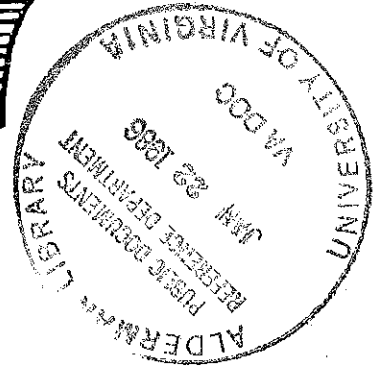
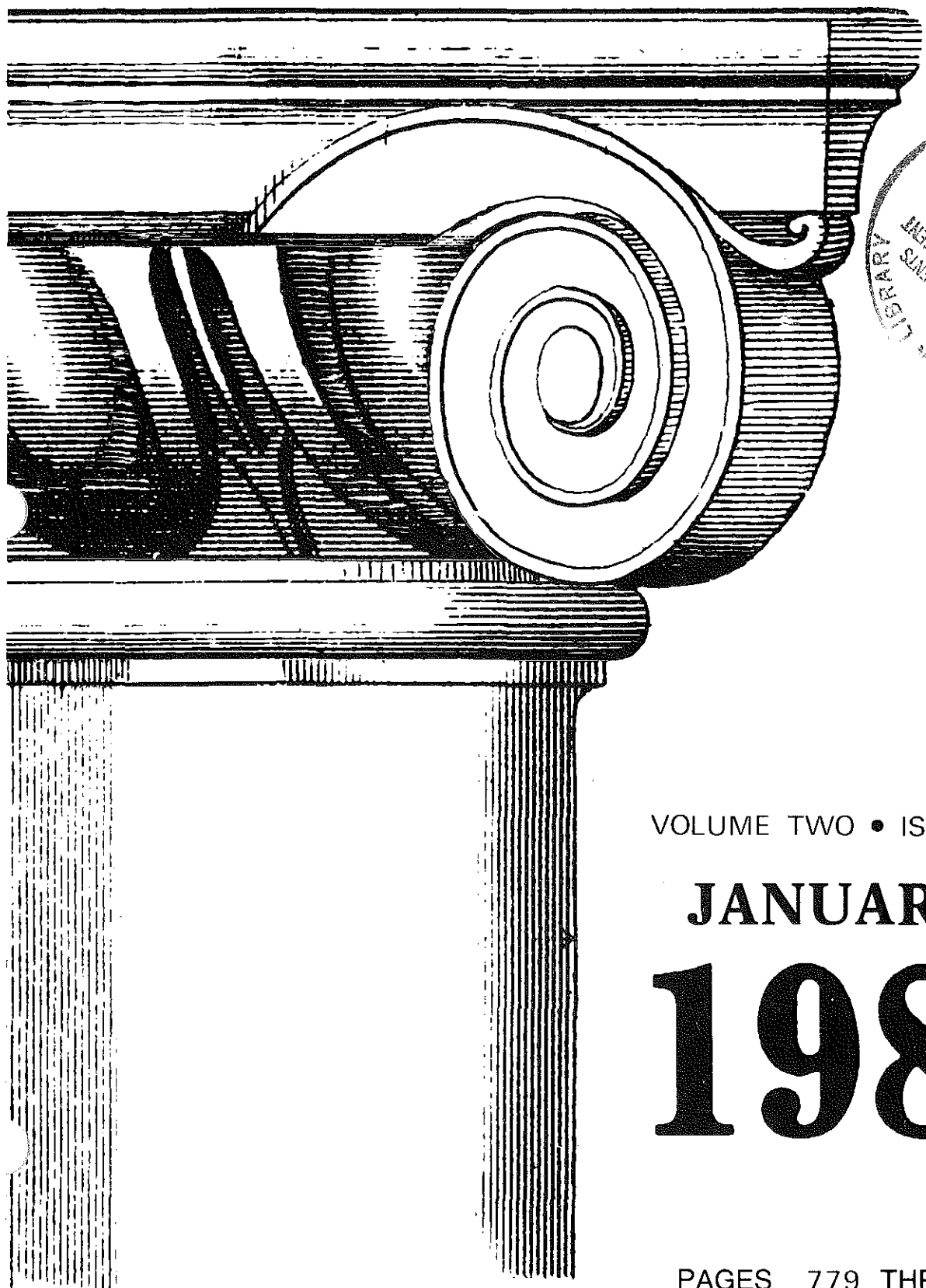


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THE VIRGINIA REGISTER

OF REGULATIONS



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INFORMATION ABOUT THE VIRGINIA REGISTER OF REGULATIONS

VIRGINIA REGISTER

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

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

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

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

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

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

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

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

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

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

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

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

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

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

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

EMERGENCY REGULATIONS

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

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

STATEMENT

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

CITATION TO THE VIRGINIA REGISTER

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

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VIRGINIA REGISTER OF REGULATIONS

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July 22	July 3
Aug. 5	July 17
Aug. 19	July 31
Sept. 2	Aug. 14
Sept. 16	Aug. 28
Sept. 30	Sept. 11
Final Index - Volume I	
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PROPOSED REGULATIONS

For information concerning Proposed Regulations, see information page.

Symbol Key

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

VIRGINIA AUCTIONEERS BOARD

Title of Regulation: VR 150-01-2. Rules and Regulations of the Virginia Auctioneers Board.

Statutory Authority: §§ 54-824.9:2 and 54-824.9:3 of the Code of Virginia.

Public Hearing Date: March 7, 1986 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

The proposed amendments implement §§ 54-824.9:2 and 54-824.9:3 of the Code of Virginia. Although a registration is presently required for all auctioneers to do business in Virginia, there are no established criteria to determine the minimum level of competency necessary for certification. The amendments will make it possible for those auctioneers certified in Virginia to practice in other jurisdictions without further testing, provided the requirements of the other jurisdictions are comparable to those in Virginia.

Discussions involved the need for an examination and the amount of education necessary to obtain certification. Considerable effort centered around the drafting of a "grandfather clause" which would have permitted those auctioneers who had been previously licensed for three years under the former revenue license requirements in Virginia to be exempt from the now proposed examination requirement. The board settled on requiring two years of licensing under the former revenue licensing laws.

The board also scrutinized the subjects to be covered by the examination and the requirements for course approval for auctioneering schools. Apprenticeship was considered as part of the requirement for experience and withdrawn because it was considered too burdensome.

VR 150-01-2. Rules and Regulations of the Virginia Auctioneers Board.

SECTION ONE

PART I. GENERAL.

§ 1.1. Board of Auctioneers.

~~1.1.1~~ A. Officers. The board will elect the following officers for a term of one year beginning July 1 and ending June 30: (§ 54-824.7)

Chairman

Vice-Chairman

~~1.1.2~~ B. Term of chairman. No board member shall serve more than two consecutive terms as chairman. (§ 54-824.7)

~~1.1.3~~ C. Committees. The board may establish from its membership committees to conduct business for specific purposes. (§ 54-824.7)

~~1.1.4~~ D. Quorum. Three members of the board shall constitute a quorum for the purpose of transaction of official business. (§ 54-824.7)

SECTION TWO

PART II. ENTRY REQUIREMENTS.

§ 2.1. Registration.

All persons or firms as defined in § 54-824.2 of the Code of Virginia who conduct auctions or offer their services to sell at auction in this Commonwealth are required to file a registration application and pay the specified fee to the board. Applicants shall be at least 18 years of age. (§§ 54-824.9:1; 54-824.9:3)

~~2.1.1~~ A. Notarized information required. Information necessary to obtain registration shall include, but not be limited to the following:

~~2.1.1.1~~ 1. Name of individual or firm; (§ 54-824.9:1)

~~2.1.1.2~~ 2. Name and address where the business is located and/or home address if individual; (§ 54-824.9:1)

~~2.1.1.3~~ 3. Any trading as name; (§ 54-824.9:1)

~~2.1.1.4~~ 4. Type of legal entity; (§ 54-824.9:1)

~~2.1.1.5~~ 5. Name of owner; (§ 54-824.9:1)

~~2.1.1.6~~ 6. Statement that the applicant has read the statutes and regulations governing auctioneers; (§ 54-824.9:1)

Proposed Regulations

~~2-1-1-7~~ 7. Statement of no criminal convictions related to past auction activity; (§ 54-1.21)

~~2-1-1-8~~ 8. Number of auctioneers employed in the firm. (§ 54-824.9:1)

~~2-1-2~~ B. Bond required. All applicants shall submit evidence that a surety bond in at least the amount of \$10,000 has been obtained. (§ 54-824.9:1(i))

~~2-1-3~~ C. Insurance in lieu of bond. In lieu of the bond required in ~~Section 2-1-2 subsection B~~ above, applicants may show evidence that a liability insurance policy in at least the amount of \$10,000 has been obtained. (§ 54-824.9:1(ii))

~~2-1-4~~ D. Fees. The application fee for registration shall be \$75. (§ 54-824.9:1)

~~2-1-5~~ E. Renewal registration fee. Registrations issued under these regulations shall be issued for a two year period and will expire on September 30 of each even numbered year. Each registration holder will be required to renew the registration by submitting a fee of \$75, made payable to the Treasurer of Virginia, to the Director of the Department of Commerce. The renewal fee is to be paid before the expiration date shown on the last valid registration. At least 45 days prior to the date of expiration, a renewal notice will be mailed to each registration holder reminding him of the amount due and the method for renewing the registration. Failure to receive written notice from the Director of the Department of Commerce does not relieve the registration holder from the requirement to renew the registration. (§ 54-824.9:1)

If the registration holder fails to renew the registration within 30 days after the expiration date, a penalty fee of twice the renewal fee will be assessed at the time of reregistration. (§ 54-824.9:1)

If the registration holder fails to renew the registration within six months following the expiration date of the last valid registration, he will be required to apply for reinstatement. The applicant will be required to present reasons for reinstatement and the board may grant reinstatement of the registration in conformity with existing regulations. The application fee for reinstatement shall be an amount equal to twice the renewal fee. (§ 54-824.9:1)

~~2-1-6~~ F. Change of address. Written notice shall be given within 30 days to the board by each registrant of any change of principal business location, whereupon the board shall issue an amended registration without fee for the unexpired portion of the biennial period. (§ 54-824.9:1)

SECTION THREE

PART III. STANDARDS OF PRACTICE.

§ 3.1. Advertising.

All advertising must be truthful and contain no false or misleading statements with respect to types or conditions of good offered at auction. (§ 54-1.28(5))

§ 3.2. Contracts.

When an auctioneer agrees to conduct an auction, a contract will be drawn setting forth particulars for the disbursement of the proceeds and the terms and conditions under which the auctioneer received the goods for sale. (§ 54-1.28(5))

~~3-2-1~~ A. A list of the type of goods received for sale shall be made a part of the contract. (§ 54-1.28(5))

~~3-2-2~~ B. Each contract shall include above the signature line: "I have read and accepted the terms of this contract." (§ 54-1.28(5))

~~3-2-3~~ C. Each contract shall include the name, address, telephone number and registration number of the auctioneer. (§ 54-1.28(5))

~~3-2-4~~ D. The seller shall be given a legible executed copy of the contract at time of signature. (§ 54-1.28(5))

§ 3.3. Conduct of auctions. No auctioneer shall attempt to escalate bidding through false bids, or through collusion with another (shills). (§ 54-1.28(9))

§ 3.4. Display of registration.

Auctioneers shall carry their pocket card on their person and shall produce them on request; auction houses shall display their registration in conspicuous locations. (§ 54-1.28(5))

§ 3.5. Documentation.

Upon completion of the auctioneer's services each seller shall be given legible copies of bills of sale, clerk sheets/consignment sheets, settlement papers, balance sheets or other evidence to properly account for all items sold at auction. (§ 54-1.28(5))

§ 3.6. Escrow funds.

Proceeds of a personal property auction not disbursed to the seller on auction day shall be deposited in an escrow account by the auctioneer no later than the next banking day. Auctioneers shall use federally insured depositories in this Commonwealth. Proceeds due shall be disbursed to the seller not to exceed 30 days after completion of the auctioneer's services. Funds from a real estate auction shall be held in escrow until settlement in accordance with the agreement of sale. (§ 54-1.28(5))

Proposed Regulations

§ 3.7. Records.

The contract drawn with each seller, auction records and final settlement papers shall be retained for a period of two years from the date of settlement. Such records shall be available for inspection by the board or its designated agent as deemed appropriate and necessary. (§ 54-1.28(5))

§ 3.8. Use of designation certified Virginia auctioneer.

No person may hold himself out to the public as a Certified Virginia Auctioneer until regulations pertaining to such certification have been promulgated by the board and such person has been certified under those regulations. (§ 54-824.9:2)

§ 3.9. Revocation, suspension, failure to renew.

The board may suspend, revoke or not renew a registration or certificate for auctioneers or impose fines and hearing costs on registrants for the following causes: (§ 54-824.9:3(3))

~~3.9.1~~ 1. Failure to pay the seller for goods sold at auction; (§ 54-824.9:3(3))

~~3.9.2~~ 2. Permitting a nonregistered individual to cry bids at their auction; (§ 54-824.9:3(3))

~~3.9.3~~ 3. Conviction in a court of this Commonwealth or of any state of a criminal offense directly relating to the auction business. (§ 54-824.9:3(3))

~~3.9.4~~ 4. Violation of any of these regulations or of the provisions of Chapters 1, 1.1, and 20.1, of Title 54, of the Code of Virginia. (§ 54-824.9:3(3))

PART IV. CERTIFICATION.

§ 4.1. Qualifications for certification.

Those registered individuals who desire to be designated **CERTIFIED VIRGINIA AUCTIONEERS** shall, unless exempt under Virginia Code § 54-824.17(ii), have the following qualifications: §§ 54-1.28(1), 54-824.9:2, 54-824.9:3(A)(1)

A. The applicant shall not have been convicted within the past five years of a criminal offense related to auction activity in Virginia or any other jurisdiction. §§ 54-1.28(1), 54-824.9:2

B. The applicant shall not have had a registration, certificate or license as an auctioneer revoked within the past five years in Virginia or any other jurisdiction. §§ 54-1.28(1), 54-824.9:2

C. The applicant shall meet one of the experience levels set forth below:

1. Have conducted at least 25 auctions within the past

eight years at which he has cried the bids; or §§ 54-1.28(1), 54-824.9:2

2. Have, in lieu of the above, successfully completed a course of study at a school of auctioneering which has obtained course approval from the board, or an equivalent course, and have conducted at least 12 auctions within the past eight years at which he cried the bids. §§ 54-1.28(1), 54-824.9:2

D. The applicant shall take and pass a written examination offered by the board unless exempt as set forth below: §§ 54-1.28(2), 54-824.9:3(4)

1. Those applicants who have been practicing auctioneers for at least two years under a Virginia revenue license and make application prior to January 1, 1987, shall be exempt from the examination. §§ 54-1.28(1), 54-824.9:3(1)

§ 4.2. Application.

Applicants shall submit an application either for examination and certification, or for certification, as applicable, and shall pay the proper fees to the board. §§ 54-1.28(4), 54-824.9:3(1)

A. Notarized information required. Information necessary to obtain certification shall include, but not be limited to the following:

1. Name and registration number of the individual. §§ 54-1.28(2), 54-824.9:3(1)

2. Address of the individual as appearing on the applicant's registration. §§ 54-1.28(2), 54-824.9:3(1)

3. Statement of no criminal conviction related to auction activity within the past five years. §§ 54-1.28(2), 54-824.9:3(1)

4. Statement of no revocation of registration, certificate or license within the past five years. §§ 54-1.28(2), 54-824.9:3(1)

5. Statement of experience level. §§ 54-1.28(2), 54-824.9:3(1)

6. Statement, when applicable, of exemption from examination. §§ 54-1.28(2), 54-824.9:3(1)

B. Attachments required. Attachments to the application shall include, as applicable, copies of satisfactory auction school completion, newspaper advertisements, hand bills, direct mail advertising, brochures, auction catalogs, contracts with settlement papers, or notarized statements from clients making evident the applicant meets the required experience level. §§ 54-1.28(2), 54-824.9:3(1)

1. Applicants exempt from examination under subsection D of § 4 shall in addition to providing

Proposed Regulations

attachments required by subsection B of § 2 attach copies of their state revenue licenses or checks therefore. §§ 54-1.28(2), 54-824.9:3(1)

§ 4.3. Examination.

The examination shall test the applicant's knowledge of the following:

A. The auction business including fundamentals of auctioneering, elementary principals or real estate, brokerage, contract drawing, advertising, sale preparation, bid calling, arithmetic and percentages, settlement statements, ethics; and §§ 54-1.28(2), 54-824.9:3(A)(4)

B. The Virginia statutes entitled Auctioneers' Registration and Certification Act, Virginia Code §§ 54-824.1 through 54-824.21; bulk transfers, Virginia Code §§ 8.6-101 through 8.6-111 and § 8.2-328, and the rules and regulations of the board. §§ 54-1.28(2), 54-824.9:3(A)(4)

§ 4.4. Certification through reciprocity.

Applicants shall submit an application for certification and pay the proper fee to the board. §§ 54-1.28(4), 54-824.9:(1), 54-824.9:3:B

A. Notarized information required. Information necessary to obtain certification shall include, but not be limited to the following:

1. Name and registration number of the individual. § 54-824.9:3(A)(1)

2. Address of the individual as appearing on the applicant's registration. § 54-824.9:3(A)(1)

B. Attachment required. A copy of the applicant's valid auctioneer license or certification shall be attached to the application. §§ 54-1.28(2), 54-824.17(ii), 54-824.9:3(1)

§ 4.5. Fees.

All fees are nontransferable or nonrefundable.

A. The fee, good for one year for examination, shall be \$50 and submitted with the application.

B. The fee, good for one year for reexamination, shall be \$50 and submitted with the application.

C. The fee for certification shall be \$75 and submitted upon notice of passing the examination or with the application if exempt from examination. § 54-1.28(4)

§ 4.6. Duration of certification.

Certification on an individual shall remain in effect so long as the registration of such auctioneer has not been revoked, suspended or allowed to expire without renewal. §§ 54-1.28(5), 54-824.9:3(A)(1)

§ 4.7. Schools of auctioneering.

A. Application for course approval. Schools seeking approval of their courses shall file a request with the board. The request shall include the following information:

1. Name and address of the school.

2. Locations where classes will be held.

3. Length of the course and total number of hours of instruction.

4. Subjects covered together with number of instruction hours assigned.

5. Names and qualifications of instructors (areas of expertise and experience).

B. Requirements for course approval. To receive course approval the institution must offer a minimum of 80 hours of classroom and field instruction in the conduct of auction business to include fundamentals of auctioneering, elementary principles of real estate, brokerage, contract drawing, advertising, sale preparation, bid calling, settlement statements and ethics. There must be at least five instructors who have been licensed/certified auctioneers for at least five years and who specialize in different fields of the auction business. §§ 54-1.28(1), 54-824.9:3(A)(1)

DEPARTMENT OF CRIMINAL JUSTICES SERVICES

Title of Regulation: VR 240-01-6. Rules Relating to Compulsory Minimum Training Standards for Courthouse and Courtroom Security Officers. (Withdrawn)

NOTICE

As a result of both written and oral testimony received during the public comment period, the Criminal Justice Services Boards' Committee on Training decided not to adopt the above referenced rules in their present format. Therefore, the proposed amendments to Rules Relating to Compulsory Minimum Training Standards for Courthouse and Courtroom Security Officers as published in Volume 1, Issue 21, on Monday, July 22, 1985, of the Virginia Register are withdrawn.

* * * * *

Title of Regulation: VR 240-01-7. Rules Relating to Compulsory Minimum Training Standards for Deputy Sheriffs Designated to Serve Process. (Withdrawn)

NOTICE

As a result of both written and oral testimony received during the public comment period, the Criminal Justice

Proposed Regulations

Services Boards' Committee on Training decided not to adopt the above referenced rules in their present format. Therefore, the proposed Rules Relating to Compulsory Minimum Training Standards for Deputy Sheriffs Designated to Serve Process as published in Volume 1, Issue 21, on Monday, July 22, 1985, of the Virginia Register are withdrawn.

/s/ Robert E. Shepherd, Chairman
Criminal Justice Services Board

* * * * *

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

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

Public Hearing Date: April 2, 1986 - 9:30 a.m.
(See Calendar of Events section for additional information)

Summary:

The proposed amendments to the Rules Relating to Compulsory Minimum Training Standards for Courthouse and Courtroom Security Officers/Deputy Sheriffs Designated to Serve Process are submitted in accordance with § 9-6.14:7.1 of the Code of Virginia.

The proposed amendments to the rules revise current minimum training standards for courthouse and courtroom security personnel and includes process servers. Additional emphasis is placed upon legal matters to provide protection for the general public, the employing department and officer. All personnel so designated are required to complete such training within 12 months of the date of employment.

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

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

§ 1. Definitions.

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

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

enforcement agency.

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

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

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

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

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

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

§ 2. Compulsory minimum training standards.

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

I. A. Administration.

..... Hours

I. A. Administration. 4 3

A. 1. Orientation

1. Welcome

2. School Rules and Regulations

3. Attitude

4. Attendance

B. 2. Examinations

1. Testing

2. Review

3. Critique

C. 3. Evaluations

1. Subject Matter

Proposed Regulations

2. Presentations

3. Accommodations

(A, B, C above) 2

D. Courtroom Security Discussion 2

H. B. Security procedures and responsibilities 5 9

A. 1. Security threats 1

B. Search Procedures and Prisoner Transport 4

C. 2. Explosives and bomb search and security Procedures 4 2

III. Court Security Responsibilities 7

A. 3. Duties and responsibilities of court security personnel 2

B. 4. Identification of personnel, package control and detection devices 2

C. 5. Sequestered Juries and Witnesses 2 1

D. 6. Courtroom demeanor and appearance 1

IV. C. Legal matters 33 43

A. 1. Constitutional law and ~~liabilities~~ civil liability .. 2

B. 2. Virginia court structure 1

C. 3. Law of arrest and probable cause 4 6

4. Search and seizure and rules of evidence 6

5. Juvenile law 4 2

6. Department of Motor Vehicle notices 2

7. Laws of civil process 16

8. Legal document workshop 8

V. E D. Skills 25

A. 1. Firearms (Refer to Section 7.0, D.)

B. 2. 1. Moot problem and courtroom search 5 3

C. 3. 2. Defensive tactics officer safety and arrest techniques 16

D. 4. 3. Recognizing and handling abnormal persons 2

E. 5. 4. Field notetaking and report writing 2 4

E. Report writing 2

GRAND TOTAL 60 80

E. Firearms

(Refer to § 7 D.)

§ 3. Applicability.

A. Every person employed on or after January 1, 1986, who is designated to provide courthouse and courtroom security /deputy sheriffs designated to serve process as defined in §§ 53.1-120 and 9-170(1) of the Code of Virginia, must meet the training standards herein established unless provided otherwise in accordance with § 3 B of these regulations .

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

§ 4. Time requirement for completion of training.

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

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

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

§ 5. How minimum training may be attained.

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

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

§ 6. Approved training schools.

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

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

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

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

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

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

§ 7. Grading.

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

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

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

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

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

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

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

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

§ 8. Failure to comply with rules and regulations.

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

§ 9. Administrative requirements.

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

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

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

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

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

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

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

DEPARTMENT OF HEALTH

Title of Regulation: Amendment No. 6 to the Virginia State Health Plan 1980-84. (Withdrawn)

NOTICE:

The regulations entitled Amendment No. 6 to the Virginia State Health Plan 1980-84 were withdrawn before final promulgation. This regulation will be submitted to you in proposed form early in 1966.

* * * * *

Title of Regulation: VR 355-01-2. Virginia Voluntary Formulary. (Withdrawn)

NOTICE

The Department of Health and the Virginia Voluntary Formulary Board are withdrawing a proposed regulatory change. This change, VR 355-01-2, was filed as a proposed regulation on June 6, 1985, and is withdrawn in response to public comment.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

NOTE: The Virginia Housing Development Authority is exempted from the Administrative Process Act (§ 9-6.14:4 of the Code of Virginia); however, under the provisions of § 9-6.14:22, it is required to publish all proposed and final regulations.

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Title of Regulation: VR 400-02-0003. **Procedures, Instructions and Guidelines for Single Family Mortgage Loans to Persons of Low and Moderate Income.**

Statutory Authority: § 36-55.30:3 of the Code of Virginia.

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

NOTICE

Documents and forms referred to as exhibits have not been adopted by the authority as a part of the Procedures, Instructions and Guidelines for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income but are attached thereto for reference and informational purposes. Accordingly, such documents and forms have not been included in the amendments to Procedures, Instructions and Guidelines for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income. Copies of such documents and forms are available upon request at the office of the authority.

Summary:

The purpose of the proposed amendment is to provide that the maximum loan amount, assumption criteria and property guidelines with respect to loans insured or guaranteed by the Federal Housing Administration ("FHA") or Veterans Administration ("VA") shall be in accordance with FHA or VA requirements and that FHA and VA loans shall be closed in the name of the authority and in accordance with its procedures and requirements as set forth in the authority's Procedures, Instructions and Guidelines.

VR 400-02-0003. Procedures, Instructions and Guidelines for Single Family Mortgage Loans to Persons of Low and Moderate Income.

PART I. GENERAL.

§ 1.1. The following procedures, instructions and guidelines will be applicable to mortgage loans which are made or financed or are proposed to be made or financed by the authority to persons and families of low and moderate income for the acquisition (and, where applicable, rehabilitation), ownership and occupancy of single family housing units.

In order to be considered eligible for a mortgage loan hereunder, a "person" or "family" (as defined in the authority's rules and regulations) must have an "adjusted family income" (as determined in accordance with the authority's rules and regulations) which does not exceed the applicable income limitation established by the authority. Furthermore, the sales price of any single family unit to be financed hereunder must not exceed the applicable sales price limit established by the authority.

Such income and sales price limitations shall be set forth in the Processing and Disbursing Guide described in § 1.2 C hereof.

Notwithstanding anything to the contrary herein, the executive director is authorized with respect to any mortgage loan hereunder to waive or modify any provisions of these procedures, instructions and guidelines where deemed appropriate by him for good cause, to the extent not inconsistent with the authority's act, rules and regulations, and covenants and agreements with the holders of its bonds.

"Executive director" as used herein means the executive director of the authority or any other officer or employee of the authority who is authorized to act on behalf of the authority pursuant to a resolution of the board.

All reviews, analyses, evaluations, inspections, determinations and other actions by the authority pursuant to the provisions of these procedures, instructions and guidelines shall be made for the sole and exclusive benefit and protection of the authority and shall not be construed to waive or modify any of the rights, benefits, privileges, duties, liabilities or responsibilities of the authority or the mortgagor under the agreements and documents executed in connection with the mortgage loan.

The procedures, instructions and guidelines set forth herein are intended to provide a general description of the authority's processing requirements and are not intended to include all actions involved or required in the processing and administration of mortgage loans under the authority's single family housing program. These procedures, instructions and guidelines are subject to change at any time by the authority and may be supplemented by policies, procedures, instructions and guidelines adopted by the authority from time to time.

§ 1.2. Processing/disbursing/servicing agents.

A. The processing of applications for the making or financing of mortgage loans hereunder, the disbursement of proceeds of mortgage loans and the servicing of mortgage loans shall be performed through commercial banks, savings and loan associations and private mortgage bankers approved as Processing/Disbursing/Servicing Agents ("PDS agents") of the authority. To be initially approved as PDS agents, the applicant must meet the following qualifications:

1. Be authorized to do business in the Commonwealth of Virginia;
2. Have a satisfactory rating from any state and/or federal agencies responsible for the regulation of the applicant;
3. Have a net worth equal to or in excess of \$100,000 or, in the case of a savings and loan association, have its deposits insured by the Federal Savings and Loan

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Insurance Corporation;

4. Have aggregate servicing and originating volume during the preceding five years at least equal to 10 times the principal amount of loans expected to be initially serviced and originated for the authority;
5. Have a staff with demonstrated ability and experience in mortgage loan origination and servicing;
6. Each branch office of the applicant that is to originate mortgage loans must have demonstrated experience in the origination of mortgage loans;
7. Have a delinquency rate on its portfolio of serviced mortgage loans not in excess of 5.1%;
8. Have a foreclosure rate on portfolio of serviced mortgage loans not in excess of 1.0% annually;
9. Have reasonable business hours - i.e. be open to the public at least five hours every banking day; and
10. Such other qualifications as the executive director shall deem to be related to the performance of its duties and responsibilities.

If the applicant is to originate (but not service) mortgage loans, the applicant must satisfy the qualification set forth in (4) and (5) above only with respect to the origination of mortgage loans.

All PDS agents approved by the authority shall enter into Processing/Disbursing/Servicing Agreements ("PDS agreements") with the authority containing such terms and conditions as the executive director shall require with respect to the processing, disbursing and servicing of mortgage loans hereunder. The PDS agents shall maintain adequate books and records with respect to such mortgage loans, shall permit the authority to examine such books and records, and shall submit to the authority such reports (including annual financial statements) and information as the authority may require. The fees payable to the PDS agent for originating and servicing mortgage loans hereunder shall be established from time to time by the executive director and shall be set forth in the PDS agreements.

B. Allocation of funds.

The executive director shall allocate funds for the making or financing of mortgage loans hereunder in such manner, to such persons and entities, in such amounts, for such period, and subject to such terms and conditions as he shall deem appropriate to best accomplish the purposes and goals of the authority. Without limiting the foregoing, the executive director may allocate funds (i) to mortgage loan applicants on a first-come, first-serve or other basis, (ii) to PDS agents and state and local government agencies and instrumentalities for the origination of mortgage loans to qualified applicants and/or (iii) to

builders for the permanent financing of residences constructed or rehabilitated or to be constructed or or rehabilitated by them and to be sold to qualified applicants. In determining how to so allocate the funds, the executive director may consider such factors as he deems relevant, including any of the following:

1. The need for the expeditious commitment and disbursement of such funds for mortgage loans;
2. The need and demand for the financing of mortgage loans with such funds in the various geographical areas of the Commonwealth;
3. The cost and difficulty of administration of the allocation of funds;
4. The capability, history and experience of any PDS agents, state and local governmental agencies and instrumentalities, builders, or other persons and entities (other than mortgage loan applicants) who are to receive an allocation; and
5. Housing conditions in the Commonwealth.

In the event that the executive director shall determine to make allocations of funds to builders as described above, the following requirements must be satisfied by each such builder:

1. The builder must have a valid contractor's license in the Commonwealth;
2. The builder must have at least three years' experience of a scope and nature similar to the proposed construction or rehabilitation; and
3. The builder must submit to the authority plans and specifications for the proposed construction or rehabilitation which are acceptable to the authority.

The executive director may from time to time take such action as he may deem necessary or proper in order to solicit applications for allocation of funds hereunder. Such actions may include advertising in newspapers and other media, mailing of information to prospective applicants and other members of the public, and any other methods of public announcement which the executive director may select as appropriate under the circumstances. The executive director may impose requirements, limitations and conditions with respect to the submission of applications as he shall consider necessary or appropriate. The executive director may cause market studies and other research and analyses to be performed in order to determine the manner and conditions under which funds of the authority are to be allocated and such other matters as he shall deem appropriate relating thereto. The authority may also consider and approve applications for allocations of funds submitted from time to time to the authority without any solicitation therefor on the part of the authority.

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C. Processing and Disbursing Guide and Servicing Guide.

The Processing and Disbursing Guide attached hereto as Part II is incorporated into and made a part of these procedures, instructions and guidelines. The executive director is authorized to prepare and from time to time revise a Servicing Guide which shall set forth the accounting and other procedures to be followed by the PDS agents in the servicing of the mortgage loans under the PDS agreements. Copies of the Servicing Guide shall be available upon request. The executive director shall be responsible for the implementation and interpretation of the provisions of the Processing and Disbursing Guide and the Servicing Guide.

D. Making and purchase of new mortgage loans.

The authority may from time to time (i) make mortgage loans directly to mortgagors with the assistance and services of its PDS agents and (ii) agree to purchase individual mortgage loans from its PDS agents upon the consummation of the closing thereof. The review and processing of applications for such mortgage loans, the issuance of mortgage loan commitments therefor, the closing and servicing (and, if applicable, the purchase) of such mortgage loans, and the terms and conditions relating to such mortgage loans shall be governed by and shall comply with the provisions of the PDS agreement, the Processing and Disbursing Guide, the Servicing Guide and the authority's act and rules and regulations.

E. Purchase of existing mortgage loans.

The authority may purchase from time to time existing mortgage loans with funds held or received in connection with bonds issued by the authority prior to January 1, 1981, or with other funds legally available therefor. With respect to any such purchase, the executive director may request and solicit bids or proposals from the authority's PDS agents for the sale and purchase of such mortgage loans, in such manner, within such time period and subject to such terms and conditions as he shall deem appropriate under the circumstances. The executive director may take such action as he deems necessary or appropriate to solicit offers to sell mortgage loans, including mailing of the request to PDS agents, advertising in newspapers or other publications and any other method of public announcement which he may select as appropriate under the circumstances. After review and evaluation by the executive director of the bids or proposals, he shall select those bids or proposals that offer the highest yield to the authority on the mortgage loans (subject to any limitations imposed by law on the authority) and that best conform to the terms and conditions established by him with respect to the bids or proposals. Upon selection of such bids or proposals, the executive director shall issue commitments to the PDS agents to purchase the mortgage loans, subject to such terms and conditions as he shall deem necessary or appropriate and subject to the approval or ratification by the board. Upon satisfaction of the terms of the commitments, the executive director shall execute such

agreements and documents and take such other action as may be necessary or appropriate in order to consummate the purchase and sale of the mortgage loans. The mortgage loans so purchased shall be serviced in accordance with the PDS agreement and the Servicing Guide. Such mortgage loans and the purchase thereof shall in all respects comply with the authority's act and rules and regulations.

F. Delegated underwriting.

The executive director may, in his discretion, delegate to one or more PDS agents the responsibility for issuing commitments for mortgage loans and disbursing the proceeds hereof without prior review and approval by the authority. The issuance of such commitments shall be subject to ratification thereof by the board of the authority. If the executive director determines to make any such delegation, he shall establish criteria under which PDS agents may qualify for such delegation. If such delegation has been made, the PDS agents shall submit all required documentation to the authority after closing of each mortgage loan. If the executive director determines that a mortgage loan does not comply with the Processing and Disbursing Guide, the PDS agreement or the authority's act or rules and regulations, he may require the PDS Agents to purchase such mortgage loan, subject to such terms and conditions as he may prescribe.

PART II. VIRGINIA HOUSING DEVELOPMENT AUTHORITY PROCESSING AND DISBURSING GUIDE.

Article I. Eligibility Requirements.

§ 2.1. Eligible persons and families.

A. Person.

A one-person household is eligible, but the authority will restrict the number of loans that the PDS agent can originate for such persons and has established sales price limits for such households. An individual who is 62 or more years of age or who is handicapped or disabled shall not be deemed a one-person household for these purposes.

B. Family.

A single family loan can be made to more than one person only if all such persons to whom the loan is made are related by blood, marriage or adoption and are living together in the dwelling as a single nonprofit housekeeping unit.

1. Allocation to one-person households.

The maximum number of one-person households will be limited to 17% of all units financed. Units will be allocated by planning district with each planning district to receive funds based on its relative need.

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Allocation of one-person households to PDS agents and builders will be made based upon the dollar amount of their allocation and geographical location. The maximum number of one-person households allowed will be specified in the Forward Commitment Agreement and Builder Commitment Agreement.

§ 2.2. Compliance with certain requirements of the Mortgage Subsidy Bond Tax Act of 1980.

The federal Mortgage Subsidy Bond Tax Act of 1980 imposes certain new requirements and restrictions on the eligibility of mortgagors and residences for financing with the proceeds of tax-exempt bonds. In order to comply with this federal law, VHDA is establishing certain procedures which must be performed by the PDS agent in order to determine such eligibility. The eligibility requirements for the borrower and the dwelling are described below as well as the procedures to be performed. The PDS agent will certify to the performance of these procedures and evaluation of a borrower's eligibility by completing, initialing and signing the "Checklist for certain requirements of the Mortgage Subsidy Bond Tax Act of 1980" (the "checklist") (Section II, Exhibit A) prior to VHDA approval of each loan. No loan will be approved by VHDA unless all of the federal eligibility requirements are met as well as the usual VHDA requirements set forth in other parts of this guide.

§ 2.2.1. Eligible borrowers.

A. General.

An applicant will be considered an eligible borrower for a VHDA mortgage loan, if the applicant meets all of the following federal criteria:

1. Has not had a present ownership interest in his principal residence within the three years preceding the date of execution of the mortgage loan. (See B. Three-year requirement);
2. Agrees to occupy and use the residential property to be purchased as his permanent, principal residence within 60 days (90 days in the case of a rehabilitation loan as defined in § 2.17) after the date of the closing of the mortgage loan. (See C. Principal residence requirement);
3. Will not use the proceeds of the mortgage loan to acquire or replace an existing mortgage or debt, except in the case of certain types of temporary financing. (See D. New mortgage requirement);
4. Has contracted to purchase an eligible dwelling. (See § 2.2.2. Eligible dwelling);
5. Has executed a borrower affidavit at the time of loan application (to be confirmed on the date of loan closing); and

6. Agrees not to sell, lease or otherwise transfer an interest in the residence or permit the assumption of his mortgage loan without the prior written consent of VHDA.

B. Three-year requirement.

An eligible borrower does not include any borrower who, at any time during the three years preceding the date of execution of the mortgage loan, had a "present ownership interest" (as hereinafter defined) in his principal residence. Each borrower must certify on the borrower affidavit that at no time during the three years preceding the execution of the mortgage loan has he has a present ownership interest in his principal residence. This requirement does not apply to residences located in "targeted areas" (see § 2.3. "Targeted areas"); however, even if the residence is located in a "targeted area," the prior tax returns described in 3. below must be obtained for the purpose of determining compliance with other requirements.

1. Definition of present ownership interest. "Present ownership interest" includes:

- a. A fee simple interest,
- b. A joint tenancy, a tenancy in common, or a tenancy by the entirety,
- c. The interest of a tenant shareholder in a cooperative,
- d. A life estate,
- e. A land contract, under which possession and the benefits and burdens of ownership are transferred although legal title is not transferred until some later time, and
- f. An interest held in trust for the eligible borrower (whether or not created by the eligible borrower) that would constitute a present ownership interest if held directly by the eligible borrower.

Interests which do not constitute a "Present ownership interest" include:

- a. A remainder interest,
- b. An ordinary lease with or without an option to purchase,
- c. A mere expectancy to inherit an interest in a principal residence,
- d. The interest that a purchaser of a residence acquires on the execution of an accepted offer to purchase real estate, and
- e. An interest in other than a principal residence

during the previous three years.

2. **Persons covered.** This requirement applies to any person who will execute the mortgage or note and will have a present ownership interest (as defined above) in the eligible dwelling.

3. **Prior tax returns.** To verify that the eligible borrower meets the three-year requirement, the PDS agent must obtain copies of signed federal income tax returns filed by the eligible borrower for the three years preceding execution of the mortgage or certified copies of the returns. If the eligible borrower was not required by law to file a federal income tax return for any of these three years and did not so file, and so states on the borrower affidavit, the requirement to obtain a copy of the federal income tax return for such year is waived.

The PDS agent shall examine the tax returns particularly for any evidence that the eligible borrower may have claimed deductions for property taxes or for interest on indebtedness with respect to real property constituting his principal residence.

4. **Review by PDS agent.** The PDS agent must, with due diligence, verify the representations in the borrower affidavit regarding the applicant's prior residency by reviewing any information including the credit report and the tax returns furnished by the eligible borrower for consistency, and certify to VHDA that on the basis of its review, it is of the opinion that each borrower has not had present ownership interest in a principal residence at any time during the three-year period prior to the anticipated date of the loan closing.

C. Principal residence requirement.

1. **General.** An eligible borrower must intend to occupy the eligible dwelling as a principal residence within 60 days (90 days in the case of rehabilitation loan) after the closing of the mortgage loan. Unless the residence can reasonably be expected to become the principal residence of the eligible borrower within 60 days (90 days in the case of a rehabilitation loan) of the mortgage loan closing date, the residence will not be considered an eligible dwelling and may not be financed with a mortgage loan from VHDA. An eligible borrower must covenant to intend to occupy the eligible dwelling as a principal residence within 60 days (90 days in the case of rehabilitation loan) after the closing of the mortgage loan on the borrower affidavit and as part of the attachment to the deed of trust.

2. **Definition of principal residence.** A principal residence does not include any residence which can reasonably be expected to be used: (i) primarily in a trade or business, (ii) as an investment property, or (iii) as a recreational or second home. A residence

may not be used in a manner which would permit any portion of the costs of the eligible dwelling to be deducted as a trade or business expense for federal income tax purposes or under circumstances where any portion of the total living area is to be used primarily in a trade or business.

3. **Land not to be used to produce income.** The land financed by the mortgage loan may not provide, other than incidentally, a source of income to the eligible borrower. The eligible borrower must indicate on the borrower affidavit that, among other things:

a. No portion of the land financed by the mortgage loan provides a source of income (other than incidental income);

b. He does not intend to farm any portion (other than as a garden for personal use) of the land financed by the mortgage loan; and

c. He does not intend to subdivide the property.

4. **Lot size.** Only such land as is reasonably necessary to maintain the basic livability of the residence may be financed by a mortgage loan. The financed land must not exceed the customary or usual lot in the area. Generally, the financed land will not be permitted to exceed two acres even in rural areas.

5. **Review by PDS agent.** The borrower affidavit must be reviewed by the PDS agent for consistency with the eligible borrower's federal income tax returns and the credit report in order to support an opinion that the eligible borrower is not engaged in any employment activity or trade or business which has been conducted in his principal residence. Also, the PDS agent shall review the appraiser report of a VHDA-approved appraiser and the required photographs to determine based on the location and the structural design and other characteristics of the dwelling that the residence is suitable for use as a permanent residence and not for use primarily in a trade or business or for recreational purposes. Based on such review, the PDS agent shall certify to its opinions in the checklist at the time the loan application is submitted to VHDA for approval.

6. **Post-closing procedures.** The PDS agent shall establish procedures to (i) review correspondence, checks and other documents received from the borrower during the 120-day period following the loan closing for the purpose of ascertaining that the address of the residence and the address of the borrower are the same and (ii) notify VHDA if such addresses are not the same. Subject to VHDA's approval, the PDS agent may establish different procedures to verify compliance with this requirement.

D. New mortgage requirement.

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Mortgage loans may be made only to persons who did not have a mortgage (whether or not paid off) on the eligible dwelling at any time prior to the execution of the mortgage. Mortgage loan proceeds may not be used to acquire or replace an existing mortgage or debt for which the eligible borrower is liable or which was incurred on behalf of the eligible borrower, except in the case of construction period loans, bridge loans or similar temporary financing which has a term of 24 months or less.

1. Definition of mortgage. For purposes of applying the new mortgage requirement, a mortgage includes deeds of trust, conditional sales contracts (i.e. generally a sales contract pursuant to which regular installments are paid and are applied to the sales price), pledges, agreements to hold title in escrow, a lease with an option to purchase which is treated as an installment sale for federal income tax purposes and any other form of owner-financing. Conditional land sale contracts shall be considered as existing loans or mortgages for purposes of this requirement.

2. Temporary financing. In the case of a mortgage loan made to refinance a loan for the construction of an eligible dwelling, VHDA shall not make such mortgage loan until it has determined that such construction has been satisfactorily completed.

3. Review by PDS agent. Prior to closing the mortgage loan, the PDS agent must examine the borrower affidavit, the seller affidavit, and related submissions, including (i) the eligible borrower's federal income tax returns for the preceding three years, and (ii) credit report, in order to determine whether the eligible borrower will meet the new mortgage requirements. Upon such review, the PDS agent shall certify to VHDA that the agent is of the opinion that the proceeds of the mortgage loan will not be used to repay or refinance an existing mortgage debt of the borrower and that the borrower did not have a mortgage loan on the eligible dwelling prior to the date hereof, except for permissible temporary financing described above.

E. Multiple loans.

Any eligible borrower may not have more than one outstanding VHDA mortgage loan.

§ 2.2.2. Eligible dwellings.

A. General.

In order to qualify as an eligible dwelling for which a VHDA loan may be made, the residence must:

1. Be located in the Commonwealth;
2. Be a one-family detached residence, a townhouse or one unit of a VHDA approved condominium; and

3. Satisfy the acquisition cost requirements set forth below.

B. Acquisition cost requirements.

1. General. The acquisition cost of an eligible dwelling may not exceed certain limits established by the U.S. Department of the Treasury in effect at the time of the application. Note: In all cases such federal limits equal or exceed the VHDA sales price limits shown in § 2.4. Therefore, the residence is an eligible dwelling if the acquisition cost is not greater than the VHDA sales price limit. In the event that the acquisition cost exceeds the VHDA sales price limit, the PDS agent must contact VHDA to determine if the residence is an eligible dwelling.

2. Definition of acquisition cost. Acquisition cost means the cost of acquiring the eligible dwelling from the seller as a completed residence.

a. Acquisition cost includes:

(1) All amounts paid, either in cash or in kind, by the eligible borrower (or a related party or for the benefit of the eligible borrower) to the seller (or a related party or for the benefit of the seller) as consideration for the eligible dwelling. Such amounts include amounts paid for items constituting fixtures under state law, but not for items of personal property not constituting fixtures under state law. (See Exhibit R for examples of fixtures and items of personal property.)

(2) The reasonable costs of completing or rehabilitating the residence (whether or not the cost of completing construction or rehabilitation is to be financed with the mortgage loan) if the eligible dwelling is incomplete or is to be rehabilitated. As an example of reasonable completion cost, costs of completing the eligible dwelling so as to permit occupancy under local law would be included in the acquisition cost. A residence which includes unfinished areas (i.e. an area designed or intended to be completed or refurbished and used as living space, such as the lower level of a tri-level residence or the upstairs of a Cape Cod) shall be deemed incomplete, and the costs of finishing such areas must be included in the acquisition cost. (See Acquisition Cost Worksheet, Section II Exhibit G, Item 4).

(3) Where the eligible dwelling is subject to a ground rent, the capitalized value of any ground rent calculated using a discount rate equal to the yield of the VHDA bonds from which the mortgage loan was made. VHDA will supply bond yield information to PDS agents on request for the purpose of calculating capitalized ground rent.

(4) The cost of land on which the eligible dwelling

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is located and which has been owned by the eligible borrower for a period no longer than two years prior to the construction of the structure comprising the eligible dwelling.

b. Acquisition cost does not include:

(1) Usual and reasonable settlement or financing costs. Such excluded settlement costs include title and transfer costs, title insurance, survey fees and other similar costs. Such excluded financing costs include credit reference fees, legal fees, appraisal expenses, points which are paid by the eligible borrower, or other costs of financing the residence. Such amounts must not exceed the usual and reasonable costs which otherwise would be paid. Where the buyer pays more than a pro rata share of property taxes, for example, the excess is to be treated as part of the acquisition cost.

(2) The imputed value of services performed by the eligible borrower or members of his family (brothers and sisters, spouse, ancestors and lineal descendants) in constructing or completing the residence.

3. Acquisition cost worksheet. The PDS agent is required to obtain from each eligible borrower a completed acquisition cost worksheet which shall specify in detail the basis for the purchase price of the eligible dwelling, calculated in accordance with this Subsection B. The PDS agent shall assist the eligible borrower in the correct completion of the worksheet. The acquisition cost worksheet of the eligible borrower shall constitute part of the borrower affidavit required to be submitted with the loan submission. The seller affidavit shall also certify as to the acquisition cost of the eligible dwelling on the worksheet.

4. Review by PDS agent. The PDS agent shall determine that the acquisition cost of the eligible dwelling does not exceed the authority's sales price limit shown in § 2.4. If the acquisition cost exceeds such limit, the PDS agent must contact VHDA to determine if the residence is an eligible dwelling. As part of its review, the PDS agent must review the acquisition cost worksheet submitted by each mortgage loan applicant, and the appraiser report, and must certify to VHDA that it is of the opinion that the acquisition cost of the eligible dwelling has been calculated in accordance with this Subsection B. In addition, the PDS agent must compare the information contained in the acquisition cost worksheet with the information contained in the seller affidavit and other sources and documents such as the contract of sale for consistency of representation as to acquisition cost.

5. Independent appraisal. VHDA reserves the right to obtain an independent appraisal in order to establish fair market value and to determine whether a

dwelling is eligible for the mortgage loan requested.

§ 2.3. Targeted areas.

A. General.

In accordance with the Mortgage Subsidy Bond Tax Act of 1980, VHDA will make a portion of the proceeds of an issue of its bonds available for financing eligible dwellings located in targeted areas for at least one year following the issuance of a series of bonds. VHDA will exercise due diligence in making mortgage loans in targeted areas by advising PDS agents and certain localities of the availability of such funds in targeted areas and by advising potential eligible borrowers of the availability of such funds through advertising and/or news releases. The amount, if any, allocated to a PDS agent exclusively for targeted areas will be specified in the Forward Commitment Agreement.

B. Eligibility.

Mortgage loans for eligible dwellings located in targeted areas must comply in all respects with the requirements in § 2.2 and elsewhere in this guide for all mortgage loans, except for the three-year requirement in § 2.2.1 B.

1. Definition of targeted areas.

a. A targeted area is an area which is a qualified census tract, as described in (1) below, or an area of chronic economic distress, as described in (2) below.

(1) A qualified census tract is a census tract in the Commonwealth in which 70% or more of the families have an income of 80% or less of the state-wide median family income based on the most recent "safe harbor" statistics published by the U.S. Treasury. Maps indicating the location of current qualified census tracts will be supplied to the PDS agents by VHDA.

(2) An area of chronic economic distress is an area designated as such by the Commonwealth and approved by the Secretaries of Housing and Urban Development and the Treasury under criteria specified in the Mortgage Subsidy Bond Tax Act of 1980. PDS agents will be informed by VHDA as to the location of areas so designated.

§ 2.4. Sales price limits.

The authority's maximum allowable sales prices shall be as follows:

MAXIMUM ALLOWABLE SALES PRICES

Applicable to all bond issues except 1981A (13.7%), 1982A (13.85%) and "blend" of 1982A and 1982B (11.75%)*

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	New Construction	Substantial Rehabilitation	Existing
Northern Virginia portion of Washington, DC-MD-VA MSA			
1/	\$104,200**	\$104,200**	\$90,300**
Norfolk-Virginia Beach-Newport News MSA			
2/	\$78,500	\$78,500	\$68,300
North Piedmont/Richmond-Petersburg MSA/Roanoke MSA			
3/	\$71,000	\$71,000	\$67,500
Remainder of State			
4/	\$61,100	\$61,100	\$56,500

1/ Includes: Alexandria City, Fairfax City, Falls Church City, Manassas City, Manassas Park City, Arlington County, Fairfax County, Loudoun County, Prince William County, Stafford County.

2/ Includes: Chesapeake City, Norfolk City, Portsmouth City, Suffolk City, Virginia Beach City, Hampton City, Newport News City, Poquoson City, Williamsburg City, Gloucester County, James City County, York County.

3/ Richmond-Petersburg MSA includes: Charles City County, Chesterfield County, Colonial Heights City, Dinwiddie County, Goochland County, Hanover County, Henrico County, Hopewell City, New Kent County, Petersburg City, Powhatan County, Prince George County, Richmond City.

Roanoke MSA includes: Botetourt County, Roanoke County, Roanoke City, Salem City.

North Piedmont includes: Albemarle County, Caroline County, Charlottesville City, Culpeper County, Fauquier County, Fluvanna County, Fredericksburg City, Greene County, King George County, Louisa County, Madison County, Orange County, Rappahannock County, Spotsylvania County.

4/ Any jurisdiction not a part of the Northern Virginia portion of the Washington, DC-MD-VA MSA, the Norfolk-Virginia Beach-Newport News MSA or the North Piedmont/Richmond Petersburg MSA/ Roanoke MSA.

* NOTE: For information regarding maximum allowable sales prices of residences financed by the 1981A (13.7%), 1982A (13.85%) or "blend" of 1982A and 1982B (11.75%), please contact the VHDA Staff.

The applicable maximum allowable sales price for new construction shall be increased by the amount of any grant to be received by a mortgagor under the authority's Solar

Home Grant Program in connection with the acquisition of a residence.

§ 2.5. Net worth.

To be eligible for VHDA financing, an applicant cannot have a net worth exceeding \$20,000 plus an additional \$1,000 of net worth for every \$5,000 of adjusted income over \$20,000.

Any income producing assets needed as a source of income in order to meet the minimum income requirements for an authority loan will not be included in the applicant's net worth for the purpose of determining whether this net worth limitation has been violated.

§ 2.6. Income requirements.

A. Maximum income.

The maximum adjusted incomes for eligible borrowers shall be as follows:

MAXIMUM ALLOWABLE ADJUSTED INCOMES

Applicable to all bond issues except 1981A (13.7%), 1982A (13.85%) and "blend" of 1982A and 1982B (11.75%)*

	New Construction	Substantial Rehabilitation	Existing
Northern Virginia portion of Washington, DC-MD-VA MSA			
1/	\$41,200**	\$41,200**	\$36,500**
Norfolk-Virginia Beach Newport News MSA			
2/	\$34,300	\$34,300	\$29,000
Northern Piedmont/Richmond-Petersburg MSA/Roanoke MSA			
3/	\$29,900	\$29,900	\$28,700
Remainder of State			
4/	\$29,400	\$29,400	\$27,200

1/ Includes: Alexandria City, Fairfax City, Falls Church City, Manassas City, Manassas Park City, Arlington County, Fairfax County, Loudoun County, Prince William County, Stafford County.

2/ Includes: Chesapeake City, Norfolk City, Portsmouth City, Suffolk City, Virginia Beach City, Hampton City, Newport News City, Poquoson City, Williamsburg City, Gloucester County, James City County, York County.

3/ Richmond-Petersburg MSA includes: Charles City County, Chesterfield County, Colonial Heights City,

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Dinwiddie County, Goochland County, Hanover County, Henrico County, Hopewell City, New Kent County, Petersburg City, Powhatan County, Prince George County, Richmond City.

Roanoke MSA includes: Botetourt County, Roanoke County, Roanoke City, Salem City.

North Piedmont includes: Albemarle County, Caroline County, Charlottesville City, Culpeper County, Fauquier County, Fluvanna County, Fredericksburg City, Greene County, King George County, Louisa County, Madison County, Orange County, Rappahannock County, Spotsylvania County.

4/ Any jurisdiction not a part of the Northern Virginia portion of the Washington, DC-MD-VA-MSA, the Norfolk-Virginia Beach-Newport News MSA or the North Piedmont/Richmond Petersburg MSA/ Roanoke MSA.

* NOTE: For information regarding the maximum allowable adjusted incomes of persons or families acquiring residences financed by 1981 Series A (13.7%), 1982 Series A (13.85%) and "blend" of 1982A and 1982B (11.75%), please contact the VHDA staff.

B. Minimum income.

An applicant is eligible for VHDA financing if the monthly principal and interest, tax, insurance (PITI) and other additional monthly fees such as condominium assessments, townhouse assessments, etc. do not exceed 32% of monthly gross income. Also, the applicant is eligible when monthly PITI plus outstanding monthly installment loans with more than six months duration do not exceed 40% of monthly gross income. (See Section II, Exhibit B)

§ 2.7. Calculation of loan amount.

Single family detached residence and townhouse (fee simple ownership) - Maximum of 95% (or, in the case of a loan insured or guaranteed by FHA or VA, such other percentage as may be permitted by FHA or VA) of the lesser of the sales price or appraised value, except as may otherwise be approved by the authority.

Condominiums - 95% (or, in the case of a loan insured or guaranteed by FHA or VA, such other percentage as may be permitted by FHA or VA) of the sales price or appraised value, whichever is less.

For the purpose of the above calculations, the value of personal property to be conveyed with the residence shall be deducted from the sales price. (See Exhibit R for examples of personal property.) Also, the value of personal property included in the appraisal must be deducted from the appraised value. (See Appraiser Report, Section II, Exhibit H.)

§ 2.8. Mortgage insurance requirements.

Unless the loan is insured or guaranteed by FHA or VA, the borrower is required to purchase at time of loan closing full private mortgage insurance (25% to 100% coverage, as the authority shall determine) on all loans which exceed 80% of the lesser of sales price or appraised value. The PDS agent is required to escrow for annual payment of mortgage insurance. If VHDA requires FHA or VA insurance, the loan will either, at the election of the authority, (a) be closed in VHDA's name in accordance with the procedures and requirements herein or (b) be closed in the PDS agent's name and purchased by VHDA once the FHA Certificate of Insurance or VA Guaranty has been obtained. In the event VHDA purchases an FHA or VA insured loan, the PDS agent must enter into a purchase and sale agreement. (See Section II, Exhibit C.)

§ 2.9. Underwriting.

A. Employment and income.

B. Length of employment.

1. The applicant must be employed a minimum of six months with present employer. An exception to the six-month requirement can be granted by VHDA if it can be determined that the type of work is similar to previous employment and previous employment was of a stable nature.

C. Self-employed applicants.

1. Any self-employed applicant must have a minimum of two years of self-employment with the same company and in the same line of work. The following information is required at the time of application:

a. Federal income tax returns for the two most recent tax years.

b. Balance sheets and profit and loss statements prepared by an independent public accountant.

In determining the income for a self-employed applicant, income will be averaged for the two-year period.

D. Income derived from sources other than primary employment.

E. Alimony and child support.

1. A copy of the legal document and sufficient proof must be submitted to VHDA verifying that alimony and child support are court ordered and are being received.

F. Social security and other retirement benefits.

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Social Security Form No. SSA 2458 must be submitted to verify that applicant is receiving social security benefits. Retirement benefits must be verified by receipt or retirement schedules. VA disability benefits must be verified by the VA educational benefits and social security benefits for dependents 15 years or older are not accepted as income in qualifying an applicant for a loan.

G. Part-time employment.

Part-time employment must be continuous for a minimum of six months. Employment with different employers is acceptable so long as it has been uninterrupted for a minimum of six months. Part-time employment as used in this section means employment in addition to full-time employment.

Part-time employment as the primary employment will also be required to be continuous for six months.

NOTE: Under the Mortgage Subsidy Bond Tax Act of 1980, no part of the residence may be used in a trade or business.

H. Overtime, commission and bonus.

Overtime earnings must be guaranteed by the employer or verified for a minimum of two years. Bonus and commissions must be reasonably predictable and stable and the applicant's employer must submit evidence that they have been paid on a regular basis and can be expected to be paid in the future.

I. Credit.

VHDA requires that an applicant's previous credit experience be satisfactory. Poor credit references without an acceptable explanation will cause a loan to be rejected. Satisfactory credit references are considered to be one of the most important requirements in order to obtain a VHDA loan.

J. Bankruptcies.

An applicant will not be considered for a loan if the applicant has been adjudged bankrupt within the past two years. If longer than two years, the applicant must submit a written explanation giving details surrounding the bankruptcy. VHDA has complete discretion to decline a loan when a bankruptcy is involved.

K. Judgments.

An applicant is required to submit a written explanation for all judgments. Judgments must be paid before an applicant will be considered for a VHDA loan.

§ 2.10. Funds necessary to close.

A. Cash.

Funds necessary to pay the downpayment and closing costs must be deposited at the time of loan application. VHDA does not permit the applicant to borrow funds for this purpose. If the funds are being held in an escrow account by the real estate broker, builder or closing attorney, the source of the funds must be verified. A verification of deposit from the parties other than financial institutions authorized to handle deposited funds is not acceptable.

B. Gift letters.

A gift letter is required when an applicant proposes to obtain funds from a third party. The gift letter must confirm that there is no obligation on the part of the borrower to repay the funds at any time. The party making the gift must submit proof that the funds are available. This proof should be in the form of a verification of deposit.

C. Housing expenses.

Proposed monthly housing expenses compared to current monthly housing expenses will be reviewed carefully to determine if there is a substantial increase. If there is a substantial increase, the applicant must demonstrate his ability to pay the additional expenses.

§ 2.11. Loan assumptions, leasing, terms and owner occupancy.

A. Loan assumptions.

VHDA does not currently permit loan assumptions, except that loan assumptions shall be permitted with respect to mortgage loans financed from the proceeds of the authority's single-family bonds issued on or after December 17, 1981, (loans numbered 40,000 and on) if the requirements set forth in § 2.2.1 B and C and § 2.2.2. B herein are satisfied and if the assumption satisfies the VHDA underwriting criteria set forth herein *or, in the case of a loan insured or guaranteed by FHA or VA, such criteria herein as FHA or VA permits to be applied*. Such policy of permitting loan assumptions is subject to change at any time without notice by the authority in its discretion.

B. Leasing.

The owner may not lease the property without VHDA's prior written consent.

C. Loan term.

Loan terms may not exceed 30 years.

D. Owner occupancy.

No loan will be made unless the residence is to be occupied by the owner as the owner's principal residence.

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§ 2.12. Preparation of application package.

A. The application package submitted to VHDA for approval must contain the following:

1. Reservation card.
2. Application - the application must be made on Virginia Housing's approved application form.
3. Preliminary underwriting form.
4. Credit report issued by local credit bureau and miscellaneous information as applicable - explanation of bankruptcies, etc., (and any additional documentation).
5. Verification of employment (and any additional documentation).
6. Verification of other income.
7. Verification of deposits (and any additional documentation).
8. Gift letters (and verification).
9. Sales contract - contract must be signed by seller and all parties entering into the contract and state which parties are paying points and closing costs.
10. Appraisal (FHLMC No. 70) - form should be FNMA or FHLMC and should be completed by an appraiser who has been approved by FHLMC or a private mortgage insurer acceptable to Virginia Housing or who has a certification from a trade organization approved by Virginia Housing (photos and required supporting documentation).
11. Loan submission cover letter.
12. Appraiser's report.
13. Acquisition cost worksheet.
14. Affidavit of seller.
15. Affidavit of borrower.
16. Federal income tax returns - copy of borrower's federal income tax returns to the extent required by Item 10 in the affidavit of borrower. (NOTE: If a letter from the IRS is to be delivered pursuant to paragraphs § 2.2.1 B3 of the Processing, Disbursing Guide, such letter must be enclosed herewith).
17. Checklist for certain requirements of the Mortgage Subsidy Bond Tax Act of 1980.
18. Signed request for copy of tax returns (No. 4506).

19. HUD information booklet - acknowledgement by applicant of receipt of HUD information booklet and estimate of the charges the borrower is likely to incur as required by the Real Estate Settlement Procedures Act of 1974, the Real Estate Settlement Procedures Act Amendments of 1975 (RESPA), and Regulations Z (Truth-In-Lending) as amended April 1, 1981. Acknowledgement can be made part of the application or can be a separate statement. Applicant must receive HUD information book the day application is made.

20. ECOA notice statement to borrower of provisions of the Equal Credit Opportunity Act, with borrower's acknowledgement of receipt.

21. Truth-in-lending disclosure.

After the application package has been completed, it should be forwarded to:

Single Family Division
Virginia Housing Development Authority
13 South 13th Street
Richmond, VA. 23219

§ 2.13. Commitment.

Upon approval of the applicant, VHDA will send a mortgage loan commitment (see Section II, Exhibit J) to the borrower in care of the agent. Also enclosed in this package will be other documents necessary for closing. The PDS agent shall ask the borrower to indicate his acceptance of the mortgage loan commitment by signing and returning it to the agent. A commitment must be issued in writing by an authorized officer of VHDA and signed by the applicant before a loan may be closed.

§ 2.13.1. Loan rejection.

If the borrower fails to meet VHDA underwriting criteria or if the property fails to meet VHDA property standards, a loan rejection letter will be issued by VHDA (see Section II, Exhibit L). If the application is resubmitted, the credit documentation cannot be more than 90 days old and the appraisal more than six months old.

§ 2.14. Loan settlement.

A. Loan closing.

Upon the borrower's acceptance of the mortgage loan commitment, the PDS agent will send VHDA's letter of closing instructions (see Section II, Exhibit N) and the closing papers to the closing attorney. The PDS agent should thoroughly familiarize himself with the closing instructions and should fill in all blanks such as per diem interest, appraisal fee, credit report charges to be collected at closing, and any special requirements of the commitment before the closing instructions are forwarded

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to the closing attorney. VHDA will provide the PDS agent with the documents which the closing attorney is required to complete. After VHDA reviews the closing attorney's preliminary work and approves closing, a loan proceeds check will be sent to the the closing attorney or firm named in the commitment or binder as approved under the issuing company's insured closing service, along with additional closing instructions (see Section II, Exhibit M). Closing attorneys may use loan proceeds checks when in a position to conduct the loan closing and disburse proceeds in accordance with Virginia Housing's letter authorizing the closing and instructions previously issued by the PDS agent. It is the PDS agent's responsibility to see that all documents and checks are received immediately after loan closings and that they are completed in accordance with Virginia Housing's requirements, Regulation Z and ECOA. A certified or cashier's check is to be provided at loan closing for the buy-down points, if any. The check is to be payable to VHDA. Under the applicable federal regulations the original proceeds of the bond issue may not exceed the amount necessary for the "governmental purpose" thereof by more than 5.0%. Payment of buy-down points out of mortgage loan proceeds would be using bond proceeds to pay interest rather than the proper "governmental purpose" of making mortgage loans. Therefore, it is required that buy-down fees be paid from the seller's own funds. Buy-down points may not be deducted from loan proceeds.

B. Post-closing requirements.

In accordance with § 9 of the PDS agreement, all post-closing documents, including the post-closing cover letter (see Section II, Exhibit P), should be forwarded as follows to:

Single Family Division
Post-Closing Section
Virginia Housing Development Authority
13 South 13th Street
Richmond, VA. 23219

Within five days after the closing of the loan, the PDS agent must forward the fees, interest and any other money due VHDA, a repayment of VHDA's outstanding construction loan, if any, PMI affidavit and all closing documents except the original recorded deed of trust and title insurance policy.

Within 45 days after loan closing, the PDS agent shall forward to VHDA the original recorded deed of trust and title insurance policy.

During the 120-day period following the loan closing the agent shall review correspondence, checks and other documents received from the borrower for the purpose of ascertaining that the address of the property and the address of the borrower are the same, and also to ascertain any change of address during such period and shall notify VHDA if such addresses are not the same or if there is any such change of address. Subject to VHDA's

approval, the PDS agent may establish different procedures to verify compliance with the principal residence requirement in § 2.2.1.C. In the event the agent at any time otherwise becomes aware of the fact that any item noted on the checklist for certain requirements of the Mortgage Subsidy Bond Tax Act may not be correct or proper, the agent shall immediately notify the authority.

§ 2.15. Property guidelines - existing housing.

Existing house to financed by loans insured or guaranteed by FHA or VA must meet any and all applicable requirements imposed by FHA or VA.

All *other* existing houses must meet the following minimum requirements; however, each house will be reviewed on a case-by-case basis with regard to marketability and security of the loan:

1. 100 amp electrical service is required.
2. No space heaters or circulators are allowed; however, a floor furnace or wall furnace is acceptable in a one-story house if such a furnace adequately heats the house.
3. Pier foundations are considered on a case-by-case basis.
4. All property must be located on a state-maintained road with a minimum frontage of 30 feet. No easements or right-of-ways are allowed as access to properties. House should not be located more than 200 feet from the state-maintained road.
5. Joint ownership of well and septic is not allowed and the well must be on the subject property.
6. Any easements which will adversely affect the marketability of the property, such as high-tension power lines, drainage or other utility easements will be considered on a case-by-case basis.
7. The floor plan must be acceptable with bathrooms and bedrooms centrally located and providing maximum privacy. Primary bathroom locations are not acceptable if the traffic patterns require entrance through another living area (e.g. a bathroom which opens directly into the kitchen).
8. The house must have a sufficient number of bedrooms to properly serve the borrower. Only bedrooms will be used as sleeping quarters, with each bedroom to be occupied by no more than two persons.
9. Mobile homes are not acceptable.

§ 2.16. Property guidelines - New construction.

New homes to be financed by loans insured or guaranteed by FHA or VA must meet any and all

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applicable requirements imposed by FHA or VA.

A. All *other* new homes must meet the Uniform Statewide Building Code (the "Code") and the Department of Housing and Urban Development Minimum Property Standards (MPS) in addition to the following VHDA underwriting requirements:

1. Minimum of 4/12 pitch roof.
2. Storm windows or double glazed windows are required.
3. Insulated exterior doors or storm doors are required.
4. All property must be located on state-maintained roads.
5. Energy package in conformance with FHMA energy standards.
6. Mobile homes are not acceptable.

B. Also, the following standards are preferred:

1. All ceilings and 75% of the walls be 1/2 inch drywall or plaster.
2. Kitchen cabinets should comply with the following: doors should be a minimum of 5/8 inch and end panels should be a minimum of 1/2 inch thick. Materials should be wood or plywood. All stiles and rails should be of wood. Drawer fronts should be a minimum of 5/8 inch and sides should be a minimum of 3/8 inch wood or plywood, bottoms should be 1/4 inch plywood. Shelves should be a minimum of 5/8 inch wood, plywood or particle board. Plywood and particle board shelves should have edging.
3. Ceiling height of eight feet or greater.
4. Pier foundations are discouraged except where brick or block curtain wall completely covers piers.
5. Insulated sheathing.
6. If vertical siding is used, fir, cedar or redwood is preferred.
7. Fiberglass insulation in ceiling, floor and wall.
8. The use of wood foundations is discouraged unless the type of construction results in substantial savings to be passed on to the buyer.
9. Hardwood floors unless a 30 ounce carpet is used.

§ 2.17. Substantially rehabilitated.

A. For the purpose of qualifying as substantially

rehabilitated housing under Virginia Housing's maximum sales price limitations, the housing unit must meet the following definitions:

1. Substantially rehabilitated means improved to a condition which meets VHDA underwriting/property standard requirements from a condition requiring more than routine or minor repairs or improvements to meet such requirements. The term includes repairs or improvements varying in degree from gutting and extensive reconstruction to cosmetic improvements which are coupled with the cure of a substantial accumulation of deferred maintenance, but does not mean cosmetic improvements alone.

2. For these purposes a substantially rehabilitated housing unit means a dwelling unit which has been substantially rehabilitated and which is being offered for sale and occupancy for the first time since such rehabilitation. The value of the rehabilitation must equal at least 25% of the total value of the rehabilitated housing unit.

3. The appraisal submitted with the loan application, must list the improvements and estimate the value of the improvements. Virginia Housing's staff will inspect each house submitted as substantially rehabilitated to ensure compliance with our underwriting-property standards.

4. VHDA will only approve rehabilitation loans to eligible borrowers who will be the first resident of the residence after the completion of the rehabilitation. As a result of the Mortgage Subsidy Bond Tax Act of 1980, the proceeds of VHDA cannot be used to refinance an existing mortgage, as explained in § 2.2.1.D (New mortgage requirement). VHDA will approve loans to cover the purchase of a residence, including the rehabilitation:

a. Where the eligible borrower is acquiring a residence from a builder or other seller who has performed a substantial rehabilitation of the residence; and

b. Where the eligible borrower is acquiring an unrehabilitated residence from the seller and the eligible borrower contracts with others to perform a substantial rehabilitation or performs the rehabilitation work himself prior to occupancy.

§ 2.18. Condominium requirements.

A. Policy on condominiums.

1. The PDS agent must provide evidence that the condominium is approved by any two of the following: FNMA, FHLMC or VA. The PDS agent must submit evidence at the time the borrower's application is submitted to Virginia Housing for approval.

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2. At the time the borrower's loan application is submitted for the financing of a unit in any condominium in which Virginia Housing has not previously financed the purchase of any units, Exhibit U providing basic information about the condominium must be completed by the Unit Owners Association. The most recent financial statement and operating budget of the condominium (or, in the case of a newly constructed or converted condominium, a copy of the projected operating budget and a copy of the most recent financial statement, if any) must also be submitted. Virginia Housing will review the above described form and financial information. If on the basis of such review Virginia Housing finds the condominium to be acceptable, the condominium will be approved and the individual loan application will be processed. Exhibit U requires that the Unit Owners Association agree to submit to Virginia Housing upon its request, the condominium's annual financial statements, operating budget and other information as Virginia Housing may require. The association is also required to agree that Virginia Housing shall have a right to inspect the condominium and its records. The form states that failure to comply with the foregoing shall be grounds for Virginia Housing's termination of its approval of the condominium.

3. Each year Virginia Housing will send Exhibit V to the Unit Owners Association requesting information concerning the condominium including a statement as to the status of the VA, FNMA and/or FHLMC approvals and a copy of the condominium's financial statement and operating budget. The association will be advised that if the request for information is not received within 90 days from the date of the request, Virginia Housing may terminate its approval of the condominium. Virginia Housing will review the financial statement and operating budget and the questionnaire and if the condominium remains in satisfactory condition, Virginia Housing will continue to make mortgage loans on the units subject to the limitations in paragraph 4 below. In the event Virginia Housing determines a condominium is not in satisfactory condition, the Unit Owners Association will be given 60 days to correct the deficiencies. If the deficiencies are not corrected to the satisfaction of Virginia Housing, the condominium will no longer be approved for financing. The requirements and procedures in this section will also apply to condominiums previously approved by Virginia Housing.

4. If a condominium is approved by FNMA, Virginia Housing will make mortgage loans on no more than 50% of the units in the condominium. If the condominium is not approved by FNMA, Virginia Housing will make mortgage loans on no more than 25% of the units in the condominium. If a condominium is to be phased, the foregoing percentage limits will be applied to each phase until all phases are completed. If the condominium has

been previously approved by Virginia Housing and exceeds the foregoing percentage limitations, Virginia Housing will make no further mortgage loans for the purchase of the units in the condominium until such time as its percentage limits are no longer violated.

DEPARTMENT OF TAXATION

Title of Regulations: VR 630-2-325. Individual Income Tax: Taxable Income of Nonresidents; VR 630-2-332. Individual Income Tax: Credit for Income Taxes Paid to Another State.

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

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

Summary:

These amended regulations change the requirement in the present regulations, adopted September 19, 1984, which provide that individuals are not entitled to claim a credit for taxes paid another state for corporate income taxes paid by an S corporation in which they are a shareholder. These amended regulations conform the regulations to the legislative change made by the 1985 General Assembly which allows individuals to claim this credit for taxable years beginning on and after January 1, 1985.

VR 630-2-325. Individual Income Tax: Taxable Income of Nonresidents.

§ 1. Generally.

The Virginia taxable income of a nonresident individual, partner, shareholder or beneficiary is Virginia taxable income computed as a resident multiplied by the ratio of net income, gain, loss and deductions from Virginia sources to net income, gain, loss and deductions from all sources.

§ 2. Net income, gain, loss and deductions.

As used in this regulation, "net income, gain, loss and deductions" includes income, gain, loss and deductions attributable to (i) the ownership of any interest in real or tangible personal property; (ii) the conduct of a business, trade, profession or occupation; (iii) wages, salary, and tips; and (iv) income from intangible personal property employed by an individual in a business, trade, profession or occupation. Net income, gain, loss and deductions includes interest income, dividends (less the exclusion allowed by IRC § 116), business income and loss, capital gains or losses (subject to the 60% long-term capital gains provisions of IRC § 1202), supplemental gains and losses, pensions and annuities (to the extent subject to federal

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taxation), rents, royalties, income from partnerships, estates, trusts, and subchapter S corporations, farm income and loss, unemployment compensation (to the extent subject to federal taxation), interest on obligations of states other than Virginia, lump sum distributions, and other income such as gambling winnings, prizes and lottery winnings. "Net income, gain, loss and deductions from Virginia sources" means that attributable to property within Virginia, or to the conduct of a trade, business, occupation or profession within Virginia. Net income, gain, loss and deductions from Virginia sources includes salary, tips or wages earned in Virginia, gain on the sale of property located in Virginia, income or loss from a partnership, estate, trust, or subchapter S corporation doing business in Virginia, and income from intangible personal property employed by an individual in a business, trade, profession, or occupation carried on in Virginia.

EXAMPLE 1: Taxpayers A and B, a married couple filing a joint return, are residents of State X. Their income and deductions for taxable year 1984 consist of the following:

Wages and Salary	\$30,000
Interest on State X obligations	5,000
40% of capital gain on sale of Va. property	65,000
Itemized Deductions (include 500 in Va. income tax)	10,000
Income from Va. Subchapter S corp.	15,000
Interest on savings account in Va. bank	5,000
Rent received from Va. property	10,000

A and B are entitled to claim 4 personal exemptions and their FAGI is \$125,000. Their nonresident Virginia taxable income is computed as follows:

Step 1: Income computed as a resident

	FAGI		\$125,000
Less:	Itemized deductions (9,500)		
	(Reduced by \$500 Va. income tax deduction)		
	Exemptions (2,400)	(11,900)	
Plus:	Interest on State X obligations	5,000	
	Va. income computed as Resident	\$118,000	

Step 2: Ratio of net income gain, loss and deductions from all sources to Virginia sources.

	All Sources	Virginia Sources
Wages and Salary	\$30,000	-0-
Interest on State X obligations	5,000	-0-
Capital Gain	65,000	\$65,000
Va. Subchapter S corporation distribution	15,000	15,000
Interest from savings	5,000	-0-
Rent	10,000	10,000

Totals \$130,000 \$90,000

Va. Source income = \$ 90,000 X 69.2%
Income from All Sources..130,000

Step 3: Computation of Virginia taxable income.

\$118,100 X 69.2% = \$81,725
(Income computed as Resident)

EXAMPLE 2: Taxpayer D, a single individual, is a resident of State Y. His income and deductions for taxable year 1984 consist of the following:

Wages and Salary	\$50,000
Taxable Annuity	15,000
Loss from Va. partnership	(20,000)
Loss from sole proprietorship (in State Y)	(10,000)
Dividends received (exclusion taken)	20,000
40% of capital gain on sale of State Y property	60,000
Itemized Deductions (include 2,000 in Va. income tax)	22,000

D is age 66 and is entitled to claim one exemption in addition to the additional \$400 exemption for taxpayers age 65 and over. D's FAGI for 1984 is \$115,000 and Virginia taxable income as computed as follows:

Step 1: Income computed as resident

	FAGI		\$115,000
Less:	Itemized deductions (20,000)		
	(Reduced by \$2,000 Va. (income tax deductions)		
	Personal Exemptions (1,600)	(21,000)	
	Income Computed as Resident	\$ 93,400	

Step 2: Ratio of net income gain, loss, and deductions from all sources to Virginia sources.

	All Sources	Virginia Sources
Wages and Salary	\$ 50,000	-0-
Taxable Annuity	15,000	-0-
Partnership Loss	(20,000)	(\$20,000)
Sole Proprietorship Loss	(10,000)	-0-
Dividends Received	20,000	-0-
Capital Gain	60,000	-0-
Totals	\$115,000	(\$20,000)

Va. Source income = (\$ 20,000) X -17.4%
Income from All Sources..115,000

Step 3: Computation of Virginia taxable income

\$93,400 X - 17.4% = \$0

Since the ratio of net income gain, loss and deductions from all sources to Virginia sources is less than 0 due to the Virginia source loss, D has no Virginia taxable income.

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EXAMPLE 3: H and W, a married couple filing a joint return are residents of State W. Their income and deductions for taxable year 1984 consisting of the following:

Wages and Salary	\$12,000
Loss from State W. Farm	(8,000)
Interest on State W obligations	30,000
40% of capital gain on sale of Va. property	4,000
Taxable Annuity	6,000
Itemized Deductions	6,000

H and W are entitled to claim 6 exemptions and the FAGI for 1984 is \$14,000. Their Virginia taxable income is computed as follows:

Step 1: Income computed as resident

FAGI		\$14,000
Less: Itemized deductions (6,000)		
Personal Exemptions (3,600)	(9,600)	
Plus: Interest on State W obligations	30,000	<u>20,400</u>
Income Computed as Resident		\$34,400

Step 2: Ratio of net income gain, loss, and deductions from all sources to Virginia sources.

	<u>All Sources</u>	<u>Virginia Sources</u>
Wages and Salary	\$12,000	-0-
Farm Loss	(8,000)	-0-
State W obligations interest	30,000	-0-
Capital Gain	4,000	4,000
Taxable Annuity	6,000	6,000
Totals	\$44,000	\$10,000

Va. Source income = \$10,000 = 22.7%
Income from All Sources - 44,000

Step 3: Computation of Virginia taxable income

\$34,400 x 22.7% = \$7,809

§ 3. Nonresident shareholders in ~~Subchapter~~ S corporations.

A nonresident individual who is a shareholder in an electing small business corporation (~~Subchapter~~ S corporation) must include in Virginia taxable income his ~~her~~ share of the taxable income of such corporation. Such nonresident shareholder shall deduct from Virginia taxable income, his ~~her~~ share of the net operating loss of an ~~Subchapter~~ S corporation. The amount to be included or deducted shall be that which is attributable to a business, trade, profession or occupation carried on in this state. ~~A nonresident shareholder may not claim a credit for tax paid by the corporation to any other state.~~

* * * * *

Title of Regulation: VR 630-2-332. Individual Income Tax: Credit for Income Taxes Paid to Another State.

§ 1. Generally.

A credit for income tax paid to another state may be allowed to residents and nonresidents who are liable for Virginia income tax, subject to certain limitations and restrictions set forth below. The credit provided by this section is applicable only to income tax paid to another state and does not apply to taxes paid to any foreign country. This credit is further inapplicable to taxes imposed by any city, county, regional or other local taxing jurisdiction regardless of the fact that such local tax may be collected by a state.

1. Taxable year. The credit for residents and nonresidents is allowable only with respect to income tax liability to another state incurred within the same taxable year as the liability is incurred to Virginia. For example, some states tax employee contributions to certain retirement plans at the time of contribution despite the fact that such amounts are not includible in federal adjusted gross income until withdrawn. Therefore an individual who is a nonresident of Virginia at the time he makes a contribution may be required to pay tax to his state of residence on such contribution. If the individual is a Virginia resident at the time the contributions are withdrawn and includible in FAGI, he will be liable to Virginia for tax on the amount withdrawn during the taxable year of withdrawal. In this instance, no credit may be claimed for tax paid to the former state of residence unless such tax liability was incurred within the same taxable year as the liability to Virginia.

2. Nonrefundable credit. The credit allowed to residents and nonresidents may not exceed the individual's Virginia tax liability, i.e., the credit is nonrefundable, and no excess may be carried forward or back to other taxable years.

§ 2. Residents.

A. Generally.

Any resident of Virginia who has become liable for and paid income tax to another state may be eligible for a credit against his Virginia income tax liability for all or a portion of the liability to the other state, subject to the qualifications set forth in subsections ~~(2)~~ B. through ~~(4)~~ D. of this section.

B. Qualifying income.

1. Generally. Only an income tax paid to another state on earned or business income from sources outside of Virginia qualifies for the credit.

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2. **Earned income.** For purposes of this credit, the term "earned income" shall mean wages, salaries, or professional fees and other amounts received as compensation for professional services actually rendered, but does not include that part of the compensation derived by the taxpayer for personal services rendered by him to a corporation which represents a distribution of earnings or profits rather than a reasonable allowance as compensation for the personal services actually rendered. Earned income does not include interest or dividend income, capital gains, income from investments, or similar types of passive income.

3. **Business income.** For purposes of this credit, the term "business income" shall mean income derived from an activity which constitutes a "business" for federal income tax purposes for which a federal Schedule C, E or F must be filed. For example a sole proprietorship, provided that if the business incurred a loss such loss would be allowable under federal law. Thus income from hobbies and other activities not engaged in primarily for profit is not business income even though a Schedule C, E, or F may be filed for such activities.

C. Nature of tax imposed by other state.

The credit may be claimed with respect to an income tax liability incurred on non-Virginia source income to another state. A credit may not be claimed by an individual for tax imposed by another state on a distributing entity e.g., a ~~Subchapter~~ S corporation, an estate, regulated investment company or a trust in which the individual is a beneficiary or shareholder.

1. *S corporation. Effective for taxable years beginning on and after January 1, 1985, the amount of state income tax paid by an electing small business corporation (S corporation), paid to a state that does not recognize the federal S election, shall be attributable to the individual shareholders. The amount of tax paid to such state shall be allocated to each shareholder in proportion to his share of ownership of the S corporation stock.*

D. Limitations.

1. **Amount.** The amount of this tax credit is limited to the lesser of: (i) the tax actually paid to another state on non-Virginia source income; or (ii) the amount of tax actually paid to another state which is equivalent to the proportion of income taxable in such state to Virginia taxable income (computed prior to the credit). The following examples illustrate this concept.

EXAMPLE 1: Taxpayer A, a Virginia resident, has taxable income of \$25,000 derived from the operation of a sole proprietorship business in State W, upon which tax is paid to State W in the amount of \$1,750. A's Virginia taxable income is \$50,000, resulting in a

tax liability, before computation of the credit, of \$2,655. A may claim a credit for tax paid to State W of \$1,327.50 computed as follows:

$$\begin{array}{r} \text{Income on which tax computed in State W} = 25,000 = \\ 50\% \\ \text{Virginia taxable income} \qquad \qquad \qquad 50,000 \end{array}$$

$$\text{Ratio X Va. tax liability (above)} = 2,655 \times 50\% = \$1,327.50$$

Since the amount computed proportionally is less than the tax actually paid to State W, the credit is limited to \$1,327.50.

EXAMPLE 2: Taxpayer B, a Virginia resident, has taxable income of \$18,000 from wages earned in State Z, upon which tax is paid to State Z of \$630. B's Virginia taxable income is \$20,000 resulting in a Virginia tax liability, before computing this credit, of \$930. B may claim a credit for tax paid to State Z of \$630, computed as follows:

$$\begin{array}{r} \text{Income upon which tax computed in State Z} = 18,000 = \\ 90\% \\ \text{Virginia taxable income} \qquad \qquad \qquad 20,000 \end{array}$$

$$\text{Ratio (above) X Va. tax liability} = \$930 \times 90\% = \$837$$

Since the tax actually paid to State Z is less than the amount computed proportionally, B is entitled to a credit for the full amount of tax paid to State Z.

EXAMPLE 3: XYZ Corporation is a corporation incorporated under the laws of Virginia. It has elected S corporation status under the provisions of I.R.C. § 1372. XYZ Corporation does business in Virginia and North Carolina; therefore, it has both Virginia source income and North Carolina source income. Since North Carolina does not recognize the federal S election, XYZ Corporation apportions its state income as required by North Carolina to determine the amount of income tax it owes to North Carolina. Because Virginia recognizes the federal S election, XYZ Corporation pays no corporate income tax to Virginia. Taxpayers A, B and C, all Virginia residents, own all of the shares of stock in XYZ Corporation. They own 45, 30 and 25 shares of stock in XYZ Corporation respectively. Their share of the income on which the North Carolina income tax is computed and their share of the credit for income tax paid to another state, is computed as follows:

Total ordinary income of S corporation	\$10,000
Income on which North Carolina tax is computed	\$ 4,000
Tax paid North Carolina by XYZ Corporation @ 6%	\$ 240

	Taxpayer A	Taxpayer B	Taxpayer C
Share of			

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ownership 45/100 30/100 25/100
 Share of income on which
 North Carolina tax is computed
 $45/100 \times \$4000 = \1800 $30/100 \times \$4000 = \1200 $25/100 \times \$4000 = \1000

Share of
 North Carolina tax
 $45/100 \times \$240 = \108 $30/100 \times \$240 = \72 $25/100 \times \$240 = \60

2. Nonresident credit granted by other state. No credit is allowable to a resident for any tax paid to another state if such state allows the taxpayer a credit against his liability for tax paid to Virginia and such credit is similar to that afforded to nonresidents by Virginia.

NOTE: As of the adoption date of the regulations September 19, 1984, Virginia residents may not claim a credit against Virginia income tax for tax paid to Arizona, California, District of Columbia, Maryland, New Mexico or West Virginia since these states allow Virginia residents a nonresident credit for tax paid to Virginia.

§ 3. Nonresidents.

A. Generally.

Any nonresident of Virginia who has become liable to his state of residence for income tax upon his Virginia taxable income may be eligible for a credit against Virginia income tax liability for all or a portion of such liability, subject to the qualifications set forth in subsections (2) through (4) below.

(NOTE: Currently only residents of Arizona, California, District of Columbia, Maryland, New Mexico and West Virginia may claim this credit.)

B. Qualifying income.

Tax payable to another state on income from Virginia sources which is subject to Virginia income tax may be creditable in whole or in part, against an individual's Virginia income tax liability.

C. Credit amount.

The amount of credit allowed is computed by determining the ratio of Virginia taxable income to taxable income in the taxpayer's state of residence multiplied by the tax paid to such other state. The following examples illustrate the computation of this credit.

(NOTE: All of the following examples assume that State X is either Arizona, California, D.C., Maryland, New Mexico, or West Virginia.)

EXAMPLE 1: Taxpayer A, a resident of State X is a single individual who does not itemize deductions. A has income from all sources (in this case, equal to

FAGI) of \$20,000, taxable in State X to which A is liable for \$800 in tax. \$15,000 of this income is derived from Virginia sources and is taxable in this state. The credit allowed is computed as follows:

FAGI = \$20,000
 Less: Personal Exemption (600)
 Standard Deduction (2,000)
 = Va. taxable income computed as a resident = \$17,400

Nonresident taxable income =
 $17,400 \times \frac{(15,000 - \text{Va. source income})}{20,000 \text{ Income from all sources}} = \$13,050$

Virginia tax liability on \$13,050 = \$530.81

Available Credit = Va. taxable income
 Income taxable to residence state X Tax imposed by residence state

= $\frac{13,050}{20,000} \times 800 = \522

Credit Allowed = \$522 and A would be liable to Virginia for \$8.81 in tax.

EXAMPLE 2: Assume the same facts as Example 1 except that \$10,000 in income is derived from Virginia sources and a tax liability of \$1,000 is incurred to State X. The credit allowed is computed as follows:

Va. taxable income computed as a resident = \$17,400

Nonresident taxable income =
 $17,400 \times \frac{(10,000 - \text{Va. source income})}{20,000 \text{ Income from all sources}} = \$8,700$

Virginia tax liability on \$8,700 = \$304.88

Available credit = Va. taxable income
 Income taxable to residence state X Tax imposed by residence state

= $\frac{8,700}{20,000} \times 1,000 = \435

Credit allowed = \$304.88 (Credit is limited to Virginia tax liability.)

EXAMPLE 3: Taxpayer J, a resident of State X has total income (in this case, equal to FAGI) of \$50,000, \$30,000 of which is 40% of a long-term capital gain from the sale of property located in Virginia. J is single and has \$5,000 in itemized deductions. State X disallows the federal 60% deduction for long-term capital gains, thus J's taxable income in State X is \$95,000 (50,000 + additional 45,000 on capital gain) and is liable to State X for tax of \$3,800. The Virginia credit allowed is computed as follows:

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FAGI = 50,000
Less: Personal Exemption (600)
Itemized Deduction (5,000)
Va. taxable income computed as a resident = \$44,400

Nonresident taxable income = $44,400 \times \frac{50,000}{30,000 + 50,000}$ = \$26,640
Income from all sources

Virginia tax liability on \$26,640 = \$1,311.80

Available Credit = $\frac{\text{Va. taxable income}}{\text{Income taxable to residence state}} \times \text{Tax imposed by residence state}$

= $\frac{26,640}{95,000} \times 3,800$ = 1,065.60

Credit allowed = \$1,065.60 and A would be liable to Virginia for \$246.20 in tax.

D. Limitations.

No credit shall be allowed to nonresidents unless their state of residence:

1. Grants Virginia residents a credit for tax liability to such state which is substantially similar to that granted by Virginia to nonresidents. For purposes of this section a "substantially similar" credit is a credit to Virginia residents for Virginia tax liability on income from sources within such other taxing jurisdiction. If another state grants a credit which is limited to certain types of income, e.g., only earned income, the nonresident credit may be granted only upon review by the Tax Commissioner; or

2. Imposes a tax on the Virginia source income of its residents and exempts Virginia residents from taxation. The fact that the laws of another state do not impose an income tax on Virginia residents does not constitute an exemption under the meaning of this subsection. This subsection allows a credit only where a nonresident taxpayer's state of residence imposes a net income tax similar to that imposed by Virginia and exempts Virginia residents from such tax.

* * * * *

Title of Regulations: VR 630-10-18.1. Catalogs and Other Printed Materials; VR 630-10-86. Printing.

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

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

Summary:

These proposed regulations set forth the application of the sales and use tax to brochures, letters, reports, and similar printed materials produced for use outside the Commonwealth, as well as the application of the tax to the production and sale of printing in general.

VR 630-10-18.1. Catalogs and Other Printed Materials.

§ 1. Definitions.

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

"Administrative supplies" means, but is not limited to, letterhead, envelopes and other stationery, invoices, billing forms, payroll forms, price lists, time cards, computer cards, certificates, business cards, diplomas, and awards. The term also includes supplies for internal use by the purchaser, such as menus, calendars, datebooks, desk reminders, appointment books, and employee newsletters.

"Other printed materials" means items which are similar to catalogs and which are used in advertising tangible personal property for sale. Brochures, leaflets, and similar items are examples of other printed materials, but price lists, merchandising displays, floor racks, and similar items are not.

"Similar printed materials" means printed materials used for promotional purposes, except administrative supplies.

A. § 2. Generally.

The tax does not apply to catalogs and other printed materials or to paper furnished to a printer for fabrication into catalogs and other printed materials used in advertising tangible personal property for sale, and any envelopes, containers and labels used for packaging and mailing them, when stored for 12 months or less in the state and distributed for use outside this state.

The tax does not apply to catalogs and other printed materials, and envelopes, containers and labels for mailing unless the materials meet all three of the following conditions:

1. The materials will be stored in Virginia for less than 12 months;
2. The materials will be distributed for use outside Virginia; and
3. The materials will be used for advertising the sale of tangible personal property.

As explained in detail in regulation VR 630-10-86.H, letters, brochures, reports, and similar printed materials, other than administrative supplies, are exempt from the tax from July 1, 1986 to June 30, 1990, provided such materials (i) will be stored in Virginia for less than 12

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months and (ii) will be distributed for use outside Virginia. Examples of taxable and exempt printed materials are listed in VR 630-10-86.H. It should be noted that some items not qualifying for exemption as catalogs and other printed materials may qualify for the exemption explained here and in regulation VR 630-10-86.H.

B. Other printed materials defined.

As used in this regulation, the term "other printed materials" means items which are similar to catalogs and which are used in advertising tangible personal property for sale. Brochures, leaflets, and similar items are examples of other printed materials. "Other printed materials" does not include price lists, merchandising displays, floor racks and similar items which are not similar to catalogs.

The tax does apply to any type of property or materials other than catalogs and printed materials, and envelopes, containers and labels used for packaging and mailing them. Section added 1/79; section revised 1/85 , 7/86 .

* * * * *

VR 630-10-86. Printing.

§ 1. Definitions.

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

"Administrative supplies" means, but is not limited to, letterhead, envelopes and other stationery, invoices, billing forms, payroll forms, price lists, time cards, computer cards, certificates, business cards, diplomas, and awards. The term also includes supplies for internal use by the purchaser, such as menus, calendars, datebooks, desk reminders, appointment books, and employee newsletters.

"Consumer printing" means the production or fabrication of printed matter for one's own use or consumption and not for resale.

"Custom printing" means the production or fabrication of printed matter in accordance with a customer's order of copy for the customer's use or consumption.

"Publisher printing" means the printing of books, newspapers, magazines or other periodicals for sale or resale by the publisher-printer and includes the printing of a "publication" as defined in VR 630-10-73 which is distributed free of charge.

A. § 2. Generally.

The printing of tangible personal property for sale or resale is deemed to be industrial manufacturing. Therefore, to the extent relevant, the provisions of VR 630-10-63 apply to printing *except as otherwise noted* .

B. § 3. Custom printing.

1. Custom printing defined. Custom printing is the production or fabrication of printed matter in accordance with a customer's order or copy for the customer's use or consumption.

2. A. Sales.

Unless otherwise noted, the sale of custom printing is the *represents a taxable* sale of tangible personal property. The tax is computed on the total invoice charge made on the transaction. The total invoice charge includes the charge made for any engraved, lithoplated, or other type photoprocessed plate, die, or mat involved in the printing and includes the charge made for printing and imprinting when the customer ~~furnished~~ *furnishes* the printing stock. The printer must add the amount of the tax to the invoice charge.

3. B. Purchases.

Purchases by the printer of items which become part of the printed matter for sale or resale are not subject to the tax. Examples of such property include ink, printing stock, staples, stapling wire, binding twine, and glue. Purchases by the printer of items used directly in the production of tangible personal property for sale or resale are similarly not subject to the tax. Examples of such items ~~included~~ *include* engraved, photo-processed, lithoplated, or any other type of plate, die or mat, machinery and tools and their replacement parts, blotting papers, drying papers, and typesetting.

C. Consumer printing.

1. Consumer printing defined. Consumer printing is the production or fabrication of printed matter for one's own use or consumption and not for resale.

2. Purchases. Consumer printing is not the production of printed matter for sale or resale. Therefore, the tax applies to all purchases by persons engaged in consumer printing , *except as provided in subsections F and G below.*

D. Publisher printing.

1. Publisher printing defined. Publisher printing is the printing of books, newspapers, magazines or other periodicals for sale or resale by the publisher printer and includes the printing of a "publication" as defined in § 630-10-73 which is distributed free of charge.

2. I. Sales.

A publisher-printer making retail sales of books, etc., must add the tax to the charge. He must register as a dealer and collect and pay the tax. But the sale of any publication issued daily, or regularly at average intervals not exceeding three months is exempt from

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the tax, except as to the newsstand sales thereof (See VR 630-10-73).

3. 2. Purchases.

The tax applies to purchases by publisher-printers in the same manner as that set forth in ~~Subsection (B)(3)~~ ~~above~~ § 3 relating to custom printing. The manufacturing exemption set forth in VR 630-10-63 applies to the necessary ancillary activities of newspaper and magazine printing when such activities are performed by the publisher of any newspaper or magazine defined as a publication under VR 630-10-73.

E. Materials furnished to printers.

The tax does not apply to paper, ink, and other materials furnished to printer that will become component or ingredient parts of products fabricated by the printer. Materials, such as photographs and plates, that are furnished by customers, but do not become a part of the printer's finished product, are taxable.

F. Catalogs and other printed advertising materials.

The tax does not apply to catalogs and other printed materials when distributed for use outside the state after storage in Virginia for one year or less. The tax also does not apply to the envelopes, containers, and labels used to package and mail the catalogs and printed materials exempted above. This exemption applies to materials printed for one's own use or consumption as well as materials printed for sale or resale, provided that such materials are used outside the state after storage here for less than one year.

For a more detailed description of the statutory exemption for catalogs and other printed advertising materials, including a description of the materials qualifying for exemption, see regulation VR 630-10-18.1.

G. Letters, brochures, reports and similar printed materials.

1. Generally.

From July 1, 1986 to June 30, 1990, letters, brochures, reports, and similar printed materials (except "administrative supplies" as defined in § 1. Definitions, are exempt from the tax when stored for 12 months or less in Virginia and mailed to or distributed outside of Virginia. Neither does the tax apply to the envelopes, containers, and labels used to package and mail the materials exempted as well as materials printed for sale or resale.

2. Administrative supplies.

Administrative supplies as defined in § 1. Definitions, are subject to the tax when sold at retail. The only administrative supplies that are not taxable are those

that become an integral part of the exempt printed materials described above and in subsection D. For example, letterhead upon which fundraising or promotional letters are printed, return envelopes enclosed with fundraising letters, and price lists enclosed within catalogs advertising tangible personal property for sale or resale are not taxable.

3. Examples of exempt printed materials.

When stored in Virginia for 12 months or less and mailed to or distributed outside of Virginia, the following printed materials are exempt from the tax:

Fund raising and promotional letters, circulars, folders, brochures, and pamphlets, including those for charitable, political, and religious purposes;

Corporate stockholder meeting notices;

Proxy materials and enclosed proxy cards;

Meeting and convention promotional materials;

A business prospectus;

Corporate monthly, quarterly, and annual stockholder reports;

Announcements, invitations and informational pieces for external promotional purposes;

Greeting cards, brochures, menus, calendars, datebooks, desk reminders, appointment books, art prints, and posters for external promotional purposes; and

Printed point-of-purchase sales devices, including display racks, animated and action pieces, posters and banners.

The foregoing list is merely illustrative of exempt printed items and is not designed to be all inclusive.

H. Sales of printing to customers outside of Virginia.

The sale and delivery of printing from a Virginia printer to a customer outside the Commonwealth is not taxable, provided the conditions set forth in VR 630-10-51 on interstate commerce are met. Except as provided in subsections E and F above, however, the delivery to a customer of printing in Virginia by any means is taxable. For example, a taxable transaction occurs when an out-of-state customer sends a truck into Virginia to pick up materials sold to him by a Virginia printer. The tax would not be due in a similar situation, however, if the printer shipped the materials to the out-of-state customer by common carrier of the U.S. mail. When a customer purchases printing and directs the printer to ship materials to the customer's business location both within and without Virginia, the tax is applicable only to the materials

Proposed Regulations

delivered to the Virginia locations. On the other hand, the tax is applicable in full when printing is delivered to a central storage facility in Virginia for subsequent distribution to facilities outside the Commonwealth, except as otherwise noted in subsections E and F above.

I. Sales for resale.

Sales of printing to customers for resale by them are not taxable, provided that the printer is furnished a resale exemption certificate by the purchaser. An example of an exempt sale for resale is the sale of labels that will be affixed to canned goods, clothing, or other items of tangible personal property that will be sold to consumers. Also exempt are bags, boxes, and other printed materials used to package products for sale of resale.

E. J. Photocopying.

As used in this regulation, the term "printing" does not include photocopying or photostating of copies. For the tax application to these activities, see § 630-10-82. The sale of photocopies and photostats represents the taxable sale of tangible personal property. "Quick printers" and persons operating photocopy or photostating machines primarily for the reproduction of copy furnished by customers are not industrial manufacturers and are not entitled to exemption from the tax on machinery and tools used in their businesses. Such persons may purchase exempt from the tax only those items, such as paper, that will become ingredient or component parts of the finished products they sell. The application of the tax to photocopying is also described in VR 630-10-82.

For publications, see VR 630-10-73; for manufacturers, see VR 630-10-73; for typesetting, see VR 630-10-108.1. Section revised 1/85 , 7/86 .

Title of Regulation: VR 630-28-796.13 through VR 630-28-796.27. Virginia Cattle Assessment Regulations.

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

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

Summary:

The proposed regulation details when the Virginia Cattle Assessment applies, who collects it and remits it to the Department of Taxation, what registration and records are required, and the penalty for failure to comply.

VR 630-28-796.13 through VR 630-28-796.27. Virginia Cattle Assessment Regulations.

VR 630-28-796.13.

§ 1. Definitions.

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

"Cattle" means beef cattle sold in Virginia for slaughter or feeding purposes, veal calves sold for slaughter or feeding purposes and dairy cattle being sold for immediate slaughter, providing such beef cattle, veal calves, or dairy cattle are sold for a consideration of \$20 or more per head.

"Handler" includes operators of all stockyards, livestock dealerships, slaughter houses, packing plants and livestock auction markets or any other person or business entity purchasing cattle from a producer. A "handler" is deemed to be the handler at the point at which the cattle are weighed or traded and the value determined.

"Processor" or "packer" means any person, firm, corporation, association or cooperative who or which slaughters cattle.

"Producer" means a person, firm, corporation, association, or cooperative and any and all other business units, devices and arrangements which are engaged in the business of raising cattle, or who or which sell dairy cattle for slaughter. "Producer" includes anyone who raises cattle, even if only one or two cows on an occasional basis.

"Sale" means the transfer of ownership of cattle for consideration. A sale is deemed to occur at the time and place the cattle are weighed for purchase and their purchase weight recorded; or, for cattle not sold by weight, the time and place where the buyer takes possession.

"Sold in Virginia" means a sale which occurs in Virginia.

"Tax Commissioner" means the chief executive officer of the Department of Taxation or his delegate.

VR 630-28-796.25. Tax Commissioner Authorized to Collect Assessment on Cattle Sold.

§ 1. Imposition of assessment.

An assessment of \$.25 per head is imposed on all cattle and calves sold in Virginia. The handler is required to pay this assessment to the Tax Commissioner.

§ 2. Exemption from assessment.

The assessment does not apply to dairy cows going back to the farm for milk production, to beef cattle sold for breeding purposes, or to any animals selling for less than

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\$20 per head.

§ 3. Collection from handlers.

The handlers shall deduct this assessment from the proceeds of sale owed by them to the respective owners of cattle. This requirement applies to all handlers, whether first or subsequent handlers. Because the assessment is imposed on each sale, the assessment may be collected more than once with respect to a single head of cattle. For example, the Virginia cattle industry has basically three phases: (i) cow-calf producer, (ii) stocker operator, and (iii) cattle feeder. The calves, born on the producer's farm, are sold to a stocker operator at time of weaning. The operator grows the calf to a weight heavy enough to sell to a cattle feeder. The feeder feeds the cattle on grain and sells them to a packing plant. Thus, in this scenario, the cattle are sold three times and the assessment is collected at each time of sale.

§ 4. Sold in Virginia.

The assessment applies to every sale of cattle which takes place in Virginia, regardless of the location of the cattle before or after the sale. For example, if a representative of a slaughter house buys cattle for slaughter outside of Virginia, and the cattle are weighed for purchase and their purchase weight recorded in Virginia, then the cattle are sold in Virginia and the assessment applies. Similarly, if the cattle are produced outside Virginia but brought into Virginia for weighing and recording their weight, the sale has occurred in Virginia and the assessment applies.

* * * * *

VR 630-28-796.26. Reports to Tax Commissioner; Collection and Disposition of Assessment; Records to be Kept by Handlers.

§ 1. Registration.

All handlers must register with the Tax Commissioner by submitting a registration application to the Department of Taxation, Registration Unit, P.O. Box 6-L, Richmond, Virginia 23282.

§ 2. Reports and payment of assessment.

The handler must make reports (on forms furnished by the Department of Taxation) and remit to the Department of Taxation the assessment collected pursuant to § 3.1-796.25 of the Code of Virginia. The returns will cover periods of three months (January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31) and will be due on or before the last day of the month following the period. The assessment is due and payable to the Department of Taxation with the quarterly return. For example, April 30 is the due date for the return and assessment collected for the period January 1 through March 31. The returns shall

be filed with the Department of Taxation, P.O. Box 2185, Richmond, Virginia 23217-2185.

§ 3. Records.

Each handler must keep a complete record of all cattle handled by him and must preserve the records for a period of not less than three years following the date the assessment is reported on such cattle. The Tax Commissioner or his duly authorized agents shall be permitted to inspect such records, and any books, papers or other documents to verify the truth and accuracy of any return, statement or other relevant information. Such inspection may occur during usual business hours, or at another reasonable time upon reasonable notice.

* * * * *

VR 630-28-796.27. Collection of Delinquent Assessments; Misdemeanors.

§ 1. Failure to pay assessment.

If the assessment remains unpaid after the due date, the Department of Taxation shall notify the violator of the assessment deficiency and add a penalty of 5.0% of the assessment due. The Tax Commissioner may waive all or part of the penalty in his discretion for good cause.

§ 2. Interest.

If the assessment and penalty is not paid within 30 days from the date of such notice, interest at the rate established by § 58.1-15 of the Code of Virginia shall be added to the assessment and penalty from the original due date of the assessment. Interest continues to accrue on the total amount of assessment, penalties and interest if not paid within 30 days from the date of the first interest-imposing notice.

§ 3. Collection actions.

If any person is delinquent in paying assessment, penalty or interest, the Tax Commissioner may request the Attorney General of Virginia to institute a civil action in the name of the Commonwealth of Virginia. Any person adjudged to be in default shall pay the cost of the action.

§ 4. Misdemeanors.

It is a misdemeanor for a first handler (i) to fail to submit to the Tax Commissioner any required statement or report within 60 days of its due date; or (ii) knowingly to report falsely to the Tax Commissioner the number of assessable cattle handled by him during any period or to falsify the records.

Proposed Regulations

FORM CAT-1
6201270
REV 7-85

VIRGINIA CATTLE TAX RETURN
VIRGINIA DEPARTMENT OF TAXATION
P.O. BOX 2185 RICHMOND, VIRGINIA 23217-2185
SEE INSTRUCTIONS ON REVERSE SIDE

OUT OF BUSINESS — INDICATE THE DATE YOUR BUSINESS WAS SOLD OR TERMINATED HERE →

QUARTER ENDING	FILING DATE	ACCOUNT NUMBER	TAX CODE
NAME AND ADDRESS			

1. NUMBER OF CATTLE AND CALVES HANDLED DURING QUARTER.	
2. NUMBER OF DAIRY COWS SOLD TO FARMERS FOR MILK PRODUCTION DURING QUARTER AND/OR CATTLE OR CALVES PURCHASED FOR LESS THAN \$20 PER HEAD DURING QUARTER.	
3. NUMBER OF CATTLE AND CALVES SUBJECT TO TAX (LINE 1 LESS LINE 2)	
4. TAX: LINE 3 TIMES 25*	
5. PENALTY: IF TAX NOT PAID BY DUE DATE ENTER 5% OF TAX HERE (LINE 4 TIMES 5%)	
6. TOTAL AMOUNT DUE AND PAYABLE (LINE 4 PLUS LINE 5)	

I declare that this return (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete return.

SIGNATURE _____
DATE _____ TELEPHONE NO. () _____

Proposed Regulations

STATE WATER CONTROL BOARD

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

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

Public Hearing Date: March 10, 1986 - 7 p.m.
(See Calendar of Events section for additional information)

NOTICE

Due to its length, Regulation No. 6, National Pollutant Discharge Elimination System (NPDES) Permit Program, filed by the State Water Control Board, is not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, a summary, in lieu of full text, explaining the proposed amendments to Regulation No. 6 (NPDES), is being published. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and the State Water Control Board.

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

Summary:

The regulation is designed to protect Publicly Owned Treatment Works (POTWs) and the environment from non-domestic wastewater that could either cause a treatment plant malfunction or contaminate receiving streams. Congress directed EPA to establish national standards for pretreatment of this wastewater. Municipalities are required to develop and implement plans for enforcing federal standards which govern industrial discharges of toxic pollutants to POTWs. These municipal plans must include industrial waste surveys; legal authorities; compliance monitoring; procedures for program administration and resources to carry out and maintain the program. Industries must comply with national standards; report the effectiveness of their pretreatment facilities; submit baseline monitoring reports; submit compliance schedules to meet the standards; and submit compliance progress reports. The Commonwealth of Virginia will become the approval authority for the municipalities pretreatment program and retain responsibility for administering National Pretreatment Standards until the municipality has an approved program.

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

Statutory Authority: § 62.1-144.15(10) of the Code of Virginia.

Public Hearing Date: March 10, 1986 - 7 p.m.
(See Calendar of Events section for additional information)

Summary:

In accordance with § 62.1-44.15(10), the State Water Control Board intends to promulgate regulations for the issuance of a general permit to cover all registered discharges to state waters from groundwater heat pumps which are rated at 10 tons cooling/heating capacity or less, and which discharge less than 50,000 gallons per day.

VR 680-14-01. NPDES General Permit for Groundwater Heat Pumps.

§ 1. For the purposes of this regulation a groundwater heat pump is a device and its appurtenances which are utilized for the transfer of heat to and from groundwater. This transfer of heat can occur directly as to groundwater which is circulated through the heat pump or indirectly as with a closed loop system.

§ 2. Affected discharges. This permit governs discharges to state waters from groundwater heat pumps rated at 120,000 BTUH (10 tons) cooling/heating capacity or less, and which discharge less than 50,000 gallons per day.

§ 3. Authorization to discharge. Any owner utilizing a groundwater heat pump which meets the requirements of § 2 (Affected discharges) is hereby authorized to discharge to state groundwater in compliance with the installation and operating conditions (§ 5) set forth in this permit, provided that the owner has filed the registration statement of § 6 and has not been required to obtain an individual permit pursuant to § 6.66(c)(2) of Regulation No. 6.

§ 4. Effective dates. This permit is effective as to each affected owner upon the date of receipt by the board of a complete registration statement pursuant to § 6; the permit expires on

§ 5. Installation and operating conditions. The groundwater heat pump authorized by this permit shall comply with the following conditions:

1. All groundwater not involved in evaporation or consumption which is used by the heat pump shall be returned to the groundwater system (i.e. the same aquifer or water bearing formation) from which it originated.

2. No pollutants other than heat shall be added to the water before its return to groundwater. Biocides or other associated treatment chemicals shall not be added to the water before its return to groundwater.

Proposed Regulations

3. *The return and supply well or closed loop borehole(s) shall be so constructed as to prevent pollution of any groundwater.*

4. *Closed loop groundwater heat pump systems shall be filled with a nontoxic ingestible fluid such as propylene glycol solution.*

§ 6. *Registration statement required. Any owner desiring to be covered by this permit shall complete and file the attached registration statement with the board.*

§ 7. *Other requirements. Any owner discharging under this permit shall comply with the following requirements of Regulation No. 6: §§ 6.10 and 6.14.*

§ 8. *Authority; applicable regulation. This permit is promulgated under the authority of Virginia Code §§ 62.1-44.15(5), 62.1-44.15(10) and 62.1-44.16. This permit is governed by and issued pursuant to, and uses the definitions contained in, State Water Control Board Regulation No. 6 (1981).*

Proposed Regulations

REGISTRATION STATEMENT FOR GROUNDWATER HEAT PUMPS

1. Owners Name: _____
(Last) (First) (Middle)
2. Address: _____
(Street, P.O. Box, or Route)

(City) (State) (Zip)
3. Phone: _____
(Home) (Work)
4. Address of Heat Pump Location: _____

5. Is this system a closed loop system?
 groundwater source system?
 other (please specify) _____
6. Depth of Supply Well: _____
7. Depth of Return Well: _____
8. What is the rated capacity of your heat pump (BTUH or Tons heating/cooling capacity)?

9. Is the water returned to groundwater system from which it originated?

10. Are any pollutants other than heat ever added to groundwater from the system?
(eg: cleaning solutions, biocides) _____
If yes, specify what _____
11. For proposed construction, will the well(s) or borehole(s) be so constructed as
to prevent pollution of groundwater? _____
12. If a closed loop borehole(s) is used, is the loop filled with a non-toxic fluid
such as Propylene Glycol solution or water? _____

Certification:

I certify under penalty of law that I have examined the information submitted on this Registration Statement and that I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information.

Signature _____ Date _____

Proposed Regulations

* * * * *

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

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

Public Hearing Date: March 10, 1986 - 7 p.m.
(See Calendar of Events section for additional information)

Summary:

In accordance with § 62.1-44.15(10) of the Code of Virginia, the State Water Control Board intends to promulgate regulations for the issuance of a general permit to cover all registered discharges to state waters from sewage dischargers which are less than 1,000 gallons per day.

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

§ 1. *Affected discharges. This permit governs sewage discharges to state waters from treatment works that discharge less than 1,000 gallons per day on a yearly average.*

§ 2. *Authorization to discharge. Any owner of an affected treatment works is hereby authorized to discharge treated sewage to state waters in compliance with the effluent limitations and other requirements set forth in this permit, provided that the owner has filed the registration statement of § 5 and has not been required to obtain an individual permit pursuant to § 6.66(c)(2) of Regulation No. 6.*

§ 3. *Effective dates. This permit is effective as to any covered owner upon the date of receipt by the board of a complete registration statement pursuant to § 5; the permit expires on*

§ 4. *Effluent limitations. The discharge authorized by this permit shall comply with the following effluent limitations:*

BOD5 - 30 mg/1 max. in any grab sample

TSS - 30 mg/1 max. in any grab sample

pH - within the range 6.0 to 9.0 at all times

Continuous disinfection capability to meet a log mean of 200 fecal coliform bacteria per 100 ml of wastewater.

§ 5. *Registration statement required. Any owner desiring to be covered by this permit shall complete and file the registration statement, attached as Exhibit A, with the board.*

§ 6. *Other requirements. Any owner discharging under this permit shall comply with the following requirements of Regulation No. 6: §§ 6.4, 6.10, 6.14, 6.20, 6.50, 6.51, 6.52, and 6.66.*

§ 7. *Authority; applicable regulation. This permit is promulgated under the authority of Virginia Code §§ 62.1-44.15(5), 62.1-44.15(10), and 62.1-44.18. This permit is governed by and issued pursuant to, and uses the definitions contained in, State Water Control Board Regulation No. 6 (1981).*

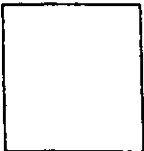
Proposed Regulations

REGISTRATION STATEMENT FOR SEWAGE DISCHARGES OF LESS THAN 1000 GALLONS PER DAY

1. Name of Facility/Residence _____
2. Location of Facility (City, or County) _____
3. Facility Owner
Last name _____ First name _____ Middle initial _____
4. Address of Owner
Street, PO Box, or Route _____ City _____ State _____ Zip _____
5. Phone
Home _____ Work _____
6. Location of Discharge (Stream into which discharge occurs) _____

Attach a topographic or other map which indicates discharge point, property boundaries, wells, downstream houses, etc.

7. Amount of Discharge (gallons per day) _____
8. Are any Pollutants other than domestic sewage to be discharged? Yes No
If yes, please indicate what _____
9. Show below a diagram of the existing or proposed sewage treatment system including individual units.



Building(House)



Certification:

I certify under penalty of law that I have examined the information submitted on this Registration Statement and that I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information.

Signature _____ Date _____

Proposed Regulations

* * * * *

NOTICE

Due to its length, the Water Quality Standards filed by the State Water Control Board, is not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, a summary, in lieu of full text, explaining the amendments to the Water Quality Standards, is being published. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and the State Water Control Board.

Title of Regulation: § 1.10 B.2 Water Quality Standards and Policy for Mercury in Freshwater.

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

Public Hearing Date: March 12, 1986 - 2 p.m.
(See Calendar of Events section for additional information)

Background:

Water quality standards consist of narrative statements that describe water quality requirements in general terms and of numeric limits for specific physical, chemical and biological water quality indicators such as bacteria. These statements and limits describe water quality necessary for reasonable, beneficial water uses such as swimming, propagation and growth of aquatic life, and domestic water supply.

Section 62.1-44.15(3) of the Code of Virginia authorizes the board to establish Water Quality Standards and Policies for any state waters consistent with the purpose and general policy of the State Water Control Law, and to modify, amend, or cancel any such standards or policies established. Such standards shall be adopted only after a hearing is held and the board takes into consideration the economic and social costs and benefits which can reasonably be expected to be obtained as a result of the standards as adopted, modified, amended, or cancelled.

Summary:

The proposed amendment to § 1.10 B.2 of the Water Quality Standard and Policy for Mercury in Freshwater revises the standard to require reporting levels of mercury in edible fish tissue in freshwater as "methyl" rather than "total" mercury.

In the November 19, 1984, issue of the Federal Register, the Food and Drug Administration (FDA) announced that a suitable analytical method now exists for determining methyl mercury content in fish for enforcement purposes. Consequently, the action level for mercury in edible fish tissue was changed. This change was made because methyl mercury had long

been recognized as the hazard to the consumer, but until recently no suitable analytical enforcement method existed.

The Food and Drug Administration (FDA) recently announced that a suitable analytical enforcement method now exists for analyzing the methyl mercury content in fish tissue. Due to this announcement by the FDA, the Health Department has indicated that it will require the reporting of all fish tissue data as methyl mercury rather than total mercury. In order to ensure compliance with the Health Department's new reporting requirement, the State Water Control Board will report all fish tissue data on the methyl mercury content. Enforcement actions will also be based on the methyl mercury content of the fish samples. Accordingly, § 1.10 B.2 of the Water Quality Standards will be amended to ensure compliance with the Health Department's new reporting requirement.

* * * * *

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

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

Public Hearing Dates: March 7, 1986 - 10 a.m.; March 12, 1986 - 2 p.m.
(See Calendar of Events section for additional information)

Background:

Water quality standards consist of narrative statements that describe water quality requirements in general terms and of numeric limits for specific physical, chemical and biological water quality indicators such as chlorine. These statements and limits describe water quality necessary for reasonable, beneficial water uses such as swimming, propagation and growth of aquatic life, and domestic water supply.

Section 62.1-44.15(3) of the Code of Virginia authorizes the State Water Control Board to establish Water Quality Standards and Policies for any state waters consistent with the purpose and general policy of the State Water Control Law, and to modify, amend, or cancel any such standards or policies established. Such standards shall be adopted only after a hearing is held and the board takes into consideration the economic and social costs and benefits which can reasonably be expected to be obtained as a result of the standards as adopted, modified, amended, or cancelled.

Summary:

The proposed standard sets an instream concentration of 11 parts per billion (ug/l) total residual chlorine in

Proposed Regulations

freshwater and of 7.5 parts per billion (ug/l) chlorine produced oxidant (CPO) concentration in saline waters (annual mean salinity of five parts per thousand or greater). The policy states that these concentrations shall apply to all surface waters of the Commonwealth except where the permittee can demonstrate to the State Water Control Board that excursions or exceptions may be allowed without resulting in damage to aquatic life. No exceptions to these concentrations shall be allowed to waters which contain endangered, threatened, or rare aquatic species, oysters, natural trout populations, or provide critical spawning or nursery areas for anadromous fish species.

<u>DISSOLVED OXYGEN (mg/l)</u>		<u>pH</u>	<u>MAX. TEMP.(0°)</u>
Minimum	Daily Average		
6.0	7.0	6.0 - 8.5 <u>9.0</u>	20

This amendment to Skidmore Fork would ensure the Environmental Protection Agency's (EPA) approval of the 1984 amendments to Virginia's Water Quality Standards.

* * * * *

Title of Regulation: Basin and Section Description Table (Shenandoah River Subbasin), Natural Trout Waters in Section 5 D.

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

**Public Hearing Date: March 12, 1986 - 2 p.m.
(See Calendar of Events section
for additional information)**

Background:

Water quality standards consist of narrative statements that describe water quality requirements in general terms and of numerical limits for specific physical, chemical and biological water quality indicators such as bacteria. These statements and limits describe water quality necessary for reasonable, beneficial water uses such as swimming, propagation and growth of aquatic life, and domestic water supply.

Section 62.1-44.15(3) of the Code of Virginia authorizes the board to establish Water Quality Standards and Policies for any state waters consistent with the purpose and general policy of the State Water Control Law, and to modify, amend, or cancel any such standards or policies established. Such standards shall be adopted only after a hearing is held and the board takes into consideration the economic and social costs and benefits which can reasonably be expected to be obtained as a result of the standards as adopted, modified, amended, or cancelled.

Summary:

This proposed amendment restores the original natural trout water designation to Skidmore Fork (Rockingham County), Section 5D, in the Shenandoah River Subbasin. The following standards will apply to Class VI Natural Trout Waters:

FINAL REGULATIONS

For information concerning Final Regulations, see information page.

Symbol Key

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

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Title of Regulation: VR 115-04-17. Rules and Regulations Pertaining to the Registration and Certification of Grape Nursery Stock.

Statutory Authority: §§ 3.1-28 and 3.1-188.32 through 3.1-188.49 of the Code of Virginia and § 8 of these Regulations.

Effective Date: Immediately.

In accordance with the Rules and Regulations Pertaining to the Registration and Certification of Grape Nursery Stock, *grapevine stem pitting* is designated as a disease for testing pursuant to Subsection A of § 8 of the Rules and Regulations Pertaining to the Registration and Certification of Grape Nursery Stock.

Notice: The text of subsection A of § 8 is set out below as amended to reflect the above action.

§ 8. Inspection and testing procedures.

A. For progeny vines.

The parent rootstock and top-stock sources of a progeny vine for which registration is planned shall be index-tested on Mission, St. George, Baco 22 A, LN-33 varieties of grapevines, and *Chenopodium* spp., or by any other method approved by the department for the following virus diseases; tomato ring spot, grape leafroll, fanleaf degeneration, and grape cordy bark and *grapevine stem pitting*, and any other diseases designated by the department.

DEPARTMENT OF GENERAL SERVICES

Division of Consolidated Laboratory Services

Title of Regulations: VR 330-02-01. Regulations for Breath Alcohol Testing.

Statutory Authority: §§ 18.2-267 and 18.2-268 of the Code of Virginia.

Effective Date: February 9, 1986

Summary:

The Department of General Services, Division of Consolidated Laboratory Services ("DCLS"), has

amended its regulations for Breath Alcohol Testing ("Regulations"), previously adopted on May 30, 1980, effective July 1, 1980, pursuant to §§ 18.2-267 and 18.2-268 of the Code of Virginia. The regulations, as herein amended, are effective on and after February 9, 1986. They (i) establish criteria for approval of preliminary and evidential breath test devices, (ii) prescribe methods for the determination of the alcohol content in the blood by chemical analysis of the breath of a person arrested or suspected of driving a motor vehicle in violation of § 18.2-266 of the Code of Virginia, or a parallel local ordinance, (iii) establish procedures for licensing of persons to perform such analyses for evidential use and (iv) prescribe certain reporting requirements relative to evidential breath test devices.

VR 330-02-01. Regulations for Breath Alcohol Testing.

DIVISION OF CONSOLIDATED LABORATORY SERVICES REGULATIONS FOR BREATH ALCOHOL TESTING.

PART I.

Article I. Definitions.

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

"Agency" means any town, city, county, or state law enforcement agency under whose auspices breath tests are performed.

A. Division - the term "Division" shall mean the Division of Consolidated Laboratory Services.

B. Blood Alcohol Level - The term "blood alcohol level" shall mean "Blood alcohol level" means percent by weight of alcohol in a person's blood based upon milligrams of alcohol per 100 milliliters of blood.

C. Breath Test Device - The term "breath test device" as used in Part I shall mean "Breath test device" means, as used in Part II, an instrument designed to perform a quantitative chemical test for alcohol on a sample of breath of a person lawfully arrested for any an offense of operating a motor vehicle while under the influence of alcoholic intoxicants as provided in [Section] subjecting such person to the provisions of § 18.2-268 of the Code of Virginia or a parallel local ordinance .

"Division" means the Division of Consolidated Laboratory Services.

"Licensee" means a person holding a valid license from the division to perform a breath test of the type set forth within these regulations under the provisions of § 18.2-268 of the Code of Virginia, or a parallel local ordinance.

D. Preliminary Breath Test Device - The term "preliminary breath test device" as used in Part 2 shall mean "Preliminary breath test device" means, as used in Part III, an instrument designed to perform a quantitative chemical test for alcohol on a sample of breath of a person suspected of and an offense of operating a motor vehicle while under the influence of alcoholic intoxicants pursuant to Section subjecting such person to the provisions of § 18.2-267 of the Code of Virginia.

E. Licensee - The term "licensee" shall mean a person holding a valid license from the Division to perform a breath test of the type set forth within these regulations under provisions pursuant to Section 18.2-268 of the Code of Virginia.

F. Agency - The term "agency" shall mean any town, city, county, or state law enforcement agency under whose auspices breath tests are performed.

G. Forms and Records - The term "forms and records" shall mean the prescribed manner of documentation of all information necessary for the implementation of Sections 18.2-267 and 18.2-268 of the Code of Virginia.

"Supplies and accessories" means any item, device, chemical, reagent, tube, mouthpiece, replacement part, ampoule, or glassware, whether or not reusable, which is used in conjunction with a breath test device or a preliminary breath test device to determine the blood alcohol level of any person subject to the provisions of §§ 18.2-267 or 18.2-268 of the Code of Virginia, or a parallel local ordinance.

§ 1.2. These regulations and the steps set forth herein relating to the taking, handling, identification and disposition of breath samples, the testing of such samples, and the completion and filing of any form or record prescribed by these regulations are procedural in nature and not substantive. Substantial compliance therewith shall be deemed sufficient.

PART 1 II. BREATH TESTS UNDER § 18.2-268 OF THE CODE OF VIRGINIA.

Section 1 - General

Article 1. General.

A. § 2.1. Breath test devices shall be tested for accuracy by the division at least once every six months. All new

breath test devices or those having been repaired by the manufacturer or the manufacturer's authorized repair service shall be tested for accuracy before their return to service.

B. § 2.2. The breath test device must be stored in a clean, dry location which is only accessible to an authorized licensee for the purpose of actually administering a breath test, preventative maintenance check, or other official uses.

C. § 2.3. Proper care shall be taken at all times to ensure that the breath test device shall be kept free from excessive moisture, excessive heat and dust, as well as any unintentional jars, knocks or falls which may damage the internal mechanism.

D. § 2.4. No modifications shall be made on any breath test device without the written consent of the division.

Article 2. Approval of Breath Test Devices.

§ 2.5. All evidential breath tests shall be performed on a breath test device approved by the division. Those breath test devices listed in the "Conforming Products List of Evidential Breath Measurement Devices" as established by the National Highway Traffic Safety Administration ("NHTSA"), United States Department of Transportation, or in such other list as may be established by NHTSA evidencing that such device meets criteria, standards or specifications promulgated by it, as published from time to time in the Federal Register, may be approved by the division as a breath test device. In approving such devices, the division will consider factors including, but not limited to, costs, maintenance, necessity of instruction and/or training by the division, ease of operation, availability of parts and service facilities, reliability, maintenance instruction and the historical performance record of the device.

§ 2.6. The division shall periodically publish in the Virginia Register of Regulations a list of devices approved for use as breath test devices. Such list shall be published forthwith after any addition or deletion of any device(s) to or from the division's approved list. The division may, in addition, provide copies of its approved list to any agency subject to these regulations.

Section 2 - Methods of Conducting Breath Tests

Article 3. Methods of Conducting Breath Tests.

§ 2.7. The division shall approve such methods of performing breath tests as are demonstrated to the satisfaction of the division to produce accurate and reliable determinations in a reasonable, convenient and effective manner. The Division shall approve methods of performing breath tests on a specific device and model when it is shown to its satisfaction that such device meets

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high standards of accuracy, reliability and convenience and efficiency of operation. The division hereby approves the following breath test methods and procedures:

A. All breath test devices [~~must shall~~] be operated substantially in accordance with the manufacturer's specifications those sections of the instructional manual published by the division that are applicable to the particular breath test device. Licensees shall follow any additional instructions or modifications of instructions published by the division in supplements to the foregoing instructional manual.

B. Breath tests shall be conducted on a breath test device which has been tested for accuracy by the Division within the past six (6) months.

C. All breath tests shall be performed by an individual possessing a valid license to conduct such tests as provided by Section 3. In no case may the officer making the arrest or anyone with him at the time of arrest or anyone participating in the arrest of the accused perform the breath test or analyze the results thereof.

~~D. B. Observe the~~ The person to be tested[~~must shall~~] be observed for at least twenty 20 minutes prior to collection of the breath specimen, during which period the person must not have ingested alcoholic beverages or other fluids, regurgitated, vomited, eaten, or smoked. Should this occur, an additional twenty 20 minute waiting period must be observed.

E. C. Verify The licensee [~~must shall~~] verify that the instrument breath test device is properly calibrated and in proper working order by conducting a room air blank analysis prior to analysis of the breath of the person ; and then by conducting a validation test with a control sample analysis immediately following the analysis of the breath of the person.

F. Follow the operational procedures except as provided for herein, set out in the current instruction manual of the manufacturer of the instrument in use.

G. Follow the preventative maintenance procedures as set forth by the Division at least once each month, with a signed copy of the Division's preventative maintenance check list to be kept on file for at least three (3) years.

H. Follow any additional instructions or modifications of instructions as may be set out in supplementary written instructions governing the operation or maintenance as may be issued by the Division.

D. The licensee must use only supplies and accessories issued by or approved by the division in conducting breath tests on approved breath test devices.

All breath tests shall be performed on breath test devices approved by the Division. The Division shall maintain a current list of approved devices and shall

advise the respective police and sheriff's departments of all approved devices.

Section 3 - Licensing Procedures

Article 4. Licensing Procedures.

A. § 2.8. The division shall issue, renew, terminate and revoke licenses for individuals to perform breath alcohol tests on the basis of standards herein set forth.

1. A. Application for an initial license to perform breath tests shall be made in writing to the division. The applicant shall have the endorsement of the appropriate supervisory law-enforcement officer or designated representative unless an exception is granted by the division.

2. B. The initial licenses shall be granted to individuals who demonstrate the ability to perform breath tests accurately and reliably in accordance with the method or methods approved by the division ; and who satisfactorily explain the theoretical basis for such chemical analysis ; and offer satisfactory proof of good character .

3. C. Only individuals successfully completing a course of instruction of a minimum of 40-hours in the operation of the breath test device testing and the administration of such tests shall be deemed to have demonstrated sufficient ability competence to qualify for the issuance of a license.

4. D. Licenses shall be limited in scope to the methods or those breath test devices for performing breath tests to those for on which the individual applying for a an initial or renewal license has demonstrated competence. This limitation may be upon the basis of the method or devices that device(s) on which the applicant received primary emphasis in the course of instruction attended by the applicant in the course referred to in subsection C of § 2.8 or in such further instruction as may be necessary to qualify the individual for additional breath test device(s) .

5. E. Licenses shall state the date upon which they are to expire, which date shall, in no event, be longer later than twenty-four (24) months from after the date of issuance. Licenses shall be subject to renewal at expiration or at such time prior to expiration as is convenient for the division ; on demonstration by the licensee of continuing ability competency to perform accurate and reliable breath tests ; and upon proof of administering a minimum of twenty-four (24) tests, actual or simulated, during a the twenty-four (24) - month period ; and upon renewed proof, if desired by the Division, of good character immediately preceding the application for renewal . The division may at any time examine licensees to determine such continuing ability competency . Licenses shall be terminated terminate at the expiration of the period for which issued for failure to renew of issuance . Licenses shall may be terminated or revoked by the division at any time upon its finding that the licensee does not meet or

no longer meets the qualifications necessary for the issuance of a license.

6. F. Any individual whose license has expired may renew his license within one (1) year after its expiration date by successfully completing a recertification class and by demonstrating his competence in the performance of breath tests. Any individual [(i) who fails the recertification class, or (ii)] whose license has expired and who does not renew his license within one (1) year after its expiration date may renew his license by again attending and successfully completing the basic 40-hour course of instruction and demonstrating competence in the performance of breath tests as otherwise required.

G. The failure of a licensee to comply with these regulations may be grounds for revocation of such individual's license.

B. § 2.9. The division shall issue, terminate and revoke instructor certificates for individuals to teach breath alcohol testing on the basis of the following standards : thereafter set forth:

1. A. The instructor certificate shall be granted only to individuals who (i) demonstrate the ability to teach the breath test method or methods approved by the division , (ii) possess a valid breath test license and (iii) satisfactorily complete a 40-hour course for Breath Alcohol Instructors. The division may issue instructor certificates to persons who have acquired the necessary ability by past experience or formal education .

2. Individuals who possess a valid breath test license and have satisfactorily completed a 40-hour course for Breath Alcohol Instructors shall be deemed to have demonstrated sufficient ability to qualify as an instructor. The Division may issue instructor certificates to persons who have acquired this ability by past experience or formal education.

3. B. Instructor certificates shall be limited in scope to the methods or devices for which the individual has demonstrated competence.

4. C. The division may, at any time, examine instructors to determine continuing ability.

5. D. Instructor certificates shall be terminated or revoked by the division upon its finding that the instructor does not meet or no longer meets the necessary qualifications.

E. § 2.10. Any revocation of a license or instructor certificate shall be upon by notice sent by registered or certified mail from the division to the licensee or instructor.

D. Licenses previously issued by the State Health Commissioner shall continue to be valid until the expiration date thereof.

Section 4 - Forms and Records

Article 5. Forms and Records.

A. § 2.11. Each agency is required to to which a breath test device is assigned shall keep a permanent log (Exhibit A) of all tests concerning each test administered by the licensees of that agency of other agencies . This log will be so constructed that the individual pages are not removable and shall contain entries with the date of the test; time of the test; the serial number of the instrument; name of the subject to whom the test is administered; the reading of percent of blood alcohol; licensee's name and his license number. This log shall be provided by the division and must be kept in the same location with the breath test device and . The log shall be subject to periodic inspection by the division : at any time. At least once each month, a copy of the log entries for the preceding month shall be submitted to the division to be kept on file for at least three years.

B. § 2.12. Preventative At least once each month, each agency to which a breath test device is assigned shall complete a preventive maintenance procedures as set forth checklist (Exhibit B) provided by the division shall be conducted at least once each month . A record of signed copy of this preventative maintenance checklist shall be recorded on the preventative maintenance check list with the signed copy submitted to the division to be kept on file for at least three (3) years.

C. The certificate of breath alcohol analysis as provided by the division shall be completed and forwarded by the operator to the appropriate Clerk of the Court; the Division of Consolidated Laboratory Services; and the accused.

PART 2 III. PRELIMINARY BREATH TESTS UNDER § 18.2-267 OF THE CODE OF VIRGINIA.

Section 1 - Methods and Equipment for Conducting Preliminary Breath Test

Article 1. Methods and Equipment for Conducting Preliminary Breath Tests.

A. § 3.1. All preliminary breath tests shall be performed on a preliminary breath test device approved by the division. Such devices [satisfy the following requirements shall offer convenience and efficiency in operation as determined by the division and [must shall] also satisfy the requirements of either A or B below] :

A. The device [must shall] have a systematic error not exceeding +/- 10%.

B. The device [offers convenience and efficiency in operation as determined by the division. satisfies the

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following specifications:

1. When a sample of breath is properly taken from a person with an actual blood alcohol level of 0.05% or less by weight, the device [~~must~~ shall] not indicate a positive result.

2. When a sample of breath is properly taken from a person with an actual blood alcohol level of 0.13% or more by weight, the device [~~must~~ shall] not indicate a negative result.]

§ 3.2. The division shall periodically publish in the Virginia Register of Regulations a list of devices approved for use as preliminary breath test devices. Such list shall be published forthwith after any addition or deletion of any device(s) to or from the division's approval list.

B. § 3.3. All preliminary breath test shall be conducted substantially in accordance with the operational procedures set forth in the instruction manual of the manufacturer of the instrument in use *except as may be modified by the division* .

C. All preliminary breath tests shall be performed by any police officer of the Commonwealth, of any county, city or town, or by any member of the sheriff's department of any county in the normal discharge of his duties.

D. § 3.4. It shall be the responsibility of each agency using the preliminary breath test devices to provide preventive maintenance and repairs according to the manufacturer's instructions or procedures *except as may be modified by the division* .

E. All preliminary breath tests shall be conducted substantially in accordance with any additional instructions or modifications of instruction as may be set forth by the manufacturer.

DEPARTMENT OF HEALTH

Title of Regulations: VR 355-34-01. Sewage Handling and Disposal Regulations.

Statutory Authority: § 32.1-166.1 of the Code of Virginia.

Effective Date: February 5, 1986

NOTICE

Due to its length, the full text of the Sewage Handling and Disposal Regulations filed by the Department of Health, is not being published. A summary and amendments to Article 3.08.02 are published below. The full text of the regulations is available for public inspection at the office of the Registrar of Regulations and the Department of Health.

Summary:

The Health Department is required by § 32.1-166.10 of the Code of Virginia to establish a fee to be charged to each person who brings an appeal to the Sewage Handling and Disposal Appeals Review Board. The Department proposed a fee of \$800 for each appeal, based on the total cost of the appeal process. Comments from the public and from the Governor asked that the State Board of Health reconsider the amount of the fee. The board is proposing in these final regulations to charge a fee of \$135 for each appeal, and to establish a process by which the fee may be waived in cases of financial hardship.

VR 355-34-01. Sewage Handling and Disposal Regulations.

Article 3.8.B. "Adjudicatory Hearing for appeals of denials of sewage disposal system construction permits." The adjudicatory hearing is a formal, public adjudicatory proceeding before the Commissioner or his designee - Sewage Handling and Disposal Appeals Review Board and held in conformance with section § 9-6.14.12 of the Code of Virginia. An adjudicatory hearing includes the following features:

Notice - Notice which states the time and place and the issues involved in the prespective hearing shall be sent to the owner who is the subject of the hearing. Notice shall be sent at least fifteen (15) calendar days before the hearing is to take place.

Record - A record of the hearing may be recorded by a court reporter. A copy of the transcript of the hearing, if transcribed, will be provided within a reasonable time to any person upon written request and payment of the cost.

Evidence - All interested parties may attend the hearing and submit oral and documentary evidence and rebuttal proofs, expert or otherwise, that is material and relevant to the issues in controversy. The admissibility of evidence shall be determined in accordance with Section 9-6.14.12 of Chapter 1-1,1, Title 9, Code of Virginia (1950), as amended.

Counsel - All parties may be accompanied by and represented by counsel and are entitled to conduct such cross examination as may elicit a full and fair disclosure of the facts.

Subpoena - Pursuant to Section 9-6.14.13 of the Code, the commissioner may issue subpoenas on behalf of himself or any person or owner for the attendance of witnesses and the production of books, papers or maps. Failure to appear or to testify or to produce documents without adequate excuse shall be reported by the Commissioner to the Circuit Court of the City of Richmond for an appropriate enforcement action.

Judgement and Final Order - At the closure of the presentation of the evidence the Commissioner will enter

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judgement on the issue in controversy. The Judgement shall be reduced to writing and will contain the explicit findings of fact upon which his decision is based. Certified copies of the order of judgement shall be delivered to the owner affected by it. Notice of a final judgement will be served upon the parties and become a part of the record. Service may be by personal service of certified mail return receipt requested.

3.8.B.1. Fees. A fee of [\$800 \$135] shall be charged to appellants for each appearance before the State Sewage Handling and Disposal Appeals Review Board. [The commissioner may grant exemptions to this fee to appellants who are unable to pay. Federal poverty income guidelines shall be used to evaluate appealants' requests for fee waivers.]

VIRGINIA [COMMISSION OF BOARD ON] HEALTH REGULATORY BOARDS

Title of Regulation: VR 364-01-1. Regulations of the [Commission of Board on] Health Regulatory Boards.

Statutory Authority: § 54-955.1 J. of the Code of Virginia.

Effective Date: February 6, 1986

Summary:

This regulation defines procedures for the solicitation and participation of interested parties in the initiation, development and adoption of regulations by the Virginia Commission of Health Regulatory Boards.

VR 364-01-1. Rules and Regulations of the [Commission of Board on] Health Regulatory Boards.

PART I. PUBLIC PARTICIPATION GUIDELINES.

§ 1.1. Mailing lists.

The Virginia Department of Health Regulatory Boards will maintain on behalf of the Virginia [Commission of Board on] Health Regulatory Boards a list of persons and organizations who will be mailed the following documents related to the promulgation of regulations:

1. "Notice of intent" to promulgate regulations.
2. "Notice of public hearing" or "Notice of informational proceeding", the subject of which is proposed regulation(s) or review of existing regulation(s).
3. Final regulation(s) adopted.

Failure of these persons and organizations to receive the documents for any reason shall not affect the

validity of any regulations otherwise properly adopted under the Administrative Process Act.

§ 1.2. Being placed on list; deletion.

Any person wishing to be placed on the mailing list may do so by writing the [Commission board]. In addition, the [Commission board], in its discretion, may add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formation or promulgation of regulations. Persons on the list will be provided all information stated in § 1.1. Individuals and organizations will be periodically requested to indicate their desire to continue to receive documents or be deleted from the list. Where mail is returned as undeliverable, individuals and organizations will be deleted from the list.

§ 1.3. Notice of intent.

At least 30 days prior to publication of the notice to conduct an informational proceeding as required by § 9-6.14:7.1 of the Code of Virginia, the [Commission board] will publish a "notice of intent". This notice will contain a brief and concise statement of the possible regulation or the problem the regulation would address and invite any person to provide written comment on the subject matter. Such notice shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register [of Regulations].

§ 1.4. Informational proceeding or public hearings for existing rules.

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

§ 1.5. Petition for rulemaking.

Any person may petition the [Commission board] to adopt, amend, or delete any regulation. Any petition received shall appear on the next agenda of the [Commission board]. The [Commission board] shall have sole authority to dispose of the petition.

§ 1.6. Notice of formulation and adoption.

At any meeting of the [Commission board] or any subcommittee or advisory committee where the formulation or adoption of regulation occurs, the subject matter shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register [of Regulations].

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§ 1.7. Advisory committees.

The [~~Commission of Board on~~] Health Regulatory Boards may appoint such advisory committees as it deems necessary to provide for adequate citizen participation in the formation, promulgation, adoption, and review of regulations.

VIRGINIA DEPARTMENT OF HEALTH REGULATORY BOARDS

Title of Regulation: VR 365-01-1. Rules and Regulations of the Virginia Department of Health Regulatory Boards.

Statutory Authority: § 54-955.K of the Code of Virginia.

Effective Date: February 6, 1986

Summary:

This regulation defines procedures for the solicitation and participation of interested persons in the initiation, development and adoption of regulations by the Virginia Department of Health Regulatory Boards. These Public Participation Guidelines will be maintained by the department on its own behalf and on behalf of the Virginia Board on Health Regulatory Boards and will not apply to the various health regulatory boards administered within the department.

VR 365-01-1. Rules and Regulations of the Virginia Department of Health Regulatory Boards.

PART I. PUBLIC PARTICIPATION GUIDELINES.

§ 1.1. Mailing lists.

The Virginia Department of Health Regulatory Boards will maintain on its own behalf and on behalf of the Virginia [~~Commission of Board on~~] Health Regulatory Boards a list of persons and organizations who will be mailed the following documents related to the promulgation of regulations:

1. "Notice of intent" to promulgate regulations.
2. "Notice of public hearing" or "Notice of informational proceeding", the subject of which is proposed regulation(s) or review of existing regulation(s).
3. Final regulation(s) adopted.

Failure of these persons and organization to receive the documents for any reason shall not affect the validity of any regulations otherwise properly adopted under the Administrative Process Act.

§ 1.2. Being placed on list; deletion.

Any person wishing to be placed on the mailing list may do so by writing the department. In addition, the department, in its discretion, may add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formation or promulgation of regulations. Persons on the list will be provided all information stated in § 1.1. Individuals and organizations will be periodically requested to indicate their desire to continue to receive documents or be deleted from the list. Where mail is returned as undeliverable, individuals and organizations will be deleted from the list.

§ 1.3. Notice of intent.

At least 30 days prior to publication of the notice to conduct an informational proceeding as required by § 9-6.14:7.1 of the Code of Virginia, the department will publish a "notice of intent". This notice will contain a brief and concise statement of the possible regulation or the problem the regulation would address and invite any person to provide written comment on the subject matter. Such notice shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register [of Regulations].

§ 1.4. Informational proceeding or public hearings for existing rules.

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

§ 1.5. Petition for rulemaking.

Any person may petition the department or [~~Commission board~~] to adopt, amend, or delete any regulation. Any petition received shall appear on the next agenda of the [~~Commission board~~]. The [~~Commission board~~] shall have sole authority to dispose of the petition.

§ 1.6. Notice of formulation and adoption.

At any meeting of the [~~Commission board~~] or any subcommittee or advisory committee where the formulation or adoption of regulation occurs, the subject matter shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register [of Regulations].

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§ 1.7. Advisory committees.

The Department of Health Regulatory Boards may appoint such advisory committees as it deems necessary to provide for adequate citizen participation in the formation, promulgation, adoption, and review of regulations.

DEPARTMENT OF HIGHWAYS AND TRANSPORTATION

Title of Regulations: VR 385-01-2. Fares for Jamestown-Scotland Ferry.

Statutory Authority: § 33.1-254 of the Code of Virginia.

Effective Date: November 21, 1985

NOTICE: The change in toll structure listed below is exempt from the provisions of Article 2 of the Administrative Process Act.

Summary:

The fare schedule for the Jamestown-Scotland ferry has been changed, with emphasis on providing a reduced rate for automobiles pulling trailers.

VR 385-01-2. Fares for Jamestown-Scotland Ferry.

PROPOSED RATES

Two-Axle (Gross Weight 3 Tons or Less One Way	\$2.00
Multi-Axle Single Unit & Two-Axle Greater than 3 Tons Gross Weight, One Way	4.00
Multi-Axle Multi-Unit (except tractor- Truck Semi-trailer combination) One Way	4.00
Tractor-truck Semi-Trailer Combination, One Way	6.00
Pedestrian or Bicycle	0.25
Commuter Book Tickets Two-Axle (gross Weight 3 Tons or Less) 20 Tickets per Book	7.00

PRESENT RATES

Two-Axle (Gross Weight 3 Tons or Less One Way	1.00
Multi-Axle Single Unit & Two-Axle Greater than 3 Tons Gross Weight, One Way	4.00
Multi-Axle Multi-Unit One Way	6.00
Pedestrian or Bicycle	0.15
Commuter Book Tickets Two-Axle (Gross Weight 3 Tons or Less) 20 Tickets per Book	5.00

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

Note: The Virginia Housing Development Authority is exempted from the Administrative Process Act (§ 9-6.14:4 of the Code of Virginia); however, under the provisions of § 9-6.14:22, it is required to publish all proposed and final regulations.

Title of Regulation: VR 400-02-0004. Procedures, Instructions and Guidelines for Home Rehabilitation Loans.

Statutory Authority: § 36-55.30:3 of the Code of Virginia.

Effective Date: December 12, 1985

Summary:

This regulation will provide that with respect to loans insured or guaranteed by the Federal Housing Administration ("FHA") or Veterans Administration ("VA"), the maximum loan amount shall be calculated in accordance with FHA or VA requirements; the home to be financed must meet only the applicable property guidelines (if any) of FHA or VA; the loan will be closed in the name of the authority and in accordance with the authority's existing procedures and requirements and the underwriting criteria to be applied upon any assumption of the loan shall be only those criteria permitted by FHA or VA.

VR 400-02-0004. Procedures, Instructions and Guidelines for Home Rehabilitation Loans.

§ 1.1. Purpose and applicability.

The following procedures, instructions and guidelines will be applicable to mortgage loans which are made or are proposed to be made by the authority to low and moderate income persons and families for the purpose of financing certain rehabilitation improvements to eligible residences owned and occupied by such persons and families. Such mortgage loans are referred to herein as "home rehabilitation loans".

Notwithstanding anything to the contrary herein, the executive director is authorized with respect to any home rehabilitation loan to waive or modify any provisions herein where deemed appropriate by him for good cause, to the extent not inconsistent with the authority's act, rules and regulations, and any applicable covenants and agreements with the holders of its notes or bonds.

"Executive director" as used herein means the executive director of the authority or any other officer or employee of the authority who is authorized to act on behalf of the authority pursuant to a resolution of the board.

All reviews, analyses, evaluations, inspections, determinations and other actions by the authority pursuant to the provisions of these procedures, instructions and

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guidelines shall be made for the sole and exclusive benefit and protection of the authority, and shall not be construed to waive or modify any of the rights, benefits, privileges, duties, liabilities or responsibilities of the authority or the borrower under the agreements and documents executed in connection with the home rehabilitation loan.

The procedures, instructions and guidelines set forth herein are intended to provide a general description of the authority's processing requirements and are not intended to include all actions involved or required in the processing and administration of mortgage loans under the authority's Home Rehabilitation Loan Program. These procedures, instructions and guidelines are subject to change at any time by the authority and may be supplemented by policies, procedures, instructions and guidelines adopted by the authority from time to time with respect to the Home Rehabilitation Loan Program.

Notwithstanding anything to the contrary herein, all home rehabilitation loans must comply with (i) the authority's act and rules and regulations, (ii) the applicable federal laws, rules and regulations governing the federal tax exemption of any notes or bonds issued by the authority to finance such home rehabilitation loans, (iii) in the case of home rehabilitation loans subject to federal mortgage insurance or other assistance, all applicable federal laws, rules and regulations relating thereto and (iv) the requirements set forth in the resolutions pursuant to which the notes or bonds, if any, are issued by the authority to finance the home rehabilitation loans. Copies of the authority's note and bond resolutions shall be available upon request.

§ 1.2. Terms of home rehabilitation loans.

The amortization period and principal amount of each home rehabilitation loan shall be established by the executive director based upon his review and analysis of the application for such loan; provided, however, that the amortization period shall not exceed 30 years and the principal amount shall not exceed the total cost of the rehabilitation to be financed. Furthermore, in no event shall the principal amount of a home rehabilitation loan be less than \$1,000 nor shall the scheduled monthly payment of principal and interest for any home rehabilitation loan be less than \$10 per month. The interest rate or rates to be charged on home rehabilitation loans shall be determined by the executive director in accordance with applicable provisions of the authority's act and rules and regulations. If a home rehabilitation loan is subject to federal mortgage insurance or assistance, the terms of such home rehabilitation loan shall comply with all applicable federal law, rules and regulations.

§ 1.3. Eligibility of applicant.

In order to be eligible for a home rehabilitation loan, the person or family applying for such loan must have an adjusted family income (as defined in the authority's rules and regulations) which does not exceed the applicable

~~limit~~ 120% of the median income adjusted for family size as established from time to time by the Authority's Board of Commissioners U.S. Department of Housing and Urban Development for the jurisdiction in which the residence is located. In the case of Home Rehabilitation Loans which are subject to federal mortgage insurance or assistance, federal rules and regulations may establish lower income limitations which in effect supersede the Authority's income limits. The applicant must also satisfy such underwriting criteria and standards as the executive director may from time to time establish and modify in order to determine the financial capacity and creditworthiness of the applicant.

§ 1.4. Eligibility of residence.

The applicant must own and occupy the residence to which the improvements are to be made. The residence must be the principal residence of the applicant and must have been completed and occupied for at least 90 days prior to the submission of the application for a home rehabilitation loan. However, the requirements set forth in the preceding sentence shall not apply to a nonresidential structure which is being converted to residential use with the proceeds of a home rehabilitation loan and is intended to be used as the principal residence of the applicant upon completion of the rehabilitation. The residence must be located in the Commonwealth of Virginia.

§ 1.5. Eligibility of improvements.

Proceeds of a home rehabilitation loan may be used to finance the purchase and installation of eligible improvements. Improvements which are eligible for financing are structural alterations, repairs, additions to the residence itself, or other improvements upon or in connection with the residence. In order to be eligible, such improvements must substantially protect or improve the basic liveability or utility of the residence. Improvements which are physically removed from the residence but which are located on the property occupied by the residence may be eligible for financing if these improvements substantially protect or improve the basic liveability or utility of the residence (i.e., installation of a septic tank or the drilling of a well). The costs of the improvements to be financed with the proceeds of the home rehabilitation loan shall be reasonable. The executive director may review such costs and may require that the principal amount of the home rehabilitation loan not exceed such amount as he shall determine to be reasonable for the proposed improvements. Such review shall be conducted for the sole and exclusive benefit and protection of the authority and shall not constitute any assurance or representation to the applicant as to the validity, propriety or reasonableness of the costs.

Improvements which, in the determination of the executive director, are deemed to be luxury items (such as swimming pools and spas) shall not be eligible for financing hereunder.

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If the home rehabilitation loan is to be subject to any federal mortgage insurance or assistance, the improvements to be financed must also satisfy the requirements of any applicable federal law, rules or regulations.

Home rehabilitation loan proceeds may not be used to finance any improvements which have been completed at the time the application is submitted to the authority.

All work financed with the proceeds of a home rehabilitation loan shall be performed pursuant to a duly issued building permit, if required, and shall comply with all applicable state and local health, housing, building, fire prevention and housing maintenance codes and other applicable standards and requirements. Compliance with the foregoing shall be evidenced by such documents and certifications as shall be prescribed by the executive director.

All work financed with the proceeds of a home rehabilitation loan shall be covered by a warranty for workmanship and materials. The warranty shall be in such form and shall contain such terms and conditions as the executive director may require.

§ 1.6. Lien requirement.

The home rehabilitation loan shall be secured by a duly recorded deed or trust creating a valid, binding and enforceable lien on the residence.

§ 1.7. Origination of home rehabilitation loans by mortgage lenders.

The origination of home rehabilitation loans (i.e. the processing of applications and the disbursement of proceeds) may be performed through commercial banks, savings and loans associations, mortgage bankers, and state and local governmental agencies and instrumentalities (the foregoing are collectively referred to herein as "mortgage lenders") approved by the authority pursuant to this section. The authority may originate home rehabilitation loans directly utilizing its own staff, and in such event, the following provisions of this section shall be inapplicable.

Interested mortgage lenders may submit to the authority a loan origination application for participation in the Home Rehabilitation Loan Program. This application must be completed on such forms and shall contain such information and documents as the executive director may prescribe. The executive director shall review each loan origination application and may accept or reject such application after an analysis of relevant factors which may include the mortgage lender's net worth, financial and corporate history, experience in originating home improvement loans, capability in terms of personnel and facilities to originate home rehabilitation loans, and accessibility to the public. If the loan origination application is approved, the executive director is empowered to execute on behalf of the authority a loan

origination agreement with the mortgage lender authorizing such mortgage lender to originate home rehabilitation loans. The loan origination agreement shall contain the terms under which the mortgage lender may originate home rehabilitation loans on behalf of the authority, including:

1. Covenants and warranties by the mortgage lender that it will comply with the authority's act and rules and regulations, these procedures, instructions and guidelines, and all applicable federal and state laws, rules and regulations with respect to the origination of home rehabilitation loans;
2. Agreements to maintain in force such bonds, insurance policies, and qualifications as the executive director may specify;
3. Fees and reimbursements payable to the mortgage lender;
4. Documentation required in order to originate home rehabilitation loans;
5. Provisions for termination of the loan origination agreement; and
6. Such other terms and conditions as shall be deemed by the executive director to be necessary or appropriate for the origination of the home rehabilitation loans.

§ 1.8. Allocation of funds.

The executive director shall allocate funds for the making of home rehabilitation loans hereunder in such manner, to such persons and entities, in such amounts, for such periods, and subject to such terms and conditions as he shall deem appropriate to best accomplish the purposes and goals of the authority. Without limiting the foregoing, the executive director may allocate funds (i) to applicants for home rehabilitation loans on a first-come, first-serve or other basis and/or (ii) to mortgage lenders (who have been approved by the authority pursuant to § 1.7.) for the origination of home rehabilitation loans to qualified applicants. In determining how to so allocate the funds, the executive director may consider such factors as he deems relevant, including any of the following:

1. The need for the expeditious commitment and disbursement of such funds for home rehabilitation loans;
2. The need and demand for the financing of home rehabilitation loans with such funds in the various geographical areas of the Commonwealth;
3. The cost and difficulty of administration of the allocation of funds;
4. The capability, history and experience of any

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mortgage lenders who are to receive an allocation;

5. Housing conditions in the Commonwealth;

6. Any financial contribution to be made to the authority by state and local governmental agencies and instrumentalities in order to provide funds for the Home Rehabilitation Loan Program; and

7. Requirements of federal or state law.

The executive director may from time to time take such actions as he may deem necessary or proper in order to solicit applications for allocation of funds hereunder. Such actions may include advertising in newspapers and other media, mailing of information to perspective applicants and other members of the public, and other methods of public announcements which the executive director may select as appropriate under the circumstances. The executive director may impose requirements, limitations and conditions with respect to the submission of applications as he may consider necessary or appropriate. The executive director may cause market studies and other research and analyses to be performed in order to determine the manner and conditions under which funds of the authority are to be allocated and such other matters as he shall deem appropriate relating thereto. The authority may also consider and approve applications for allocations of funds submitted from time to time to the authority without any solicitation therefor on the part of the authority.

§ 1.9. Application and processing.

The applicant shall submit such forms, documents, and information as the authority may require in order to apply for a home rehabilitation loan.

If the home rehabilitation loan is to be originated through a mortgage lender, the application shall be initially reviewed by the mortgage lender for compliance with the authority's act and rules and regulations, these procedures, instructions and guidelines, and any applicable federal law, rules and regulations. If the mortgage lender determines that the application so complies, the application shall be forwarded to the authority for its review and approval.

The executive director shall review the application, and if he determines that the application complies with the authority's act and rules and regulations, these procedures, instructions and guidelines, and any applicable federal law, rules and regulations, he may issue on behalf of the authority a commitment to the applicant with respect to such home rehabilitation loan, subject to the ratification thereof by the board of the authority. The principal amount, amortization period and interest rate on the home rehabilitation loan, and such other terms, conditions and requirements as the executive director deems necessary or appropriate shall be set forth in the commitment. The closing of the home rehabilitation loan shall be

consummated in accordance with the terms of the commitment. The improvements to be financed by the home rehabilitation loan shall be completed in accordance with the agreements and documents executed and submitted at the closing and within such period of time as the executive director may deem necessary therefor. The authority shall have the right from time to time to enter upon the property on which the residence is located in order to inspect the improvements. Any such inspections shall be made for the sole and exclusive benefit and protection of the authority.

The executive director may, in his discretion, delegate to any mortgage lenders the responsibility for issuing commitments for home rehabilitation loans and disbursing the proceeds thereof without prior review and approval by the authority. The issuance of such commitments shall be subject to ratification thereof by the board of the authority. If the executive director determines to make any such delegation, he shall establish criteria under which mortgage lenders may qualify for such delegation. If such delegation has been made, the mortgage lender shall submit all required documentation to the authority after closing of the home rehabilitation loan. If the executive director determines that the home rehabilitation loan does not comply with the authority's act or rules and regulations, these procedures, instructions and guidelines, or any applicable federal law, rules or regulations, he may require the mortgage lender to purchase the home rehabilitation loan, subject to such terms and conditions as he may prescribe.

§ 1.10. Loan servicing procedures.

A. The executive director may contract with one or more mortgage lenders to service home rehabilitation loans. Interested mortgage lenders may submit a loan servicing application which shall be on such form and shall contain such information as the executive director may require. The executive director shall review each loan servicing application and may accept or reject such application after an analysis of relevant factors which may include the mortgage lender's net worth, financial and corporate history, experience in servicing home improvement loans, capability in terms of personnel and facilities to service home rehabilitation loans, and accessibility to the public. Upon approval of a loan servicing application, the mortgage lender and the authority shall execute a servicing agreement which shall specify the mortgage lender's duties and responsibilities, the compensation which the mortgage lender will receive from the authority for such services, and all other terms and conditions pursuant to which the home rehabilitation loans will be serviced.

B. The mortgage lender's duties and responsibilities may include any of the following:

1. Collection, when due, of all payments on home rehabilitation loans;

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2. Deposit of payments collected with respect to home rehabilitation loans into such accounts as the authority may direct;

3. Safekeeping and retention of all documents;

4. Delivery of payment schedules to the borrowers;

5. Accounting to the authority at such times and in such manner as the authority may direct; and

6. Such other duties as the executive director may deem necessary and appropriate with respect to the servicing of home rehabilitation loans.

C. The mortgage lender shall maintain adequate insurance and bonding coverage in such amounts as may be deemed necessary by the executive director and as shall be set forth in the servicing agreement.

D. The mortgage lender shall maintain adequate procedures to monitor delinquent home rehabilitation loans, shall use diligence to obtain payment of installments due on home rehabilitation loans, and shall promptly inform the authority of any delinquencies.

E. The authority may service home rehabilitation loans directly with its own staff and perform any or all of the above duties and responsibilities in connection therewith.

VIRGINIA BOARD OF PROFESSIONAL COUNSELORS

Title of Regulation: VR 560-01-1. Public Participation Guidelines.

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

Effective Date: February 5, 1986

Summary:

The purpose of the regulation is to assure public involvement in regulations of the Board of Professional Counselors, required by § 9-6.14:7.1 of the Code of Virginia. There is no substantive regulation upon any regulated party or the public.

VR 560-01-1. Public Participation Guidelines.

§ 1. Mailing list.

The Virginia Board of Professional Counselors will maintain a list of persons and organizations [~~who will be mailed to receive~~] the following documents as they become available:

1. "Notice of intent" to promulgate regulations;
2. "Notice of public hearing" or "informational

proceedings," the subject of which is proposed or existing regulations;

3. Final regulations adopted.

§ 2. Inclusion on list. Deletion from list.

Persons [and organizations] wishing to be placed on the mailing list may have [~~his name~~ their names] added by writing the board. In addition, the board may, in its discretion, add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formulation or promulgation of regulations. Persons on the list will be provided all information stated in [~~subsection A. of this section § 1~~]. Individuals and organizations will be periodically requested to indicate their desire to continue to receive documents or be deleted from the list. Where mail is returned as undeliverable, individuals and organizations will be deleted from the list.

§ 3. Notice of intent.

At least 30 days prior to publication of the notice to conduct an informational proceeding as required by § 9-6.14:7.1 of the Code of Virginia, the board will publish a "notice of intent." This notice will contain a brief and concise statement of the possible regulation or the problem the regulation would address and invite any person to provide written comment on the subject matter. Such notice shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register [of Regulations].

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

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

§ 5. Petition for rulemaking.

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

§ 6. Notice of formulation and adoption.

Following any meeting of the board or any subcommittee or advisory committee where the formulation or adoption of regulations occurs, the subject matter shall be transmitted to the Registrar of Regulations

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for inclusion in The Virginia Register [of Regulations].

[§ 7. Advisory committees.

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

VIRGINIA BOARD OF PSYCHOLOGY

Title of Regulation: VR 565-01-1. Public Participation Guidelines.

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

Effective Date: February 5, 1986

Summary:

The purpose of the regulation is to assure public involvement in regulations of the Board of Psychology, required by § 9-6.14:7.1 of the Code of Virginia. There is no substantive regulation upon any regulated party or the public.

VR 565-01-1. Public Participation Guidelines.

§ 1. Mailing list.

The Virginia Board of Psychology will maintain a list of persons and organizations [~~who will be mailed~~ to receive] the following documents as they become available:

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

§ 2. Inclusion on list. Deletion from list.

Persons [and organizations] wishing to be placed on the mailing list may have [~~his name~~ their names] added by writing the board. In addition, the board may, in its discretion, add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formulation or promulgation of regulations. Persons on the list will be provided all information stated in [~~of this section~~ § 1] . Individuals and organizations will be periodically requested to indicate their desire to continue to receive documents or be deleted from the list. Where mail is returned as undeliverable, individuals and organizations will be deleted from the list.

§ 3. Notice of intent.

At least 30 days prior to publication of the notice to conduct an informational proceeding as required by § 9-6.14:7.1 of the Code of Virginia, the board will publish a "notice of intent." This notice will contain a brief and concise statement of the possible regulation or the problem the regulation would address and invite any person to provide written comment on the subject matter. Such notice shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register [of Regulations].

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

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

§ 5. Petition for rulemaking.

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

§ 6. Notice of formulation and adoption.

Following any meeting of the board or any subcommittee or advisory committee where the formulation or adoption of regulations occurs, the subject matter shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register [of Regulations].

[§ 7. Advisory committees.

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

VIRGINIA BOARD OF SOCIAL WORK

Title of Regulation: VR 620-01-1. Public Participation Guidelines.

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

Effective Date: February 5, 1986

Summary:

The purpose of the regulation is to assure public

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involvement in regulations of the Board of Social Work, required by § 9-6.14:7.1 of the Code of Virginia. There is no substantive regulation upon any regulated party or the public.

VR 620-01-1. Public Participation Guidelines.

§ 1. Mailing list.

The Virginia Board of Social Work will maintain a list of persons and organizations [~~who will be mailed to receive~~] the following documents as they become available:

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

§ 2. Inclusion on list. Deletion from list.

Persons [and organizations] wishing to be placed on the mailing list may have [~~his name~~ their names] added by writing the board. In addition, the board may, in its discretion, add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formulation or promulgation of regulations. Persons on the list will be provided all information stated in [~~subsection A. of this section § 1~~]. Individuals and organizations will be periodically requested to indicate their desire to continue to receive documents or be deleted from the list. Where mail is returned as undeliverable, individuals and organizations will be deleted from the list.

§ 3. Notice of intent.

At least 30 days prior to publication of the notice to conduct an informational proceeding as required by § 9-6.14:7.1 of the Code of Virginia, the board will publish a "notice of intent." This notice will contain a brief and concise statement of the possible regulation or the problem the regulation would address and invite any person to provide written comment on the subject matter. Such notice shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register [of Regulations].

§ 4. Informational proceedings for public hearings for existing regulations.

At least once each biennium, the board will conduct an informational proceeding, which may take the form of a public hearing, to receive public comment on existing regulations. The purpose of this proceeding will be to solicit public comment on all existing regulations as to their effectiveness, efficiency, necessity, clarity, and cost of compliance. Notice of such proceeding will be transmitted to the Registrar of Regulations for inclusion in The

Virginia Register [of Regulations]. Such [~~proceedings proceeding~~] may be held separately or in conjunction with other informational proceedings.

§ 5. Petition for rulemaking.

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

§ 6. Notice of formulation and adoption.

Following any meeting of the board or any subcommittee or advisory committee where the formulation or adoption of regulations occurs, the subject matter shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register [of Regulations].

[§ 7. Advisory committees.

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

STATE CORPORATION COMMISSION

COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION
BUREAU OF INSURANCE

November 20, 1985

Administrative Letter 1985-18

TO: All Companies Licensed To Write Liability Other Than
Automobile Insurance in Virginia

RE: Reporting of Medical Malpractice Claims
Virginia Code Section 38.1-389.3:1

Section 38.1-389.3:1 of the Code of Virginia requires that effective July 1, 1985, all medical malpractice claims settled or adjudicated to final judgment against a person, corporation, firm, or entity providing health care and any such claim closed without payment during each calendar year shall be reported annually to the Commissioner of Insurance by the insurer of the health care provider or, if there is no insurer, by the health care provider. The reports shall not identify the parties.

The report shall include a statistical summary of the information collected in addition to an individual report on each claim. Each annual report shall be a matter of public record.

We are enclosing two (2) forms, which should be reproduced, for use by each company. Form VMM2 (11/85) must be completed for each individual medical malpractice claim settled or adjudicated to final judgment or closed without payment from July 1, 1985 through December 31, 1985. Form VMM1 (11/85) is the statistical report to be completed by each company summarizing part of the information from the VMM2 (11/85) individual reports.

For the period July 1, 1985 through December 31, 1985, the statistical summary report, VMM1 (11/85), and all of the individual reports, VMM2 (11/85), should be received by the Bureau of Insurance no later than March 1, 1986. Subsequent reports should be on a calendar year basis, and received by the Bureau of Insurance no later than March 1 of each ensuing year.

Any questions you have concerning this matter should be communicated to the Bureau in writing.

/s/ James M. Thomson
Commissioner of Insurance

State Corporation Commission

REPORT OF VIRGINIA MEDICAL MALPRACTICE CLAIMS PURSUANT TO SECTION 38.1-389.3:1

TO: COMMISSIONER OF INSURANCE
COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
BUREAU OF INSURANCE
BOX 1157
RICHMOND, VIRGINIA 23209

INSURER: _____

ADDRESS: _____

PHONE NO.: () _____

SUMMARY: CALENDAR YEAR

- | | |
|--|----------|
| 1. Total number of claims closed. | _____ |
| 2. Number of claims closed without payment. | _____ |
| 3. Total amount of damages asserted. | \$ _____ |
| 4. Amount of damages asserted on claims closed without payment. | \$ _____ |
| 5. Total amount of attorney's fees and expenses incurred in connection with the claim or defense to the extent these amounts are known. | \$ _____ |
| 6. Amount of attorney's fees and expenses incurred in connection with the claim or defense to the extent these amounts are known on claims closed without payment. | \$ _____ |
| 7. Total amount of settlements and judgments. | \$ _____ |

Report Submitted By:

Signed: _____

Print Name: _____

Title: _____

Date: _____

State Corporation Commission

REPORT OF VIRGINIA MEDICAL MALPRACTICE CLAIM PURSUANT TO SECTION 38.1-389.3:1

TO: COMMISSIONER OF INSURANCE
COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
BUREAU OF INSURANCE
BOX 1157
RICHMOND, VIRGINIA 23209

INSURER: _____

ADDRESS: _____

RE: COMPANY CLAIM FILE NUMBER: _____

1. Nature of claim: _____

2. Damages asserted and alleged injury: _____

3. Principal medical and legal issues: _____

4. Attorney's fees and expenses incurred in connection with the claim or defense to the extent these amounts are known: _____

5. Amount of settlement or judgment: _____

6. Specialty of health care provider: _____

State Corporation Commission

COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, DECEMBER 4, 1985

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS850208

Ex Parte: In the matter of adopting rules governing new mortality tables for use in determining reserve liabilities for annuities

ORDER ADOPTING REGULATION

WHEREAS, by order entered herein October 22, 1985, a hearing was conducted in the Commission's Courtroom at 10:00 a.m. on November 26, 1985, to consider the adoption of, and the comments of interested parties on, a regulation proposed by the Bureau of Insurance entitled "Rules Governing New Annuity Mortality Tables for Use in Determining Reserve Liabilities for Annuities"; and

WHEREAS, the proposed regulation concerns a subject appropriate for Commission regulation pursuant to Virginia Code § 38.1-456(2) (b), (b1) and (d),

THE COMMISSION, having considered the proposed regulation, the record herein and the law applicable hereto, is of the opinion that the proposed regulation should be adopted to be effective December 31, 1985.

THEREFORE, IT IS ORDERED that the proposed regulation entitled "Rules Governing New Annuity Mortality Tables for Use in Determining Reserve Liabilities for Annuities", which is attached hereto and made a part hereof, be, and it is hereby, ADOPTED and shall be effective on and after December 31, 1985.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to Francis A. Sutherland, Jr., Chief Counsel, Law Department, The Life Insurance Company of Virginia, P. O. Box 27601, Richmond, Virginia 23261; Ronald L. Souder, Assistant General Counsel, American Council of Life Insurance, 1850 K Street, N.W., Washington, D.C. 20006; and the Bureau of Insurance in care of Deputy Commissioner Stephen J. Kaufmann who shall give further notice of the adoption of the proposed regulation by mailing a copy of the order together with a copy of the adopted regulation to every company licensed to transact the business of annuities in the Commonwealth of Virginia.

Title of Regulation: Rules Governing New Annuity

Mortality Tables for Use in Determining Reserve Liabilities for Annuities.

Statutory Authority: §§ 12.1-13 and 38.1-456 of the Code of Virginia.

Effective Date: December 31, 1985

Rules Governing New Annuity Mortality Tables for Use in Determining Reserve Liabilities for Annuities.

§ 1. Authority.

This regulation is issued pursuant to the authority vested in the Commission under §§ 12.1-13 and 38.1-456 of the Code of Virginia.

§ 2. Purpose.

The purpose of this regulation is to recognize new mortality tables, 1983 Table "a" and 1983 GAM Table, for use in determining the minimum standard of valuation for annuity and pure endowment contracts.

§ 3. Definitions.

A. As used in this regulation, "1985 Table "a" means that mortality table developed by the Society of Actuaries Committee to Recommend a New Mortality Basis for Individual Annuity Valuation and adopted as a recognized mortality table for annuities in June 1982 by the National Association of Insurance Commissioners.

B. As used in this regulation, "1983 GAM Table" means that mortality table developed by the Society of Actuaries Committee on Annuities and adopted as a recognized mortality table for annuities in December 1983 by the National Association of Insurance Commissioners.

§ 4. Individual annuity or pure endowment contracts.

A. The 1983 Table "a" is recognized and approved as an individual annuity mortality table for valuation and, at the option of the company, may be used for purposes of determining the minimum standard of valuation for any individual annuity or pure endowment contract issued on or after July 1, 1979.

B. The 1983 Table "a" is to be used for determining the minimum standard of valuation for any individual annuity or pure endowment contract issued on or after January 1, 1987.

§ 5. Group annuity or pure endowment contracts.

A. The 1983 GAM Table and the 1983 Table "a" are recognized and approved as group annuity mortality tables for valuation and, at the option of the company, either table may be used for purposes of valuation for any annuity or pure endowment purchased on or after July 1, 1979, under a group annuity or pure endowment contract.

State Corporation Commission

B. The 1983 GAM Table is to be used for determining the minimum standard of valuation for any annuity or pure endowment purchased on or after January 1, 1987, under a group annuity or pure endowment contract.

§ 6. Severability.

If any provision of this regulation or the application thereof to any person or circumstances is for any reason held to be invalid, the remainder of the regulation and the application of such provision to other persons or circumstances shall not be affected thereby.

§ 7. Effective date.

The effective date of this regulation is December 31, 1985.

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

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

DEPARTMENT OF GENERAL SERVICES

Division of Consolidated Laboratory Services

Title of Regulation: **Regulations for Breath Alcohol
Testing (VR 330-02-1).**

Governor's Comment:

No objection to the proposed regulation as presented.

/s/ Charles S. Robb
Date: December 8, 1985

GENERAL NOTICES/ERRATA

Symbol Key †
† Indicates entries since last publication of the Virginia Register

NOTICES OF INTENDED REGULATORY ACTION

DEPARTMENT OF COMMERCE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Commerce intends to consider amending regulations entitled: **Polygraph Examiners Regulations**. The purpose of the proposed amendments is to amend the license examination procedure and fees charged for license and license renewal in accordance with § 54-1.28:1 of the Code of Virginia, and other changes which may be necessary.

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

Written comments may be submitted until January 10, 1986.

Contact: David E. Dick, Assistant Director, Commonwealth of Virginia, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8515 (toll-free number 1-800 552-3016 - VA only).

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Commerce intends to consider amending regulations entitled: **Private Security Services Business Regulations**. The purpose of the proposed amendments is to revise the fees charged for license, license renewal and registration in accordance with § 54-1.28:1 of the Code of Virginia, and other changes which may be necessary.

Statutory Authority: § 54-729.30 of the Code of Virginia.

Written comments may be submitted until January 10, 1985.

Contact: David E. Dick, Assistant Director, Commonwealth of Virginia, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8515 (toll-free number 1-800 552-3016 - VA only).

BOARD OF HEALTH

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Health intends to consider amending regulations entitled: **Regulations Governing Eligibility Standards and Charges for Medical Care Services**. The purpose of the proposed amendments is to establish financial eligibility criteria for medical indigency in order to determine who may receive medical care services without charge and to establish charges for those who are not medically indigent.

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

Written comments may be submitted until January 20, 1986.

Contact: Barbara Jernigan, Administrative Supervisor, James Madison Bldg., 109 Governor St., Room 512, Richmond, Va. 23219, telephone (804) 786-3554

BOARD OF MENTAL HEALTH AND MENTAL RETARDATION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Mental Health and Mental Retardation intends to consider promulgating regulations entitled: **Rules and Regulations for the Licensure of Private Psychiatric Hospitals, Mental Health, Mental Retardation, and Substance Abuse Treatment and Rehabilitative Facilities**. The purpose of the proposed regulations is to replace existing licensure regulations for private psychiatric hospitals, group homes, halfway houses and substance abuse facilities; and to revise existing regulations pursuant to regulatory review.

Statutory Authority: Title 37.1, Chapter 8 (§ 37.1-179.1) and Chapter 11

Written comments may be submitted until January 20, 1986.

Contact: Mary Dunn Conover, Director, Quality Assurance Support, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-0070.

GENERAL NOTICES

DEPARTMENT OF CRIMINAL JUSTICE SERVICES

ANNOUNCING THE AVAILABILITY OF GRANT FUNDS FOR CRIMINAL JUSTICE ASSISTANCE

The Department of Criminal Justice Services announces the availability of grant funds to assist state agencies and local units of government in carrying out programs which offer a high probability of improving the functioning of the criminal justice system.

In accord with statutory requirements which apply to these funds, and priorities determined by the Criminal Justice Services Board, the following program categories are eligible for funding:

- (1) Community and neighborhood programs that enable citizens and police to undertake initiatives to prevent and control neighborhood crime;
- (2) Programs which provide assistance to victims, jurors and witnesses;
- (3) Programs which provide alternatives to pretrial detention, jail, and prison for persons who pose no danger to the community;
- (4) Programs which alleviate jail and prison overcrowding, and programs which identify existing state and federal buildings suitable for prison use;
- (5) Programs which provide prison industry projects designed to place inmates in a realistic working and training environment in which they will be enabled to acquire marketable skills and to make financial payments for restitution to their victims, for support to their families and for support of themselves in the institution;
- (6) Programs which provide training, management, and technical assistance to criminal justice personnel and determining appropriate prosecutorial and judicial personnel needs;
- (7) Programs which disrupt illicit commerce in stolen goods and property.

Grant applications for continuation funding, or for new programs, must be received by the department by the close of business on Friday, February 7, 1986.

Successful applicants will receive funding for the period July 1, 1986 through June 30, 1987. Priority will be given to continuing those programs now receiving funds and demonstrating satisfactory performance.

A guide describing the eligible programs, funding sources, matching requirements, application procedures and

administrative requirements is available. It also contains the necessary grant application forms and detailed instructions for completing them. For a copy, write or call R. L. Bell, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219, telephone (804) 786-4000.

NOTICE TO STATE AGENCIES

RE: Forms for filing material on dates for publication in The Virginia Register of Regulations.

All agencies are required to use the appropriate forms when furnishing material and dates for publication in The Virginia Register of Regulations. The forms are supplied by the office of the Registrar of Regulations. If you do not have any forms or you need additional forms, please contact: Ann M. Brown, Assistant Registrar of Regulations, Virginia Code Commission, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591.

FORMS:

PROPOSED (Transmittal Sheet) - RR01
FINAL (Transmittal Sheet) - RR02
NOTICE OF MEETING - RR03
NOTICE OF INTENDED REGULATORY ACTION - RR04
NOTICE OF COMMENT PERIOD - RR05
AGENCY RESPONSE TO LEGISLATIVE OR GUBERNATORIAL OBJECTIONS - RR06

NOTICE TO STATE AGENCIES

A list of major meetings of various trade associations and organizations is maintained in the office of the Registrar of Regulations. Upon request, this list will be made available to you in order that you can avoid conflicts when setting up meetings and hearings.

NOTICE TO TRADE ASSOCIATIONS AND ORGANIZATIONS

The 1985-1986 listing of major meetings of certain organizations and associations is being updated. If you would like your organization's annual or semi-annual meeting listed, please advise the office of the Registrar of Regulations, Virginia Code Commission, P. O. Box 3-AG, Richmond, Virginia 23208, telephone (804) 786-3591.

CALENDAR OF EVENTS

Symbol Key †

† Indicates entries since last publication of the Virginia Register

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.

THE VIRGINIA CODE COMMISSION

EXECUTIVE

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

February 25, 1985 - 2 p.m. – Public Hearing
Virginia Department of Agriculture and Consumer Services, Washington Building, 1100 East Bank Street, Board Room 204, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Department of Agriculture and Consumer Services intends to adopt regulations entitled: **Rules and Regulations Governing Retail Food Store Sanitation and Operations.** This regulation establishes requirements for Retail Food Store Sanitation and Operations.

STATEMENT

Basis: Virginia Department of Agriculture and Consumer Services, Bureau of Food Inspection, has for some time been considering the need to formalize retail food store inspection criteria that are currently contained in the Food Inspection Field Operations Manual. In addition, new technology and innovations in the retail food industry such as food services and salad bars have increased attention being given to sanitation and food safety by the public and some members of the General Assembly.

Purpose: The proposed regulation will formalize the inspection procedures for retail food stores currently utilized by the Virginia Department of Agriculture and

Consumer Services, Bureau of Food Inspection.

Impact: The expense to regulatory agencies for the implementation and enforcement of the proposed regulation will be limited to printing costs.

Statutory Authority: §§ 3.1-364 and 3.1-398 of the Code of Virginia.

Written comments may be submitted until February 7, 1986, to Raymond D. Vaughan, Virginia Department of Agriculture and Consumer Services, P. O. Box 1163, Richmond, Virginia 23209.

Contact: Don O'Connell, Chief, Bureau of Food Inspection, Virginia Department of Agriculture and Consumer Services, P. O. Box 1163, Richmond, Va. 23209, telephone (804) 786-3520

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February 26, 1986 - 10 a.m. – Public Hearing
Virginia Department of Agriculture and Consumer Services, Washington Building, 1100 East Bank Street, 2nd Floor, Board Room, Richmond, Virginia. (Location accessible to handicapped.)

The Department will hear comments on all of the proposed regulations listed below.

Written comments on all proposed regulations may be submitted until February 25, 1986, to Raymond D. Vaughan, Virginia Department of Agriculture and Consumer Services, P. O. Box 1163, Richmond, Virginia 23209.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Department of Agriculture and Consumer Services intends to amend the following regulations:

Title: **Rules and Regulations for Enforcement of the Virginia Pesticide Law.** This regulation ensures that pesticides sold and used in Virginia are effective and can be used without causing unreasonable adverse effects to humans and the environment.

STATEMENT

Statement of Basis: 1. The original rules and regulations were written to regulate the manufacture, sale, and transportation of economic poisons (pesticides) and devices, including insecticides, fungicides, rodenticides, herbicides, disinfectants, pest repellents, lures, wood

preservatives, and mildew controls.

In 1975 the rules and regulations were amended to provide for enforcement of the Virginia Pesticide Use and Application Act of 1975. This act provided for the certification and licensing of both private and commercial applicators using restricted use pesticides in Virginia. In addition, this act provides for monitoring use or conducting misuse investigations on the use of any pesticide or container inconsistent with the label directions or regulations of the board.

2. The rules and regulations adopted under the Virginia Pesticide Law were considered in accordance with the Governor's Regulation Review Process to determine if the requirements were needed and to assure that they were clearly and simply stated as well as requirements not needed.

3. The continued economic production of food and fiber in Virginia is, in a large measure, dependent on the effective control of the various pests e.g. insects, diseases, weeds etc. affecting these commodities. Chemical pesticides are expected to continue playing a major role in effective pest control. In addition, it is equally essential that these materials be applied in such a manner as to assure a minimum adverse impact on humans and the environment. An effective program of regulating these important chemicals is essential to this effort.

Purpose: The primary purpose of this regulation is to aid in assuring the continued availability of pesticide chemicals essential to the production of food and fiber and the protection of health and property in Virginia. It also provides assurance that these products are adequately labeled to ensure that they are effective for their intended use and can be used without unreasonable adverse effects to the applicator, the public or to the environment.

Impact: Number or types of regulated entities or persons affected. All citizens of Virginia have a vested interest in the effective regulation of pesticide chemicals. The entities include 13,000 farmers, 400 dealers, homeowners, 3,000 commercial applicators, 898 manufacturers and others.

Statutory Authority: §§ 3.1-217 and 3.1-217.1 of the Code of Virginia.

Contact: Donald H. Kludy, State Entomologist, Bureau Chief, Bureau of Plant Protection and Pesticide Regulation, P. O. Box 1163, 1100 Bank St., Richmond, Va. 23209, telephone (804) 786-3515

Title: Rules and Regulations for the Enforcement of Virginia Fertilizer Law.

STATEMENT

Statement of basis: This regulation is essential to assure

consumers that commercial fertilizers are plainly and conspicuously labeled and that such products contain the amount of nutrients declared on the label. It prescribes how plant nutrients must be expressed on the product label; it provides for minimum guarantees for nutrients other than nitrogen, phosphorus and potassium; it prescribes how slowly available plant nutrients may be guaranteed; it provides the requirements for registering and labeling "Soil Conditioners"; it provides investigational allowances to be used in determining when a product is deficient; it provides for monetary penalty assessments for nitrate and water insoluble nitrogen, secondary and minor elements and for excessive chlorine in tobacco fertilizers; it provides maximum chlorine guarantees for tobacco fertilizers and it provides for a minimum percentage of primary plant nutrients (Nitrogen, Phosphate and Potash) in mixed fertilizers.

Statement of purpose and impact: The regulation is necessary to prescribe uniform labeling of plant nutrients so that the consumer can compare one product with another; to provide investigational allowances to be used in determining when a product is deficient; to provide for monetary penalty assessments for deficiencies in certain plant nutrients and to provide minimum percentages of plant nutrients to be included in mixed fertilizers.

Impact: The regulation affects 350 fertilizer manufacturers doing business in Virginia. The new provision will likely reduce violations and monetary penalty assessments.

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

Contact: W. P. Zentmeyer, Supervisor, Division of PAIR, 1100 Bank St., Room 505, Richmond, Va. 23219, telephone (804) 786-3511

Title: Rules and Regulations for the Enforcement of the Virginia Commission Merchant Law. The regulation establishes industry-wide rules to provide for the orderly marketing of and proper accounting for tobacco sold at auction in licensed warehouses. The regulation prescribes sales records to be kept, identifies persons that can alter records or reject a sale, and provides authorization from consignor for licensee to buy tobacco for his own account.

STATEMENT

Statement of Basis: The Virginia Commission Merchants Law provides for licensing Commission Merchants and sets forth certain requirements for record keeping for the orderly marketing and proper accounting of tobacco sold at auction in licensed warehouses. Section 3.1-921 of the Code of Virginia provides for the State Board of Agriculture and Consumer Services to adopt needed rules and regulations for the enforcement of this chapter. Regulations have been adopted to further assure the orderly marketing and proper accounting of tobacco sold at auction in licensed warehouses.

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Nontechnical changes were made to improve sentence structure and clarity to the rules.

The regulation specifies information required on a "Ticket", "Tobacco Sale Bill", and "Buyers Bill". It further specifies what records must be kept and made available for inspection and who is authorized to make changes to the required documents.

Purpose: To provide for the orderly marketing of and proper accounting for tobacco sold at auction in licensed warehouses.

Impact: This regulation affects 44 tobacco warehouses licensed under the Commission Merchants Law and all companies/persons buying tobacco at these licensed warehouses.

Statutory Authority: § 3.1-721 of the Code of Virginia.

Contact: J. F. Lyles, Chief, Virginia Department of Agriculture and Consumer Services, Weights and Measures Bureau, Washington Bldg., Room 402, 1100 Bank St., Richmond, Va. 23219, telephone (804) 786-2476

* * * * *

Title: Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law.

STATEMENT

Statement of Basis: The Virginia Weights and Measures Law (Ch. 35 of Title 3.1 of the Code of Virginia) provides consumer protection at the point of sale in all commercial transactions. Section 3.1-926 of the Code of Virginia states in part, that the board may issue regulations for the enforcement of this chapter. Regulations have been developed to establish operating guidelines for specific weights and measures activities. The regulations were developed to:

1. Specify commodity labeling requirements to assure truthful information in labeling of consumer and nonconsumer commodities. The labeling requirements are compatible with the Federal Fair Packaging and Labeling act and Uniform Packaging and Labeling Regulation as passed by the National Conference on Weights and Measures and printed in National Bureau of Standards Handbook 130.
2. Specify method of sale for certain consumer commodities. The method of sale is compatible with the Uniform Method of Sale Regulation as adopted by the National Conference on Weights and Measures and printed in National Bureau of Standards Handbook 130.
3. Exempt from sealing or marking and/or annual retesting of certain weights and measures.
4. Establish guidelines for the accurate weighing of

producers' tobacco to the nearest one pound at auction and to require that certain sale documents be kept for a period of three years.

5. Require that certain bulk commodities be sold by weight and that a delivery ticket be given to the purchaser.

Purpose: To prescribe how consumer and nonconsumer packages must be labeled to enhance value comparison and reduce fraud and misrepresentation; to prescribe method of sale for certain consumer commodities; to exempt from annual sealing or marking and/or annual retesting of certain weights and measures; to establish guidelines for the accurate weighing of producers' tobacco to the nearest one pound at auction and to require that certain sale documents be kept for a period of three years; and to require that certain bulk commodities be sold by weight and that a delivery ticket be given to the purchaser.

Impact: This regulation affects the following firms or persons doing business in Virginia: (i) packers and processors preparing prepackaged commodities, (ii) retailers selling bulk commodities by weight, (iii) vending machine owners or operators, (iv) railroads, (v) tobacco auction warehouses, and (vi) sellers of agricultural products or specified bulk commodities by weight.

This regulation also affects the following firms or persons doing business in Virginia: (i) sellers advertising the sale of fireplace or stove wood, (ii) manufacturers or sellers of prefabricated utility buildings or polyethylene products, (iii) packagers or installers of insulating materials, (iv) retailers or wholesalers of soft wood lumber, and (v) owners or operators filling liquified petroleum gas cylinders.

Also, the regulation affects each owner or operator of milk tanks, vehicle tanks, dry or liquid measure containers when used as a standard of measure.

Statutory Authority: §§ 3.1-926 and 3.1-943 of the Code of Virginia.

Contact: J. F. Lyles, Chief, Weights and Measures Bureau, Washington Bldg., 1100 Bank St., P. O. Box 1163, Room 402, Richmond, Va. 23209, telephone (804) 786-2476

* * * * *

Title: Rules and Regulations Governing the Virginia Animal Remedies Law. These regulations establish a method of determining if an animal remedy manufacturer has proper equipment and qualified personnel, criteria for storage of biologicals and specifies the methods of analysis to be used.

STATEMENT

Statement of basis: The health programs for livestock and

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poultry are based on prevention and treatment of diseases. Accurate and complete labeling of animal remedies is necessary to protect the purchasers and users of animal remedies in the production of meat, milk and eggs for human consumption.

Purpose: To establish a method of determining if an animal remedy manufacturer has proper equipment and qualified personnel, criteria for storage of biologicals and specifies the methods of analysis to be used.

The health programs for livestock and poultry are based on prevention and treatment of diseases. Accurate and complete labeling of animal remedies is necessary to protect the purchasers and users of animal remedies in the production of meat, milk and eggs for human consumption.

Impact: These regulations affect all firms or persons who manufacture and offer for sale or purchase and use animal remedies in the production of meat, milk and eggs for human consumption.

Statutory Authority: § 3.1-839 of the Code of Virginia.

Contact: G. A. Pearson, Supervisor, Feed and Animal Remedies Section, Virginia Department of Agriculture and Consumer Services, Division of PAIR, P. O. Box 1163, 1100 Bank St., Room 403, Richmond, Va. 23209, telephone (804) 786-3514

* * * * *

Title: Rules and Regulations for Enforcement of the Virginia Agricultural Products Dealers Licensing and Bonding Law. This regulation (i) requires the licensee to declare the conditions under which he intends to operate; (ii) requires the license to be conspicuously posted in the licensee's place of business; (iii) requires "Conditional Buyers" to provide additional information to the producer when shipment is rejected; (iv) requires proper accounting for receipt and delivery of products; (v) requires all contracts be filed with the Department of Agriculture and Consumer Services; and (vi) prescribes rules for filing complaints of violations of §§ 3 and 4 of the regulation.

STATEMENT

Basis: During the early 1960's, it was determined that some Virginia produce growers were not receiving proper accounting of and prompt payment for produce sold to produce dealers located in state as well as out of state. Thus, the Virginia Agricultural Products Dealers Licensing and Bonding Law was enacted in 1966 and the Rules and Regulations for the Enforcement of the Law were adopted in April of 1977.

Preventing misunderstanding between produce growers and produce buyers is essential in maintaining a wholesome marketing atmosphere. These regulations are essential in ensuring Virginia's agricultural producers that sales of

produce will be properly accounted for and that they will receive prompt payment.

Purpose: The purpose of this regulation is to require the licensee to declare, at the time application is made for a license, the conditions under which the licensee intends to operate; require the license to be conspicuously posted in the licensee's place of business; require "Conditional Buyers" to provide additional information to the producer when shipment is rejected; require proper accounting of receipt and delivery of products; require all contracts be filed with the Department of Agriculture and Consumer Services; and prescribe rules for filing complaints of violations of §§ 3 and 4 of the regulation. Changes were made to improve sentence structure and clarity.

Impact: This regulation affects 58 (number of 1985 licensees) persons or firms purchasing Virginia agricultural produce directly from the producer and not exempted in the Dealers in Agricultural Products Law § 3.1-722.1 of the Code of Virginia.

Projected cost to regulated entities for implementation and compliance – None.

Statutory Authority: § 3.1-722.13 of the Code of Virginia.

Contact: J. Bentley Crichton, Supervisor, Virginia Department of Agriculture and Consumer Services, Division of Product and Industry Regulation, 1100 Bank St., Room 403, Richmond, Va. 23219, telephone (804) 786-3542

* * * * *

Title: Rules and Regulations for Enforcement of the Virginia Agricultural Liming Materials Law.

STATEMENT

Statement of basis and purpose: This regulation is essential to assure consumers that agricultural liming materials are accurately and conspicuously labeled. The regulation prescribes minimum standards and classification of liming materials by fineness; minimum calcium carbonate equivalents for Burnt Lime, Hydrated Lime, Limestone, Shells and Burnt Shells. The regulation prescribes investigational allowance and penalties for deficiencies in neutralizing value, fineness; calcium, magnesium and potash in lime potash mixtures. It establishes test methods by reference to those published in the "Book of Methods" by the Association of Official Analytical Chemist. It requires that the results of official samples be reported annually to all registrants of agricultural liming materials.

Impact: The regulation affects 62 registrants doing business in Virginia. No new burden is imposed by these regulations.

Statutory Authority: § 3.1-126.12 of the Code of Virginia.

Contact: W. P. Zentmeyer, Supervisor, Fertilizer Section,

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Virginia Department of Agriculture and Consumer Services,
Division of PAIR, 1100 Bank St., Room 505, Richmond, Va.
23219, telephone (804) 786-3511

* * * * *

Title: Rules and Regulations for Enforcement of the Virginia Gasoline and Motor Fuels Law.

STATEMENT

Statement of basis and purpose: This regulation is essential to ensure that all motor fuel offered for sale is accurately labeled and meets established minimum specifications. It (i) prescribes minimum specification for distillation, Reid vapor pressure, water and sediment and gum in gasoline; flash point, water and sediment, sulfur cetane, distillation and corrosion in diesel fuel; (ii) provides the requirement for registration and labeling of gasoline and diesel fuel; (iii) prescribes the regulatory action to be taken when motor fuels are found not to conform to minimum specifications and (iv) requires the publication of information filed in connection with registration and results of tests of official samples.

Impact: The regulation affect approximately 600 motor fuel registrants and 14,400 retail outlets in Virginia.

Cost to industry will be minimal since current requirements are that the kind of alcohol blended must be posted on retail pumps, this regulation requires that the percentage be added.

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

Contact: W. P. Zentmeyer, Supervisor, Virginia Department of Agriculture and Consumer Services, Division of PAIR, 1100 Bank St., Room 505, Richmond, Va. 23219, telephone (804) 786-3511

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Title: Rules and Regulations for the Enforcement of the Virginia Industrial Ethanol Act.

STATEMENT

Statement of basis: This regulation is necessary to clearly define the requirements and conditions under which a permit may be issued; to (i) prescribe record keeping requirements for permittees; (ii) production reporting requirements; (iii) security measures to deter unauthorized use of equipment or removal of ethanol; to clarify denaturing requirements for industrial ethanol; to prescribe (i) warning statements for denatured ethanol; (ii) minimum size containers; (iii) conditions for transporting undenatured ethanol; and to require an identifying mark on any distilling apparatus existing under the authority of the Virginia Industrial Ethanol Act.

Statement of purpose: This regulation is necessary to preclude the diversion of fuel alcohol to beverage use and to create a climate that will foster the growth and development of the industry.

Impact: This regulation affects 66 firms producing ethanol in Virginia. No new burden is imposed by the regulation.

Statutory Authority: § 3.1-1052 of the Code of Virginia.

Contact: W. P. Zentmeyer, Supervisor, Virginia Department of Agriculture and Consumer Services, Division of PAIR, 1100 Bank St., Room 505 Richmond, Va. 23219, telephone (804) 786-3511

* * * * *

Title: Rules and Regulations for Enforcement of the Virginia Petroleum Products Franchise Act.

STATEMENT

Statement of basis: Rules and Regulations are mandated by § 59.1-21.16:2 of the Code of Virginia. The regulation is necessary to clearly define the conditions and terms under which a produce/refiner may operate a retail outlet which was operated by a franchised dealer; to establish and define the conditions and terms under which a producer/refiner may rebuild or relocate a retail outlet operated by the producer/refiner prior to July 1, 1979; and, to establish requirements for reporting locations of retail outlets.

Statement of purpose: This regulation is necessary for the enforcement of § 59.1-21.16:2 of the Code of Virginia, the Petroleum Products Franchise Act. It establishes conditions under which a producer/refiner may temporarily operate a franchised retail outlet, rebuild or relocate retail outlets and outlines the criteria for reporting the locations of retail outlets.

Impact: The regulation affects 358 producer/refiner outlets and 1,073 franchised dealers operating retail outlets in Virginia. No new burden is imposed by these regulations.

Statutory Authority: § 59.1-21.16:2 of the Code of Virginia.

Contact: W. P. Zentmeyer, Supervisor, Virginia Department of Agriculture and Consumer Services, Division of PAIR, 1100 Bank St., Room 505, Richmond, Va. 23219, telephone (804) 786-3511

* * * * *

Title: Rules and Regulations Relating to the Virginia Plants and Plant Products Inspection Law.

STATEMENT

Statement of basis: Virginia is a producer of Narcissus plants and bulbs and vegetable transplants for shipment to

Calendar of Events

other states and countries. Some importing states and countries legally require pest-free certification of Narcissus plants, Narcissus bulbs and vegetable transplants for importation. For this reason, it is necessary to declare these articles as nursery stock and provide procedures to make them eligible for pest-free certification. No change in this portion of the regulation is necessary.

White pines are widely grown throughout Virginia as an ornamental and as an agricultural commodity for Christmas trees. White pine blister rust, Cronartium ribicola, is a destructive disease of white pines. European black currant, Ribes nigrum, serves as the alternate host to this rust and may harbor and disseminate this disease.

Inspecting a license of nurserymen at satellite retail locations by Virginia Department of Agriculture and Consumer Services personnel serves as a check for parent nursery affiliations and responsibility. However, it is not necessary for this copy to be displayed; it need only be available for inspection by field personnel when requested for verification. Therefore, the part of this regulation requiring display of a license by satellite retail stores should be repealed.

Purpose: To declare Narcissus plants, Narcissus bulbs, and vegetable transplants as nursery stock and make them eligible for certification as pest-free for export. It also prohibits the importation of European black currant plants, Ribes nigrum, the alternate host of white pine blister ruts, Cronartium ribicola. Inspecting a license of nurserymen at satellite retail locations by Virginia Department of Agriculture and Consumer Services personnel serves as a check for parent nursery affiliations and responsibility. However, it is not necessary for this copy to be displayed; it need only be available for inspection by field personnel when requested for verification. Therefore, the part of this regulation requiring display of a license by satellite retail stores should be repealed.

Impact: Section 1 affects no more than 100 nurseries having more than one sales location.

Section 2 affects 10 growers producing 15 acres of Narcissus bulbs.

Section 3 affects 3 growers producing 150 acres of vegetable transplants.

Section 4 (European Black Currant Plants) affects all persons in the state in that it prohibits anyone from importing or bringing these plants into Virginia.

Statutory Authority: § 3.1-188.25 of the Code of Virginia.

Contact: Donald H. Kludy, State Entomologist and Chief, Virginia Department of Agriculture and Consumer Services, Bureau of Plant Protection and Pesticide Regulation, P. O. Box 1163, 1100 Bank St., Richmond, Va. 23209, telephone (804) 786-3515

* * * * *

Title: Rules and Regulations for Enforcement of the Virginia Commercial Feed Law. The regulations define terms specifically applicable to the Virginia Commercial Feed Law and establish criteria for listing required information on commercial feed labels.

STATEMENT

Statement of basis: Livestock and poultry feeding programs are based on the nutrient needs of the animal. Accurate and complete labeling of commercial feed is necessary in order to protect the purchasers and users of commercial feed in the production of meat, milk and eggs for human consumption.

Purpose: To define terms specifically applicable to the Virginia Commercial Feed Law and establish criteria for listing required information on commercial feed labels. Livestock and poultry feeding programs are based on the nutrient needs of the animal. Accurate and complete labeling of commercial feed is necessary in order to protect the purchasers and users of commercial feed in the production of meat, milk and eggs for human consumption.

Impact: These regulations affect 603 firms or persons who process or manufacture commercial feed ingredients or manufacturers and sell commercial feed and 79,000 livestock and poultry producers who purchase and use commercial feeds in the production of meat, milk and eggs for human consumption in Virginia.

Statutory Authority: § 3.1-813 of the Code of Virginia.

Contact: G. A. Pearson, Supervisor, Feed and Animal Remedies Section, Virginia Department of Agriculture and Consumer Services, Division of PAIR, P. O. Box 1163, Room 403, Richmond, Va. 23209, telephone (804) 786-3514

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Title: Rules and Regulations for Enforcement of the Virginia Seed Law. This regulation prescribes the method of inspecting, sampling, and testing of seed; provides applicable tolerances in testing, and prescribes specifications and requirements for labeling.

STATEMENT

Statement of Basis: To ensure that all seed sold, offered for sale, exposed or advertised is truthfully labeled with information taken from a laboratory analysis of a test conducted from a representative sample of a lot. Protect agricultural land from the introduction of prohibited noxious weed seed, and inform the purchaser of seed if any restricted noxious weed seed are present and their rate of occurrence. Restrict the sale of seed that contain weed seed in excess of 1.0%. Inform the purchaser if seed have been treated and identify the treatment substance.

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For these reasons it is necessary to maintain an inspection, sampling and testing program that will monitor seed that is sold in order that the purchaser of the seed and other agricultural interest will be protected.

Statement of purpose and impact: This regulation is to ensure that all seeds are truthfully labeled within tolerance of the label guarantee and meet established minimum specifications according to standard procedures of inspecting, sampling, testing and the application of tolerance. Also, to name those weed seed which are classified as prohibited noxious (no tolerance permitted) and restricted noxious with limitation as to rate of occurrence. This regulation also establishes the maximum percentage of (common) weed seed and inert matter, and the minimum germination standards of vegetable, flower and peanut seed. Changes were made to improve the sentence structure and clarify. Seven agricultural kinds were added to the existing list. The requirement for labeling the component of lawn and turf seed mixtures under the heading of fine textured and coarse kinds was deleted to conform to the requirement of the Federal Seed Act and the Recommended Uniform State Seed Law.

Impact: This regulation affects all persons in Virginia who label or purchase seed to include 58,000 farmers, 165 seed labelers, 1.1 million home owners, 30 sod producers, 240 golf courses, 800 schools, 80 colleges, 65 federal parks, 31 state parks, and other state agencies.

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

Contact: D. E. Brown, Supervisor, Seed Section, Virginia Department of Agriculture and Consumer Services, Division of PAIR, 1100 Bank St., Room 505, Richmond, Va. 23219, telephone (804) 786-3797

* * * * *

Title: Rules and Regulations for Enforcement of the Virginia Pest Law - Virginia Gypsy Moth Quarantine.

STATEMENT

Statement of Basis: Preventing the artificial (long distance) spread of the gypsy moth is dependent upon regulating the movement of articles capable of transporting any life stage of the gypsy moth. For this reason, it is necessary to establish regulated (infested) areas from which articles capable of moving gypsy moth may not be moved without first being certified free of all life stages.

Purpose: To prevent the artificial spread of gypsy moth from regulated (infested) areas to nonregulated (noninfested) areas by requiring that articles capable of transporting life stages of the gypsy moth be inspected and certified free of gypsy moth.

Impact: This regulation affects any person moving regulated articles from the regulated (infested) areas into the nonregulated (noninfested) areas.

Statutory Authority: §§ 3.1-188.23 - 3.1-188.24 of the Code of Virginia.

Contact: Donald H. Kludy, State Entomologist and Chief, Bureau of Plant Protection and Pesticide Regulation, Virginia Department of Agriculture and Consumer Services, P. O. Box 1163, 1100 Bank St., Richmond, Va. 23209, telephone (804) 786-3515

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Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Department of Agriculture and Consumer Services intends to REPEAL the following regulations:

Title: Rules and Regulations for Enforcement of the Barberry and Black Stem Rust Quarantine.

STATEMENT

Brief statement of subject, substance, issues, basis and purpose: In order to prevent the spread of a destructive disease from certain species of barberry, mahonia and *Mahoberberis* plants to small grain crops, this regulation was enacted. This regulation was enacted to: (i) declare all rust-susceptible species of these plants as a public nuisance; (ii) authorize the State Entomologist to destroy all rust-susceptible species of these plants found in Virginia; (iii) prohibit the movement, planting, and/or growing of any rust-susceptible species of these plants; and (iv) allow movement, planting and/or growing of nonsusceptible species of these plants, if labeled properly. This was determined to be the only means of control, since no practical chemical controls were available. Also, this regulation was enacted to enable VDAS to cooperate with the USDA quarantine for the same organism. However, the USDA has not enforced their quarantine for several years, like Virginia, since rust-susceptible varieties of these plants are no longer commercially available. This lack of availability has resulted in minimal hazard disease spread to grain crops in the Commonwealth. Therefore, this regulation is recommended for repeal.

Statutory Authority: §§ 3.1-188.21, 3.1-188.23 and 3.1-288.24 of the Code of Virginia.

Contact: Donald H. Kludy, State Entomologist and Chief, Bureau of Plant Protection and Pesticide Regulation, Virginia Department of Agriculture and Consumer Services, P. O. Box 1163, 1100 Bank St., Richmond, Va. 23209, telephone (804) 786-3515

* * * * *

Title: Rules and Regulations for Enforcement of the Noxious Weed Law.

STATEMENT

Brief statement of subject, substance, issues, basis and

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purpose: During the past 10 years it has been demonstrated that the weed (*Salpichroa organifolia*) can be effectively controlled by readily available herbicides, but eradication is not likely since the plant reproduces vegetatively as well as by seed. Also, this weed has not become a serious problem in Virginia over the last 10 years. The need for the regulation has passed and the regulation should be repealed.

Statutory Authority: §§ 3.1-296.13 - 3.1-296.14 of the Code of Virginia.

Contact: Donald H. Kludy, State Entomologist and Chief, Bureau of Plant Protection and Pesticide Regulation, Virginia Department of Agriculture and Consumer Services, P. O. Box 1163, 1100 Bank St., Richmond, Va. 23209, telephone (804) 786-3515

* * * * *

Title: Rules and Regulations Providing for the White Pine Blister Rust Quarantine.

STATEMENT

Brief statement of subject, substance, issues, basis and purpose: Many years ago, several species of gooseberries and currant plants that are capable of spreading the disease white pine blister rust, were shipped to Virginia and other states. During this period of time, it was felt that the best way to protect commercial stands of which pines in certain areas of the state would be to restrict the movement into those areas of certain disease susceptible varieties of currants and gooseberries. Therefore, 33 counties were described as having the largest stands of white pines, and would be protected from the entrance of disease carrying currants and gooseberries. Over the years, requests for shipment into these protected counties have dwindled. Also, commercial nurseries stopped shipping varieties of the plants capable of spreading white pine blister rust. The regulation is no longer necessary to protect commercial stands of white pines and should be repealed. The complete prohibition of European black currants (the most destructive variety) section of this quarantine is recommended to be added to the regulations under the Virginia Plants and Plant Products Inspection Law under this review process.

Statutory Authority: §§ 3.1-188.21, 3.1-188.23 and 3.1-288.24 of the Code of Virginia.

Contact: Donald H. Kludy, State Entomologist and Chief, Department of Agriculture and Consumer Services, Bureau of Plant Protection and Pesticide Regulation, P. O. Box 1163, 1100 Bank St., Richmond, Va. 23209, telephone (804) 786-3515

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Title: Rules and Regulations for Enforcement of the Tomato Plant Disease Quarantine.

STATEMENT

Brief statement of subject, substance, issues, basis and purpose: In the past, commercial tomato growers in eight Virginia counties have purchased transplants from Southern states infected with several diseases. This regulation was adopted to assure a continuous supply of healthy tomato transplants for planting. The regulation was designed to: (i) prohibit the movement of plants into or between the protected eight counties unless such plants were accompanied by a certificate of inspection; (ii) allow plants accompanied by an approved certificate to move into or between the counties; (iii) allow tomato growers in the protected counties to call for an inspection by VDACS personnel on any imported plants; (iv) assure that all plants moving into or between the protected counties were subject to inspection by VDACS personnel; and (v) allow plants not accompanied by a valid certificate or found to be infected with any of the listed diseases to be stop saled, seized, destroyed, or returned to the shipper.

Over the last several years, the primary exporting states have employed a good transplant inspection program to assure relative freedom from disease. Also, commercial tomato growers in Virginia have not called for inspection of tomato plants suspected of having a disease problem for two years. In addition, the Virginia Plant and Plant Products Inspection Law would allow VDACS to take action to rectify any disease problems detected on tomato transplants. This regulation has served its purpose and is recommended for repeal.

Statutory Authority: §§ 3.1-188.21, 3.1-188.23 and 3.1-188.24 of the Code of Virginia.

Contact: Donald H. Kludy, State Entomologist and Chief, Virginia Department of Agriculture and Consumer Services, Bureau of Plant Protection and Pesticide Regulation, P. O. Box 1163, 1100 Bank St., Richmond, Va. 23219, telephone (804) 786-3515

STATE AIR POLLUTION CONTROL BOARD

† February 3, 1986 - 9 a.m. - Open Meeting
Richmond, Virginia (Site to be determined)

This is a regular meeting of the board.

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

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

January 13-14, 1986 - 9:30 a.m. - Open Meeting
January 28, 1986 - 9:30 a.m. - Open Meeting
February 10-11, 1986 - 9:30 a.m. - Open Meeting
February 25, 1986 - 9:30 a.m. - Open Meeting

Calendar of Events

2901 Hermitage Road, Richmond, Virginia. (Location accessible to handicapped.)

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

Contact: Larry E. Gilman, 2901 Hermitage Rd., Richmond, Va., telephone (804) 257-0616

VIRGINIA STATE APPLE BOARD

† **January 12, 1986 - 2 p.m.** – Open Meeting
The Homestead, Hot Springs, Virginia. (Location accessible to handicapped.)

A monthly board meeting of the Virginia State Apple Board.

Contact: Clayton O. Griffin, P. O. Box 718, Staunton, Va. 24401, telephone (804) 855-9046

VIRGINIA APPRENTICESHIP COUNCIL

January 16, 1986 - 10 a.m. – Open Meeting
Fourth Street Office Building, 205 North 4th Street, 2nd Floor Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

A regular quarterly meeting.

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

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

January 7, 1986 - 10:30 a.m. – Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, Conference Room 1, Richmond, Virginia. (Location accessible to handicapped.)

The board will meet to conduct an informal fact-finding proceeding regarding Ralph P. Hines.

January 13, 1986 - 10 a.m. – Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, Conference Room 1, Richmond, Virginia. (Location accessible to handicapped.)

The board will meet to conduct an informal fact-finding conference in reference to Robert D. Murphy.

Contact: Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8524

VIRGINIA AUCTIONEERS BOARD

January 9, 1986 - 10 a.m. – Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, Conference Room 1, 5th Floor, Richmond, Virginia. (Location accessible to handicapped.)

A board meeting to consider (i) up-date on expenditures and revenue; (ii) discussion of escrow policy; and (iii) discussion of proposed action on regulations.

Contact: Gerald W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8508

VIRGINIA AVIATION BOARD

January 14, 1986 - 10 a.m. – Open Meeting
Byrd International Airport, Airport Manager's Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to discuss current aviation matters.

Contact: Kenneth A. Rowe, Director, Department of Aviation, 4508 S. Laburnum Ave., P. O. Box 7716, Richmond, Va. 23231, telephone (804) 786-6284

INTERDEPARTMENTAL COUNCIL ON RATE-SETTING FOR CHILDREN'S FACILITIES

† **February 4, 1986 - 10 a.m.** – Open Meeting
Regency Square Shopping Center, 1420 Parham Road, The Community Room, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

The council will receive reports from the State Boards of the Departments of Corrections, Education and Social Services; plan future council activities and initiate the appropriate response to the training of hearing officers pursuant to § 2.1-703 D of the Code of Virginia.

NOTE: The meeting previously scheduled for Tuesday, January 7, 1986, is hereby rescheduled for February 4, 1986 to the time and location specified above.

Contact: Nancy Bockes, P. O. Box 434, Independence, Va. 23348, telephone (703) 773-2452

COORDINATING COMMITTEE FOR INTERDEPARTMENT LICENSURE AND CERTIFICATION OF CHILDREN'S RESIDENTIAL FACILITIES

January 10, 1986 - 8:30 a.m. - Open Meeting
Blair Building, 8007 Discovery Drive, Conference Room C,
Richmond, Virginia. (Location accessible to handicapped;
interpreter for deaf provided if requested.)

A meeting to consider (i) progress report on Core
Standards Adoption; (ii) appointment of advisory
committee, and to (iii) discuss the Training Plan.

Contact: Barry P. Craig, Blair Bldg., 8007 Discovery Dr.,
Richmond, Va. 23229-8699, telephone (804) 281-9025

DEPARTMENT OF COMMERCE

† **March 7, 1986 - 10 a.m. - Public Hearing**
Department of Commerce, Travelers Building, 3600 West
Broad Street, Richmond, Virginia. (Location accessible to
handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1
of the Code of Virginia that the Department of
Commerce intends to amend regulations entitled:
**Rules and Regulations of the Virginia Auctioneers
Board.** The amendments provide for the establishment
of a program of certification for all registered
auctioneers. The proposed amendments intend to
establish criteria for certification of auctioneers in
accordance with applicable statutes.

STATEMENT

Basis and Purpose: Pursuant to §§ 54-824.9:2 and 54-824.9:3
of the Code of Virginia, the Virginia Auctioneers Board
proposes to adopt rules and regulations to implement the
enabling statute of the board, which is to certify and
regulate any registered individual wishing to hold himself
out as a Certified Virginia Auctioneer in the
Commonwealth and to otherwise discharge the duties
imposed on the board by § 54-1.28 of Chapter 1.1 of Title
54, Code of Virginia. The objective of these proposed
amendments is to assure that auctioneers have met the
desired competence through the least burdensome and
most cost effective method available.

Impact: A. The amendments will affect approximately 780
registered auctioneers who may be eligible for
certification. It is estimated that approximately 110
auctioneers per year would apply for examination and
certification. In the initial year of the program, most
applicants would be appending under the "grandfather"
clause and would not be required to be examined.

B. The projected cost of implementation to the regulated
entities is estimated at \$120 per applicant based on the

expected cost of \$12,000 per year for administration, which
includes the cost of examination and certification. The cost
for implementation of the amendments may be passed on
to the consumer by auctioneers in the form of increased
fees. The cost of compliance to the regulated entities
includes the fees for application and for attendance at a
school of auctioneering to qualify for the examination.
Based on the average cost of auctioneer schools,
transportation, loss of business time and examination fees,
the average expense per applicant is \$1,720.

C. The agency expects that the cost for administration of
the proposed amendments will be \$12,000 per year.
Revenue from examination and reexamination fees for \$50
is estimated at \$5,500 per year and \$6,500 per year will
be generated by the \$75 certification fee. No additional
personnel or equipment will be necessary to implement
the proposed amendments.

D. Funds for implementing the amendments will come
from part of the special dedicated revenue appropriated to
the Department of Commerce. The proposed fee schedule
is as follows:

Examination fee \$50

Reexamination fee \$50

Certification fee \$75

Statutory Authority: §§ 54-824.9:2 and 54-824.9:3 of the Code
of Virginia.

Written comments may be submitted until February 6,
1986.

Contact: Gerald W. Morgan, Assistant Director,
Department of Commerce, 3600 W. Broad St., Richmond,
Va. 23230-4917, telephone (804) 257-8508 (toll-free number
1-800-552-3016)

STATE BOARD FOR COMMUNITY COLLEGES

† **January 15, 1986 - 1 p.m. - Open Meeting**
James Monroe Building, 101 North 14th Street, 15th Floor,
Board Room, Richmond, Virginia. (Location accessible to
handicapped.)

A working session.

† **January 16, 1986 - 8:30 a.m. - Open Meeting**
James Monroe Building, 101 North 14th Street, 15th Floor,
Board, Richmond, Virginia. (Location accessible to
handicapped.)

A meeting of the State Board Committees (Audit,
Facilities, Personnel, Curriculum and Program, Budget
and Finance). An agenda will be available at a later
date.

Calendar of Events

† **January 16, 1986 - 10 a.m.** – Open Meeting
James Monroe Building, 101 North 14th Street, 15th Floor,
Richmond, Virginia. (Location accessible to handicapped.)

A meeting of the board. An agenda is unavailable at this time.

Contact: Dr. Ann L. Williams/Nancy Finch, James Monroe Bldg., 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2117

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

Upper James River Advisory Board

† **January 9, 1986 - 7:30 p.m.** – Open Meeting
Botetourt Hotel, Buchanan, Virginia

A quarterly business meeting of the advisory board to review matters pertaining to the Upper James River.

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

Virginia Soil and Water Conservation Board

January 16, 1986 - 9 a.m. – Open Meeting
Farm Credit Office, 6526 Mechanicsville Turnpike,
Mechanicsville, Virginia

A regular bi-monthly business meeting.

Contact: Donald L. Wells, 203 Governor St., Suite 206,
Richmond, Va. 23219-2094, telephone (804) 786-2064

STATE BOARD FOR CONTRACTORS

January 23, 1986 - 10 a.m. – Open Meeting
City Hall, 22 Lincoln Street, Council Chambers, Hampton,
Virginia. (Location accessible to handicapped.)

The board will meet to conduct a formal fact-finding hearing regarding the State Board for Contractors v. R. A. Staples Contracting Company.

February 6, 1986 - 10 a.m. – Open Meeting
Southeastern Virginia Training Center, 2100 Steppingston Square, Building 3, Conference Room, Chesapeake, Virginia

The board will meet to conduct a formal fact-finding hearing regarding the State Board for Contractors v. James D. Cooke.

Contact: Sylvia W. Bryant, Hearings Coordinator,
Department of Commerce, 3600 W. Broad St., Richmond,
Va. 23230, telephone (804) 257-8524

BOARD OF CORRECTIONS

January 15, 1986 - 10 a.m. – Open Meeting
February 12, 1986 - 10 a.m. – Open Meeting
4615 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

A regular monthly meeting to consider such matters as may be presented to the Board of Corrections.

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

CRIMINAL JUSTICE SERVICES BOARD

January 8, 1986 - 1:30 p.m. – Open Meeting
Division of Motor Vehicles, 2300 West Broad Street,
Agecroft Room, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to consider matters related to the board's responsibilities for criminal justice training and improvement of the criminal justice system.

Committee on Training

January 8, 1986 - 10 a.m. – Open Meeting
Division of Motor Vehicles, 2300 West Broad Street,
Agecroft Room, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to discuss matters related to training for criminal justice personnel.

Contact: Jay W. Malcan, Staff Executive, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-8730

Committee on Criminal Justice Information Systems

January 7, 1986 - 3 p.m. – Public Hearing
805 East Broad Street, 11th Floor Conference Room,
Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Criminal Justice Services Board intends to amend regulations entitled: **Regulations Relating to Criminal History Record Information - Part I; Criminal History Record Information Security - Part II.** The purpose of this

amendment is to ensure the completeness, accuracy, privacy, and security of criminal history record information, and to allow criminal justice agencies to establish reasonable fees for search and copying of criminal records.

STATEMENT

Basis and Purpose: The purpose of the proposed amendment is to allow criminal justice agencies to charge a reasonable fee for copying and research time expended in disseminating criminal history record information to noncriminal justice agencies/individuals.

Subject and Substance: Criminal history record information is exempt from the Freedom of Information Act and the Privacy Protection Act. This amendment will provide criminal justice agencies with authority to charge for their record searches, as those agencies whose records are subject to FOIA and PPA now have.

Impact: An estimated 288 state and local criminal justice agencies will be authorized by regulations to establish reasonable fees for search time expended and copying when criminal history record information is requested by noncriminal justice agencies/individuals.

Compliance Cost: It is anticipated that there will be no compliance cost to those agencies who establish reasonable fees for search time expended and copying costs.

Implementation Costs: None.

Statutory Authority: §§ 9-170(1); 9-170 (20); 9-182 through 9-192 of the Code of Virginia

Written comments may be submitted until January 3, 1986 to J. W. Matthews, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219

Contact: J. R. Marshall, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-8730

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† **April 2, 1986 - 9:30 a.m.** – Public Hearing
Division of Motor Vehicles, 3200 West Broad Street, Agecroft Room, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Criminal Justice Services Board intends to adopt regulations entitled: **Rules Relating to Compulsory Minimum Training Standards for Courthouse and Courtroom Security Personnel and Deputy Sheriffs Designated to Serve Process.** The regulation amends existing training standards for deputy sheriffs and other law-enforcement and designated personnel to provide security for the courthouse and courtroom and serve

process.

STATEMENT

Basis and Purpose: The rules, as proposed, are being considered for amendment pursuant to the provisions of § 9-170 (5 & 5a.) of the Code of Virginia. The protection of property and persons during the judicial process is a specialized function requiring certain knowledge, skills and abilities. The purpose of the proposed rules is to provide training necessary for effective protection of the courthouse and courtroom and for the protection of the individuals upon whom process is served.

Subject and Substance: The proposed amendments to the rules mandate minimum training standards for those criminal justice personnel designated to provide courthouse and courtroom security or who serve process.

Impact: This proposal is an amendment to existing rules. The review and proposed amendments resulted from the cyclical review process previously established by the department. No fiscal impact is anticipated.

Statutory Authority: § 9-170 (5 and 5a) of the Code of Virginia.

Written comments may be submitted until February 28, 1986.

Contact: Jay Malcan, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000

BOARD FOR RIGHTS OF THE DISABLED

† **January 22, 1986 - 10 a.m.** – Open Meeting
James Monroe Building, 101 North 14th Street, Conference Room C, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A regular quarterly meeting. The Housing, Transportation, Education, Employment, and Intergovernmental Relations committees will report on their activities with opportunity for open comment.

Contact: James A. Rothrock, Board for the Rights of the Disabled, 101 N. 14th St., 17th Floor, Richmond, Va. 23219, telephone (804) 225-2042 (toll-free number in Virginia 1-800-552-3962)

BOARD OF EDUCATION

January 16, 1986 - 8 a.m. – Open Meeting
January 17, 1986 - 9 a.m. – Open Meeting
February 25, 1986 - 8 a.m. – Open Meeting
February 26, 1986 - 9 a.m. – Open Meeting

Calendar of Events

James Monroe Building, 101 North 14th Street, Conference Rooms C and D, 1st Floor, Richmond, Virginia. (Location accessible to handicapped.)

A regularly scheduled business meeting of the board. Business will be conducted according to items listed on the agenda which is available upon request. The public is reminded that the Board of Vocational Education may convene, if required.

Contact: Margaret N. Roberts, Department of Education, P. O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2540

VIRGINIA FIRE BOARD AND THE DEPARTMENT OF FIRE PROGRAMS

January 31, 1986 - 9:30 a.m. – Public Hearing
James Monroe Building, 101 North 14th Street, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Fire Board and the Department of Fire Programs intends to adopt regulations entitled: **Guidelines for Public Participation in Regulation Development and Promulgation**. This regulation sets forth the manner in which the Virginia Fire Board and the Department of Fire Programs will obtain public input and participation in developing regulations. This regulation will affect training and services provided volunteer and paid fire departments in the state.

STATEMENT

Statement of Purpose: This regulation sets forth the manner in which the Virginia Fire Board and the Department of Fire Programs will obtain public participation and solicit the input of interested parties in the formation and development of its regulations.

Estimated Impact:

A. Numbers and types of entities or person affected:

This regulation will impact the 600 (approximate) fire departments/companies - paid, volunteer and combination - which exist in the state and the 25,000 firefighters who are members of those departments/companies.

B. Projected cost to regulated entities:

This regulation imposes no mandated costs on regulated entities or the public. If affected entities or persons comment or respond to this published regulation, there will be postage, telephone or travel costs depending on the method the individual elects to use to communicate comments. This agency received no response to its notice of intent to promulgate public participation guidelines. Little response is anticipated to the publication of the

regulation for public review and comment.

C. Projected cost to agency:

Printing of regulations copies \$333.00
Mailing of regulations \$266.00
Advertising \$215.00

D. Source of funds:

Agency's general budget.

Need for proposed regulation:

To permit interested and affected parties to participate in developing regulations relative to fire service activities in the state.

Statutory Authority: § 9-155 of the Code of Virginia.

Written comments may be submitted until February 7, 1986.

Contact: Carl N. Cimino, Executive Director, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, Va. 23219, telephone (804) 225-2681

COMMISSION OF GAME AND INLAND FISHERIES

January 17, 1986 - 9:30 a.m. – Open Meeting
Game Commission Offices, 4010 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to (i) consider proposed amendments to boating regulations, pertaining to boating safety equipment, applicable to all recreational boats as required by federal law; and (ii) general administrative matters.

Contact: Norma G. Adams, 4010 W. Broad St., Richmond, Va. 23230, telephone (804) 257-1000

DEPARTMENT OF GENERAL SERVICES

Division of Consolidated Laboratory Services' Advisory Board

† **January 31, 1986 - 9:30 a.m. – Open Meeting**
James Monroe Building, 101 North 14th Street, Conference Room D, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to consider routine business and pending legislation.

Contact: Susan Wells, Department of General Services,

Calendar of Events

Division of Consolidated Laboratory Services, James Monroe Bldg., 101 N. 14th St., Richmond, Va. 23219, telephone (804) 786-7905

VIRGINIA BOARD OF GEOLOGY

† **January 14, 1986 - 9 a.m.** – Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. (Location accessible to handicapped.)

The examination subcommittee is meeting to review exam.

Contact: Johnsie Williams, Assistant Director, Geology Board, 3600 W. Broad St., Richmond, Va. 23230-497, telephone (804) 257-8555

STATE BOARD OF HEALTH

January 15, 1986 - 7 p.m. – Public Hearings
The Warren/Green Building, 10 Hotel Street, Meeting Room, Warrenton, Virginia

January 16, 1986 - 7 p.m. – Public Hearing
Harrisonburg Electric Commission, 89 West Bruce Street, Community Room, Harrisonburg, Virginia

January 20, 1986 - 7 p.m. – Public Hearing
Central Virginia Community College, Wards Road South (Route 29), Lynchburg, Virginia

January 21, 1986 - 7 p.m. – Public Hearing
Circuit Court Room, Park and Main Streets, 1st Floor, Marion, Virginia

January 23, 1986 - 7 p.m. – Public Hearing
Suffolk Council Chambers, 411 Market Street, Suffolk, Virginia

January 27, 1986 - 7 p.m. – Public Hearing
Henrico Government Center, Parham & Hungary Springs Roads, Henrico County Board Room, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Health intends to amend regulations entitled: **Sewage Handling and Disposal Regulations**. The Sewage Handling and Disposal Regulations specifies criteria by which sewage is handled and disposed of in a safe and sanitary manner.

STATEMENT

Basis and Authority: Section 32.1-164B of the Code of Virginia, authorizes the board to promulgate regulations governing sewage disposal. Sections 32.1-164.2 through 32.1-164.4 specifically authorize regulation of septage disposal.

Purpose: The purpose of these regulations is to ensure that

all sewage is handled and disposed of in a safe and sanitary manner; to guide the State Health Commissioner in his determination of whether a permit for handling or disposing of sewage should be issued or denied; and to guide the owner in the requirements necessary to receive a permit for handling and disposing of sewage.

Summary and Analysis: The amendments are proposed to implement House Bill 1385 (Ch. 391 of the 1985 Acts of Assembly): Land Disposal of Septage in Certain Counties. The proposed amendments expand the options available for the proper handling and disposal of septage.

Namely, stabilization of septage through lime stabilizations will become an option which can then be followed by the application of the stabilized septage to suitable land. Another option outlined in the proposed amendments includes the shallow injection of septage into suitable land.

Impact: There are approximately 280 septage handlers in Virginia. Current regulations require septage handlers to be permitted to handle septage and before permitting they must demonstrate that they have an approved site for the disposal of septage. Septage disposal sites currently approved include the use of sewage treatment plants and anaerobic lagoons. There are situations where the above options are not available and the proposed amendments were developed to allow other methods by which septage may be disposed.

Statutory Authority: § 32.1-164B of the Code of Virginia.

Written comments may be submitted until January 27, 1986.

Contact: Robert W. Hicks, Director, Division of Sanitarian Services, 522 James Madison Bldg., 109 Governor St., Richmond, Va. 23219, telephone (804) 786-3559

Bureau of Pharmacy Services

January 16, 1986 - 10 a.m. – Public Hearing
James Madison Building, 109 Governor Street, Main Floor Auditorium, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Health, Bureau of Pharmacy Services intends to amend regulations entitled: **Virginia Voluntary Formulary**. The purpose of the proposed amendment is to add and delete a list of drugs of accepted therapeutic value, commonly prescribed and available from more than one source of supply.

STATEMENT

Statement of Subject, Substance, Issues, Basis and Purpose: The purpose of the Virginia Voluntary Formulary is to provide a list of drugs of accepted therapeutic value,

Calendar of Events

commonly prescribed within the state which are available from more than one source of supply, and a list of chemically and therapeutically equivalent drug products which have been determined to be interchangeable. Utilization of the Formulary by practitioners and pharmacists enables citizens of Virginia to obtain safe and effective drug products at a reasonable price consistent with high quality standards.

The proposed revised Virginia Voluntary Formulary adds and deletes drugs and drug products to the Formulary that became effective August 1, 1985. These additions and deletions are based upon recommendations of the Virginia Voluntary Formulary Council following its review of scientific data submitted by pharmaceutical manufacturers. The council makes its recommendations to the State Board of Health.

The Virginia Voluntary Formulary is needed to enable citizens of Virginia to obtain safe and effective drug products at a reasonable price consistent with high quality standards. Without the Formulary physicians, dentists, and pharmacists in Virginia would not have the assurance that those generic drug products that may be substituted for brand name products have been evaluated and judged to be interchangeable with the brand name products.

Statutory Authority: §§ 32.1-12 and 32.1-79 et seq. of the Code of Virginia.

Written comments may be submitted no later than 5 p.m., January 16, 1986.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Department of Health, James Madison Bldg., 109 Governor St., Richmond, Va. 23219, telephone (804) 786-4326

BOARD ON HEALTH REGULATORY BOARDS

January 21, 1986 - 1 p.m. - Open Meeting
VCU Meeting Center, 101 North Harrison Street (at Floyd Avenue), Richmond, Virginia. (Location accessible to handicapped.)

This is a regular quarterly meeting to consider reports of committees and staff and discuss the recommendations of the Secretary's Task Force on Roles and Responsibilities in the Health Professional Regulatory System.

Contact: Richard D. Morrison, Policy Analyst, P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0822

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

† **January 22, 1986 - 9:30 a.m. - Open Meeting**

† **February 26, 1986 - 9:30 a.m. - Open Meeting**
Blue Cross and Blue Shield Building, 2015 Staples Mill Road, Virginia Room, Richmond, Virginia. (Location accessible to handicapped.)

A monthly business meeting of the council for the purpose of addressing financial, policy or technical matters which may have arisen since the last meeting.

Contact: Ann Y. McGee, Director, 805 E. Broad St., 9th Floor, Richmond, Va. 23219, telephone (804) 786-6371

VIRGINIA BOARD FOR HEARING AID DEALERS AND FITTERS

January 6, 1986 - 8:30 a.m. - Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, 5th Floor, Conference Rooms 1, 2 & 3, Richmond, Virginia. (Location accessible to handicapped.)

A board meeting to consider (i) administering of examination; (ii) complaints; and (iii) an up-date on revenue and expenditures.

Contact: Geralde W. Morgan, Assistant Director, 3600 W. Broad St., 5th Floor, Richmond, Va. 23230-4917, telephone (804) 257-8508

COUNCIL OF HIGHER EDUCATION

January 8, 1986 - 9 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, 9th Floor Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

A monthly council meeting covering higher education issues. An agenda may be obtained by calling the council.

Contact: Grace Lessner, Council of Higher Education, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2638

VIRGINIA DEPARTMENT OF HIGHWAYS AND TRANSPORTATION BOARD

† **January 16, 1986 - 10 a.m. - Open Meeting**
Virginia Department of Highways and Transportation, 1401 East Broad Street, Board Room, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A monthly meeting of State Highway and Transportation Board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring

board approval.

Contact: Albert W. Coates, Jr., Department of Highways and Transportation, 1401 E. Broad St., Richmond, Va., telephone (804) 786-9949

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

Board of Commissioners

† **January 21, 1986 - 10 a.m. - Open Meeting**
13 South 13th Street, Richmond, Virginia. (Location accessible to handicapped.)

A regular monthly meeting to (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month; and (iv) consider such other matters and take such other actions as they may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: Judson McKeellar, Jr., General Counsel, 13 S. 13th St., Richmond, Va. 23219, telephone (804) 782-1986

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† Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Housing Development Authority intends to amend regulations entitled: **Procedures, Instructions and Guidelines For Single Family Mortgage Loans to Persons and Families of Low and Moderate Income.** The amendment makes certain modifications in the provisions in the Procedures, Instructions and Guidelines relating to the requirements and terms of loans insured or guaranteed by FHA or VA.

STATEMENT

Purpose: The purpose of the proposed amendment is to provide that the maximum loan amount, assumption criteria and property guidelines with respect to loans insured or guaranteed by the Federal Housing Administration ("FHA") or Veterans Administration ("VA") shall be in accordance with FHA or VA requirements and that FHA and VA loans shall be closed in the name of the authority and in accordance with its procedures and requirements as set forth in the authority's Procedures, Instructions and Guidelines.

Basis: Rules 103 of the Rules and Regulations of the authority adopted pursuant to § 36-55.30:3 of the Code of Virginia.

Subject, Substance and Issues: Under the current provisions of the authority's Procedures, Instructions and Guidelines for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income, the maximum loan amount may not exceed 95% of the lesser of the sales price or appraised value of the home to be financed, except as may otherwise be approved by the authority in the case of a single family detached residence and townhouse. The proposed amendment would permit the maximum amount of a loan insured by FHA or VA to be such other percentage of the lesser of the sales price or appraised value as would be permitted by FHA or VA. FHA currently permits loans in amounts not to exceed 98% of the lesser of the sales price or appraised value up to \$25,000 and 95% of the excess of such sales price or appraised value over \$25,000. VA currently permits loans up to 100% of the lesser of the sales price or appraised value.

The Procedures, Instructions and Guidelines presently require that FHA or VA loans be closed in the name of the Processing/Disbursing/Servicing Agents (PDS Agents") and that the loans be purchased by the authority from the PDS Agents in accordance with a purchase and sale agreement. The proposed amendment would authorize the authority, at its election, to require that the loans be closed in its name, and therefore it would not be necessary that the loan be purchased by the authority. Furthermore, under the proposed amendment, FHA and VA loans would be processed in accordance with the provisions in the Procedures, Instructions and Guidelines relating to the making of single family loans rather than the authority's statutory and regulatory requirements relating to the purchase and sale of mortgage loans.

In order for a loan to be assumed under the current Procedures, Instructions and Guidelines, the assumptor must satisfy the authority's underwriting criteria as set forth therein. The proposed amendment would provide that, in the case of FHA or VA loans, the assumptor must only satisfy such criteria as FHA or VA permits to be applied. The only underwriting criteria which the FHA and VA will presently permit the authority to apply is its maximum allowable adjusted income, as well as the applicable requirements under § 103A of the Internal Revenue Code which must be satisfied to maintain the tax-exemption of the authority's bonds.

The Procedures, Instructions and Guidelines presently require that new and existing homes to be financed by the authority satisfy certain property guidelines specified therein. Under the proposed amendment, a new or existing home to be financed by a FHA or VA loan must satisfy only the applicable requirements of FHA or VA.

Impact: By using the maximum loan amount as calculated by FHA and VA, the authority anticipates that an additional 2,000 families will qualify during calendar year 1986 for loans under the program. Because of the FHA and VA limitation on the applicability of underwriting criteria for loan assumptions, the authority expects that an

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additional 500 loans will be assumed each year. The application of FHA and VA property standards is anticipated to increase by 2,000 during calendar year 1986 the number of homes which will qualify for financing by the authority under the program. The closing of loans in the name of the authority and the elimination of the requirement for the purchase and sale of the loan is not expected to have any impact with respect to the number of persons served under the program. The authority does not expect that any significant costs will be incurred for the implementation of and compliance with the proposed regulation.

Statutory Authority: § 36-55.30:3 of the Code of Virginia.

Written comments may be submitted until January 17, 1986.

Contact: Judson McKellar, General Counsel, 13 S. 13th St., Richmond, Va. 23219, telephone (804) 782-1986

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

† **January 30, 1986 - 1 p.m.** – Public Hearing
Richmond Public Library, 101 East Franklin Street,
Richmond, Virginia. (Location accessible to handicapped.)

A public hearing to consider (i) the Commonwealth's housing and community development needs, and (ii) Virginia's Community Development Block Grant Program.

Contact: Shea Hollifield, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4474

VIRGINIA STATE LIBRARY BOARD

† **January 27, 1986 - 11 a.m.** – Open Meeting
Virginia State Library, 11th Street at Capitol Square, State Librarian's Office, Richmond, Virginia. (Location accessible to handicapped.)

A regular quarterly meeting to discuss administrative matters.

Contact: Jean Reynolds, Virginia State Library, 11th St. at Capitol Square, Richmond, Va. 23219, telephone (804) 786-2332

COMMISSION ON LOCAL GOVERNMENT

January 14, 1986 - 10 a.m. – Open Meeting
Ninth Street Office Building, Commission on Local Government Offices, Room 901, Richmond, Virginia.

(Location accessible to handicapped.)

A regular meeting to (i) elect officers for 1986; (ii) review of mediation resources; (iii) recognition of past commission members, and (iv) other general agenda items.

Contact: Barbara Bingham, Ninth Street Office Bldg., Room 901, Richmond, Va. 23219, telephone (804) 786-6508

LONGWOOD COLLEGE

Board of Visitors

† **February 6-7, 1986 - 9 a.m.** – Open Meeting
Longwood College, Virginia and Prince Edward Rooms,
Farmville, Virginia. (Location accessible to handicapped.)

A regular quarterly meeting of the governing board.

Contact: Dr. Janet D. Greenwood, Longwood College, Farmville, Va. 23901, telephone (804) 392-9211 (SCATS 265-4211)

BOARD OF MEDICINE

January 16, 1986 - 1 p.m. – Public Hearing
Holiday Inn, 6531 West Broad Street, I-64 West, Richmond,
Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia State Boards of Medicine and Nursing intend to adopt regulations entitled: **Regulations Governing the Certification of Nurse Practitioners (VR 465-07-1 and VR 495-02-1).**

NOTICE: Please refer to the Notice of Comment Period listed under the Board of Nursing.

Credentials Committee

January 17-18, 1986 - 8 a.m. – Open Meeting
Holiday Inn, 6531 West Broad Street, I-64 West, Richmond,
Virginia. (Location accessible to handicapped.)

A meeting to review applications of applicants applying for licensure by endorsement and examination.

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

Legislative Committee

† **February 7, 1986 - 10 a.m.** – Open Meeting
Hyatt House, 6500 West Broad Street, I-64 West, Richmond,
Virginia. (Location accessible to handicapped.)

A meeting to consider legislation and regulation
amendments.

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

STATE MENTAL HEALTH AND MENTAL RETARDATION BOARD

† **January 22, 1986 - 10 a.m.** – Open Meeting
Medical College of Virginia, Sanger Hall, Room 1-067,
Richmond, Virginia. (Location accessible to handicapped.)

A regular monthly meeting. The agenda will be
published January 15 and may be obtained by calling
Jane Helfrich.

Contact: Jane V. Helfrich, State Mental Health and Mental
Retardation Secretary, Department of Mental Health and
Mental Retardation, P. O. Box 1797, Richmond, Va. 23214,
telephone (804) 786-3921

STATE MILK COMMISSION

† **January 15, 1986 - 10 a.m.** – Open Meeting
Ninth Street Office Building, 9th and Grace Streets, Room
1015, Richmond, Virginia. (Location accessible to
handicapped.)

A routine monthly meeting.

Contact: C. H. Coleman, Administrator, Ninth Street Office
Bldg., Room 1015, Richmond, Va. 23219, telephone (804)
786-2013

DEPARTMENT OF MINES, MINERALS AND ENERGY

Division of Mined Land Reclamation, Abandoned Mine Land Group

† **January 23, 1986 - 2 p.m.** – Open Meeting
622 Powell Avenue, Abandoned Mine Land Conference
Room, Big Stone Gap, Virginia. (Location accessible to
handicapped.)

A meeting to allow public comment on a proposed
amendment to the fiscal year 1985 Abandoned Mine
Land Construction Grant.

Contact: Roger L. Williams, Abandoned Mine Land
Manager, P. O. Drawer U, Big Stone Gap, Va. 24219,
telephone (703) 523-2925

VIRGINIA DEPARTMENT OF MOTOR VEHICLES

February 7, 1986 - 10 a.m. – Public Hearing
Department of Motor Vehicles, 2300 West Broad Street,
Room 702, Richmond, Virginia. (Location accessible to
handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1
of the Code of Virginia that the Virginia Department
of Motor Vehicles intends to adopt regulations entitled:
**Regulations for Titling and Registering Foreign
Market Vehicles.** The proposed regulations provide a
formal standardized method of processing title and
registration applications for foreign market vehicles
imported into Virginia.

STATEMENT

Statement of basis, purpose and impact: Pursuant to §§
46.1-26 of and 46.1-56 of the Code of Virginia, the
Department of Motor Vehicles proposes new regulations.

The purpose of these regulations is to provide for a
standardized formal method of processing titling and
registration applications for foreign market vehicles
originally manufactured outside the United States, and not
manufactured in accordance with the National Traffic and
Motor Vehicle Safety Act of 1966 (15 U.S.C. § 1381 et seq.)
and the regulations and policies adopted pursuant to that
Act.

Foreign market vehicles are being imported into Virginia
and the United States by private citizens, importers,
brokers and dealers. Regulations affect owners of all
foreign market vehicles and the operation of such vehicles
in Virginia poses a threat to the safety of the driving
public if the vehicles are not modified to meet accepted
U. S. safety standards. The volume of these imports is
increasing.

DMV does not currently have formal, standardized policies
or procedures for evaluating the safety features of those
vehicles and for processing titling and registration
applications for foreign market vehicles. The commissioner
finds that proof of compliance with applicable federal
safety standards is the best available means to ensure that
such vehicles do not endanger the public health and
safety, and that proof of such compliance is a reasonable
prerequisite to titling and registration.

Statutory Authority: §§ 46.1-26 and 46.1-56 of the Code of
Virginia

Written comments may be submitted until February 6,
1986.

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Contact: Jerome L. Stein, Manager, Titles and Registration Division, Department of Motor Vehicles, P. O. Box 27412, Richmond, Va. 23269-0001, telephone (804) 257-0510

VIRGINIA MUSEUM OF FINE ARTS

Building Committee

† **January 8, 1986 - 12:30 p.m.** – Open Meeting
Virginia Museum of Fine Arts, Boulevard and Grove Avenue, Payne Room, Members' Suite, Richmond, Virginia. (Location accessible to handicapped.)

A monthly Building Committee meeting.

Board of Trustees

January 16, 1986 - 11:30 a.m. – Open Meeting
Virginia Museum of Fine Arts, Boulevard and Grove Avenue, Museum Auditorium, Richmond, Virginia. (Location accessible to handicapped.)

A general board meeting of the full board of trustees to receive (i) committee reports; (ii) staff reports; and (iii) review budget.

Finance Committee

January 16, 1986 - 10:30 a.m. – Open Meeting
Virginia Museum of Fine Arts, Boulevard and Grove Avenue, Payne Room, Members' Suite, Richmond, Virginia. (Location accessible to handicapped.)

A general meeting to discuss financial matters and review budget.

Contact: Mrs. Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, Blvd. and Grove Ave., Richmond, Va. 23221, telephone (804) 257-0553/327-0553 SCATS

NORFOLK STATE UNIVERSITY

Board of Visitors

† **January 14, 1986 - 9 a.m.** – Open Meeting
Norfolk State University, Harrison B. Wilson Administration Building, Board Room, Norfolk, Virginia. (Location accessible to handicapped.)

The purpose of the meeting is to discuss various issues pertaining to the university. The agenda will be available at least five working days prior to the

meeting.

Contact: Gerald D. Tyler, Norfolk State University, 2401 Corprew Ave., Wilson Hall-S340, Norfolk, Va. 23504, telephone (804) 623-8373

STATE BOARD OF NURSING

† **January 27-29, 1986 - 9 a.m.** – Open Meeting
† **January 28, 1986 - 1 p.m.** – Public Hearing
Holiday Inn, 6531 West Broad Street, I-64 West Richmond, Virginia. (Location accessible to handicapped.)

A regular meeting of the Virginia State Board of Nursing to consider matters related to nursing education programs, discipline of licensees, licensing by examination and endorsement and other matters under jurisdiction of the board.

Public Hearing on proposed regulations on January 28, 1986 at 1 p.m. (Published in the Virginia Register of Regulations on November 11, 1985).

Contact: Corinne F. Dorsey, R.N., Executive Director, 517 W. Grace St., Richmond, Va. 23220, telephone (804) 786-0377

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January 16, 1986 - 1 p.m. – Public Hearing
Holiday Inn, 6531 West Broad Street, I-64 West, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia State Boards of Medicine and Nursing intend to adopt regulations entitled: **Regulations Governing the Certification of Nurse Practitioners (VR 645-07-1 and VR 495-02-1).**

STATEMENT

Purpose: The purpose of these regulations is to regulate the practice of certified nurse practitioners by establishing the requirements for certification of and practice by nurse practitioners and to provide for the Committee of the Joint Boards of Medicine and Nursing to administer the regulations. The regulations also establish and Advisory Committee on the Certification of Nurse Practitioners and establish the fees for certification. In addition, these regulations set the criteria for approval of nurse practitioner education programs and make provision for disciplinary action against those certified who are found to be in violation of the regulations. The regulations establish the basis for the Boards of Medicine and Nursing to fulfill their responsibility to protect the health, safety and welfare of the citizens of the Commonwealth through the certification of nurse practitioners.

Basis: §§ 45.367.11 and 54-274.1 of the Code of Virginia.

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Impact: The proposed regulations would affect approximately 1400 certified nurse practitioners. Fees collected from those certified and applying for certification allow the two boards to administer the regulations as required by law. Fees proposed in these regulations will provide the funds necessary to fulfill this duty.

Written comments may be submitted until January 16, 1986.

Contact: Corinne F. Dorsey, Executive Director, P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0377

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January 28, 1986 - 1 p.m. - Public Hearing
Holiday Inn, 6531 West Broad Street, I-64 West, Richmond, Virginia. (Location accessible to handicapped.)
February 12, 1986 - 1 p.m. - Public Hearing
Hotel Roanoke, Roanoke, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia State Board of Nursing intends to adopt regulations entitled: **Board of Nursing Regulations.**

STATEMENT

Purpose: These proposed regulations establish the requirements for nursing education programs preparing persons for licensure as registered or licensed practical nurses in Virginia, to regulate the licensure of nurses and discharge the duties required of the board by § 54-367.11 of the Code of Virginia in the protection of the health, safety and welfare of the citizens of the Commonwealth.

Basis: § 54-367.11 of the Code of Virginia.

Impact: The proposed regulations would affect approximately 70,000 registered and licensed practical nurses, 88 nursing education programs and approximately 7,000 annual applicants for licensure. The Board of Nursing depends on fees from licensees and applicants to fulfill its statutory responsibilities. Proposed changes in fees will allow the board to meet this obligation.

Written comments may be submitted until February 12, 1986.

Contact: Corinne F. Dorsey, Executive Director, P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0377

VIRGINIA BOARD OF OPTOMETRY

January 20, 1986 - 8:30 a.m. - Open Meeting
Holiday Inn (Downtown), 301 West Franklin Street, Board Room, 3rd Floor, Richmond, Virginia. (Location accessible to handicapped.)

A general business meeting and a review of the State Board Examination.

January 21, 1986 - 8 a.m. - Open Meeting
Egyptian Building, 1223 East Marshall Street, Baruch Auditorium, Richmond, Virginia. (Location accessible to handicapped.)

The Optometry State Practical Examination and the Diagnostic Pharmaceutical Agents Examination will be administered.

Contact: Charles S. Weiden, Acting Executive Director, Board of Optometry, P. O. Box 27708, Richmond, Va. 23261

VIRGINIA STATE BOARD OF PHARMACY

March 12, 1986 - 10 a.m. - Public Hearing
Holiday Inn, 6531 West Broad Street, I-64 West, Ball Room, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia State Board of Pharmacy intends to adopt regulations entitled: **Board of Pharmacy Regulations.**

STATEMENT

Subject: This proposed regulation addresses licensure requirements for pharmacists and pharmacies, drug security, recordkeeping, prescription orders and methods of dispensing of drugs in pharmacies serving various prescription drug needs.

Basis and purpose: This regulation is based on requirements set forth in The Drug Control Act and the necessity for the board to advise the pharmacist and others directly affected by the act of the latitude which the licensees may practice and stay within the requirements of law as they engage in various aspects of drug distribution.

Further, this regulation has been the subject of intense review for clarification and represents a reduction of existing regulations and a rewriting of a large numbers of the present regulations. With the exception of regulations dealing with good manufacturing practices, all regulations will be repealed and these proposals adopted.

Estimated Impact: This regulation will directly affect the same number of licensees as do the existing regulations, i. e. 1,325 pharmacies, 5,100 pharmacists, 65 drug distributors and 14,000 controlled substances registrants.

Statutory Authority: § 54-524.16 of the Code of Virginia.

Written comments may be submitted until March 12, 1986.

Contact: Jack B. Carson, Executive Director, P. O. Box

Calendar of Events

27708, Richmond, Va. 23261, telephone (804) 786-0239

POLYGRAPH EXAMINERS ADVISORY BOARD

† **January 14, 1986 - 10 a.m.** – Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. (Location accessible to handicapped.)

The purpose of the meeting will be to continue to revise the current Virginia Polygraph Examiner Licensing Examination and related regulations as may be necessary.

Contact: David Dick, Department of Commerce, 3600 W. Broad St., Richmond, Va., Telephone (804) 257-8563

BOARD OF PROFESSIONAL COUNSELORS

† **January 24, 1986 - 9 a.m.** – Open Meeting
Department of Health Regulatory Boards, 517 West Grace Street, Richmond, Virginia

A meeting to (i) conduct general board business; (ii) review applications for licensure; (iv) supervision and trainee status; (v) make policies; (vi) respond to board correspondence; and (vii) regulatory review.

Contact: John W. Braymer, Ph.D., 517 W. Grace St., Richmond, Va., telephone (804) 786-7702

BOARD OF PSYCHOLOGY

† **January 17, 1986 - 9 a.m.** – Open Meeting
Quality Inn, 515 West Franklin Street, Richmond, Virginia

A meeting to (i) conduct general board business; (ii) review applications; (iii) certify examinations; (iv) make policies; (v) respond to board correspondence; and (vi) regulatory review.

Contact: John W. Braymer, Ph.D., 517 W. Grace St., Richmond, Va., telephone (804) 786-7702

VIRGINIA PUBLIC TELECOMMUNICATIONS BOARD

† **January 21, 1986 - 10 a.m.** – Open Meeting
Department of Information Technology, 110 South 7th Street, 4th Floor, Richmond, Virginia. (Location accessible to handicapped.)

A quarterly meeting.

Contact: Suzanne Piland, Department of Information Technology, 110 S. 7th St., 1st Floor, Richmond, Va. 23219, telephone (804) 344-5560

VIRGINIA REAL ESTATE BOARD

January 8, 1986 - 10 a.m. – Open Meeting
City Hall, 801 Crawford Street, Council Chambers, 6th Floor, Portsmouth, Virginia

The board will meet to conduct a formal administrative hearing regarding the Virginia Real Estate Board v. George C. Norris, Sr.

January 16, 1986 - 10 a.m. – Open Meeting
John C. Wood Municipal Complex, 3730 Old Lee Highway, Building C, Room 7, Fairfax, Virginia

The board will meet to conduct a formal administrative hearing regarding the Virginia Real Estate Board v. Sheryl R. Ezell.

Contact: Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8524

† **January 18, 1986 - 9:30 a.m.** – Open Meeting
† **January 19, 1986 - 9 a.m.** – Open Meeting
Hyatt House, 6500 West Broad Street, I-64 West, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to (i) approve minutes of the December 17, 1985 meeting, (ii) review investigative cases, and (iii) review applications for licensure and appointments.

† **March 15-16, 1986 - 9 a.m.** – Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, Conference Room 1, 5th Floor, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to review Rules and Regulations of the Virginia Real Estate Board.

Contact: Julio G. Del Corso, III, Assistant Director for Real Estate, 3600 W. Broad St., 5th Floor, Room 523, Richmond, Va. 23230, telephone (804) 257-8516

VIRGINIA RESOURCES AUTHORITY

† **January 14, 1986 - 10 a.m.** – Open Meeting
† **February 11, 1986 - 10 a.m.** – Open Meeting
† **March 11, 1986 - 10 a.m.** – Open Meeting
The Mutual Building, 909 East Main Street, Authority Board Room, Suite 305, Richmond, Virginia. (Location accessible to handicapped.)

The board will meet to (i) approve minutes of the

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prior month board meeting; (ii) review the authority's operations for the prior month; and (iii) consider other matters and take other actions as they may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: Shockley D. Gardner, Jr., Executive Director, P. O. Box 1300, Richmond, Va. 23210, telephone (804) 644-3100

STATE SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

† **January 22, 1986 - 10 a.m. - Open Meeting**
James Monroe Building, 101 North 14th Street, Conference Room E, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to hear and render a decision on all Appeals of Denials of On-Site Sewage Disposal System Permits.

Contact: P. M. Brooks, 502 Madison Bldg., Richmond, Va. 23219, telephone (804) 786-1931

DEPARTMENT OF SOCIAL SERVICES

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to adopt regulations entitled: **Grant Diversion**. This regulation provides a mechanism by which moneys paid to persons receiving public assistance may be converted into subsidies to employers who hire these persons.

STATEMENT

Basis: This regulation is issued under authority granted by § 63.1-25 of the Code of Virginia and P.L. 98-369 of the Deficit Reduction Act of 1984 which amended § 414 of the Social Security Act.

Subject: Grant diversion is a mechanism by which the moneys paid to persons receiving Aid to Dependent Children (ADC) assistance may be used to provide subsidies to employers who hire those ADC recipients.

Substance: Grant diversion will be a component of the Department of Social Services' Employment Services Program (ESP). The employer subsidies will be funded by the moneys already appropriated for the ADC grants. The administrative costs of the program will require additional state general fund dollars which will be matched by additional federal dollars.

Issues: The employer community will need to be willing to

enter into contractual agreements with local welfare/social service agencies to hire ADC recipients they would not otherwise hire in return for cash subsidies.

Purpose: The purpose of the program is to provide time-limited subsidized employment opportunities for ADC recipients who have been unable to obtain subsidized employment.

Statutory Authority: § 63.1-25 of the Code of Virginia and the Deficit Reduction Act of 1984 (P.L. 98-369), § 414 of the Social Security Act.

Written comments may be submitted until January 23, 1986.

Contact: Penelope Boyd Pellow, Assistant State Employment Services Supervisor, Department of Social Services, 8007 Discovery Dr., Blair Bldg., Richmond, Va. 23229-8699, telephone (804) 281-9032 (toll-free number 1-800-552-7091)

Division of Licensing Programs

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services, Division of Licensing Programs intends to adopt regulations entitled: **Regulations for Criminal Record Checks: Licensed Child Care Centers and Child Caring Institutions**. The purpose of this regulation is to provide guidelines and clarification for the requirement that all persons involved in the operation of a licensed child care center or child caring institution secure a criminal record check; and to protect children in licensed facilities from persons previously convicted of specified crimes.

STATEMENT

Basis: The Department of Social Services has implemented procedures for criminal record checks because of the passage of S.B. 618 during the 1985 Session of the General Assembly. Sections 19.2-389, 63.1-199 of the Code of Virginia, were changed by adding §§ 63.1-198.1 and 63.1-198.2 and amending § 63.1-199.

This statutory change required that all compensated employees and volunteers as well as applicants/licensees of child care centers and child caring institutions secure a criminal records clearance and be issued a certificate by the Commissioner of Social Services. In consultation with the state police and the staff of the office of the Attorney General, the department devised procedures to implement the law and has been processing the required certificates since July 1, 1985.

Effective September 20, 1985, the Emergency Regulation for Criminal Record Checks, pursuant to § 9-6.14:6 of the Code of Virginia, was approved by Governor Charles S. Robb. The department is currently operating under this

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regulation which became effective September 1, 1985.

The Department of Social Services, acting under the authority of § 63.1-202 of the Code of Virginia, is authorized to promulgate regulations.

Purpose: The basic intent of the statute is to protect children in licensed child care centers and child caring institutions from predatory persons already convicted of crimes against children.

Impact: A. Regulated entities as of November 1, 1985, include 761 licensed child care centers and 36 licensed child caring institutions. The following is a breakdown of the total licensed capacity:

761 Child Care Centers	58,241 Children
36 Child Caring Institutions	918 Children
TOTAL	59,159

B. The approximate number of individuals requiring criminal record checks during the period of one year was estimated on the required staffing in the current child care center and child caring institution standards with some consideration of staff turnover and volunteers. The initial estimate was 10,000 individuals but as of November 25, 1985, over 11,000 record checks have been received. Therefore, the estimated total for one year has been revised to approximately 15,000.

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

Written comments may be submitted until February 24, 1986.

Contact: Sheila B. Rich, Supervisor of Children and Adult Programs, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025 (toll-free number 1-800-552-7091)

SUBSTANCE ABUSE CERTIFICATION BOARD

† **January 9, 1986 - 9:30 a.m.** – Open Meeting
Department of Health Regulatory Boards, 517 West Grace Street, Richmond, Virginia

A meeting to (i) conduct general board business; (ii) review applications for licensure; (iii) review supervision and trainee status; (iv) make policies; (v) respond to board correspondence; and (vi) regulatory review.

Contact: John W. Braymer, Ph.D., 517 W. Grace St., Richmond, Va., telephone (804) 786-7702

DEPARTMENT OF TAXATION

January 10, 1986 - 10 a.m. – Public Hearing
Department of Taxation, 2220 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to adopt regulations entitled: **Cigarette Sales Below Wholesale Cost Act: Public Policy; Prohibited Activities; Violation; Enforcement (VR 630-27-286), Definitions (VR 630-27-287), Combination Sales and Concessions (VR 630-27-288), Unfair Method of Competition (VR 630-27-289), Injunction Relief and Damages (VR 630-27-290), Revocation or Suspension of License or Permits for Violations (VR 630-27-291), Exemption or Suspension of Licenses or Permits for Violations (VR 630-27-292), and Special Cost Provisions; Cash and Carry (VR 630-27-293).**

STATEMENT

Purpose: These regulations set forth the policies and procedures relating to the enforcement upon wholesalers of the Cigarette Sales Below Wholesale Cost Act.

Estimated Impact:

Numbers and Type of Regulated Entities: These regulations will affect 175 licensed tobacco wholesalers.

Projected Cost to Regulated Entities: Any cost incurred by the tobacco wholesalers affected by the regulations will be minimal.

Projected Cost to Agency: Cost to the Agency will be affected by the number of complaints filed by tobacco wholesalers and hearings conducted by the department. Total cost should be minimal.

Statutory Authority: §§ 58.1-203 and 59.1-291 of the Code of Virginia.

Written comments may be submitted until January 10, 1986.

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

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† **March 17, 1986 - 10 a.m.** – Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to adopt regulations entitled: **VR 630-28-796.13 through VR 630-28-796.27. Virginia Cattle Assessment.** This regulation sets forth and explains the applicability of the Virginia Cattle Assessment and

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the procedures relating to its collection and recording.

STATEMENT

Basis: This regulation is issued under authority granted by Virginia Code § 58.1-203.

Purpose: This regulation sets forth and explains the applicability of the Virginia Cattle Assessment and the procedures relating to its collection and recording.

Issue: The 1985 General Assembly transferred the authority for collecting and recording the Virginia Cattle Assessment from the Virginia Cattle Industry Board to the Department of Taxation. This regulation specifies how the Department of Taxation will carry out its statutory responsibility.

Substance: This regulation details when the Virginia Cattle Assessment applies, who collect it and remits it to the Department of Taxation, what registration and records are required, and the penalty for failure to comply.

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

Written comments may be submitted until March 17, 1986.

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

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† **March 17, 1986 - 10 a.m. - Public Hearing**
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled: **VR 630-2-325: Individual Income Tax: Taxable income of nonresidents and VR 630-2-332: Individual Income Tax: Credit for taxes paid to another state.**

STATEMENT

Basis: These regulations are issued under the authority granted by Virginia Code § 58.1-203.

Purpose: These regulations are being amended to conform to the change made by the 1985 General Assembly to § 58.1-332 of the Code of Virginia (Chapter 466, Senate Bill 651). This code section was amended to provide an individual income tax credit to individual shareholders of an S corporation which has paid corporation income tax to a state which does not recognize the federal S election.

Issues: The change made by the 1985 General Assembly to § 58.1-332 of the Code of Virginia (Chapter 466, Senate Bill 651) conflicts with the present regulations which were adopted September 19, 1984. The present regulations

specify that no credit for corporation income taxes paid to another state by an S corporation is available to an individual taxpayer. The 1985 statutory change allows this credit to individual taxpayers.

Substance: These amended regulations specify that the credit for income taxes paid to another state is available to an individual shareholder of an S corporation which has paid income tax to a state which does not recognize the federal S election. To avoid ambiguity, an example illustrating the computation of this credit is provided. Furthermore, these regulations specify how the amount of tax paid by the S corporation shall be allocated to each of the shareholders.

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

Written comments may be submitted until March 17, 1986.

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

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† **March 17, 1986 - 10 a.m. - Public Hearing**
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled: **Retail Sales and Use Tax Regulation VR 630-10-18.1: Catalogs and other printed materials and VR 630-10-86: Printing.** These regulations set for the application of the sales and use tax to tangible personal property used or consumed by printers and to the sale of printing by such persons, including the sale of catalogs, letters, brochures, and similar printed materials.

STATEMENT

Basis: These regulations are issued under the authority granted by Virginia Code § 58.1-203.

Purpose: As revised, these regulations set forth the application of the sales and use tax to brochures, letters, reports, and similar printed materials produced for use outside the state, as well as the application of the tax to the production and sale of printing in general.

Issues: When delivery of printing from the seller to the purchaser occurs in Virginia, the sales and use tax will apply unless specifically exempted from the tax. Virginia Code § 58.1-608.30 sets forth such an exemption for catalogs and similar printed materials used to advertise tangible personal property for sale or resale when such materials are distributed for use outside the state after storage for 12 months or less in Virginia. Effective July 1, 1986 and running through June 30, 1990, the above statute

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will be expanded to exempt any catalogs, letters, brochures, reports, and similar printed materials that are distributed for use outside the state after storage in Virginia for 12 months or less. By statute, the expanded exemption will not apply to administrative supplies such as letterhead, envelopes, stationery, invoices, billing forms, payroll forms, price lists, time cards, and computer cards.

Substance: Applying the law change effective on July 1, 1986, these regulations exempt catalogs, letters, brochures, reports, and similar printed materials that will be distributed for use outside of Virginia after storage here for 12 months or less. Pursuant to the law change, these regulations state the taxability of administrative supplies. Examples of exempt printed materials and taxable administrative supplies are included in these regulations. Additionally, proposed regulation VR 630-10-86 has been revised to address the statutory interstate commerce and resale exemptions as they relate specifically to printers and to address the correct application of the tax to materials furnished to printers by customers for fabrication into finished products.

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

Written comments may be submitted until March 17, 1986.

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

BOARD OF THE VIRGINIA DEPARTMENT FOR THE VISUALLY HANDICAPPED

January 13, 1986 - 1 p.m. – Open Meeting
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A quarterly meeting to review policy and procedures of the Virginia Department for the Visually Handicapped, and to review and approve the department's budget, executive agreement, and operating plan.

Contact: Diane E. Allen, Acting Confidential Secretary, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 264-3145

STATE WATER CONTROL BOARD

† **March 7, 1986 - 10 a.m. – Public Hearing**
Williamsburg/James City County Council Chambers, South Henry Street, Williamsburg, Virginia
† **March 12, 1986 - 2 p.m. – Public Hearing**
Roanoke City Council Chambers, 215 Church Avenue, Roanoke, Virginia. (Location accessible to handicapped.)

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 adopt regulations entitled: **Water Quality Standards, § 1:11 Chlorine Standard and Policy for Surface Waters.** Set enforceable instream concentration limits for chlorine in state waters.

STATEMENT

Statement, substance, issues, basis, and purpose: The Virginia Water Control Board proposes a water quality standard and policy which sets an enforceable concentration limit for total residual chlorine in freshwater and chlorine produced oxidant in saline water that will protect aquatic life. Currently we do not have an instream standard for chlorine.

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

Written comments may be submitted until March 19, 1986, to Cindy Berndt, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230.

Contact: Jean W. Gregory, Water Resources Ecologist, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6985

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† **March 10, 1986 - 7 p.m. – Public Hearing**
Williamsburg/James City Council Chambers, South Henry Street, Williamsburg, Virginia
† **March 11, 1986 - 2 p.m. – Public Hearing**
Stafford County Administrative Center, Route 1, Stafford County Board of Supervisors Room, Stafford, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **Regulation No. 6 - National Pollutant Discharge Elimination System (NPDES) Permit Program Subpart G - Pretreatment and Industrial User Control Program.** This regulation will regulate nondomestic discharges to public owned treatment plants to prohibit interference or pass through of any material which may cause environmental harm.

STATEMENT

Subject: Subpart G, Pretreatment, of Regulation No. 6, National Pollution Discharge Elimination System Permit Amendment.

Substance: Establishes the responsibilities of the board, local governments and industry to implement National Pretreatment Standards to control pollutants which pass through or interfere with treatment processes of Publicly Owned Treatment Works (POTWs) or which contaminate POTW residues.

Issue: To eliminate pollutants, to reduce the amount of

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pollutants, or to alter the nature of pollutants in wastewater to a nonharmful state prior to discharging or introducing such pollutants into POTWs.

Basis: The regulation delineates the procedures to be followed in connection with the administration of a statewide pretreatment program. The board may be authorized under §§ 402 and 307 of the Federal Clean Water Act to administer the pretreatment program.

Purpose: To establish legal requirements for state administration of the pretreatment program and enable the implementation of National Pretreatment Standards to control pollutants which pass through or interfere with treatment processes in POTWs or which may contaminate sewage sludge.

Impact: Since the EPA has been administering the program for the last seven years and, those municipalities required by regulation to have a pretreatment program have obtained approval, there should be no appreciable impact to those municipalities, (approximately 43 in number). Twenty three municipalities are to be reevaluated for pretreatment program needs. It is estimated that approximately one-half of these will need to develop a pretreatment program. This would entail a resource and financial commitment ranging from one person plus \$5,000 per year for the smallest of these communities up to two persons and \$10,000 per year for the largest of the communities. However, the transfer of authority to administer the pretreatment program, from the EPA to the Commonwealth as a result of these regulations, will not impose any additional financial costs to Virginia communities or industries as the responsibility for implementing their program already lies with the affected municipalities and industries.

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

Written comments may be submitted until March 14, 1986.

Contact: LaVern H. Corkan, Pretreatment Program Manager, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6306

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† **March 10, 1986 - 7 p.m.** — Public Hearing
Williamsburg/James City County Council Chambers, South Henry Street, Williamsburg, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to adopt regulations entitled: **NPDES General Permit for Sewage Discharges of Less Than 1000 Gallons Per Day**. This presents the authority and requirements for General Permits which authorize sewage discharges to state waters from treatment works that discharge less than 1000 gallons per day.

STATEMENT

Basis: Under the authority §§ 62.1-44.15(5) and 62.1-44.15(10) of the Code of Virginia, the State Water Control Board (SWCB) is authorized to issue permits for the discharge of treated sewage into state waters and to adopt such regulations as it deems necessary to enforce water quality management in the Commonwealth.

Section 402 of the Clean Water Act authorizes the Commonwealth to administer the National Pollutant Discharge Elimination System (NPDES) permit program under the law. The Commonwealth of Virginia received such authorization in 1975 with SWCB Regulation No. 6 being the specific governing authorization.

Federal NPDES regulations (40 CFR 122.28) allow states with NPDES authorization to issue general permits written to cover a category of discharges within a geographic area. Regulation No. 6 provides the SWCB with the authority to issue and enforce these permits.

Substance and Purpose of Proposed Regulation: It is the intent of the SWCB to adopt a regulation for an NPDES General Permit for Sewage Discharges of less than 1,000 gallons per day (GPD). At the present time, all persons wishing to discharge wastewater from point sources to the waters of the Commonwealth must obtain individual NPDES permits. Some of these discharges are from minor point sources, such as sewage discharges of less than 1,000 GPD, which have little potential to adversely impact the receiving waters. Issuance of general NPDES permits will reduce the review, inspection, and administrative burden necessitated by individual permits but not warranted by the discharge in consideration. Since permit conditions applicable to individual permits, such as monitoring and reporting requirements, will remain in place, the Commonwealth will retain a record of all discharges authorized under general NPDES permits.

Issue: By adoption of this proposed regulation the SWCB hopes to reduce unwarranted administrative burdens placed upon itself and owners of sewage discharges of less than 1,000 GPD. As a result of this endeavor, the SWCB will lose some comprehensive regulatory review of these discharges, but shall still retain a certain regulatory posture.

It is felt that resources not spent on administration of individual NPDES permits for these minor, less significant discharges can be redirected to more critical areas of concern.

This better utilization of resources outweighs the minor loss of regulatory overview for these less significant discharges.

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

Written comments may be submitted until March 20, 1986,

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to Cindy Berndt, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

Contact: Martin G. Ferguson, Program Director, Office of Water Resources Management, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6984

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† **March 10, 1986 - 7 p.m.** – Public Hearing
Williamsburg/James City County Council Chambers, South Henry Street, Williamsburg, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to adopt regulations entitled: **NPDES General Permit for Groundwater Heat Pumps**. This regulation presents the authority and requirements for General Permits which authorize discharges from groundwater heat pumps.

STATEMENT

Basis: Under the authority of §§ 62.1-44.15(5) and 62.1-44.15(10) of the Code of Virginia, the State Water Control Board (SWCB) is authorized to issue permits for the discharge of treated sewage into state waters and to adopt any such regulations as it deems necessary to enforce water quality management in the Commonwealth of Virginia.

Section 402 of the Clean Water Act allows the Commonwealth authorization to administer the National Pollutant Discharge Elimination System (NPDES) permit program under the law. The Commonwealth of Virginia received such authorization in 1975 with Regulation No. 6 being the specific governing regulation.

Federal NPDES regulations (40 CFR 122.28) allow states with NPDES authorization to issue general permits written to cover a category of discharges within a geographic area. Regulation No. 6 provides the SWCB with the authority to issue and enforce these permits.

Substance and Purpose: It is the intent of the SWCB to adopt a regulation for an NPDES General Permit for groundwater heat pumps. At the present time, all persons wishing to discharge wastewater from point sources to the waters of the Commonwealth must obtain individual NPDES permits. Some of these discharges are from minor point sources such as groundwater heat pumps which have little potential to adversely impact the receiving waters. Issuance of general NPDES permits will reduce the review, inspection, and administrative burden necessitated by individual permits but not warranted by the discharge in consideration. Since permit conditions applicable to individual permits, such as monitoring and reporting requirements, will remain in place, the state will retain a record of all discharges authorized under general NPDES permits.

Issue: By adoption of this proposed regulation the SWCB hopes to reduce unwarranted administrative burdens placed upon itself and owners of groundwater heat pumps. As a result of this endeavor, the SWCB will lose some comprehensive regulatory review of these discharges, but shall still retain a certain regulatory posture.

It is felt that resources not spent on administration of individual NPDES permits for these minor, less significant discharges can be redirected to more critical areas of concern.

This better utilization of resources outweighs the minor loss of regulatory overview for these less significant discharges.

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

Written comments may be submitted until March 10, 1986, to Cindy Berndt, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

Contact: Martin Ferguson, Program Director, Office of Water Resources Management, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6984

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† **March 12, 1986 - 2 p.m.** – Public Hearing
Roanoke City Council Chambers, 215 Church Avenue, Roanoke, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **Water Quality Standard in the Basin and Section Description Tables, Skidmore Fork (Rockingham County), Section 5D, Shenandoah River Subbasin**. With this amendment Skidmore Fork would be changed from Class IV Mountainous Zone Waters to Class VI Natural Trout Waters.

STATEMENT

Basis: Section 62.1-44.15(3) of the Code of Virginia authorizes the board to establish Water Quality Standards and Policies for any state waters consistent with the purpose and general policy of the State Water Control Law, and to modify, amend, or cancel any such standards or policies established. Such standards shall be adopted only after a hearing is held and the board takes into consideration the economic and social costs and benefits which can reasonably be expected to be obtained as a result of the standards as adopted, modified, amended, or cancelled.

Section 303 of the Federal Clean Water Act requires states to adopt water quality standards and to have them approved by the Environmental Protection Agency (EPA).

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Additionally, both state and federal law require triennial reviews of water quality standards, with adoption of new standards, amendments to existing standards, as appropriate. If EPA determines that Virginia's water quality standards are not appropriate, it will promulgate its own federal water quality standard for Virginia. This standards amendment was a result of EPA's review of Virginia's 1984 triennial review process.

Purpose: The purpose of this proposed amendment is to restore the natural trout water designation to Skidmore Fork (Rockingham County), Section 5D, in the Shenandoah River Subbasin.

Skidmore Fork (Rockingham County) in the Shenandoah River Subbasin was declassified from Class VI Natural Trout Waters to Class IV Mountainous Zone Waters at the triennial review of the Water Quality Standards in August, 1984. This declassification should not have been initiated since there were no data submitted to support this cancellation.

EPA indicated to us in a letter dated March 22, 1985, that they could not approve this revision. They also state that their approval of the revised Virginia Water Quality Standards was contingent upon reestablishing the natural trout water designation on Skidmore Fork.

The commission of Game and Inland Fisheries, in a letter dated July 24, 1985, further confirmed the existence of a population of trout in Skidmore Fork.

Impact: The board does not believe any immediate costs will occur if this amendment is restored to its original natural trout water designation. This is primarily because the change was meant to protect existing conditions and no discharger should have to provide additional treatment to meet new requirements. For example, the streams adopted for designation as trout streams currently support populations of natural trout.

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

Written comments may be submitted until March 19, 1986, to Cindy Berndt, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

Contact: Mary M. Reid, Pollution Control Specialist, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6699

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† **March 12, 1986 - 2 p.m. - Public Hearing**
Roanoke City Council Chambers, 215 Church Avenue,
Roanoke, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: § 1.10 B.2

of the Water Quality Standard and Policy for Mercury in Freshwater. This amendment substitutes the word "methyl" mercury for the word "total" mercury.

STATEMENT

Subject, substance, issues, basis and purpose: The Virginia Water Control Board proposes to amend the agency's water quality standard for mercury. This amendment will require reporting levels of mercury in edible fish tissue in freshwater as methyl rather than total mercury.

The Food and Drug Administration's (FDA) change in the action level for mercury in fish tissue from total to methyl mercury concentration necessitates amendment to § 1.10 B.2 of the Water Quality Standards since the Health Department will require reporting in methyl mercury.

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

Written comments may be submitted until March 19, 1986, to Cindy Berndt, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

Contact: Mary M. Reid, Pollution Control Specialist, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6699

STATE BOARD FOR CERTIFICATION OF OPERATORS OF WATER AND WASTEWATER WORKS

† **January 31, 1986 - 10 a.m. - Open Meeting**
Department of Commerce, Travelers Building, 3600 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to (i) discuss LGR study; (ii) discuss revenue and expenditures; (iii) the results of examination administered on November 1, 1985; (iv) complaints; (v) regulatory review; and (vi) signing of Certificates.

Contact: Geralde W. Morgan, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8554

VIRGINIA COUNCIL OF THE STATUS OF WOMEN

† **January 15, 1986 - 9:30 a.m. - Open Meeting**
James Madison Building, 109 Governor Street, Main Auditorium (North End), Richmond, Virginia. (Location accessible to handicapped.)

A special meeting of the Council on the Status of Women to conduct general business and to receive

Calendar of Events

reports from the committee of the council.

Contact: Bonnie H. Robinson, Executive Director, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9200

LEGISLATIVE

COAL AND ENERGY COMMISSION

† **January 7, 1986 - 3 p.m.** – Open Meeting
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. (Location accessible to handicapped.)

A review of the final report and discussion of commission activities for 1986.

Contact: Michael Ward, Staff Attorney, or Martin Farber, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION

† **January 6, 1986 - 9:30 a.m.** – Open Meeting
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. (Location accessible to handicapped.)

A meeting for (i) briefings on jails, (ii) Jacques Cousteau Study, (iii) Department of Correctional Education Studies, and (iv) Standards of Quality Response.

Contact: Ray D. Pethel or Maryann Craven, General Assembly Bldg., Suite 1100, Richmond, Va. 23219, telephone (804) 786-1258

CHRONOLOGICAL LIST OPEN MEETINGS

January 6, 1986
Hearing Aid Dealers and Fitters, Virginia Board for Joint Legislative Audit and Review Commission

January 7
Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects, State Board of

Children's Facilities, Interdepartmental Council on Rate-Setting for Coal and Energy Commission

January 8
Criminal Justice Services Board
Committee on Training
Higher Education, Council of Museum and Fine Arts, Virginia
Building Committee
Real Estate Board, Virginia

January 9
Auctioneers Board, Virginia
Conservation and Historic Resources, Department of Upper James River Advisory Board
Substance Abuse Certification Board

January 10
Children's Residential Facilities, Coordinating Committee for Interdepartmental License and Certification of

January 12
Apple Board, Virginia State

January 13
Alcoholic Beverage Control Board, Virginia
Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects, State Board of Visually Handicapped, Board of the Virginia Department for

January 14
Alcoholic Beverage Control Board, Virginia
Aviation Board, Virginia
Geology, Virginia Board of
Local Government, Commission on
Norfolk State University
Board of Visitors
Polygraph Examiners Advisory Board
Resources Authority, Virginia

January 15
Community Colleges, State Board for
Corrections, Board of
Milk Commission, State
Women, Virginia Council on the Status of

January 16
Apprenticeship Council, Virginia
Community Colleges, State Board for
Conservation and Historic Resources, Department of Virginia Soil and Water Conservations Board
Education, Board of
Highways and Transportation Board, Virginia
Department of
Museum of Fine Arts, Virginia
Board of Trustees
Finance Committee
Real Estate Board, Virginia

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Education, Board of
Game and Inland Fisheries, Commission of
Medicine, Board of
Credentials Committee
Psychology, Board of

January 18

Medicine, Board of
Credential Committee
Real Estate Board, Virginia

January 19

Real Estate Board, Virginia

January 20

Optometry, Virginia Board

January 21

Health Regulatory Boards, Board on
Housing Development Authority, Department of
Board of Commissioners
Optometry, Virginia Board of
Public Telecommunications Board, Virginia

January 22

Disabled, Board for Rights of the
Health Services Cost Review Council, Virginia
Mental Health and Mental Retardation Board
Sewage Handling and Disposal Appeals
Review Board, State

January 23

Contractors, State Board of
Mines, Minerals and Energy, Department of
Division of Mined Land Reclamation,
Abandoned Mine Land Group

January 24

Professional Counselors, Board of

January 27

Library Board, Virginia State
Nursing, Virginia State Board of

January 28

Alcoholic Beverage Control Board, Virginia

January 29

Nursing, Virginia State Board of

January 30

Housing and Community Development, Virginia
Department of

January 31

General Services, Department of
Consolidated Laboratory Services' Advisory Board,
Division of
Certification of Operators, Water and Wastewater
Works, Board for, State

February 3

Air Pollution Control Board, State

February 4

Children's Facilities, Interdepartmental Council
on Rate-Setting for

February 6

Contractors, State Board of
Longwood College
Board of Visitors

February 7

Longwood College
Board of Visitors
Medicine, Virginia Board of
Legislative Committee

February 10

Alcoholic Beverage Control Board, Virginia

February 11

Alcoholic Beverage Control Board, Virginia
Resources Authority, Virginia

February 12

Corrections, Board of

February 25

Alcoholic Beverage Control Board, Virginia
Education, Board of

February 26

Education, Board of
Health Services Cost Review Council, Virginia

March 11

Resources Authority, Virginia

March 15

Real Estate Board, Virginia

March 16

Real Estate Board, Virginia

PUBLIC HEARINGS

January 7, 1986

Criminal Justice Services Board
Committee on Criminal Justice
Information Systems

January 10

Taxation, Department of

January 15

Health, Board of

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January 16

Health, Board of
Health, Department of
Bureau of Pharmacy Services
Medicine, Board of
Nursing, State Board of

January 20

Health, Board of

January 21

Health, Board of

January 23

Health, Board of

January 27

Health, Board of

January 28

Nursing, Virginia State Board of

January 31

Fire Board, Virginia and Fire Programs,
Department of

February 7

Motor Vehicles, Virginia Department of

February 25

Agriculture and Consumer Services, Virginia
Department of

February 26

Agriculture and Consumer Services,
Virginia Department of

March 7

Commerce, Department of
Water Control Board, State

March 10

Water Control Board, State

March 11

Water Control Board, State

March 12

Pharmacy, Virginia State Board of
Water Control Board, State

March 17

Taxation, Department of

April 2

Criminal Justice Services Board
Committee on Criminal Justice
Information Systems