider promulgating regulations entitled: **11 VAC 15-11-10 et seq. Public Participation Guidelines.** The purpose of the proposed action is to promulgate regulations that provide procedures to be used for soliciting input of interested persons in the formation and development, amendment or repeal of regulations in accordance with the Administrative Process Act. These regulations will replace interim regulations which expire June 30, 1997. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 9-6.14:7, 18.2-340.18, and 18.2-340.38 of the Code of Virginia.

Public comments may be submitted until November 15, 1996.

Contact: James H. Ingraham, Regulatory Coordinator, Charitable Gaming Commission, P.O. Box 756, Richmond, VA 23218, telephone (804) 786-0238.

VA.R. Doc. No. R97-36; Filed September 25, 1996, 12:05 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Charitable Gaming Commission

intends to consider promulgating regulations entitled: **11 VAC 15-21-10 et seq. Rules and Regulations of the Charitable Gaming Commission.** The purpose of the proposed action is to prescribe the conditions under which charitable gaming shall be conducted in the Commonwealth. These regulations will replace interim regulations which expire June 30, 1997. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 18.2-340.18 and 18.2-340.38 of the Code of Virginia.

Public comments may be submitted until November 15, 1996.

Contact: James H. Ingraham, Regulatory Coordinator, Charitable Gaming Commission, P.O. Box 756, Richmond, VA 23218, telephone (804) 786-0238.

VA.R. Doc. No. R97-37; Filed September 25, 1996, 12:06 p.m.

DEPARTMENT OF CRIMINAL JUSTICE SERVICES

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Criminal Justice Services intends to consider amending regulations entitled: **6 VAC 20-160-10 et seq. Rules Relating to the Court-Appointed Special Advocate Program (CASA).** The purpose of the proposed action is to amend the current regulations related to CASA Programs to ensure that they are in support of and consistent with the mission and growth of the program. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 9-173.6, 9-173.7, and 9-173.8 of the Code of Virginia.

Public comments may be submitted until November 28, 1996.

Contact: Dawn Colapietro, CASA Program Coordinator, Department of Criminal Justice Services, 805 E. Broad St., 10th Floor, Richmond, VA 23219, telephone (804) 786-6428, or FAX (804) 371-8981.

VA.R. Doc. No. R97-62; Filed October 9, 1996, 10:25 a.m.

DEPARTMENT OF HEALTH (STATE BOARD OF)

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to consider amending regulations entitled: **12 VAC 5-220-10 et seq. Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations.** The purpose of the proposed action is to implement changes to the COPN law, effective

Notices of Intended Regulatory Action

July 1, 1996, which (i) eliminated the requirement for a COPN to replace major medical equipment, (ii) raised the capital expenditure threshold triggering COPN requirements, and (iii) established a minimal COPN application fee of \$1,000 and raised the maximum application fee from \$10,000 to \$20,000. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 32.1-12 and 32.1-102.2 of the Code of Virginia.

Public comments may be submitted until November 29, 1996 at 5 p.m. to Nancy R. Hofheimer, Director, Office of Health Facilities Regulation, Department of Health, 3600 W. Broad St., Suite 216, Richmond, VA 23230.

Contact: Paul E. Parker, Director, Division of Resources Development, Office of Health Facilities Regulation, Department of Health, 3600 W. Broad St., Suite 216, Richmond, VA 23230, telephone (804) 367-2127, or FAX (804) 367-2149.

VA.R. Doc. No. R97-56; Filed October 9, 1996, 9:51 a.m.

DEPARTMENT OF LABOR AND INDUSTRY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Labor and Industry intends to consider repealing regulations entitled: **16 VAC 15-20-10 et seq. Regulation Establishment of a Multiple of Federal Minimum Hourly Wage Relating to Garnishment of Wages.** This regulation provides the exact monetary amount of disposable earnings that is subject to garnishment. As the result of regulatory review, it was determined that this regulation needs to be extensively revised. The purpose of this repeal is to replace it with a new regulation showing the method to calculate the amounts subject to garnishment based on the federal minimum hourly wage in effect. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 34-29 of the Code of Virginia.

Public comments may be submitted until October 30, 1996.

Contact: Dennis Merrill, Labor Law Director, Department of Labor and Industry, 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2386, FAX (804) 371-2324, or (804) 786-2376/TDD ☎.

VA.R. Doc. No. R97-17; Filed September 11, 1996, 9:50 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Labor and Industry intends to consider promulgating regulations entitled: **16 VAC 15-21-10 et seq. Wages Exempt from Garnishment.** This regulation will provide a method to calculate the maximum amount of disposable earnings that is subject to garnishment. The purpose is to set forth, for pay periods other than a week, the maximum amount of disposable

earnings that is subject to garnishment, based on the federal hourly minimum wage in effect. This regulation regarding wages exempt from garnishment is mandated by § 34-29 of the Code of Virginia. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 34-29 of the Code of Virginia.

Public comments may be submitted until October 30, 1996.

Contact: Dennis Merrill, Labor Law Director, Department of Labor and Industry, 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2386, FAX (804) 371-2324, or (804) 786-2376/TDD ☎.

VA.R. Doc. No. R97-16; Filed September 11, 1996, 9:51 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Labor and Industry intends to consider amending regulations entitled: **16 VAC 15-30-10 et seq. Virginia Rules and Regulations Declaring Hazardous Occupations.** As a result of regulatory review of this regulation, it was determined that the regulation needs to be amended to clarify requirements and Code of Virginia references and take into account changing technology. As part of the amendment process, the agency intends to change the regulation title to "Hazardous Occupations for Minors" to accurately reflect the subject of the regulation. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 40.1-100 of the Code of Virginia.

Public comments may be submitted until October 30, 1996.

Contact: Dennis Merrill, Labor Law Director, Department of Labor and Industry, 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2386, FAX (804) 371-2324, or (804) 786-2376/TDD ☎.

VA.R. Doc. No. R97-15; Filed September 11, 1996, 9:51 a.m.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled: **12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical and Remedial Care and Services (Supplement 1 to Attachment 3.1 A and B); 12 VAC 30-60-10 et seq. Standards Established and Methods Used to Assure High Quality Care (Attachment 3.1 C); and 12 VAC 30-80-10 et seq. Methods and Standards for Establishing Payment Rates; Other Types of Care (Attachment 4.19 B).** The purpose of the proposed action is to establish Medicaid coverage policies for licensed clinical psychologists, licensed clinical social workers, and licensed professional counselors and to make technical corrections. The agency does not

Notices of Intended Regulatory Action

intend to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until November 13, 1996, to Sally Rice, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons or Roberta J. Jonas, Regulatory Coordinators, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8850 or FAX (804) 371-4981.

VA.R. Doc. No. R97-33; Filed September 25, 1996, 10:07 a.m.

DEPARTMENT OF MINES, MINERALS AND ENERGY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to consider amending regulations entitled: **4 VAC 25-40-10 et seq. Safety and Health Regulations for Mineral Mining.** The purpose of the proposed action is to amend the regulation to protect the health and safety of persons on mineral mining sites, and the public and property in the vicinity of the mines. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 45.1-161.3, 45.1-161.294, and 45.1-161.305 of the Code of Virginia.

Public comments may be submitted until October 30, 1996.

Contact: Conrad Spangler, Director, Division of Mineral Mining, Department of Mines, Minerals and Energy, Fontaine Research Park, 900 Natural Resources Dr., P.O. Box 3727, Charlottesville, VA 22903, telephone (804) 961-5000, FAX (804) 979-8544, toll-free 1-800-828-1120 (VA Relay Center)

VA.R. Doc. No. R97-10; Filed September 5, 1996, 11:10 a.m.

BOARD OF PSYCHOLOGY

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Psychology intends to consider amending regulations entitled: **18 VAC 125-20-10 et seq. Regulations Governing the Practice of Psychology.** The purpose of the proposed action is to replace emergency regulations which became effective on September 13, 1996, and which amended regulations in conformity with Chapters 937 and 980 of the 1996 Acts of the Assembly amending Chapter 36 of Title 54.1 of the Code of Virginia. Changes to the Code of Virginia consolidated the licensure of clinical psychologists under the Board of Psychology and added a category of applied psychologists. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-2400 and 54.1-3600 et seq. of the Code of Virginia.

Public comments may be submitted until November 27, 1996.

Contact: Evelyn B. Brown, Executive Director, Board of Psychology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9913, FAX (804) 662-9943, or (804) 662-7197/TTD☎.

VA.R. Doc. No. R97-63; Filed October 9, 1996, 10:37 a.m.

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

† Notice of Intended Regulatory Action

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 consider promulgating regulations entitled: **22 VAC 40-705-10 et seq. Child Protective Services.** The purpose of the proposed action is to satisfy the need to provide direction for how best to protect children from child abuse and neglect balanced with the right of parents and family integrity. These regulations will clarify and effect certain fundamental changes in how children are protected in the Commonwealth of Virginia with regard to the categories of reporting, investigations, appeals, training, and accountability. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 63.1-25 and 63.1-248.2 of the Code of Virginia.

Public comments may be submitted until November 27, 1996.

Contact: Jesslyn Cobb, Human Services Program Consultant, Child Protective Services Unit, Department of Social Services, 730 E. Broad St., Theater Row Building, Richmond, VA 23219-1849, telephone (804) 692-1255, FAX (804) 692-2215, or (800) 828-1120/TDD☎.

VA.R. Doc. No. R97-48; Filed October 3 1996, 2:11 p.m.

STATE WATER CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to consider promulgating regulations entitled: **9 VAC 25-120-10 et seq. General VPDES Permit Regulation for Cleanup of Underground Storage Tanks.** This rulemaking is proposed in order to reissue the existing general permit which expires on February 24, 1998. The general permit will establish limitations and monitoring requirements for discharges of treated ground water at sites contaminated by petroleum products. As with an individual VPDES permit, the effluent limits in the general permit will be set to protect the quality of the waters receiving the discharges. A technical advisory committee will be formed to assist in the development of the regulation. The primary function of the

Notices of Intended Regulatory Action

committee will be to develop recommendations to the board for the content of the reissued general permit through a process of negotiation and consensus. Persons who desire to be on the committee should notify the agency contact person in writing by 4:30 p.m. on November 15, 1996, and provide name, address, telephone number and the organization represented (if any). Notification of the composition of the technical advisory committee will be sent to all applicants. Following publication of the proposed general permit regulation in the Virginia Register, the board will hold at least one public hearing to provide opportunity for public comment.

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

Public comments may be submitted until 4:30 p.m. on November 15, 1996.

Contact: Richard Ayers, Technical Services Administrator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4075 or FAX (804) 698-4032.

VA.R. Doc. No. R97-35; Filed September 25, 1996, 11:32 a.m.

PUBLIC COMMENT PERIODS - PROPOSED REGULATIONS



PUBLIC COMMENT PERIODS REGARDING STATE AGENCY REGULATIONS

Effective July 1, 1995, publication of notices of public comment periods in a newspaper of general circulation in the state capital is no longer required by the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia). Chapter 717 of the 1995 Acts of Assembly eliminated the newspaper publication requirement from the Administrative Process Act. In *The Virginia Register of Regulations*, the Registrar of Regulations has developed this section entitled "Public Comment Periods - Proposed Regulations" to give notice of public comment periods and public hearings to be held on proposed regulations. The notice will be published once at the same time the proposed regulation is published in the Proposed Regulations section of the *Virginia Register*. The notice will continue to be carried in the Calendar of Events section of the *Virginia Register* until the public comment period and public hearing date have passed.

Notice is given in compliance with § 9-6.14:7.1 of the Code of Virginia that the following public hearings and public comment periods regarding proposed state agency regulations are set to afford the public an opportunity to express their views.

STATE AIR POLLUTION CONTROL BOARD

December 2, 1996 - 10 a.m. -- Public Hearing
Department of Environmental Quality, 629 East Main Street,
Training Room, First Floor, Richmond, Virginia.

December 31, 1996 -- Public comments may be submitted
until 4:30 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **9 VAC 5-20-10 et seq. Regulations for the Control and Abatement of Air Pollution: General Provisions.** 9 VAC 5-20-21 lists documents that are incorporated by reference into the Regulations for the Control and Abatement of Air Pollution. In addition to federal documents (which include portions of the Code of Federal Regulations as listed in Rules 5-5 and 6-1), a number of technical documents are listed. These documents include materials from the American Society for Testing and Materials, the American Petroleum Institute, and the National Fire Prevention Association. The regulation amendments update the documents to include the most current version available.

Request for Comments: 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.

Localities Affected: There is no locality which will bear any identified disproportionate material air quality impact due to the proposed regulation which would not be experienced by other localities.

Location of Proposal: The proposal, an analysis conducted by the department (including a statement of purpose, a statement of estimated impact and benefits of the proposed regulation, an explanation of need for the proposed regulation, an estimate of the impact of the proposed regulation upon small businesses, identification of and comparison with federal requirements, and a discussion of alternative approaches) and any other supporting documents may be examined by the public at the department's Office of Air Program Development (Eighth Floor), 629 East Main

Street, Richmond, Virginia and the department's regional offices (listed below) between 8:30 a.m. and 4:30 p.m. of each business day until the close of the public comment period.

Southwest Regional Office
Department of Environmental Quality
355 Deadmore Street
Abingdon, Virginia
Ph: (540) 676-4800

West Central Regional Office
Department of Environmental Quality
Executive Office Park
3019 Peters Creek Road
Roanoke, Virginia
Ph: (540) 562-6700

Lynchburg Satellite Office
Department of Environmental Quality
7705 Timberlake Road
Lynchburg, Virginia
Ph: (804) 582-5120

Valley Regional Office
Department of Environmental Quality
116 North Main Street
Bridgewater, Virginia 22812
Ph: (540) 828-2595

Fredericksburg Satellite Office
Department of Environmental Quality
300 Central Road, Suite B
Fredericksburg, Virginia
Ph: (540) 899-4600

Piedmont Regional Office
Department of Environmental Quality
4949-A Cox Road
Innsbrook Corporate Center
Glen Allen, Virginia
Ph: (804) 527-5020

Tidewater Regional Office
Department of Environmental Quality
5636 Southern Boulevard
Virginia Beach, Virginia

Public Comment Periods - Proposed Regulations

Ph: (757) 518-2000

Springfield Satellite Office
Department of Environmental Quality
Springfield Corporate Center, Suite 310
6225 Brandon Avenue
Springfield, Virginia
Ph: (703) 644-0311

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

Public comments may be submitted until 4:30 p.m. December 31, 1996, to the Director, Office of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

Contact: Karen G. Sabasteanski, Policy Analyst, Office of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510, (804) 698-4021/TDD, or toll-free 1-800-592-5482.

intended to make the regulation less restrictive to all users.

Statutory Authority: §§ 33.1-12, 33.1-197, and 33.1-198 of the Code of Virginia.

Contact: Steve Edwards, Transportation Engineer, Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-0121 or Virginia Relay Center 1-800-828-1120/TDD

DEPARTMENT OF REHABILITATIVE SERVICES

December 27, 1996 -- Public 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 Rehabilitative Services intends to amend regulations entitled: **22 VAC 30-10-10 et seq. Public Participation Guidelines**. The purpose of the proposed amendment is to make the department's regulations more representative of public needs and views through greater public participation in the regulatory process and make changes mandated by 1993 amendments to the Administrative Process Act.

Statutory Authority: §§ 9-6.14:7.1 and 51.5-14 of the Code of Virginia.

Contact: Mary C. Lutkenhaus, Policy Analyst, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23288-0300, telephone (804) 662-7610, FAX (804) 662-7696, toll-free 1-800-552-5019, or toll-free 1-800-464-9950/TDD

COMMONWEALTH TRANSPORTATION BOARD

December 10, 1996 - 7 p.m. -- Public Hearing
Department of Transportation, 1221 East Broad Street, Main Auditorium, Richmond, Virginia.

December 27, 1996 -- Public 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 Commonwealth Transportation Board intends to **repeal** regulations entitled: **24 VAC 30-70-10 et seq. Minimum Standards of Entrances to State Highways**; and **adopt** regulations entitled: **24 VAC 30-71-10 et seq. Minimum Standards of Entrances to State Highways**. The purpose of the proposed action is to repeal the existing regulation and promulgate a new regulation concerning state highway entrances. The proposal is

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.

STATE AIR POLLUTION CONTROL BOARD

Title of Regulation: 9 VAC 5-20-10 et seq. General Provisions (amending 9 VAC 5-20-21).

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

Public Hearing Date: December 2, 1996 - 10 a.m.

Public comments may be submitted until December 31, 1996.

(See Calendar of Events section for additional information)

Basis: The legal basis for the proposed regulation amendments is the Virginia Air Pollution Control Law (Title 10.1, Chapter 13 of the Code of Virginia), specifically § 10.1-1308 which authorizes the board to promulgate regulations abating, controlling and prohibiting air pollution in order to protect public health and welfare.

Purpose: The purpose of the regulation is to incorporate by reference technical documents referred to in the Regulations for the Control and Abatement of Air Pollution. The proposed amendments are being made to incorporate the latest edition of referenced technical documents. Incorporating the most current technical information available will ensure that public health and welfare are protected.

Substance: The major provisions of the proposal are summarized below:

The newest version of certain documents is replacing outdated documents as follows:

American Society for Testing and Materials (ASTM)
D323-94, "Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method)" from Section 5, Volume 05.01 of the 1985 Annual Book of ASTM Standards.

D97-93, "Standard Test Method for Pour Point of Petroleum Oils" from Section 5, Volume 05.01 of the 1989 Annual Book of ASTM Standards.

National Fire Prevention Association (NFPA)
NFPA 385, Standard for Tank Vehicles for Flammable and Combustible Liquids, 1990 Edition.

NFPA 30, Flammable and Combustible Liquids Code, 1993 Edition.

NFPA 30A, Automotive and Marine Service Station Code, 1993 Edition.

Issues: The primary advantages of implementation and compliance with the regulation for the public and the department are discussed below. The department does not believe there are any disadvantages for the public or the department.

1. Public: Federal requirements for the provision of enforceable test methods which are acceptable to EPA are met by incorporation of these documents. This

incorporation ensures that the state meet its obligations under the federal Clean Air Act and not be financially penalized for not meeting such obligations.

The amendments concern documents that are technical in nature and pertain to areas in which the agency has limited expertise or resources to conduct extensive research. For example, the "Flammable and Combustible Liquids Code," which is published by the National Fire Protection Association as an American National Standard contains important information that would not otherwise be readily determined by the state with its own devices.

In addition, the agency must ensure that its references to technical standards--for example, test methods--must be consistent with standards developed and accepted by the scientific and industrial communities. By keeping state requirements consistent with these standards, the regulated community avoids conflict and confusion, and ensures technical accuracy. The Annual Book of ASTM Standards, produced by the American Society for Testing and Materials, is an example of this type of document.

Use of these standards is advantageous to industry. Most of the standards have been developed by industrial professional societies. Many industries do not have the wherewithal to do their own research and develop their own standards. Use of these standards assures convenience and consistency for their users, as well as a strong degree of confidence in their accuracy.

Finally, the regulations must reflect the most up-to-date technical information available to ensure that public health and welfare are protected.

2. Department: The department benefits from the regulation for the same reasons as the public. Additionally, relying on existing standards also saves the state time and financial resources by eliminating duplication of research.

Localities Affected: There is no locality which will bear any identified disproportionate material impact due to the proposed regulation which would not be experienced by other localities.

Impact:

1. Entities Affected. These regulation amendments will affect the owners of petroleum storage and transfer operations subject to volatile organic compound emission standards.

2. Fiscal Impact.

a. Costs to Affected Entities. The documents incorporated are nonstatutory, primarily consisting of technical and scientific reference documents. The impact of incorporating nonstatutory documents is

Proposed Regulations

minimal because they are used to form the basis to make technical evaluations needed to implement the regulations. The requirement for these technical evaluations already exists in the current regulations and the use of the latest edition ensures that such evaluations are soundly based.

b. Costs to Agency. It is not expected that the regulation amendments will result in any cost to the Department of Environmental Quality beyond that currently in the budget.

c. Source of Agency Funds. The sources of department funds to carry out this regulation are the general fund and the grant money provided by the U.S. Environmental Protection Agency under § 105 of the federal Clean Air Act.

d. Benefits. In addition to meeting federal requirements for the provision of enforceable test methods which are acceptable to EPA, incorporation of these documents has many additional advantages to the public and to the state.

The amendments concern documents that are technical in nature and pertain to areas in which the agency has limited expertise or resources to conduct extensive research. For example, the "Flammable and Combustible Liquids Code," which is published by the National Fire Protection Association as an American National Standard contains important information that could not otherwise be readily determined by the state.

In addition, the agency must ensure that its references to technical standards--for example, test methods--must be consistent with standards developed and accepted by the scientific and industrial communities. By keeping state requirements consistent with these standards, the state and the regulated community avoid conflict and confusion, and ensure technical accuracy. The Annual Book of ASTM Standards, produced by the American Society for Testing and Materials, is an example of this type of document.

Use of these standards is advantageous to industry. Most of the standards have been developed by industrial professional societies. Like the state, many industries do not have the wherewithal to do their own research and develop their own standards. Use of these standards assures convenience and consistency for their users, as well as a strong degree of confidence in their accuracy.

Relying on existing standards also saves the state time and financial resources by eliminating duplication of research. Finally, the regulations must reflect the most up-to-date technical information available to ensure that public health and welfare are protected.

e. Small Business Impact. The impact upon facilities that meet the definition of small business provided in § 9-199 of the Code of Virginia is addressed in paragraph 2a above.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 13 (94). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. This regulation incorporates, by reference, the latest version of various technical documents referred to in the Regulations for the Control and Abatement of Air Pollution.

Estimated Economic Impact. It is not expected that there will be any significant economic impact arising from this regulation. It is important that regulations in the Commonwealth be based on the latest accepted standards for measurement and accuracy. Not doing so would eventually be costly to everyone in Virginia.

Businesses and entities affected. The only businesses affected by this regulation are owners of petroleum transfer and storage operations subject to volatile organic compound emission standards. These business should not see any appreciable change in costs.

Localities particularly affected. It is not expected that this regulation will have any significant economic impact on particular localities in Virginia.

Projected impact on employment. This regulation will not affect employment in Virginia.

Effects on the use and value of private property. We do not expect that this regulation will have any impact on the use and value of private property.

Agency's Response to Department of Planning and Budget's Economic Impact Analysis: The Department of Environmental Quality takes no issue with the economic impact analysis prepared by the Department of Planning and Budget.

Summary:

9 VAC 5-20-21 lists documents that are incorporated by reference into the Regulations for the Control and Abatement of Air Pollution. In addition to federal documents (which include portions of the Code of Federal Regulations as listed in Rules 5-5 and 6-1), a number of technical documents are listed. These documents include materials from the American Society for Testing and Materials, the American Petroleum Institute, and the National Fire Prevention Association. The regulation amendments update the documents to include the most current version available.

9 VAC 5-20-21. Documents incorporated by reference.

A. The Administrative Process Act and Virginia Register Act provide that state regulations may incorporate documents by reference. Throughout these regulations, documents of the types specified below have been incorporated by reference.

1. United States Code.
2. Code of Virginia.
3. Code of Federal Regulations.
4. Federal Register.
5. Technical and scientific reference documents.

Additional information on key federal regulations and nonstatutory documents incorporated by reference and their availability may be found in subsection E of this section.

B. Any reference in these regulations to any provision of the Code of Federal Regulations (CFR) shall be considered as the adoption by reference of that provision. The specific version of the provision adopted by reference shall be that contained in the CFR (1994) in effect July 1, 1994. In making reference to the Code of Federal Regulations, 40 CFR Part 35 means Part 35 of Title 40 of the Code of Federal Regulations; 40 CFR 35.20 means § 35.20 in Part 35 of Title 40 of the Code of Federal Regulations.

C. Failure to include in this section any document referenced in the regulations shall not invalidate the applicability of the referenced document.

D. Copies of materials incorporated by reference in this section may be examined by the public at the headquarters office of the Department of Environmental Quality, Eighth Floor, 629 East Main Street, Richmond, Virginia, between 8:30 a.m. and 4:30 p.m. of each business day.

E. Information on federal regulations and nonstatutory documents incorporated by reference and their availability may be found below in this subsection.

1. Code of Federal Regulations.

a. The provisions specified below from the Code of Federal Regulations (CFR) in effect as of July 1, 1994, are incorporated herein by reference.

(1) 40 CFR Part 50 - National Primary and Secondary Ambient Air Quality Standards.

(a) Appendix A - Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method).

(b) Appendix B - Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method).

(c) Appendix C - Measurement Principle and Calibration Procedure for the Continuous Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry).

(d) Appendix D - Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere.

(e) Appendix E - Reference Method for Determination of Hydrocarbons Corrected for Methane.

(f) Appendix F - Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence).

(g) Appendix G - Reference Method for the Determination of Lead in Suspended Particulate Matter Collected from Ambient Air.

(h) Appendix H - Interpretation of the National Ambient Air Quality Standards for Ozone.

(i) Appendix I - Reserved.

(j) Appendix J - Reference Method for the Determination of Particulate Matter as PM₁₀ in the Atmosphere.

(k) Appendix K - Interpretation of the National Ambient Air Quality Standards for Particulate Matter.

(2) 40 CFR Part 58 - Ambient Air Quality Surveillance.

Appendix B - Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring.

(3) 40 CFR Part 60 - Standards of Performance for New Stationary Sources.

The specific provisions of 40 CFR Part 60 incorporated by reference are found in Article 5 (9 VAC 5-50-400 et seq.) of Part II of Chapter 50, Rule 5-5, Environmental Protection Agency Standards of Performance for New Stationary Sources.

(4) 40 CFR Part 61 - National Emission Standards for Hazardous Air Pollutants.

The specific provisions of 40 CFR Part 61 incorporated by reference are found in Article 1 (9 VAC 5-60-60 et seq.) of Part II of Chapter 60, Rule 6-1, Environmental Protection Agency National Emission Standards for Hazardous Air Pollutants.

(5) 40 CFR Part 63 - National Emission Standards for Hazardous Air Pollutants for Source Categories.

The specific provisions of 40 CFR Part 63 incorporated by reference are found in Article 2 (9 VAC 5-60-90 et seq.) of Part II of Chapter 60, Rule 6-2, Environmental Protection Agency National Emission Standards for Hazardous Air Pollutants for Source Categories.

b. Copies may be obtained from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402; phone (202) 783-3238.

2. U.S. Environmental Protection Agency.

Proposed Regulations

- a. The documents specified below from the U.S. Environmental Protection Agency are incorporated herein by reference.
- (1) Guideline on Air Quality Models (revised), EPA-450/2-78-027R, OAQPS No. 1.2-080, July 1986, as amended by Supplement A, PB88150958, July 1987.
 - (2) Reich Test, Atmospheric Emissions from Sulfuric Acid Manufacturing Processes, Public Health Service Publication No. PB82250721, 1980.
- b. Copies may be obtained from: U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161; phone (703) 487-4650.
3. U.S. government.
- a. The following document from the U.S. government is incorporated herein by reference: Standard Industrial Classification Manual, 1987 (U.S. Government Printing Office stock number 041-001-00-314-2).
- b. Copies may be obtained from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402; phone (202) 783-3238.
4. American Society for Testing and Materials (ASTM).
- a. The documents specified below from the American Society for Testing and Materials are incorporated herein by reference.
- (1) D323-82 94, "Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method)" from Section 5, Volume 05.01 of the 1985 Annual Book of ASTM Standards.
 - (2) D97-87 93, "Standard Test Method for Pour Point of Petroleum Oils" from Section 5, Volume 05.01 of the 1989 Annual Book of ASTM Standards.
 - (3) D129-91, "Standard Test Method for Sulfur in Petroleum Products (General Bomb Method)," 1991.
 - (4) D388-95, "Standard Classification of Coals by Rank," 1995.
 - (5) D396-92, "Standard Specification for Fuel Oils," 1992.
 - (6) D975-94, "Standard Specification for Diesel Fuel Oils," 1994.
 - (7) D1072-90, "Standard Test Method for Total Sulfur in Fuel Gases," 1990, reapproved 1994.
 - (8) D1265-92, "Standard Practice for Sampling Liquefied Petroleum (LP) Gases (Manual Method)," 1992.
 - (9) D2622-94, "Standard Test Method for Sulfur in Petroleum Products by X-Ray Spectrometry," 1994.
 - (10) D4057-88, "Standard Practice for Manual Sampling of Petroleum and Petroleum Products," 1988.
- (11) D4294-90, "Standard Test Method for Sulfur in Petroleum Products by Energy-Dispersive X-Ray Fluorescence Spectroscopy," 1990.
- b. Copies may be obtained from: American Society for Testing Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103; phone (215) 299-5400.
5. American Petroleum Institute (API).
- a. The following document from the American Petroleum Institute is incorporated herein by reference: API Publication 2517, Evaporation Loss from External Floating Roof Tanks, Third Edition, 1989.
- b. Copies may be obtained from: American Petroleum Institute, 2101 L Street, Northwest, Washington, D.C. 20037; phone (202) 682-8000.
6. American Conference of Governmental Industrial Hygienists (ACGIH).
- a. The following document from the ACGIH is incorporated herein by reference: Threshold Limit Values for Chemical Substances 1991-1992 and Physical Agents and Biological Exposure Indices (ACGIH Handbook).
- b. Copies may be obtained from: ACGIH, 6500 Glenway Avenue, Building D-7, Cincinnati, Ohio 45211-4438; phone (513) 661-7881.
7. National Fire Prevention Association (NFPA).
- a. The documents specified below from the National Fire Prevention Association are incorporated herein by reference.
- (1) NFPA 385, Standard for Tank Vehicles for Flammable and Combustible Liquids, 1985 1990 Edition.
 - (2) NFPA 30, Flammable and Combustible Liquids Code, 1987 1993 Edition.
 - (3) NFPA 30A, Automotive and Marine Service Station Code, 1987 1993 Edition.
- b. Copies may be obtained from the National Fire Prevention Association, Batterymarch Park, Quincy, Massachusetts 02269; phone (617) 770-3000.

VA.R. Doc. No. R97-70; Filed October 9, 1996, 2:49 p.m.

DEPARTMENT OF REHABILITATIVE SERVICES

Title of Regulation: **22 VAC 30-10-10 et seq. Public Participation Guidelines (amending 22 VAC 30-10-10, 22 VAC 30-10-20, 22 VAC 30-10-40, and 22 VAC 30-10-50; repealing 22 VAC 30-10-30; and adding 22 VAC 30-10-60).**

Statutory Authority: §§ 9-6.14:7.1 and 51.5-14 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until December 27, 1996.

(See Calendar of Events section for additional information)

Basis: The Department of Rehabilitative Services has statutory authority in § 51.5-14(13) of the Code of Virginia to promulgate regulations. The proposed amendments ensure that the department's process for developing and amending regulations include opportunities to obtain and consider public views. The proposed amendments comply with the 1993 amendments to § 9-6.14:1 et seq. of the Code of Virginia (Administrative Process Act).

Purpose: The purpose of the proposed amendments is to make the department's regulations more representative of public needs and views. This will be accomplished by giving the public greater opportunity for participation in the regulatory process and by making other changes specifically mandated by the 1993 amendments to § 9-6.14:1 et seq. of the Code of Virginia (Administrative Process Act). The guidelines do not apply to regulations exempted or excluded from the provisions of § 9-6.14:4.1 of the Code of Virginia.

Substance and Issues: The key provisions of the proposed amendments concern petitioning the department for regulatory change, revised procedures for public notification and public involvement during the regulatory process, the use of standing or ad hoc advisory panels to obtain views of interested parties, and periodic review of regulations. The primary advantage of implementing the proposed amendments is increasing the public's role from simply reacting to department proposals for regulatory change to being able to productively petition the department for regulatory change. Another key advantage is increased opportunity for obtaining public views during the regulatory process. Failure to amend the department's public participation guidelines to comply with the Administration Process Act will prohibit the department from promulgating, repealing or amending any regulations which are not exempt under § 9-6.14:4.1 of the Code of Virginia. There are no known disadvantages to the public or the agency.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 13 (94). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic affects.

Summary of the Proposed Regulation. The proposed amendments:

- expand avenues available to the public to participate in the development, amendment and review of DRS regulations;
- describe the circumstances that trigger an agency review of a regulation;

- add requirements for agency responses to petitions for rule making; and
- delete sections of the regulation pertaining to state law requirements under the Administrative Process Act

Estimated Economic Impact. Although the proposed amendments to the current regulation are expected to increase the public's ability to participate in DRS rule-making, they are not expected to have economic consequences. As a result, the proposed regulation is not expected to have an economic impact.

Businesses and Entities Particularly Affected. All business, or other entities, affected by DRS rule-making would be affected by this proposed regulation.

Localities Particularly Affected. No localities are particularly affected by the proposed regulation.

Projected Impact on Employment. The proposed regulation is not expected to have a significant effect on employment.

Effects on the Use and Value of Private Property. The proposed regulation is not expected to have a significant effect on the use and value of private property.

Agency's Response to Department of Planning and Budget's Economic Impact Analysis: The department concurs with the economic impact analysis statement submitted by the Department of Planning and Budget.

Summary:

The proposed amendments enable individuals and entities to receive individual notification (by requesting to be placed on the department's notification list) of the department's rule making and invitation to participate or comment; expand the use of standing or ad hoc advisory bodies and consultation with interested parties; describe when the department periodically reviews its regulations; add requirements for agency response to petitions for rule making; and delete the Severability, Notice of Intent, and Administrative Process Act Procedures sections as redundant since the department is subject to existing requirements in state law.

22 VAC 30-10-10. General information;—authority; purpose; administration; application.

~~A. Chapter 1.1:1 of Title 9, Code of Virginia, deals with the promulgation of rules and regulations. Specifically, § 9-6.14:7.1 of the Code of Virginia directs agencies of the Commonwealth to develop public participation guidelines for soliciting the input of interested parties in the formation and development of regulations. Chapter 3 of Title 51.5 of the Code of Virginia establishes the department and empowers it to make, adopt and promulgate regulations.~~

~~B. These regulations are designed to provide consistent, written guidelines in order to ensure participation from interested parties at all stages of the regulatory process.~~

~~C. The department has the responsibility for promulgating regulations pertaining to public participation in the regulatory process.~~

Proposed Regulations

~~D. These regulations have general application throughout the Commonwealth. These regulations provide guidelines to inform the public of, and involve interested parties in, the development, promulgation, amendment, and periodic review of regulations of the Department of Rehabilitative Services. The guidelines do not apply to regulations exempted or excluded from the provisions of § 9-6.14:4.1 of the Code of Virginia.~~

22 VAC 30-10-20. Identification and notification of interested parties.

~~A. Agency advisory list. The department commissioner shall create and maintain current mailing lists of persons, agencies or organizations that are interested in advising and assisting in developing regulations or in making substantial changes to existing regulations. At the discretion of the department, these lists may be maintained on a program-specific basis or be of a general interest group: a list or lists of parties (individuals and entities) to be notified of an intended regulatory action (such as regulation development or amendment) and invited to participate. The commissioner may maintain a general list or individual lists based on specific regulatory issues, proposals or actions.~~

~~B. Updating of listing. No less than once each year the department shall publish in the Virginia Register and such newspapers of general circulation in Virginia localities as the department may decide, a notice requesting that any individual or organization interested in participating in the department's development of specific rules and regulations so notify the department. Any persons or organizations identified in this process will be incorporated in the initial list. The department may at any time remove from the list any person or organization that requests to be removed or fails to respond to an inquiry of continued interest in participating.~~

~~B. Any person or entity may request to be placed on the list by contacting the commissioner.~~

~~C. The list shall include, but is not limited to, parties who:~~

- ~~1. Request that the commissioner place their name on the list.~~
- ~~2. Petition the department for rule making.~~

~~D. The commissioner may add to the list parties likely to be interested in, regulated by, or otherwise affected by the proposed regulatory action.~~

~~E. The commissioner shall periodically update the list. Updating the list shall include, but is not limited to, annually publishing in the Virginia Register (an official state publication issued biweekly by the Virginia Code Commission which is available to the public by subscription or individual issue through the Registrar of Regulations) a notice requesting that any individual or entity wishing to be notified of, or be involved in, the development, promulgation, or amendment of department regulations notify the commissioner. In addition, the commissioner may use other methods to periodically purge (with prior notification) and update the list.~~

~~F. The commissioner shall notify the parties on the list of the intended regulatory action and comment period and invite them to participate.~~

22 VAC 30-10-30. Notice of Intent. (Repealed.)

~~A. When the department deems it necessary to develop a regulation or make substantial change to existing regulations, a Notice of Intent shall be published in the Virginia Register and such newspapers of general circulation in Virginia localities as the department may decide. This notice shall invite those interested in providing input to notify the agency of their interest. Various agencies and associations, such as the Developmental Disabilities Planning Council, Cverall Advisory Council on Needs of Handicapped Persons, Handicaps Unlimited of Virginia and independent living centers, shall be notified and requested to advise their constituencies through newsletters, etc. All human service agencies shall be notified. In addition to this notice, known interested parties shall be advised, through a special mailing, of the agency's desire to develop a regulation and shall be invited to assist the agency in developing the regulations or in providing information on how the regulations may affect the consumer.~~

~~B. The notice of intent shall include:~~

- ~~1. Subject of the proposed regulation;~~
- ~~2. Identification of the entities that will be affected;~~
- ~~3. Discussion of the purpose of the proposed regulation and the issues involved;~~
- ~~4. Listing of applicable laws or regulations, and location where these documents can be reviewed or obtained;~~
- ~~5. Timetable for reaching a decision; and~~
- ~~6. Name, address and telephone number of staff person to be contacted for further information.~~

22 VAC 30-10-40. Solicitation of input from interested parties; formation of core committees. Role of interested parties, advisory bodies, ad hoc committee.

~~A. Whenever necessary, as determined by the nature and scope of the regulations, the department shall establish a core committee to include selected individuals who responded to the notice of intent, newsletter or special mailing. This committee shall be oriented to the department and program issues, constraints, entities to be affected, program options and time limitations. The committee shall discuss the issues and make recommendations which shall be considered in drafting regulations. Once the regulations have been developed, the committee shall review them and continue to participate during the promulgation process as directed by the Administrative Process Act.~~

~~B. The department shall develop an orientation or training plan to be used with members of the core committee which shall include:~~

- ~~1. The responsibility and authority of the department, and~~
- ~~2. The method of promulgating regulations.~~

~~C. Respondents to the notice of intent who indicate a desire to participate with respect to a particular regulation's development or modification shall be provided a copy of any draft materials pertaining to that regulation prepared for~~

review by the department's designated staff and core committee during the predevelopment process. They shall be invited to forward written comments within fourteen calendar days of that material's dissemination.

A. Activities in which the commissioner may involve parties indicating a desire to participate in rule making, a standing advisory body, or ad hoc committee include, but are not limited to:

1. Assisting with the preparation of draft amendments or proposed regulations,
2. Reviewing and commenting on draft amendments or proposed regulations, or
3. Assisting with the periodic review of regulations and recommending appropriate regulatory action.

B. In developing any regulation, the department shall afford interested individuals and entities an opportunity to submit data, views, and arguments, either orally or in writing, to the department or its specially designated subordinate. Prior to or during any such opportunity the agency may, at its discretion, begin drafting the proposed regulation. Subject to the provisions of § 9-6.14:7.1 of the Code of Virginia, the commissioner may elect to conduct a public hearing.

22 VAC 30-10-50. Administrative Process Act procedures. Petition requirements.

After proposed regulations have been developed by the department according to these guidelines, they will be submitted for public comment under § 9-6.14:7.1 of the Code of Virginia and promulgated finally under this section of the Code.

A. As provided for under § 9-6.14:7.1 of the Code of Virginia, any person may petition the commissioner to develop a new regulation or amend an existing regulation. A petition for rule making shall include, but is not limited to, the following:

1. The petitioner's name, mailing address, telephone number, and, if applicable, the name of the group represented in the petition,
2. The number or title of the regulation to be addressed,
3. A description of the regulatory problem, action, or issue to be addressed, and
4. A recommended addition, deletion, or amendment to the regulation.

B. The commissioner shall consider the petition and decide whether to initiate rule making in response to the petition. The commissioner shall communicate the decision and grounds for the decision to the petitioner as required under § 9-6.14:7.1 of the Code of Virginia.

C. Nothing herein shall prohibit the commissioner from receiving information from the public and proceeding with the commissioner's own motion for rule making.

22 VAC 30-10-60. Review of regulations.

A. Events which may trigger a departmental review of a regulation include, but are not limited to, the following:

1. Established review date, if any, for the regulation occurs.
2. Federal governmental entity issues a final regulation or policy directive which impacts the department regulation.
3. Federal or state laws which impact the department regulation are adopted, amended, or repealed.
4. A change in the approved state plan, which impacts the department regulation, is made.

B. Depending on the nature and scope of the regulation and purpose of the review, the commissioner may conduct an internal review, consult standing advisory bodies, appoint an ad hoc committee, solicit public participation or public comment, conduct or give interested parties an opportunity to participate in a public evidential hearing or informational proceeding, or employ some other method in the review process.

C. The review may be conducted separately or in conjunction with another activity.

V.A.R. Doc. No. R97-40; Filed September 26, 1996, 2:45 p.m.

COMMONWEALTH TRANSPORTATION BOARD

Title of Regulation: 24 VAC 30-70-10 et seq. Minimum Standards of Entrances to State Highways (REPEALING).

V.A.R. Doc. No. R97-68; Filed October 9, 1996, 9:58 a.m.

Title of Regulation: 24 VAC 30-71-10 et seq. Minimum Standards of Entrances to State Highways.

Statutory Authority: §§ 33.1-12, 33.1-197, and 33.1-198 of the Code of Virginia.

Public Hearing Date: December 10, 1996 - 7 p.m.

Public comments may be submitted until December 27, 1996.

(See Calendar of Events section for additional information)

Basis: The basis of the "Minimum Standards of Entrances to State Highways" is the Code of Virginia, which provides authority for the Commonwealth Transportation Board or the commissioner to:

1. Make rules and regulations for the protection of, governing traffic on, and the use of, highway systems in § 33.1-12(3);
2. Permit, at places where private roads leading to and from private homes intersect improved highways, suitable connections from such points of intersection so as to provide for the users of such private roads safe and convenient means of ingress and egress in § 33.1-197; and
3. Permit, at places where commercial establishment entrances are desired to intersect improved highways, suitable connections from such points of intersection so as to provide for the users of such entrances safe and convenient means of ingress and egress in § 33.1-198.

Proposed Regulations

Purpose: The purpose of the "Minimum Standards of Entrances to State Highways" is to provide for the safe and efficient ingress to and egress from the state highway system.

Substance: The substance of the revised "Minimum Standards of Entrances to State Highways" is to facilitate the design of an entrance or exit layout to provide satisfactory access. The revision presently being proposed is a continuing effort by the Virginia Department of Transportation to maintain safe and efficient traffic operations, while retaining the sensitivity required to meet the changing times and needs of the department's customers.

Issues: The issues of the revised "Minimum Standards of Entrances to State Highways" are to streamline the regulation by eliminating unnecessary sections and to give resident engineers more flexibility to modify requirements to meet site specific conditions. There are no disadvantages to the agency or the Commonwealth.

Estimated impact: The estimated impact of the revised "Minimum Standards of Entrances to State Highways" is to make the regulation less intrusive to the regulated community. The proposed regulation does not change the cost of any fees or change the surety bond requirements. It is anticipated that the revised regulation will not affect the number of entrance permits issued--approximately 12,000 permits are issued each year.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 13 (94). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic affects.

Summary of the Proposed Regulation. The proposed amendments are, for the most part, housekeeping measures designed to streamline the Minimum Standards for Entrances to State Highways regulation. For example, the proposed amendments would incorporate by reference detailed standards for drive-in theater entrances, crossovers, and auxiliary lanes currently contained in the regulation.

Estimated Economic Impact. The proposed amendments to the regulation are not anticipated to have any significant economic impact.

Businesses and Entities Particularly Affected. The proposed amendments to the regulation particularly affect private and commercial property owners with traffic entrances to state highways. VDOT estimates that 12,000 permits for such entrances are issued each year.

Localities Particularly Affected. No localities are particularly affected by the proposed amendments to the current regulation.

Projected Impact on Employment. The proposed amendments to the current regulation are not expected to have a significant affect on employment.

Effects on the Use and Value of Private Property. The proposed amendments to the current regulation are not expected to have a significant effect on the use and value of private property.

Summary of Analysis. The proposed amendments to the regulation governing minimum standards for entrances to state highways are primarily housekeeping in nature, and are not anticipated to have any significant economic impact.

Agency's Response to Department of Planning and Budget's Economic Impact Analysis: The department concurs with the Department of Planning and Budget's assessment that the proposed amendments to the "Minimum Standards of Entrances to State Highways" regulation are not anticipated to have any significant economic impact.

Summary:

In the interest of public safety, the Commonwealth of Virginia has required channelization at commercial properties since 1946. At that time, the Highway Commission (now the Commonwealth Transportation Board) adopted a resolution establishing certain basic minimum standards which were made a part of the department's "Road and Bridge Standards." Since adoption of those original standards, the department has incorporated them into the "Minimum Standards of Entrances to State Highways."

This publication of the "Minimum Standards of Entrances to State Highways" is the sixth edition since 1946--the last revision was made in 1989. Guidelines are set forth primarily for commercial entrances. The guidelines and illustrations are compatible with the department's "Land Development Manual" and with the Location and Design Division's "Road and Bridge Standards."

Entrance controls not only protect through traffic from indiscriminate interferences, but are designed to promote safe and convenient connections to public highways for commercial establishments.

CHAPTER 71.

MINIMUM STANDARDS OF ENTRANCES TO STATE HIGHWAYS.

24 VAC 30-71-10. Definitions.

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

"Accessible route" means a continuous unobstructed stable firm and slip resistant path connecting all accessible elements of a facility (may include parking access aisles, curb ramps, crosswalks at vehicular ways, walks, ramps and lifts) that can be approached, entered and used by persons with mobility impairments. An accessible route shall, to the

maximum extent feasible, coincide with the route for the general public and shall be a minimum of three feet wide.

"Board" means the Commonwealth Transportation Board, Commonwealth of Virginia.

"Central office" means the office in downtown Richmond that contains the administrative functions, including preconstruction activities, and executes command responsibility and control over all Virginia Department of Transportation activities.

"Clear zone" means the unobstructed, relatively flat area provided beyond the edge of the traveled way for the recovery of errant vehicles. The width of the clear zone is influenced by the type of facility, traffic volume, speed, horizontal alignment and embankment and is detailed in the department's Road Design Manual, revised November 1994.

"Commercial entrance" means an entrance serving all entities other than an individual private residence. (See private entrance.)

"Commissioner" means the Commonwealth Transportation Commissioner, who is also Vice-Chairman of the Commonwealth Transportation Board.

"Commonwealth" means the Commonwealth of Virginia.

"Department" means the Virginia Department of Transportation (VDOT).

"Design speed" means the maximum safe speed that can be maintained over a specified section of highway when conditions are so favorable that the design features of the highway govern, as defined in the American Association of State Highway Transportation Officials' 1990 edition of A Policy on Geometric Design of Highways and Streets.

"District office" means the office in each of the nine construction districts located throughout the state that implements the construction and maintenance operations of the Virginia Department of Transportation.

"Engineer" means the engineer representing the Virginia Department of Transportation.

"Operating speed" means the highest overall speed at which a driver can travel on a given highway under favorable weather conditions and under prevailing traffic conditions without at any time exceeding the safe speed as determined by the design speed on a section-by-section basis, as defined in the American Association of State Highway Transportation Officials' 1990 edition of A Policy on Geometric Design of Highways and Streets.

"Private entrance" means an entrance serving an individual private residence and used for the exclusive benefit of the occupant.

"Private subdivision road or street" means a road or street that serves more than one individual property, is privately owned and maintained, and requires a commercial entrance permit.

"Right-of-way" means that property within the entire area of every way or place of whatever nature within the system of state highways under the ownership, control or jurisdiction of

the board, which is open or which is to be open within the future for the use of the public for purposes of travel in the Commonwealth. The area set out above includes not only the traveled portion but the entire area inside and outside the traveled portion, from boundary line to boundary line, and also parking and recreation areas which are under the ownership, control or jurisdiction of the board.

"Sight distance" means, for crossovers and commercial entrances, the distance measured between the height of the driver's eye (3½ feet) and the height of a 4¼-foot object without horizontal or vertical obstruction to the line of sight.

"System of state highways" means all highways and roads under the ownership, control, or jurisdiction of the board including, but not limited to, the primary, secondary, and interstate systems.

24 VAC 30-71-20. Procedure for obtaining permits.

All applications for permits shall be obtained from and submitted through the office of the resident engineer (who is authorized to issue entrance permits) for the county in which the work is to be performed. The applicant shall submit plans and application form for all proposed installations in sufficient time to permit the department to review them and make any necessary studies and changes. The plans shall include detailed and complete information concerning the location of the work, the type pavement, the roadway geometrics and other facts about the highway.

Any waiver of the required sight distance may only be granted by the chief engineer or the assistant commissioner for operations after a traffic engineering investigation has been conducted. However, a significant (i) increase of traffic in and out of the entrance, (ii) change in character of the traffic or peak hour volume, or (iii) operational safety problem may require upgrading or reconstruction, or both, of the entrance or closing the entrance. This language is not intended to be exclusive.

Permits cover not only the actual performance of work as approved, but also cover the subsequent maintenance, adjustment or removal of work. All permits shall be issued to the owners of the facilities or, in cases where continuing bonds are required, permits may be issued jointly to the owner and his contractor (as agent). The central office shall maintain permanent records of all permits issued.

24 VAC 30-71-30. Appeal procedure.

Permit applications shall be processed in a timely fashion. Applicants shall be notified in writing of the action taken on applications. If the permit is granted, issuance of the permit shall satisfy that requirement. If the permit is denied, notification of denial shall be made by certified mail, return receipt requested.

The district administrator, chief engineer or assistant commissioner for operations, as the case may be, is authorized to consider and render a ruling on unresolved differences of opinion between the applicant and the resident engineer concerning the interpretation and application of these requirements.

Proposed Regulations

If the resident engineer either denies a permit sought or imposes conditions upon the issuance of a permit with which the applicant disagrees, an appeal may be made to the district administrator.

To utilize the appeal process, the applicant shall provide the district administrator with a written request for review, setting forth a brief description of the unresolved issues within 30 days of receipt of the denial. The district administrator shall advise the applicant in writing within 60 days of the receipt of the appeal of his decision.

24 VAC 30-71-40. Drive-in theaters.

Certain conditions as set forth in § 33.1-12(15) of the Code of Virginia shall first be met in order to construct entrances to drive-in theaters.

24 VAC 30-71-50. Entrance design.

All entrance design and construction shall comply with the department's design and construction criteria set forth in the documents incorporated by reference in 24 VAC 30-71-220.

In the event that plans have been adopted which shall ultimately change a highway, the permittee may be required to construct entrances which shall be compatible with the ultimate plans. The determinations to whether the entrances shall include curb and gutter shall be the responsibility of the engineer.

In counties which have ordinances or entrance standards which equal or exceed those of the Virginia Department of Transportation, then those of the county shall apply.

The permittee shall be required to supply sufficient information for the department to determine entrance design features to adequately serve the roadway facility as well as the proposed development. Detailed engineering plans and traffic analysis plans from a certified professional firm may be required by the department.

To ensure the maximum efficiency of all commercial entrance designs certain general requirements shall be satisfied by each permittee. Consequently, potential applicants interested in using any individual designs shown in this chapter should first familiarize themselves with the prerequisites specified in 24 VAC 30-71-60 through 24 VAC 30-71-200.

24 VAC 30-71-60. Bonds, guarantee fees and irrevocable letters of credit.

All bonds prepared on form MP-20 shall indicate what permit the bond is for and define what type of work the bond covers, listing permit number and indicating whether it is a continuing bond or a performance bond. The estimated amount of the bond shall be the amount the resident engineer anticipates it will take to complete or restore the work should the permittee fail to complete the work.

A guarantee fee is a cash amount paid by the proposed permittee in advance of permit issuance to cover the performance of work within highway right-of-way. When work covered by the permittee is completed to the satisfaction of the resident engineer, the guarantee fee is refunded in its entirety to the permittee. Should the permittee fail to

complete the work to the satisfaction of the resident engineer, then all or whatever portion of the guarantee fee that is required to complete work covered by permit or restore the right-of-way to its original condition shall be retained by the department.

An irrevocable letter of credit may be used instead of a guarantee fee or performance bond. This letter of credit is furnished by a bank and is used to verify a line of credit that will be set aside to provide for coverage of work performed by the permittee or his agent in accordance with the approved permit. (For more information on permit charges, see the Land Use Permit Manual, 24 VAC 30-150-10 et seq.)

24 VAC 30-71-70. Location.

To prevent undue interference with free traffic movements, entrance locations shall be avoided within intersectional areas, traffic circles, railroad grade crossings, interchanges or similar areas of traffic congestion. It is essential that designs allow unimpeded traffic movements entering or exiting. Parking and storage spaces shall be located a reasonable distance from the entrance location to prevent interference with vehicles attempting to enter or exit the facility.

To reduce the number of points of access to state highways, joint use entrances are recommended if agreement can be reached by the owners. For a joint use entrance to be approved by the department, a copy of the property owner's recorded agreement shall be submitted to the department.

24 VAC 30-71-80. Construction.

The type and depth of pavement shall be clearly indicated on the permit application. The pavement of entrances, turn lanes, and tapers shall be of stable material which is at least comparable to the pavement of the adjacent roadway.

On site parking shall be designed so as not to interfere with sight distance and to prevent vehicular overhang on state right-of-way. Interior curbing should be set a minimum of two feet inside the right-of-way line and should extend the entire length of the parking area. When parking areas abut curbing sections with sidewalk, parked vehicles shall be kept a sufficient distance from the curbing by the use of parking bumpers, or other means, to prevent vehicle overhang over the sidewalk. The engineer shall determine the need for additional curbing along the right-of-way to the adjacent property line.

Mountable curb (standard CG-3 or CG-7 in the Road and Bridge Standards, Volumes I and II) is required when constructed within the clear zone of a road posted for a speed limit greater than 40 miles per hour in rural areas and 45 miles per hour in urban and suburban areas.

All curbing and entrance gutters used to construct commercial entrances shall be installed in accordance with the Virginia Department of Transportation's Road and Bridge Standards, January 1, 1993, and all material shall meet the department's certification.

The property owner or developer of commercial or industrial entrances or subdivision road entrances shall be

responsible for the entire construction of the entrance in accordance with the provisions of the required permit.

24 VAC 30-71-90. Drainage.

Entrances shall be constructed so as not to impair drainage within the state's right-of-way, and so that surface water shall drain from the state roadway.

Where deemed necessary by the engineer, copies of a complete drainage layout, based on a drainage study by a qualified engineer, shall be furnished by the permittee, along with his plans. This layout shall include the ultimate development and clearly show how the permittee proposes to handle the drainage and run-off from his development.

Pipe ends shall be reviewed independently by the engineer and grading or treatment at pipe ends shall be done in such a manner as to minimize any hazard the pipe end may present to an out-of-control vehicle.

24 VAC 30-71-100. Crossovers.

Crossovers between the main through lanes shall not be permitted at entrances being constructed under provisions of a permit unless determined necessary by the department, and then only in accordance with the current policy on crossovers as outlined in this chapter and the department's Road Design Manual, revised November 1994. All crossover locations shall be approved by the district traffic engineer.

Crossovers that do not meet the standards as outlined in the department's Road Design Manual shall be reviewed by the state traffic engineer and the state location and design engineer.

If the department determines that a crossover is permissible, the permittee shall be responsible for the entire cost and construction, including turn lanes, as deemed necessary by the engineer.

24 VAC 30-71-110. Auxiliary lanes, right turn lanes and left turn lanes.

The need for auxiliary lanes, right turn lanes and left turn lanes shall be determined by the resident engineer and district traffic engineer in accordance with the department's latest design and construction criteria included in the Road Design Manual.

24 VAC 30-71-120. Curb ramps for persons with mobility impairments.

Ramps in curb sections to aid the physically handicapped shall be provided as required in § 15.1-381 of the Code of Virginia. A standard drawing of the curb ramp (CG-12) is shown in the Road and Bridge Standards dated January 1, 1993.

24 VAC 30-71-130. Sight distances.

The following shall be utilized to evaluate sight distance. Vertical sight distance shall be determined from a target mounted 4¼ feet above the grade of the vehicle path simulating a vehicle entering or exiting the entrance. The sight distance shall be measured from an eye height of 3½ feet to the target. Horizontal sight distance shall be determined from a height of 3½ feet with the object being 4¼

feet. For more information on sight distance, see the 1990 edition of A Policy on Geometric Design of Highways and Streets published by the American Association of State Highway Transportation Officials.

On a typical two lane road with a horizontal curve, numerous objects restrict sight distance. These include, but are not limited to, cut slopes, buildings, vegetation, and vehicles. Landscaping in these areas shall conform to the VDOT Environmental Division's Planting Guidelines Manual, 1990. It is possible to have sight distance in the winter and not in the spring or summer due to the growth of vegetation. These obstructions should be considered when reviewing a commercial entrance permit. A divided highway may have similar problems. It is important to obtain the desirable commercial entrance sight distance from the entrance as well as the left turn position into the entrance. Any waiver of the required sight distance may only be granted by the chief engineer or the assistant commissioner for operations after a traffic engineering investigation has been conducted.

24 VAC 30-71-140. Responsibility for maintenance of commercial entrances.

Section 33.1-198 of the Code of Virginia places the responsibility on the property owner to maintain commercial entrances in a manner satisfactory to the department. However, for the safety of motorists and pedestrians and to promote effective drainage, portions of commercial entrances may be maintained by the department, as described below and depicted in Figure 1 (see 24 VAC 30-71-200).

1. Entrances in curb and gutter sections. If the department is responsible for maintenance of adjacent sidewalks, the department shall maintain the entrance to the back edge of the sidewalk. If there is no sidewalk, or if the department is not responsible for the maintenance of the sidewalk, the department shall maintain the entrance up to a line two feet behind the gutter line.

The property owner is responsible for the satisfactory maintenance of the entrance not maintained by the department.

2. Entrances not in curb and gutter sections. The department shall maintain that portion of the entrance between the edge of the pavement and the normal shoulder line. The property owner will be responsible for the satisfactory maintenance of the entrance not maintained by the department with the following exception. When the department constructs the separation island as part of a road project or safety improvement measure, the department is responsible for the maintenance of the island unless the right-of-way agreement designated the responsibility to the landowner.

Where commercial entrances are constructed under permit, the maintenance of the separation island is the responsibility of the property owner.

Proposed Regulations

24 VAC 30-71-150. *Drainage structures at commercial and private entrances.*

The department shall maintain drainage pipe at entrances to provide proper drainage. Repair or replacement shall be handled as follows:

1. *Private entrances.* Should the pipe or structure fail due to no fault of the department, the landowner shall furnish the necessary material for repairs and the department shall furnish the necessary labor for the work. Also, in questionable cases, right-of-way agreements should be examined for possible responsibility.

2. *Commercial entrances.* The landowner is responsible for repairing or replacing drainage structures which have failed due to no fault of the department. This repair or replacement shall be covered by permit.

Should the department damage or destroy the drainage structure, the department is responsible for restoring the entrance and drainage structure to as good or better condition.

24 VAC 30-71-160. *Tenure of commercial entrances.*

A. *Tenure of all commercial entrances to highways is finite and is not meant to be transferred from one owner to another. If department representatives determine that an entrance is substandard or that safety, use, or maintenance of the entrance has changed significantly enough to require corrections, then necessary changes shall be made or the entrance may be closed at the direction of the commissioner or his representative. It should also be noted that once an entrance has been constructed (regardless of date), the permittee or his successors or assignees shall be responsible for the maintenance and upkeep of the entrance as stated above.*

B. *Commercial entrances may require reconstruction or upgrading, or both, when department representatives determine after review that the following conditions exist:*

1. *When the entrance has been determined to be unsafe in its present condition for public use because of physical erosion of the entrance, increase in motor vehicle traffic, or some other condition is found to exist.*

2. *When traffic in and out of the entrance has changed significantly to require upgrading or reconstruction, or both. Such changes may include, but are not limited to changes in traffic volume, character of the traffic or peak hour traffic. This language is not intended to be exclusive.*

3. *When the entrance becomes unserviceable due to heavy equipment damage, reclamation by natural causes, or increased traffic volume, etc.*

C. *Commercial entrances shall be reviewed periodically for substandard conditions as outlined above and when the property is being considered for sale, has been rezoned, or when there is a change in commercial use either by the property owner or by a lessee. Department personnel shall work closely with the various local and county governments to protect the department's interest and the interest of the*

traveling public through zoning ordinances for commercial, subdivision and private entrance requirements, and to obtain their assistance in policing changes in ownership that might affect the department's requirements for the entrances. These periodic reviews are necessary to provide both patron and through-highway-traffic users a safe means of travel.

24 VAC 30-71-170. *Developer participation in traffic signal cost.*

The following guidelines have been developed in an effort to obtain an equitable method of determining developer responsibility for participation in funding traffic signal work necessitated by land development:

1. *Where the proposed development will generate sufficient traffic to warrant signalization, the total cost for design, materials, timing plans, and installation shall be borne by the developer.*

2. *Where development-generated traffic and existing highway traffic must be combined to meet the requirements for either the major or minor movements for any hour or hours, the developer shall bear 50% of the total cost for design materials, timing plans, and installation.*

3. *Where an existing traffic signal must be modified to accommodate traffic movements to or from the development, the developer shall bear the total cost for any design, materials, timing plans, installation, and relocation required to accommodate the development traffic.*

For large developments, such as regional shopping centers and corporate complexes, the department reserves the right to require that the developer design or have designed the traffic signal, including timing plans, and to install or have installed a complete working installation. Designs and installations shall be in accordance with the current departmental specifications and standards and shall be approved by the engineer.

24 VAC 30-71-180. *Authorization (private entrance).*

The Commonwealth Transportation Board is authorized to control and regulate entrances to improved highways as provided in § 33.1-197 of the Code of Virginia.

24 VAC 30-71-190. *Drainage (private entrance).*

The property owner constructing a new private entrance shall, where required, furnish the necessary size pipe which meets the department's Road and Bridge Specifications. The department may install the pipe. No grading of the entrance shall be performed by the department.

24 VAC 30-71-200. *Responsibility for maintenance (private entrance).*

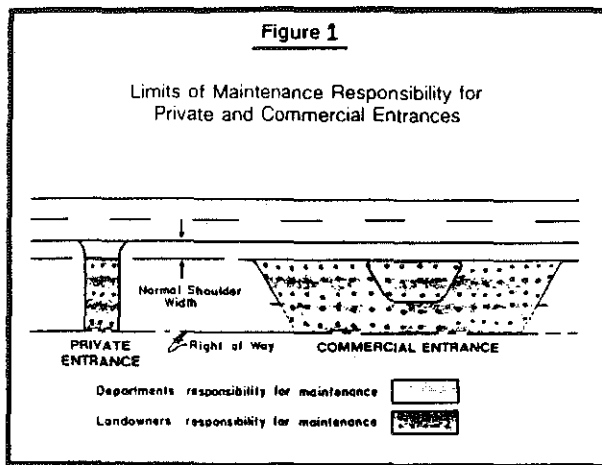
The department is responsible for the maintenance of that portion of the entrance within the normal shoulder as shown in Figure 1. The property owner is responsible for the maintenance of the remainder of the entrance except that the resident engineer, at his discretion, may periodically add stabilization stone to that portion of the entrance on the right-of-way. The department is not responsible for any

maintenance on hard-surfaced entrances beyond the normal shoulder line.

For specific information concerning private entrances and public road connections, reference should be made to the department's Subdivision Street Requirements (24 VAC 30-90-10 et seq.), Policy Manual and Land Use Permit Manual (24 VAC 30-150-10 et seq.), and Road and Bridge Standards. This information is available in the residency and district offices.

In a curb and gutter section with sidewalk where the department shall be responsible for the maintenance of the sidewalk, the department is responsible for the maintenance of entrances to the back edge of the sidewalk.

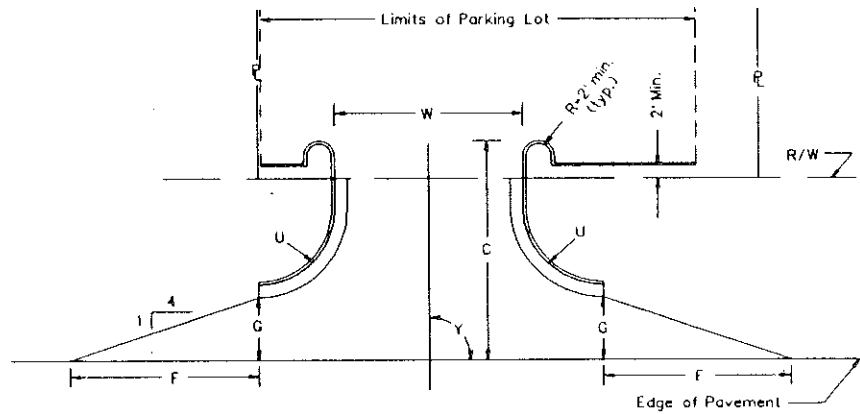
In a curb and gutter section without sidewalk or where the department is not responsible for the maintenance of the sidewalk, the department shall maintain the entrance only to a line two feet behind the gutter line.



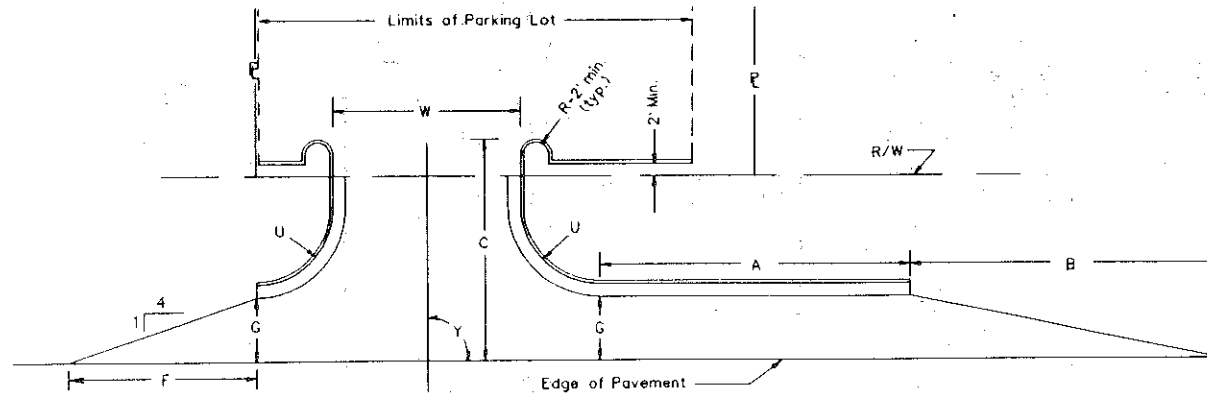
24 VAC 30-71-210. Commercial entrance design illustrations.

COMMERCIAL ENTRANCE DESIGNS ALONG HIGHWAYS WITH SHOULDERS

SINGLE TWO-WAY ENTRANCE



SINGLE TWO-WAY ENTRANCE WITH RIGHT TURN LANE AND TAPER



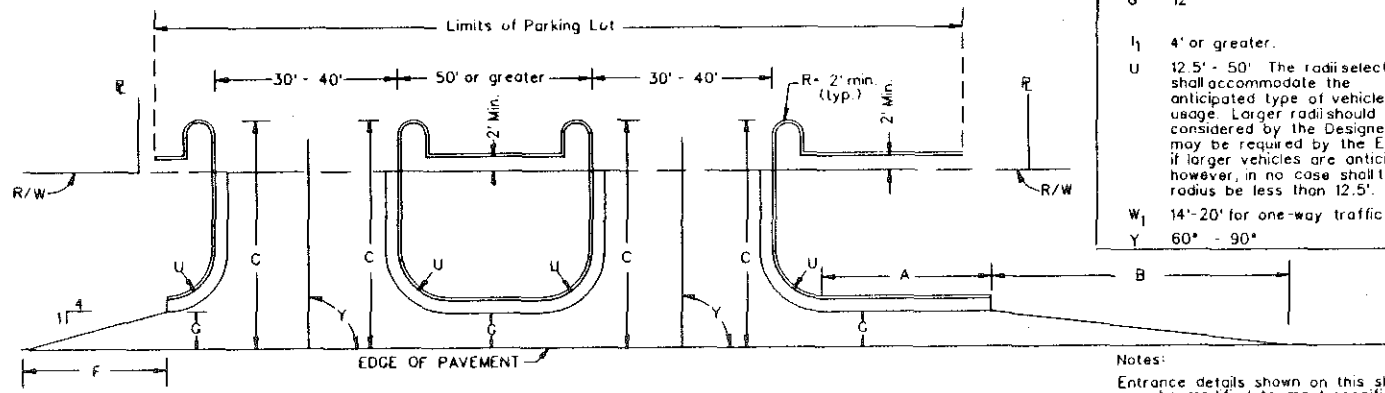
LETTER SYMBOL	DIMENSIONS
A	As determined by the Engineer
B	100' or greater.
C	25' or greater. In developing areas where it is anticipated that the right turn lane will become a continuous thru lane in the future, an additional 12' is recommended.
F	48' or greater.
G	12'
U	12.5' - 50'. The radii selected shall accommodate the anticipated type of vehicle usage. Larger radii should be considered by the designer or may be required by the Engineer if larger vehicles are anticipated; however, in no case shall radius be less than 12.5'.
W	30' - 40'
Y	60° - 90°

Notes:
Entrance details shown on this sheet may be modified to meet specific site requirements as directed or approved by the Engineer, when based on sound engineering principles.

If an Accessible route as defined on page _____ is present, curb ramps in accordance with S't'd. CG-12 will be provided.

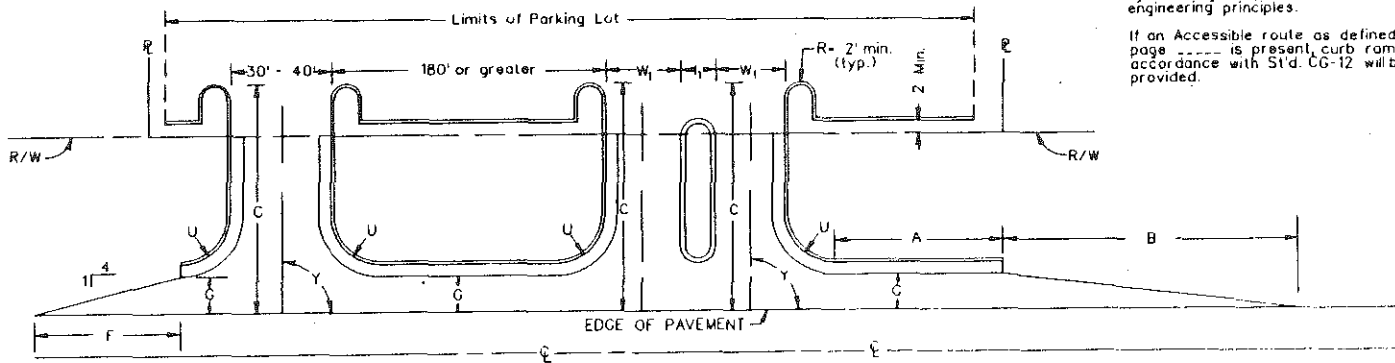
COMMERCIAL ENTRANCE DESIGNS ALONG HIGHWAYS WITH SHOULDERS

MULTIPLE ENTRANCES WITH RIGHT TURN LANE AND TAPER



LETTER SYMBOL	DIMENSIONS
A	As determined by the Engineer
B	100' or greater
C	25' or greater. In developing areas where it is anticipated that the right turn lane will become a continuous thru lane in the future, an additional 12' is recommended.
	200' or greater for entrance to a major shopping center as determined by the Engineer.
F	48' or greater.
G	12'
I ₁	4' or greater.
U	12.5' - 50'. The radius selected shall accommodate the anticipated type of vehicle usage. Larger radii should be considered by the Designer or may be required by the Engineer if larger vehicles are anticipated; however, in no case shall the radius be less than 12.5'.
W ₁	14' - 20' for one-way traffic
Y	60° - 90°

SHOPPING CENTER ENTRANCES



Notes:
Entrance details shown on this sheet may be modified to meet specific site requirements as directed or approved by the Engineer, when based on sound engineering principles.

If an Accessible route as defined on page ----- is present, curb ramps in accordance with Std. CG-12 will be provided.

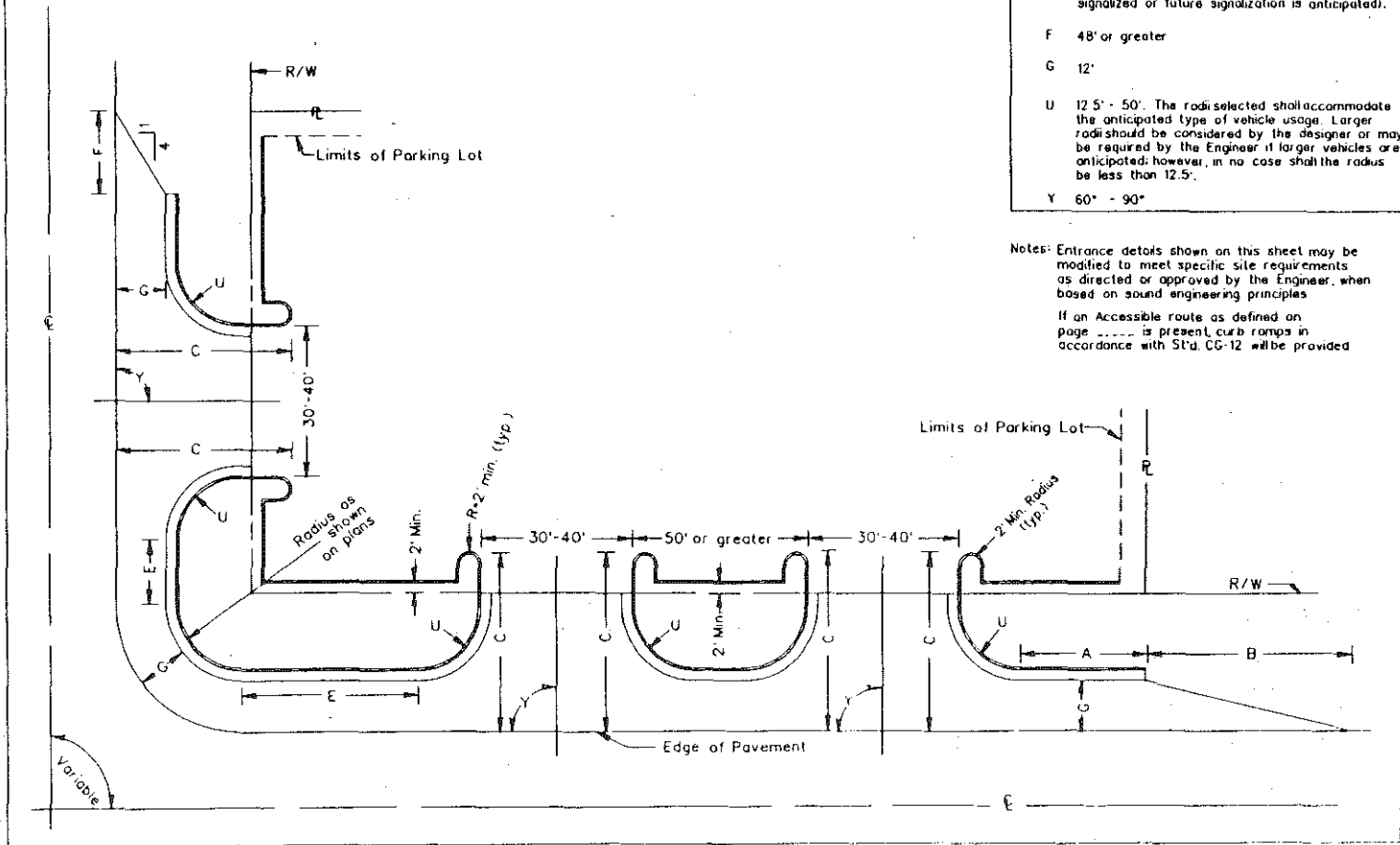
COMMERCIAL ENTRANCE DESIGNS ALONG HIGHWAYS WITH SHOULDERS

MULTIPLE ENTRANCES AT INTERSECTIONS

LETTER SYMBOL	DIMENSIONS
A	As determined by the Engineer
B	100' or greater
C	25' or greater in developing areas where it is anticipated that the right turn lane will become a continuous thru lane in the future, an additional 12' is recommended. 200' or greater for entrance to a major shopping center as determined by the engineer.
E	50' or greater (additional length will be required as directed by the Engineer if intersection is signalized or future signalization is anticipated).
F	48' or greater
G	12'
U	12.5' - 50'. The radius selected shall accommodate the anticipated type of vehicle usage. Larger radii should be considered by the designer or may be required by the Engineer if larger vehicles are anticipated; however, in no case shall the radius be less than 12.5'.
Y	60° - 90°

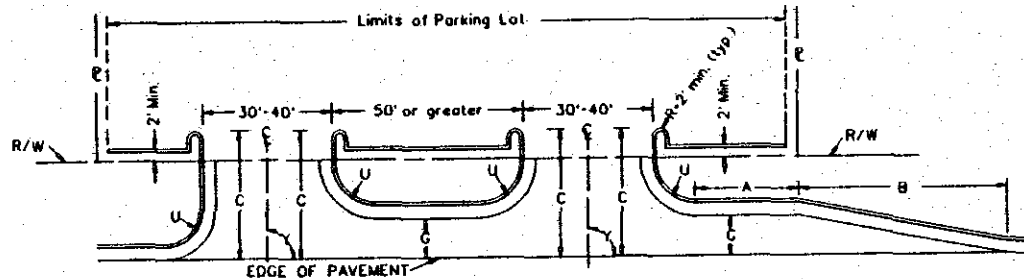
Notes: Entrance details shown on this sheet may be modified to meet specific site requirements as directed or approved by the Engineer, when based on sound engineering principles

If an Accessible route as defined on page _____ is present, curb ramps in accordance with S'ta. CG-12 will be provided

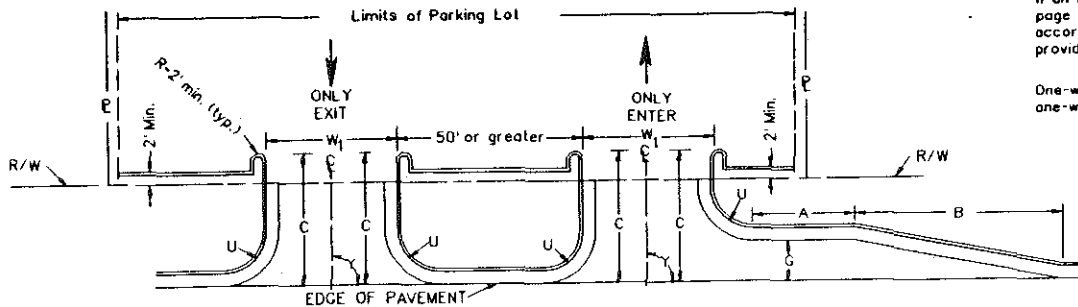


COMMERCIAL ENTRANCE DESIGNS ALONG HIGHWAYS WITH CURB AND GUTTER

MULTIPLE ENTRANCES WITH RIGHT TURN LANE AND TAPER



TWO ONE-WAY ENTRANCES WITH RIGHT TURN LANE AND TAPER



LETTER SYMBOL	DIMENSIONS
A	As determined by the Engineer.
B	100' or greater.
C	25' or greater. In developing areas where it is anticipated that the right turn lane will become a continuous thru lane in the future, an additional 12' is recommended.
	200' or greater for entrance to a major shopping center as determined by the Engineer.
G	12'
U	12.5' to 50'. The radii selected shall accommodate the anticipated type of vehicle usage. Larger radii should be considered by the Designer or may be required by the Engineer if larger vehicles are anticipated; however, in no case shall the radius be less than 12.5'.
W ₁	14'-20' for one-way traffic.
Y	60° - 90°

Notes: Entrance details shown on this sheet may be modified to meet specific site requirements as directed or approved by the Engineer, when based on sound engineering principles.

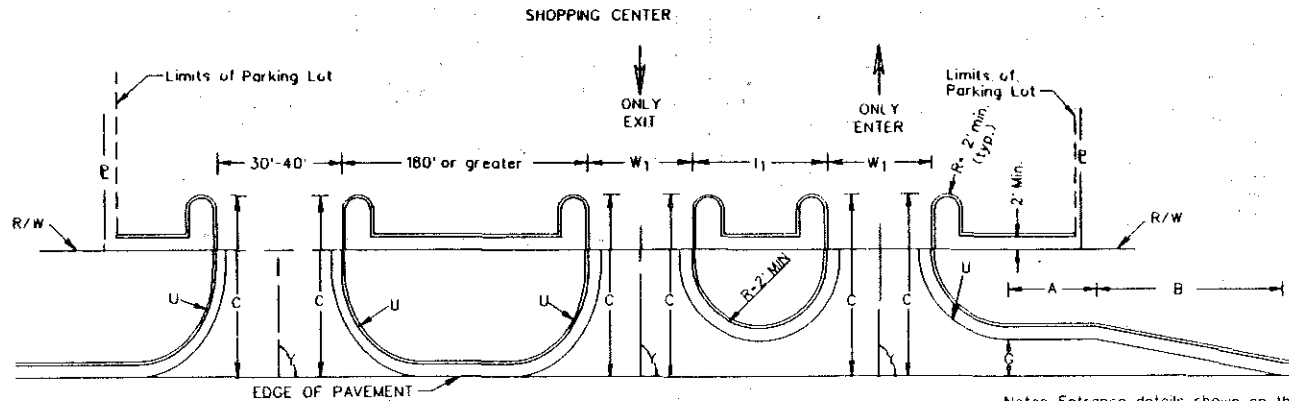
If an Accessible route as defined on page ----- is present, curb ramps in accordance with St'd. CG-12 will be provided.

One-way entrances must be signed one-way.

COMMERCIAL ENTRANCE DESIGNS ALONG HIGHWAYS WITH CURB AND GUTTER

MULTIPLE ENTRANCES WITH RIGHT TURN LANES
AND TAPER FOR SHOPPING CENTER ENTRANCES

LETTER SYMBOL	DIMENSIONS
A	As determined by the Engineer
B	100' or greater
C	25' or greater. In developing areas where it is anticipated that the right turn lane will become a continuous thru lane in the future, an additional 12' is recommended.
	200' or greater for entrance to a major shopping center as determined by the Engineer.
G	12'
I_1	4' or greater
U	12.5'-50'. The radii selected shall accommodate the anticipated type of vehicle usage. Larger radii should be considered by the designer or may be required by the Engineer if larger vehicles are anticipated; however, in no case shall the radius be less than 12.5'.
W_1	14'-20' for one-way traffic
Y	60°-90°



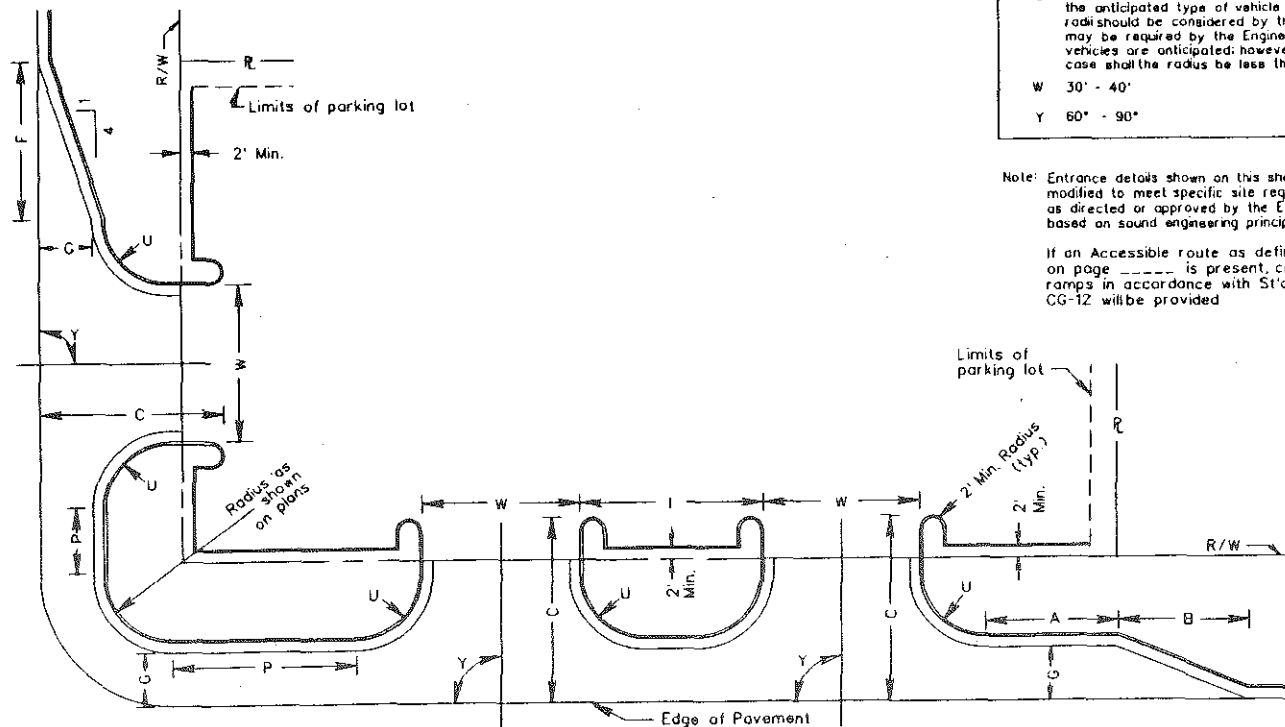
Notes: Entrance details shown on this sheet may be modified to meet specific site requirements as directed or approved by the Engineer, when based on sound engineering principles.

If an Accessible route as defined on page _____ is present, curb ramps in accordance with Std. CG-12 will be provided.

One-way entrances must be signed one-way

COMMERCIAL ENTRANCE DESIGNS ALONG HIGHWAYS WITH CURB AND GUTTER

MULTIPLE ENTRANCES AT INTERSECTION
WITH RIGHT TURN LANE AND TAPER



LETTER SYMBOL **DIMENSIONS**

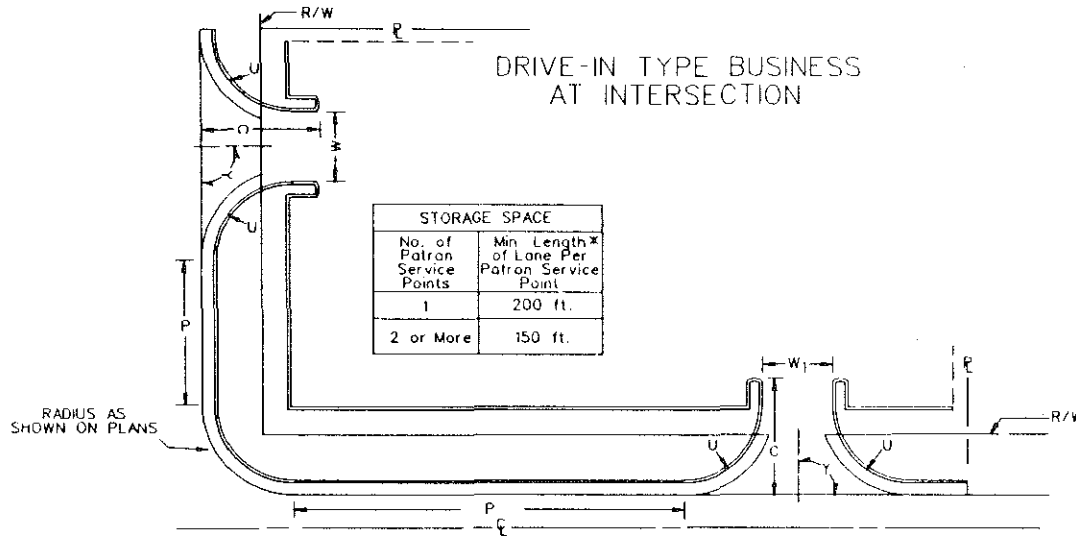
- A As determined by the Engineer
- B 100' or greater.
- C 25' or greater. In developing areas where it is anticipated that the right turn lane will become a continuous thru lane in the future, an additional 12' is recommended.
200' or greater for entrance to shopping center or other major traffic generator as determined by the engineer.
- F 48' or greater.
- G 12'
- J 50' or greater.
- P 50' or greater additional length will be required as directed by the Engineer if intersection is signalized or future signalization is anticipated.
- U 12.5' - 50'. The radius selected shall accommodate the anticipated type of vehicle usage. Larger radii should be considered by the Engineer if larger vehicles are anticipated; however, in no case shall the radius be less than 12.5'.
- W 30' - 40'
- Y 60° - 90°

Note: Entrance details shown on this sheet may be modified to meet specific site requirements as directed or approved by the Engineer, when based on sound engineering principles.

If an Accessible route as defined on page _____ is present, curb ramps in accordance with S'd. CG-12 will be provided.

COMMERCIAL ENTRANCE DESIGNS TO SERVE DRIVE-IN TYPE BUSINESSES SUCH AS DRIVE-IN BANKS, FAST FOOD RESTAURANTS, SERVICE STATIONS, AND CAR WASHES WITH ONE WAY TRAFFIC ENTERING AND OR EXITING HIGHWAYS

LETTER SYMBOL	DIMENSIONS
A	As determined by the Engineer
B	100' or greater
C	25' or greater in developing areas where it is anticipated that the right turn lane will become a continuous thru lane in the future, an additional 12' is recommended.
G	12'
P	50' or greater (additional length will be required as directed by the Engineer if intersection is signalized or future signalization is anticipated.)
U	12.5'-50'. The radii selected shall accommodate the anticipated type of vehicle usage. Larger radii should be considered by the Designer or may be required by the Engineer if larger vehicles are anticipated; however, in no case shall radius be less than 12.5'.
W	30'-40'
W ₁	14'-20' for one-way traffic
Y	60° - 90°

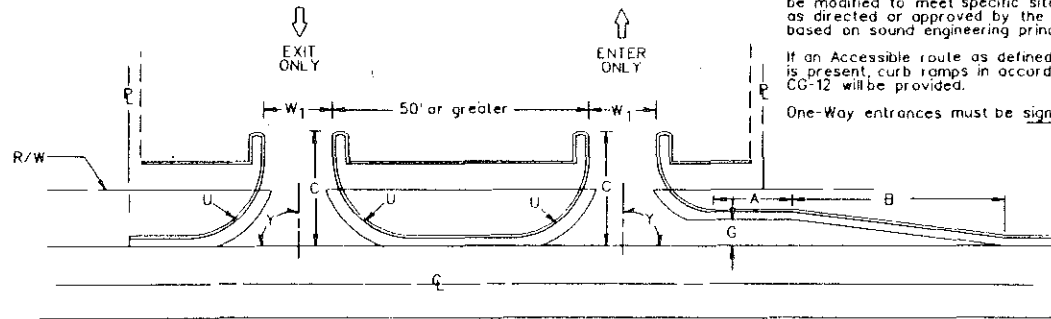


Minimum distance from gasoline pump to R/W line for Service Station	
Pump Island to Pavement Edge	Distance
Parallel	12 ft
1° to 45°	20 ft
46° to 90°	30 ft.

DRIVE-IN TYPE BUSINESS MID BLOCK WITH RIGHT TURN LANE AND TAPER

STORAGE SPACE	
No. of Patron Service Points	Min Length* of Lane Per Patron Service Point
1	200 ft.
2 or More	150 ft.

* Length measured from nearest service point to highway.



NOTES: Entrance details shown on this sheet may be modified to meet specific site requirements as directed or approved by the Engineer, when based on sound engineering principles.

If an Accessible route as defined on page 51 is present, curb ramps in accordance with Std. CG-12 will be provided.

One-Way entrances must be signed one-way.

STANDARD PRIVATE SUBDIVISION ROAD/STREET ENTRANCE

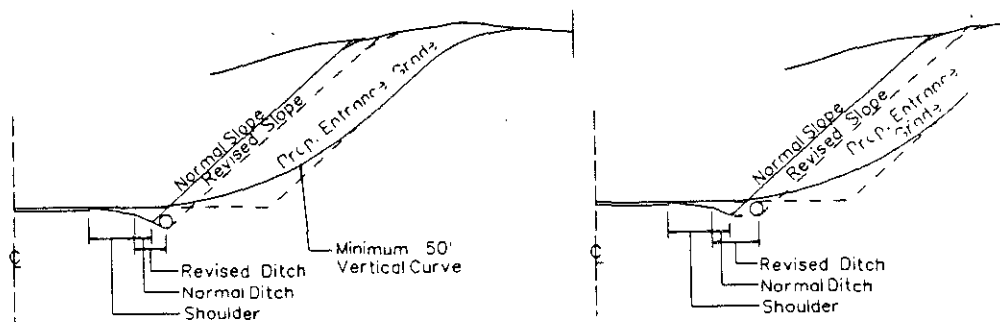
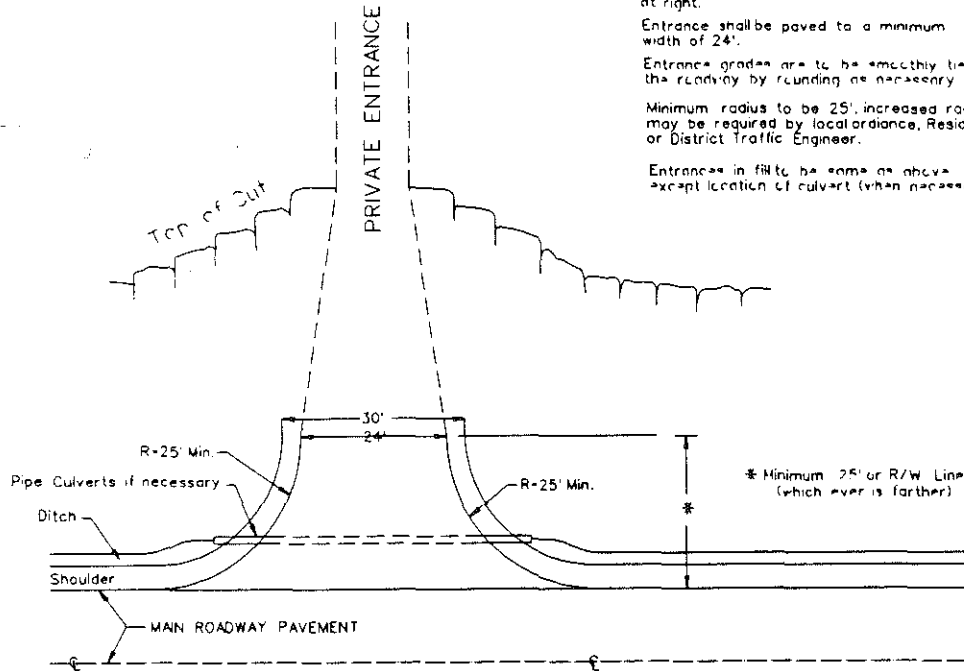
Note: All entrance grades shall start back of the shoulder line. If drainage is necessary, the ditch line may be moved back to provide at least 2" of cover over pipe, as shown at right.

Entrance shall be paved to a minimum width of 24'.

Entrance grades are to be smoothly tied into the roadway by rounding as necessary.

Minimum radius to be 25', increased radius may be required by local ordinance, Resident or District Traffic Engineer.

Entrances in front to be same as above except location of culvert (when necessary).



ALTERNATE METHODS FOR PLACING PIPES UNDER ENTRANCES

Proposed Regulations

24 VAC 30-71-220. *Listing of documents incorporated by reference.*

Information pertaining to the availability and cost of any of these publications should be directed to the department's division indicated, by writing to the Virginia Department of Transportation, 1401 East Broad Street, Richmond, Virginia 23219.

1. *Guidelines for Planting along Virginia's Roadways (1990), Environmental Division (VDOT)*
2. *24 VAC 30-90-10 et seq., Subdivision Street Requirements (1996), Secondary Roads Division (VDOT)*
3. *24 VAC 30-150-10 et seq., Land Use Permit Manual (1983), Maintenance Division (VDOT)*
4. *Policy on Geometric Design of Highways and Streets (1990), Secondary Roads Division (VDOT)*
5. *Road and Bridge Standards, Volumes I and II (1993), Secondary Roads Division (VDOT)*
6. *Pavement Design Guide for Subdivision and Secondary Roads in Virginia (revised January 1996), Materials Division (VDOT)*
7. *Road Design Manual, Volumes I and II (revised November 1994), Location and Design Division (VDOT)*
8. *Road and Bridge Specifications (1994), Construction Division (VDOT)*

VA.R. Doc. No. R97-69; Filed October 9, 1996, 9:58 a.m.

FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

Symbol Key

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

STATE LOTTERY BOARD

Title of Regulation: 11 VAC 5-20-10 et seq. Administration Regulations (amending 11 VAC 5-20-60, 11 VAC 5-20-70, 11 VAC 5-20-80, 11 VAC 5-20-110 through 11 VAC 5-20-180, 11 VAC 5-20-200, 11 VAC 5-20-240 through 11 VAC 5-20-270, 11 VAC 5-20-400, 11 VAC 5-20-410, 11 VAC 5-20-420, and 11 VAC 5-20-450 through 11 VAC 5-20-520; and repealing 11 VAC 5-20-20 through 11 VAC 5-20-50, and 11 VAC 5-20-190).

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Effective Date: November 28, 1996.

Summary:

The amendments (i) specify that the State Lottery Board must hold regular, but not necessarily monthly, meetings; (ii) clarify the dollar amount for sole source and emergency procurement exemptions and restrictions which already exist in the current regulations; (iii) simplify regulations by removing provisions which duplicate those contained in, but which are not mandated by, the Code of Virginia; and (iv) incorporate numerous technical and housekeeping revisions required as a result of preparation for the new Virginia Administrative Code.

Summary of Public Comment and Agency Response: No public comment was received by the promulgating agency.

Agency Contact: Copies of the regulation may be obtained from the State Lottery Department, Public Affairs Division, 700 East Main Street, Richmond, VA 23219, telephone (804) 692-7777.

11 VAC 5-20-20. ~~Generally.~~ (Repealed.)

~~The purpose of the state lottery is to produce revenue consistent with the integrity of the Commonwealth and the general welfare of its people. The operations of the State Lottery Board and the State Lottery Department will be conducted efficiently, honestly and economically.~~

11 VAC 5-20-30. ~~State Lottery Board.~~ (Repealed.)

~~A. Monthly meetings.—The board will hold monthly public meetings to receive information and recommendations from the director on the operation and administration of the lottery and to take official action. It may also request information from the public. The board may have additional meetings as needed. (See Part III, Board Procedures.)~~

~~B. Inspection of department records.—At the board's request, the department shall produce for review and inspection the department's books, records, files and other information and documents.~~

11 VAC 5-20-40. ~~Director.~~ (Repealed.)

~~The director shall administer the operations of the State Lottery Department following the authority of the Code of Virginia and these regulations.~~

11 VAC 5-20-50. ~~Ineligible players of the lottery.~~ (Repealed.)

~~Board members, officers or employees of the lottery, or any board member, officer or employee of any vendor to the lottery of lottery on-line or instant ticket goods or services working directly with the department on a contract for such goods or services, or any person residing in the same household as any such board member, officer, employee, or any person under 18 years of age may not purchase tickets or receive prizes of the lottery.~~

11 VAC 5-20-60. Advertising.

A. ~~Generally.~~ Advertising may include but is not limited to print advertisements, radio and television advertisements, billboards, point of purchase and point of sale display materials. The department will not use funds for advertising which is for the primary purpose of inducing people to play the lottery.

B. ~~Lottery-retailer advertising.~~ Any lottery retailer may use his own advertising materials if the department has approved its use in writing before it is shown to the public. The department shall develop written guidelines for giving such approval.

C. ~~Information provided by department.~~ The department may provide information displays or other material to the retailer. The retailer shall position the material so it can be seen easily by the general public.

D. ~~Special advertising.~~ The department may produce special posters, brochures or flyers describing various aspects of the lottery and provide these to lottery retailers to post or distribute.

E. ~~Winner advertising.~~ The department may use interviews, pictures or statements from people who have won lottery prizes to show that prizes are won and awarded; however, in no case shall the use of interviews, pictures or statements be for the primary purpose of inducing persons to participate in the lottery.

F. ~~Other advertising.~~ The department may use other informational and advertising items which may include any materials deemed appropriate advertising, informational, and educational media which are not for the primary purpose of inducing people to play the lottery.

11 VAC 5-20-70. Operations of the department.

A. ~~Generally.~~ The department shall be operated in a manner which considers the needs of the Commonwealth,

Final Regulations

lottery retailers, the public, the convenience of the ticket purchasers, and winners of lottery prizes.

~~B. Employment.~~ The department shall hire people without regard to race, sex, color, national origin, religion, age, handicap, or political affiliation.

~~1. All employees shall be recruited and selected in a manner consistent with the policies which apply to classified positions.~~

~~2. Sales and marketing employees are exempt from the Virginia Personnel Act.~~

~~C. Internal operations.~~ A. The department will operate under the internal administrative, accounting and financial controls specifically developed for the State Lottery Department under the applicable policies required by the Departments of Accounts, Planning and Budget, Treasury, State Internal Auditor and by the Auditor of Public Accounts.

1. Internal operations include, but are not limited to, ticket controls, money receipts and payouts, payroll and leave, budgeting, accounting, revenue forecasting, purchasing and leasing, petty cash, bank account reconciliation and fiscal report preparation.

2. Internal operations apply to automated and manual systems.

~~D. External operations.~~ B. The department will conduct business with the public, lottery retailers, vendors and others with integrity and honesty.

~~E. Apportionment of lottery revenue.~~ C. Moneys received from lottery sales will be divided approximately as follows:

50% Prizes

45% State Lottery Fund Account
(On and after July 1, 1989, administrative costs of the lottery shall not exceed 10% of total annual estimated gross revenues to be generated from lottery sales.)

5.0% Lottery retailer compensation

~~F. State Lottery Fund Account.~~ D. The State Lottery Fund will be established as an account in the Commonwealth's accounting system. The account will be established following usual procedures and will be under regulations and controls as other state accounts. Funding will be from gross sales.

1. Within the State Lottery Fund, there shall be a "Lottery Prize Special Reserve Fund" subaccount created in the State Lottery Fund account which will be used when lottery prize payouts exceed department cash on hand. Five percent of monthly gross sales shall be transferred to the Lottery Prize Special Reserve Fund until the amount of the Lottery Prize Special Reserve Fund reaches 5.0% of the gross lottery revenue from the previous year's annual sales or \$5 million dollars, whichever is less.

a. The calculation of the 5.0% will be made for each instant or on-line game.

b. The funding of this subaccount may be adjusted at any time by the board.

~~2. Reserved.~~

~~3. 2. Other subaccounts may be established in the State Lottery Fund account as needed at the direction of the board upon the request of the director with concurrence of the State Comptroller and the Auditor of Public Accounts.~~

4. 3. In accordance with the Appropriation Act, the State Comptroller provides an interest-free line of credit not to exceed \$25,000,000 to the department. This line of credit is in lieu of the Operations Special Reserve Fund required to be established by the Comptroller in accordance with § 58.1-4022 B of the Code of Virginia. Draw-downs against this line of credit are available immediately upon request of the department.

~~G. Administrative and operations costs.~~ E. Lottery expenses include, but are not limited to, ticket costs, vendor fees, consultant fees, advertising costs, salaries, rents, utilities, and telecommunications costs.

~~H. Audit of lottery revenues.~~ F. The cost of any audit shall be paid from the State Lottery Fund.

1. The Auditor of Public Accounts or his designee shall conduct a monthly post-audit of all accounts and transactions of the department. When, in the opinion of the Auditor of Public Accounts, monthly post-audits are no longer necessary to ensure the integrity of the lottery, the Auditor of Public Accounts shall notify the board in writing of his opinion and fix a schedule of less frequent post-audits. The schedule of post-audits may, in turn, be further adjusted by the same procedure to require either more or less frequent audits in the future.

2. Annually, the Auditor of Public Accounts shall conduct a fiscal and compliance audit of the department's accounts and transactions.

~~I. Other matters.~~ G. The board and director may address other matters not mentioned in this chapter *Chapters 20 (11 VAC 5-20-10 et seq.), 30 (11 VAC 5-30-10 et seq.), and 40 (11 VAC 5-40-10 et seq.)* which are needed or desired for the efficient and economical operation and administration of the lottery.

11 VAC 5-20-80. Approval of banks.

A. The State Treasurer, with the concurrence of the director, and in accordance with applicable Treasury directives, shall approve a bank or banks to provide services to the department.

B. A bank or banks shall serve as agents for electronic funds transfers between the department and lottery retailers as required by ~~these regulations~~ *Chapters 20 (11 VAC 5-20-10 et seq.), 30 (11 VAC 5-30-10 et seq.), and 40 (11 VAC 5-40-10 et seq.)* and by contracts between the department, the State Treasury, retailers, and the banks.

C. In selecting the bank or banks to provide these services, the State Treasurer and the director shall consider quality of services offered, the ability of the banks to guarantee the safekeeping of department accounts and related materials, the cost of services provided and the sophistication of bank systems and products.

D. There shall be no limit on the number of banks approved under this section.

11 VAC 5-20-110. Depository for transfer of tickets.

A. The department may designate one or more depositories to transfer lottery tickets, lottery materials, and related documents between the department and lottery retailers.

~~B. Reserved.~~

~~C. B.~~ In determining whether to use depositories for transferring tickets, materials and documents between the department and lottery retailers, the department may consider any relevant factor including, but not limited to, cost, security, timeliness of delivery, marketing concerns, sales objectives and privatization of governmental services.

~~ARTICLE 1.~~

~~Board Procedures for the Conduct of Business.~~

11 VAC 5-20-120. Officers of the board.

~~A. Chairman and vice chairman.~~ The board shall have a chairman and a vice chairman who shall be elected by the board members.

~~B. Term of officers.~~ The board will elect its officers annually at its January meeting to serve for the calendar year.

11 VAC 5-20-130. Board meetings.

~~A. Monthly meetings.~~ The board will hold ~~monthly regular~~ public meetings to receive information and recommendations from the director on the operation and administration of the lottery and to take official action. The board may also request information from the public.

~~B. Special meetings.~~ The board may hold additional meetings as may be necessary to carry out its work. The chairman may call a special meeting at any time and shall call a special meeting when requested to do so by at least two board members or at the request of the director. Notice of special meetings shall be given to all board members at least two calendar days before the meeting. Written notice is preferred but telephonic notice may be accepted by any board member in lieu of written notice.

~~C. Quorum.~~ Three or more board members shall constitute a quorum for the conduct of business at both regular and special meetings of the board. A simple majority vote at a regular meeting is sufficient to take official action but official action at a special meeting requires three affirmative votes. The chairman is eligible to vote at all meetings.

~~D. Conflict of interest.~~ If any board member determines that he has a conflict of interest or potential conflict relating to a matter to be considered, that board member shall not take part in such deliberations.

11 VAC 5-20-140. Committees of the board.

A. ~~Ad hoc committees.~~ The board chairman may at his discretion appoint such ad hoc committees as he deems necessary to assist the board in its work.

~~B. Purpose of committees.~~ An ad hoc committee may be established to advise the board on a matter referred to it or to act on a matter on behalf of the board if so designated.

1. A committee established to act on a matter on behalf of the board shall be composed entirely of board members and shall have at least three members.

a. Three members shall constitute a quorum.

b. Official action of such a committee shall require not fewer than three affirmative votes with each member including the chairman having one vote.

c. If a committee's vote results in an affirmative vote of only two members, the committee shall present a recommendation to the board and the board shall then take action on the matter.

2. A committee established to act in an advisory capacity to the board may include members of the general public. At least two members shall be board members and the chairman shall be a board member appointed by the board chairman.

a. A majority of the members appointed to an advisory committee constitutes a quorum.

b. Recommendations of an advisory committee may be adopted by a majority vote of those present and voting. The chairman of an advisory committee shall be eligible to vote on all recommendations.

c. All actions of advisory committees shall be presented to the board in the form of recommendations.

~~ARTICLE 2.~~

~~Procedures for Appeals on Licensing Actions.~~

11 VAC 5-20-150. Conferences on denial, suspension or revocation of a retailer's license.

~~A. Generally.~~ An instant lottery retailer applicant or an instant lottery retailer surveyed for an on-line license who is denied a license or a retailer whose license is denied for renewal or is suspended or revoked or any retailer that believes it is eligible for placement of an instant ticket vending machine (ITVM) or self-service terminal (SST) based on criteria established by the department but which has been denied such placement may appeal the licensing decision and request a conference on the licensing action.

~~B. Conferences to conform to Administrative Process Act provisions.~~ The conduct of license appeal conferences will conform to the provisions of Article 3 (§ 9-6.14:11 et seq.) of Chapter 1.1:1 of Title 9 of the Code of Virginia relating to case decisions.

1. An initial conference consisting of an informal fact finding process will be conducted by the director or the appointed conference officer in private to attempt to resolve the issue to the satisfaction of the parties involved.

2. If an appeal is not resolved through the informal fact finding process, a formal hearing will be conducted by

Final Regulations

the board in public. The board will then issue its decision on the case.

3. Upon receipt of the board's decision on the case, the appellant may elect to pursue court action in accordance with the provisions of the Administrative Process Act (APA) relating to court review.

11 VAC 5-20-160. Procedure for appealing a licensing decision.

~~A. Form for appeal.~~ Upon receiving a notice that (i) an application for an instant game license, or the survey of an instant retailer for licensing as an on-line retailer, or the renewal of a license, has been denied by the director, or (ii) the director intends to or has already taken action to suspend or revoke a current license, or (iii) any retailer that believes it is eligible for placement of an instant ticket vending machine (ITVM) or self-service terminal (SST) based on criteria established by the department, the applicant or licensed retailer may appeal in writing for a conference on the licensing action. The appeal shall be submitted within 30 days of receipt of the notice of the licensing action.

1. Receipt is presumed to have taken place not later than the third day following mailing of the notice to the last known address of the applicant or licensed retailer. If the third day falls upon a day on which mail is not delivered by the United States Postal Service, the notice is presumed to have been received on the next business day. The "last known address" means the address shown on the application of an applicant or licensed retailer.

2. The appeal will be timely if it bears a United States Postal Service postmark showing mailing on or before the 30th day prescribed in 11 VAC 5-20-160 A.

~~B. Where to file appeal.~~ An appeal *may* be mailed shall ~~be addressed or hand delivered to: the director at the State Lottery Department headquarters office.~~

~~State Lottery Director
State Lottery Department
Post Office Box 4689
Richmond, Virginia 23220~~

An appeal to be hand delivered shall be delivered to:

~~State Lottery Director
State Lottery Department
900 East Main Street
Richmond, Virginia 23219~~

1. An appeal delivered by hand will be timely only if received at the headquarters of the State Lottery Department within the time allowed by ~~11 VAC 5-20-160 subsection A of this section.~~

2. Delivery to State Lottery Department regional offices or to lottery sales personnel by hand or by mail is not effective.

3. The appellant assumes full responsibility for the method chosen to file the notice of appeal.

~~C. Content of appeal.~~ The appeal shall state:

1. The decision of the director which is being appealed;
2. The basis for the appeal;
3. The retailer's license number or the Retailer License Application Control Number; and
4. Any additional information the appellant may wish to include concerning the appeal.

11 VAC 5-20-170. Procedures for conducting informal fact finding licensing conferences.

~~A. Conference officer to conduct informal conference.~~ The conference officer will conduct an informal fact finding conference with the appellant for the purpose of resolving the licensing action at issue.

~~B. Conference date and notice.~~ The conference officer will hold the conference as soon as possible but not later than 30 days after the appeal is filed. A notice setting out the conference date, time and location will be sent to the appellant, by certified mail, return receipt requested, at least 10 days before the day set for the conference.

~~C. Place of conferences.~~ All informal conferences shall be held in Richmond, Virginia, unless the conference officer decides otherwise.

~~D. Conduct of conferences.~~ The conferences shall be informal. They shall not be open to the public.

1. The conferences will be electronically recorded. The recordings will be kept until any time limits for any subsequent appeals have expired.
2. A court reporter may be used. The court reporter shall be paid by the person who requested him. If the appellant elects to have a court reporter, a transcript shall be provided to the department. The transcript shall become part of the department's records.
3. The appellant may appear in person or may be represented by counsel to present his facts, argument or proof in the matter to be heard and may request other parties to appear to present testimony.
4. The department will present its facts in the case and may request other parties to appear to present testimony.
5. Questions may be asked by any of the parties at any time during the presentation of information subject to the conference officer's prerogative to regulate the order of presentation in a manner which serves the interest of fairly developing the factual background of the appeal.
6. The conference officer may exclude information at any time which he believes is not germane or which repeats information already received.
7. The conference officer shall declare the conference completed when both parties have finished presenting their information.

~~E. Conference officer to issue written decision.~~ Normally, the conference officer shall issue his decision within 15 days after the conclusion of an informal conference. However, for a conference with a court reporter, the conference officer

shall issue his decision within 15 days after receipt of the transcript of the conference. The decision will be in the form of a letter to the appellant summarizing the case and setting out his decision on the matter. The decision will be sent to the appellant by certified mail, return receipt requested.

~~F. Appeal to board for hearing.~~ After receiving the conference officer's decision on the informal conference, the appellant may elect to appeal to the board for a formal hearing on the licensing action. The appeal shall be:

1. Submitted in writing within 15 days of receipt of the conference officer's decision on the informal conference;
2. Mailed or hand delivered to: the headquarters of the State Lottery Department.

Chairman, State Lottery Board
 State Lottery Department
 Post Office Box 4689
 Richmond, Virginia 23220

OR

Hand delivered to:

Chairman, State Lottery Board
 State Lottery Department
 900 East Main Street
 Richmond, Virginia 23219

3. The same procedures in 11 VAC 5-20-160 B for filing the original notice of appeal govern the filing of the notice of appeal of the conference officer's decision to the board.
4. The appeal shall state:
 - a. The decision of the conference officer which is being appealed;
 - b. The basis for the appeal;
 - c. The retailer's license number or the Retailer License Application Control Number; and
 - d. Any additional information the appellant may wish to include concerning the appeal.

11 VAC 5-20-180. Procedures for conducting formal licensing hearings.

~~A. Board to conduct formal hearing.~~ The board will conduct a formal hearing within 45 days of receipt of an appeal on a licensing action.

~~B. Number of board members hearing appeal.~~ Three or more members of the board are sufficient to hear an appeal. If the chairman of the board is not present, the members present shall choose one from among them to preside over the hearing.

~~C. Board chairman may designate an ad hoc committee to hear appeals.~~ The board chairman at his discretion may designate an ad hoc committee of the board to hear licensing appeals and act on its behalf. Such committee shall have at least three members who will hear the appeal on behalf of the board. If the chairman of the board is not present, the members of the ad hoc committee shall choose one from among them to preside over the hearing.

~~D. Conflict of interest.~~ If any board member determines that he has a conflict of interest or potential conflict, that board member shall not take part in the hearing. In the event of such a disqualification on a subcommittee, the board chairman shall appoint an ad hoc substitute for the hearing.

~~E. Notice, time and place of hearing.~~ A notice setting the hearing date, time and location will be sent to the appellant by certified mail, return receipt requested, at least 10 days before the day set for the hearing. All hearings will be held in Richmond, Virginia, unless the board decides otherwise.

~~F. Conduct of hearings.~~ The hearings shall be conducted in accordance with the provisions of the Virginia Administrative Process Act (APA) (§ 9-6.14:1 et seq.). The hearings shall be open to the public.

1. The hearings will be electronically recorded and the recordings will be kept until any time limits for any subsequent court appeals have expired.
2. A court reporter may be used. The court reporter shall be paid by the person who requested him. If the appellant elects to have a court reporter, a transcript shall be provided to the department. The transcript shall become part of the department's records.
3. The provisions of §§ 9-6.14:12 through [~~9-1.14:14~~ 9-6.14:14] of the APA shall apply with respect to the rights and responsibilities of the appellant and of the department.

~~G. Board's decision.~~ Normally, the board will issue its written decision within 21 days of the conclusion of the hearing. However, for a hearing with a court reporter, the board will issue its written decision within 21 days of receipt of the transcript of the hearing.

1. A copy of the board's written decision will be sent to the appellant by certified mail, return receipt requested. The original written decision shall be retained in the department and become a part of the case file.
2. The written decision will contain:
 - a. A statement of the facts to be called "Findings of Facts";
 - b. A statement of conclusions to be called "Conclusions" and to include as much detail as the board feels is necessary to set out the reasons and basis for its decision; and
 - c. A statement, to be called "Decision and Order," which sets out the board's decision and order in the case.

~~H. Court review.~~ After receiving the board's decision on the case, the appellant may elect to pursue court review as provided for in the Administrative Process Act.

ARTICLE 3.

Procedures for Promulgating Regulations.

11 VAC 5-20-190. Board procedures for promulgating regulations. (Repealed.)

~~The board shall promulgate regulations, in consultation with the director, in accordance with the provisions of the~~

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~~Administrative Process Act (Chapter 1.1:1 of Title 9 of the Code of Virginia).~~

~~1. The board will provide for a public participation process to be set out in "Guidelines for Public Participation in Regulation Development and Promulgation."~~

~~2. Public hearings may be held if the subject matter of a proposed regulation and the level of interest generated through the public participation process warrant them.~~

11 VAC 5-20-200. Procurement in general.

A. To promote the free enterprise system in Virginia, the State Lottery Department will purchase goods or services by using competitive methods whenever possible. In its operations and to ensure efficiency, effectiveness and economy, the department will consider using goods and services offered by private enterprise.

~~B. Reserved.~~

~~C. B.~~ The department may purchase goods or services which are under state term contracts established by the Department of General Services, Division of Purchases and Supply, when in the best interest of the State Lottery Department.

~~D. C.~~ When time permits, the department may publish notice of procurement actions in "Virginia Business Opportunities," published by the Department of General Services, Division of Purchases and Supply.

11 VAC 5-20-240. Invitations for Bids.

A. A written Invitation for Bids (IFB) may be used by the department to describe in detail the specifications, contractual terms and conditions which apply to a purchase of goods or services.

B. The IFB will list special qualifications needed by a vendor. It will describe the contract requirements and set the due date for bid responses.

1. The IFB may contain inspection, testing, quality, and other terms essential to the contract.

2. It may contain other optional data.

C. Public notice of the IFB shall be given.

1. The IFB may be mailed to potential bidders and to the Department of Minority Business Enterprise. In addition, it may be published in summary form stating where a full copy may be obtained in general circulation newspapers in areas where the contract will be performed. The IFB shall be posted for not less than five working days at the department's ~~central office headquarters~~ in a public area used to post purchase notices, and shall be given to any other interested vendor.

2. The publication of the IFB notice will consider the means which will best serve the department's procurement needs and competition in the private sector.

D. ~~Receiving IFB's.~~ 1. Bids shall be received until the date and time set forth in the IFB. 2. Late bids shall not be considered.

E. ~~Opening IFB's.~~ The IFB may provide that bids shall be publicly opened. If bids are publicly opened, the following items shall be read aloud:

1. Name of bidder;

2. Unit or lot price, as applicable; and

3. Terms: discount terms offered, if applicable, and brand name and model number, if requested by attendees.

F. ~~Evaluating IFB's.~~ The department shall evaluate each vendor bid.

1. The evaluation shall consider whether the bid responds to the factors in the IFB.

2. All bids which respond completely to the IFB shall be evaluated to determine which bid presents the lowest dollar price.

3. The vendor presenting the lowest price bid shall be evaluated to determine whether he is a responsible bidder.

G. ~~Award of IFB contract.~~ The department shall award the contract to the lowest responsive and responsible bidder.

11 VAC 5-20-250. Sole source procurements.

A. A sole source procurement shall be made when there is only one source practicably available for goods or services. Because there is only one source practicably available, a sole source contract may be made without the use of an RFI, RFP, IFB or other competitive procurement process.

B. For a sole source procurement of *goods* of more than \$2,000 and *services* of \$5,000 but not more than \$15,000, the department will state in writing for the file that only one source was determined to be practicably available, the vendor selected, the goods or services procured, the date of the procurement and factors leading to the determination of sole source.

C. For a sole source procurement greater than \$15,000, on the day the director awards the procurement, he will post for not less than five working days a written statement in a public area used to post purchase notices at the department's ~~central office headquarters~~. The director will state in writing for the file that only one source was determined to be practicably available, the vendor selected, the goods and services procured for, the factors leading to the determination of sole source, and the date of the procurement.

11 VAC 5-20-260. Emergency purchase procurement.

A. An emergency purchase procurement shall be made when an unexpected, sudden, serious, or urgent situation demands immediate action. An emergency purchase may be used only to purchase goods or services necessary to meet the emergency; subsequent purchases must be obtained through normal purchasing procedures. Competitive procedures are not required to make an emergency purchase procurement.

B. For an emergency purchase of *goods* of more than \$2,000 and *services* of \$5,000 but not more than \$15,000, the department will state in writing the nature of the

emergency, the vendor selected, the goods or services procured, the date of the procurement and factors leading to a determination of the emergency purchase.

C. For an emergency purchase greater than \$15,000, on the day the director awards the procurement, a written statement shall be posted for not less than five working days in a public area used to post purchase notices at the department's ~~central office headquarters~~. The director will state in writing for the file the nature of the emergency, the vendor selected, the goods and services procured, the date of the procurement and factors leading to a determination of the emergency purchase.

11 VAC 5-20-270. Procedures for small purchases.

A. ~~Generally~~. Small purchases are those where the estimated one-time or annual contract for cost of goods or services does not exceed \$15,000.

B. ~~Price quotations~~. Price quotations may be obtained through oral quotations in person or by telephone without the use of an RFI, RFP or IFB.

C. ~~Written confirmation~~. If the contract is \$2,000 or less, no written confirmation is needed. Written price confirmation from the vendor is needed for small purchases over \$2,000.

D. Except in the case of an emergency under 11 VAC 5-20-260 or for purchases of goods of \$2,000 or less or services of \$5,000 or less, the department will attempt to obtain at least three quotations.

E. In letting small purchase contracts, the department may consider factors in addition to price.

11 VAC 5-20-400. Administration of contracts.

A. ~~Generally~~. The department will follow procedures in administering its contracts that will ensure that the vendor is complying with all terms and conditions of the contract.

B. ~~Records~~. The department shall keep all records relating to a contract for three years after the end of a contract.

1. The records shall include the requirements, a list of the vendors bidding, methods of evaluation, a signed copy of the contract, comments on vendor performance, and any other information necessary.

2. Records shall be open to the public except for proprietary information for which protection has been properly requested.

C. ~~Change orders~~. 1. Contracts may need to be adjusted for minor changes. The department may change the contract to correct errors, to add or delete small quantities of goods, or to make other minor changes.

2. 1. The department shall send the changes in writing to the vendor. Vendors who deviate from the contract without receiving the written changes from the department do so at their own risk.

3. 2. Modifications shall require the signature of the director or the signature of the designee granted authority to sign for the amount amended, except a contract may be modified for payment purposes by an amount not to exceed 10% of the total contract without a

written change order or amendment. In no event shall a contract be modified for an amount of \$10,000 or 25%, whichever is greater, individually or cumulatively without approval and signature of the director. Modifications shall be effected by issuance of a letter in the form of a change order or amendment to the original agreement issued by the State Lottery Department and accepted by signature of the contractor. Such letter shall become part of the official contract.

~~4. Reserved.~~

D. ~~Cancellation orders~~. The department shall cancel orders in writing. Contracts may be cancelled if the vendor fails to fulfill his obligations as provided in 11 VAC 5-20-390 A and B.

E. ~~Overshipments and overruns~~. The department may refuse to accept goods which exceed the number ordered. The goods may be returned to the vendor at the vendor's expense.

F. ~~Inspection, acceptance and rejection of goods or services~~. 1. The department shall be responsible for inspecting, accepting or rejecting goods or services under contract.

2. 1. In rejecting goods or services, the department will notify the vendor as soon as possible.

3. 2. The department will state the reasons for rejecting the goods or services and request prompt replacement.

4. 3. Replacement goods or services shall be made available at a date acceptable to the department.

G. ~~Complaints~~. The department will report complaints in writing to the vendor as they occur. The reports will be part of the department's purchase records.

H. ~~Invoice processing~~. To maintain good vendor relations and a competitive environment, the department will process invoices promptly. The department shall follow the requirements for prompt payment found in *Article 2.1 (§ 11-62.1 et seq.) of Chapter 7 of Title 11, Chapter 7, Article 2.4* of the Code of Virginia. The department will use rules and regulations issued by the Department of Accounts to process invoices.

I. ~~Default actions~~. Before the department finds a vendor in default of a contract, it will consider the specific reasons the vendor failed and the time needed to get goods or services from other vendors.

J. ~~Termination for convenience of the department~~. 1. A purchase order or contract may be terminated for the convenience of the department by delivering to the vendor a notice of termination specifying the extent to which performance under the purchase order or contract is terminated, and the date of termination. After receipt of a notice of termination, the contractor must stop all work or deliveries under the purchase order or contract on the date and to the extent specified.

2. 1. If the purchase order or contract is for commercial items sold in substantial quantities to the general public and no specific identifiable inventories were maintained exclusively for the department's use, no claims will be

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accepted by the department. Payment will be made for items shipped prior to receipt of the termination notice.

3. 2. If the purchase order or contract is for items being produced exclusively for the use of the department, and raw materials or services must be secured by the vendor from other sources, the vendor shall order no additional materials or services except as may be necessary for completion of any portion of the work which was not terminated. The department may direct the delivery of the fabricated or unfabricated parts, work in process, completed work, supplies, and other material produced as a part of, or acquired in connection with the performance of the work, or direct the vendor to sell the same, subject to the department's approval as to price. The vendor may, with the approval of the department retain the same, and apply a credit to the claim. The vendor must complete performance on any part of the purchase order or contract which was not terminated.

4. 3. Within 120 days after receipt of the notice of termination, or such longer period as the department for good cause may allow, the vendor must submit any termination claims. This claim will be in a form and with certifications prescribed by the purchasing office that issued the purchase order. The claim will be reviewed and forwarded with appropriate recommendations to the requisitioning agency or the appropriate assistant attorney general, or both, for disposition in accordance with § 2.1-127 of the Code of Virginia.

11 VAC 5-20-410. Vendor background.

A. A vendor shall allow the department to check his background. The background check may extend to any on-line or instant ticket vendor employee working directly on a contract with the department, any parent or subsidiary corporation of the vendor and shareholders of 5.0% or more of the vendor, parent or subsidiary corporation. The check may include officers and directors of the vendor or parent or subsidiary corporation.

B. Before contracting with the department, the department may require a vendor to sign an agreement with the department to allow a criminal investigation of the entities and persons named in 11 VAC 5-20-410 *subsection A of this section*.

C. The vendor shall allow the department to audit, inspect, examine or photocopy the vendor's records related to the State Lottery Department business during normal business hours.

11 VAC 5-20-420. Ethics in contracting.

A. ~~Generally.~~ Except for more stringent requirements set forth in this section, the department will follow the ethics in public contracting requirements of the Virginia Public Procurement Act, *Article 4 (§ 11-72 et seq.) of Chapter 7 of Title 11, Chapter 7, Article 4* of the Code of Virginia.

B. ~~Employee role with vendors prohibited.~~ A department employee who has responsibility to buy from vendors may not:

1. Be employed by a vendor at the same time;

2. Have a business associate or a member of his household be an officer, director, trustee, partner or hold a similar position with a vendor or play a role in soliciting contracts for vendors;

3. Himself or his business associate or a member of his household own or control an interest in a vendor of at least 5.0%;

4. Himself or his business associate or a member of his household have a personal interest in a contract procured for the department; or

5. Himself or his business associate or a member of his household negotiate or have an arrangement about prospective employment with a vendor.

~~C. Offers, requests, or acceptance of gifts.~~ No vendor or employee of the department involved in purchasing will offer, request or accept, at the present or in the future, any payment, loan, advance, deposit of money, services or anything of more than nominal value for which nothing of comparable value is exchanged.

~~D. Kickbacks.~~ No vendor will demand or receive from any of his suppliers or subcontractors, as an incentive for a contract, any kickback.

~~E. Vendors to give certified statement on ethics in contracting.~~ Each vendor shall give the department a certified statement that the proposal, bid, or contract or any claim is not the result of, or affected by, collusion with another vendor. The statement will also state that no act of fraud has been involved in negotiating, signing and meeting the contract.

~~F. Department employees to give notice of subsequent employment with vendors.~~ Any department employee or former employee who dealt in an official capacity with vendors on procurement actions who intends to accept employment from any such vendor within one year of terminating his employment with the department shall give notice to the director of his intention prior to his first day of employment with the vendor.

G. Any contract which violates the contracting ethics in the Code of Virginia and these regulations *this chapter* may be voided and rescinded immediately by the department.

11 VAC 5-20-450. Appeals, protests, time frames and remedies related to solicitation and award of contracts.

A. If a vendor is considered ineligible or disqualified ~~1.~~, the vendor may appeal the department's decision.

1. The written appeal shall be filed within 10 days after the vendor receives the department's decision.

2. If appealed and the department's decision is reversed, the sole relief will be to consider the vendor eligible for the particular contract.

B. If a vendor is not allowed to withdraw a bid in certain circumstances ~~1.~~, the vendor may appeal the department's decision.

1. The written appeal shall be filed within 10 days after the vendor receives the department's decision.

2. If no bond has been posted by the vendor, then before appealing the department's decision the vendor shall provide to the department a certified check or cash bond for the amount of the difference between the bid sought to be withdrawn and the next lowest bid.

a. The certified check shall be payable to the State Lottery Department.

b. The cash bond shall name the State Lottery Department as obligor.

c. The security shall be released if the vendor is allowed to withdraw the bid or if the vendor withdraws the appeal and agrees to accept the bid or if the department's decision is reversed.

d. The security shall go to the State Lottery Department if the vendor loses all appeals and fails to accept the contract.

3. If appealed and the department's decision is reversed, the sole relief shall be to allow the vendor to withdraw the bid.

~~C. If a vendor is considered not responsible for certain contracts.~~ 1. Any vendor, despite being the low bidder, may be determined not to be responsible for a particular contract.

1. The vendor may appeal the department's decision. The written appeal shall be filed within 10 days after the vendor receives the department's decision.

2. If appealed and the department's decision is reversed, the sole relief shall be that the vendor is a responsible vendor for the particular contract under appeal.

3. A vendor protesting the department's decision that he is not responsible, shall appeal under this section and shall not protest the award or proposed award under subsection D of this section.

4. Nothing contained in this subsection shall be construed to require the department to furnish a statement of the reasons why a particular proposal was not deemed acceptable.

~~D. If a vendor protests an award or decision.~~ 1. Any vendor or potential vendor may protest the award or the department's decision to award a contract.

1. The written protest shall be filed within 10 days after the award on the announcement of the decision to award is posted or published, whichever occurs first.

2. If the protest depends upon information contained in public records pertaining to the purchase, then a 10-day time limit for a protest begins to run after the records are made available to the vendor for inspection, so long as the vendor's request to inspect the records is made within 10 days after the award or the announcement of the decision to award is posted or published, whichever occurs first.

3. No protest can be made that the selected vendor is not a responsible vendor. The only grounds for filing a protest are (i) that a procurement action was not based upon competitive principles, or (ii) that a procurement

action violated the standards of ethics promulgated by the board.

4. If, prior to an award, it is determined by the director that the department's decision to award the contract is erroneous, the only relief will be that the director will cancel the proposed award or revise it.

5. No protest shall delay the award of a contract.

6. Where the award has been made, but the work has not begun, the director may stop the contract. Where the award has been made and the work begun, the director may decide that the contract is void if voiding the contract is in the best interest of the public. Where a contract is declared void, the performing vendor will be paid for the cost of work up to the time when the contract was voided. In no event shall the performing vendor be paid for lost profits.

11 VAC 5-20-460. Appeals, time frames and remedies related to contract disputes and claims.

~~A. Generally.~~ In the event a vendor has a dispute with the department over a contract awarded to him, he may file a written claim with the director.

~~B. Contract claims.~~ Claims for money or other relief, shall be submitted in writing to the director, and shall state the reasons for the action.

1. All vendor's claims shall be filed no later than 30 days after final payment is made by the department.

2. If a claim arises while a contract is still being fulfilled, a vendor shall give a written notice of the vendor's intention to file a claim. The notice shall be given to the director at the time the vendor begins the disputed work or within 10 days after the dispute occurs.

3. Nothing in this chapter shall keep a vendor from submitting an invoice to the department for final payment after the work is completed and accepted.

4. Pending claims shall not delay payment from the department to the vendor for undisputed amounts.

5. The director's decision will state the reasons for the action.

~~C. Claims relief.~~ Relief from administrative procedures, liquidated damages, or informalities may be given by the director. The circumstances allowing relief usually result from acts of God, sabotage, and accidents, fire or explosion not caused by negligence.

11 VAC 5-20-470. Form and content of appeal to the director.

~~A. Form for appeal.~~ The vendor shall make the appeal to the director in writing. The appeal shall be mailed or hand delivered to the State Lottery Director, at the headquarters of the State Lottery Department, P.O. Box 4689, Richmond, Virginia 23220 or hand delivered to the department's central office at 900 East Main Street, Richmond, Virginia 23219.

~~B. Content of appeal.~~ The appeal shall state the:

1. Decision of the department which is being appealed;

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2. Basis for the appeal;
3. Contract number;
4. Other information which identifies the contract; and
5. Reasons for the action.

~~C. Vendor notification.~~ The director's decision on an appeal will be sent to the vendor by certified mail, return receipt requested.

1. The director shall follow the time limits in ~~the regulations~~ *this chapter* and shall not make exceptions to the filing periods for the vendor's appeal and rendering the director's decision.
2. The director's decision will state the reasons for the action.

11 VAC 5-20-480. State Lottery Department appeal hearing procedures.

~~A. Generally.~~ The director or the appointed hearing officer will conduct a hearing on every appeal within 45 days after the appeal is filed with the director. The hearings before the State Lottery Department are not trials and shall not be conducted like a trial.

1. The Administrative Process Act does not apply to the hearings.
2. The hearings shall be informal. The vendor and the department will be given a reasonable time to present their position.
3. Legal counsel may represent the vendor or the department. Counsel is not required.
4. The director may exclude evidence which he determines is repetitive or not relevant to the dispute under consideration.
5. The director may limit the number of witnesses, testimony and oral presentation in order to hear the appeal in a reasonable amount of time.
6. Witnesses may be asked to testify. The director does not have subpoena power. No oath will be given.
7. The director may ask questions at any time. The director may not question the vendor in closed session.

~~B. Public hearings for appeals.~~ 1. Hearings shall be open to the public.

1. The director may adjourn the public hearing to discuss and reach his decision in private.
2. The hearings shall be electronically recorded. The department will keep the recordings for 60 days.
3. A court reporter may be used. The court reporter shall be paid by the person who requested him.
 - a. The court reporter's transcript shall be given to the director at no expense, unless the director requests the use of a court reporter.
 - b. The transcript shall become part of the department's records.

~~C. Order during the hearing.~~ Unless the director determines otherwise, hearings will be in the following order:

1. The vendor will explain his reasons for appealing and the desired relief.
2. The vendor will present his witnesses and evidence. The director and the department will be able to ask questions of each witness.
3. The department will present its witnesses and evidence. The appellant may ask questions of each party and witness.
4. After all evidence has been presented, the director shall reach his decision in private.

11 VAC 5-20-490. Notice, time and place of hearings.

~~A. Notice and setting the time.~~ All people involved in the hearing will be given at least 10 days notice of the time and place of the appeal hearing.

1. Appeals may be heard sooner if everyone agrees.
2. In scheduling hearings, the director may consider the desires of the people involved in the hearing.

~~B. Place of hearings.~~ All hearings shall be held in Richmond, Virginia, unless the director decides otherwise.

11 VAC 5-20-500. Who may take part in the appeal hearing.

~~A. Generally.~~ The director may request specific people to take part in the hearing.

~~B. Hearings on ineligibility, disqualification, responsibility or denial of a request to withdraw a bid.~~ The protesting vendor and the department shall participate *in hearings on ineligibility, disqualification, responsibility, or denial of a request to withdraw a bid.*

~~C. Hearings on claims or disputes.~~ The protesting vendor and the department shall participate *in hearings on claims or disputes.*

11 VAC 5-20-510. Director's decision.

~~A. Generally.~~ The director will issue a written decision within 30 days after the hearing date except for hearings with a court reporter.

~~B. Hearings with court reporter.~~ For hearings with a court reporter, the director's decision will be issued within 30 days after a transcript of the hearing is received by the director if a transcript is prepared. There is no requirement that a transcript be made, even if services of a court reporter are used for the hearing.

~~C. Format of decision.~~ *shall include:*

1. The director's decision will include a brief statement of the facts. This will be called "Findings of Fact."
2. The director will give his decision. The decision will include as much detail as the director feels is necessary to set out reasons for his decision.
3. The decision will be signed by the director.

~~D. Copies of the decision.~~ Copies will be mailed to the appealing vendor, all other vendors who participated in the appeal and the department. The director will give copies of the decision to other people who request it.

11 VAC 5-20-520. Appeal to courts.

A. The department is not subject to the Virginia Public Procurement Act. Thus, a vendor has no automatic right of appeal of a decision to award, an award, a contract dispute, or a claim with the department.

B. Nothing in these regulations ~~this chapter~~ shall prevent the director from taking legal action against a vendor.

NOTICE: The forms used in administering 11 VAC 5-20-10 et seq., Administration Regulations, are not being published; however, the name of each form is listed below. The forms are available for public inspection at the State Lottery Department, 900 East Main Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 910 Capitol Square, 2nd Floor, Richmond, Virginia.

Informal Conference Request [~~(rev. 7/93)~~, 1996].

Formal *Administrative* Hearing Request [, 1996].

~~State Lottery Department Agency Purchase Order.~~

VA.R. Doc. No. R97-59; Filed October 9, 1996, 9:29 a.m.

Title of Regulation: 11 VAC 5-30-10 et seq. Instant Game Regulations (amending 11 VAC 5-30-10 through 11 VAC 5-30-90, 11 VAC 5-30-110, 11 VAC 5-30-130, 11 VAC 5-30-150, 11 VAC 5-30-180, 11 VAC 5-30-290, 11 VAC 5-30-300, 11 VAC 5-30-330, 11 VAC 5-30-380, 11 VAC 5-30-390, 11 VAC 5-30-490, 11 VAC 5-30-530, 11 VAC 5-30-540, 11 VAC 5-30-580, 11 VAC 5-30-590, and 11 VAC 5-30-610 through 11 VAC 5-30-640; and repealing 11 VAC 5-30-240, 11 VAC 5-30-360, 11 VAC 5-30-400, and 11 VAC 5-30-480).

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Effective Date: November 28, 1996.

Summary:

The amendments (i) clarify that the grounds for revoking a lottery retailer's license include failure to maintain sufficient funds to pay for lottery tickets; (ii) specify the disposition of invalid free ticket prizes; (iii) eliminate the use of claim forms, except in certain unusual circumstances; (iv) authorize players to cash winning tickets at Lottery headquarters in addition to cashing tickets at lottery regional offices and lottery retail locations; (v) simplify regulations by removing provisions which duplicate those contained in, but which are not mandated by, the Code of Virginia; and (vi) incorporate numerous technical and housekeeping revisions required as a result of preparation for the new Virginia Administrative Code.

Summary of Public Comment and Agency Response: No public comment was received by the promulgating agency.

Agency Contact: Copies of the regulation may be obtained from the State Lottery Department, Public Affairs Division, 700 East Main Street, Richmond, VA 23219, telephone (804) 692-7777.

11 VAC 5-30-10. Definitions; licensing.

A. The words and terms, when used in any of the department's regulations, shall have the same meaning as defined in this chapter, unless the context clearly indicates otherwise.

A. B. Definitions for instant games: *are as follows:*

"*Altered ticket*" means a lottery ticket which has been forged, counterfeited or altered.

"*Bearer instrument*" means a lottery ticket which has not been signed by or on behalf of a person or a legal entity. Any prize won on an unsigned ticket is payable to the holder, or bearer, of that ticket.

"*Book*" or "*ticket book*" means the same thing as "*pack*."

"*Damaged ticket*" means a lottery ticket pulled from distribution by the department due to poor quality, e.g., bent, torn or defaced, thereby rendering it unfit to play.

"*Erroneous ticket*" means a lottery ticket which contains an unintentional manufacturing or printing defect. A player holding such a lottery ticket is entitled to a replacement ticket of equal value.

"*Game*" means any individual or particular type of lottery authorized by the board.

"*Instant game*" means a game that uses preprinted tickets with a latex covering over a portion of the ticket. The covering is scratched off by the player to reveal immediately whether the player has won a prize or entry into a prize drawing. An instant game may include other types of non-on-line lottery games.

"*Instant ticket*" means an instant game ticket with a latex covering the game symbols located in the play area. Each ticket has a unique validation number and ticket number.

"*License approval notice*" means the form sent to the retailer by the lottery department notifying him that his application for a license has been approved and giving him instructions for obtaining the required surety bond and setting up his lottery bank account.

"*Lottery retailer*" or "*lottery sales retailer*" or "*retailer*" means a person licensed by the director to sell and dispense lottery tickets, materials or lottery games for instant lottery games or for both instant and on-line lottery games.

"*Low-tier winner*" or "*low-tier winning ticket*" means an instant game ticket which carries a cash prize of \$25 or less or a prize of additional unplayed instant tickets.

"*Manufactured omitted tickets*" means those tickets pulled from distribution due to poor quality by the manufacturer prior to distribution to the department.

"*Omitted tickets*" means those tickets pulled from distribution by the department for testing purposes and quality assurance.

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"Pack" generally means a set quantity of individually wrapped unbroken, consecutively numbered, fanfolded instant game tickets which all bear an identical book or pack number which is unique to that book or pack among all the tickets printed for a particular game.

"Player" means a person who is a lottery customer who has purchased or intends to purchase any lottery ticket or tickets for a specific lottery game or drawing, or an agent or representative of such person. Licensed lottery retailers and their employees may be a lottery customer; however, they may not act as agents or representatives of a player.

"Prize" means any cash or noncash award to holders of winning instant or on-line tickets.

"Retailer," as used in this chapter, means a licensed instant lottery retailer, unless the context clearly requires otherwise.

"Ticket" or "tickets" means a lottery instant game preprinted ticket which is identifiable to a particular game or drawing.

"Ticket number" means the preprinted unique number or combination of letters and numbers which identifies that particular ticket as one within a particular game or drawing.

"Validation" means the process of determining whether a lottery ticket is a winning ticket.

"Validation number" means the unique number or number-and-letter code printed on the front of an instant ticket sometimes under a latex covering bearing the words "Do not remove," "Void if removed" or similarly worded label, or the unique number assigned by the on-line central computer and printed on the front of each on-line ticket.

~~B. Licensing of retailers for instant games.~~ C. The director may license as lottery retailers for instant games persons who will best serve the public convenience and promote the sale of tickets and who meet the eligibility criteria and standards for licensing.

For purposes of this part on licensing, "person" means an individual, association, partnership, corporation, club, trust, estate, society, company, joint stock company, receiver, trustee, assignee, referee, or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals. "Person" also means all departments, commissions, agencies and instrumentalities of the Commonwealth, including its counties, cities, and towns.

11 VAC 5-30-20. Eligibility.

~~A. Eighteen years of age and bondable.~~ Any person who is 18 years of age or older and who is bondable may submit an application for licensure, except no person may submit an application for licensure:

1. Who will be engaged primarily in the business of selling lottery tickets;
2. Who is a board member, officer or employee of the State Lottery Department or who resides in the same household as a board member, officer or employee of the department; or

3. Who is a vendor of lottery tickets or material or data processing services, or whose business is owned by, controlled by, or affiliated with a vendor of lottery tickets or materials or data processing services.

~~B. Application not an entitlement to license.~~ The submission of an application for licensure does not in any way entitle any person to receive a license to act as a lottery retailer.

11 VAC 5-30-30. Application procedure.

Any eligible person shall first file an application with the department on forms supplied for that purpose, along with the required fees as specified elsewhere in these regulations *this chapter*. The applicant shall complete all information on the application forms in order to be considered for licensing. The forms to be submitted include:

1. Retailer License Application;
2. Personal Data Form(s); and
3. Retailer Location Form.

~~State Lottery Law makes falsification, concealment or misrepresentation of a material fact, or making a false, fictitious or fraudulent statement or representation in an application for a license a misdemeanor.~~

11 VAC 5-30-40. General standards for licensing.

~~A. Selection factors for licensing.~~ The director may license those persons who, in his opinion, will best serve the public interest and public trust in the lottery and promote the sale of lottery tickets. The director will consider the following factors before issuing or renewing a license:

1. The financial responsibility and security of the applicant, to include:
 - a. A credit and criminal background investigation;
 - b. Outstanding delinquent state tax liability;
 - c. Required business licenses, tax and business permits; and
 - d. Physical security at the place of business, including insurance coverage.
2. The accessibility of his place of business to the public, to include:
 - a. The hours of operation;
 - b. The availability of parking and transit routes, where applicable;
 - c. The location in relation to major employers, schools, or retail centers;
 - d. The population level and rate of growth in the market area; and
 - e. The traffic density, including levels of congestion in the market area.
3. The sufficiency of existing lottery retailers to serve the public convenience, to include:

- a. The number of and proximity to other lottery retailers in the market area;
 - b. The expected sales volume and profitability of potentially competing lottery retailers; and
 - c. The adequacy of coverage of all regions of the Commonwealth with lottery retailers.
4. The volume of expected lottery ticket sales, to include:
- a. Type and volume of the products and services sold by the retailer;
 - b. Dollar sales volume of business;
 - c. Sales history of business and market area; and
 - d. Volume of customer traffic in place of business.
5. The ability to offer high levels of customer service to instant lottery players, to include:
- a. Ability to display point of sale material;
 - b. A favorable image consistent with lottery standards;
 - c. Ability to pay prizes during maximum selling hours; and
 - d. Commitment to authorize employee participation in all required instant lottery training.

~~B. Additional factors for selection.~~ The director may develop and, by administrative order, publish additional criteria which, in his judgment, are necessary to serve the public interest and public trust in the lottery.

11 VAC 5-30-50. Bonding of lottery retailers.

~~A. Approved retailer to secure bond.~~ A lottery retailer approved for licensing shall obtain a surety bond from a surety company entitled to do business in Virginia. The purpose of the surety bond is to protect the Commonwealth from a potential loss in the event the retailer fails to perform his responsibilities.

1. Unless otherwise provided under subsection C of this section, the surety bond shall be in the amount and penalty of \$5,000 and shall be payable to the State Lottery Department and conditioned upon the faithful performance of the lottery retailer's duties.
2. Within 15 calendar days of receipt of the "License Approval Notice," the lottery retailer shall return the properly executed "Bonding Requirement" portion of the "License Approval Notice" to the State Lottery Department to be filed with his record.

~~B. Continuation of surety bond on annual license review.~~ A lottery retailer whose license is being reviewed shall:

1. Obtain a letter or certificate from the surety company to verify that the surety bond is being continued for the annual license review period; and
2. Submit the surety company's letter or certificate with the required annual license fee to the State Lottery Department.

~~C. Sliding scale for surety bond amounts.~~ The department may establish a sliding scale for surety bonding requirements based on the average volume of lottery ticket sales by a retailer to ensure that the Commonwealth's interest in tickets to be sold by a licensed lottery retailer is adequately safeguarded.

~~D. Effective date for sliding scale.~~ The sliding scale for surety bonding requirements will become effective when the director determines that sufficient data on lottery retailer ticket sales volume activity are available. Any changes in a retailer's surety bonding requirements that result from instituting the sliding scale will become effective only at the time of the retailer's next annual license review action.

11 VAC 5-30-60. Lottery bank accounts and electronic funds transfer (EFT) authorization.

~~A. Approved retailer to establish lottery bank account.~~ A lottery retailer approved for licensing shall establish a separate bank account to be used exclusively for lottery business in a bank participating in the Automatic Clearing House (ACH) system.

~~B. Retailer's use of lottery account.~~ The lottery account will be used by the retailer to make funds available to permit withdrawals and deposits initiated by the department through the electronic funds transfer (EFT) process to settle a retailer's account for funds owed or due from the purchase of tickets and the payment of prizes. All retailers shall make payments to the department through the electronic funds transfer (EFT) process unless the director designates another form of payment and settlement under terms and conditions he deems appropriate.

~~C. Retailer responsible for bank charges.~~ The retailer shall be responsible for payment of any fees or service charges assessed by the bank for maintaining the required account.

~~D. Retailer to authorize electronic funds transfer.~~ Within 15 calendar days of receipt of the "License Approval Notice," the lottery retailer shall return the properly executed "Electronic Funds Transfer Authorization" portion of the "License Approval Notice" to the department to record establishment of his account.

~~E. Change in retailer's bank account.~~ If a retailer finds it necessary to change his bank account from one bank to another, he must submit a newly executed "Electronic Funds Transfer Authorization" form for the new bank account. The retailer may not discontinue use of his previously approved bank account until he receives notice from the department that the new account is approved for use.

~~F. Director to establish EFT account settlement schedule.~~ The director will establish a schedule for processing the EFT transactions against retailers' lottery bank accounts and issue instructions to retailers on how settlement of accounts will be made.

11 VAC 5-30-70. License term and annual review.

~~A. License term.~~ A general license for an approved lottery retailer shall be issued on a perpetual basis subject to an annual determination of continued retailer eligibility and the payment of an annual fee fixed by the board.

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~~B. Annual license review.~~ The annual fee shall be collected within the 30 days preceding a retailer's anniversary date. Upon receipt of the annual fee, the general license shall be continued so long as all eligibility requirements are met. The director may implement a staggered, monthly basis for annual license reviews and allow for the proration of annual license fees. This section shall not be deemed to allow for a refund of license fees when a license is terminated, revoked or suspended for any other reason.

~~C. Reserved.~~

~~D. Amended license term.~~ C. The annual fee for an amended license issued under the requirements of 11 VAC 5-30-90 will be due on the same date as the fee for the license it replaced.

~~E. Special license.~~ D. The director may issue special licenses to persons for specific events and activities. Special licenses shall be for a limited duration and under terms and conditions that he determines appropriate to serve the public interest. Instant game lottery retailers currently licensed by the department are not required to obtain an additional surety bond for the purposes of obtaining a special event license.

~~F. Surrender of license certificate.~~ E. If the license of a lottery retailer is suspended, revoked or not continued from year to year, the lottery retailer shall surrender the license certificate upon demand.

11 VAC 5-30-80. License fees.

~~A. License application fee.~~ The fee for a license application for a lottery retailer general license to sell instant game tickets shall be \$25, unless otherwise determined by the board. The general license fee to sell instant game tickets shall be paid for each location to be licensed. This fee is nonrefundable.

~~B. License fee.~~ The annual fee for a lottery retailer general license to sell instant game tickets shall be an amount fixed by the board at its November meeting for all annual license reviews occurring in the next calendar year. The fee shall be designed to recover all or a portion of the annual costs of the department in providing services to the retailer. The fee shall be paid for each location for which a license is reviewed. This fee is nonrefundable. The fee shall be submitted within the 30 days preceding a retailer's anniversary date.

~~C. Amended license application fee.~~ The fee for processing an amended license application for a lottery retailer general license shall be an amount as approved by the board at its November meeting for all amendments occurring in the next calendar year. The amended license fee shall be paid for each location affected. This fee is nonrefundable. An amended license application shall be submitted in cases where a business change occurs as specified in 11 VAC 5-30-90 B.

11 VAC 5-30-90. Transfer of license prohibited; invalidation of license.

~~A. License not transferrable.~~ A license issued by the director authorizes a specified person to act as a lottery retailer at a specified location as set out in the license. The license is not transferrable to any other person or location.

~~B. License invalidated.~~ A license shall become invalid for any of the following reasons:

1. Change in business location;
2. Change in business structure (e.g., from a partnership to a sole proprietorship); or
3. Change in the business owners listed in the original application form for which submission of a Personal Data Form is required under the license application procedure.

~~C. Amended application required.~~ A licensed lottery retailer who anticipates a change as listed in subsection B of *this section* shall notify the department of the anticipated change at least 30 calendar days before it takes place and submit an amended application. The director shall review the changed factors in the same manner that would be required for a review of an original application.

11 VAC 5-30-110. Denial, suspension, revocation or noncontinuation of license.

~~A. Grounds for refusal to license.~~ The director may refuse to issue a license to a person if the person does not meet the eligibility criteria and standards for licensing as set out in this chapter or if:

1. The person has been convicted of a felony;
2. The person has been convicted of a crime involving moral turpitude;
3. The person has been convicted of any fraud or misrepresentation in any connection;
4. The person has been convicted of bookmaking or other forms of illegal gambling;
5. The person has been convicted of knowingly and willfully falsifying, or misrepresenting, or concealing a material fact or makes a false, fictitious, or fraudulent statement or misrepresentation;
6. The person's place of business caters to or is frequented predominantly by persons under 18 years of age, but excluding family-oriented businesses;
7. The nature of the person's business constitutes a threat to the health or safety of prospective lottery patrons;
8. The nature of the person's business is not consonant with the probity of the Commonwealth;
9. The person has committed any act of fraud, deceit, misrepresentation, or conduct prejudicial to public confidence in the state lottery; or
10. The person has been suspended permanently from a federal or state program and that person has exhausted all administrative actions pursuant to the respective agency's regulations.

~~B. Grounds for refusal to license partnership or corporation.~~ The director may refuse to issue a license to any partnership or corporation if he finds that any general or limited partner or officer or director of the partnership or corporation does not meet the eligibility criteria and standards

for licensing as set out in this chapter or if any general or limited partner or officer or director of the partnership or corporation has been convicted of any of the offenses cited in subsection A of this section.

~~C. Appeals of refusal to license.~~ Any person refused a license under subsection A or B of this section may appeal the director's decision in the manner provided by 11 VAC 5-20-150.

~~D. Grounds for suspension, revocation or refusal to continue license.~~ The director may suspend, revoke, or refuse to continue a license for any of the following reasons:

1. Failure to properly deposit the proceeds of the sale of lottery tickets or to properly account for lottery tickets received; or for prizes claimed and paid or for the proceeds of the sale of lottery tickets;
2. Failure to file or maintain the required bond or the required lottery bank account;
3. Failure to comply with applicable laws, instructions, terms and conditions of the license, or rules and regulations of the department concerning the licensed activity, especially with regard to the prompt payment of claims;
4. Conviction, following the approval of the license, of any of the offenses cited in subsection A of this section;
5. Failure to file any return or report or to keep records or to pay any fees or other charges as required by the state lottery law or the rules and regulations of the department;
6. Commission of any act of fraud, deceit, misrepresentation, or conduct prejudicial to public confidence in the state lottery;
7. Failure to maintain lottery ticket sales at a level sufficient to meet the department's administrative costs for servicing the retailer, provided that the public convenience is adequately served by other retailers;
8. Failure to notify the department of a material change, after the license is issued, of any matter required to be considered by the director in the licensing application process;
9. Failure to comply with lottery game rules;
10. Failure to meet minimum point of sale standards;
11. The person's place of business caters to or is frequented predominantly by persons under 18 years of age, but excluding family-oriented businesses;
12. The nature of the person's business constitutes a threat to the health or safety of prospective lottery patrons;
13. The nature of the person's business is not consonant with the probity of the Commonwealth; or
14. Permanent revocation or suspension from any federal or state program whereby all administrative procedures pursuant to the respective agency's regulations were exhausted.

~~E. Notice of intent to suspend, revoke or deny continuation of license.~~ Before taking action under subsection D of this section, the director will notify the retailer in writing of his intent to suspend, revoke or deny continuation of the license. The notification will include the reason or reasons for the proposed action and will provide the retailer with the procedures for requesting a hearing before the board. Such notice shall be given to the retailer at least 14 calendar days prior to the effective date of suspension, revocation or denial.

~~F. Temporary suspension without notice.~~ If the director deems it necessary in order to serve the public interest and maintain public trust in the lottery, he may temporarily suspend a license without first notifying the retailer. Such suspension will be in effect until any prosecution, hearing or investigation into possible violations is concluded.

~~G. Surrender of license and lottery property upon revocation or suspension.~~ A retailer shall surrender his license to the director by the date specified in the notice of revocation or suspension. The retailer shall also surrender the lottery property in his possession and give a final lottery accounting of his lottery activities by the date specified by the director.

11 VAC 5-30-130. Display of material.

~~A. Material in general view.~~ Lottery retailers shall display lottery point-of-sale material provided by the director in a manner which is readily seen by and available to the public.

~~B. Prior approval for retailer sponsored material.~~ A lottery retailer may use or display his own promotional and point-of-sale material, provided it has been submitted to and approved for use by the department in accordance with instructions issued by the director.

~~C. Removal of unapproved material.~~ The director may require removal of any retailer's lottery material that has not been approved for use by the department.

11 VAC 5-30-150. Examination of records; seizure of records.

~~A. Inspection, auditing or copying of records.~~ Each lottery retailer shall make all books and records pertaining to his lottery activities available for inspection, auditing or copying as required by the director between the hours of 8 a.m. and 5 p.m., Mondays through Fridays and during the normal business hours of the licensed retailer.

~~B. Records subject to seizure.~~ All books and records pertaining to the licensed retailer's lottery activities may be seized with good cause by the director without prior notice.

11 VAC 5-30-180. Deposit of lottery receipts; interest and penalty for late payment; dishonored electronic funds transfer (EFT) transfers or checks.

~~A. Forms of payment for tickets; deposit of lottery receipts.~~ Each lottery retailer shall purchase the tickets distributed to him. The moneys for payment of these tickets shall be deposited to the credit of the State Lottery Fund by the department. The retailer shall make payments to the department by Electronic Funds Transfers (EFT); however, the director reserves the right to specify one or more of the

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following alternative forms of payment under such conditions as he deems appropriate:

1. Cash;
2. Cashier's check;
3. Certified check;
4. Money order; or
5. Business check.

~~B. Payment due date.~~ Payments shall be due as specified by the director in the instructions to retailers regarding the purchasing and payment of tickets and the settlement of accounts.

~~C. Penalty and interest charge for late payment.~~ Any retailer who fails to make payment when payment is due will be assessed an interest charge on the moneys due plus a \$25 penalty. The interest charge will be equal to the "Underpayment Rate" established pursuant to * 6621(a)(2) of the Internal Revenue Code of 1954 (26 USC § 6621(a)(2)), as amended. The interest charge will be calculated beginning the date following the retailer's due date for payment through the day preceding receipt of the late payment by the department for deposit.

~~D. Service charge for dishonored EFT transfer or bad check.~~ The director will assess a service charge of \$25 against any retailer whose payment through electronic funds transfer (EFT) or by check is dishonored.

~~E. Service charge for debts referred for collection.~~ If the department refers a debt of any retailer to the Attorney General, the Department of Taxation or any other central collection unit of the Commonwealth, the retailer owing the debt shall be liable for an additional service charge which shall be in the amount of the administrative costs associated with the collection of the debt that are incurred by the department and the agencies to which the debt is referred.

~~F. Service charge, interest and penalty waived.~~ The service charge, interest and penalty charges may be waived when the event which would otherwise cause a service charge, interest or penalty to be assessed is not in any way the fault of the lottery retailer. For example, a waiver may be granted in the event of a bank error or lottery error.

11 VAC 5-30-240. Sales or gift of tickets to minors prohibited. (Repealed.)

~~An instant game ticket shall not be sold to, purchased by, redeemed from or given as a gift to any individual under 18 years old. No prize shall be paid on a ticket purchased by or transferred to any person under 18 years of age. The transferee of any ticket by any person ineligible to purchase a ticket is ineligible to receive any prize. Any cash prize or free ticket resulting from a ticket which is purchased by or claimed by a person ineligible to play the lottery game is invalid and reverts to the State Lottery Fund.~~

11 VAC 5-30-290. Price for ticket packs.

For each pack, retailers shall pay the retail value, less the 5.0% retailer compensation and less the value of the low-tier winning tickets in the pack. For example, for a pack of tickets

~~with a retail value of \$300, and guaranteed low end prize structure of \$154, the retailer would pay \$131: \$300 (the pack value) minus \$154 for low-tier winners, less the retailer's \$15 compensation.~~

11 VAC 5-30-300. Purchase of instant tickets.

A. Retailers shall purchase packs of tickets directly from the department or through designated depositories.

B. Retailers shall pay for tickets via an electronic funds transfer (EFT) initiated by the department.

1. The department will initiate the EFT after tickets are delivered to the retailer. The schedule will be determined by the director.

2. If an electronic funds transfer is refused, the retailer shall be assessed service charge, interest and penalty charges as provided for in this chapter. The service charge, interest and penalty charges may be waived under 11 VAC 5-30-180 F of this chapter.

3. The director may approve another form of payment for designated retailers under conditions to be determined by the director.

4. If the director permits payment by check and if payment on any check is denied, the retailer shall be assessed service charge, interest and penalty charges as provided for in this chapter.

C. Once tickets are accepted by a retailer, the department will not replace mutilated or damaged tickets, unless specifically authorized by the director.

D. Ticket sales to retailers are final.

1. The department will not accept returned tickets except as provided for elsewhere in this chapter or with the director's advance approval.

2. The retailer is responsible for lost, stolen or destroyed tickets unless otherwise approved by the director.

11 VAC 5-30-330. Prize-winning tickets.

Prize-winning instant tickets are those that have been validated and determined in accordance with the rules and regulations of the department to be official prize winners. Consistent with these regulations *this chapter*, criteria and specific rules for winning prizes shall be published and posted by the director for each instant game and made available for all players. Final validation and determination of prize-winning tickets remains with the department.

11 VAC 5-30-360. No prize paid to people under 18 years of age. (Repealed.)

~~No prize shall be claimed by, redeemed from or paid to any individual under 18 years of age and no prize shall be paid on a ticket purchased by or transferred to any person under 18 years of age. The transferee of any ticket by any person ineligible to purchase a ticket is ineligible to receive any prize. Any cash prize or free ticket resulting from a ticket which is purchased by or claimed by a person ineligible to play the lottery game is invalid and reverts to the State Lottery Fund.~~

11 VAC 5-30-380. Validating winning tickets.

A. Winning tickets shall be validated by the retailer or the department as set out in this chapter or in any other manner which the director may determine.

B. Any instant lottery cash prize or free ticket (at its equivalent value) resulting from a ticket which is purchased by or claimed by a person ineligible to play the lottery game is invalid and reverts to the State Lottery Fund.

11 VAC 5-30-390. How prize claim entered.

A. A prize claim shall be entered in the name of an individual person or legal entity. If the prize claimed is \$601 or greater, the person or entity also shall furnish a tax identification number.

A. B. An individual shall provide his social security number if a claim form is required by this chapter.

B. C. A claim may be entered in the name of an organization only if the organization is a legal entity and possesses a federal employer's identification number (FEIN) issued by the Internal Revenue Service.

1. If the department, a retailer or this chapter require requires that a claim form be filed, the FEIN shall be shown on the claim form.

2. A group, family unit, club or other organization which is not a legal entity or which does not possess a FEIN may file Internal Revenue Service (IRS) Form 5754, "Statement by Person(s) Receiving Gambling Winnings," with the department. This form designates to whom winnings are to be paid and the person(s) to whom winnings are taxable.

3. A group, family unit, club or other organization which is not a legal entity or which does not possess a FEIN and which does not file IRS Form 5754 with the department shall designate one individual in whose name the claim shall be entered and that person's social security number shall be furnished.

4. A group, family unit, club or other organization wishing to divide a jackpot prize shall complete an "Agreement to Share Ownership and Proceeds of Lottery Ticket" form. The filing of this form is an irrevocable election which may only be changed by an appropriate judicial order.

11 VAC 5-30-400. Right to prize not assignable. (Repealed.)

No right of any person to a prize shall be assignable, except that:

1. The director may pay any prize according to the terms of a deceased prize winner's beneficiary designation or similar form filed with the department or to the estate of a deceased prize winner who has not completed such a form, and

2. The prize to which a winner is entitled may be paid to another person pursuant to an appropriate judicial order.

11 VAC 5-30-480. Penalty for counterfeit or altered ticket. (Repealed.)

~~Forging, altering or fraudulently making any lottery ticket or knowingly presenting a forged, counterfeit or altered ticket for prize payment or transferring such a ticket to another person to be presented for prize payment is a Class 6 felony in accordance with the state lottery law.~~

11 VAC 5-30-490. Lost, stolen, destroyed tickets.

The department is not liable for lost, stolen or destroyed tickets.

The director may honor a prize claim of an apparent winner who does not possess the original ticket if the claimant is in possession of information which demonstrates that the original ticket meets the following criteria and can be validated through other means. The exception does not apply to an instant game ticket the prize for which is a free ticket or is \$25 or less.

1. The claim form, if required, and a photocopy of the ticket, or photocopy of the original claim form, if required, and ticket, are timely filed with the department;

2. The prize for which the claim is filed is an unclaimed winning prize as verified in the department's records;

3. The prize has not been claimed within the required redemption period; and

4. The claim is filed within 180 days of the drawing or within the redemption period, as established by game rules.

11 VAC 5-30-530. Retailer to validate winning ticket.

Before paying a prize claim, the retailer should validate the winning ticket. The retailer should follow validation procedures listed in these regulations this chapter or obtained from the department. Retailers who pay claims without validating the ticket do so at their own financial risk.

11 VAC 5-30-540. When retailer cannot validate ticket.

If, for any reason, a retailer is unable to validate a prize-winning ticket, the retailer shall provide the ticket holder with a department claim form and instruct the ticket holder on how to file a claim with the department.

11 VAC 5-30-580. Additional validation requirements.

Before paying any prize from \$26 to and including \$600, the retailer or the department should:

1. Reserved.

2. 1. Inspect the ticket to assure that it conforms to each validation criterion listed in these regulations and to any additional criteria the director may specify;

3. 2. Report to the department the ticket number, validation code and validation number of the ticket; and

4. 3. Obtain an authorization number for prize payment from the department.

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11 VAC 5-30-590. When prize shall be claimed from the department.

The department will pay prizes in any of the following circumstances:

1. If a retailer cannot validate a claim which the retailer otherwise would pay, the ticket holder shall present a ~~completed claim form~~ and the signed ticket at any department regional office or mail ~~both the completed claim form and the signed ticket~~ to the department ~~central office headquarters~~.
2. If a ticket holder is unable to return to the retailer from which the ticket was purchased to claim a prize which the retailer otherwise would pay, the ticket holder may present the signed ticket at any department regional office or mail ~~both a completed claim form and the signed ticket~~ to the department ~~central office headquarters~~.
3. If the prize amount is over the limit paid by the retailer from which the ticket was purchased, the ticket holder may present a ~~completed claim form, if required, and the signed ticket~~ to any department regional office or mail ~~both a completed claim form and the signed ticket~~ to the department ~~central office headquarters~~.
4. *The department may request a claim form as provided in 11 VAC 5-30-620.*

11 VAC 5-30-610. Prizes of more than \$25,000.

Unless otherwise determined by the department, prizes of more than \$25,000 and noncash prizes other than free lottery tickets may be claimed from the department's ~~central office headquarters~~ in Richmond. The ~~central office headquarters~~ will pay cash prizes by check, after tickets are validated and after any other applicable requirements contained in this chapter are met.

11 VAC 5-30-620. When claim form required.

A claim form for a winning ticket may be obtained from any department office or any lottery sales retailer.

A. Claim forms shall *may* be required to claim any prize from the department's ~~central office offices~~.

B. ~~Claim forms shall be required to claim any prize of \$ 601 or more from the department's regional offices.~~

C. ~~Reserved.~~

D. ~~The director may, at his discretion, require claim forms to be filed to claim prizes.~~

11 VAC 5-30-630. Department action on claims for prizes submitted to department.

A. The department shall validate the winning ticket claim according to procedures contained in this chapter.

A. B. If the claim is not valid, the department will notify the ticket holder promptly.

B. C. If the claim is mailed to the department and the department validates the claim, a check for the prize amount will be mailed to the winner.

C. D. If an individual presents a claim to the department in person and the department validates the claim, a check for the prize amount will be presented to the bearer.

11 VAC 5-30-640. Withholding, notification of prize payments.

A. When paying any prize of \$601 or more, the department shall:

1. File the appropriate income reporting form(s) with the state Department of Taxation and the federal Internal Revenue Service; and
2. Withhold any federal and state taxes from any winning ticket in excess of \$5,001.

B. Additionally, when paying any prize of \$101 or more, the department shall withhold any moneys due for delinquent debts listed with the Commonwealth's Setoff Debt Collection Act, Article 21 (§ 58.1-520 et seq.) of Chapter 3 of Title 58.1 of the Code of Virginia.

NOTICE: The forms used in administering 11 VAC 5-30-10 et seq., Instant Game Regulations, are not being published due to the number of forms; however, the name of each form is listed below. The forms are available for public inspection at the State Lottery Department, 900 East Main Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 910 Capitol Square, 2nd Floor, Richmond, Virginia.

Retailer License Application (SLD-0062, 9-89).

Retailer Location Form (SLD-0055, rev. [1/95 5/95]).

Personal Data Form; (SLD-0061 [,] (rev. 10/93 5/95).

~~Retailer Data Collection.~~

Virginia Lottery Retailer License Certificate (rev. 9/94).

Commonwealth of Virginia Lottery Bond Application.

Special Notice on Bonding for Lottery Retailers (Renewal) Bond Expiration (letter).

Authorization Agreement for Preauthorized Payments; (SLD-0035A).

Winner Claim Form (SLD-0007, 6/93).

~~Accounts Receivable Transaction Form (Returned Item Debits).~~

Accounting Transaction Form (SLD-0053).

~~Virginia Lottery Retailer Advertising Approval Form.~~

Virginia Lottery Agreement to Pay Mid-Tier Prizes (SLD-0054, 1/90).

~~Virginia Lottery Ticket Dispenser Agreement In-Counter Dispenser [(ICD)] Agreement/Order Form.~~

~~Virginia Lottery Returned Ticket Receipt, Full Pack Returns.~~

~~Virginia Lottery Returned Ticket Receipt, Partial Pack Returns.~~

Ticket Invoice (SLD-0070, rev. 1/93).

Virginia Lottery Stolen Ticket Report (SLD-0022, rev. 1/89).

Winner Gram (SLD-0016).

We're Sorry But... (SLD-0015, rev. 11/93).

Agreement to Share Ownership and Proceeds of Lottery Ticket.

Statement of by Person(s) Receiving Gambling Winnings, Internal Revenue Service Form 5754 [(rev. 2/92)].

[*Retailer Agreement-*] Instant Ticket Vending [*Machine Form, Machine(s)*] (SLD-0043 [,] (eff. rev. 7/93)).

Split Winning Verification Form.

Prize-Winner Designation of Beneficiary(ies)

VA.R. Doc. No. R97-60; Filed October 9, 1996, 9:29 a.m.

Title of Regulation: 11 VAC 5-40-10 et seq. On-Line Game Regulations (amending 11 VAC 5-40-10, 11 VAC 5-40-90, 11 VAC 5-40-120 through 11 VAC 5-40-210, 11 VAC 5-40-240, 11 VAC 5-40-260, 11 VAC 5-40-310, 11 VAC 5-40-360, 11 VAC 5-40-370, 11 VAC 5-40-390, 11 VAC 5-40-420, 11 VAC 5-40-460, 11 VAC 5-40-520, 11 VAC 5-40-550, 11 VAC 5-40-590, 11 VAC 5-40-600, 11 VAC 5-40-610, 11 VAC 5-40-660, and 11 VAC 5-40-700; and repealing 11 VAC 5-40-430, and 11 VAC 5-40-710 through 11 VAC 5-40-860).

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Effective Date: November 28, 1996.

Summary:

The amendments (i) clarify that the grounds for revoking a lottery retailer's license include failure to maintain sufficient funds to pay for lottery tickets; (ii) eliminate the use of claim forms, except in certain unusual circumstances; (iii) authorize players to cash winning tickets at Lottery headquarters in addition to cashing tickets at lottery regional offices and lottery retail locations; (iv) eliminate regulations governing the subscription program, which will be promulgated by administrative order as lottery game rules and as an exemption to the Administrative Process Act; (v) simplify regulations by removing provisions which duplicate those contained in, but which are not mandated by, the Code of Virginia; and (vi) incorporate technical and housekeeping changes required as a result of preparation for the new Virginia Administrative Code.

Summary of Public Comment and Agency Response: No public comment was received by the promulgating agency.

Agency Contact: Copies of the regulation may be obtained from the State Lottery Department, Public Affairs Division, 700 East Main Street, Richmond, VA 23219, telephone (804) 692-7777.

11 VAC 5-40-10. General definitions for on-line games.

The words and terms, when used in any of the department's regulations, shall have the same meaning, as

defined in this chapter, unless the context clearly indicates otherwise. Definitions that relate to instant games are incorporated by reference in the On-Line Game Regulations (11 VAC 5-40-10 et seq.).

"Auto pick" means the same as "easy pick."

"Breakage" means the fraction of a dollar not paid out due to rounding down and shall be used exclusively to fund prizes.

"Cancelled ticket" means a ticket that (i) has been placed into the terminal, whereupon the terminal must read the information from the ticket and cancel the transaction or (ii) whose validation number has been manually entered into the terminal via the keyboard and cancelled.

"Certified drawing" means a drawing in which a lottery official and an independent certified public accountant attest that the drawing equipment functioned properly and that a random selection of a winning combination has occurred.

"Confirmation (or registration) notice" means the subscription notification letter or card mailed to the subscriber which confirms the game numbers for the game panel played, and the plan start date and number of draws.

"Drawing" means a procedure by which the lottery randomly selects numbers or items in accordance with the specific game rules for those games requiring random selection of number(s) or item(s).

"Duplicate ticket" means a ticket produced by any means other than by an on-line terminal with intent to imitate the original ticket.

"Easy pick" means computer generated numbers or items.

"Game panel" means the play(s) entered on a playslip by the player or by the subscriber on the subscription application.

"Game numbers" means the numbers designated by the player on the playslip or subscription application or the computer-generated numbers if easy pick is selected.

"Group-designated agent" means the individual listed on the back of a ticket or on the subscription application who is elected by the group of players to act as the representative or subscriber on the group's behalf in handling all correspondence and payment disbursements resulting from the group's activity.

"Number of draws" means the actual number of draws for which a multiple play or subscription is valid.

"On-line game" means a lottery game, the play of which is dependent upon the use of an on-line terminal in direct communication with an on-line game main frame operated by or at the direction of the department.

"On-line lottery retailer" means a licensed lottery retailer who has entered an agreement with the department to sell on-line tickets at a specific location.

"On-line system" means the department's on-line computer system consisting of on-line terminals, central processing equipment, and a communication network.

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"On-line terminal" means the department's computer hardware through which a combination of numbers or items is selected or generated and through which on-line tickets are generated and claims may be validated.

"On-line ticket" means a computer-generated ticket issued by an on-line lottery retailer to a player as a receipt for the number, numbers, or items or combination of numbers or items the player has selected.

"Person" means a natural person and may extend and be applied to groups of persons as well as corporations, companies, partnerships, and associations, unless the context indicates otherwise.

~~"Plan" means the duration of the subscription as determined by the number of draws designated by the subscriber on the subscription application or renewal notice.~~

"Play" means a wager on a single set of selected numbers.

"Player-selected item" means a number or item or group of numbers or items selected by a player in connection with an on-line game. Player-selected items include selections of items randomly generated by the computer on-line system. Such computer-generated numbers or items are also known as "auto picks," "easy picks" or "quick picks."

"Playslip" means an optically readable card issued by the department, used in marking a player's game plays.

"Present at the terminal" means that a player remains physically present at the on-line lottery terminal from the time the player's order for the purchase of on-line lottery tickets is paid for and accepted by the lottery retailer until the processing of the order is completed and the tickets are delivered to the player at the licensed on-line retailer terminal location.

"Quick pick" means the same as "easy pick."

~~"Registration" means the process of entering subscription information concerning the subscriber, plan and selected numbers into the central computer system.~~

"Retailer," as used in this chapter, means a licensed on-line lottery retailer, unless the context clearly requires otherwise.

"Roll stock" or "ticket stock" means the paper roll placed into the lottery retailer terminals from which a unique lottery ticket is generated by the computer, displaying the player selected item(s) or number(s).

"Share" means a percentage of ownership in a winning ticket or subscription plan.

"Start date" means the first draw date for which a multiple play or subscription is effective.

~~"Subscriber" means the individual designated on the subscription application whose entry has been entered into the department's central computer system and who has received confirmation from the department of his designated numbers and includes the group designated agent for a group, organization, family unit, or club.~~

"Subscription" means a method to play a lottery on-line game by purchasing subscription plays, using a designated

set of numbers, for a specific period of time, and for which the player is automatically entered in each drawing or game during the period for which the subscription is effective.

~~"Subscription application" means the form(s) used by an individual or group designated agent to play lottery games by subscription.~~

~~"Subscription renewal" means the process by which a subscription plan is renewed by the subscriber in accordance with procedures established by the department.~~

"Ticket" or "tickets" means an on-line lottery game ticket produced by a terminal on ticket stock issued by the department, the front of which contains the applicable game caption, information identifying the drawing or drawings for which the ticket is valid, one or more lettered game plays, the total price of the ticket, a bar code representation of the ticket serial number, a ticket validation number, an alphabetic dual security characterization, and the time the ticket was issued. The front of the ticket may also contain a message to the player. On the back of the ticket must be a ticket stock sequential number preceded or followed by two letters and a synopsis of lottery rules. The front of the ticket may, in lieu of game information, bear information designating the ticket as a coupon which is redeemable for some designated benefit.

"Winning combination" means two or more items or numbers selected by a drawing.

11 VAC 5-40-90. Retailers' conduct.

A. Retailers shall sell on-line tickets at the price fixed by the board, unless the board allows reduced prices or ticket give-aways.

B. All ticket sales shall be for cash, check, cashier's check, traveler's check or money order at the discretion of and in accordance with the licensed retailer's policy for accepting payment by such means. A ticket shall not be purchased with credit cards, food stamps or food coupons.

C. All ticket sales shall be final. Retailers shall not accept ticket returns except as allowed by department regulations or policies, or with the department's specific approval.

D. Tickets shall be sold during all normal business hours of the lottery retailer when the on-line terminal is available unless the director approves otherwise. Retailers shall give prompt service to lottery customers present and waiting at the terminal to purchase tickets for on-line games. Prompt service includes interrupting processing of on-line ticket orders for which the customer is not present at the terminal. Failure to render prompt service to lottery customers may result in administrative action by the director including but not limited to license suspension or revocation or disabling the on-line terminal so that it will not process transactions.

E. Tickets shall be sold only at the location listed on each retailer's license from the department. For purposes of this section, the sale of an on-line lottery ticket at the licensed location means a lottery transaction in which all elements of the sale between the licensee and the player shall take place on site at the lottery terminal including the exchange of consideration, the exchange of the playslip if one is used, and the exchange of the ticket. No part of the sale may take place away from the lottery terminal.

F. On-line retailers must offer for sale all lottery products offered by the department.

~~G. An on-line game ticket shall not be sold to, purchased by, given as a gift to or redeemed from any individual under 18 years of age, and no prize shall be paid on a ticket purchased by or transferred to any person under 18 years of age. The transferee of any ticket by any person ineligible to purchase a ticket is ineligible to receive any prize. Any cash prize or free ticket resulting from a ticket which is purchased by or claimed by a person ineligible to play the lottery game is invalid and cash prizes greater than \$25 revert to the State Lottery Fund.~~

H. G. On-line retailers shall furnish players with proper claim forms provided if required by the department.

I. H. On-line retailers shall post winning numbers prominently.

J. I. On-line retailers and employees who will operate on-line equipment shall attend training provided by the department and allow only trained personnel to operate terminals.

~~K. Unsupervised retailer employees who sell or otherwise vend lottery tickets must be at least 18 years of age. Employees not yet 18 but at least 16 years of age may sell or vend lottery tickets so long as they are supervised by the manager or supervisor in charge at the location where the tickets are being sold.~~

L. J. Federal Internal Revenue Code, 26 USC § 60501 requires lottery retailers who receive more than \$10,000 in cash in one transaction, two or more related transactions in the aggregate, or a series of connected transactions exceeding \$10,000 in the aggregate, from a single player or his agent, to file a Form 8300 with the Internal Revenue Service. IRS encourages retailers to report all suspicious transactions, even if they do not meet the \$10,000 threshold. "Cash" includes coin and currency only and does not include bank checks or drafts, traveler's checks, wire transfers, or other negotiable or monetary instruments not customarily accepted as money.

11 VAC 5-40-120. Eligibility.

A. Eighteen years of age and bondable. Any person who is 18 years of age or older and who is bondable may be considered for licensure, except no person may be considered for licensure:

1. Who will be engaged primarily in the business of selling lottery tickets;
2. Who is a board member, officer or employee of the State Lottery Department or who resides in the same household as board member, officer or employee of the department; or
3. Who is a vendor to the department of instant or on-line lottery tickets or goods or data processing services, whose tickets, goods or services are provided directly to the lottery department, or whose business is owned by, controlled by, or affiliated with a vendor of instant or on-line lottery tickets or goods or data processing services

whose tickets, goods or services are provided directly to the lottery department.

B. Form submission. The submission of forms or data for licensure does not in any way entitle any person to receive a license to act as an on-line lottery retailer.

11 VAC 5-40-130. General standards for licensing.

A. Selection factors for licensing. The director may license those persons who, in his opinion, will best serve the public interest and public trust in the lottery and promote the sale of lottery tickets. The director will consider the following factors before issuing or renewing a license:

1. The financial responsibility and integrity of the retailer, to include:
 - a. A credit and criminal record history search or when deemed necessary a full investigation of the retailer;
 - b. A check for outstanding delinquent state tax liability;
 - c. A check for required business licenses, tax and business permits; and
 - d. An evaluation of physical security at the place of business, including insurance coverage.
2. The accessibility of his place of business to public, to include:
 - a. The hours of operation compared to the on-line system selling hours;
 - b. The availability of parking including ease of ingress and egress to parking;
 - c. Public transportation stops and passenger traffic volume;
 - d. The vehicle traffic density, including levels of congestion in the market area;
 - e. Customer transaction count within the place of business;
 - f. Other factors indicating high public accessibility and public convenience when compared with other retailers; and
 - g. Adequate space and physical layout to sell a high volume of lottery tickets efficiently.
3. The sufficiency of existing lottery retailers to serve the public convenience, to include:
 - a. The number of and proximity to other lottery retailers in the market area;
 - b. The expected impact on sales volume of potentially competing lottery retailers;
 - c. The adequacy of coverage of all regions of the Commonwealth with lottery retailers; and
 - d. The population to terminal ratio, compared to other geographical market areas.
4. The volume of expected lottery ticket sales, to include:

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- a. Type and volume of the products and services sold by the retailer;
 - b. Dollar sales volume of the business;
 - c. Sales history of the market area;
 - d. Sales history for instant tickets, if already licensed as an instant retailer;
 - e. Volume of customer traffic in place of business; and
 - f. Market area potential, compared to other market areas.
5. The ability to offer high levels of customer service to on-line lottery players, including:
- a. A history demonstrating successful use of lottery product related promotions;
 - b. Volume and quality of point of sale display;
 - c. A history of compliance with lottery directives;
 - d. Ability to display jackpot prize amounts to pedestrians and vehicles passing by;
 - e. A favorable image consistent with lottery standards;
 - f. Ability to pay prizes of \$600 or less during maximum selling hours, compared to other area retailers;
 - g. Commitment to authorize employee participation in all required on-line lottery training; and
 - h. Commitment and opportunity to post jackpot levels near the point of sale.

~~B. Additional factors for selection.~~ The director may develop and, by director's order, publish additional criteria which, in the director's judgment, are necessary to serve the public interest and public trust in the lottery.

~~C. Filing of forms with the department.~~ After notification of selection as an on-line lottery retailer, the retailer shall file required forms with the department. The retailer must submit all information required to be considered for licensing. Failure to submit required forms and information within the times specified in this chapter may result in the loss of the opportunity to become or remain a licensed on-line retailer. The forms to be submitted shall include:

1. Signed retailer agreement;
2. Signed EFT Authorization form with a voided check or deposit slip from the specified account; and
3. Executed bond requirement.

11 VAC 5-40-140. Bonding of lottery retailers.

~~A. Approved retailer to secure bond.~~ A lottery retailer approved for licensing shall obtain a surety bond in the amount of \$10,000 from a surety company entitled to do business in Virginia. If the retailer is already bonded for instant games, a second bond will not be required. However, the amount of the original bond must be increased to \$10,000. The purpose of the surety bond is to protect the Commonwealth from a potential loss in the event the retailer fails to perform his responsibilities.

1. Unless otherwise provided under subsection C of this section, the surety bond shall be in the amount and penalty of \$10,000 and shall be payable to the State Lottery Department and conditioned upon the faithful performance of the lottery retailer's duties.

2. Within 15 calendar days of receipt of the "On-Line License Approval Notice," the lottery retailer shall return the properly executed "Bonding Requirement" portion of the "On-Line License Approval Notice" to the State Lottery Department to be filed with his record.

~~B. Continuation of surety bond on annual license review.~~ A lottery retailer whose license is being reviewed shall:

1. Obtain a letter or certificate from the surety company to verify that the surety bond is being continued for the annual license review period; and
2. Submit the surety company's letter or certificate with the required annual license review fee to the State Lottery Department.

~~C. Sliding scale for surety bond amounts.~~ The department may establish a sliding scale for surety bonding requirements based on the average volume of lottery ticket sales by a retailer to ensure that the Commonwealth's interest in tickets to be sold by a licensed lottery retailer is adequately safeguarded. Such sliding scale may require a surety bond amount either greater or lesser than the amount fixed by subsection A of this section.

~~D. Effective date for sliding scale.~~ The sliding scale for surety bonding requirements will become effective when the director determines that sufficient data on lottery retailer ticket sales volume activity are available. Any changes in a retailer's surety bonding requirements that result from instituting the sliding scale will become effective only at the time of the retailer's next renewal action.

~~E. Limit on sales in excess of bond.~~ Under no circumstances shall the retailer allow total, weekly, net on-line and instant sales from a single location for the seven-day period ending at the close of the lottery fiscal week (normally Tuesday night) to exceed five times the amount of the bond for that licensed location, unless such retailer has first obtained written permission from the director. The director, in his sole discretion, may require additional bond or other security as a condition for continued sales, may accelerate the collection from the retailer of the net proceeds from the sale of lottery tickets, or may temporarily suspend the requirement that no retailer may sell lottery tickets in excess of five times the amount of the bond for that licensed location for all on-line lottery retailers or for individual retailers on a case-by-case basis.

11 VAC 5-40-150. Lottery bank accounts and electronic funds transfer (EFT) authorization.

~~A. Approved retailer to establish lottery bank account.~~ A lottery retailer approved for licensing shall establish a separate bank account to be used exclusively for lottery business in a bank participating in the automatic clearing house (ACH) system. A single bank account may be used for both on-line and instant lottery business.

~~B. Retailer's use of lottery account.~~ The lottery account will be used by the retailer to make funds available to permit withdrawals and deposits initiated by the department through the electronic funds transfer (EFT) process to settle a retailer's account for funds owed by or due to the retailer from the sale of tickets and the payment of prizes. All retailers shall make payments to the department through the electronic funds transfer (EFT) process unless the director designates another form of payment and settlement under terms and conditions he deems appropriate.

~~C. Retailer responsible for bank charges.~~ The retailer shall be responsible for payment of any fees or service charges assessed by the bank for maintaining the required account.

~~D. Retailer to authorize electronic funds transfer.~~ Within 15 calendar days of receipt of the "On-Line License Approval Notice," the lottery retailer shall return the properly executed "On-Line Electronic Funds Transfer Authorization" portion of the "License Approval Notice" to the department recording the establishment of his account.

~~E. Change in retailer's bank account.~~ If a retailer finds it necessary to change his bank account from one bank account to another, he must submit a newly executed "Electronic Funds Transfer Authorization" form for the new bank account. The retailer may not discontinue use of his previously approved bank account until he receives notice from the department that the new account is approved for use.

~~F. Director to establish EFT account settlement schedule.~~ The director will establish a schedule for processing the EFT transactions against retailers' lottery bank accounts and issue instructions to retailers on how settlement of accounts will be made.

11 VAC 5-40-160. Deposit of lottery receipts; interest and penalty for late payment; dishonored electronic funds transfer (EFT) transfers or checks.

~~A. Payment due date.~~ Payments shall be due as specified by the director in the instructions to retailers regarding the settlement of accounts.

~~B. Penalty and interest charge for late payment.~~ Any retailer who fails to make payment when payment is due will be contacted by the department and instructed to make immediate deposit. If the retailer is not able to deposit the necessary funds or if the item is returned to the department unpaid for a second time, the retailer's on-line terminal will be inactivated. The retailer will not be reactivated until payment is made by cashier's check, certified check or wire transfer, and if deemed a continuing credit risk by the department, not until an informal hearing is held to determine if the licensee is able and willing to meet the terms of his license agreement. Additionally, interest will be charged on the moneys due plus a \$25 penalty. The interest charge will be equal to the "Underpayment Rate" established pursuant to § 6621(a)(2) of the Internal Revenue Code of 1954 (26 USC § 6621(a)(2)), as amended. The interest charge will be calculated beginning the date following the retailer's due date for payment through the day preceding receipt of the late payment by the department for deposit.

~~C. Service charge for dishonored EFT transfer or bad check.~~ In addition to the penalty authorized by subsection B of this section, the director will assess a service charge of \$25 against any retailer whose payment through electronic funds transfer (EFT) or by check is dishonored.

~~D. Service charge for debts referred for collection.~~ If the department refers a debt of any retailer to the Attorney General, the Department of Taxation or any other central collection unit of the Commonwealth, the retailer owing the debt shall be liable for an additional service charge which shall be in the amount of the administrative costs associated with the collection of the debt incurred by the department and the agencies to which the debt is referred.

~~E. Service charge, interest and penalty waived.~~ The service charge, interest and penalty charges may be waived when the event which would otherwise cause a service charge, interest or penalty to be assessed is not in any way the fault of the lottery retailer. For example, a waiver may be granted in the event of a bank error or lottery error.

11 VAC 5-40-170. License term and annual review.

~~A. License term.~~ A general on-line license for an approved lottery retailer shall be issued on a perpetual basis subject to an annual determination of continued retailer eligibility and the payment of an annual fee fixed by the board. A general on-line license requires the retailer to sell both on-line and instant lottery tickets.

~~B. Annual license review.~~ The annual fee shall be collected within the 30 days preceding a retailer's anniversary date. Upon receipt of the annual fee, the general license shall be continued so long as all eligibility requirements are met. The director may implement a staggered, monthly basis for annual license reviews and allow for the proration of annual license fees. This section shall not be deemed to allow for a refund of license fees when a license is terminated, revoked or suspended for any other reason.

~~C. Amended license term.~~ The annual fee for an amended license will be due on the same date as the fee for the license it replaced.

~~D. Special license.~~ The director may issue special licenses. Special licenses shall be for a limited duration and under terms and conditions that he determines appropriate to serve the public interest. On-line game lottery retailers currently licensed by the department are not required to obtain an additional surety bond for the purposes of obtaining a special event license.

~~E. Surrender of license certificate.~~ If the license of a lottery retailer is suspended, revoked or not continued from year to year, the lottery retailer shall surrender the license certificate upon demand.

11 VAC 5-40-180. License fees.

~~A. License fee.~~ Unless otherwise determined by the board, the fee for a lottery retailer general license to sell on-line game tickets shall be \$25. Payment of this fee shall entitle the retailer to sell both on-line and instant game tickets. The general license fee to sell on-line game tickets shall be paid for each location to be licensed. This fee is nonrefundable.

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B. Annual license fee. The annual fee for a lottery retailer general license to sell on-line game tickets shall be an amount determined by the board at its November meeting or as soon thereafter as practicable for all reviews occurring in the next calendar year. The fee shall be designed to recover all or a portion of the annual costs of the department in providing services to the retailer. The fee shall be paid for each location for which a license is. This fee is nonrefundable. The fee shall be submitted within the 30 days preceding a retailer's anniversary date.

C. Amended license fee. The fee for processing an amended license for a lottery retailer general license shall be an amount as determined by the board at its November meeting or as soon thereafter as practicable for all amendments occurring in the next calendar year. The amended license fee shall be paid for each location affected. This fee is nonrefundable. An amended license shall be submitted in cases where a business change has occurred.

11 VAC 5-40-190. Fees for operational costs.

A. Installation fee. The fee for initial terminal telecommunications installation for the on-line terminal shall be \$275 unless otherwise determined by the director. Additionally, the installation fee for a self-service terminal shall be \$275 for existing on-line retailers and \$395 for new retailers. All fees may be subject to change based upon an annual cost review by the department.

1. If the retailer has purchased a business where a terminal is presently installed or telecommunication service is available, a fee of \$25 per year shall be charged upon issuance of a new license.

2. No installation fee will be charged if interruption of service to the terminal has not occurred.

B. Weekly on-line telecommunications line charge. Each retailer shall be assessed a weekly charge of \$15 per week. This fee may be subject to change based upon an annual cost review by the department.

11 VAC 5-40-200. Transfer of license prohibited; invalidation of license.

A. License not transferrable. A license issued by the director authorizes a specified person to act as a lottery retailer at a specified location as set out in the license. The license is not transferrable to any other person or location.

B. License invalidated. A license shall become invalid in the event of any of the following circumstances:

1. Change in business location;

2. Change in business structure (e.g., from a partnership to a sole proprietorship); or

3. Change in the business owners listed on the original personal data forms for which submission of a personal data form is required under the license procedure.

C. Amended personal data form required. A licensed lottery retailer who anticipates any change listed in subsection B must notify the department of the anticipated change at least 30 calendar days before it takes place and submit an amended personal data form. The director shall

review the changed factors in the same manner that would be required for a review of an original personal data form.

11 VAC 5-40-210. Denial, suspension, revocation or noncontinuation of license.

A. Grounds for refusal to license. The director may refuse to issue a license to a person if the person does not meet the eligibility criteria and standards for licensing as set out in this chapter or if:

1. The person has been convicted of a felony;

2. The person has been convicted of a crime involving moral turpitude;

3. The person has been convicted of any fraud or misrepresentation in any connection;

4. The person has been convicted of bookmaking or other forms of illegal gambling;

5. The person has been convicted of knowingly and willfully falsifying, or misrepresenting, or concealing a material fact or makes a false, fictitious, or fraudulent statement or misrepresentation;

6. The person's place of business caters to or is frequented predominantly by persons under 18 years of age, but excluding family-oriented businesses;

7. The nature of the person's business constitutes a threat to the health or safety of prospective lottery patrons;

8. The nature of the person's business is not consonant with the probity of the Commonwealth;

9. The person has committed any act of fraud, deceit, misrepresentation, or conduct prejudicial to public confidence in the state lottery; or

10. The person has been suspended permanently from a federal or state licensing or authorization program and that person has exhausted all administrative remedies pursuant to the respective agency's regulations.

B. Grounds for refusal to license partnership or corporation. In addition to refusing a license to a partnership or corporation under subsection A of this section, the director may also refuse to issue a license to any partnership or corporation if he finds that any general or limited partner or officer or director of the partnership or corporation has been convicted of any of the offenses cited in subsection A of this section.

C. Appeals of refusal to license. Any person refused a license under subsection A or B of this section may appeal the director's decision in the manner provided by 11 VAC 5-20-150.

D. Grounds for suspension, revocation or refusal to continue license. The director may suspend, revoke, or refuse to continue a license for any of the following reasons:

1. Failure to properly deposit the proceeds of the sale of lottery tickets or to properly account for on-line terminal ticket roll stock, for cancelled ticket tickets, or for prizes

claimed and paid, or for the proceeds of the sale of lottery tickets;

2. Failure to file or maintain the required bond or the required lottery bank account;

3. Failure to comply with applicable laws, instructions, terms or conditions of the license, or rules and regulations of the department concerning the licensed activity, especially with regard to the prompt payment of claims;

4. Conviction, following the approval of the license, of any of the offenses cited in subsection A of this section;

5. Failure to file any return or report or to keep records or to pay any fees or other charges as required by the state lottery law or the rules or regulations of the department or board;

6. Commission of any act of fraud, deceit, misrepresentation, or conduct prejudicial to public confidence in the state lottery;

7. Failure to maintain lottery ticket sales at a level sufficient to meet the department's administrative costs for servicing the retailer, provided that the public convenience is adequately served by other retailers. This failure may be determined by comparison of the retailer's sales to a sales quota established by the director;

8. Failure to notify the department of a material change, after the license is issued, of any matter required to be considered by the director in the licensing process;

9. Failure to comply with lottery game rules;

10. Failure to meet minimum point of sale standards;

11. The person's place of business caters to or is frequented predominantly by persons under 18 years of age, but excluding family-oriented businesses;

12. The nature of the person's business constitutes a threat to the health or safety of prospective lottery patrons;

13. The nature of the person's business is not consonant with the probity of the Commonwealth; or

14. Permanent revocation or suspension from any federal or state program whereby all administrative remedies pursuant to the respective agency's regulations have been exhausted.

E. Notice of intent to suspend, revoke or deny continuation of license. Before taking action under subsection D of this section, the director will notify the retailer in writing of his intent to suspend, revoke or deny continuation of the license. The notification will include the reason or reasons for the proposed action and will provide the retailer with the procedures for requesting a hearing before the board. Such notice shall be given to the retailer at least 14 calendar days prior to the effective date of suspension, revocation or denial.

F. Temporary suspension without notice. If the director deems it necessary in order to serve the public interest and maintain public trust in the lottery, he may temporarily

suspend a license without first notifying the retailer. Such suspension will be in effect until any prosecution, hearing or investigation into possible violations is concluded.

G. Surrender of license and lottery property upon revocation or suspension. A retailer shall surrender his license to the director by the date specified in the notice of revocation or suspension. The retailer shall also surrender the lottery property in his possession and give a final accounting of his lottery activities by the date specified by the director.

11 VAC 5-40-240. Display of material.

A. Material in general view. Lottery retailers shall display lottery point-of-sale material provided by the director in a manner which is readily seen by and available to the public.

B. Prior approval for retailer-sponsored material. A lottery retailer may use or display his own promotional and point-of-sale material, provided it has been submitted to and approved for use by the department in accordance with instructions issued by the director.

C. Removal of unapproved material. The director may require removal of any licensed retailer's lottery promotional material that has not been approved for use by the department.

11 VAC 5-40-260. Examination of records; seizure of records.

A. Inspection, auditing or copying of records. Each lottery retailer shall make all books and records pertaining to his lottery activities available for inspection, auditing or copying as required by the director between the hours of 8 a.m. and 5 p.m., Mondays through Fridays and during the normal business hours of the licensed retailer.

B. Records subject to seizure. All books and records pertaining to the licensed retailer's lottery activities may be seized with good cause by the director without prior notice.

11 VAC 5-40-310. Validation requirements.

To be valid, a Virginia lottery on-line game ticket shall meet all of the validation requirements listed here:

1. The original ticket must be presented for validation.

2. The ticket validation number shall be presented in its entirety and shall correspond using the computer validation file to the selected numbers printed on the ticket.

3. The ticket shall not be mutilated, altered, or tampered with in any manner. (see 11 VAC 5-40-340)

4. The ticket shall not be counterfeited, forged, fraudulently made or a duplicate of another winning ticket.

5. The ticket shall have been issued by the department through a licensed on-line lottery retailer in an authorized manner.

6. The ticket shall not have been cancelled.

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7. The ticket shall be validated in accordance with procedures for claiming and paying prizes. (see 11 VAC 5-40-400 and 11 VAC 5-40-420)

8. The ticket data shall have been recorded in the central computer system before the drawing, and the ticket data shall match this computer record in every respect.

9. The player-selected items, the validation data, and the drawing date of an apparent winning ticket must appear on the official file of winning tickets and a ticket with that exact data must not have been previously paid.

10. The ticket may not be misregistered or defectively printed to an extent that it cannot be processed by the department.

11. The ticket shall pass any validation requirement contained in the rules published and posted by the director for the on-line game for which the ticket was issued.

12. The ticket shall pass all other confidential security checks of the department.

13. Any on-line lottery cash prize resulting from a ticket which is purchased by or claimed by a person ineligible to play the lottery game is invalid and reverts to the State Lottery Fund.

14. Playslips may be used to select a player's number or numbers to be played in an on-line game. If a playslip is used to select the player's number or numbers for an on-line game, the playslip number selections shall be manually marked and not marked by any electro-mechanical, electronic printing or other automated device. Any playslip marked by methods other than those authorized by this chapter is invalid and subject to seizure by the department if presented for play at any lottery terminal. Any tickets produced from the use of invalid playslips are also invalid and subject to seizure by the department. Nothing in this regulation chapter shall be deemed to prevent a person with a physical handicap who would otherwise be unable to mark a playslip manually from using any device intended to permit such person to make such a mark for his sole personal use or benefit.

11 VAC 5-40-360. Prize-winning tickets.

A. ~~Validation of prize-winning ticket.~~ Prize-winning on-line tickets are those that have been validated in accordance with this chapter and the rules of the department and determined to be official prize winners. Criteria and specific rules for winning prizes shall be published for each on-line game and available for all players. Final validation and determination of prize winning tickets remain with the department.

B. ~~Cancellation of prize-winning ticket.~~ In cancelling on-line lottery tickets, retailers must comply with 11 VAC 5-40-60 of this chapter. The department shall not redeem prizes for tickets which would have been prize-winning tickets but for the fact that they have been cancelled by the retailer.

11 VAC 5-40-370. Unclaimed prizes.

A. Except for free ticket prizes, all claims for on-line game winning tickets must be mailed in an envelope bearing a United States Postal Service postmark or received for payment as prescribed in this chapter within 180 days after the date of the drawing for which the ticket was purchased. In the event that the 180th day falls on a Saturday, Sunday or legal holiday, a claimant may redeem his prize-winning ticket on the next business day only at a *any* lottery regional office.

B. Any on-line lottery cash prize which remains unclaimed after 180 days following the drawing which determined the prize shall revert to the State Lottery Fund. Cash prizes do not include free ticket prizes or other noncash prizes such as merchandise, vacations, admissions to events and the like.

C. All claims for on-line game winning tickets for which the prize is a free ticket must be mailed in an envelope bearing a United States Postal Service postmark or received for redemption as prescribed in this chapter within 60 days after the date of the drawing for which the ticket was purchased. In the event that the 60th day falls on a Saturday, Sunday or legal holiday, a claimant may only redeem his prize-winning ticket for a free ticket at an on-line lottery retailer on or before the 60th day. Except for claims for free ticket prizes mailed to lottery headquarters and postmarked on or before the 60th day, claims for such prizes will not be accepted at lottery regional offices or headquarters after the 60th day. This section does not apply to the redemption of free tickets awarded through the subscription program. (see 11 VAC 5-40-830)

D. In accordance with the provisions of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 USCA Appx § 525), any person while in active military service may claim exemption from the 180-day ticket redemption requirement. Such person, however, must claim his winning ticket or share as soon as practicable and in no event later than 180 days after discharge from active military service.

11 VAC 5-40-390. No prize paid to people under 18 years of age persons ineligible to play.

~~No prize shall be claimed by, redeemed from or paid to any individual under 18 years of age, and no prize shall be paid on a ticket purchased by or transferred to any person under 18 years of age. The transferee of any ticket to any person ineligible to purchase a ticket is ineligible to receive any prize. Any cash prize or free ticket resulting from a ticket which is purchased by or claimed by a person ineligible to play the lottery game is invalid and cash prizes greater than \$25 revert to the State Lottery Fund.~~

11 VAC 5-40-420. How prize claim entered.

A prize claim shall be entered in the name of an individual person or legal entity. If the prize claimed is \$601 or greater, the person or entity also shall furnish a tax identification number.

A. 1. An individual shall provide his social security number if a claim form is required by this chapter. A nonresident alien shall furnish ~~their~~ *his* Immigration and Naturalization Service (INS) Number. This INS number begins with an A and is followed by numerical data.

B. 2. A claim may be entered in the name of an organization only if the organization is a legal entity and possesses a federal employer's identification number (FEIN) issued by the Internal Revenue Service. If the department or this chapter require that a claim form be filed, the FEIN must be shown on the claim form.

C. 3. A group, family unit, club or other organization which is not a legal entity or which does not possess a FEIN may file Internal Revenue Service (IRS) Form 5754, "Statement by Person(s) Receiving Gambling Winnings," with the department. This form designates to whom winnings are to be paid and the person(s) to whom winnings are taxable.

D. 4. A group, family unit, club or other organization which is not a legal entity or which does not possess a FEIN and which does not file IRS Form 5754 with the department shall designate the individuals in whose names the claim shall be entered and those persons' social security numbers shall be furnished.

E. 5. A group, family unit, club or other organization wishing to divide a jackpot prize shall complete an "Agreement to Share Ownership and Proceeds of Lottery Ticket" form. The filing of this form is an irrevocable election which may only be changed by an appropriate judicial order.

11 VAC 5-40-430. Right to prize not assignable. (Repealed.)

~~No right of any person to a prize shall be assignable, except that:~~

- ~~1. The director may pay any prize according to the terms of a deceased prize winner's beneficiary designation or similar form filed with the department or to the estate of a deceased prize winner who has not completed such a form, and~~
- ~~2. The prize to which a winner is entitled may be paid to another person pursuant to an appropriate judicial order.~~

11 VAC 5-40-460. Delay of payment allowed.

The director may refrain from making payment of the prize pending a final determination by the director, under any of the following circumstances:

1. If a dispute occurs or it appears that a dispute may occur relative to any prize;
2. If there is any question regarding the identity of the claimant;
3. If there is any question regarding the validity of any ticket presented for payment; or
4. If the claim is subject to any set-off for delinquent debts owed to any agency eligible to participate in the Setoff Debt Collection Act (*Article 21 (§ 58.1-520 et seq.) of Chapter 3 of Title 58.1 of the Code of Virginia*) if the agency has registered such debt with the Virginia Department of Taxation and timely notice of the debt has been furnished by the Virginia Department of Taxation to the State Lottery Department.

No liability for interest for any such delay shall accrue to the benefit of the claimant pending payment of the claim. The department is neither liable for nor has it any responsibility to resolve disputes between competing claimants.

11 VAC 5-40-520. Lost, stolen, destroyed tickets.

The department is not liable for lost, stolen or destroyed tickets.

The director may honor a prize claim of an apparent winner who does not possess the original ticket if the claimant is in possession of information which demonstrates that the original ticket meets the following criteria and can be validated through other means. The exception does not apply to an on-line game ticket the prize for which is a free ticket.

1. The claim form, *if required*, and a photocopy of the ticket, or photocopy of the original claim form, *if required*, and ticket, are timely filed with the department;
2. The prize for which the claim is filed is an unclaimed winning prize as verified in the department's records;
3. The prize has not been claimed within the required redemption period; and
4. The claim is filed within 180 days of the drawing or within the redemption period, as established by game rules.

11 VAC 5-40-550. When retailer cannot validate ticket.

~~If, for any reason, a retailer is unable to validate a prize winning ticket, the retailer shall provide the ticket holder with a department claim form and instruct the ticket holder on how to file a claim with the department.~~

11 VAC 5-40-590. When prize shall be claimed from the department.

The department will process claims for payment of prizes in any of the following circumstances:

1. If a retailer cannot validate a claim which the retailer otherwise would pay, the ticket holder shall present the signed ticket ~~and a completed claim form to the any department regional office or mail both the signed ticket and a completed claim form to the department central office headquarters.~~
2. If a ticket holder is unable to return to any on-line retailer to claim a prize which the retailer otherwise would pay, the ticket holder may present the signed ticket at any department regional office or mail both the signed ticket ~~and a completed claim form to the department central office headquarters.~~
3. If the prize amount is \$601 or more, the ticket holder may present the signed ticket and a completed claim form, *if required*, at any department regional office or mail both the signed ticket and a completed claim form, *if required*, to the department central office.
4. *The department may require a claim form.*

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11 VAC 5-40-600. Prizes of \$25,000 or less.

Unless otherwise determined by the board, prizes of \$25,000 or less may be claimed from any of the department's regional offices. Regional offices will pay prizes by check after tickets are validated and after any other applicable requirements contained in this chapter are met.

11 VAC 5-40-610. Prizes of more than \$25,000.

Prizes of more than \$25,000 and noncash prizes other than free lottery tickets may be claimed from the department's central office headquarters in Richmond. The central office headquarters will pay cash prizes by check, after tickets are validated and after any other applicable requirements contained in this chapter are met.

11 VAC 5-40-660. When claim form required.

A claim form for a winning ticket may be obtained from any department office or any licensed lottery retailer. A claim form shall ~~may~~ be required to claim any prize from the department's central office offices. A claim form shall be required to claim any prize of \$601 or more from the department's regional offices. This section may not apply to the redemption of prizes awarded through a subscription plan as identified in 11 VAC 5-40-830.

PART IV. SUBSCRIPTION PLAN.

11 VAC 5-40-700. Development of subscription.

In addition to regulations set forth in this part *chapter*, the conduct of subscriptions is subject to all applicable rules and regulations of the department.

11 VAC 5-40-710. Subscriptions. (Repealed.)

~~Subscriptions may be purchased for periods specified by the department in rules applicable to the lottery game to which the subscription applies.~~

11 VAC 5-40-720. Subscription price. (Repealed.)

~~The sale price of a subscription shall be determined by the board.~~

11 VAC 5-40-730. Subscription cancellation. (Repealed.)

~~A. A subscription entered into the department's central computer system cannot be cancelled by a subscriber or group-designated agent except when a subscriber or group-designated agent becomes employed by the lottery as an employee, board member, officer or employee of any vendor to the lottery of lottery on-line or instant ticket goods or services working directly with the department on a contract for such goods or services, or any person residing in the same household as any such board member, officer or employee during the subscription period.~~

~~B. A subscription cannot be assigned by a subscriber or group-designated agent to another person.~~

~~C. Funds remitted to the department as payment for the subscription are not refundable to the subscriber or group-designated agent unless provisions identified in subsection A of this section are present.~~

11 VAC 5-40-740. Effective date. (Repealed.)

~~The subscription shall be effective on the start date indicated in the confirmation notice for that subscription.~~

11 VAC 5-40-750. Retailer compensation. (Repealed.)

~~Unless otherwise determined by the board, active licensed lottery retailers shall receive 5.0% compensation on sales of subscriptions. The compensation shall be based on all subscriptions purchased at any active licensed lottery retailer location as well as on all subscription applications mailed or delivered to the department's central office with payment and bearing a valid licensed lottery retailer number. In addition, active licensed lottery retailers shall be compensated for renewals of subscriptions which originated at their retailer location. Retailer compensation for a subscription shall be cancelled in the event the tender for the subscription payment is not honored by the payer institution or if the licensed lottery retailer does not provide the retailer number.~~

11 VAC 5-40-760. Validation requirements. (Repealed.)

~~Only those subscriptions entered into the department's central computer system and which are confirmed are valid entries eligible for prizes. Otherwise, game numbers selected on a subscription application are not eligible to win a prize in any drawing.~~

11 VAC 5-40-770. Purchase of subscription. (Repealed.)

~~A. Subscription applications may be distributed through the department's central office, any department regional office, any licensed lottery retailer, or any other means as determined by the department.~~

~~B. An individual, group, family unit, club, or other organization otherwise eligible to purchase lottery tickets may purchase a subscription by mail from the department's central office or from other locations as determined by the department.~~

~~C. In order to purchase a subscription, an individual, group, family unit, club, or other organization must furnish a valid Virginia street address or Virginia post office box, as required by U.S. postal regulations.~~

~~D. After receipt of the subscription at the department's central office, the subsequent entry of data into the central computer system, and the bank clearance of the subscriber's method of payment, the department shall mail a confirmation notice to the subscriber or group-designated agent at the address provided on the subscription application.~~

11 VAC 5-40-780. Subscription application requirements. (Repealed.)

~~A. A subscription application must meet the following requirements in order to be accepted for entry:~~

~~1. The numbers selected by the player must contain the prescribed number of unduplicated game numbers from numbers available for play in the game. If permitted by the rules of the game, numbers may be duplicated;~~

~~2. The subscription application must contain a valid Virginia street address or Virginia post office box, as required by U.S. postal regulations;~~

~~3. If a subscription is entered for a group, corporation, family unit or club, one individual must be designated as the group agent;~~

~~4. The subscription application must be an official department application; and~~

~~5. The designated numbers selected by the player or group designated agent for a subscription shall remain unchanged for the duration of the subscription once the designated numbers are entered into the department's central computer system and confirmed by the player. If any easy pick option is selected by the player, the randomly selected numbers shall remain unchanged for the duration of the subscription.~~

~~B. A subscription application will be rejected for any of the following reasons:~~

~~1. If a subscription application is received by the department on an unofficial subscription form;~~

~~2. If no numbers are designated in a selected game panel and an available easy pick option is not selected;~~

~~3. If more or fewer than the prescribed set of numbers are selected;~~

~~4. If numbers are duplicated within the game panel, unless permitted by game rules;~~

~~5. If both a prescribed set of numbers and easy pick is designated in the same game panel;~~

~~6. If payment is not for the correct amount and is not made payable to the "Virginia Lottery," if a check or money order is returned unpaid, if a third party check is remitted for payment, or if remittance is dishonored, the registration and the confirmation notice are void automatically for all drawings including those which may have occurred prior to the remittance being dishonored;~~

~~7. If the application contains an out-of-state address;~~

~~8. If the application is not signed;~~

~~9. If an individual (subscriber, group designated agent or recipient) is under the age of 18, according to birth date recorded on the application; or~~

~~10. If an individual is found to be a Virginia Lottery Department employee, vendor employee, or household member, otherwise prohibited from playing any lottery game.~~

~~C. If the subscription is rejected by the department, both the subscription application and subscription payment will be returned to the subscriber or group designated agent with a letter of explanation and no prize will be paid on any play appearing on the rejected subscription application for any drawing deriving from that subscription application.~~

~~These regulations assume that an easy pick option is available. If not available in a subscription plan, the criteria for accepting or rejecting a subscription application is modified accordingly.~~

~~11 VAC 5-40-790. Subscription gifts. (Repealed.)~~

~~A. Any recipient of a subscription gift must have a valid Virginia address or Virginia post office box.~~

~~B. Numbers selected by the subscriber for the recipient cannot be cancelled or reselected.~~

~~C. All other provisions of this chapter shall apply to subscription gifts, subscription purchasers and subscription recipients.~~

~~11 VAC 5-40-800. Subscription renewals. (Repealed.)~~

~~A. Approximately six weeks prior to the end of a subscription, a renewal notice will be mailed to a subscriber or group designated agent at the address on file with the department. Subscribers or group designated agents may renew the subscription by returning the renewal notice with payment to the department's central office. Renewal notices may be obtained from the department's central office or other locations as determined by the lottery. Renewal notices shall not be mailed to subscribers or group designated agents who no longer have a valid Virginia address or Virginia post office box.~~

~~B. Renewals will not be accepted unless the individual subscriber or group designated agent furnishes a valid Virginia address or Virginia post office box.~~

~~11 VAC 5-40-810. Change of name. (Repealed.)~~

~~In the event a subscriber or group designated agent's name changes during the subscription period, he may notify the department in writing of such change. Proof of name change may be required by the department at any time. The department reserves the right to refuse to change a name registered as a subscriber.~~

~~11 VAC 5-40-820. Change of address. (Repealed.)~~

~~In the event a subscriber or group designated agent moves out of state during the subscription period and notifies the department of the change of address, the subscription will remain in effect until the number of draws for that subscription plan has expired. The subscriber or group designated agent will not be eligible to receive a subscription renewal notice.~~

~~11 VAC 5-40-830. Payment of prizes. (Repealed.)~~

~~A. Before any prize of \$501 or greater can be paid, the department must be provided with the subscriber's taxpayer identification number, if it has not already been provided on the subscription application. The department will make reasonable efforts to obtain the missing taxpayer identification number. Payment will be delayed until the number is provided. Prizes for which no taxpayer identification number has been furnished within 180 days of the date of the drawing in which the prize was won will be forfeited.~~

~~B. Unless otherwise determined by the board, the department will monitor subscriptions and mail nonannuitized prize payments to subscription winners without the necessity of a claim form being filed by the subscription winners. Prizes shall be subject to payment of any taxes and Setoff Debt Collection Act amounts due and the department shall~~

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~~deduct applicable taxes and set off debt amounts prior to mailing prize payments.~~

~~C. Subscribers winning a free play will receive a check as payment of free ticket prize(s) from the department at the end of their subscription(s). In lieu of awarding free tickets to a subscriber or group designated agent, the check will pay the cumulative value of all free tickets won during the subscription plan. The value of free play tickets won on a subscription shall be the same as the purchase price for a single play, on-line ticket in the same game as determined by the board.~~

~~D. The department will notify subscription winners of annuitized prizes by certified mail or telephone, at the address or telephone number shown on the subscription application on file with the department, and request that they come to the department's central office to receive the first prize payment. Subsequent checks will be mailed to subscription winners. Claim forms for annuitized prizes will not be required.~~

~~E. Prize payments will be processed in the name of an individual or group designated agent according to information furnished on the subscription application.~~

~~1. A group, family unit, club or other organization which is not a legal entity or which does not possess a Federal Employer's Identification Number (FEIN) may file Internal Revenue Service (IRS) Form 5754, "Statement by Person(s) Receiving Gambling Winnings," with the department. This form designates to whom winnings are to be paid and are taxable.~~

~~2. If the prize winner does not furnish a social security number or taxpayer identification number, the prize will be deemed unclaimed and the department will not pay the prize. Failure to furnish the social security number or taxpayer identification number may expose the prize winner(s) to the risk that the prize will remain unclaimed after 180 days from the date of the drawing and will be forfeited.~~

~~F. If for any reason a payment is returned by the U.S. Postal Service and a new address cannot be located, such payments will be held by the department under the state's unclaimed property laws and transferred to the state if not claimed within 180 days following the drawing. Thereafter the department shall not be liable for payment and winners who make claims after this time period will be referred to the Unclaimed Property Division, Virginia Department of the Treasury.~~

~~G. Any subscription cash prize which remains unclaimed for any reason other than the preceding subsection after 180 days following the drawing which determined the prize shall revert to the State Literary Fund. This includes, but is not limited to, failure or refusal to furnish a taxpayer identification number to complete the claim for a prize won.~~

11 VAC 5-40-840. Player responsibility. (Repealed.)

~~A. The department is not liable for department or licensed lottery retailer employee errors.~~

~~B. The player(s) assumes responsibility for any delays resulting from the choice of method of forwarding a subscription application to the department.~~

~~C. The subscriber or group designated agent is responsible for verifying the accuracy of the lottery game data as recorded on the confirmation notice mailed to the subscriber or group designated agent by the department.~~

~~D. The player shall notify the department if an error has been made. Notification shall be postmarked within 10 business days of date of the confirmation notice.~~

~~E. Player requested corrections are not effective until entry of the corrected data into the department's central computer system and a corrected confirmation notice is mailed to the subscriber by the department. Such corrections are not retroactive. Any errors in lottery game data remain valid for all drawings occurring while the erroneous data remains effective but such erroneous game data is no longer valid for drawings occurring after the erroneous data is corrected and a corrected confirmation notice is issued.~~

11 VAC 5-40-850. Department responsibility. (Repealed.)

~~A. The department is responsible for entering the subscription data, including authorized corrections, on the department's central computer system within a reasonable period of time from receipt of the subscription application and clearance of remittance or receipt of the Request for Corrections notice.~~

~~B. If for any reason a subscription play is not accepted, the liability of the department and its retailers is limited to a refund of the purchase price for that play.~~

11 VAC 5-40-860. Disputes. (Repealed.)

~~A. The department is neither liable for nor has it any responsibility to resolve disputes among group members for group subscriptions.~~

~~B. The decision of the director shall be final.~~

NOTICE: The forms used in administering 11 VAC 5-40-10 et seq., On-Line Game Regulations, are not being published; however, the name of each form is listed below. The forms are available for public inspection at the State Lottery Department, 900 East Main Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 910 Capitol Square, 2nd Floor, Richmond, Virginia.

On-Line Game Survey, SLD-120 (SLD-0120).

Retailer Data Collection.

Lottery Retailer Surety Bond.

Retailer Agreement - [Lion III Clerk-Activated On-Line Terminal] or Self-Serve [Terminal(s), Terminal (SST)] [() SLD-0064 [() eff. 10/92 [6/93, rev. 1/95]].

Virginia Lottery Licensed Retailer License Certificate, (eff. 4/90 rev. 9/94).

Things to Do, On-Line Retailer.

Commonwealth of Virginia Lottery Bond Application.

Special Notice on Bonding for Lottery Retailers Bond Expiration (letter).

Virginia Lottery On-Line Play Center; Agreement/Order Form [; () SLD-0136 [() eff. 4/89 [,] rev. 7/93).

Authorization Agreement for Preauthorized Payments [; () SLD-0035 [A].

On-Line Ticket Stock Return, X-0120 (eff. 6/89).

On-Line Weekly Settlement Envelope [; () SLD-0127 []].

Weekly Settlement Form (SLD-0128, 2/89).

A/R Online Accounting Transaction Form [; () X-0105 [()], eff. 6/89).

Cash Tickets Envelope/Cancelled Tickets Envelope (SLD-0125).

Cancelled Tickets Envelope (SLD-0124).

Ticket Problem Report (SLD-0017, 9/92).

Winner Claim Form [; () SLD-0007 [()], eff. 3/89 rev. 6/93).

Winner Gram.

We're Sorry But....

Subscription Playslip.

Subscription Application.

Confirmation Letter.

Statement [by—of by] Person(s) Receiving Gambling Winnings, Internal Revenue Service [() Form 5754 [,] rev. 2/92].

Report of Cash Payments Over \$10,000 Received in a Trade or Business, [Internal Revenue Service () Form 8300 [(eff. 3/92) , rev. 8/94].

Agreement to Share Ownership and Proceeds of Lottery Ticket.

Pick 3, Pick 4, Cash 5, Lotto Playslips.

[Target Targeted] Area O/L Expansion (Form No. X-0038, 1/89).

On-Line License Approval Notice (letter).

Personal Data Form [(SLD-0061, rev. 5/95)].

Sign-On Slips (SLD-0126).

Prize Winner Designation of Beneficiary(ies).

VA.R. Doc. No. R97-61; Filed October 9, 1996, 9:28 a.m.

BOARD OF MEDICINE

REGISTRAR'S NOTICE: The Board of Medicine has claimed an exemption from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4 (a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Board of Medicine will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 18 VAC 85-20-10 et seq. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic, and Physician Acupuncture (amending 18 VAC 85-20-10, 18 VAC 85-20-110, 18 VAC 85-20-190; and repealing 18 VAC 85-20-130).

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

Effective Date: November 27, 1996.

Summary:

The Board of Medicine is amending 18 VAC 85-20-10 and 18 VAC 85-20-110 and repealing 18 VAC 85-20-130 pertaining to the licensure of clinical psychologists, who are now licensed solely by the Board of Psychology. In addition, amendments are made in 18 VAC 85-20-190 to add chiropractors to those practitioners who may be licensed as physician acupuncturists.

The final regulations are submitted for publication in the Virginia Register under an exemption from the Administrative Process Act pursuant to § 9-6.14:4.1 (C)(4)(a) as necessary to conform to changes in Virginia statutory law, specifically amendments to Chapter 29 of Title 54.1 enacted by Chapters 470, 937, and 980 of the 1996 Acts of the Assembly.

Agency Contact: Copies of the regulation may be obtained from Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7423.

CHAPTER 20.
REGULATIONS GOVERNING THE PRACTICE OF
MEDICINE, OSTEOPATHY, PODIATRY, CHIROPRACTIC,
CLINICAL PSYCHOLOGY, AND PHYSICIAN
ACUPUNCTURE.

18 VAC 85-20-10. Definitions.

A. The following words and terms, when used in this chapter, shall have the meanings ascribed to them in § 54.1-2900 of the Code of Virginia:

- Acupuncture
- Board
- Clinical psychologist
- Practice of clinical psychology
- Practice of medicine or osteopathy
- Practice of chiropractic
- Practice of podiatry
- The healing arts.

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B. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"American institution" means any accredited licensed medical school, college of osteopathic medicine, school of podiatry, chiropractic college, or institution of higher education offering a doctoral program in clinical psychology, located in the United States, its territories, or Canada.

"Principal site" means the location in a foreign country where teaching and clinical facilities are located.

18 VAC 85-20-110. Licensure, general.

A. No person shall practice medicine, osteopathy, chiropractic, podiatry, or acupuncture, or clinical psychology in the Commonwealth of Virginia without a license from this board, except as provided in 18 VAC 85-20-200 of this chapter.

B. For all applicants for licensure by this board except those in clinical psychology, licensure shall be by examination by this board or by endorsement, whichever is appropriate.

C. Applicants for licensure in clinical psychology shall take the examination of the Virginia State Board of Psychology, which will recommend those qualifying to the Board of Medicine for licensure.

18 VAC 85-20-130. Supervision of unlicensed persons practicing as psychologists in exempt settings; reporting requirements. (Repealed.)

A. Pursuant to subdivision 4 of § 54.1-3601 of the Code of Virginia, supervision by a licensed psychologist shall mean that the supervisor shall:

1. Provide supervision of unlicensed personnel who are providing psychological services as defined in § 54.1-3600 and who are functioning in practice and title as a professional psychologist, including the review of assessment protocols, intervention plans and psychological reports, with review denoted by countersignature on all client records and reports as specified in the required protocols within 30 days of origination;

2. Determine and carry out instructional and evaluative consultation with supervisees appropriate to their levels of training and skill, and adjust their service delivery according to current standards of professional practice; and

3. Supervise only those psychological services that fall within the supervisor's area of competence as demonstrated by his own professional practice and experience.

B. A clinical psychologist who is providing supervision, as provided for in subdivision 4 of § 54.1-3601, shall:

1. Submit to the board, within 120 days of the effective date of this chapter, a copy of the supervisory protocol established for each unlicensed supervisee and signed by the supervisor, supervisee, and authorized representative of the institution or agency.

2. Notify the board of any changes in supervisory relationships, including terminations or additions, prior to or within 10 days of such change, with copies of supervisory protocol for all new supervisory relationships to follow within 30 days of such notice.

18 VAC 85-20-190. Licensure to practice as a physician acupuncturist.

The board will license as physician acupuncturists only doctors of medicine, osteopathy, and podiatry, and chiropractic as only these practitioners have demonstrated a competence by passing the medicine/osteopathy licensure examination or podiatry, or chiropractic licensure examination.

No person shall practice as a physician acupuncturist in the Commonwealth of Virginia without being licensed by the board to do so.

The board shall license as physician acupuncturists only licensed doctors of medicine, osteopathy, and podiatry, and chiropractic. Such licensure shall be subject to the following condition: The applicant shall first have obtained at least 200 hours of instruction in general and basic aspects, specific uses and techniques of acupuncture and indications and contraindications for acupuncture administration.

A podiatrist may use acupuncture only for treatment of pain syndromes originating in the human foot.

The licensee shall maintain records of the diagnosis, treatment and patient response to acupuncture and shall submit records to the board upon request.

Failure to maintain patient records of those patients treated with acupuncture or failure to respond to the board's request for patient records within 30 days shall be grounds for suspension or revocation of a license to practice acupuncture.

VA.R. Doc. No. R97-65; Filed October 9, 1996, 10:36 a.m.

Title of Regulation: 18 VAC 85-60-10 et seq. Correctional Health Assistants (REPEALED).

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

Effective Date: November 27, 1996.

Summary:

The repeal of this regulation is exempt from the Administrative Process Act pursuant to § 9-6.14:4.1 (C)(4)(a) as necessary to conform to changes in Virginia statutory law, specifically amendments to Chapter 29 of Title 54.1 enacted by Chapter 779 of the 1996 Acts of the Assembly which deleted the authority of the board to promulgate regulations permitting the employment of assistants by the Department of Corrections.

Agency Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7423.

VA.R. Doc. No. R97-66; Filed October 9, 1996, 10:35 a.m.

Title of Regulation: 18 VAC 85-90-10 et seq. **Certification for Optometrists to Prescribe for and Treat Certain Diseases, Including Abnormal Conditions of the Human Eye and its Adnexa with Certain Therapeutic Pharmaceutical Agents (REPEALED).**

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

Effective Date: November 27, 1996.

Summary:

The repeal of this regulation is exempt from the Administrative Process Act pursuant to § 9-6.14:4.1 (C)(4)(a) as necessary to conform to changes in Virginia statutory law, specifically amendments to Chapter 29 of Title 54.1 enacted by Chapters 152 and 158 of the 1996 Acts of the Assembly which deleted the authority of the Board of Medicine to certify optometrists to use therapeutic pharmaceutical agents and placed that authority with the Board of Optometry.

Agency Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7423.

VA.R. Doc. No. R97-67; Filed October 9, 1996, 10:35 a.m.

BOARD OF OPTOMETRY

REGISTRAR'S NOTICE: Chapters 152 and 158 of the 1996 Acts of Assembly transferred the authority for the certification of optometrists to administer therapeutic pharmaceutical agents for the treatment of certain diseases and abnormal conditions of the eye and its adnexa from the Board of Medicine to the Board of Optometry. The Board of Optometry, by the following action, is amending the Board of Medicine regulations for TPA-certified optometrists. These regulations were continued in effect by Chapters 152 and 158 of the 1996 Acts until the Board of Optometry adopts regulations pursuant to § 54.1-3223 of the Code of Virginia.

The Board of Optometry is exempt from the provisions of the Administrative Process Act in accordance with § 9-6.14:4.1 A 18 of the Code of Virginia when specifying therapeutic pharmaceutical agents, treatment guidelines, and diseases and abnormal conditions of the human eye and its adnexa for TPA-certification of optometrists pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 of Title 54.1 of the Code of Virginia.

Title of Regulation: 18 VAC 105-30-10 et seq. **Regulations on Certification of Optometrists to Use Therapeutic Pharmaceutical Agents.**

Statutory Authority: § 54.1-3223 of the Code of Virginia.

Effective Date: October 1, 1996.

Summary:

The final regulations differ from the proposed regulations which were published in *The Virginia Register* on August 5, 1996, as follows:

First, the proposed regulations eliminated the listing of specific topical drugs and replaced it with a listing of categories of topical drugs. The final regulations retain the listing of categories but also incorporate by reference topical preparations listed in the "Ophthalmic Products" in the current edition of Drug Facts and Comparisons Updated Monthly as it is updated. In the proposed regulations, oral analgesics had been categorized as narcotic and nonnarcotic analgesics limited to Schedule III and VI.

Second, in the final regulations, in response to public comment and in concern for greater clarity, the Schedule III analgesics are further specified as only those containing codeine or hydrocodone in combination with other nonnarcotic analgesics. Also, a specific listing of approved Schedule VI nonsteroidal, anti-inflammatory, and centrally acting oral analgesic preparations is included in the final regulations.

Third, in the final regulations, it is made clear that a TPA certified optometrist may "procure for administration" as well as administer and prescribe specified topically applied TPA's. They may also "procure for administration" as well as administer and prescribe specified oral analgesics. They may also "procure for administration and dispense," as well as administer and prescribe over the counter topical and oral medications appropriate to the treatment of the eye.

Agency Contact: Copies of the regulation may be obtained from Elizabeth A. Carter, Ph.D., Board of Optometry, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910.

CHAPTER 90 30.

CERTIFICATION FOR OPTOMETRISTS TO PRESCRIBE FOR AND TREAT CERTAIN DISEASES, INCLUDING ABNORMAL CONDITIONS, OF THE HUMAN EYE AND ITS ADNEXA WITH CERTAIN THERAPEUTIC PHARMACEUTICAL AGENTS. REGULATIONS ON CERTIFICATION OF OPTOMETRISTS TO USE THERAPEUTIC PHARMACEUTICAL AGENTS.

**PART I.
GENERAL PROVISIONS.**

18 VAC 85-90-10. 18 VAC 105-30-10. Definitions.

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

"Approved school" means those optometric and medical schools, colleges, departments of universities or colleges or schools of optometry or medicine currently accredited by the Council on Postsecondary Accreditation or by the United States Department of Education.

"Board" means the Virginia Board of Medicine Optometry.

"Certification" means the Virginia Board of Medicine Optometry certifying an optometrist to prescribe for and treat certain diseases, including abnormal conditions, of the human eye and its adnexa and administer certain therapeutic pharmaceutical agents.

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"*Certified optometrist*" means an optometrist who holds a current license to practice optometry in the Commonwealth of Virginia, is certified to use diagnostic pharmaceutical agents by the Virginia Board of Optometry, and has met all of the requirements established by the Virginia Board of Medicine *Optometry* to treat certain diseases, including abnormal conditions, of the human eye and its adnexa with certain therapeutic pharmaceutical agents.

"*Examination*" means an examination approved by the Board of Medicine *Optometry* for certification of an optometrist to prescribe for and treat certain diseases, including abnormal conditions, of the human eye and its adnexa with certain therapeutic pharmaceutical agents.

"*Invasive modality*" means any procedure in which human tissue is cut, altered, or otherwise infiltrated by mechanical or other means. Invasive modalities include surgery, lasers, ionizing radiation, therapeutic ultrasound, medication administered by injection, and the removal of foreign bodies from within the tissues of the eye. For purposes of this chapter, the administration of a topical agent specified in ~~18 VAC 85-90-70 of this chapter~~ 18 VAC 105-30-70 is not considered an invasive modality.

"*Postgraduate clinical training*" means a postgraduate program approved by the board to be eligible for certification.

"*Protocol*" means a prescribed course of action developed by the certified optometrist which defines the procedures for responding to any patient's adverse reaction or emergency.

~~18 VAC 85-90-20.~~ 18 VAC 105-30-20. Public Participation Guidelines.

A separate board regulation, ~~18 VAC 85-10-10 et seq.~~ 18 VAC 105-10-10 et seq., which provides for involvement of the public in the development of all regulations of the Virginia Board of Medicine *Optometry*, is incorporated by reference in this chapter.

PART II.

APPLICATION FOR CERTIFICATION EXAMINATION.

~~18 VAC 85-90-30.~~ 18 VAC 105-30-30. Application for certification by examination.

An applicant for certification by examination shall be made on forms provided by the board. Such application shall include the following information and documents:

1. A complete application form;
2. The fee specified in ~~18 VAC 85-90-120 of this chapter~~ 18 VAC 105-30-110 to be paid at the time of filing the application;
3. Additional documents required to be filed with the application are:
 - a. A letter from the Virginia Board of Optometry certifying that:
 - (1) The applicant holds a current license to practice optometry in Virginia, and
 - (2) The applicant is certified to use diagnostic pharmaceutical agents;

b. Documented evidence of satisfactory completion of the postgraduate optometric training approved and prescribed by the board or documentation of graduate optometric training equivalent to the postgraduate optometric training required by the board;

c. Verification of licensure status in other states from the Board of Examiners in Optometry or appropriate regulatory board or agency.

PART III. EXAMINATION.

~~18 VAC 85-90-40.~~ 18 VAC 105-30-40. Examination for certification.

The following general provisions shall apply to optometrists who apply to take the board's examination for certification to prescribe for and treat certain diseases, including abnormal conditions, of the human eye and its adnexa with certain therapeutic pharmaceutical agents.

A. The certification examination for an optometrist to prescribe for and treat certain diseases, including abnormal conditions, of the human eye and its adnexa with certain therapeutic pharmaceutical agents shall be in one part.

B. A candidate for certification by the board who fails the examination following three attempts shall take additional postgraduate training approved by the board to be eligible to take further examinations, as required in ~~18 VAC 85-90-110~~ 18 VAC 105-30-110.

PART IV. SCOPE OF PRACTICE FOR AN OPTOMETRIST CERTIFIED TO USE THERAPEUTIC DRUGS.

~~18 VAC 85-90-50.~~ 18 VAC 105-30-50. Certification.

An optometrist, currently licensed by the Board of Optometry, who has completed didactic and clinical training to ensure an appropriate standard of medical care for the patient and has met all other requirements and has passed an examination administered by the board, shall be certified to administer and prescribe certain therapeutic pharmaceutical agents in the treatment of certain diseases, including abnormal conditions, of the human eye and its adnexa.

~~18 VAC 85-90-60. Diseases and conditions which may be treated by an optometrist.~~ 18 VAC 105-30-60. Treatment guidelines.

Diseases and conditions which may be treated by an optometrist certified by the board are:

1. ~~Hordeolum, conjunctivitis, blepharitis, chalazion, and dry eye.~~
2. ~~Superficial foreign bodies of the eye and its adnexa which can be treated by noninvasive modalities.~~
3. ~~Superficial epithelial damage secondary to contact lens wear provided that no corneal opacity is present.~~

A. *TPA certified optometrists may treat diseases and abnormal conditions of the following structures of the human eye and its adnexa which may be appropriately treated with*

pharmaceutical agents as [defined referenced] in 18 VAC 105-30-70:

1. Lids and adnexa;
2. Lacrimal system;
3. Cornea;
4. Conjunctiva; and
5. Episclera.

B. In addition, the following may be treated:

1. Glaucoma (with prior consultation with the patient's physician or other appropriate physician and excluding the treatment of congenital and infantile glaucoma). Treatment of angle closure shall be limited to the initiation of immediate emergency care with pharmaceutical agents as [defined referenced] in 18 VAC 105-30-70.
2. Ocular-related post-operative care in cooperation with patient's surgeon.
3. Ocular trauma to the above tissues as in subsection A of this section.
4. Uveitis, anterior.
5. Anaphylactic shock (limited to the administration of intramuscular epinephrine).

~~18 VAC 85-90-70.~~ 18 VAC 105-30-70. Therapeutic pharmaceutical agents.

~~Therapeutic pharmaceutical agents which a certified optometrist may administer and prescribe are all topical and are as follows:~~

- ~~1. Tetracycline~~
- ~~2. Erythromycin~~
- ~~3. Bacitracin~~
- ~~4. Polymyxin B/Bacitracin~~
- ~~5. Chlorotetracycline~~
- ~~6. Sodium Sulfacetamide 10%~~
- ~~7. Sodium Sulfacetamide 30%~~
- ~~8. Sulfisoxazole 4.0%~~
- ~~9. Sulfacetamide 15%/Phenylephrine 0.125%~~
- ~~10. Cromolyn Sodium 4.0%~~
- ~~11. Naphazoline HCl 0.1%~~
- ~~12. Phenylephrine HCl 0.125%/Pheniramine Maleate 0.5%~~
- ~~13. Phenylephrine HCl 0.12%/Pyrilamine Maleate 0.1%/Antipyrine 0.1%~~
- ~~14. Naphazoline HCl 0.025%/Pheniramine Maleate 0.3%~~
- ~~15. Naphazoline HCl 0.05%/Antazoline Phosphate 0.5%~~

~~16. Hydroxypropyl Cellulose Ophthalmic Insert~~

~~17. Polytrim Ophthalmic Solution~~

~~18. Neomycin~~

~~19. Levocabastine~~

~~A. A certified optometrist may [procure for administration,] administer and prescribe the following topically applied pharmaceutical agents (Schedule VI) or any therapeutically appropriate combination thereof [;. For clarification and reference, the list of approved topical preparations shall be those listed under "Topical Preparations," subsection "Ophthalmic Products" in the current edition of Drug Facts and Comparisons Updated Monthly as it is updated. (A copy of the current approved list will be provided upon request from the Board of Optometry.)]~~

- ~~1. Anti-allergy;~~
- ~~2. Anti-glaucoma;~~
- ~~3. Anti-infective;~~
- ~~4. Anti-inflammatory;~~
- ~~5. Cycloplegic and Mydriatic; [and]~~
- ~~6. Decongestant [; and .]~~

~~[7. Over-the-counter medications appropriate to the treatment of the eye.]~~

~~B. A certified optometrist may [procure for administration, administer, or] prescribe the following oral pharmaceutical agents: [+.] narcotic and nonnarcotic analgesics limited to Schedule III and VI [; and. For clarification and reference, Schedule III analgesics shall be those oral analgesic preparations containing codeine or hydrocodone in combination with other nonnarcotic analgesics. Further, the following list of Schedule VI oral analgesic preparations are approved:~~

~~Schedule VI oral analgesics:~~

~~Nonsteroidal anti-inflammatory drugs:~~

- ~~ibuprofen~~
- ~~ketoralac~~
- ~~nabumetone~~
- ~~naproxen sodium~~
- ~~etodolac~~
- ~~ketoprofen~~
- ~~diclofenac sodium or diclofenac potassium~~
- ~~fenoprofen or fenoprofen calcium~~

~~Centrally acting analgesics:~~

- ~~tramadol hydrochloride]~~

~~[2. C.] Over-the-counter [topical and oral] medications appropriate to the treatment of the eye [may be procured for administration, administered, prescribed or dispensed].~~

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[G. D.] A certified optometrist may prescribe and dispense contact lenses for therapeutic purposes.

~~18 VAC 85-90-80. Standards of practice. 18 VAC 105-30-80. (Reserved.)~~

~~A. A certified optometrist after diagnosing and treating a patient who has a disease or condition as defined in 18 VAC 85-90-60, which disease or condition failed to improve appropriately, usually within 72 hours, shall refer the patient to an ophthalmologist. A patient with a superficial corneal abrasion which does not improve significantly within 24 hours shall be referred to an ophthalmologist.~~

~~B. The certified optometrist shall establish a written protocol for the management of patient emergencies and referrals to physicians.~~

~~C. The list in 18 VAC 85-90-70 does not preclude optometrists treating emergency cases of anaphylactic shock with intra-muscular epinephrine, such as obtained from a beesting kit.~~

~~D. The treatment of certain diseases, including abnormal conditions, of the human eye and its adnexa with the administration of certain therapeutic pharmaceutical agents by certified optometrists is prohibited in children five years of age or younger.~~

PART V. RENEWAL OF CERTIFICATION.

~~18 VAC 85-90-90. 18 VAC 105-30-90. Renewal of certification.~~

Every optometrist certified by the board shall renew his certification biennially on or before July 1 and pay the prescribed fee in ~~18 VAC 85-90-120~~ 18 VAC 105-30-120 in each odd number year.

~~18 VAC 85-90-100. 18 VAC 105-30-100. Expiration of certification.~~

An optometrist who allows his certification to expire shall be considered not certified by the board. An optometrist who proposes to resume the treatment of certain diseases, including abnormal conditions, of the human eye and its adnexa and administer certain therapeutic pharmaceutical agents shall make a new application for certification and pay a fee prescribed in ~~18 VAC 85-90-120~~ 18 VAC 105-30-120.

PART VI. POSTGRADUATE TRAINING.

~~18 VAC 85-90-110. 18 VAC 105-30-110. Postgraduate training required.~~

Every applicant applying for certification to prescribe for and treat certain diseases, including abnormal conditions, of the human eye and its adnexa with certain therapeutic pharmaceutical agents shall be required to complete a full-time approved postgraduate optometric training program prescribed by the board or to document that his graduate optometric program contained equivalent elements to the postgraduate optometric program approved by the board.

A. The approved postgraduate program shall be the Ocular Therapy for the Optometric Practitioner #750B

conducted by the Pennsylvania College of Optometry or any other postgraduate optometric program approved by the board.

B. Upon completing the required postgraduate optometric training program, the applicant may apply to sit for the certification examination administered by the board.

C. The certification examination shall be a one-part comprehensive examination in accordance with ~~18 VAC 85-90-40~~ of this chapter 18 VAC 105-30-40.

PART VII. FEES.

~~18 VAC 85-90-120. 18 VAC 105-30-120. Fees required by the board.~~

A. Application fee for the examination to be certified to prescribe for and treat certain diseases, including abnormal conditions, of the human eye and its adnexa with certain therapeutic pharmaceutical agents shall be \$300. The examination fee is nonrefundable. An applicant may, upon written request 21 days prior to the scheduled examination and payment of a \$100 fee, be rescheduled for the next administration of the examination.

B. The fee for biennial renewal of certification shall be \$125.

C. The fee for reinstating an expired certification shall be \$150.

D. The fee for a letter of good standing/verification to another state for a license shall be \$10.

E. The fee for reinstatement of a revoked certificate shall be \$750.

Documents Incorporated by Reference

Facts and Comparisons, January 1996, updated monthly, Facts and Comparisons, Inc., toll-free 1-800-223-0554.

VA.R. Doc. No. R97-43; Filed September 30, 1996, 1:01 p.m.

BOARD OF VETERINARY MEDICINE

Title of Regulation: 18 VAC 150-20-10 et seq. Regulations Governing the Practice of Veterinary Medicine (amending 18 VAC 150-20-70).

Statutory Authority: §§ 54.1-2400 and 54.1-3805.2 of the Code of Virginia.

Effective Date: November 27, 1996.

Summary:

The amendments to 18 VAC 150-20-70 B replace emergency regulations on requirements for continuing education which became effective on February 6, 1996.

Regulations provide for (i) the approved courses or programs related to the clinical practice of veterinary medicine or to the operation of a veterinary hospital; (ii) conditions for exemptions from or extensions for compliance with continuing education (CE) requirements; (iii) requirements for maintenance of documentation of

CE records; and (iv) requirements for completion of CE prior to reactivation of an inactive, suspended or revoked license.

Summary of Public Comment and Agency Response: No public comment was received by the promulgating agency.

Agency Contact: Copies of the regulation may be obtained from Elizabeth A. Carter, Ph.D., Executive Director, Board of Veterinary Medicine, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9915.

18 VAC 150-20-70. Renewal requirements.

A. Every person authorized by the board to practice veterinary medicine shall, before March 1 of every year, pay to the board a renewal fee as prescribed in 18 VAC 150-20-100 and every holder of a license of veterinary technology shall, in a like manner, pay a renewal fee as prescribed in 18 VAC 150-20-100.

1. The board shall mail to each licensed person a notice to renew his license prior to the expiration of the license.
2. It shall be the responsibility of each person so licensed to return the renewal application with the prescribed fee so that it will be received by the board prior to the expiration date of his license. Failure to renew shall cause the license to lapse and become invalid.
3. A veterinarian's or veterinary technician's license may be renewed up to one year after the expiration date, provided a late fee as prescribed in 18 VAC 150-20-100 is paid in addition to the required renewal fee and further provided that the veterinarian or veterinary technician has not intentionally engaged in practice in Virginia after the expiration date of the license.
4. Reinstatement of licenses expired for one year or more shall be at the discretion of the board. The board shall require documentation of clinical competency and professional activities, and may require examination in addition to the prescribed reinstatement fee and the current renewal fee as conditions for reinstatement of a license.

B. In accordance with § 54.1-3805.2 of the Code of Virginia, on and after March 1, 1997, veterinarians shall be required to have completed a minimum of 15 hours, and veterinary technicians shall be required to have completed a minimum of six hours, of approved continuing education for each annual renewal of licensure. Continuing education credits or hours may not be transferred or credited to another year.

1. Approved continuing education credit shall only be given for courses or programs related to the treatment and care of patients or the operation of a veterinary hospital and shall be either clinical courses in veterinary medicine or veterinary technology or related nonclinical courses.
2. An approved continuing education course or program shall be sponsored by one of the following:

a. American Veterinary Medical Association (AVMA) or its constituent and component/branch associations, specialty organizations, and board certified specialists in good standing within their specialty board;

b. Colleges of veterinary medicine approved by the AVMA Council on Education;

c. National or regional conferences of veterinary medicine;

d. Academies or species specific interest groups of veterinary medicine;

e. National Association of Licensed Veterinary Technicians (NALVT) or its constituent and component/branch associations;

f. North American Veterinary Technicians Association;

g. Community colleges with an approved program in veterinary technology;

h. State or federal government agencies;

i. Veterinary Hospital Managers Association or its constituent and component/branch associations;

j. American Animal Hospital Association (AAHA) or its constituent and component/branch associations;

k. The Compendium on Continuing Education for the Practice of Veterinary Medicine or the Compendium on Continuing Education for the Practice of Veterinary Technology; or

l. A sponsor approved by the Virginia Board of Veterinary Medicine provided the sponsor has submitted satisfactory documentation on forms provided by the board at least 60 days prior to the program offering.

3. A licensee is exempt from completing continuing education requirements and considered in compliance on the first renewal date following his initial licensure.

4. The board may grant an exemption for all or part of the continuing education requirements due to circumstances beyond the control of the licensee, such as temporary disability, mandatory military service, or officially declared disasters.

5. The board may grant an extension for good cause of up to one year for the completion of continuing education requirements upon written request from the licensee prior to the renewal date. Such an extension shall not relieve the licensee of the continuing education requirement.

6. Licensees are required to attest to compliance with continuing education requirements on their annual license renewal and are required to maintain original documents verifying the date and subject of the program or course, the number of continuing education hours or credits, and certification from an approved sponsor. Original documents must be maintained at the location where the original license is posted for a period of two years following renewal.

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7. In order to reactivate his license, a licensee who has requested that his license be placed on inactive status, has allowed his license to lapse, or has had his license suspended or revoked shall submit evidence of completion of continuing education hours equal to the requirements for the number of years in which his license has not been active, but not to exceed two years.

8. Continuing education hours required by disciplinary order shall not be used to satisfy renewal requirements.

9. Failure to comply with the requirements of this subsection shall constitute unprofessional conduct.

B. C. A new facility shall apply for registration with the board at least 60 days prior to opening for practice and pay to the board a registration fee as prescribed in 18 VAC 150-20-100 at the time of application.

1. Every such animal facility so registered shall be required to renew the registration permit annually and pay to the board a registration fee as prescribed in 18 VAC 150-20-100.

2. Failure to renew the facility permit by March 1 of each year shall cause the permit to expire and become invalid. The permit may be reinstated without reinspection, within 60 days of expiration, provided the board receives a properly executed renewal application and a late fee as prescribed in 18 VAC 150-20-100 in addition to the required renewal fee. Reinstatement of an expired permit after 60 days shall be at the discretion of the board and contingent upon a reinspection and payment of the late fee, the reinspection fee, the renewal fee and the facility reinstatement fee.

3. Every new animal facility or an animal facility which changes location shall be inspected, approved and registered by the board prior to opening for the practice of veterinary medicine. Applications are to be made at least 60 days prior to the proposed opening date of the animal facility. If more than one inspection is required for approval, the reinspection fee shall be imposed for each additional inspection.

Department of Health Professions
COMMONWEALTH OF VIRGINIA
**RENEWAL NOTICE
AND APPLICATION**

Board of _____

Telephone _____

TYPE OF RENEWAL _____

NUMBER: _____

MAKE CHECKS PAYABLE TO THE "TREASURER OF VIRGINIA"

INSTRUCTIONS

1. Complete items 1 and 2 to right, if renewing.
2. Complete item 3 if you desire inactive status or do not wish to renew.
3. Make any address changes on this application when renewing.
4. Make any name changes on this application and enclose a copy of your marriage license or court order.
5. Note name and license number on all enclosures.
6. Return this application in the enclosed envelope.

CURRENT EXPIRATION	RENEWAL PERIOD FROM _____ TO _____
ACTIVE LICENSE FEE \$ _____	LATE PAYMENT PAY ONLY IF AFTER _____

STATEMENTS

1. I certify that I have met all continuing education requirements to renew this license. yes no
If "no," enclose an explanation concerning your failure to comply or complete item 3 below.

2. I swear that I have not made any misrepresentation on this renewal application and understand that furnishing false information constitutes cause for loss of license to practice.

Signature

3. Check the appropriate box and sign below.
- I wish to take inactive status and enclose the inactive fee of:
\$ _____
- I do not wish to renew.

Signature



COMMONWEALTH of VIRGINIA

Department of Health Professions
Board of Veterinary Medicine
Board of Optometry

Elizabeth A. Carter, Ph.D.
Executive Director for the Board

6606 West Broad Street, Fourth Floor
Richmond, Virginia 23230-1717
(804) 662-9915
FAX (804) 662-9943
TDD (804) 662-7197

THE VIRGINIA BOARD OF VETERINARY MEDICINE
CONTINUING EDUCATION PROGRAM

Virginia law requires a veterinarian to complete 15 hours and a veterinary technician to complete 6 hours of continuing education credit as a condition of license renewal. Courses must be sponsored by an approved provider according to Section B of Regulation 18 VAC 150-20-70 or receive Board approval before any credits can be granted.

Applications for approval of continuing education courses will be reviewed by the Continuing Education Committee and returned within 4 weeks of receipt. Upon request, a disapproval may be reviewed by the full Board.

Courses will be approved upon meeting the following criteria:

1. Application must be completed IN FULL. If thorough information about course content and instructions is lacking, the application will not be reviewed until the information is received.
2. Courses should pertain to a recognized veterinary subject or other subject matter which integrally relates to the practice of veterinary medicine and must increase the licensee's professional competence, skills, and ability to deliver quality veterinary services to the public.
3. Courses may not offer instruction on augmenting income.
4. Courses may not be designed to promote the sale of specific instruments or products.
5. Courses must have a sponsor or co-sponsor who will ensure that no part of the educational session is devoted to the promotion of specific instruments, products or marketing philosophies.
6. Course enrollment must be open to any veterinarian or veterinary technician.
7. Self-study correspondence courses are now accepted. Please advise the date the self-study was submitted to the sponsor on the letter of recognition.
8. COURSES MUST CONTAIN A COMPLETE COURSE OUTLINE AND CURRICULUM VITAE ON EACH INSTRUCTOR.



COMMONWEALTH of VIRGINIA

Department of Health Professions
Board of Veterinary Medicine
Board of Optometry

Elizabeth A. Carter, Ph.D.
Executive Director for the Board

6606 West Broad Street, Fourth Floor
Richmond, Virginia 23230-1717
(804) 662-9915
FAX (804) 662-9943
TDD (804) 662-7197

Dear Sponsor:

This letter acknowledges receipt of your request for approval of the following continuing education course: _____ The checklist below indicates what materials must be submitted for review and approval:

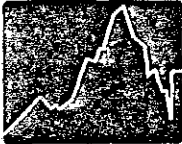
- _____ Title of the course
- _____ Sponsoring organization(s)
- _____ Name of the lecturer(s)
- _____ Curriculum Vitae of the lecturer(s)
- _____ Outline of the course's content
- _____ Length of the course in clock hours
- _____ Method of certification of attendance or completion if offered as a correspondence course
- _____ Number of credit hours requested

No course shall be forwarded to the review committee until all the required information has been received by the Board office.

If you have questions or need further clarification, please do not hesitate to contact the Board office (804) 662-9915.

Cordially,

Terri H. Behr
Administrative Assistant

	<p>COMMONWEALTH OF VIRGINIA</p> <p>BOARD OF VETERINARY MEDICINE</p> <p>Department of Health Professions 6606 West Broad Street, 4th Floor Richmond, Virginia 23230-1717 (804) 662-9915</p>
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APPLICATION FOR APPROVAL OF A CONTINUING EDUCATION COURSE
 (Please Submit Application 45 Days Prior to Course Date.)

A. INDIVIDUAL REQUESTING COURSE APPROVAL		
Name - Last	First	Middle/Maiden
Street Address		
City	State	Zip Code
Area Code and Telephone Number		

B. COURSE PROVIDER		
Name		
Street Address		
City	State	Zip Code
Area Code and Telephone Number		

C. WILL OTHER ORGANIZATIONS ALSO SPONSOR COURSE? YES <input type="checkbox"/> NO <input type="checkbox"/>		
Name		
Street Address		
City	State	Zip Code
Area Code and Telephone Number		

D. TITLE OF PROGRAM		
Dates		Location
Beginning	Ending	
City	State	Zip Code

1.	Attach list of courses to be given at program. Show beside each course title, the amount of credit hours requested. (The Board allows 1.0 credit hour for each 60 minutes of course work attended. This does not include welcoming remarks, introductions, breaks, and meals. Credit hours of instruction will be rounded to the nearest half hour).
2.	ATTACH COMPREHENSIVE COURSE OUTLINES WITH LESSON PLANS, INCLUDING AMOUNT OF TIME TO BE DEVOTED TO ALL COMPONENTS, I.E., OPENING REMARKS, INTRODUCTION, INSTRUCTIONAL TIME, BREAKS AND MEALS.
3.	Amount of credits requested for entire program: _____
4.	ATTACH A CURRICULUM VITAE ON EACH LECTURER.
5.	Manner of certifying attendance: _____
6.	Will there be speeches or any literature or products distributed promoting a particular brand or company product? Yes _____ No _____ If yes, what will be the nature of the promotion? _____
7.	Will there be an objective third party sponsor or co-sponsor to ensure the criteria for approval? Yes _____ No _____ Name and nature of organization: _____
8.	Will the program be made available to any veterinarian or veterinary technician? Yes _____ No _____
	_____ Signature

COURSEWORK WILL NOT BE SUBMITTED TO THE EDUCATION COMMITTEE UNLESS ALL THE ABOVE CRITERIA ARE MET.

V.A.R. Doc. No. R97-64, Filed October 9, 1996, 10:30 a.m.

Virginia Register of Regulations

STATE CORPORATION COMMISSION

AT RICHMOND, SEPTEMBER 23, 1996

COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

CASE NO. PUC950078

Ex Parte, in re: investigation
of the pricing and provisioning
of residential Integrated Services
Digital Network offered by
Bell Atlantic-Virginia, Inc.

ORDER INVITING ADDITIONAL COMMENTS

By order of February 26, 1996, the Commission initiated this investigation and invited comments concerning the pricing and provisioning of Bell Atlantic-Virginia, Inc.'s ("BA-VA's") residential Integrated Services Digital Network ("ISDN") service, also known as residential IntelliLinQ BRI Service. That order established a deadline of April 22, 1996 for interested persons to file comments. Numerous comments were filed. On April 19, 1996, BA-VA filed tariffs to revise its pricing structure to include several usage packages, and to offer a flat rate version of its residential ISDN service. In that filing, BA-VA also proposed to reclassify this service from Basic to Discretionary under the Bell Atlantic-Virginia Plan for Alternative Regulation ("Plan"). By letter dated May 24, 1996, AT&T objected to this proposed reclassification.

By letter of August 23, 1996, counsel for BA-VA requested a clarification that residential ISDN had been reclassified to the Discretionary category by operation of law under Section 4.A of its Plan. A disputed reclassification of a service must be determined by the Commission and cannot occur by operation of law. Section 4.A.4 of the Plan requires such a determination within 90 days of the effective date of the service offering unless that time period is extended for good cause. In its letter of August 23, 1996, BA-VA advised that it is willing to waive this time period. Accordingly, the Commission finds good cause to extend it. BA-VA's letter suggested resolution of this issue by the first quarter of 1997. That appears feasible.

Based on calls and letters to the Commission's Division of Communications since the revised rates took effect on July 3, 1996, there are still customer concerns about the pricing of this service. In light of this, the Commission has determined to invite additional comments concerning the rate revisions and the tariffs filed by BA-VA. Notice shall be furnished to those who have previously submitted comments, but comments are invited from any source. Accordingly,

IT IS THEREFORE ORDERED THAT:

(1) On or before September 30, 1996, a copy of this order shall be made available for public inspection in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia, from 8:15 a.m. to 5:00 p.m. Monday through Friday. Interested parties may also request a copy from the Division of Communications, P.O. Box 1197, Richmond, Virginia 23218, or by calling (804) 371-9420.

(2) On or before November 15, 1996, any interested persons shall file written comments concerning BA-VA's residential ISDN Service. All written comments shall be filed with William J. Bridge, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, and shall refer to Case No. PUC950078.

(3) This order shall be sent forthwith to the Registrar of Regulations for appropriate publication in the Virginia Register.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: Warner F. Brundage, Jr., Esquire, Vice President of General Counsel, Secretary, Bell Atlantic-Virginia, Inc., 600 East Main Street, P.O. Box 27241, Richmond, Virginia 23261; Division of Consumer Counsel, Office of the Attorney General, 900 East Main Street, Richmond, Virginia 23219; James Love, Director, and Todd Paglia, Esquire, Consumer Project on Technology, P.O. Box 19367, Washington, D.C. 20036; Michael T. Mahoney, 4094 Majestic Lane, Suite 131, Fairfax, Virginia 22033; P. D. Sullivan, Vice President, Business Development, Open Systems Associates, Inc., 1801 Fulton Drive, Reston, Virginia 22091; Richard L. Raybold, RLR Resources, 10206 Carol Street, Great Falls, Virginia 22066; Gerald William Talley, 1410 North Longfellow Street, Arlington, Virginia 22205; John Wimbush, University of Richmond, Chemistry Department, University of Richmond, Virginia 23173; David Leshner, P.O. Box 1433, Wheaton, Maryland 20915-1433; Wilma R. McCarey, AT&T Communications of Virginia, Inc., 3033 Chainbridge Road, Room 3-D, Oakton, Virginia 22185-0001; Darrell Duane, Jr., 5419 Helm Court, Fairfax, Virginia 22032-3309; Anthony Murawshi, 6815 Rosewood Street, Annandale, Virginia 22003; C. Randolph Philipp, 8 Russell Avenue, #307, Gaithersburg, Maryland 20877; Jon E. Mitchiner, 8207 Chivalry Road, Annandale, Virginia 22003; Patrick Bahn, 4311 Lynbrook Drive, Bethesda, Maryland 20814; Phil Wherry, 2721 Baronhurst Drive, Vienna, Virginia 22181; Dale C. Clarke, Delta One, P.O. Box 222893, Chantilly, Virginia 22021-2893; Randy Tidd, 908 Whann Avenue, McLean, Virginia 22101; Clifton B. Sothoron, Jr., 2013 Livingston Oak Drive, Virginia Beach, Virginia 23464; Michael Shields, 13619 Kirstin Place, Herndon, Virginia 22071-3720; David P. Romig, President, The Computer Solution Company, 1525 Huguenot Road, Midlothian, Virginia 23113-2426; Conor P. Cahill, 43359 Ice Pond Drive, Ashburn, Virginia 22011; Jim and Claire Saveland, 1521 Powells Tavern Place, Herndon, Virginia 22070; the Commission's Office of General Counsel; and the Commission's Divisions of Communications, Public Utility Accounting, and Economics and Finance.

VA.R. Doc. No. R97-41; Filed September 30, 1996, 9:45 a.m.

State Corporation Commission

FINAL REGULATIONS

Bureau of Financial Institutions

Title of Regulations: 10 VAC 5-60-40. Rules Governing Open-End Credit Business in Licensed Consumer Finance Offices.

10 VAC 5-60-50. Rules Governing Real Estate Mortgage Business in Licensed Consumer Finance Offices.

Statutory Authority: § 6.1-244 and 12.1-13 of the Code of Virginia.

Effective Date: September 30, 1996.

Agency Contact: Copies of the regulation may be obtained from E. J. Face, Jr., Deputy Commissioner, Bureau of Financial Institutions, State Corporation Commission, P. O. Box 1197, Richmond, Virginia 23218, telephone (804) 371-9657. Copying charges are \$1.00 for the first two pages and 50¢ for each additional page.

AT RICHMOND, SEPTEMBER 26, 1996

COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

CASE NO. BFI960072

Ex Parte: In the matter of amending the rules governing open-end credit and mortgage lending in offices licensed under the Consumer Finance Act

ORDER AMENDING REGULATIONS

By Order dated August 8, 1996, the Commission directed that notice be given of certain proposed amendments to its "Rules Governing Open-End Credit Business in Licensed Consumer Finance Offices" (10 VAC 5-60-40) and "Rules Governing Real Estate Mortgage Business in Licensed Consumer Finance Offices" (10 VAC 5-60-50). The amendments, proposed by the Bureau of Financial Institutions (the "Bureau"), eliminated in each set of rules a prohibition against converting an open-end credit balance or a balance due on a mortgage loan to a loan made under the Consumer Finance Act ("the Act"), Chapter 6 (§ 6.1-244, *et seq.*) of Title 6.1 of the Code of Virginia, or including any such balance in a loan made under the Act.

Notice of the proposed amendments was duly published September 2, 1996, in the Virginia Register and was sent by the Bureau to all licensees under the Act, the Virginia Financial Services Association, the Virginia Citizens Consumer Council, the Virginia Poverty Law Center, and the Office of the Attorney General, Division of Consumer Counsel. One written comment was received prior to the September 24, 1996 deadline; the Virginia Financial Services Association submitted a comment in support of the proposed amendments. No request for a hearing was filed.

NOW THE COMMISSION, having considered the proposed amendments and the submission in this case, concludes that the regulations should be amended as proposed.

THEREFORE, IT IS ORDERED THAT:

(1) The regulations, as amended, entitled "Rules Governing Open-End Credit Business in Licensed Consumer Finance Offices" and "Rules Governing Real Estate Mortgage Business in Licensed Consumer Finance Offices", attached hereto, are adopted. The regulations, as adopted, shall be transmitted for publication in the Virginia Register and shall be effective upon their being filed with the Registrar of Regulations.

(2) There being nothing further to be done in the matter, this case is dismissed. The papers herein shall be placed among the ended cases.

AN ATTESTED COPY HEREOF shall be sent to the Commissioner of Financial Institutions, who shall mail a copy of the order and the regulations (as amended, but without editing marks) to all licensees under the Act and to such other persons as he deems appropriate.

10 VAC 5-60-40. Rules governing open-end credit business in licensed consumer finance offices.

A. The business of extending open-end credit shall be conducted by a separate legal entity, and not by the consumer finance licensee. The separate, open-end credit entity ("separate entity") shall comply with all applicable state and federal laws.

B. Separate books and records shall be maintained by the licensee and the separate entity, and the books and records of the licensee shall not be commingled with those of the separate entity, but shall be kept in a different location within the office. The Bureau of Financial Institutions shall be given access to the books and records of the separate entity, and shall be furnished such information as it may require in order to assure compliance with this [~~chapter~~ section] .

C. The expenses of the two entities will be accounted for separately and so reported to the Bureau of Financial Institutions as of the end of each calendar year.

D. Advertising or other information published by the licensee or the separate entity shall not contain any false, misleading or deceptive statement or representation concerning the rates, terms or conditions for loans or credit made or extended by either of them. The separate entity shall not make or cause to be made any misrepresentation as to its being a licensed lender, or as to the extent to which it is subject to supervision or regulation.

E. The licensee and the separate entity shall not make both a consumer finance loan and an extension of open-end credit to the same borrower or borrowers as part of the same transaction.

F. Except as authorized by the Commissioner of Financial Institutions, or by order of the State Corporation Commission, insurance, other than credit life insurance, credit accident and sickness insurance and credit involuntary unemployment insurance, shall not be sold in licensed consumer finance offices in connection with any extension of open-end credit by the separate entity.

ADMINISTRATIVE LETTERS

BUREAU OF INSURANCE

September 25, 1996

Immediate Attention Required

Administrative Letter 1996-14

TO: All Insurers, Health Services Plans, and Health Maintenance Organizations licensed to write Accident and Sickness Insurance in Virginia, all Fraternal Benefit Societies

RE: Registration - Small Employer and Primary Small Employer Market

The purpose of this Administrative Letter is to provide information and direction regarding notification to the Commission of carriers' intentions to participate or not participate in the Primary Small Employer Market or the Small Employer Market in Virginia.

This letter should be reviewed thoroughly before the attached registration form is completed.

Effective 7/1/96, the definitions of "Small Employer" and "Small Employer Market" in § 38.2-3431 of the Code of Virginia were revised. The number of eligible employees employed by a small employer increased from "less than 50" to "less than 100". Because of this expanded definition, carriers who may have been marketing to groups outside of the scope of the previous definition must now register as Small Employer Carriers if they intend to continue to market to Small Employers as that term is now defined.

In accordance with 14 VAC 5-234-40.A, every Insurer, Health Services Plan, Fraternal Benefit Society or Health Maintenance Organization licensed to write Accident and Sickness insurance in Virginia must notify the Commission in writing of its intent to participate or not participate in the Primary Small Group Market or the Small Group Market by November 30, 1996. This requirement also applies to Multiple Employer Welfare Arrangements operating in Virginia, as set forth in 14 VAC 5-234-20.B.3, (formerly Regulation No. 46, Section 2.B.3). The enclosed registration form should be completed and returned to the Bureau of Insurance to ensure that you meet this requirement. The Bureau of Insurance will consider those registrations currently on file to be valid unless we are advised otherwise.

It should be noted that carriers must have a Standard Health Benefit Plan and an Essential Health Benefit Plan approved prior to marketing in the Primary Small Group market. If a carrier is registered to participate only in the Small Group Market, the Standard and Essential Health Benefit Plans must be approved before the carrier is added to the Commission's list of authorized Primary Small Employer carriers (2 to 25 employees). Carriers should refer to 14 VAC 5-234 (formerly Regulation No. 46), and Article 5, Chapter 34 of Title 38.2 of the Code of Virginia for specific requirements applicable to Standard and Essential Health Benefit Plans.

In accordance with § 38.2-3432.B.7 of the Code of Virginia, as amended, notice, in writing, of intent to cease writing new business in the Primary Small Employer Market must be

G. When the balance owed under an open-end credit agreement is paid, finance charges will be assessed only to the date of payment.

H. The balance owed under an open-end credit agreement shall not, in whole or in part, be converted to or included in the amount of a consumer finance loan.

10 VAC 5-60-50. Rules governing real estate mortgage business in licensed consumer finance offices.

A. The business of making or purchasing loans secured by liens on real estate shall be conducted by a separate legal entity, and not by the consumer finance licensee. This separate, mortgage entity ("separate entity") shall comply with all applicable state and federal laws.

B. Separate books and records shall be maintained by the consumer finance licensee and the separate entity, and the books and records of the consumer finance licensee shall not be commingled with those of the separate entity, but shall be kept in a different location within the office. The Bureau of Financial Institutions shall be given access to the books and records of the separate entity, and shall be furnished such information as it may require in order to assure compliance with this [chapter section] .

C. The expenses of the two entities shall be accounted for separately and so reported to the Bureau of Financial Institutions as of the end of each calendar year.

D. Advertising or other information published by the consumer finance licensee or the separate entity shall not contain any false, misleading or deceptive statement or representation concerning the rates, terms or conditions for loans made by either of them. The separate entity shall not make or cause to be made any misrepresentation as to its being a licensed lender, or as to the extent to which it is subject to supervision or regulation.

E. The consumer finance licensee and the separate entity shall not make both a consumer finance loan and a real estate mortgage loan to the same borrower or borrowers as part of the same transaction.

F. The balance owed under a real estate mortgage loan shall not, in whole or in part, be converted to or included in the amount of a consumer finance loan.

G. E. Any compensation paid by the separate entity to any other party for the referral of loans, pursuant to an agreement or understanding between the separate entity and such other party, shall be an expense borne entirely by the separate entity. Such expense shall not be charged directly or indirectly to the borrower.

H. G. Except as authorized by the Commissioner of Financial Institutions, or by order of the State Corporation Commission, insurance, other than credit life insurance, credit accident and sickness insurance and credit involuntary unemployment insurance, shall not be sold in licensed consumer finance offices in connection with any mortgage loan made or purchased by the separate entity.

I. H. No interest in collateral other than real estate shall be taken in connection with any real estate mortgage loan made or purchased by the separate entity.

VA.R. Doc. No. R97-42; Filed September 30, 1996, 9:45 p.m.

State Corporation Commission

provided to the Commission, and to either the policyholder, contract holder, enrollee or employer. Carriers should refer to this section for specific requirements applicable to notifications as well as restrictions on re-entry in this market.

Questions regarding the contents of this letter should be addressed, in writing, to the attention of:

Jacqueline K. Cunningham
Supervisor, Life and Health Forms & Rates Section
Bureau of Insurance
Box 1157
Richmond, Virginia 23218

/s/ Alfred W. Gross
Commissioner of Insurance

Virginia Small Employer Market
Registration Form
as required by
§38.2-3431 of the Code of Virginia and 14 VAC 5-234-40

The carrier below will: (please check s as appropriate)

Participate in the Primary Small Employer Market (2 to 25 eligible employees)

Participate in the Small Employer Market (26 to 99 eligible employees)

Not participate in the Primary Small or Small Employer Markets in Virginia

Company Information:

Name: _____
Address: _____
NAIC No.: _____
Contact Person: _____
Contact Person Title: _____
Contact Person Phone #: _____

Authorized by:

Name Printed: _____
Title Printed: _____
Signature: _____
Date: _____

Return this form by November 30, 1996, to:

Jacqueline K. Cunningham, Supervisor
Life and Health Forms and Rates Section
Virginia State Corporation Commission
Bureau of Insurance - 5th Floor
Post Office Box 1157
Richmond, VA 23218

State Corporation Commission

October 2, 1996

Administrative Letter 1996-15

TO: All Insurers Authorized to Write Accident and Sickness Insurance in Virginia, and all Health Maintenance Organizations and Health Services Plans Licensed in Virginia

RE: 14 VAC 5-170 - Rules Governing Minimum Standards for Medicare Supplement Policies (formerly Regulation No. 35)

It has recently come to our attention that a number of carriers writing Medicare Supplement coverage in Virginia have failed to comply with the annual premium rate filing requirement referred to in 14 VAC 5-170-120.C. This letter serves as notification that the Bureau has taken action, and will continue to take appropriate action against carriers who do not submit this filing as required. The annual premium rate filing must be submitted for approval. A filing is required annually, regardless of whether a rate change is being requested or not. All approval notifications are provided to carriers in writing. Carriers may not assume that a filing which involves no change in rates is automatically approved, and in no instances may a carrier exercise the deemer provision in Virginia Code § 38.2-316.E unless and until the carrier has notified the Commission of its intention to deem the submission approved within the time frame prescribed by this statute.

All annual premium rate filing submissions, as well as any questions about this issue, should be directed to:

Jacqueline K. Cunningham
Supervisor, Life and Health Forms & Rates Section
Bureau of Insurance
Box 1157
Richmond, Virginia 23218

/s/ Alfred W. Gross
Commissioner of Insurance

VA.R. Doc. No. R97-58; Filed October 9, 1996, 9:49 a.m.

STATE LOTTERY DEPARTMENT

DIRECTOR'S ORDER NUMBER TWENTY-TWO (96)

VIRGINIA'S SIXTY-FIRST INSTANT GAME LOTTERY;
"BANK ROLL," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1B(15) and 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's sixty-first instant game lottery, "Bank Roll." These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Penelope W. Kyle
Director

Date: August 13, 1996

VA.R. Doc. No. R97-49; Filed October 4, 1996, 9:40 a.m.

DIRECTOR'S ORDER NUMBER TWENTY-THREE (96)

VIRGINIA'S SIXTY-SECOND INSTANT GAME LOTTERY;
"STATE FAIR SHOOTING GALLERY," FINAL RULES FOR
GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1B(15) and 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's sixty-second instant game lottery, "State Fair Shooting Gallery." These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Penelope W. Kyle
Director

Date: August 13, 1996

VA.R. Doc. No. R97-50; Filed October 4, 1996, 9:40 a.m.

DIRECTOR'S ORDER NUMBER TWENTY-FOUR (96)

VIRGINIA LOTTERY RETAILER MULTI-STATE GAME
PROMOTIONAL PROGRAM RULES.

In accordance with the authority granted by Sections 9-6.14:4.1B(15) and 58.1-4006A of the Code of Virginia, I hereby promulgate the Virginia Lottery Retailer Multi-State Game Promotional Program Rules for the lottery retailer incentive program which will be conducted from Saturday, August 31, 1996 through Friday, October 11, 1996. These rules amplify and conform to the duly adopted State Lottery Board regulations.

These rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect until October 31, 1996, unless otherwise extended by the Director.

/s/ Penelope W. Kyle
Director

Date: August 30, 1996

VA.R. Doc. No. R97-51; Filed October 4, 1996, 9:40 a.m.

DIRECTOR'S ORDER NUMBER TWENTY-SEVEN (96)

CERTAIN DIRECTOR'S ORDERS RESCINDED

In accordance with the authority granted by Section 58.1-4006A of the Code of Virginia, I hereby rescind the following Director's Orders:

Order Number	Date Issued	Subject
13(89)	07/11/89	Virginia Lottery Minority and Women-Owned Business Enterprise On-Line Retailer Licensing Program.
21(92)	09/21/92	Virginia's Twenty-Ninth Instant Game Lottery; "Beat the Dealer," Final Rules for Game Operation.
04(93)	03/02/93	On-Line Licensing Program for Northern Virginia.
05(93)	02/01/93	Virginia's Thirty-Second Instant Game Lottery; "Lucky Dice," Final Rules for Game Operation.
13(93)	04/16/93	On-Line Licensing Program for the Virginia Beach Oceanfront Tourist Area.
23(93)	08/20/93	Virginia's Thirty-Sixth Instant Game Lottery; "Instant MONOPOLY Game," Final Rules for Game Operation.
16(94)	04/04/94	Virginia's Forty-First Instant Game Lottery; "Winner's Circle," Final Rules for Game Operation.

State Lottery Department

- 30(95) 12/08/95 Virginia's Thirty-Sixth Instant Game Lottery; "Instant MONOPOLY Game," End of Game.
- 04(96) 02/19/96 Virginia's Twenty-Ninth Instant Game Lottery, "Beat the Dealer"; End of Game.
- 05(96) 02/19/96 Virginia's Thirty-Second Instant Game Lottery, "Lucky Dice"; End of Game.
- 06(96) 02/19/96 Virginia's Forty-Fifth Instant Game Lottery, "Fast Cash"; End of Game.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Penelope W. Kyle
Director

Date: September 19, 1996

VA.R. Doc. No. R97-52; Filed October 4, 1996, 9:40 a.m.

DIRECTOR'S ORDER NUMBER TWENTY-EIGHT (96)

VIRGINIA STATE FAIR DAILY LOTTERY RAFFLE DRAWING RULES

In accordance with the authority granted by Sections 9-6.14:4.1 B (15) and 58.1-4006A of the Code of Virginia, I hereby promulgate the Virginia State Fair Daily Lottery Raffle Drawing Rules for the daily raffle drawings, the lottery promotional event which will be conducted during the 1996 Virginia State Fair. The event will take place at the fairgrounds in Richmond from September 26 - October 6, 1996. These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect until October 31, 1996, unless otherwise extended by the Director.

/s/ Mary L. Stafford
for Penelope W. Kyle
Director

Date: October 1, 1996

VA.R. Doc. No. R97-53; Filed October 4, 1996, 9:41 a.m.

DIRECTOR'S ORDER NUMBER TWENTY-NINE (96)

THE VIRGINIA LOTTERY "STATE FAIR PROMOTION"; FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1 B (15) and 58.1-4006A of the Code of Virginia, I hereby promulgate the Virginia Lottery "State Fair Promotion" game rules for the lottery promotional event which will be

conducted during the 1996 Virginia State Fair. The event will take place at the fairgrounds in Richmond from September 26 - October 6, 1996. These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect until October 31, 1996, unless otherwise extended by the Director.

/s/ Mary L. Stafford
for Penelope W. Kyle
Director

Date: October 1, 1996

VA.R. Doc. No. R97-54; Filed October 4, 1996, 9:41 a.m.

DIRECTOR'S ORDER NUMBER THIRTY (96)

CERTAIN DIRECTOR'S ORDERS RESCINDED; REVISED.

In accordance with the authority granted by Section 58.1-4006A of the Code of Virginia, I hereby rescind the following revised list of Director's Orders:

Order Number	Date Issued	Subject
13(89)	07/11/89	Virginia Lottery Minority and Women-Owned Business Enterprise On-Line Retailer Licensing Program.
21(92)	09/21/92	Virginia's Twenty-Ninth Instant Game Lottery; "Beat the Dealer," Final Rules for Game Operation.
04(93)	03/02/93	On-Line Licensing Program for Northern Virginia.
05(93)	02/01/93	Virginia's Thirty-Second Instant Game Lottery; "Lucky Dice," Final Rules for Game Operation.
13(93)	04/16/93	On-Line Licensing Program for the Virginia Beach Oceanfront Tourist Area.
23(93)	08/20/93	Virginia's Thirty-Sixth Instant Game Lottery; "Instant MONOPOLY Game," Final Rules for Game Operation.
30(95)	12/08/95	Virginia's Thirty-Sixth Instant Game Lottery; "Instant MONOPOLY Game," End of Game.
04(96)	02/19/96	Virginia's Twenty-Ninth Instant Game Lottery, "Beat the Dealer"; End of Game.
05(96)	02/19/96	Virginia's Thirty-Second Instant Game Lottery, "Lucky Dice"; End of Game.
06(96)	02/19/96	Virginia's Forty-Fifth Instant Game Lottery, "Fast Cash"; End of Game.

This Director's Order supersedes Director's Order Number Twenty-Seven (96), issued September 19, 1996. This order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Mary L. Stafford
for Penelope W. Kyle
Director

Date: October 3, 1996

VA.R. Doc. No. R97-55; Filed October 7, 1996, 8:42 a.m.

MARINE RESOURCES COMMISSION

EMERGENCY REGULATION

Title of Regulation: 4 VAC 20-940-10 et seq. Pertaining to the Hampton Roads Hard Clam Harvest Area.

Statutory Authority: §§ 28.2-201, 28.2-210, and 28.2-816 of the Code of Virginia.

Effective Date: October 1, 1996, to October 30, 1996.

Preamble:

This emergency regulation establishes a Hampton Flats Hard Clam Harvest Area and provisions to control the harvest of hard clams from this area.

This emergency regulation is promulgated pursuant to the authority contained in §§ 28.2-201, 28.2-210 and 28.2-816 of the Code of Virginia. The effective date of this emergency regulation is October 1, 1996, to October 30, 1996.

Agency Contact: Copies of the regulation may be obtained from Deborah R. Cawthon, Regulatory Coordinator, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

**CHAPTER 940.
PERTAINING TO THE HAMPTON ROADS HARD CLAM
HARVEST AREA.**

4 VAC 20-940-10. Purpose.

The provisions of this chapter are in response to reduced abundance of hard clams in direct market-clam areas and increased harvest pressure on the hard clam resource.

4 VAC 20-940-20. Hampton Flats Hard Clam Harvest Area.

The Hampton Flats Hard Clam Harvest Area shall consist of all tidal waters within a line beginning at the Newport News Boat Harbor inshore at the VMRC Operations Building; thence continuing southeasterly to buoy R"22", thence following the buoy line to the north side of the Explosives Landing Berth; thence in a northwesterly direction to buoy "18", continuing northbound and extending through Channel Marker "2" to the shoreline Radio Tower; thence following the shoreline in a southwesterly direction back to the VMRC Operations building.

4 VAC 20-940-30. Harvest season.

The harvest season for the Hampton Flats Hard Clam Harvest Area shall be from Tuesday, October 1, 1996, through Wednesday, October 30, 1996. However, this harvest area may be closed to harvest if the number of clams harvested from this area equals 1,000,000 before October 30, 1996.

4 VAC 20-940-40. Harvest restrictions.

A. *It shall be unlawful for any person to possess any hard clam which can be passed through a 1¼-inch inside diameter culling ring.*

B. *For the possession limit described in subsection A of this section, there shall be a 5.0% tolerance of hard clams by number in each bag or container.*

C. *It shall be unlawful for any person to possess any hard clam which cannot be passed through a 2 7/8-inch inside diameter culling ring.*

D. *For the possession limit described in subsection C of this section, there shall be a 10% tolerance of hard clams by number in each bag or container as stipulated in 4 VAC 20-590-10 et seq.*

E. *It shall be unlawful for any person to harvest clams from the Hampton Flats Hard Clam Harvest Area before sunrise or after 3 p.m.*

4 VAC 20-940-50. Unloading port.

The Newport News Boat Harbor shall be the sole unloading port for hard shell clams harvested from the Hampton Flats Hard Clam Harvest Area.

4 VAC 20-940-60. Penalty.

A. *As set forth in § 28.2-903 of the Code of Virginia, any person violating any provision of this regulation shall be guilty of a Class 3 misdemeanor, and a second, or subsequent violation of any provision of this regulation committed by the same person within 12 months of a prior violation is a Class 1 misdemeanor.*

B. *The Marine Resources Commission may revoke the permit of any person convicted of a violation of this chapter.*

/s/ William A Pruitt
Commissioner

VA.R. Doc. No. R97-46; Filed October 1, 1996, 3:11 p.m.

FINAL REGULATIONS

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

Title of Regulation: 4 VAC 20-560-10 et seq. Pertaining to the York River, Poquoson River, and Back River Shellfish Management Areas and the James River and York River Broodstock Management Areas (amending 4 VAC 20-560-20 and 4 VAC 20-560-50).

Statutory Authority: §§ 28.2-201 and 28.2-503 of the Code of Virginia.

Effective Date: October 3, 1996.

Preamble:

This regulation establishes the York, Poquoson, and Back River Shellfish Management Areas and the James River and York River Broodstock Management Areas, with provisions to control the harvest of clams from those areas. This regulation is promulgated pursuant to the authority contained in §§ 28.2-201 and 28.2-503 of the Code of Virginia. This regulation amends 4 VAC 20-560-10 et seq. which was made effective on March 9, 1995. The effective date of this regulation is October 3, 1996.

Marine Resources Commission

Agency Contact: Copies of the regulation may be obtained from Deborah R. Cawthon, Regulatory Coordinator, Marine Resources Commission, P.O. Box 756, Newport News, VA 23606, telephone (757) 247-2248.

CHAPTER 560.

PERTAINING TO THE YORK RIVER, POQUOSON RIVER, AND BACK RIVER SHELLFISH MANAGEMENT AREA AREAS AND THE JAMES RIVER AND YORK RIVER BROODSTOCK MANAGEMENT AREA AREAS.

4 VAC 20-560-20. Shellfish Management Areas.

A. The York River Shellfish Management Area shall consist of all public grounds located inshore of a line beginning at the entrance to the Virginia Institute of Marine Science boat basin at Gloucester Point, running northwesterly to Buoy No. 30, thence northwesterly to Buoy No. 32, thence northwesterly to Buoy No. 34, then northwesterly to Pages Rock Buoy, thence northwesterly and ending at Clay Bank Wharf.

B. The Poquoson River Shellfish Management Area shall consist of all public grounds bounded by a line beginning at Hunts Point Survey Taylor and running northwesterly to Survey Station Spit, thence northeasterly to Survey Station Cabin North, thence east to Survey Station Cabin South, thence southeasterly following the general shoreline (not to include any creeks or canals) to the flag pole near Survey Station 80 at York Point, thence 175 degrees to Day Marker No. 14 and returning to Hunts Point Survey Taylor.

C. The Back River Shellfish Management Area shall consist of all current public clamming grounds bounded by a line from corner 3 on Shell Plant 115 through corner 17, a daymarker, on Shell Plant 115, 237.42 feet to a point being the point of beginning; thence southeasterly to corner number 1 Public Clamming Ground (PCG#12); thence southeasterly to corner number 3A Public Clamming Ground (PCG#12); thence northeasterly to corner number 3 Public Clamming Ground (PCG#12); thence northwesterly to corner number 2 Public Clamming Ground (PCG#12); thence southwesterly to the POB. Also, for a period of one year, throughout 1994, Shell Plant 115 will also be included in the Back River Shellfish Management Area.

D. The James River Broodstock Management Area shall begin at the southwest corner of Public Ground No. 1 Warwick County; thence along a bearing North 43-38-17 West 1,677.00 feet to corner 5 Public Ground No. 1 Warwick County; thence along a bearing North 50-05-07 East 280.30 feet to a corner; thence South 43-38-17 East 1,677.00 feet to a corner; thence South 50-5-077 West 260.30 feet to the Southwest corner of Public Ground No. 1 Warwick County, being the point of beginning, containing 10.00 acres.

E. *The York River Broodstock Management Area shall consist of the area under any portion of the George P. Coleman Memorial Bridge, in addition to the area within 300 feet of the eastern, or downstream, side of the George P. Coleman Memorial Bridge and the area within 300 feet of the western, or upstream, side of the George P. Coleman Memorial Bridge.*

4 VAC 20-560-50. Time of day and harvest restrictions.

A. It shall be unlawful for any person to harvest clams by patent tong from either the York or Poquoson River Shellfish Management Area before sunrise or after 2 p.m.

B. It shall be unlawful for any person to harvest clams by patent tong from the Back River Shellfish Management Area before sunrise or after 4 p.m.

C. It shall be unlawful for any person to harvest clams by patent tong from either the York, Poquoson or Back River Shellfish Management Area on Saturday or Sunday.

D. It shall be unlawful for any person to harvest any shellfish from the James River or York River Broodstock Management Area at any time.

/s/ William A. Pruitt
Commissioner

VA.R. Doc. No. R97-47; Filed October 2, 1996, 3:10 p.m.

Title of Regulation: 4 VAC 20-620-10 et seq. Pertaining to Summer Flounder (amending 4 VAC 20-620-30 and 4 VAC 20-620-40).

Statutory Authority: § 28.2-201 of the Code of Virginia.

Effective Date: October 1, 1996.

Preamble:

This regulation establishes limitations on the commercial and recreational harvest of Summer Flounder in order to reduce the fishing mortality rate and to rebuild the severely depleted stock of Summer Flounder. The limitations include a commercial harvest quota and possession limits, minimum size limits, and a recreational possession and season limit. This regulation is promulgated pursuant to the authority contained in § 28.2-201 of the Code of Virginia, and amends 4 VAC 20-620-10 et seq. which was promulgated by the Marine Resources Commission and made effective May 1, 1996. The effective date of this regulation is October 1, 1996.

Agency Contact: Copies of the regulation may be obtained from Deborah R. Cawthon, Regulatory Coordinator, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

4 VAC 20-620-30. Commercial harvest quotas.

A. During each calendar year, commercial landings of Summer Flounder shall be limited to the total pounds calculated pursuant to the joint Mid-Atlantic Fishery Management Council/Atlantic States Marine Fisheries Commission Summer Flounder Fishery Management Plan, as approved by the National Marine Fisheries Service on August 6, 1992 (50 CFR Part 625); and shall be distributed as described in subsections B through H of this section:

B. The commercial harvest of Summer Flounder from Virginia tidal waters for each calendar year shall be limited to 300,000 pounds.

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C. During the period of January 1 through March 31 of each calendar year, landings of Summer Flounder harvested outside of Virginia shall be limited to an amount of pounds equal to 64.3% of the total specified in subsection A of this section after deducting the amount specified in subsection B of this section.

D. During the period of April 1 through June 30 of each calendar year, landings of Summer Flounder harvested outside of Virginia shall be limited to an amount of pounds equal to 6.4% of the total specified in subsection A of this section after deducting the amount specified in subsection B.

E. During the period of July 1 through ~~September 30~~ *October 13* of each calendar year, landings of Summer Flounder harvested outside of Virginia shall be prohibited.

F. During the period of October 4 14 through December 31 of each calendar year, landings of Summer Flounder harvested outside of Virginia shall be limited to an amount of pounds equal to 29.3% of the total specified in subsection A of this section after deducting the amount specified in subsection B of this section and as may be further modified by subsection G.

G. During the periods set forth in subsections C, D, and E of this section, should landings exceed or fall short of the quota specified for that period any such excess shall be deducted from, and any such shortage shall be added to, the quota for the period set forth in subsection F of this section. During the period specified in subsection B of this section, should landings be projected to fall short of the quota specified for that period, any such shortage shall be added to the quota for the period set forth in subsection F of this section. A projection of harvest under this subsection will be made on or about November 1.

H. For each of the time periods and quotas set forth in subsections C, D, E, F and G of this section, the Marine Resources Commission will give timely notice to the industry of the calculated poundages and any adjustments thereto. It shall be unlawful for any person to harvest or to land Summer Flounder for commercial purposes after the commercial harvest or landing quota as described in this section has been attained and announced as such.

I. It shall be unlawful for any buyer of seafood to receive any Summer Flounder after any commercial harvest or landing quota as described in this section has been attained and announced as such.

4 VAC 20-620-40. Commercial vessel possession limitations.

A. During the period of January 1 through March 31 of each calendar year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 9,000 pounds except that when it is projected and announced that 80% of the quota for this period has been taken, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 5,000 pounds.

B. During the period of April 1 through June 30 of each calendar year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 2,500 pounds.

C. During the period October 4 14 through December 31 of each calendar year, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 5,000 pounds, except that when it is projected and announced that 85% of the quota for this period has been taken, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to possess aboard any vessel in Virginia any amount of Summer Flounder in excess of 2,500 pounds.

D. For each of the time periods set forth in subsections A and C of this section, the Marine Resources Commission will give timely notice of any changes in possession limits.

E. For each possession limit described in subsections A, B, and C of this section, there shall be a tolerance of 10% of Summer Flounder by weight. Persons in possession of Summer Flounder, aboard any vessel, in excess of the possession limit plus the tolerance shall be in violation of this chapter. Any buyer or processor offloading or accepting any quantity of Summer Flounder from any vessel in excess of the possession limit plus the tolerance shall be in violation of this chapter.

F. Any person found in violation of any of the possession limits described in this section shall be subject to having the entire amount of Summer Flounder confiscated. Any confiscated Summer Flounder shall be considered as a removal from the appropriate commercial harvest or landings quota. Upon confiscation, the marine patrol officer shall inventory the confiscated Summer Flounder and, at a minimum, secure two bids for purchase of the confiscated Summer Flounder from approved and licensed seafood buyers. The confiscated fish will be sold to the highest bidder and all funds derived from such sale shall be deposited for the Commonwealth. Following disposition of any case involving confiscation of Summer Flounder, the collected funds will be returned to the accused upon a finding of innocence, whereas a finding of guilty will result in forfeiture of such funds to the Commonwealth.

G. It shall be unlawful for any person to offload from a boat or vessel for commercial purposes any Summer Flounder during the period of 10 p.m. to 7 a.m.

H. Any boat or vessel possessing more than the lawful limit of Summer Flounder which has entered Virginia waters for safe harbor shall not offload any Summer Flounder.

I. After any commercial harvest or landing quota as described in 4 VAC 20-620-30 has been attained and announced as such, any boat or vessel possessing Summer Flounder on board may enter Virginia waters for safe harbor but shall contact the Marine Resources Commission Operation Center in advance of such entry into Virginia waters.

/s/ William A. Pruitt
Commissioner

Marine Resources Commission

VA.R. Doc. No. R97-45; Filed October 1, 1996, 3:09 p.m.

Title of Regulation: 4 VAC 20-720-10 et seq. Pertaining to Restrictions on Oyster Harvests (amending 4 VAC 20-720-20, and 4 VAC 20-720-40 through 4 VAC 20-720-80).

Statutory Authority: §§ 28.2-201 and 28.2-507 of the Code of Virginia.

Effective Date: October 1, 1996.

Preamble:

This regulation sets times of closure and other restrictions on the harvest of oysters from all oyster grounds in the Chesapeake Bay and its tributaries and on the Seaside of Eastern Shore. This regulation is promulgated pursuant to authority contained in §§ 28.2-201 and 28.2-507 of the Code of Virginia. This regulation amends and readopts previous VR 450-01-0095 which was adopted on September 27, 1995, and was effective October 27, 1995. The effective date of this regulation is October 1, 1996.

Agency Contact: Copies of the regulation may be obtained from Katherine Leonard, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607-0756, telephone (757) 247-2120.

4 VAC 20-720-20. Definitions.

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

"Pocomoke and Tangier Sounds Management Area" means the area as defined in § 28.2-524 of the Code of Virginia.

"Public oyster ground" means all those grounds defined in § 28.2-551 of the Code of Virginia, all ground set aside as public oyster ground by court order, and all ground set aside as public oyster ground by order of the Marine Resources Commission.

"Unassigned ground" means all grounds other than public oyster ground as defined by this chapter and which have not been set aside or assigned by lease, permit, or easement by the Marine Resources Commission.

4 VAC 20-720-40. Open season and areas.

The lawful seasons and areas for the harvest of oysters from the public oyster grounds and unassigned grounds are as follows:

1. James River Seed Area: October 1, 1995 1996, through April 30, 1996 1997.
2. James River Jail Island and Point of Shoals Clean Cull Areas: October 1, 1995 1996, through April 30, 1996 1997.
3. Seaside of Eastern Shore: for clean cull oysters only, October 1, 1995 November 1, 1996, through December 31, 1995 January 31, 1997.

~~4. That area of the Rappahannock River between the power line, which begins between Wares Wharf and Tuscarora Creek and crosses the Rappahannock River to Accaceek Point, and the Route 3 Bridge: November 1, 1995, through December 31, 1995.~~

~~4. Pocomoke and Tangier Sounds Management Area: December 1, 1996, through January 31, 1997.~~

4 VAC 20-720-50. Closed harvest season and areas.

It shall be unlawful for any person to harvest oysters from the following areas during the specified periods:

1. All public oyster grounds and unassigned grounds in the Chesapeake Bay and its tributaries, including the tributaries of the Potomac River, except that area of the Rappahannock River between the power line, which begins between Wares Wharf and Tuscarora Creek and crosses the Rappahannock River to Accaceek Point, and the Route 3 Bridge, the James River Seed Area and the James River Jail Island and Point of Shoals Clean Cull Areas: October 1, 1995 1996, through September 30, 1996 1997.

2. James River Seed Area and James River Jail Island and Point of Shoals Clean Cull Areas: May 1, 1996 1997, through September 30, 1996 1997.

3. All public oyster grounds and unassigned grounds on the Seaside of Eastern Shore: for clean cull oysters, January 1, 1996 October 1 through October 31, 1996, and February 1, 1997, through September 30, 1996 1997; and for seed oysters, all year. Oyster harvest from leased oyster ground and fee simple oyster ground shall require a permit from the Marine Resources Commission as set forth in 4 VAC 20-720-90.

~~4. That area of the Rappahannock River between the power line, which begins between Wares Wharf and Tuscarora Creek and crosses the Rappahannock River to Accaceek Point, and the Route 3 Bridge: October 1, 1995, through October 31, 1995, and January 1, 1996, through September 30, 1996.~~

~~4. All public grounds and unassigned grounds in the Pocomoke and Tangier Sounds Management Area: October 1, 1996, through November 30, 1996, and February 1, 1997, through September 30, 1997.~~

4 VAC 20-720-60. Day and time limit.

A. It shall be unlawful to take, catch or harvest oysters on Saturday and Sunday from the public oyster grounds or unassigned grounds in the waters of the Commonwealth of Virginia, except that this provision shall not apply to any person harvesting no more than one bushel per day by hand for household use only during the season when the public oyster grounds or unassigned grounds are legally open for harvest. The presence of any gear normally associated with the harvesting of oysters on board the boat or other vehicle used during any harvesting under this exception shall be prima facie evidence of violation of this chapter.

B. Harvest on the public oyster grounds in the James River Seed Area and the James River Jail Island and Point of Shoals Clean Cull Areas shall be from sunrise to noon;

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~~except during the months of January and February when it shall be from sunrise to 2 p.m., daily. Harvest on the public oyster grounds in that area of the Rappahannock River between the power line, which begins between Wares Wharf and Tuscarora Creek and crosses the Rappahannock River to Accaceek Point, and the Route 3 Bridge shall be from sunrise to noon, 2 p.m. daily. It shall be unlawful for any person to harvest oysters from the public grounds in the James River Seed Area or the James River Jail Island and Point of Shoals Clean Cull Areas prior to sunrise or after noon, daily, or after 2 p.m., daily, during the months of January and February. It shall be unlawful for any person to harvest oysters from the public grounds in that area of the Rappahannock River between the power lines, which begins between Wares Wharf and Tuscarora Creek and crosses the Rappahannock River to Accaceek Point, and the Route 3 Bridge prior to sunrise or after noon, daily.~~

C. The Commissioner of Marine Resources is hereby authorized to issue permits to applicants to dredge for oysters where permitted by the Code of Virginia and Marine Resources Commission regulation or order, provided the applicant is eligible under all applicable laws and regulations, and further provided that such permit shall be granted only upon the condition that the boat not leave the dock until one-half hour before sunrise and be back at dock before sunset.

4 VAC 20-720-70. Gear restrictions.

It shall be unlawful for any person to harvest oysters from public oyster grounds or unassigned grounds *in the James River* with shaft tongs longer than 18 feet in total overall length, ~~except that shaft tongs not to exceed 22 feet in total overall length may be used only on Morattice Bar.~~

4 VAC 20-720-80. Quotas and catch limits.

A. In the James River Seed Areas there shall be an oyster harvest quota of 80,000 bushels of seed oysters. It shall be unlawful for any person to harvest seed oysters from the James River Seed Area after the 80,000 bushel quota has been reached.

~~B. It shall be unlawful for any person to take or harvest more than 10 bushels per day from that area of the Rappahannock River between the power line, which begins between Wares Wharf and Tuscarora Creek and crosses the Rappahannock River to Accaceek Point, and the Route 3 Bridge.~~

B. In the James River Clean Cull areas there shall be an oyster harvest quota of 10,000 bushels of clean cull oysters. It shall be unlawful for any person to harvest clean cull oysters from the James River Clean Cull areas after the 10,000 bushel quota has been reached.

C. In the Pocomoke and Tangier Sounds Management Area there shall be a 15 bushel limit per boat per day and a 2,500 bushel quota limit. It shall be unlawful for any person to take or harvest more than 15 bushels per boat per day and to take or harvest oysters after the 2,500 bushel quota limit has been reached.

/s/ William A. Pruitt
Commissioner

VA.R. Doc. No. R97-44; Filed October 1, 1996, 10:43 a.m.

Virginia Tax Bulletin

Virginia Department of Taxation

September 27, 1996

96-7

INTEREST RATES FOURTH QUARTER 1996

OCT 23 1996

Rates remain unchanged: State and certain local interest rates are subject to change every quarter based on changes in federal rates established pursuant to I.R.C. § 6621. The federal rates for the fourth quarter of 1996 remain at 9% for tax underpayments (assessments), 8% for tax overpayments (refunds), and 11% for "large corporate underpayments" as defined in I.R.C. § 6621(c). Code of Virginia § 58.1-15 provides that the underpayment rate for Virginia taxes will be 2% higher than the corresponding federal rates. Accordingly, the Virginia rates for the fourth quarter of 1996 remain at 11% for tax underpayments, 8% for tax overpayments, and 13% for "large corporate underpayments."

Rate for Addition to Tax for Underpayments of Estimated Tax

Taxpayers whose taxable year ends on September 30, 1996: For the purpose of computing the addition to the tax for underpayment of Virginia estimated income taxes on Form 760C (for individuals, estates and trusts), Form 760F (for farmers and fishermen) or Form 500C (for corporations), the fourth quarter of 1996 11% underpayment rate will apply through the due date of the return, January 15, 1997.

Local Tax

Assessments: Localities assessing interest on delinquent taxes pursuant to Code of Virginia § 58.1-3916 may impose interest at a rate not to exceed 10% for the first year of delinquency, and at a rate not to exceed 10% or the federal underpayment rate in effect for the applicable quarter, whichever is greater, for the second and subsequent years of delinquency. For the fourth quarter of 1996, the federal underpayment rate is 9%.

Refunds: Localities which have provided for refunds of erroneously assessed taxes may provide by ordinance that such refunds are repaid with interest at a rate which does not exceed the rate imposed by the locality for delinquent taxes.

Recent Interest Rates

Accrual Period		Overpayment	Underpayment	Large Corporate
Beginning	Through	(Refund)	(Assessment)	Underpayment
1-Jan-87	30-Sep-87	8%	9%	---
1-Oct-87	31-Dec-87	9%	10%	---
1-Jan-88	31-Mar-88	10%	11%	---
1-Apr-88	30-Sep-88	9%	10%	---
1-Oct-88	31-Mar-89	10%	11%	---
1-Apr-89	30-Sep-89	11%	12%	---
1-Oct-89	31-Mar-91	10%	11%	---
1-Apr-91	30-Jun-91	9%	10%	---
1-Jul-91	31-Dec-91	9%	12%	14%
1-Jan-92	31-Mar-92	8%	11%	13%
1-Apr-92	30-Sep-92	7%	10%	12%
1-Oct-92	30-Jun-94	6%	9%	11%
1-Jul-94	30-Sep-94	7%	10%	12%
1-Oct-94	31-Mar-95	8%	11%	13%
1-Apr-95	30-Jun-95	9%	12%	14%
1-Jul-95	31-Mar-96	8%	11%	13%
1-Apr-96	30-Jun-96	7%	10%	12%
1-Jul-96	31-Dec-96	8%	11%	13%

For additional information: Contact the Customer Services Section, Virginia Department of Taxation, P. O. Box 1115, Richmond, Virginia 23218-1115, or call the following numbers for additional information about interest rates and penalties.

Individual & Fiduciary Income Tax	(804) 367-8031
Corporation Income Tax	(804) 367-8037
Withholding Tax	(804) 367-8037
Soft Drink Excise Tax	(804) 367-8098
Aircraft Sales & Use Tax	(804) 367-8098
Other Sales & Use Taxes	(804) 367-8037

Factors for Computing Daily Interest

(Simple interest pursuant to Va. Code § 58.1-15)

8%

366 Day Year

1 0.00022	54 0.01180	107 0.02339	0 0.00000	212 0.04634	265 0.05792	318 0.06951
2 0.00044	55 0.01202	108 0.02361	160 0.03497	213 0.04656	266 0.05814	319 0.06973
3 0.00066	56 0.01224	109 0.02383	161 0.03519	214 0.04678	267 0.05836	
4 0.00087	57 0.01246		162 0.03541	215 0.04699	268 0.05858	320 0.06995
5 0.00109	58 0.01268	110 0.02404	163 0.03563	216 0.04721	269 0.05880	321 0.07016
6 0.00131	59 0.01290	111 0.02426	164 0.03585	217 0.04743		322 0.07038
7 0.00153		112 0.02448	165 0.03607	218 0.04765	270 0.05902	323 0.07060
8 0.00175	60 0.01311	113 0.02470	166 0.03628	219 0.04787	271 0.05923	324 0.07082
9 0.00197	61 0.01333	114 0.02492	167 0.03650		272 0.05945	325 0.07104
	62 0.01355	115 0.02514	168 0.03672	220 0.04809	273 0.05967	326 0.07126
10 0.00219	63 0.01377	116 0.02536	169 0.03694	221 0.04831	274 0.05989	327 0.07148
11 0.00240	64 0.01399	117 0.02557		222 0.04852	275 0.06011	328 0.07169
12 0.00262	65 0.01421	118 0.02579	170 0.03716	223 0.04874	276 0.06033	329 0.07191
13 0.00284	66 0.01443	119 0.02601	171 0.03738	224 0.04896	277 0.06055	
14 0.00306	67 0.01464		172 0.03760	225 0.04918	278 0.06077	330 0.07213
15 0.00328	68 0.01486	120 0.02623	173 0.03781	226 0.04940	279 0.06098	331 0.07235
16 0.00350	69 0.01508	121 0.02645	174 0.03803	227 0.04962		332 0.07257
17 0.00372		122 0.02667	175 0.03825	228 0.04984	280 0.06120	333 0.07279
18 0.00393	70 0.01530	123 0.02689	176 0.03847	229 0.05005	281 0.06142	334 0.07301
19 0.00415	71 0.01552	124 0.02710	177 0.03869		282 0.06164	335 0.07322
	72 0.01574	125 0.02732	178 0.03891	230 0.05027	283 0.06186	336 0.07344
20 0.00437	73 0.01596	126 0.02754	179 0.03913	231 0.05049	284 0.06208	337 0.07366
21 0.00459	74 0.01617	127 0.02776		232 0.05071	285 0.06230	338 0.07388
22 0.00481	75 0.01639	128 0.02798	180 0.03934	233 0.05093	286 0.06251	339 0.07410
23 0.00503	76 0.01661	129 0.02820	181 0.03956	234 0.05115	287 0.06273	
24 0.00525	77 0.01683		182 0.03978	235 0.05137	288 0.06295	340 0.07432
25 0.00546	78 0.01705	130 0.02842	183 0.04000	236 0.05158	289 0.06317	341 0.07454
26 0.00568	79 0.01727	131 0.02863	184 0.04022	237 0.05180		342 0.07475
27 0.00590		132 0.02885	185 0.04044	238 0.05202	290 0.06339	343 0.07497
28 0.00612	80 0.01749	133 0.02907	186 0.04066	239 0.05224	291 0.06361	344 0.07519
29 0.00634	81 0.01770	134 0.02929	187 0.04087		292 0.06383	345 0.07541
	82 0.01792	135 0.02951	188 0.04109	240 0.05246	293 0.06404	346 0.07563
30 0.00656	83 0.01814	136 0.02973	189 0.04131	241 0.05268	294 0.06426	347 0.07585
31 0.00678	84 0.01836	137 0.02995		242 0.05290	295 0.06448	348 0.07607
32 0.00699	85 0.01858	138 0.03016	190 0.04153	243 0.05311	296 0.06470	349 0.07628
33 0.00721	86 0.01880	139 0.03038	191 0.04175	244 0.05333	297 0.06492	
34 0.00743	87 0.01902		192 0.04197	245 0.05355	298 0.06514	350 0.07650
35 0.00765	88 0.01923	140 0.03060	193 0.04219	246 0.05377	299 0.06536	351 0.07672
36 0.00787	89 0.01945	141 0.03082	194 0.04240	247 0.05399		352 0.07694
37 0.00809		142 0.03104	195 0.04262	248 0.05421	300 0.06557	353 0.07716
38 0.00831	90 0.01967	143 0.03126	196 0.04284	249 0.05443	301 0.06579	354 0.07738
39 0.00852	91 0.01989	144 0.03148	197 0.04306		302 0.06601	355 0.07760
	92 0.02011	145 0.03169	198 0.04328	250 0.05464	303 0.06623	356 0.07781
40 0.00874	93 0.02033	146 0.03191	199 0.04350	251 0.05486	304 0.06645	357 0.07803
41 0.00896	94 0.02055	147 0.03213		252 0.05508	305 0.06667	358 0.07825
42 0.00918	95 0.02077	148 0.03235	200 0.04372	253 0.05530	306 0.06689	359 0.07847
43 0.00940	96 0.02098	149 0.03257	201 0.04393	254 0.05552	307 0.06710	
44 0.00962	97 0.02120		202 0.04415	255 0.05574	308 0.06732	360 0.07869
45 0.00984	98 0.02142	150 0.03279	203 0.04437	256 0.05596	309 0.06754	361 0.07891
46 0.01005	99 0.02164	151 0.03301	204 0.04459	257 0.05617		362 0.07913
47 0.01027		152 0.03322	205 0.04481	258 0.05639	310 0.06778	363 0.07934
48 0.01049	100 0.02186	153 0.03344	206 0.04503	259 0.05661	311 0.06798	364 0.07956
49 0.01071	101 0.02208	154 0.03366	207 0.04525		312 0.06820	365 0.07978
	102 0.02230	155 0.03388	208 0.04546	260 0.05683	313 0.06842	366 0.08000
50 0.01093	103 0.02251	156 0.03410	209 0.04568	261 0.05705	314 0.06863	
51 0.01115	104 0.02273	157 0.03432		262 0.05727	315 0.06885	
52 0.01137	105 0.02295	158 0.03454	210 0.04590	263 0.05749	316 0.06907	
53 0.01158	106 0.02317	159 0.03475	211 0.04612	264 0.05770	317 0.06929	

Factors for Computing Daily Interest

(Simple interest pursuant to Va. Code § 58.1-15)

11%
366 Day Year

1 0.00030	54 0.01623	107 0.03216	160 0.04809	213 0.06402	266 0.07995	319 0.09587
2 0.00060	55 0.01653	108 0.03246	161 0.04839	214 0.06432	267 0.08025	320 0.09617
3 0.00090	56 0.01683	109 0.03276	162 0.04869	215 0.06462	268 0.08055	321 0.09648
4 0.00120	57 0.01713		163 0.04899	216 0.06492	269 0.08085	322 0.09678
5 0.00150	58 0.01743	110 0.03306	164 0.04929	217 0.06522		323 0.09708
6 0.00180	59 0.01773	111 0.03336	165 0.04959	218 0.06552	270 0.08115	324 0.09738
7 0.00210		112 0.03366	166 0.04989	219 0.06582	271 0.08145	325 0.09768
8 0.00240	60 0.01803	113 0.03396	167 0.05019	220 0.06612	272 0.08175	326 0.09798
9 0.00270	61 0.01833	114 0.03426	168 0.05049	221 0.06642	273 0.08205	327 0.09828
	62 0.01863	115 0.03456	169 0.05079	222 0.06672	274 0.08235	328 0.09858
10 0.00301	63 0.01893	116 0.03486		223 0.06702	275 0.08265	329 0.09888
11 0.00331	64 0.01923	117 0.03516	170 0.05109	224 0.06732	276 0.08295	
12 0.00361	65 0.01954	118 0.03546	171 0.05139	225 0.06762	277 0.08325	330 0.09918
13 0.00391	66 0.01984	119 0.03577	172 0.05169	226 0.06792	278 0.08355	331 0.09948
14 0.00421	67 0.02014		173 0.05199	227 0.06822	279 0.08385	332 0.09978
15 0.00451	68 0.02044	120 0.03607	174 0.05230	228 0.06852	280 0.08415	333 0.10008
16 0.00481	69 0.02074	121 0.03637	175 0.05260	229 0.06883	281 0.08445	334 0.10038
17 0.00511		122 0.03667	176 0.05290		282 0.08475	335 0.10068
18 0.00541	70 0.02104	123 0.03697	177 0.05320	230 0.06913	283 0.08505	336 0.10098
19 0.00571	71 0.02134	124 0.03727	178 0.05350	231 0.06943	284 0.08536	337 0.10128
	72 0.02164	125 0.03757	179 0.05380	232 0.06973	285 0.08566	338 0.10158
20 0.00601	73 0.02194	126 0.03787		233 0.07003	286 0.08596	339 0.10189
21 0.00631	74 0.02224	127 0.03817	180 0.05410	234 0.07033	287 0.08626	
22 0.00661	75 0.02254	128 0.03847	181 0.05440	235 0.07063	288 0.08656	340 0.10219
23 0.00691	76 0.02284	129 0.03877	182 0.05470	236 0.07093	289 0.08686	341 0.10249
24 0.00721	77 0.02314		183 0.05500	237 0.07123		342 0.10279
25 0.00751	78 0.02344	130 0.03907	184 0.05530	238 0.07153	290 0.08716	343 0.10309
26 0.00781	79 0.02374	131 0.03937	185 0.05560	239 0.07183	291 0.08746	344 0.10339
27 0.00811		132 0.03967	186 0.05590		292 0.08776	345 0.10369
28 0.00842	80 0.02404	133 0.03997	187 0.05620	240 0.07213	293 0.08806	346 0.10399
29 0.00872	81 0.02434	134 0.04027	188 0.05650	241 0.07243	294 0.08836	347 0.10429
	82 0.02464	135 0.04057	189 0.05680	242 0.07273	295 0.08866	348 0.10459
30 0.00902	83 0.02495	136 0.04087		243 0.07303	296 0.08896	349 0.10489
31 0.00932	84 0.02525	137 0.04117	190 0.05710	244 0.07333	297 0.08926	
32 0.00962	85 0.02555	138 0.04148	191 0.05740	245 0.07363	298 0.08956	350 0.10519
33 0.00992	86 0.02585	139 0.04178	192 0.05770	246 0.07393	299 0.08986	351 0.10549
34 0.01022	87 0.02615		193 0.05801	247 0.07423		352 0.10579
35 0.01052	88 0.02645	140 0.04208	194 0.05831	248 0.07454	300 0.09016	353 0.10609
36 0.01082	89 0.02675	141 0.04238	195 0.05861	249 0.07484	301 0.09046	354 0.10639
37 0.01112		142 0.04268	196 0.05891		302 0.09077	355 0.10669
38 0.01142	90 0.02705	143 0.04298	197 0.05921	250 0.07514	303 0.09107	356 0.10699
39 0.01172	91 0.02735	144 0.04328	198 0.05951	251 0.07544	304 0.09137	357 0.10730
	92 0.02765	145 0.04358	199 0.05981	252 0.07574	305 0.09167	358 0.10760
40 0.01202	93 0.02795	146 0.04388		253 0.07604	306 0.09197	359 0.10790
41 0.01232	94 0.02825	147 0.04418	200 0.06011	254 0.07634	307 0.09227	
42 0.01262	95 0.02855	148 0.04448	201 0.06041	255 0.07664	308 0.09257	360 0.10820
43 0.01292	96 0.02885	149 0.04478	202 0.06071	256 0.07694	309 0.09287	361 0.10850
44 0.01322	97 0.02915		203 0.06101	257 0.07724		362 0.10880
45 0.01352	98 0.02945	150 0.04508	204 0.06131	258 0.07754	310 0.09317	363 0.10910
46 0.01383	99 0.02975	151 0.04538	205 0.06161	259 0.07784	311 0.09347	364 0.10940
47 0.01413		152 0.04568	206 0.06191		312 0.09377	365 0.10970
48 0.01443	100 0.03005	153 0.04598	207 0.06221	260 0.07814	313 0.09407	366 0.11000
49 0.01473	101 0.03036	154 0.04628	208 0.06251	261 0.07844	314 0.09437	
	102 0.03066	155 0.04658	209 0.06281	262 0.07874	315 0.09467	366 0.11000
50 0.01503	103 0.03096	156 0.04689	210 0.06311	263 0.07904	316 0.09497	
51 0.01533	104 0.03126	157 0.04719	211 0.06342	264 0.07934	317 0.09527	
52 0.01563	105 0.03156	158 0.04749	212 0.06372	265 0.07964	318 0.09557	
53 0.01593	106 0.03186	159 0.04779				

FORMS

DEPARTMENT OF MINES, MINERALS AND ENERGY

EDITOR'S NOTICE: The following forms have been amended or added by the Department of Mines, Minerals and Energy. Copies of the forms may be obtained from Stephen A. Walz, Department of Mines, Minerals and Energy, Ninth Street Office Building, 202 North 9th Street, Richmond, VA 23217, telephone (804) 692-3200.

Title of Regulation: 4 VAC 25-40-10 et seq. **Safety and Health Regulations for Mineral Mining.**

Permit/License Application, DMM-101 (Rev. 11/94 7/96).

Title of Regulation: 4 VAC 25-130-10 et seq. **Coal Surface Mining Reclamation Regulations.**

Application for Exemption Determination (Extraction of Coal Incidental to the Extraction Of Other Materials *Minerals*), DMLR-211 (Rev. 10/95 4/96).

Chapter 19- Application--Permit Revision Application, DMLR-PS PT-097 (Rev. 1/94 7/96).

Operator's Seeding Report, DMLR-PT-011 (Rev. 1/95 4/96).

Request for Relinquishment, DMLR-PT-027 (Rev. 1/95 4/96).

Water Supply Inventory List, DMLR-PT-030 (Rev. 1/95 4/96).

Application For Permit: Coal Surface Mining And Reclamation Operations, DMLR-PT-034D (Rev. 6/95 4/96).

Instruction Guide (included with DMLR-PT-034D).

Coal Expiration *Exploration* Notice, DMLR-PT-051 (Rev. 3/95 4/96).

Well Construction Data Sheet, DMLR-PT-053 (Rev. 3/95 4/96).

Excess Spoil Fills and Refuse Embankments Construction Certification, DMLR-PT-105 (Rev. 10/95 4/96).

Coal Surface Mining Reclamation Fund Application, DMLR-PT-162 (Rev. 10/95 4/96).

Application For Performance Bond Release, DMLR-PT-212 (Rev. 10/95 4/96).

Public Notice: Application for Transfer, Assignment, or Sale of Permit Rights under Chapter 19 of Title 45.1 of the Code of Virginia, DMLR-PT-219 (8/96).

Public Notice: Application for Bond Reduction Under Chapter 19 of Title 45.1 of the Code of Virginia--Cost Estimate, Phase I, DMLR-PT-225 (Rev. 9/95 4/96).

Public Notice: Application for Bond Reduction Under Chapter 19 of Title 45.1 of the Code of Virginia--Cost Estimate, Phase II, DMLR-PT-226 (Rev. 9/95 4/96).

Public Notice: Application for Bond Reduction Under Chapter 19 of Title 45.1 of the Code of Virginia--Cost Estimate, Phase III, DMLR-PT-227 (Rev. 9/95 4/96).

Public Notice: Application for Pool Bond Reduction Under Chapter 19 of Title 45.1 of the Code of Virginia--Pool Bonding, Incremental Bond Reduction, DMLR-PT-228 (Rev. 9/95 4/96).

Public Notice: Application for Pool Bond Reduction Under Chapter 19 of Title 45.1 of the Code of Virginia--Pool Bonding, Entire Permit Bond Reduction, DMLR-PT-229 (Rev. 9/95).

Public Notice: Application for Pool Bond Reduction Under Chapter 19 of Title 45.1 of the Code of Virginia--Pool Bonding, Entire Permit Bond Release, DMLR-PT-230 (Rev. 9/95 4/96).

Affidavit (Permit Application Information: Ownership & Control Information and Violation History Information), DMLR-PT-240 (Rev. 7/95 4/96).

Affidavit (No Legal Change in a Company's Identity), DMLR-PT-250 (Rev. 1/95 4/96).

Blasting Form Plan Data, DMLR-PS PT-103 (Rev. 12/85 4/96).

Application - National Pollutant Discharge Elimination System (NPDES) Permit - Short Form C, DMLR-PS PT-128 (Rev. 12/85 5/96).

National Pollutant Discharge Elimination System (NPDES) Short Form C - Instructions, DMLR-PT-128A (Rev. 5/96).

GENERAL NOTICES/ERRATA

Symbol Key

† Indicates entries since last publication of the *Virginia Register*

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Notice for Demonstration Waiver

The Department of Medical Assistance Services, in compliance with Chapter 912, Item 323 of the 1996 Virginia Acts of Assembly, is preparing to submit a Medicaid demonstration waiver proposal to the U. S. Health Care Financing Administration for the purpose of conducting a health insurance demonstration project. The Health Insurance Program for Working Uninsured Individuals demonstration will provide funds to assist employers and employees in financing health insurance for households that are at or below 200% of U. S. nonfarm poverty guidelines and are employed in small businesses. For the purposes of this demonstration, the department will contract with health plans to conduct the initial enrollment of the applicants, as well as to deliver the health care coverage. The demonstration project will be conducted in select sites across the Commonwealth.

In accordance with the policies and procedures issued by the U. S. Health Care Financing Administration in 59 FR 49249 for the submission of waiver proposals, the department is publishing this notice of opportunity for public comment on this demonstration waiver. Public comments may be submitted until November 13, 1996. Comments may be submitted to John Kenyon, Department of Medical Assistance Services, Division of Policy Development, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

STATE WATER CONTROL BOARD

Enforcement Action Proposed Consent Decree Town of Crewe

The State Water Control board proposes to enter into a consent decree with the Town of Crewe. The decree requires the town to come into compliance with the VPDES Permit No. VA0020303 for its wastewater treatment plant. The decree contains a schedule for the construction of an expanded and upgraded wastewater treatment plant, the implementation of an infiltration and inflow corrective action program and a plan addressing the recordkeeping of the operation and maintenance of the plant.

On behalf of the State Water Control board, the Department of Environmental Quality will receive written comments relating to the proposed amendment to the consent decree until October 30, 1996. Comments should be addressed to Cynthia Akers, Department of Environmental Quality, 4949-A Cox Road, Glen Allen, Virginia 23060-6295, and should refer to the consent decree.

The proposed decree may be examined at the Department of Environmental Quality, Piedmont Regional Office, Innsbrook Corporate Center, 4949-A Cox Road, Glen Allen, Virginia 23060. A copy of the decree may be obtained in person or by mail from the above office.

Enforcement Action Proposed Consent Special Order The Burruss Company Lynn Leasing, Inc. Williamsburg Court Sewer Company

The State Water Control Board and the Department of Environmental Quality propose to issue a Consent Special Order to The Burruss Company for its plants in Gladys and Brookneal. The Order will require actions to bring the plants into full compliance with state laws and regulations for wastewater treatment and discharge, stormwater, hazardous waste, and solid waste. Payment of a civil charge of \$5,000 will also be required.

The State Water Control Board proposes to amend its Consent Special Order to Lynn Leasing, Inc., for the underground storage tanks at the Budget Rent-A-Car site at the Roanoke Regional Airport. This amendment will give Lynn Leasing, Inc. a revised schedule for submitting a site characterization plan and, if necessary, initiate remediation at the site. Because the amendment is occasioned by violations of the original order, a civil charge of \$3,000 is part of this agreement. This charge will be deferred as each deadline in the new schedule is met.

The State Water Control Board proposes to issue a Consent Special Order to the Williamsburg Court Sewer Company. The order will authorize the sewer company to operate its lagoon and collection system until it can be connected to the Botetourt County sewer interceptor. The projected date of this connection is December 31, 1998. The order sets effluent limits, monitoring and reporting requirements, and operational standards to apply in the interim. The order also specifies procedures for decommissioning the lagoon.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive written comments relating to the proposed amendments until November 13, 1996. Comments should be addressed to James F. Smith, West Central Regional Office, Department of Environmental Quality, 3019 Peters Creek Road, N.W., Roanoke, VA 24019, or fax (540) 562-6725, and should refer to The Burruss Company, Lynn Leasing, Inc., or Williamsburg Court Sewer Company Order.

The proposed orders may be examined at the Department of Environmental Quality, Office of Enforcement and Compliance Auditing, 629 East Main Street, P.O. Box 10009, Richmond, VA 23240-0009 or at the Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, VA 24019. A copy of the

orders may be obtained in person or by mail from these offices.

**Enforcement Action
Proposed Consent Special Order
AlliedSignal Inc.**

The State Water Control Board proposes to issue a Consent Special Order to AlliedSignal Inc. located in Hopewell, Virginia. The proposed Order addresses two releases of sulfuric acid and low pH material from AlliedSignal to Gravelly Run and the resulting fish kills in Gravelly Run. The Order provides for the payment of a \$25,000 civil charge, and reimbursement of state investigative and fish replacement costs. The Order also states the corrective actions AlliedSignal has taken and will take to address these violations.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive written comments relating to the proposed Special Order until November 13, 1996. Comments should be addressed to Cynthia Akers, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia 23060-6295, and should refer to the special order. The proposed order may be examined at the Department of Environmental Quality, Piedmont Regional Office, Innsbrook Corporate Center, 4949-A Cox Road, Glen Allen, Virginia 23060-6295. A copy of the Order may be obtained in person or by mail from the above office.

**Enforcement Action
Proposed Special Orders
Town of Independence Sewage Treatment Plant
Tiger Car Wash
Ducky's Hand Car Wash
Jonesville Car Wash
Petro Stopping Center**

The State Water Control Board proposes to take an enforcement action against the Town of Independence Sewage Treatment Plant which discharges treated wastewater to Peach Bottom Creek of the New River Basin. Under the terms of the proposed Special Order the Town has agreed to be bound by the terms and conditions of effluent limitations and monitoring and reporting requirements contained in the appendix of the Order. The requirements contained in the Order bring the facility into compliance with state law and will protect water quality.

The State Water Control Board proposes to take an enforcement action against Tiger Car Wash, Ducky's Hand Car Wash, and Jonesville Car Wash. Under the terms of the proposed Special Orders, the owners of these facilities have agreed to be bound by the terms and conditions of effluent limitations and monitoring and reporting requirements contained in individual appendices within the respective Orders. These requirements contained in the Orders bring the facilities into compliance with state law and will protect water quality.

The State Water Control Board proposes to take an enforcement action against the Petro Stopping Center, a sewage treatment plant and truck wash facility, which discharges treated wastewater to an unnamed tributary to Reed Creek of the New River Basin. Under the terms of the proposed Special Orders, the owner of the facility has agreed to be bound by the terms and conditions of effluent limitations and monitoring and reporting requirements contained in the appendix of the order. The requirements contained in the order bring the facility into compliance with state law and will protect water quality.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive written comments relating to the Special Order until November 13, 1996. Comments should be addressed to Dallas Sizemore, Department of Environmental Quality, Southwest Regional Office, P.O. Box 1688, Abingdon, Virginia 24212 and should refer to the Consent Special Order. The proposed Order may be examined at the Department of Environmental Quality, 355 Deadmore Street, Abingdon, Virginia, at the same address. A copy of the Order may be obtained in person or by mail from the above office.

**Enforcement Action
Proposed Consent Special Order Amendment
Town of Blackstone**

The State Water Control Board proposes to modify the May 10, 1996, Consent Special Order (CSO) with the Town of Blackstone. The original CSO specified a limit for total hardness prior to the upgrade of the wastewater treatment facility. Until the facility is upgraded, the lack of a hardness limit will not directly affect effluent water quality or the operation of the treatment facility. This amendment will remove the total hardness limit and require only that hardness be monitored.

The board will receive until November 13, 1996, written comments relating to the proposal. Comments of the proposed CSO should be addressed to Vernon Williams, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia 23060, and refer to the proposed Consent Special Order Amendment.

Anyone wishing to examine the proposed Consent Special Order Amendment may do so by scheduling an appointment at the Piedmont Regional Office, (804) 527-5086. A copy of the CSO amendment may be obtained in person or by mail from the above mentioned office.

**Enforcement Action
Proposed Consent Special Order
Charlottesville Oil Company**

The State Water Control Board proposes to take an enforcement action against Charlottesville Oil Company. The company has agreed to the terms of a Consent Special Order to address violations of the State Water Control Law and regulations at Advance Mills Supply, Brownsville Market, the Charlottesville Oil Bulk Plant, Maupin Brothers, and 29 North Chevron in Albemarle County; Blue Run Grocery, Ruckersville Chevron, and Stanardsville Chevron in Greene

General Notices/Errata

County; Lambert Mercantile in Nelson County; Madison Gulf in Madison County; and Woodridge Market and Zion Crossroads Gulf in Fluvanna County. Violations include:

- the failure to provide DEQ with accurate, updated registration information on tanks
- the failure to report UST releases within 24 hours
- the failure to initiate appropriate initial abatement measures in the event of a petroleum release from a UST
- the failure to assess and remediate the impact of UST releases in a timely manner
- the failure to register all regulated ASTs
- the failure to prevent, contain, and cleanup releases from ASTs

To settle these violations, the company has agreed to specific corrective action at these facilities. Additionally, Charlottesville Oil has agreed to continue negotiations about the extent, if any, of the company's liability at Ferncliff Market; Gordonsville Gulf, Haney's Gulf/Delk Trailer Park, Miller's Store, Snow's General Merchandise/Dyke Gulf, and Trading Post/North Garden.

The board will receive written comments relating to the proposed Consent Special Order until November 13, 1996. Comments should be addressed to Elizabeth V. Scott, Department of Environmental Quality, Post Office Box 268, Bridgewater, Virginia 22812, and should refer to the Consent Special Order.

The proposed Order may be examined at the Department of Environmental Quality, Valley Regional Office, 116 N. Main Street, Bridgewater, Virginia 22812. A copy of the Order may be obtained in person or by mail from this office.

Enforcement Action Proposed Consent Special Order Skyline Swannanoa, Inc.

The State Water Control Board proposes to take an enforcement action against Skyline Swannanoa, Inc. The company has agreed to the terms of a Consent Special Order to address violations of the State Water Control Law and regulations at its wastewater treatment facility on Afton Mountain in Augusta County. This facility has experienced recurring violations of the State Water Control Law, the Permit Regulation, and Regulation 11 (the Registration and Reporting of Water Withdrawal) since 1989. Violations include the failure to submit lagoon water balance data, failure to submit timely annual water withdrawal reports, improper flow recording, improper operations and maintenance, and violations of discharge limitations for pH, Chlorine, and BOD contained in the facility's VPDES Permit.

To settle these violations, Skyline Swannanoa has agreed to specific corrective action to bring the wastewater treatment facility back into compliance, to submit all future Water Withdrawal Reports in a timely manner, and to review the facility's Operations and Maintenance Manual to assure that

routine preventive maintenance procedures are adequate to assure future compliance with the permit and state law.

The board will receive written comments relating to the proposed Consent Special Order until November 13, 1996. Comments should be addressed to Elizabeth V. Scott, Department of Environmental Quality, Post Office Box 268, Bridgewater, Virginia 22812, and should refer to the Consent Special Order.

The proposed Order may be examined at the Department of Environmental Quality, Valley Regional Office, 116 N. Main Street, Bridgewater, Virginia 22812. A copy of the Order may be obtained in person or by mail from this office.

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 FAX two copies and do not follow up with a mailed copy. Our FAX number is: (804) 692-0625.

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 OBJECTIONS - RR08



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Jane Chaffin, Deputy Registrar, Virginia Code Commission, General Assembly Building,
2nd Floor, 910 Capitol Street, Richmond, VA 23219

10. Owner (If owned by a corporation, its name and address must be stated and also immediately thereafter the names and addresses of stockholders owning or holding 1 percent or more of the total amount of stock. If not owned by a corporation, the names and addresses of the individual owners must be given. If owned by a partnership or other unincorporated firm, its name and address as well as that of each individual must be given. If the publication is published by a nonprofit organization, its name and address must be stated.) (Do Not Leave Blank.)

Full Name	Complete Mailing Address
Virginia Code Commission	General Assembly Building
(Nonprofit State Agency)	910 Capitol Street, 2nd Floor
	Richmond, VA 23219

11. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages, or Other Securities. If none, check here None

Full Name	Complete Mailing Address
NONE	

12. For completion by nonprofit organizations authorized to mail at special rates. The purpose, function, and nonprofit status of this organization and the exempt status for federal income tax purposes: (Check one)
 Has Not Changed During Preceding 12 Months
 Has Changed During Preceding 12 Months
 (If changed, publisher must submit explanation of change with this statement)

General Notices/Errata

13. Publication Name The Virginia Register of Regulations		14. Issue Date for Circulation Data Below October 1995 through September 1996	
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c. Total Paid and/or Requested Circulation (Sum of 15b(1) and 15b(2))		627	621
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(2) Return from News Agents		0	0
i. Total (Sum of 15g, 15h(1), and 15h(2))		757	775
Percent Paid and/or Requested Circulation (15c / 15g x 100)		83.6	84

16. This Statement of Ownership will be printed in the 9/30/96 issue of this publication. Check box if not required to publish.

17. Signature and Title of Editor, Publisher, Business Manager, or Owner

Date

Jane D. Chaffin, Deputy Registrar

9/17/96

I certify that all information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal sanctions (including fines and imprisonment) and/or civil sanctions (including multiple damages and civil penalties).

Instructions to Publishers

- Complete and file one copy of this form with your postmaster on or before October 1, annually. Keep a copy of the completed form for your records.
- Include in items 10 and 11, in cases where the stockholder or security holder is a trustee, the name of the person or corporation for whom the trustee is acting. Also include the names and addresses of individuals who are stockholders who own or hold 1 percent or more of the total amount of bonds, mortgages, or other securities of the publishing corporation. In item 11, if none, check box. Use blank sheets if more space is required.
- Be sure to furnish all information called for in item 15, regarding circulation. Free circulation must be shown in items 15d, e, and f.
- If the publication had second-class authorization as a general or requester publication, this Statement of Ownership, Management, and Circulation must be published; it must be printed in any issue in October or the first printed issue after October, if the publication is not published during October.
- In item 16, indicate date of the issue in which this Statement of Ownership will be printed.
- Item 17 must be signed.

Failure to file or publish a statement of ownership may lead to suspension of second-class authorization.

PS Form 3526, October 1994 (Reverse)

ERRATA

STATE AIR POLLUTION CONTROL BOARD

Title of Regulation: 9 VAC 5-150-10 et seq. Regulation for Transportation Conformity.

Publication: 12:26 VAR 3588-3620 September 16, 1996.

Correction to Final Regulation:

Page 3615, column 1, 9 VAC 5-150-370, subdivision 5, line 2, change "subsections C and D of this section" to "subdivisions 3 and 4 of this subsection"

Pages 3630, 3631 and 3632, in all places referenced, change "9 VAC 50" to "9 VAC 5"

Title of Regulation: 9 VAC 5-160-10 et seq. Regulation for General Conformity.

Publication: 12:26 VAR 3620-3634 September 16, 1996.

Correction to Final Regulation:

Page 3624, column 1, 9 VAC 5-160-30 A, line 4, after "maintenance plan." strike the remainder of the paragraph through subdivision 2.

DEPARTMENT OF HEALTH (STATE BOARD OF)

Title of Regulation: 12 VAC 5-210-10 et seq. Charges and Payment Requirements by Income Levels.

Publication: 13:1 VA.R. 14-23 September 30, 1996.

Correction to Final Regulation:

Page 15, 12 VAC 5-210-10, Chart 1, heading, Income Level E, after "75" insert "%"

Page 15, 12 VAC 5-210-10, Chart 1, CPT Code Z9900, Income Level E, change "\$33.30" to "\$24.98"

Page 15, 12 VAC 5-210-10, Chart 1, CPT Code Z9900, Income Level F, insert "\$33.30"

Page 17, 12 VAC 5-210-10, Chart 1, CPT Code, 99381, Income Level E, unstrike and underscore "\$44.25"

Page 22, 12 VAC 5-210-20, Chart 2, CPT Code 57454, Maximum Charge Per Visit/Service, strike "\$162.00"

CALENDAR OF EVENTS

Symbol 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 State Apple Board

† **November 5, 1996 - 10 a.m.** -- Open Meeting
Department of Agriculture and Consumer Services, Laboratory, 116 Reservoir Street, Harrisonburg, Virginia.

A meeting to (i) review finances; (ii) discuss the crop status; (iii) discuss marketing projects; and (iv) discuss future budget issues based on tax collection estimates. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact Nancy L. Israel at least five days before the meeting date so that suitable arrangements can be made.

Contact: Nancy L. Israel, Program Director, Virginia State Apple Board, Washington Bldg., 1100 Bank St., Suite 1008, Richmond, VA 23219, telephone (804) 371-6104 or FAX (804) 371-7786.

Virginia Aquaculture Advisory Board

November 14, 1996 - 9 a.m. -- Open Meeting
Virginia Polytechnic Institute and State University, Cheatham Hall, Room 315, Blacksburg, Virginia.♿

The board will meet in regular session to discuss issues related to the Virginia aquaculture industry. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact T. Robins Buck at least five days before the meeting date so that suitable arrangements can be made.

Contact: T. Robins Buck, Secretary, Virginia Aquaculture Advisory Board, P.O. Box 1163, Suite 211, Richmond, VA 23218, telephone (804) 371-6094.

Virginia Corn Board

December 11, 1996 - 9 a.m. -- Open Meeting
Sheraton Inn, 4700 South Laburnum Avenue, Richmond, Virginia.♿

The board will conduct business in the areas of research, education and promotion of the Virginia corn industries. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact Phil Hickman at least five days before the meeting date so that suitable arrangements can be made.

Contact: Phil Hickman, Program Director, Virginia Corn Board, 1100 Bank St., Room 1005, Richmond, VA 23231, telephone (804) 371-6157 or FAX (804) 371-7786.

Virginia Egg Board

† **November 8, 1996 - 2:30 p.m.** -- Open Meeting
Virginia Tech Department of Animal and Poultry Science, Litton Reaves Hall, #1810, Blacksburg, Virginia.♿

The board will be presented an update on the promotional activities from the Egg Council and the egg excise tax information. Proposed plans for increased revenues will be discussed. A proposed grant application for the Virginia Egg Council's involvement with the federal EPNET and SCNEP programs will be evaluated. Research conducted at Virginia Tech within the Animal and Poultry Science Department will be highlighted during the board meeting. A tour will be given of the animal and poultry research farms at Virginia Tech. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact Cecilia Glembocki at least five days

before the meeting date so that suitable arrangements can be made.

Contact: Cecilia Glembocki, Executive Director, Virginia Egg Board, 911 Saddleback Court, McLean, VA 22102, telephone (703) 790-1984 or toll-free 1-800-779-7759.

Virginia Horse Industry Board

November 6, 1996 - 10 a.m. -- Open Meeting
Virginia Cooperative Extension--Charlottesville/Albemarle Unit, 168 Spotnap Road, Lower Level Meeting Room, Charlottesville, Virginia. ☎

A meeting to review the budget for the current fiscal year and discuss equine health issues as presented by the State Veterinarian's office. The board will also consider marketing efforts and projects, including the economic impact study of the industry. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact Andrea S. Heid at least five days before the meeting date so that suitable arrangements can be made.

Contact: Andrea S. Heid, Equine Marketing Specialist, Department of Agriculture and Consumer Services, 1100 Bank St., Room 906, Richmond, VA 23219, telephone (804) 786-5842 or (804) 371-6344/TDD ☎

Virginia Marine Products Board

November 6, 1996 - 6 p.m. -- Open Meeting
Bill's Seafood House, Route 17 and Denbigh Boulevard, Grafton, Virginia. ☎

A meeting to receive reports from the Executive Director of the Virginia Marine Products Board on finance, marketing, past and future program planning, publicity/public relations, and old/new business. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact Shirley Estes at least five days before the meeting date so that suitable arrangements can be made.

Contact: Shirley Estes, Executive Director, 554 Denbigh Boulevard, Suite B, Newport News, VA 23608, telephone (757) 874-3474 or FAX (757) 886-0671.

Virginia Winegrowers Advisory Board

† **November 13, 1996 - 8:45 a.m.** -- Open Meeting
Virginia Tech, The Donaldson-Brown Center, Blacksburg, Virginia. ☎

A quarterly meeting of the board to conduct regular board business including committee and treasurer's reports. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any

accommodations in order to participate at the meeting should contact Mary E. Davis-Barton at least seven days before the meeting date so that suitable arrangements can be made.

Contact: Mary E. Davis-Barton, Secretary, Virginia Winegrowers Advisory Board, Department of Agriculture and Consumer Services, 1100 Bank St., Room 1010, Richmond, VA 23219, telephone (804) 786-0481.

STATE AIR POLLUTION CONTROL BOARD

† **December 2, 1996 - 10 a.m.** -- Public Hearing
Department of Environmental Quality, 629 East Main Street, Training Room, First Floor, Richmond, Virginia.

† **December 31, 1996** -- Public comments may be submitted until 4:30 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **9 VAC 5-20-10 et seq. Regulations for the Control and Abatement of Air Pollution: General Provisions.** 9 VAC 5-20-21 lists documents that are incorporated by reference into the Regulations for the Control and Abatement of Air Pollution. In addition to federal documents (which include portions of the Code of Federal Regulations as listed in Rules 5-5 and 6-1), a number of technical documents are listed. These documents include materials from the American Society for Testing and Materials, the American Petroleum Institute, and the National Fire Prevention Association. The regulation amendments update the documents to include the most current version available.

Request for Comments: 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.

Localities Affected: There is no locality which will bear any identified disproportionate material air quality impact due to the proposed regulation which would not be experienced by other localities.

Location of Proposal: The proposal, an analysis conducted by the department (including a statement of purpose, a statement of estimated impact and benefits of the proposed regulation, an explanation of need for the proposed regulation, an estimate of the impact of the proposed regulation upon small businesses, identification of and comparison with federal requirements, and a discussion of alternative approaches) and any other supporting documents may be examined by the public at the department's Office of Air Program Development (Eighth Floor), 629 East Main Street, Richmond, Virginia, and the department's regional offices (listed below) between 8:30 a.m. and 4:30 p.m. of each business day until the close of the public comment period.

Calendar of Events

Southwest Regional Office
Department of Environmental Quality
355 Deadmore Street
Abingdon, Virginia
Ph: (540) 676-4800

West Central Regional Office
Department of Environmental Quality
Executive Office Park
3019 Peters Creek Road
Roanoke, Virginia
Ph: (540) 562-6700

Lynchburg Satellite Office
Department of Environmental Quality
7705 Timberlake Road
Lynchburg, Virginia
Ph: (804) 582-5120

Valley Regional Office
Department of Environmental Quality
116 North Main Street
Bridgewater, Virginia 22812
Ph: (540) 828-2595

Fredericksburg Satellite Office
Department of Environmental Quality
300 Central Road, Suite B
Fredericksburg, Virginia
Ph: (540) 899-4600

Piedmont Regional Office
Department of Environmental Quality
4949-A Cox Road
Innsbrook Corporate Center
Glen Allen, Virginia
Ph: (804) 527-5020

Tidewater Regional Office
Department of Environmental Quality
5636 Southern Boulevard
Virginia Beach, Virginia
Ph: (757) 518-2000

Springfield Satellite Office
Department of Environmental Quality
Springfield Corporate Center, Suite 310
6225 Brandon Avenue
Springfield, Virginia
Ph: (703) 644-0311

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

Public comments may be submitted until 4:30 p.m. December 31, 1996, to the Director, Office of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

Contact: Karen G. Sabastianski, Policy Analyst, Office of Air Program Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510, (804) 698-4021/TDD ☎, or toll-free 1-800-592-5482.

ALCOHOLIC BEVERAGE CONTROL BOARD

November 4, 1996 - 9:30 a.m. -- Open Meeting
November 18, 1996 - 9:30 a.m. -- Open Meeting
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. ☎

A meeting to receive and discuss reports from and activities of staff members.

Contact: W. Curtis Coleburn, Secretary to the Board, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 367-0712 or FAX (804) 367-1802.

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

November 1, 1996 -- Public 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 Architects, Professional Engineers, Land Surveyors and Landscape Architects intends to amend regulations entitled: **18 VAC 10-20-10 et seq. Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects Rules and Regulations.** The purpose of the proposed amendments is to make the regulations clearer and easier to understand.

Statutory Authority: §§ 54.1-404 and 54.1-411 of the Code of Virginia.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514.

Board for Architects

† **November 15, 1996 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514 or (804) 367-9753/TDD ☎

Board for Professional Engineers

† **November 21, 1996 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514 or (804) 367-9753/TDD ☎

VIRGINIA BOARD FOR ASBESTOS LICENSING AND LEAD CERTIFICATION

Regulatory Review Committee

† **October 30, 1996 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 2, Richmond, Virginia. ☎

A meeting to conduct regular business. A public comment period will be held at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507 or (804) 367-9753/TDD ☎

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

† **November 4, 1996 - 10 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☎

A legislative committee meeting.

Contact: Elizabeth Young Kirksey, Executive Director, Board of Audiology and Speech-Language Pathology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7390, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

† **November 21, 1996 - 9:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☎

A general board meeting. Public comments will be received for 15 minutes at the beginning of the meeting.

Contact: Elizabeth Young Kirksey, Executive Director, Board of Audiology and Speech-Language Pathology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7390, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

BOARD FOR BARBERS

† **December 2, 1996 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least two weeks prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475 or (804) 367-9753/TDD ☎

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

Northern Area Review Committee

November 12, 1996 - 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)

A meeting to 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 meeting; however, written comments are welcome.

Contact: Shawn Smith, Senior Planner, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440, FAX (804) 225-3447 or toll-free 1-800-243-7229/TDD ☎

Regulation Advisory Committee

November 26, 1996 - 10 a.m. -- Open Meeting
Department of Social Services, 730 East Broad Street, Lower Level, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A work session of the committee composed of stakeholders to discuss amendments to the Chesapeake Bay Preservation Area Designation and Management Regulations (9 VAC 10-20-10 et seq.).

Contact: Scott Crafton, Regulatory Coordinator, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219-1924, telephone (804) 225-3440, FAX (804) 225-3447 or toll-free 1-800-243-7229/TDD ☎

Calendar of Events

Regulatory Committee and Regulation Advisory Committee

October 30, 1996 - 10 a.m. -- Open Meeting
Department of Social Services, 730 East Broad Street, Lower Level, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A joint meeting of the board's Regulatory Committee and Regulation Advisory Committee, composed of stakeholders, to discuss amendments to the Chesapeake Bay Preservation Area Designation and Management Regulations (9 VAC 10-20-10 et seq.).

Contact: Scott Crafton, Regulatory Coordinator, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219-1924, telephone (804) 225-3440, FAX (804) 225-3447 or toll-free 1-800-243-7229/TDD

Southern Area Review Committee

November 12, 1996 - 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)

A meeting to review Chesapeake Bay Preservation Area programs for the Southern 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 meeting; however, written comments are welcome.

Contact: Shawn Smith, Senior Planner, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440, FAX (804) 225-3447 or toll-free 1-800-243-7229/TDD

VIRGINIA CHESAPEAKE BAY TRIBUTARY STRATEGY INTERAGENCY WORK GROUP

November 12, 1996 - 3 p.m. -- Open Meeting
Northern Virginia Community College, 8333 Little River Turnpike, Annandale, Virginia.

November 13, 1996 - 3 p.m. -- Open Meeting
J. Sargeant Reynolds Community College, North Run Corporate Center, 1630 East Parham Road, Richmond, Virginia.

November 14, 1996 - 3 p.m. -- Open Meeting
Lord Fairfax Community College, 173 Skirmisher Lane, Middletown, Virginia.

November 18, 1996 - 5 p.m. -- Open Meeting
Colonial Beach High School, One Hundred and First Street, Colonial Beach, Virginia.

November 20, 1996 - 3 p.m. -- Open Meeting
Augusta County Government Center, 4801 Lee Highway, Verona, Virginia.

The draft of Virginia's Potomac Basin Tributary Nutrient Reduction Strategy is available for public comment from October 21 to November 21, 1996. Copies are available for review at the Planning District Commission, the Soil and Water Conservation District, the Department of Environmental Quality and the Department of Conservation and Recreation regional offices in the Potomac basin. The strategies are designed to reduce controllable nutrient loads in the Potomac River. The reduction strategies will address point (treatment plants, industrial discharges, etc.) and nonpoint (runoff from agricultural fields, residential areas stormwater, etc.) sources of pollution. In addition, a series of public open houses on the strategy will be held. Using posters and other display materials, the open houses are designed to provide citizens the opportunity to review the strategies and the concepts behind them at their leisure. Staff will be available to answer questions about the strategies. A brief orientation will also be presented on the hour. Written comments can also be submitted at these meetings or by sending them to the addresses on the draft.

Contact: Gary Waugh, Public Relations Manager, Department of Conservation and Recreation, 203 Governor St., Suite 213, Richmond, VA 23219, telephone (804) 786-5045, FAX (804) 371-2072, or (804) 786-2121/TDD

CHILD DAY-CARE COUNCIL

November 14, 1996 - 9 a.m. -- CANCELLED
December 12, 1996 - 9 a.m. -- Open Meeting
Theater Row Building, 730 East Broad Street, Lower Level, Conference Room 1, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The council will meet to discuss issues and concerns that impact child day centers, camps, school age programs, and preschool/nursery schools. Public comment will be received at noon. Please call ahead of time for possible changes in meeting time.

Contact: Rhonda Harrell, Division of Licensing Programs, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1775.

VIRGINIA STATE CHILD FATALITY REVIEW TEAM

† **November 13, 1996 - 10 a.m.** -- Open Meeting
Tyler Building, 1300 East Main Street, 3rd Floor Conference Room, Richmond, Virginia.

A meeting to (i) discuss the status of ongoing studies; (ii) review data collection and analysis issues; and (iii) update the team on any new legislative or administrative matters. The second part of this meeting will be closed for specific case discussion.

Contact: Suzanne J. Keller, Coordinator, Virginia State Child Fatality Review Team, 9 N. 14th St., Richmond, VA 23219, telephone (804) 786-1048, FAX (804) 371-8595, or toll-free 1-800-447-1706.

STATE BOARD FOR COMMUNITY COLLEGES

† **November 6, 1996 - 2:30 p.m.** -- Open Meeting
The Omni Waterside Hotel, 777 Waterside Drive, Norfolk, Virginia.

State board committee meetings.

Contact: Dr. Joy S. Graham, Assistant Chancellor, Public Affairs, State Board for Community Colleges, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, or (804) 371-8504/TDD ☎

† **November 7, 1996 - 8:30 a.m.** -- Open Meeting
The Omni Waterside Hotel, 777 Waterside Drive, Norfolk, Virginia.

A regularly scheduled board meeting.

Contact: Dr. Joy S. Graham, Assistant Chancellor, Public Affairs, State Board for Community Colleges, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, or (804) 371-8504/TDD ☎

† **November 7, 1996 - 11:45 a.m.** -- Open Meeting
The Omni Waterside Hotel, 777 Waterside Drive, York Room, Norfolk, Virginia.

The annual meeting of the board.

Contact: Dr. Joy S. Graham, Assistant Chancellor, Public Affairs, State Board for Community Colleges, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, or (804) 371-8504/TDD ☎

COMPENSATION BOARD

October 31, 1996 - 11 a.m. -- Open Meeting
Ninth Street Office Building, 202 North Ninth Street, 9th Floor, Room 913/913A, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A routine business meeting.

Contact: Bruce W. Haynes, Executive Secretary, P.O. Box 710, Richmond, VA 23218-0710, telephone (804) 786-0786, FAX (804) 371-0235, or (804) 786-0786/TDD ☎

COMMONWEALTH COMPETITION COUNCIL

† **November 7, 1996 - 7 p.m.** -- Public Hearing
George Mason University, Mason Hall, Fairfax, Virginia. ♿ (Interpreter for the deaf provided upon request)

The fourth of four public hearings to obtain input on what state services should or could be rendered by the private sector.

Contact: Peggy Robertson, Staff, Commonwealth Competition Council, James Monroe Bldg., 101 N. 14th St., 5th Floor, P.O. Box 1475, Richmond, VA 23218-1475, telephone (804) 786-0240 or FAX (804) 786-1594.

DEPARTMENT OF CONSERVATION AND RECREATION

Falls of the James Scenic River Advisory Board

November 7, 1996 - Noon -- Open Meeting
City Hall, 900 East Broad Street, Planning Commission Conference Room, 5th Floor, Richmond, Virginia.

A meeting to review river issues and programs.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899 or (804) 786-2121/TDD ☎

Fall River Renaissance Committee

October 30, 1996 - 10 a.m. -- Open Meeting
Department of Conservation and Recreation, 203 Governor Street, Soil and Water Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to report on progress for plans for the Fall River Renaissance campaign and continue to develop further plans. The Fall River Renaissance is a campaign to further the efforts of citizens and organizations that are engaged in volunteer activities to conserve and enhance Virginia's rivers and public waters. It will be held September 21-October 19, 1996.

Contact: Carol Comstock, Director of Development, Department of Conservation and Recreation, 203 Governor St., Suite 213, Richmond, VA 23219, telephone (804) 786-2294, FAX (804) 371-2072, or (804) 786-2121/TDD ☎

Moormans Scenic River Advisory Board

† **November 6, 1996 - 1 p.m.** -- Open Meeting
Albemarle County Offices, 401 McIntire Road, Charlottesville, Virginia. ♿

A meeting to discuss river issues.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899 or (804) 786-2121/TDD ☎

Board on Conservation and Development of Public Beaches

† **November 26, 1996 - 10 a.m.** -- Open Meeting
Virginia Institute of Marine Science, Director's Conference Room, Richmond, Virginia. ♿

A meeting to discuss proposals from localities requesting matching grant funds from the board. A public comment period will be held at the end of regular business.

Calendar of Events

Contact: Carlton Lee Hill, Public Beach Advisor, Department of Conservation and Recreation, 203 Governor St., Suite 206, Richmond, VA 23219, telephone (804) 786-3998 or FAX (804) 786-1798.

Rappahannock Scenic River Advisory Board

† **October 30, 1996 - 7 p.m.** -- Open Meeting
Hugo's Skateway, 12099 March Road, Route 17 (located midway between Warrenton and Fredericksburg on Route 17), Bealeton, Virginia.

A meeting to discuss river issues.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899, or (804) 786-2121/TDD☎

BOARD FOR CONTRACTORS

Recovery Fund Committee

December 4, 1996 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.☎

A meeting to consider claims against the Virginia Contractor Transaction Recovery Fund. This meeting will be open to the public; however, a portion of the discussion may be conducted in executive session. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Holly Erickson at least 2 weeks prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: Holly Erickson, Assistant Administrator, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8561.

DEPARTMENT OF CORRECTIONS (STATE BOARD OF)

† **November 13, 1996 - 10 a.m.** -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia.☎

A meeting to discuss matters which may be presented to the board.

Contact: Barbara Fellows, Secretary to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235 or FAX (804) 674-3130.

November 16, 1996 -- Public 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 Corrections intends to amend regulations entitled: **6 VAC 15-20-10 et seq. Regulations Governing Certification and Inspection.** The Regulations Governing Certification and Inspection comply with § 53.1-5 of the Code of Virginia, which requires the Board of Corrections to develop program standards for correctional facilities and services and to monitor the activities of the department and its effectiveness in implementing those standards. These regulations, then, serve to enforce all facility and program standards promulgated by the board. The regulations provide uniform factors for evaluating all programs and establish the proper steps in the certification, appeal and waiver processes. Through a regular board and departmental review, the attached amendments are being proposed to (i) strengthen the regulations by tightening requirements for timeliness and communication of departmental information to the board; (ii) meet specific recommendations made by the Joint Legislative Audit and Review Commission; and (iii) comply with the requirements of § 53.1-68 of the Code of Virginia, which was recently amended to require one unannounced annual inspection and one unannounced annual health inspection of local correctional facilities.

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

Contact: Amy Miller, Regulatory Coordinator, Department of Corrections, P.O. Box 26963, Richmond, VA 23261-6963, telephone (804) 674-3119.

Administration Committee

† **November 13, 1996 - 8:30 a.m.** -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia.☎

A meeting to discuss administrative matters which may be presented to the full board.

Contact: Barbara Fellows, Secretary to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235 or FAX (804) 674-3130.

Correctional Services Committee

† **November 12, 1996 - 9:30 a.m.** -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia.☎

A meeting to discuss correctional services matters which may be presented to the full board.

Contact: Barbara Fellows, Secretary to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235 or FAX (804) 674-3130.

DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

Advisory Board

November 6, 1996 - 10 a.m. -- Open Meeting
Department for the Deaf and Hard-of-Hearing, Washington Building, 1100 Bank Street, 11th Floor, Richmond, Virginia. ☎
(Interpreter for the deaf provided upon request)

A regular quarterly meeting of the advisory board. Public comment will be received with advance notice.

Contact: Gloria Cathcart, Human Services Program Specialist, Department for the Deaf and Hard-of-Hearing, Washington Bldg., 1100 Bank St., 11th Floor, Richmond, VA 23219, telephone (804) 371-7892 (V/TTY), toll-free 1-800-552-7917 (V/TTY) or FAX (804) 371-7882.

LOCAL EMERGENCY PLANNING COMMITTEE - CHESTERFIELD COUNTY

November 7, 1996 - 5:30 p.m. -- Open Meeting
December 5, 1996 - 5:30 p.m. -- Open Meeting
6610 Public Safety Way, Chesterfield, Virginia.

A regular meeting.

Contact: Lynda G. Furr, Assistant Emergency Services Coordinator, Chesterfield Fire Department, P.O. Box 40, Chesterfield, VA 23832, telephone (804) 748-1236.

DEPARTMENT OF ENVIRONMENTAL QUALITY

October 28, 1996 - 7 p.m. -- Public Hearing
Municipal Building, 55 West Church Street, Council Chambers, Martinsville, Virginia.

A public hearing to receive comments on the proposed issuance of a permit to Prillaman Chemical Corporation for the storage and treatment of hazardous waste at the corporation's Chatham facility.

Contact: Khoa T. Nguyen, Department of Environmental Quality, Office of Permitting Management, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4128.

October 30, 1996 - 10 a.m. -- Open Meeting
November 14, 1996 - 10 a.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Training Room, First Floor, Richmond, Virginia. ☎

A working meeting of the regulatory ad hoc group engaged in the development of changes to the minor new source review permit program established under 9 VAC 5-80-10 of the Regulations for the Control and Abatement of Air Pollution.

Contact: Beth Major, Policy Analyst Senior, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4423, FAX (804) 698-4510, toll-free 1-800-592-5482, or (804) 698-4021/TDD ☎

November 12, 1996 - 7 p.m. -- Public Hearing
Virgil Grissom Library, 366 DeShazole Drive, Newport News, Virginia.

A public hearing to receive comments on the proposed issuance of a permit for post closure care of a hazardous waste facility to Newport News Shipbuilding in Newport News, Virginia.

Contact: Douglas Brown, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4182.

Virginia Ground Water Protection Steering Committee

November 19, 1996 - 9 a.m. -- Open Meeting
State Corporation Commission, 8th Floor Conference Room, Richmond, Virginia. ☎

A regularly scheduled meeting. Anyone interested in ground water protection issues is encouraged to attend. To obtain a meeting agenda contact Mary Ann Massie at (804) 698-4042.

Contact: Mary Ann Massie, Environmental Program Planner, Department of Environmental Quality, P. O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4042 or FAX (804) 698-4032.

VIRGINIA FIRE SERVICES BOARD

November 6, 1996 - 7 p.m. -- Public Hearing
South Hill Volunteer Fire Department, 114 North Brunswick Avenue, South Hill, Virginia.

November 14, 1996 - 7 p.m. -- Public Hearing
Augusta County Government Complex, 4801 Lee Highway, Verona, Virginia.

November 23, 1996 - 7 p.m. -- Public Hearing
Sheraton National, Columbia Pike and Washington Boulevard, Arlington, Virginia.

The Virginia Fire Services Board and Virginia Department of Fire Programs are holding a series of public hearings throughout the state in September, October and November regarding revisions to the Fire Programs Fund Policies and Code. If you have any questions or need a copy of the revisions please contact the Department of Fire Programs area office. Comments will be received at the beginning of each session.

Contact: Bobby L. Stanley, Jr., Executive Director, Department of Fire Programs, 2807 N. Parham Rd., Suite 200, Richmond, VA 23294, telephone (804) 527-4236.

Calendar of Events

BOARD OF FORESTRY

† **October 29, 1996 - 10 a.m.** -- Open Meeting
Department of Forestry, Fontaine Research Park, 900 Natural Resources Drive, State Forester's Suite, Charlottesville, Virginia. (Interpreter for the deaf provided upon request)

An electronic meeting (audio conference call) to discuss (i) Senate Bill No. 592 carried over from the 1996 Session of the General Assembly, (ii) the Governor's Commission on the Environment; (iii) a meeting with the Forest Council; (iv) the department's reorganization plan; and (v) staggered terms for board members. The public may participate at the above address. Please notify the department with requests for interpreter services five working days prior to the meeting.

Contact: Barbara A. Worrell, Administrative Staff Specialist, Department of Forestry, P.O. Box 3758, Charlottesville, VA (804) 977-6555 or (804) 977-6555/TDD

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

NOTE: CHANGE IN MEETING DATE

November 19, 1996 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, Richmond, Virginia.

A general board meeting to discuss board business. Public comments will be received at the beginning of the meeting for 15 minutes. A formal hearing will follow.

Contact: Elizabeth Young Kirksey, Executive Director, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907, FAX (804) 662-9943 or (804) 662-7197/TDD

DEPARTMENT OF HEALTH (STATE BOARD OF)

November 16, 1996 -- Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to amend regulations entitled: **12 VAC 5-220-10 et seq. Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations.** The purpose of the proposed amendment is to establish a distinct process for acceptance and consideration of requests for Certificates of Public Need which involve the establishment of new nursing home facilities or increasing the number of beds at an existing medical care facility, and to implement changes to the Certificate of Public Need law effective July 1, 1996.

Statutory Authority: §§ 32.1-12 and 32.1-102.1 et seq. of the Code of Virginia.

Public comments may be submitted until 5 p.m. on November 16, 1996, to Nancy R. Hofheimer, Director, Office of Health

Facilities Regulation, Department of Health, 3600 West Broad Street, Suite 216, Richmond, Virginia 23230.

Contact: Paul E. Parker, Director, Division of Resource Development, Office of Health Facilities Regulation, Department of Health, 3600 W. Broad St., Suite 216, Richmond, VA 23230, telephone (804) 367-2127 or FAX (804) 367-2149.

November 16, 1996 -- Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to amend regulations entitled: **12 VAC 5-360-10 et seq. State Medical Facilities Plan: Nursing Home Services.** The purpose of the proposed regulation is to revise and expand project review standards for the evaluation of nursing home Certificate of Public Need requests. The amendments are proposed to prepare the Department of Health for competitive review of nursing home bed applications which has not occurred since 1988.

Statutory Authority: §§ 32.1-12, 32.1-102.2, and 32.1-145 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on November 16, 1996, to Nancy R. Hofheimer, Director, Office of Health Facilities Regulation, Department of Health, 3600 West Broad Street, Suite 216, Richmond, Virginia 23230.

Contact: Paul E. Parker, Director, Division of Resource Development, Office of Health Facilities Regulation, Department of Health, 3600 W. Broad St., Suite 216, Richmond, VA 23230, telephone (804) 367-2127 or FAX (804) 367-2149.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† **November 12, 1996 - 8 a.m.** -- Open Meeting
University of Virginia, Charlottesville, Virginia.

† **December 16, 1996 - 8 a.m.** -- Open Meeting
College of William and Mary, Williamsburg, Virginia.

The council's executive, planning, outreach, and resources committees will meet consecutively between 8 a.m. and noon. Please call the council for the order of the committee meetings and meeting agenda. A general business meeting of the council will begin at 1 p.m.

Contact: Michael McDowell, Public Information Director, State Council of Higher Education, James Monroe Bldg., 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2637 or FAX (804) 786-0572.

VIRGINIA HIGHER EDUCATION TUITION TRUST FUND

November 21, 1996 - 10 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, 3rd Floor, Richmond, Virginia. ☎

A regular meeting.

Contact: Diana F. Cantor, Executive Director, Virginia Higher Education Tuition Trust Fund, James Monroe Building, 101 N. 14th St., 3rd Floor, Richmond, VA 23219, telephone (804) 786-2060.

VIRGINIA HIV PREVENTION COMMUNITY PLANNING COMMITTEE

November 7, 1996 - 7 p.m. -- Public Hearing
James J. McCoart Administration Building, One County Complex Court, Prince William, Virginia. (Interpreter for the deaf provided upon request)

November 12, 1996 - 7:30 p.m. -- Public Hearing
College of William and Mary, University Center, Chesapeake Room A, Williamsburg, Virginia. (Interpreter for the deaf provided upon request)

November 13, 1996 - 7 p.m. -- Public Hearing
Lynchburg Public Library, 2315 Memorial Avenue, Community Room, Lynchburg, Virginia. (Interpreter for the deaf provided upon request)

A public hearing on HIV prevention and Ryan White Health Care in Virginia.

Contact: Elaine G. Martin, Coordinator, STD/AIDS Education, Bureau of STD/AIDS, Department of Health, P.O. Box 2448, Room 112, Richmond, VA 23218, telephone (804) 786-0877 or toll-free 1-800-533-4148.

HOPEWELL INDUSTRIAL SAFETY COUNCIL

November 5, 1996 - 9 a.m. -- Open Meeting
† **December 3, 1996 - 9 a.m.** -- Open Meeting
† **January 7, 1997 - 9 a.m.** -- Open Meeting
Hopewell Community Center, Second and City Point Road, Hopewell, Virginia. ☎ (Interpreter for the deaf provided upon request)

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.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

NOTE: CHANGE IN MEETING DATE
† **December 9, 1996 - 9 a.m.** -- Public Hearing
Department of Housing and Community Development, The Jackson Center, 501 North 2nd Street, Richmond, Virginia. ☎

A public hearing to receive comments on the following proposed regulations: Certification Standards (13 VAC 5-21-10 through 13 VAC 5-21-60); Statewide Fire Prevention Code (13 VAC 5-51-10 through 13 VAC 5-51-180); Amusement Device Regulations (13 VAC 5-31-10 through 5-31-170); Uniform Statewide Building Code (13 VAC 5-61-10 through 13 VAC 5-61-410); Industrialized Building Safety Regulations (13 VAC 5-91-10 through 13 VAC 5-91-400); and Manufactured Housing Safety Regulations (13 VAC 5-95-10 through 13 VAC 5-95-250).

Contact: Norman R. Crumpton, Associate Director, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7170 or (804) 371-7089/TDD ☎

November 15, 1996 - CANCELLED
Department of Housing and Community, The Jackson Center, 501 North 2nd Street, First Floor Board Room, Richmond, Virginia. ☎

This meeting has been cancelled.

Contact: Stephen W. Calhoun, CPA, Manager, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7090, or (804) 371-7089/TDD ☎

COUNCIL ON INFORMATION MANAGEMENT

† **November 15, 1996 - 1 p.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, Conference Room C, Richmond, Virginia. ☎

The council will meet jointly with its three advisory committees.

Contact: Linda Hening, Administrative Assistant, Council on Information Management, 1100 Bank St., Suite 901, Richmond, VA 23219, telephone (804) 225-3622 or (800) 828-1120/TDD ☎

VIRGINIA INTERAGENCY COORDINATING COUNCIL

† **December 11, 1996 - 9:30 a.m.** -- Open Meeting
Henrico Area Mental Health and Mental Retardation Services, 10299 Woodman Road, Glen Allen, Virginia. ☎ (Interpreter for the deaf provided upon request)

A quarterly meeting to advise and assist the Department of Mental Health, Mental Retardation and Substance Abuse Services as lead agency for Part H (of IDEA), Early Intervention for Infants and Toddlers with Disabilities and their families. Discussion focuses on issues related to Virginia's implementation of the Part H program. A public comment period will begin at 11 a.m.

Contact: Richard B. Corbett, Part H Program Support, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218, telephone (804) 786-3710 or FAX (804) 371-7959.

Calendar of Events

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

November 11, 1996 - 1 p.m. -- Open Meeting
The Homestead, Hot Springs, Virginia.

A regular meeting to discuss such matters as may be presented.

Contact: Adele MacLean, Secretary, Advisory Commission on Intergovernmental Relations, 8th Street Office Building, Room 702, Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999, or (804) 786-1860/TDD ☎

DEPARTMENT OF LABOR AND INDUSTRY

Virginia Apprenticeship Council

† **December 5, 1996 - 10 a.m.** -- Open Meeting
Danville Community College, 1008 South Main Street, Danville, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting of the council.

Contact: Fred T. Yontz, Program Manager, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 371-0295, FAX (804) 786-9877 or (804) 786-2376/TDD ☎

LIBRARY BOARD

November 4, 1996 - 10:30 a.m. -- Open Meeting
The Library of Virginia, 11th Street at Capitol Square, 3rd Floor, Supreme Court Room, Richmond, Virginia. ♿

A meeting to discuss matters related to The Library of Virginia and its board.

Contact: Jean H. Taylor, Secretary to the State Librarian, The Library of Virginia, 11th Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

Automation and Networking Committee

November 4, 1996 - 9 a.m. -- Open Meeting
The Library of Virginia, 11th Street at Capitol Square, Automation and Networking Division, Office of the Division Director, Richmond, Virginia. ♿

A meeting to discuss automation and networking matters.

Contact: Jean H. Taylor, Secretary to the State Librarian, The Library of Virginia, 11th Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

Executive Committee

November 4, 1996 - 9:45 a.m. -- Open Meeting
The Library of Virginia, 11th Street at Capitol Square, Office of the State Librarian, Richmond, Virginia. ♿

A meeting to discuss matters related to The Library of Virginia and its board.

Contact: Jean H. Taylor, Secretary to the State Librarian, The Library of Virginia, 11th Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

Facilities Committee

November 3, 1996 - 5 p.m. -- Open Meeting
Omni Richmond Hotel, 100 South 12th Street, Richmond, Virginia. ♿

A meeting to discuss matters pertaining to the new Library of Virginia building, the status of the Records Center, and the current Library of Virginia facility.

Contact: Jean H. Taylor, Secretary to the State Librarian, The Library of Virginia, 11th Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

Legislative and Finance Committee

November 3, 1996 - 4 p.m. -- Open Meeting
Omni Richmond Hotel, 100 South 12th Street, Richmond, Virginia. ♿

A meeting to discuss legislative and financial matters.

Contact: Jean H. Taylor, Secretary to the State Librarian, The Library of Virginia, 11th Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

Publications and Cultural Affairs Committee

November 4, 1996 - 8 a.m. -- Open Meeting
The Library of Virginia, 11th Street at Capitol Square, Office of the Division Director, Richmond, Virginia. ♿

A meeting to discuss matters related to the Publications and Cultural Affairs Division and The Library of Virginia.

Contact: Jean H. Taylor, Secretary to the State Librarian, The Library of Virginia, 11th Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

Public Library Development Committee

November 3, 1996 - 5 p.m. -- Open Meeting
Omni Richmond Hotel, 100 South 12th Street, Richmond, Virginia. ♿

A meeting to discuss matters pertaining to public library development and The Library of Virginia.

Contact: Jean H. Taylor, Secretary to the State Librarian, The Library of Virginia, 11th Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

Records Management Committee

November 4, 1996 - 9 a.m. -- Open Meeting
The Library of Virginia, 11th Street at Capitol Square,
Conference Room B, Richmond, Virginia. ☎

A meeting to discuss matters pertaining to records management.

Contact: Jean H. Taylor, Secretary to the State Librarian, The Library of Virginia, 11th Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

Research and Information Services Committee

November 4, 1996 - 8 a.m. -- Open Meeting
The Library of Virginia, 11th Street at Capitol Square,
Conference Room B, Richmond, Virginia. ☎

A meeting to discuss research and information services.

Contact: Jean H. Taylor, Secretary to the State Librarian, The Library of Virginia, 11th Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

COMMISSION ON LOCAL GOVERNMENT

† **October 28, 1996 - 10 a.m.** -- Open Meeting
Bridgewater Community Center, 201 Green Street,
Bridgewater, Virginia.

Oral presentations regarding the Town of Bridgewater - Rockingham County Agreement Defining Annexation Rights. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 8th Street Office Bldg., Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TDD ☎

† **October 28, 1996 - 7 p.m.** -- Public Hearing
Bridgewater Community Center, 201 Green Street,
Bridgewater, Virginia.

A public hearing regarding the Town of Bridgewater - Rockingham County Agreement Defining Annexation Rights. Persons desiring to participate in the proceedings and requiring special accommodations or interpreter services should contact the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 8th Street Office Bldg., Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TDD ☎

† **November 25, 1996 - 10:30 a.m.** -- Open Meeting
Bristol, Virginia area. Site to be determined.

Oral presentation regarding the City of Bristol and Washington County Voluntary Settlement Agreement. Persons desiring to participate in the meeting and

requiring special accommodations or interpreter services should contact the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 8th Street Office Bldg., Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TDD ☎

† **November 25, 1996 - 7 p.m.** -- Public Hearing
Bristol, Virginia area. Site to be determined.

A public hearing regarding the City of Bristol and Washington County Voluntary Settlement Agreement. Persons desiring to participate in the proceedings and requiring special accommodations or interpreter services should contact the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 8th Street Office Bldg., Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TDD ☎

† **November 26, 1996 - 9 a.m.** -- Open Meeting
Bristol, Virginia area. Site to be determined.

A regular meeting to consider such matters as may be presented. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 8th Street Office Bldg., Richmond, VA 23219-1924, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 786-1860/TDD ☎

STATE MANAGEMENT TEAM

† **November 7, 1996 - 10 a.m.** -- Open Meeting
St. Joseph's Villa, 8000 Brook Road, Richmond, Virginia. ☎
(Interpreter for the deaf provided upon request)

A meeting to discuss policy and procedure regarding Comprehensive Services to At Risk Youth and Their Families. Please contact Pamela Fitzgerald Cooper to be placed on the agenda.

Contact: Pamela Fitzgerald Cooper or Gloria Jarrell, Secretary, State Management Team, P.O. Box 1797, Richmond, VA 23236, telephone (804) 371-2177 or FAX (804) 371-0091.

VIRGINIA MANUFACTURED HOUSING BOARD

† **November 20, 1996 - 10 a.m.** -- Open Meeting
Department of Housing and Community Development, The Jackson Center, 501 North 2nd Street, Richmond, Virginia. ☎
(Interpreter for the deaf provided upon request)

A regular monthly meeting of the board.

Contact: Curtis L. McIver, Associate Director, Department of Housing and Community Development, Manufactured Housing Office, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7160 or (804) 371-7089/TDD ☎

Calendar of Events

MARINE RESOURCES COMMISSION

† **October 29, 1996 - 9:30 am.** -- Open Meeting
Marine Resources Commission, 2600 Washington Avenue,
Council Chambers, Newport News, Virginia. ☎ (Interpreter for
the deaf provided upon request)

The commission will hear and decide marine environmental matters at 9:30 a.m.; permit applications for projects in wetlands, bottom lands, coastal primary sand dunes and beaches; appeals of local wetland board decisions; policy and regulatory issues. The commission will hear and decide fishery management items at approximately noon. Items to be heard are as follows: regulatory proposals, fishery management plans; fishery conservation issues; licensing; shellfish leasing. Meetings are open to the public. Testimony will be taken under oath from parties addressing agenda items on permits and licensing. Public comments will be taken on resource matters, regulatory issues and items scheduled for public hearing. The commission is empowered to promulgate regulations in the areas of marine environmental management and marine fishery management.

Contact: LaVerne Lewis, Secretary to the Commission, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607-0756, telephone (757) 247-2261, toll-free 1-800-541-4646 or (757) 247-2292/TDD ☎

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Pharmacy Liaison Committee

† **November 21, 1996 - 1 p.m.** -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia. ☎

A meeting to conduct routine business.

Contact: Marianne R. Rollings, Registered Pharmacist, Division of Client Services, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-3820 or FAX (804) 786-0414.

BOARD OF MEDICINE

Informal Conference Committee

October 29, 1996 - 9:30 a.m. -- Open Meeting
Department of Transportation, 86 Deacon Road, Falmouth, Virginia.

November 6, 1996 - 10:30 a.m. -- Open Meeting
Roanoke Airport Marriott, 2801 Hershberger Road, Roanoke, Virginia.

November 8, 1996 - 9 a.m. -- Open Meeting
Marriott Hotel (formerly Kingsmill Hilton), 50 Kingsmill Road, Williamsburg, Virginia.

† **November 22, 1996 - 9 a.m.** -- Open Meeting
Holiday Inn Tysons Corner, 1960 Chain Bridge Road, McLean, Virginia.

† **December 6, 1996 - 9:30 a.m.** -- Open Meeting
† **December 19, 1996 - 8:30 a.m.** -- Open Meeting
Fort Magruder Inn and Conference Center, Route 60, Williamsburg, Virginia.

The Informal Conference Committee, composed of three members of the board, will inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 A 7 and A 15 of the Code of Virginia. Public comment will not be received.

Contact: Karen W. Perrine, Deputy Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7693, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

November 4, 1996 - 10:30 a.m. -- Open Meeting
Department for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia. ☎

A meeting of the Pilot Leadership Team to help the department refine and complete development of the two pilot project proposals and monitor and evaluate their implementation.

Contact: Cheryl Crawford, Administrative Staff Specialist, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-5682, FAX (804) 371-6638, toll-free 1-800-451-5544, or (804) 371-8977/TDD ☎

State Human Rights Committee

NOTE: CHANGE IN LOCATION

November 1, 1996 - 9 a.m. -- Open Meeting
Fidura and Associates, Inc., 7501 Boulders View Drive, Suite 650, Training Room, Richmond, Virginia.

A regular meeting of the committee to discuss business and conduct hearings relating to human rights issues. Agenda items are listed for the meeting.

Contact: Kli Kinzie, State Human Rights Secretary, Department of Mental Health, Mental Retardation and Substance Abuse Services, 109 Governor St., Richmond, VA 23219, telephone (804) 786-3988, FAX (804) 371-2308, toll-free 1-800-451-5544 or (804) 371-8977/TDD ☎

VA 23219-3414, telephone (804) 786-2013, FAX (804) 786-3779, or (804) 786-2013/TDD ☎

Project Leadership Team

† **December 13, 1996 - 10:30 a.m.** -- Open Meeting
Location to be announced.

A meeting to continue the development of plans for mental health, mental retardation and substance abuse system reform pilot projects. The team will hear the reports of the Priority Populations/Case Rate Funding Subcommittee; the Consumer and Family Involvement Subcommittee; and the POMS Subcommittee.

Contact: Marion Greenfield, Policy Analyst, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-6431 or FAX (804) 786-0092.

STATE MILK COMMISSION

November 13, 1996 -- Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given that the State Milk Commission intends to amend regulations entitled: **2 VAC 15-20-10 et seq. Rules and Regulations for the Control, Regulation and Supervision of the Milk Industry of Virginia.** The proposal removes the sunset provisions to enable the commission to continue calculating monthly Class I producer prices using reconstructed and reweighed index of prices paid and prices received, and the index of prices paid, production items, complete feeds as published by U.S. Department of Agriculture, National Statistics Service.

Statutory Authority: §§ 3.1-430 and 3.1-437 of the Code of Virginia.

Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, 200-202 N. 9th St., Suite 1015, Richmond, VA 23219-3414, telephone (804) 786-2013, FAX (804) 786-3779, or (804) 786-2013/TDD ☎

November 20, 1996 - 10:30 a.m. -- Open Meeting
900 Natural Resources Drive, 2nd Floor Board Room, Charlottesville, Virginia.

A regular meeting of the board to discuss industry issues, distributor licensing, Virginia base transfers, Virginia baseholding license amendments, regulations, fiscal matters, and to receive reports from staff of the Milk Commission. The commission may consider other matters pertaining to its responsibilities. In addition, the commission will review public comment on making the provisions of amended Temporary Order No. 20 prior to taking action on promulgating its provisions as a permanent regulation. Any persons who require accommodations in order to participate in the meeting should contact Edward C. Wilson, Jr., at least five days prior to the meeting so that suitable arrangements can be made.

Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, 200-202 N. 9th St., Suite 1015, Richmond,

DEPARTMENT OF MINES, MINERALS AND ENERGY

November 14, 1996 - 10 a.m. -- Public Hearing
Department of Mines, Minerals and Energy, U. S. Route 23 South, Big Stone Gap, Virginia.

November 15, 1996 -- Public 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 Mines, Minerals and Energy intends to amend regulations entitled: **4 VAC 25-130-10 et seq. Coal Surface Mining Reclamation Regulations.** The Department of Mines, Minerals and Energy is proposing amendments to the Virginia Coal Surface Mining Reclamation Regulation governing protection against uncontrolled blowouts of water from underground coal mine workings. The amendments are identical to the emergency regulation amendments effective from March 29, 1996, through March 28, 1997 (see 12:16 VA.R. 2193-2198 April 29, 1996). The amendments add a requirement that applicants for coal mining permits must include information in their permit applications about the steps to be taken during mining to prevent the sudden release of accumulated water from the underground mine workings. The amendments also establish a minimum width for the barrier of coal to be left in place where the coal seam being mined dips toward the land surface and where the barrier may impound water. The amendments provide a standard formula for calculating the required barrier thickness, or alternately allows for site-specific designs to determine the needed barrier thickness.

Statutory Authority: §§ 45.1-161.3 and 45.1-230 of the Code of Virginia.

Contact: Danny R. Brown, Division Director, Department of Mines, Minerals and Energy, Division of Mined Land Reclamation, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8100, FAX (540) 523-8163, or toll-free 1-800-828-1120 (VA Relay Center).

MOTOR VEHICLE DEALER BOARD

November 2, 1996 -- Public 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 Motor Vehicle Dealer Board intends to adopt regulations entitled: **24 VAC 22-20-10 et seq. Motor Vehicle Dealer Fees.** The Motor Vehicle Dealer Board is a self-sustaining entity. All expenses for the board must be paid through fees assessed by the board. At the current fee level the board will not be able to meet its expenses. It is projected that the board will have a negative cash balance by the end of March 1997 if the fees are not adjusted. The proposed regulations will increase certain fees for motor vehicle dealers and

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salespersons and enable the board to continue its function.

Statutory Authority: §§ 46.2-1506, 46.2-1503.4, 46.2-1519 and 46.2-1546 of the Code of Virginia.

Public comments may be submitted until November 2, 1996, to Barbara Klotz, P.O. Box 27412, Room 724, Richmond, VA 23269-0001.

Contact: Daniel B. Wilkins, Executive Director, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23230, telephone (804) 367-1100, FAX (804) 367-1053, or (804) 272-9278/TDD ☎

BOARD OF OPTOMETRY

† **November 15, 1996 - 8:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ☎
(Interpreter for the deaf provided upon request)

A meeting to conduct informal conferences. Public comments will be received at the beginning of the meeting.

Contact: Carol Stamey, Administrative Assistant, Board of Optometry, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910 or (804) 662-7197/TDD ☎

VIRGINIA OUTDOORS FOUNDATION

Board of Trustees

† **October 30, 1996 - 10 a.m.** -- Open Meeting
State Capitol, Capitol Square, Richmond, Virginia. ☎
(Interpreter for the deaf provided upon request)

A regular meeting of the Board of Trustees to discuss business and acceptance of conservation easements.

Contact: Tamara A. Vance, Executive Director, Virginia Outdoors Foundation, 203 Governor St., Room 420, Richmond, VA 23219, telephone (804) 225-2147 or FAX (804) 371-4810.

BOARD OF PROFESSIONAL COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS

† **November 7, 1996 - 9:30 a.m.** -- Closed Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☎

The Examination Committee will meet to review Requests for Proposals for the professional counselor licensure and substance abuse counselor certification examinations.

Contact: Joyce Williams, Administrative Assistant, Board of Professional Counselors and Marriage and Family Therapists, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9912 or FAX (804) 662-9943.

November 7, 1996 - 1 p.m. -- Open Meeting
November 7, 1996 - 3 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ☎

A formal administrative hearing pursuant to § 9-6.14:12 of the Code of Virginia. Public comment will not be heard.

Contact: Evelyn B. Brown, Executive Director, Board of Professional Counselors and Marriage and Family Therapists, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9967.

† **November 8, 1996 - 8 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☎

An Executive Committee meeting to review credentials, beginning at 8 a.m. Public comment will not be heard. At 8:30 a.m. there will be an informal conference held pursuant to § 9-6.14:11 of the Code of Virginia to consider credentials. Public comment will not be heard. At 10 a.m. there will be a regular meeting of the board to conduct general board business; consider committee reports, correspondence, and any other matters under the jurisdiction of the board; and conduct regulatory review. There will be a 30-minute public comment period beginning at 10:15 a.m.

Contact: Joyce D. Williams, Administrative Assistant, Board of Professional Counselors and Marriage and Family Therapists, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9912.

November 21, 1996 - 10:30 a.m. -- Open Meeting

November 21, 1996 - 11:30 a.m. -- Open Meeting

November 22, 1996 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ☎

A meeting to conduct informal conferences pursuant to § 9-6.14:11 of the Code of Virginia. Public comment will not be heard.

Contact: Evelyn B. Brown, Executive Director, Board of Professional Counselors and Marriage and Family Therapists, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9967.

BOARD OF PSYCHOLOGY

November 12, 1996 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ☎

A formal administrative hearing pursuant to § 9-6.14:12 of the Code of Virginia. Public comment will not be heard.

Contact: Evelyn B. Brown, Executive Director, Board of Psychology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9967.

November 26, 1996 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
4th Floor, Richmond, Virginia. ☎

A meeting to conduct informal conferences pursuant to § 9-6.14:11 of the Code of Virginia. Public comment will not be heard.

Contact: Evelyn B. Brown, Executive Director, Board of Psychology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9967.

December 10, 1996 - 10 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 3, Richmond, Virginia. ☎

A meeting to conduct general board business. Public comment will be received.

Contact: LaDonna Duncan, Administrative Assistant, Board of Psychology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9913 or FAX (804) 662-9943.

Examination Committee

November 1, 1996 - 10 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 3, Richmond, Virginia. ☎

A meeting to conduct general committee business. Public comment will not be received.

Contact: LaDonna Duncan, Administrative Assistant, Board of Psychology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9913 or FAX (804) 662-9943.

REAL ESTATE BOARD

Education Advisory Committee

† **November 7, 1996 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. ☎

A meeting to review issues in the Code of Virginia pertaining to real estate education.

Contact: William H. Ferguson, II, Board Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8526, FAX (804) 367-2475, or (804) 367-9753/TDD ☎

STATE REHABILITATION ADVISORY COUNCIL

November 18, 1996 - 10 a.m. -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular business meeting.

Contact: Kathy Hayfield, SRAC Staff, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond,

VA 23230, telephone (804) 662-7134, toll-free 1-800-552-5019/TDD and Voice, or (804) 662-9040/TDD ☎

DEPARTMENT OF REHABILITATIVE SERVICES

† **December 27, 1996** -- Public 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 Rehabilitative Services intends to amend regulations entitled: **22 VAC 30-10-10 et seq. Public Participation Guidelines**. The purpose of the proposed amendment is to make the department's regulations more representative of public needs and views through greater public participation in the regulatory process and make changes mandated by 1993 amendments to the Administrative Process Act.

Statutory Authority: §§ 9-6.14:7.1 and 51.5-14 of the Code of Virginia.

Contact: Mary C. Lutkenhaus, Policy Analyst, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23288-0300, telephone (804) 662-7610, FAX (804) 662-7696, toll-free 1-800-552-5019, or toll-free 1-800-464-9950/TDD ☎

VIRGINIA RESOURCES AUTHORITY

November 12, 1996 - 9:30 a.m. -- Open Meeting

† **December 10, 1996 - 9:30 a.m.** -- Open Meeting

† **January 14, 1997 - 9:30 a.m.** -- Open Meeting

The Mutual Building, 909 East Main Street, Suite 607, Board Room, Richmond, Virginia.

The board will meet to approve minutes of the meeting of the prior month, to review the authority's operations for the prior months, and to consider other matters and take other actions as it 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., Virginia Resources Authority, 909 E. Main St., Suite 607, Mutual Building, Richmond, VA 23219, telephone (804) 644-3100 or FAX (804) 644-3109.

SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

October 30, 1996 - 8 a.m. -- Open Meeting

General Assembly Building, 910 Capitol Square, House Room D, Richmond, 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 12 VAC 5-610-10 et seq. Sewage Handling and Disposal Regulations.

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Contact: Raphia Lewis, Secretary to the Board, Department of Health, 1500 E. Main St., Suite 115, P.O. Box 2448, Richmond, VA 23218, telephone (804) 225-4018.

BOARD OF SOCIAL WORK

November 1, 1996 - 9 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia.

November 29, 1996 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Social Work intends to amend regulations entitled: **18 VAC 140-20-10 et seq. Regulations Governing the Practice of Social Work.** The purpose of the proposed amendment is to reduce licensure renewal fees and eliminate the initial licensure fee for new licensees.

Statutory Authority: §§ 54.1-113, 54.1-2400, and 54.1-3700 et seq.

Contact: Janet Delorme, Deputy Executive Director, Board of Social Work, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9575, FAX (804) 662-9943, or (804) 662-7197/TDD ☎

COMMONWEALTH TRANSPORTATION BOARD

† **November 20, 1996 - 2 p.m.** -- Open Meeting
DIMON, Inc., Carrington Center, 512 Bridge Street, Danville, Virginia. (Interpreter for the deaf provided upon request)

A work session of the board and the Department of Transportation staff.

Contact: Robert E. Martinez, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-8032.

† **November 21, 1996 - 10 a.m.** -- Open Meeting
DIMON, Inc., Carrington Center, 512 Bridge Street, Danville, Virginia. (Interpreter for the deaf provided upon request)

A monthly meeting of the board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval. Public comment will be received at the outset of the meeting on items on the meeting agenda for which the opportunity for public comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions. Separate committee meetings may be held on call of the chairman. Contact Department of Transportation Public Affairs at (804) 786-2715 for schedule.

Contact: Robert E. Martinez, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-8032.

† **December 10, 1996 7 p.m.** -- Public Hearing
Department of Transportation, 1221 East Broad Street, Main Auditorium, Richmond, Virginia.

† **December 27, 1996** -- Public 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 Commonwealth Transportation Board intends to **repeal** regulations entitled: **24 VAC 30-70-10 et seq. Minimum Standards of Entrances to State Highways;** and **adopt** regulations entitled: **24 VAC 30-71-10 et seq. Minimum Standards of Entrances to State Highways.** The purpose of the proposed action is to repeal the existing regulation and promulgate a new regulation concerning state highway entrances. The proposal is intended to make the regulation less restrictive to all users.

Statutory Authority: §§ 33.1-12, 33.1-197, and 33.1-198 of the Code of Virginia.

Contact: Steve Edwards, Transportation Engineer, Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-0121 or Virginia Relay Center 1-800-828-1120/TDD

TREASURY BOARD

November 20, 1996 - 9 a.m. -- Open Meeting
December 18, 1996 - 9 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, Treasury Board Room, 3rd Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting.

Contact: Gloria Hatchel, Administrative Assistant, Department of the Treasury, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 371-6011.

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Vocational Rehabilitation Advisory Council

December 14, 1996 - 10 a.m. -- Open Meeting
Department for the Visually Handicapped, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The council meets quarterly to advise the Department for the Visually Handicapped on matters related to vocational rehabilitation services for blind and visually impaired citizens of the Commonwealth.

Contact: James G. Taylor, Vocational Rehabilitation Program Director, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140, toll-free 1-800-622-2155, or (804) 371-3140/TDD ☎

VIRGINIA WASTE MANAGEMENT BOARD

† **November 4, 1996 - 9 a.m.** -- Open Meeting
General Assembly Building, 910 Capitol Street, House Room C, Richmond, Virginia.

A regular meeting.

Contact: Cindy M. Berndt, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378.

STATE WATER CONTROL BOARD

† **December 12, 1996 - 9 a.m.** -- Open Meeting
State Capitol, Capitol Square, House Room 4, Richmond, Virginia.

A regular meeting.

Contact: Cindy M. Berndt, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378.

GOVERNOR'S ADVISORY COMMISSION ON WELFARE REFORM

October 29, 1996 - 9 a.m. -- Open Meeting
General Assembly Building, 910 Capitol Square, House Room 4, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A business round table from 9 to 11 a.m.
Subcommittees will meet from 11 a.m. to noon.

Contact: Fay G. Lohr, Director, Office of Community Services, Department of Social Services, 730 E. Broad St., 8th Floor, Richmond, VA 23219, telephone (804) 692-1895, FAX (804) 692-1869 or toll-free 1-800-828-1120/TDD

† **October 29, 1996 - 1 p.m.** -- Open Meeting
Theater Row Building, 730 East Broad Street, Lower Level, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regularly scheduled meeting to finalize the annual report and prepare for the business round table in Richmond to be held in December.

Contact: Fay G. Lohr, Director, Office of Community Services, Department of Social Services, 730 E. Broad St., 8th Floor, Richmond, VA 23219, telephone (804) 692-1895, FAX (804) 692-1869 or toll-free 1-800-828-1120/TDD

LEGISLATIVE

VIRGINIA CODE COMMISSION

November 19, 1996 - 10 a.m. -- Open Meeting
General Assembly Building, 910 Capitol Square, Speaker's Conference Room, 6th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to receive a report from the Administrative Law Advisory Committee and to conduct general business.

Contact: Jane D. Chaffin, Deputy Registrar, Division of Legislative Services, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591 or FAX (804) 692-0625.

JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION

† **November 12, 1996 - 9:30 a.m.** -- Open Meeting
General Assembly Building, 910 Capitol Square, Senate Room A, Richmond, Virginia. (Interpreter for the deaf provided upon request)

Staff briefings on Phase II - Juvenile Justice: Virginia's Juvenile Corrections Centers.

Contact: Philip A. Leone, Director, Joint Legislative Audit and Review Commission, General Assembly Building, 910 Capitol St., Suite 1100, Richmond, VA 23219, telephone (804) 786-1258.

COMMISSION ON YOUTH

November 21, 1996 - 4 p.m. -- Public Hearing
Ruffner Middle School, Norfolk, Virginia. (Interpreter for the deaf provided upon request)

A public hearing on HJR 181 Study of Homeless Children in Virginia (with Housing Study Commission).
Speakers may sign up by phone.

Contact: Joyce Garner, Commission on Youth, General Assembly Building, 910 Capitol Street, Suite 517B, Richmond, VA 23219-0406, telephone (804) 371-2481.

November 21, 1996 - 6:30 p.m. -- Public Hearing
Ruffner Middle School, Norfolk, Virginia. (Interpreter for the deaf provided upon request)

A public hearing on HJR 92 Study of Youth Gangs in Virginia (with State Crime Commission).
Speakers may sign up by phone.

Contact: Joyce Garner, Commission on Youth, General Assembly Building, 910 Capitol Street, Suite 517B, Richmond, VA 23219-0406, telephone (804) 371-2481.

CHRONOLOGICAL LIST

OPEN MEETINGS

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† Local Government, Commission on

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October 29

† Forestry, Board of
Litter Control and Recycling Fund Advisory Board
† Marine Resources Commission
Medicine, Board of
Welfare Reform, Governor's Advisory Commission on

October 30

† Asbestos Licensing and Lead Certification, Board for
Chesapeake Bay Local Assistance Board
- Regulatory Committee and Regulation Advisory
Committee
Conservation and Recreation, Department of
- Fall River Renaissance Committee
- Rappahannock Scenic River Advisory Board
Environmental Quality, Department of
† Outdoors Foundation, Virginia
- Board of Trustees
Sewage Handling and Disposal Appeals Review Board

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Compensation Board

November 1

Mental Health, Mental Retardation and Substance Abuse
Services, Department of
- State Human Rights Committee
Psychology, Board of
- Examination Committee

November 3

Library Board
- Facilities Committee
- Legislative and Finance Committee
- Public Library Development Committee

November 4

Alcoholic Beverage Control Board
† Audiology and Speech-Language Pathology, Board of
Library Board
- Automation and Networking Committee
- Executive Committee
- Publications and Cultural Affairs Committee
- Records Management Committee
- Research and Information Services Committee
Mental Health, Mental Retardation and Substance Abuse
Services, Department of
† Waste Management Board, Virginia

November 5

† Agriculture and Consumer Services, Department of
- Virginia State Apple Board
Hopewell Industrial Safety Council

November 6

Agriculture and Consumer Services, Department of
- Virginia Horse Industry Board
- Virginia Marine Products Board
† Community Colleges, State Board for
† Conservation and Recreation, Department of
- Moormans Scenic River Advisory Board
Deaf and Hard-of-Hearing, Department for the
- Advisory Board
Medicine, Board of

November 7

† Community Colleges, State Board for
Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board
Emergency Planning Committee, Local - Chesterfield
County
† Management Team, State
Professional Counselors and Marriage and Family
Therapists, Board of
† Real Estate Board
- Education Advisory Committee

November 8

† Agriculture and Consumer Services, Department of
- Virginia Egg Board
Medicine, Board of
† Professional Counselors and Marriage and Family
Therapists, Board of

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Intergovernmental Regulations, Advisory Commission on

November 12

Chesapeake Bay Local Assistance Board
- Northern Area Review Committee
- Southern Area Review Committee
Chesapeake Bay Tributary Strategy Interagency Work
Group, Virginia
† Corrections, Board of
- Correctional Services Committee
† Higher Education for Virginia, State Council of
† Legislative Audit and Review Commission, Joint
Psychology, Board of
Resources Authority, Virginia

November 13

† Agriculture and Consumer Services, Department of
- Virginia Winegrower's Advisory Board
Chesapeake Bay Tributary Strategy Interagency Work
Group, Virginia
† Child Fatality Review Team, State
† Corrections, Board of
- Administration Committee

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Agriculture and Consumer Services, Department of
- Virginia Aquaculture Advisory Board
Chesapeake Bay Tributary Strategy Interagency Work
Group, Virginia
Environmental Quality, Department of

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† Architects, Professional Engineers, Land Surveyors
and Landscape Architects, Board for
- Board for Architects
† Information Management, Council on
† Optometry, Board of

November 18

Alcoholic Beverage Control Board
Chesapeake Bay Tributary Strategy Interagency Work
Group, Virginia
Funeral Directors and Embalmers, Board of
Rehabilitation Advisory Council, State

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Virginia Code Commission
Environmental Quality, Department of
- Virginia Groundwater Protection Steering Committee
Funeral Directors and Embalmers, Board of

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Chesapeake Bay Tributary Strategy Interagency Work
Group, Virginia
† Manufactured Housing Board
Milk Commission, State
† Transportation Board, Commonwealth
Treasury Board

November 21

† Architects, Professional Engineers, Land Surveyors
and Landscape Architects, Board for
- Board for Professional Engineers
† Audiology and Speech-Language Pathology, Board of
Higher Education Tuition Trust Fund, Virginia
† Medical Assistance, Department of
- Pharmacy Liaison Committee
Professional Counselors and Marriage and Family
Therapists, Board of
† Transportation Board, Commonwealth

November 22

† Medicine, Board of
Professional Counselors and Marriage and Family
Therapists, Board of
† Local Government, Commission on

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Chesapeake Bay Local Assistance Board
- Regulation Advisory Committee
† Conservation and Recreation, Department of
- Board on Conservation and Development of Public
Beaches
† Local Government, Commission on
Psychology, Board of

December 2

† Barbers, Board for

December 3

† Hopewell Industrial Safety Council

December 4

Contractors, Board for
- Recovery Fund Committee

December 5

Emergency Planning Committee, Local - County of
Chesterfield
† Labor and Industry, Department of
- Apprenticeship Council

December 6

† Medicine, Board of

December 10

Psychology, Board of
† Resources Authority, Virginia

December 11

Agriculture and Consumer Services, Department of

- Virginia Corn Board
† Interagency Coordinating Council, Virginia

December 12

Chesapeake Bay Local Assistance Board
- Regulatory Committee and Regulation Advisory
Committee
Child Day-Care Council
† Water Control Board, State

December 13

† Mental Health, Mental Retardation and Substance
Abuse Services, Department of
- Project Leadership Team

December 14

Visually Handicapped, Department for the
- Vocational Rehabilitation Council

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† Higher Education for Virginia, State Council of

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Treasury Board

December 19

† Medicine, Board of

January 7, 1997

† Hopewell Industrial Safety Council

January 14

† Resources Authority, Virginia

PUBLIC HEARINGS

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† Local Government, Commission on

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Social Work, Board of

November 6

Fire Services Board, Virginia

November 7

† Competition Council, Commonwealth
HIV Prevention Community Planning Committee

November 12

Environmental Quality, Department of
HIV Prevention Community Planning Committee

November 13

HIV Prevention Community Planning Committee

November 14

Fire Services Board, Virginia
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Youth, Commission on

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Fire Services Board, Virginia

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† Air Pollution Control Board, State

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† Housing and Community Development, Board of

December 10

† Transportation Board, Commonwealth