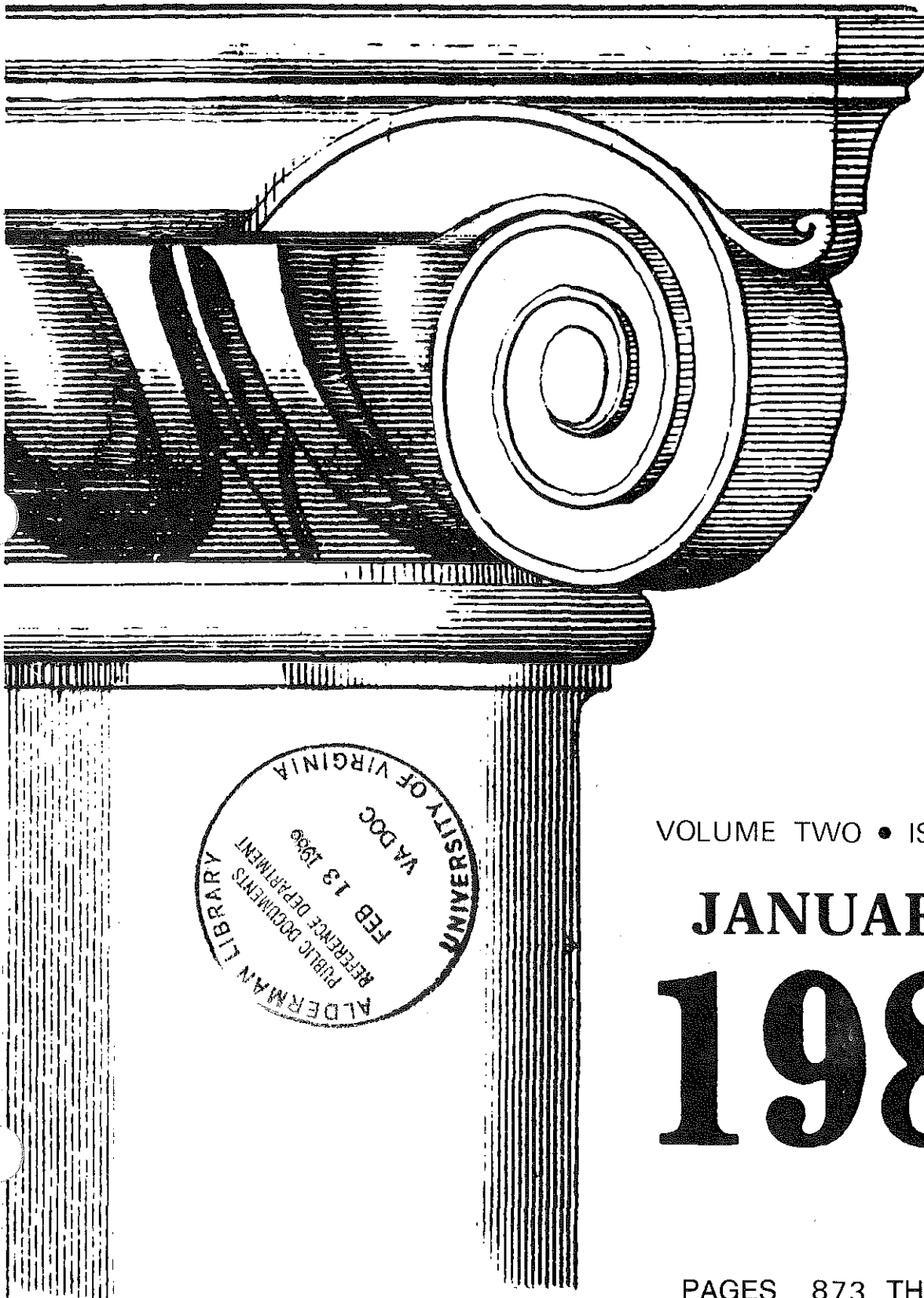


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THE VIRGINIA REGISTER

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 VA.R. 75-77 November 12, 1984** refers to Volume 1, Issue 3, pages 75 through 77 of the Virginia Register issued on November 12, 1984.

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VIRGINIA REGISTER OF REGULATIONS

PUBLICATION DEADLINES AND SCHEDULES

PUBLICATION DATE	MATERIAL SUBMITTED BY 12 noon Wednesday
July 8	June 21
Index	
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	
Oct. 14	Sept. 25
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Nov. 11	Oct. 23
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Dec. 9	Nov. 20
Dec. 23	Dec. 4
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Jan. 20	Dec. 31 (Tuesday)
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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.

CRIMINAL JUSTICE SERVICES BOARD

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

Statutory Authority: § 9-170(1) and (11) 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 certification of Criminal Justice Instructors, are submitted in accordance with § 9-6.14:7.1 of the Code of Virginia.

Legislative authority for promulgation and amendment of such rules by the Criminal Justice Services Board is derived from § 9-170(1) and (11), of the Code of Virginia.

The initial rules regulating the certification of criminal justice instructors first took effect on July 1, 1984. At that time, it was assumed that consistent with the periodic reviewing cycle established by the department, the rules should be reviewed and revised based, at least in part, on the experience of the implementation phase.

The amendments are designed to strengthen the requirements for criminal justice instructors; to ensure an acceptable level of ability and experience; and to provide for some retraining before an individual can be recertified.

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

Pursuant to the provisions of § 9-170(1) and (11), of the Code of Virginia, the Department of Criminal Justice Services Board hereby establishes the following rules relating to the certification of criminal justice instructors.

§ 1. Definitions.

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

D. "Approved training school" means a training school which provides instruction of at least the minimum

training standards mandated by the department and has been approved by the department for the specific purpose of training criminal justice personnel.

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

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

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

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

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

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

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

A. Provisional instructor certification.

For the individual officer who has had little or no previous teaching experience, this certification:

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

B. Instructor certification.

For individuals who have professional and/or proficiency

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skills in a field directly related to criminal justice, this certification:

1. Requires a high school diploma or high school equivalency certificate (GED);
2. Requires the applicant to be instructional staff, an employee of a criminal justice agency, or a school director;
3. Requires the applicant to have completed the compulsory minimum training standards for instructor certification, excluding those individuals enumerated in subsection A of § 5, of these rules;
4. *Requires a minimum of two years experience in a criminal justice agency;*
4. 5. Is valid for three years and may be renewed; and
5. 6. Does not authorize an individual to instruct or qualify others in mandated firearms, defensive tactics, or driver training courses.

C. Firearms instructor certification.

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

1. Requires a high school diploma or high school equivalency certificate (GED);
2. Requires a minimum of two years experience in a criminal justice agency;
3. Requires the applicant to have attended and successfully completed a firearms instructors course which meets or exceeds the standards of the firearms instructors school approved by the department;
4. *Requires the applicant also to have successfully completed an instructor development course which meets or exceeds the standards for instructor schools approved by the department;*
4. 5. Is valid for three years and may be renewed;
6. *Requires prequalification on a 50-yard course with a score of 86% on either a Practical Pistol Course (PPC) or a Tactical Revolver Course (TRC);*
7. *Requires the applicant to serve an apprenticeship under a certified instructor until they can demonstrate the ability to instruct on their own. The certified instructor shall document this successful completion of the apprenticeship on the instructor application form; and*
5. 8. Authorizes an individual to instruct mandated firearms training courses and to conduct firearms

qualifications only.

D. Defensive tactics instructor certification.

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

1. Requires a high school diploma or a high school equivalency certificate (GED);
2. Requires a minimum of two years experience in a criminal justice agency;
3. Requires the applicant to have attended and successfully completed a defensive tactics instructors course which meets or exceeds the standards of the defensive tactics instructors school approved by the department.
4. *Requires the applicant also to have successfully completed an instructor development course which meets or exceeds the standards for instructor schools approved by the department;*
4. 5. Is valid for three years and may be renewed; and
6. *Requires the applicant to serve an apprenticeship under a certified instructor until they can demonstrate the ability to instruct on their own. The certified instructor shall document this successful completion of the apprenticeship on the instructor application form; and*
5. 7. Authorizes the individual to instruct defensive tactics subjects only.

E. Driver training instructor certification.

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

1. Requires a high school diploma or a high school equivalency certificate (GED);
2. Requires a minimum of two years experience in a criminal justice agency;
3. Requires the applicant to have attended and successfully completed a driver training instructors course which meets or exceeds the standards of the driver training instructors school approved by the department;
4. *Requires the applicant also to have successfully completed an instructor development course which meets or exceeds the standards for instructor schools approved by the department;*
4. 5. Is valid for three years and may be renewed;

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and

6. Requires the applicant to serve an apprenticeship under a certified instructor until they can demonstrate the ability to instruct on their own. The certified instructor shall document this successful completion of the apprenticeship on the instructor application form; and

5- 7. Authorizes the individual to instruct driver training subjects only.

§ 3. Compulsory minimum training standards for instructor development.

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

1. At a minimum, the instructor development course must be at least 40 hours in length and cover the following subjects:

- Role of the Instructor/Adult Learner
- Fundamentals of Communication
- Determining Training Needs
- Liability of Instructors
- Research and Development
- Instructional Performance Objectives
- Preparation and Use of Lesson Plans
- Methods of Instruction
- Preparation and Use of Audio-Visual Material
- Criteria Testing
- Student Presentations
- Other Optional (Subject matter Topics must pertain to instructor development)

B. Application to conduct an approved instructor development training session shall be submitted on forms provided by the department.

§ 4. Exemptions to certification requirements.

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

- A- 1. Individuals who instruct three hours or less in any individual approved training school;
- B- 2. Individuals assigned by the school director to instruct in emergency situations.
- C- 3. Individuals who possess professional or proficiency skills in a field of endeavor directly related to the subject matter in which they are instructing. This would include but not be limited to members of the bar, medical profession, public administrators, teachers, social service practitioners, etc.;
- D- 4. Section 4 C paragraph 3 may apply to employees

of criminal justice agencies of this State Commonwealth and its political subdivisions if approved by the department; and

E- 5. Certified emergency care and first aid instructors.

§ 5. Exceptions.

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

A- 1. Individuals serving as instructors on a regular basis in approved training schools on the effective date of these rules. Such exception shall not exceed a period of three years and is subject to renewal in accordance with § 7 of these rules; and

B- 2. Individuals who serve as field training officers or on-the-job training officers for purposes of providing field training as required by minimum training standards. Such exception shall not be construed to apply to training promulgated by the department other than field training or on-the-job training.

§ 6. Application for instructor certification.

A completed "Instructor Certification Application" is required from each potential instructor prior to certification on forms provided by the department. The application must be accompanied by a recommendation from the chief of police, sheriff, agency administrator or his designee.

§ 7. Renewal of certification.

Instructor certifications, other than those issued to provisional instructors, will be valid for a period of three years. Applications for renewal will be submitted on forms provided by the department.

A- 1. Applicants for recertification must be recommended by the chief of police, sheriff, agency administrator or his designee;

B- 2. Applications for renewal shall include a statement from the school director relative to the instructional performance of the applicant;

3. Applicants must attend and successfully complete a recertification seminar, approved by the department for each type of certification held. Completion of this requirement must occur within the three-year period in which the certification is valid. Those who were certified prior to the effective date of these regulations will have three years from the effective date to comply.

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

category.

4. Individuals whose certification is allowed to expire must submit a new application and meet any requirements that are in effect at that time, including completion of the recertification seminar; and

5. Individuals must have taught a minimum of eight hours during the present period of certification in order to be eligible for recertification.

§ 8. Revocation of instructor certification.

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

§ 9. Administrative requirements.

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

§ 10. Effective date.

These rules shall be effective on and after July 1, ~~1984~~ 1986, and until amended or rescinded.

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 STATE BOARD OF ACCOUNTANCY

Title of Regulation: VR 105-01-2. Rules and Regulations of the Virginia State Board of Accountancy.

Statutory Authority: § 54-84 of the Code of Virginia.

Effective Date: March 1, 1986

Summary:

Virginia Code §§ 54-84 and 54-1.28 provide the statutory basis for promulgation of regulations governing the practice of public accountancy in Virginia. As a result of regulatory reform efforts, the board repeals the existing regulation and entirely revises the regulation governing the practice of accountancy.

The revisions address the following issues, which will affect CPAs and professional corporations of CPAs practicing in Virginia: Education necessary to qualify for the Uniform CPA examination; work experience necessary for obtaining a license; the definition of the practice of public accountancy; management of offices; regulations governing independence; the use of accounting and auditing standards; and provisions for disciplinary actions; suspensions; revocations and fines; and reinstatement of certificates or licenses.

VR 105-01-2. Rules and Regulations of the State Board of Accountancy.

PART I. GENERAL.

§ 1.1. Definitions.

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

"Accredited institution" means any four-year degree-granting college or university accredited at the time of the applicant's degree or attendance by any of the following:

1. Middle States Association of Colleges and Secondary Schools;
2. New England Association of Schools and Colleges;
3. North Central Association of Colleges and Secondary Schools;
4. Northwest Association of Schools and Colleges;
5. Southern Association of Colleges and Schools; and

6. Western Association of Schools and Colleges.

"Certification" means the issuance of a certificate to a person who has met all the requirements of these regulations [~~and is eligible to obtain a license~~].

"Certify," "Examine," "Review," and/or "Render or disclaim an opinion," when referenced to financial information or the practice of certified public accountancy, [~~means the issuance of reports or other language which states or implies assurance of conformity with generally accepted accounting principles and auditing standards; and language disclaiming an opinion which is understood to imply assurance concerning the reliability of the financial information referred to; and the expertise of the user are terms which, when used in connection with the issuance of reports, state or imply assurance of conformity with generally accepted accounting principles and auditing and review standards. The terms include forms of language disclaiming an opinion concerning the reliability of the financial information referred to or relating to the expertise of the issuer~~].

"Client" means a person or entity that contracts with or retains a firm for performance of public accounting services.

["Compilation of financial statements" means presenting in the form of financial statements information that is the representation of management (owners) without undertaking to express any assurance on the statements.]

"Financial statements" means a presentation of financial data, including but not limited to, accompanying notes derived from accounting records, that purport to show financial position at a point in time or changes in that period of time. It includes statements which use a cash or other incomplete basis of accounting. The term includes balance sheets, statements of income, statements of retained earnings, statements of changes in financial position, and statements of changes in owners' equity. The term does not include either tax returns and supporting schedules, or incidental financial data included in management advisory services reports to support recommendations to a client.

"Firm" means a sole proprietorship, a corporation, partnership, professional association, or any combination practicing public accountancy in Virginia.

"Individual firm name" means a name different from the name in which the individual's license is issued.

"Jurisdiction" means another state, territory, the District

of Columbia, or Puerto Rico.

"License" means permission to a natural person to practice as a certified public accountant as part of a firm.

"Practice of public accountancy" means to certify, render, or disclaim an opinion that financial data comply with standards of practice with which regulants are required to comply in Part 3 of these regulations, or use language in a report on which third parties might rely so similar thereto that a reasonably prudent person would be likely to consider it the same as the required language, including use of the terms "audit," "examination," "review," "in conformity with generally accepted accounting principles," or "in accordance with generally accepted auditing standards".

"Principal" means a certified public accountant who is the sole proprietor of, or a partner or shareholder in, a firm.

"Professional association" means a firm organized in accordance with Chapter 25 of Title 54 of the Code of Virginia.

"Professional services and engagements" means the association between a client and the firm to perform, or offer to perform, public accounting services by the firm for the client.

"Professional staff" means employees of a firm engaged in the practice of public accountancy and who make decisions relating to their work, but excludes employees performing routine bookkeeping services.

"Regulant" means any certificate holder, licensee, professional corporation or firm. (§ 54-1.28.5 of the Code of Virginia)

§ 1.2. Fees.

Fees are required as follows [and will not be prorated]:

- Upon original application or renewal of a registration for a professional corporation ...\$50.00
- Upon original application for certification ...\$85.00 (including by endorsement)
- Upon any reexamination ...\$75.00
- Upon biennial license and certificate renewal ...\$30.00
- Upon biennial certificate renewal ...\$10.00

§ 1.3. Renewal of licenses and registration.

Each license [, certificate] or registration of a professional corporation shall expire on September 30, of each even-numbered year and will be renewed upon receipt of the appropriate renewal application and fee. Failure of the regulant to receive written notice of expiration does not relieve him from the requirement to renew the license [, certificate] or registration.

Any person may renew an expired license [, certificate] or registration within six months after expiration by submitting the required renewal fee equal to 1 1/2 times the fee. If the regulant fails to renew within six months following expiration, he will be required to apply for reinstatement. The applicant will be required to present reasons for reinstatement, and the board, in its discretion, may grant reinstatement or require a requalification and/or reexamination. The application fee for reinstatement shall be an amount equal to twice the license fee. (§ 54-1.28.4 of the Code of Virginia)

§ 1.4. Notification of change of address.

Every regulant shall notify the board within 30 days of any change of address or name. (§ 54-1.28.5 of the Code of Virginia)

§ 1.5. Appeals.

Any person aggrieved by any case decision of the board may appeal any decision in accordance with the Administrative Process Act and the Department of Commerce Agency Rules of Practice for Hearing Officers. (§ 54-1.28.5 of the Code of Virginia)

§ 1.6. License required, renewal.

Any person holding a Virginia certificate shall either maintain a Virginia license to practice public accounting, or file biennially as a certificate holder not engaged in the practice of public accountancy and pay the required renewal fee. (§ 54-1.28.3 of the Code of Virginia)

§ 1.7. License required; exception.

Only a certified public accountant, holding a valid license, may engage in practice of public accountancy in Virginia, provided this does not:

1. Prohibit any person from affixing his signature to any statement or report for internal or management use designating the position, title, or office of the person; or
2. Prohibit the act of any public official or public employee in the performance of his duties; or
3. Prohibit the performance by any person of services involving the use of accounting skills, rendering tax services, management advisory or consulting services, the keeping of books of account and related accounting records, and the preparation of financial statements without the expression of an opinion or assurance. (§ 54-84 of the Code of Virginia)

[4. Prohibit the issuance by any person or persons of a compilation report provided this report does not use any form of language conventionally used by licensees with respect to a compilation of financial statements.]

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§ 1.8. Use of term Certified Public Accountant.

Only a person holding a valid certificate in Virginia, or other jurisdiction, shall use or assume the title or designation "certified public accountant," or "public accountant," the abbreviations of that, or any title, designation, word, card, or device tending to indicate that the person is a certified public accountant or public accountant [in Virginia] . (§ 54-1.84 of the Code of Virginia)

[No licensee or certificate holder in Virginia shall use or assume the titles or designations "certified public accountant," "public accountant," "CPA," or any other titles, designations, phrases, acronyms, abbreviations, signs, cards or devices tending to indicate the practice of public accountancy in his firm name unless all principals of that firm who work in Virginia or who have substantial contact with work in Virginia are licensed as CPAs in this state. (§ 54-1.84 of the Code of Virginia)

§ 1.9. Use of Firm Designations.

Only those principals of a firm who work in Virginia in public accounting or who have substantial contact with work in Virginia and who hold valid licenses as certified public accountants in this Commonwealth shall offer to engage in or hold themselves out as qualified to engage in the practice of public accountancy in Virginia; or assume or use the titles or designations "certified public accountant," "public accountant," "CPA," or any other titles designations, phrases, acronyms, abbreviations, signs, cards, or devices tending to indicate the practice of public accounting in Virginia. (§ 54-1.84 of the Code of Virginia)]

[§ 1.9 § 1.9] . Regulant accountable for services rendered.

Whenever a regulant offers or performs any services in Virginia [related to the practice of public accountancy] ,regardless of the necessity to hold a license to perform that service, the regulant shall be subject to the provisions of these regulations. [A regulant shall be responsible for the acts or omissions of his staff.]

PART II. ENTRY.

§ 2.1. General.

Any person applying for certification as a certified public accountant shall meet the requirements of good character, education, and shall have passed an examination. Any person applying for a license to practice public accounting in Virginia shall hold a Virginia certificate as a certified public accountant and must meet the experience requirement. (§ 54-1.28.1 of the Code of Virginia)

§ 2.2. Good character.

Each applicant shall have fiscal integrity and a lack of history of acts involving dishonesty or acts which would constitute a violation of these regulations. The board may deny certification upon a finding supported by clear and convincing evidence of a lack of good character. (§ 54-1.28.1 of the Code of Virginia)

§ 2.3. Education required.

Each applicant shall have earned one of the following:

1. A baccalaureate or higher degree with either a major in accounting or a concentration in accounting from an accredited institution as defined in § 1.1;
2. One hundred twenty semester hours of earned credit from an accredited institution, which must include the following business related courses [or their equivalent]:

	Semester Hours
Principles of Accounting	6
Principles of Economics	3
Principles of Marketing	3
Principles of Management	3
Finance	3
Information Systems	3
Statistics	3
Business Policy	3
Financial Accounting and Accounting Theory	6
Cost/Managerial Accounting	3
Auditing	3
Taxation	3
Commercial Law (not to exceed six semester hours)	3
Business Electives	15
Total	60

3. Completion of a written examination approved by the board demonstrating that the applicant has obtained the knowledge, skill or ability equivalent to a bachelor's degree and 27 semester hours in accounting subjects from an accredited institution, which must include courses in accounting, auditing, cost accounting and not more than six semester hours in commercial

law;

4. Until July 31, 1988, the education requirements will be satisfied with an earned baccalaureate or higher degree from an accredited institution or completion of a written examination approved by the board demonstrating that the applicant has obtained the knowledge, skill or ability equivalent to a bachelor's degree; and completion of 27 semester hours in accounting subjects from an accredited institution, which shall include courses in accounting, auditing, cost accounting and shall not include more than six semester hours in commercial law.

§ 2.4. Evidence of education.

Each applicant shall submit evidence of having obtained required education in the form of official transcripts transmitted directly from the accredited institution. In unusual circumstances other evidence of education may be accepted when deemed equivalent and conclusive. (§ 54-1.28.1 of the Code of Virginia)

§ 2.5. Education prerequisite to examination.

The educational requirements shall be met prior to examination [, provided, however, -] an applicant may be admitted to the examination, [however,] when the applicant has filed evidence of enrollment in the required courses. He may be admitted to a May examination if he will meet education requirements by June 30, and to a November examination if he will meet education requirements by December 31. (§ 54-1.28.2 of the Code of Virginia)

§ 2.6. Basic examination.

Each applicant for an original certificate to practice public accountancy in Virginia shall pass a basic four-part written national uniform examination in auditing, business law, theory of accounting, and accounting practice. Each part of the basic examination must be passed with a grade of 75 percent. The board is authorized to make use of all or any part of the Uniform Certified Public Accountant Examination and Advisory Grading Service of the American Institute of Certified Public Accountants and the National State Boards of Accountancy to assist it in performing its duties. (§ 54-1.28.2 of the Code of Virginia)

§ 2.7. Examination credits.

Credit will be given for basic examination parts passed through five successive offerings subsequent to the first occasion when credit is earned, provided:

1. No credit will be allowed until accounting practice or two other parts are passed at a single sitting; and
2. When two or three parts are failed at a single sitting; a minimum grade of 50 is achieved on each of those failed parts; and

3. An applicant sits for all part not credited. (§ 54-1.28.2 of the Code of Virginia)

§ 2.8. Extension of unexpired credits.

The board may extend earned basic examination credits to any applicant who has been on active duty in the armed forces for a period of six months immediately prior to an examination month. Request for extension shall be made in writing within six months of completion of active duty but no later than ten years from the date the last credit was earned. (§ 54-1.28.2 of the Code of Virginia)

§ 2.9. Conduct in basic examination.

A. An admittance card with recent photograph permanently attached shall be presented to sit for the examination.

Identification numbers assigned by the board shall be used in lieu of name on all papers submitted.

B. No resource or reference material, unless specified by the board is permitted in the examination site.

C. Work on each examination must be completed within the time specified.

D. All writing must be clear and legible.

E. No communication between examinees is permitted during the examination.

F. Each applicant shall honestly represent only his own personal knowledge, skill, or ability in answering questions. (§ 54-1.28.2 of the Code of Virginia)

G. Each applicant shall agree to submit to an inspection if required to enforce compliance with these regulations.

§ 2.10. Loss of credit or eligibility.

Any applicant found in violation of regulations governing conduct in examination will lose established eligibility to be admitted or credit for examination parts earned. (§ 54-1.28.2 of the Code of Virginia)

§ 2.11. Application deadline.

Application to sit for the basic examination shall be made on a form provided by the board and shall be filed with all required documents by the first Friday in March for the May examination and by the first Friday in September for the November examination. (§ 54-1.28.2 of the Code of Virginia)

§ 2.12. Failure to appear; excused examination.

An applicant who fails to appear for the basic examination or reexamination shall forfeit the fees charged for the examination or reexamination unless

Final Regulations

excused.

The board may excuse an applicant for an examination until the next examination for military service when documented by orders or a letter from the commanding officer; or for serious injury, illness, or physical impairment, any of which must be documented by a statement from the treating physician; or for other good cause of similar magnitude approved by the board.

§ 2.13. Ethics examination.

In addition to the basic examination, prior to obtaining a certificate, each applicant may be required to pass an examination in ethics. (§ 54-1.28.2 of the Code of Virginia)

§ 2.14. Experience required.

Subject to the foregoing, an individual will be eligible for licensure if he possesses one of the following:

1. Two years of experience in accounting with the attest function [and/or the review function] constituting not less than 800 hours of that experience; or

2. Three years of experience in accounting in its broadest sense. For those with more than a four-year lapse between completion of the CPA Examination and submission of the experience application, continuing professional education will be required. Such education may include courses in auditing, accounting and tax; or

3. Four years of diversified teaching experience in accounting subjects at an institution recognized by the board in conjunction with no less than five months experience with a public accounting firm with at least 600 hours of the work in auditing and preparation of financial statements.

"Diversified teaching experience" as used above means upper level courses in accounting, auditing and taxation.

§ 2.15. Education substituted for experience.

An applicant having an undergraduate degree in accounting will be credited with one year of required experience for completion of a master's degree at an accredited institution, which shall include 15 semester hours in graduate level accounting subjects. (§ 54-1.28.2 of the Code of Virginia)

§ 2.16. Certificate by endorsement.

Upon payment of the specified fee, a certificate will be granted to an applicant who holds a like valid and unrevoked certificate issued under the law of any jurisdiction showing that applicant is in good standing in the jurisdiction; provided:

1. The applicant meets all current requirements in Virginia at the time application is made; or (§ 54-1.28.3 of the Code of Virginia)

2. At the time the applicant's certificate was issued in the other jurisdiction, the applicant met all requirements then applicable in Virginia; or (§ 54-1.28.3 of the Code of Virginia)

3. The applicant has met all requirements applicable in Virginia except the education requirement, or has passed the examination under different credit provisions, and either:

a. The applicant has five years of experience in the practice of public accountancy within the 10 years prior to application, or

b. The applicant has five years of experience in the practice of public accountancy, one year of which was immediately prior to application, and has completed 15 semester hours of accounting, auditing, and related subjects in an accredited institution. (§ 54-1.28.1 of the Code of Virginia)

PART III. STANDARDS OF PRACTICE.

[§ 3-1. Office Registration Required.

Upon application or renewal of a license, each licensee or his firm shall be required to register each office in this Commonwealth, and to show that each office is under the responsible supervision of a person holding a valid license. (§ 54-1.28.5 of the Code of Virginia)

[§ 3-2. § 3.1.] Sole proprietor name.

A sole proprietor shall use his own name as the firm name except that a proprietor surviving the death or withdrawal of all other partners may continue using the names of those partners for not more than two years after becoming a sole proprietor. (§ 54-1.28.5 of the Code of Virginia)

[§ 3-2. § 3.2.] Partnership name.

A licensee shall not practice in a partnership that includes a fictitious name, indicates specialization, or includes the terms "company" or "associates" or any similar term unless used to designate at least one unnamed, currently licensed partner, provided, that the name of one or more past partners or shareholders of a predecessor corporation may be included in the firm name of the successor partnership. (§ 54-1.28.5 of the Code of Virginia)

[§ 3-4. § 3.3.] Corporate names.

A licensee shall not practice in a corporation the name of which indicates fields of specialization, or includes the

terms "company," "associates," or similar terms or derivatives unless used to designate at least one unnamed shareholder, or which constitutes a fictitious name. Names of one or more past shareholders or partners in a predecessor partnership may be included in the corporate name. The shareholder surviving the death or withdrawal of all other shareholders may use the names of those past shareholders or partners for up to two years after death or withdrawal. The corporate name must always be followed by the designation "a professional corporation." (§ 54-1.28.5 and 54-91.1 of the Code of Virginia)

[§ 3-5: § 3.4.] Notification of changes in firms.

A licensee shall notify the board in writing within 30 days after occurrence of any of the following:

1. The admission of any new shareholder or partner; or
2. The retirement or death of a copartner or shareholder; or
3. A change in the name of any partnership or professional corporation; or
4. The termination of any partnership or professional corporation; or
5. The change in the supervisor of any branch office; or
6. The change in the number or location of Virginia offices; or
7. Any event which would cause the partnership or professional corporation not to be in conformity with the provisions of these regulations. (§ 54-1.28.5 of the Code of Virginia)

[§ 3-6: § 3.5.] Mandatory use of "CPA."

The term "certified public accountant(s)," or the abbreviation "CPA," shall appear with the name of a certified public account when used in connection with an expression of opinion. (§ 54-1.28.5 of the Code of Virginia)

[§ 3-7: § 3.6.] Sharing in office.

When sharing office facilities with any person who is not in the same firm, the licensee shall use practices and procedures which enable a reasonable person clearly to distinguish between the practice of the licensee and the operation of the other occupation or business. (§ 54-1.28.5 of the Code of Virginia)

[§ 3-8: § 3.7.] Resident manager in Virginia in charge of branch office.

Each branch office of a firm shall be managed by a certified public accountant licensed in Virginia. No

licensed certified public accountant shall manage more than one office until such time as the licensee can provide [, and] the board [with a approve,] management plan to provide supervision and quality control over the work product of all offices under the supervision of the licensee. (§ 54-1.28.5 of the Code of Virginia)

[§ 3-9: § 3.8.] Misleading firm name.

Nothing shall be contained in the name, styling, or letterhead of any firm which implies an ability, relationship, or condition that does not exist. (§ 54-1.28.6 of the Code of Virginia)

[§ 3-10: § 3.9.] Independence.

A regulant shall not express an opinion on financial statements of an entity in such a manner as to imply that its licensees are acting in an independent capacity when the licensee has any of the following interests in that entity:

1. Commitment to acquire any direct or material indirect financial interest; or
2. Position as trustee, executor, or administrator of any estate if such trust or estate is committed to acquire any direct or material indirect financial interest; or
3. Ownership of any joint closely-held business investment with the entity or any officer, director, or principal stockholder thereof which was material in relation to the net worth of the licensee; or
4. Relationship with the entity as a promoter, underwriter, or voting trustee, director, or officer, or in any capacity equivalent to that of a member of management or of an employee; or
5. Having any loan to or from the entity, or from any officer, director, or principal stockholder thereof except loans made by a financial institution under normal lending procedures, terms and requirements such as: loans obtained by the licensee or firm which are not material in relation to the net worth of the borrower; or home mortgages; or other secured loans, except those secured solely by a guarantee of the firm of its licensees. (§ 54-1.28.9 of the Code of Virginia)

[§ 3-11: § 3.10.] Integrity and objectivity.

A licensee shall not knowingly misrepresent facts or subordinate his judgement to others. In tax practice, a licensee may resolve doubt in favor of his client when there is reasonable support for the position. (§ 54-1.28.9 of the Code of Virginia)

[§ 3-12: § 3.11.] Commissions.

A regulant shall not pay a commission to obtain a client,

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or accept a commission for a referral to a client of products or services of another. Payments for the purchase of all, or part, of an accounting practice, retirement payments to persons formerly engaged in the practice of public accountancy, or payments to the heirs or estates of such persons are permitted. (§ 54-1.28.9 of the Code of Virginia)

[~~§ 3.12.~~ § 3.12.] Contingent fees.

A regulant shall not offer or perform the practice of accounting for a fee which is contingent upon the findings or results of these services. This regulation does not apply either to services involving taxes in which the sole findings are those of the tax authorities or to professional services for which the fees are to be fixed by courts or other public authorities. (§ 54-1.28.9 of the Code of Virginia)

[~~§ 3.14.~~ § 3.13.] Incompatible occupations.

A regulant shall not concurrently engage in any other business or occupation which impairs his independence or objectivity in the practice of public accounting. (§ 54-1.28.9 of the Code of Virginia)

[~~§ 3.15.~~ § 3.14.] Competence.

A regulant shall not undertake performance of professional services which he cannot reasonably expect to complete with due professional competence, including compliance, when applicable, with these regulations. (§ 54-1.28.9 of the Code of Virginia)

[~~§ 3.16.~~ § 3.15.] Auditing standards.

A regulant shall not permit his name to be associated with financial statements [involving the attest function] in a manner that might be construed to imply he is acting as an independent public accountant unless he has complied with applicable, generally accepted auditing standards in use in Virginia at the time his name is so associated. Departures from compliance with generally accepted auditing standards must be justified. (§ 54-1.28.9 of the Code of Virginia)

[~~§ 3.17.~~ § 3.16.] Accounting principles.

A regulant shall not express an opinion that financial statements are presented in conformity with generally accepted accounting principles if the financial statements contain any departure from generally accepted accounting principles in current use in Virginia, which has a material effect on the statement as a whole. Any departure is permissible only if the regulant can demonstrate that, by reason of unusual circumstances, the financial statements would otherwise be misleading. In such a case, the regulant's report shall describe the departure, the approximate effects, if practicable, and the reasons that compliance with the generally accepted accounting principle would result in a misleading statement. (§

54-1.28.9 of the Code of Virginia)

[~~§ 3.18.~~ § 3.17.] Other technical standards.

A regulant shall comply with other technical standards pertaining to accounting, tax services and management advisory services that are current practices in Virginia. (§ 54-1.28.9 of the Code of Virginia)

[~~§ 3.19.~~ § 3.18.] Forecasts or projections.

No regulant shall vouch for the achievability for any forecast or projection. (§ 54-1.28.9 of the Code of Virginia)

[~~§ 3.20.~~ § 3.19.] Confidential client information.

A regulant [shall not] , without the consent of his client, [~~shall not~~] disclose any confidential information pertaining to his client obtained in the course of the practice of public accounting, except in response to a subpoena or summons enforceable by order of a court, in response to any inquiry made by the board or its agents, [by a government agency, or by a recognized organization of certified public accountants, or by the client himself or his heirs, successors or authorized representative,] or in connection with a peer review of the regulant's practice. (§ 54-1.28.9 of the Code of Virginia)

[~~§ 3.21.~~ § 3.20.] Client's records.

A regulant shall furnish to its client or former client, regardless of any payment due the firm, within a reasonable time upon request:

1. A copy of a client's tax return; or
2. A copy of any report, or other document, issued by the regulant to or for the client and not formally withdrawn by the regulant prior to the request; or
3. Any accounting or other record belonging to the client, or obtained from or on behalf of the client, which the regulant removed from the client's premises or had received for the client's account; or
4. A copy of the regulant's working papers, to the extent that such working papers include records which would ordinarily constitute part of the client's books and records not otherwise available to the client. (§ 54-1.28.9 of the Code of Virginia)

[~~§ 3.22.~~ § 3.21.] Acting through others.

A regulant shall not permit others to carry out on his behalf, acts which, if carried out by the regulant, would place him in violation of these regulations. A regulant shall not perform services for a client who is performing the same or similar services for another, if the firm could not perform those services under these rules. (§ 54-1.28.9 of the Code of Virginia)

Final Regulations

[~~§ 3.23.~~ § 3.22.] Advertising.

A regulant shall not make any false, fraudulent, misleading, deceptive, or unfair statement or claim, including but not limited to:

1. A misrepresentation of fact; or
2. Failure to make full disclosure of any relevant fact; or
3. Representations of services of exceptional quality not supported by verifiable facts; or
4. A representation that might lead to unjustified expectation of higher level of performance or of favorable results. (§ 54-1.28.9 of the Code of Virginia)

[~~§ 3.24.~~ § 3.23.] Solicitation.

A regulant shall not by any direct personal communication solicit an engagement to perform professional services if the communication is overreaching or contains use of coercion, duress, compulsion, intimidation, threats, or harassment. (§ 54-1.28.9 of the Code of Virginia)

[~~§ 3.25.~~ § 3.24.] Response to board communication.

A regulant shall respond by registered or certified mail within 30 days of the mailing of any communication from the board when requested. (§ 54-1.28.6 of the Code of Virginia)

[~~§ 3.26.~~ § 3.25.] Revocation, suspension, and fines.

The board may suspend, deny renewal, or revoke any certificate, or license, or may fine the holder thereof, upon a finding of:

1. Any fraud or misrepresentation in obtaining a certificate, or license; or
2. Cancellation, revocation, suspension, or refusal to renew authority to engage in the practice of public accountancy in any other jurisdiction for any cause; or
3. Suspension or revocation of the right to practice before any state or federal agency; or
4. Dishonesty, fraud, or negligence in the practice of public accountancy; or
5. Violation of or noncompliance with any of the provisions of these regulations; or
6. Conviction of a felony or of any crime an element of which is dishonesty or fraud, under the laws of the United States or of any jurisdiction; or
7. Any conduct reflecting adversely upon the regulant's

fitness to engage in the practice of public accountancy; or

8. Violation of any of the provisions of Chapter 1.1 or Chapter 5 of Title 54 of the Code of Virginia. (§ 54-1.28.7 of the Code of Virginia)

[~~§ 3.27.~~ § 3.26.] Practice inspection and continuing professional education.

In lieu of, or in addition to, any remedy provided in § 3.26, the board may require an inspection of a firm's practice or a completion of specified continuing education. (§ 54-1.28.7 of the Code of Virginia)

[~~§ 3.28.~~ § 3.27.] Petition for reinstatement or modification of a penalty.

No petition shall be considered while the petitioner is under sentence for a criminal offense related to the practice of public accountancy, including any period during which the petitioner is on court imposed probation or parole for such offense. Otherwise, a person whose certificate or license has been revoked or suspended may petition the board for reinstatement or modification of any penalty, no sooner than one year from the effective date of that decision. The petition shall be accompanied by at least two verified recommendations from licensees who have had personal knowledge of the activities of the petitioner since the time the disciplinary penalty was imposed. The board may consider all activities of the petitioner dating from the time the disciplinary action was taken; the offense for which the petitioner was disciplined; the petitioner's activities prior to the imposition of the penalty; the petitioner's rehabilitative efforts and restitution to damaged parties; and the petitioner's general reputation for truth and professional ability. (§ 54-1.28.5 of the Code of Virginia)

[~~§ 3.29.~~ § 3.28.] Single act evidence.

Evidence of the commission of a single act prohibited by these regulations shall be sufficient to justify a finding of violation, without evidence of a general course of conduct. (§ 54-1.28.5 of the Code of Virginia)

[~~§ 3.30.~~ Privileged Communications.

No regulant shall voluntarily disclose information communicated by a client relating to or in connection with services rendered to the client by the firm in the practice of public accountancy. However, nothing in these regulations shall prohibit the disclosure of information prepared according to required standards of the public accounting profession in reporting on the examination of financial statements which have been requested in an investigation or proceeding conducted by a government agency, or by a recognized organization of certified public accountants, or by the Board, or by the client himself or his heirs, successors, or authorized representative. (§ 54-1.28.9 of the Code of Virginia)

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[~~§ 3.21.~~ § 3.29.] *Ownership of records.*

All statements, records, schedules, working papers, and memoranda made by a regulant incident to rendering services to client in the practice of public accountancy, shall become the property of the regulant absent an express agreement between the firm and the client to the contrary. No such statement, record, schedule, working paper, or memorandum shall be sold, transferred, or bequeathed, without the consent of the client to anyone other than a [surviving or new partner, or stockholders of the firm regulant] . (§ 54-101 of the Code of Virginia)

[~~§ 3.22.~~ § 3.30.] *Severability.*

If any provisions of these regulations be held invalid, other provisions shall not be affected. (§ 54-1.28.5 of the Code of Virginia)

Final Regulations

FEE: \$85.00
(Make check
payable to
Treasurer of
Virginia)

COMMONWEALTH OF VIRGINIA
Department of Commerce
Virginia State Board of Accountancy
3600 West Broad Street
Richmond, Virginia 23230-4917
Telephone: (804) 257-8505
Toll Free: 1 (800) 552-3016

APPLICATION FOR A VIRGINIA CPA CERTIFICATE BY ENDORSEMENT

MUST BE TYPED OR PRINTED

NAME _____
Last First Middle Social Security Number
HOME ADDRESS _____
Street number and name Telephone Number
City State Zip Code
EMPLOYER _____
BUSINESS ADDRESS _____
Street number and name Telephone Number
City State Zip Code

LENGTH OF RESIDENCE OR EMPLOYMENT IN VIRGINIA _____

PLACE OF BIRTH _____

Have you ever been convicted of a felony? Yes ___ No ___ or has your right to practice accountancy in any jurisdiction ever been suspended or revoked? Yes ___ No ___

If your answer is "YES," attach a statement providing all relevant details.

ORIGINAL CERTIFICATE NUMBER _____ ISSUED BY _____ ON _____
JURISDICTION DATE

(CPAs submit Form R-2 and VSBA-7. Non-certified applicants, submit Form VSBA-7 re Endorsement of Grades)

ETHICS:

Have you satisfactorily completed the AICPA Course in Ethics? Yes ___ No ___; if "YES" provide evidence; if "NO," see memorandum)

BOARD USE ONLY Date: _____

Reviewed By _____ Certificate No. _____ Member: _____ Member: _____

Date _____ Date of Issuance _____ Member: _____ Member: _____

VSBA R-1

2/85

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RECORD OF EXPERIENCE (Refer to Section 2.16 of the Rules and Regulations for Experience Requirements)

A. AUDIT EXPERIENCE

_____	_____	to
FIRM NAME	LOCATION	EXACT DATES
_____	_____	to

B. GENERAL ACCOUNTING EXPERIENCE

_____	_____	to
FIRM NAME	LOCATION	EXACT DATES
_____	_____	to

C. TEACHING EXPERIENCE

_____	_____	to
INSTITUTION	LOCATION	EXACT DATES

D. Credit under Section 2.15 requested? Yes No
 Document with authenticated transcript showing master's degree if not previously submitted.

All experience must be documented by your employer(s) using Form VSBA-6. If necessary, the information given on the form may be amplified by an accompanying letter on letterhead, signed by the employer, and notarized.

I hereby apply to the Virginia State Board of Accountancy for certification as a Virginia certified public accountant and certify under oath that I have read, and agree to abide by, the Virginia State Board of Accountancy Rules and Regulations, that all statement contained in this application and the statement(s) thereto are correct, to the best of my knowledge and belief, and that I have withheld no information which might reasonably be expected to cause the Board to deny this application.

 DATE SIGNATURE OF APPLICANT

AFFIDAVIT:

State of _____

City or County of _____

Subscribed and sworn to before me this ____ day of _____, 19 ____.

My commission expires _____

 Notary Public



COMMONWEALTH of VIRGINIA

Department of Commerce

BERNARD L. HENDERSON, JR.
Director

3600 WEST BROAD STREET, RICHMOND, VIRGINIA 23230 - 4917
TELEPHONE: (804) 257-8500
TOLL FREE: 1 (800) 552-3016

ROBERT A. NEBKER
Senior Deputy Director

TO: _____
Name of Board which issued applicant's original certificate

FROM: Roberta L. Banning, Assistant Director
Virginia State Board of Accountancy

The application for a Virginia CPA certificate submitted by _____
_____ states that his or her original certificate was
issued by your Board.

We would very much appreciate it if you would provide us with the following
information.

1. Certificate Number _____ was issued on _____, 19____.
2. The basis (or bases) for certification were those checked below:
 _____ a written examination prepared by this Board
 _____ grades reported by the Advisory Grading Service for the Uniform
 CPA Examination
 _____ Other
3. The candidate has successfully completed the AICPA's course in Ethics.
 Yes _____ No _____
4. This certificate is _____, or is not _____, in good standing. If not,
 please provide details.

CERTIFICATION

I certify that the foregoing statements are correct to the best of my
knowledge and belief.

Signature of Authorized Person

Title

Date

S E A L

O F

B O A R D

3/83
VSBA
Form R-2

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COMMONWEALTH of VIRGINIA

Department of Commerce

BERNARD L. HENDERSON, JR.
Director

3600 WEST BROAD STREET, RICHMOND, VIRGINIA 23230 - 4917
TELEPHONE: (804) 257-8500
TOLL FREE: 1 (800) 552-3016

ROBERT A. NEBIKER
Senior Deputy Director

TO: Roberta L. Banning, Assistant Director
Virginia State Board of Accountancy

FROM: _____
Name of Board transferring grades

I certify that _____ sat for the Uniform
CPA Examination under our jurisdiction on the dates listed below, with the results
noted:

<u>DATE</u>	<u>I. D. No.</u>	<u>Auditing</u>	<u>Law</u>	<u>Theory</u>	<u>Practice</u>
-------------	------------------	-----------------	------------	---------------	-----------------

These grades were furnished by the Advisory Grading Service of the AIPCA and we recommend that they be accepted.

These grades have not been used for the purpose of obtaining an original CPA certificate in _____, nor have they been transferred previously to another jurisdiction for such a purpose.

CERTIFICATION

I certify that the foregoing statements are correct to the best of my knowledge and belief.

Signature of Authorized Person

S E A L

Title

O F

Date

B O A R D

VSRA-7

VIRGINIA STATE BOARD OF ACCOUNTANCY

Department of Commerce
3600 West Broad Street
Richmond, Virginia 23230

TO THE ENDORSER OF AN APPLICANT FOR A VIRGINIA CPA CERTIFICATE BY RECIPROACITY:

The applicant named below has applied for a Virginia CPA certificate by reciprocity. As one of the applicant's endorsers, the Virginia State Board of Accountancy would very much appreciate your frank answers to the following questions. Any other comments you care to make regarding this applicant would also be of value.

PLEASE SEND THIS COMMUNICATION TO THE ADDRESS GIVEN ABOVE.

ENDORSEMENT

1. Applicant's name _____
 2. What type of relationship have you had with applicant? (Business, professional, or social?) _____
 3. Number of years you have known applicant: _____
 4. Is he/she of good moral character? _____
 5. To the best of your knowledge, has he or she been employed as an accountant and, if so, for how long? _____
 6. If the answer to No. 5 is in the affirmative, what is his or her professional reputation? _____
 7. Are you aware of any facts which might negatively affect the Board's consideration of this application? If so, please specify. _____
 8. Your comments or recommendations: _____
- Continue on reverse side, if necessary.

Signature _____

Name (printed) _____

Address: _____

Occupation: _____

Date: _____

VSBA FORM R-3
6/84

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FEE: \$30.00
 (Make check payable
 to Treasurer of
 Virginia)

COMMONWEALTH OF VIRGINIA
 Department of Commerce
 Virginia State Board of Accountancy
 3600 West Broad Street
 Richmond, Virginia 23230-4917
 Telephone: (804) 257-8505
 Toll Free: 1 (800) 552-3016

APPLICATION FOR LICENSE AS A CERTIFIED PUBLIC ACCOUNTANT IN VIRGINIA

MUST BE TYPED OR PRINTED

NAME _____
 Last First Middle Social Security Number
 HOME ADDRESS _____
 Street number and name Telephone Number
 City State Zip Code

EMPLOYER _____

BUSINESS ADDRESS _____
 Street number and name Telephone Number
 City State Zip Code

Date CPA Examination was passed _____

Certificate Number _____ Date of Board Approval _____

Former name if different when you were certified _____

FOR BOARD USE ONLY

Certificate Number _____ Board Approval _____ Conditions, if any:
 Date _____ Date: _____
 Reviewed for Completeness Member: _____
 By _____ on _____ Member: _____
 By _____ on _____

Final Regulations

RECORD OF EXPERIENCE

(Refer to Section 2.14 of the Rules and Regulations on Experience Requirements)

A. AUDIT EXPERIENCE

_____	_____	to
FIRM NAME	LOCATION	EXACT DATES
_____	_____	to

B. GENERAL ACCOUNTING EXPERIENCE

_____	_____	to
FIRM NAME	LOCATION	EXACT DATES
_____	_____	to

C. TEACHING EXPERIENCE

_____	_____	to
INSTITUTION	LOCATION	EXACT DATES

D. Credit under Section 2.15 requested? Yes ___ No ___
Document with authenticated transcript showing master's degree if not previously submitted.

All experience must be documented by your employer(s) using Form VSBA-6. If necessary, the information given on the form may be amplified by an accompanying letter on letterhead, signed by the employer, and notarized.

I hereby apply to the Virginia State Board of Accountancy for a license as a Virginia certified public accountant and certify under oath that I have read, and agree to abide by, the Virginia CPA Law and the Rules and Regulations of the Board, that all statements contained in this application and the statement(s) thereto are correct, to the best of my knowledge and belief, and that I have withheld no information which might reasonably be expected to cause the Board to deny this application.

DATE _____ SIGNATURE OF APPLICANT _____

AFFIDAVIT:

State of _____

City or County of _____

Subscribed and sworn to before me this ___ day of _____, 19__.

My commission expires _____
Notary Public _____

Final Regulations

TO: Virginia State Board of Accountancy
Department of Commerce
3600 W. Broad Street
Richmond, VA 23230

FROM: _____
Name of Firm

RE: _____
Applicant for Certification

1. Exact dates of employment: from _____ to _____

2. Reason for leaving, if applicable: _____

3. Was employment full-time? Yes _____ No _____
If part-time, please indicate total number of hours worked: _____

4. Did the applicant's experience include emphasis on the independent examination and/or review of financial statements involving the applicable performance of either the audit or review functions? Yes _____ No _____

What percentage of the applicant's time was so engaged? _____

Were generally accepted auditing standards or, where applicable, standards for accounting and review services applied? Yes _____ No _____

Was third party reliance on the financial statements involved?
Yes _____ No _____

List the types of organizations audited: _____

Describe the types of work assigned to this applicant: _____

5. Please describe the supervision provided the applicant. (Was the supervisor a CPA? Yes _____ No _____)

6. Please evaluate the quality of the applicant's performance: _____

VSBA-6
8/82

(O V E R)

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FEE: \$10.00
(Make check payable
to Treasurer of
Virginia)

COMMONWEALTH OF VIRGINIA
Department of Commerce
Virginia State Board of Accountancy
3600 West Broad Street
Richmond, Virginia 23230-4917
Telephone: (804) 257-8505
Toll Free: 1 (800) 552-3016

APPLICATION FOR CERTIFICATE MAINTENANCE OF A VIRGINIA CPA

PLEASE TYPE OR PRINT

NAME: _____ Social Security Number _____
(Use name as you wish it to appear on
certificate)

ADDRESS: _____

(Zip) ()
Telephone Number

BUSINESS ADDRESS: _____
(Please include
firm name) _____

(Zip) ()
Telephone Number

Date of Completion of Ethics Exam _____ (Attach copy of certificate)

Type of Profession: _____

I hereby declare that I am not now in the practice of public accountancy on my own and that I will not do so in Virginia without first making application to the Virginia State Board of Accountancy, completing the prescribed continuing professional education courses, if required, and paying the required fee.

Date _____ Signature _____

Affidavit:
State of _____
City/County of _____

The statement was signed and sworn to before me this ____ day of _____ 19 ____.

My commission expires _____
Notary Public

FOR OFFICE USE ONLY:

Approval by: _____

Date: _____

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Board/Occup. ID/Cert. No. Suffix

Check No.	Amount	Class	Date

VSBA CM-1
2/85

Final Regulations



COMMONWEALTH of VIRGINIA

Department of Commerce

BERNARD L. HENDERSON, JR.
Director

3600 WEST BROAD STREET, RICHMOND, VIRGINIA 23230 - 4917
TELEPHONE: (804) 257-8500
TOLL FREE: 1 (800) 552-3016

ROBERT A. NEBKER
Senior Deputy Director

M E M O R A N D U M

TO: CPA Candidates

FROM: Roberta L. Banning, Assistant Director
Virginia State Board of Accountancy

SUBJECT: Ethics Examination

Attached is an order form for AICPA's "Professional Ethics for Certified Public Accountants," a self-study course required of all candidates for a Virginia original or reciprocal certificate. A grade of at least 90 must be achieved in order for you to become eligible to receive a certificate.

The Institute is responsible for grading the self-administered exam, the results of which will then be sent to you and to the Board.

The course is not required prior to taking the Uniform CPA Examination, but evidence of its satisfactory completion will be accepted any time after a candidate's application for examination has been approved. The grade must be received in the Board office before applications for certification will be reviewed by Board members.

RLB:hge

Attachment

VSBA
A-3
2/85

ORDER FORM

TO: American Institute of Certified Public Accountants
1211 Avenue of the Americas
New York, New York 10036

Enclosed is my payment for the self-study course and examination, "Professional Ethics for Certified Public Accountants -- No. 723992."

I understand that my payment covers the cost of the course materials, examination grading, and notification of successful completion to me and to the Virginia State Board of Accountancy.

My check in the amount of \$45.00, made payable to the AICPA is enclosed.

NAME: _____
ADDRESS: _____
CITY: _____
STATE: _____ ZIP: _____

Code 15543

Final Regulations

STATE BOARD OF ACCOUNTANCY

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMERCE

(804) 257-8505

3600 West Broad St.
Richmond, VA 23230

FEE: \$85.00

APPLICATION FOR EXAMINATION

FEE: \$85.00

MUST BE TYPED OR PRINTED

NAME _____
Last First Middle Social Security Number _____

HOME ADDRESS _____
Date of Birth _____
_____ () _____
ZIP Telephone Number _____

COLLEGE ADDRESS _____
(include only if current)
_____ () _____
ZIP Telephone Number _____

BUSINESS ADDRESS _____
_____ () _____
ZIP Telephone Number _____

College(s) Attended	Location	Attended		Degree	Date of Degree
		From	To		

Have you taken the CPA Examination before? Yes ___ No ___ If you have taken the CPA Examination before, did you sit as a Virginia candidate? Yes ___ No ___ If so, give last date _____. Did you have valid credits from another state? Yes ___ No ___ If so, ask other Board to send us your complete examination history.

Has your name ever been changed? Yes ___ No ___
If so, please give former name _____

Have you ever been convicted of a felony? Yes ___ No ___ or misdemeanor? YES ___ NO ___. If answer to either question is yes, attach full details.

Examination Site Requested _____

FOR BOARD USE ONLY

Condition(s): _____

Staff Approval: _____

Date: _____

Board Approval _____

For Office Use Only:

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Check No.							

Amount									

Class							

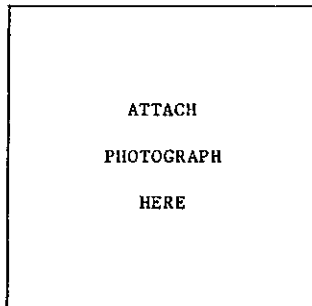
Date							

THIS APPLICATION MUST BE ENDORSED BY FIVE REPUTABLE CITIZENS, PREFERABLY VIRGINIA RESIDENTS

Each of the undersigned hereby certifies that he/she is personally acquainted with, but not related to, the applicant, that he/she believes him/her to be of good moral character, and that he/she unreservedly recommends him/her to the Virginia State Board of Accountancy.

	SIGNATURE	PRINTED NAME	OCCUPATION	MAILING ADDRESS	YRS. KNOWN APPLICANT
1					
2					
3					
4					
5					

I hereby apply for permission to take the Uniform CPA Examination. I certify under oath that the picture of me attached to this application is of recent date and of reasonable likeness; that all the representations contained herein or attached hereto are, to the best of my knowledge, true and correct; that I have read the full text of the Virginia CPA Law and the Rules and Regulations of the Virginia State Board of Accountancy, and that I agree to abide by them. I understand that if I am approved to sit for this examination and fail to do so, for whatever reason, my fee will be forfeited.



Signature of Applicant _____

Date: _____

AFFIDAVIT:

State of _____

City of _____

Sworn and subscribed to before me this ____ day of _____, 19 ____.

Notary Public _____

My commission expires _____

Make check payable to the Treasurer of Virginia. Application must be postmarked or hand-delivered by the first Friday in March for the May exam or the first Friday in September for the November exam. Authenticated transcript(s) and Enrollment Certificate (if applicable) must be received thirty (30) days before the examination.

I understand that in the event of loss of examination papers, the Board of Accountancy's liability is limited to providing an opportunity to retake the examination

Final Regulations

VIRGINIA STATE BOARD OF ACCOUNTANCY
Certification of Examination Subjects

(Print or type all information)

MUST BE COMPLETED AND SENT WITH APPLICATION

Name of Applicant: _____

Baccalaureate degree received _____ expected _____ on _____ month, year
 from _____ college or university

1. List completed accounting courses below.
2. Specify college or university where credits have been earned, the full course number and the number of semester or quarter hours earned in fulfillment of the required courses.
3. This form must have a transcript (official or student copy) attached. For any courses which are not descriptive, attach a course description.
4. Foreign applicants attach letter evaluating courses completed in foreign schools.

These courses have been completed in fulfillment of the requirements of the Rules and Regulations of the Board to qualify for the CPA Exam.

Courses completed:

<u>Name of College/University</u>	<u>Course Title</u>	<u>No. of Hours</u>
_____	<u>Financial Accounting</u> (including principles of accounting)	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	<u>Cost Accounting</u> (including managerial accounting)	_____
_____	_____	_____
_____	_____	_____

Final Regulations

<u>Name of College/University</u>	<u>Course Title</u>	<u>No. of Hours</u>
	<u>Auditing</u>	
	<u>Business Law</u> (Including commercial law, limited to 6 semester hours)	
	<u>Other</u>	
Total number of hours:		
		(semester)
		(quarter)

NOTE: Attach Certificate of Enrollment for any required courses not shown on transcripts, but which will be completed by December 31, or June 30.

The undersigned being sworn deposes that these statements are true.

Sworn and subscribed to before me this _____ day of _____, 19____.

City of _____
County _____

My Commission expires _____.

Approved by:

Staff Date

Board Member Date

Signature of Applicant

Notary Public

Final Regulations

VIRGINIA STATE BOARD OF ACCOUNTANCY
 DEPARTMENT OF COMMERCE
 3600 West Broad Street
 Richmond, VA. 23230
 (804) 257-8505

THIS FORM MUST BE COMPLETED BY THE INSTITUTION

A candidate currently enrolled in courses, credit for which is required to satisfy any of the educational requirements for examination, must provide certification that he/she is so enrolled and that all such courses will be completed no later than the last day of the next month after the examination for which application is made.

CERTIFICATION OF ENROLLMENT

This is to certify that _____

(1) is enrolled in the following transcripts currently available and for which credit is necessary to satisfy the provisions of Section 5.01.02 of the Board's Regulations.

COURSE NUMBER	TITLE	CREDIT HOURS	
		SEMESTER	QUARTER
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(2) is enrolled in a baccalaureate degree program. _____

The above requirements will be completed by June 30, _____ of December 31, _____.

(As of December 31, 1981, a baccalaureate degree is required; 120 hours or the equivalent thereof no longer applies.)

SEAL _____
 OF _____
 INSTITUTION _____

Signature of Dean, Registrar, or Department Head _____
 Title _____
 Institution _____
 Date _____

No examination grades will be released until authenticated transcripts documenting actual completion of required courses are received by the Board.

Please return the completed form to the address shown.

Final Regulations

STATE BOARD OF ACCOUNTANCY

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMERCE

(804)257-8505

3600 W. Broad Street
Richmond, VA. 23230

FEE: \$75.00

APPLICATION FOR REEXAMINATION

FEE: \$75.00

MUST BE TYPED OR PRINTED

NAME _____
Last First Middle Social Security Number

HOME ADDRESS _____
Date of Birth _____
_____ () _____
ZIP Telephone Number

EMPLOYING FIRM _____
ADDRESS _____
_____ () _____
ZIP Telephone Number

Have you ever been convicted of a felony or misdemeanor? YES _____ NO _____. If answer is yes, attach full details if not previously submitted to this Board.

I hereby make application for reexamination in the following subjects:

_____ Auditing _____ Law _____ Theory _____ Practice

to be given during the month of _____, 19 _____.

I last sat for the Virginia examination during the month of _____, 19 _____.

Examination Site Requested _____

FOR BOARD USE ONLY

APPROVAL

Condition(s), if any: _____

Date _____

Authorized Initials _____

Examination Site Assigned _____

For Office Use Only:

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Check No.			

Amount							

Class			

Date			

Final Regulations

I hereby apply for permission to take the Uniform CPA Examination. I certify under oath that the picture of me attached to this application is of recent date and of reasonable likeness, and that all the representations contained herein or attached hereto are, to the best of my knowledge, true and correct. I understand that if I am approved to sit for this examination and fail to do so, for whatever reason, my fee will be forfeited.

Signature of Applicant

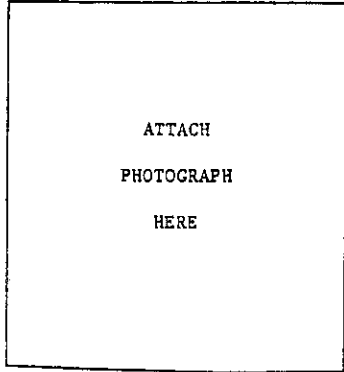
Date

Affidavit:

State of _____

City of _____

Sworn and subscribed to before me this _____ day of _____, 19 _____.



Notary Public

My commission expires _____

Make check payable to the Treasurer of Virginia.

Application must be postmarked or hand-delivered by the first Friday in March for the May Examination or the first Friday in September for the November Examination.

The Board will make every effort to honor requests for a given examination site, but reserves the right to make whatever changes are necessary for the efficient administration of the examination.

Persons sitting for sections of the examination for which they have credit will automatically lose such prior credit.

I understand that in the event of loss of examination papers, the Board of Accountancy's liability is limited to providing an opportunity to retake the examination.

Final Regulations

FEE: \$50.00
 (Make check payable
 to Treasurer of
 Virginia)

COMMONWEALTH OF VIRGINIA
 Department of Commerce
 Virginia State Board of Accountancy
 3600 West Broad Street
 Richmond, Virginia 23230-4917
 Telephone: (804) 257-8505
 Toll Free: 1 (800) 552-3016

APPLICATION FOR REGISTRATION UNDER THE PROFESSIONAL DESIGNATION
 "CERTIFIED PUBLIC ACCOUNTANT(S)" AS A CORPORATION.

CORPORATE NAME _____

ADDRESS OF MAIN OFFICE _____
Number and Street City or Town State Zip

MAILING ADDRESS _____

OFFICERS OF CORPORATION*

Name of Each Officer	Title	Legal Residence Address in Full	Va. Cert. No.

BOARD OF DIRECTORS*

Name of Each Officer	Legal Residence in Full	No. Shares Stock Owned	Va. Cert. No.

THE FOLLOWING QUESTIONS MUST BE ANSWERED IN DETAIL:

1. Number of Shares of Stock Authorized to be Issued _____
2. Number of Shares of Stock Issued and Outstanding _____

FOR OFFICE USE ONLY:

_ _ _ _	_ _ _ _ _ _ _	_	Approval by: _____
Board/Occup.	ID/Cert. No.	Suffix	Date: _____
_ _ _ _	_ _ _ _ _ _ _	_ _ _ _	_ _ _ _ _ _ _
Check No.	Amount	Class	Date

VSBA
2/85

Final Regulations

LIST BELOW THE NAMES OF EACH OWNER OF CAPITAL STOCK IN THE CORPORATION*

Name	No. Shares Stock Owned	Va. Cert. No.
TOTAL (Must agree with Item 2 above)		

CERTIFICATION:

I, _____, president of the aforementioned corporation, do solemnly swear and affirm that the answers herein are true to the best of my knowledge and belief, that Chapter 5 of Title 54 and Chapter 7 of Title 13.1, Code of Virginia, as amended, and all applicable rules and regulations have been adhered to, and that this application is made for the purpose of including the issuance of authority to practice under the professional designation "Certified Public Accountant(s)" or "Public Accountant(s)" as a corporation.

President

Attested to before me, the secretary of the corporation, this ____ day of _____, 19__.

Secretary

AFFIDAVIT

STATE OF _____ ss.
COUNTY OR CITY OF _____

Sworn and subscribed to before me at _____ this _____
day of _____, 19 ____.

Notary Public

PLEASE NOTE: Refer to Chapter 5 of Title 54 (Section 54-91.1) and Chapter 7 of Title 13.1, (Sections 13.1-542 through 13.1-556.) Code of Virginia, 1950, as amended, and to the rules and regulations dealing with Professional Practice and Corporate Practice.

FOR STATE BOARD OF ACCOUNTANCY USE ONLY

Corporation organized under Virginia law? _____

All Directors, Shareholders and Chief Executive Officers hold valid Virginia certificates? _____

EMERGENCY REGULATION

DEPARTMENT OF SOCIAL SERVICES

Title of Regulation: VR 615-01-9.1. Regulations Governing Eligibility Determination Definition of Contiguous Property.

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

Effective Date: December 3, 1985

This emergency regulation is proposed jointly with the Department of Medical Assistance Services, published in The Virginia Register of Regulations, December 23, 1985, Volume II, Issue 6.

/s/ Ray T. Sorrell, Director
Department of Medical Assistance Services

/s/ William L. Lukhard, Commissioner
Department of Social Services

Date: November 29, 1985

Approval of emergency regulation:

/s/ Charles S. Robb, Governor

Date: November 30, 1985

Filed:

/s/ Joan S. Smith, Registrar of Regulations

Date: December 3, 1985 - 2:10 p.m.

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Title of Regulation: **VR 115-04-14. Rules and Regulations
for Enforcement of the Virginia Pest Law - Cotton
Bollweevil Quarantine.**

Governor's Comment:

No objections to the proposed regulations as presented.

/s/ Charles S. Robb
Date: December 12, 1985

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

NOTICES OF INTENDED REGULATORY ACTION

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

DEPARTMENT OF SOCIAL SERVICES

Division of Benefit Programs

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services, Division of Benefit Programs intends to consider amending regulations entitled: **Job Training Partnership Act (JTPA), Title II, Part A Income Disregards in the Aid to Dependent Children (ADC) Program**. The purpose of the proposed amendment is to disregard children's earnings derived through participation in JTPA, Title II, Part A for six calendar months per year and children's unearned income derived through participation in JTPA, Title II, Part A indefinitely.

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

Written comments may be submitted until February 18, 1986, to I. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699

Contact: Carolyn Ellis, Supervisor, Economic Assistance Unit, Division of Benefit Programs, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046

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.

General Notices/Errata

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

STATE BOARD OF ACCOUNTANCY

† **January 20-21, 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) review applications for certification; (ii) review disciplinary cases; (iii) sign certificates; and to (iv) review correspondence items.

Contact: Roberta L. Banning, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8505

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

February 25, 1986 - 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

* * * * *

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

Calendar of Events

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.

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.

Calendar of Events

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

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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 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

Calendar of Events

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, 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

* * * * *

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 indentifying 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.

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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 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.

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

* * * * *

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

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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 purpose: During the past 10 years it has been demonstrated that the weed (*Salpichroa origanifolia*) 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

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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

* * * * *

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 sale, 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

VIRGINIA AGRICULTURAL COUNCIL

† **January 23, 1986 - 10 a.m.** — Open Meeting
Holiday Inn-Airport, 5203 Williamsburg Road, Sandston,
Virginia

An official meeting of the Virginia Agricultural
Council.

Contact: Henry H. Budd, Assistant Secretary, P.O. Box
1163, Richmond, Va. 23209, telephone (804) 786-3506

STATE AIR POLLUTION CONTROL BOARD

February 3, 1986 - 9 a.m. — Open Meeting
Division of Motor Vehicles, 2300 West Broad Street,
Richmond, Virginia. (Location accessible to handicapped.)

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 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
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 AUCTIONEERS BOARD

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.

Calendar of Events

Contact: Geralde 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)

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 to February 4, 1986, to the time and location specified above.

Contact: Nancy Bockes, P.O. Box 434, Independence, Va., 23348, telephone (703) 773-2452

STATE BOARD FOR CONTRACTORS

† **January 22, 1986 - 10 a.m. - Open Meeting**
Department of Commerce, Travelers Building, 3600 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to review (i) applications and complaints; (ii) contractor licensing laws; and (iii) regulations to determine if changes or amendments are desirable.

Contact: E. G. Andres, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8511

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

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

STATE BOARD OF COSMETOLOGY

† **February 10, 1986 - 9 a.m. - Open Meeting**
Department of Commerce, Travelers Building, 3600 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to (i) review investigative reports of complaints and determine disposition; (ii) receive report from examination committee; and (iii) to consider general correspondence pertinent to the operation of the board.

Contact: State Board of Cosmetology, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8509

CRIMINAL JUSTICE SERVICES BOARD

Committee on Criminal Justice Information Systems

† **January 29, 1986 - 10 a.m. - Open Meeting**
Ninth Street Office Building, 9th and Grace Streets, Governor's Cabinet Conference Room, 6th Floor, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to discuss projects and business of the committee.

Contact: Jay W. Malcan, Staff Executive, 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, 2300 West Broad Street, Agcrock Room, Richmond, Virginia. (Location accessible to

Calendar of Events

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 amend regulations entitled: **Rules Relating to Certification of Criminal Justice Instructors.** This regulation amends existing training and certification requirements for criminal justice instructors.

STATEMENT

Basis and Purpose: The rules, as proposed, are being considered for amendment pursuant to the provisions of § 9-170 (1) and (11) of the Code of Virginia.

Those who instruct in the Commonwealth's criminal justice academies are responsible for providing a foundation for action for criminal justice officers across the state. Prior to being accepted as an instructor, these individuals should be able to demonstrate through experience and ability, a fundamental competence to provide the necessary instruction. Since only those who wish to instruct in approved training programs are subject to these regulations, they will impact less than 15% of the criminal justice officers in the Commonwealth.

Subject and Substance: The proposed amendments to the rules mandate minimum requirements for certification and recertification of criminal justice instructors.

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. Minimal fiscal impact is anticipated.

Compliance Cost: Rules pertaining to this subject matter currently exist. Some minimal compliance costs may be associated with the requirement for retraining prior to recertification. No increase in costs is anticipated relative to the changes involving initial certification.

The proposed recertification requirement calls for completion of a seminar approved by the department, to ensure that the individuals are up-to-date with the subject matter in their respective categories of certification. In many cases, this retraining will be accomplished through the existing in-service training requirement.

Implementation Costs: Implementation costs to the Department of Criminal Justice Services is not expected to exceed those costs associated with compliance with the Administrative Process Act, Executive Order No. 51, and the board's Public Participation Guidelines. No additional costs are anticipated.

Written comments may be submitted until February 28, 1986 to L. T. Eckenrode, Division Director, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219.

Contact: Mr. Jay Malcan, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000

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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

Calendar of Events

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

February 25, 1986 - 8 a.m. - Open Meeting
February 26, 1986 - 9 a.m. - Open Meeting
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

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.

Calendar of Events

Contact: Susan Wells, Department of General Services, Division of Consolidated Laboratory Services, James Monroe Bldg., 101 N. 14th St., Richmond, Va. 23219, telephone (804) 786-7905

GOVERNOR'S JOB TRAINING COORDINATING COUNCIL

† **January 27, 1986 - 10 a.m.** – Open Meeting
Richmond Marriott, 500 East Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

The Governor's Job Training Coordinating Council will meet for a business session followed by a joint meeting of the Governor's Job Training Coordinating Council and State Council on Vocational Education, which is open to the public.

Contact: Gladys Walker, Governor's Employment and Training Department, 417 E. Grace St., Richmond, Va., telephone (804) 786-8085

STATE BOARD OF HEALTH

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

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

Calendar of Events

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

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† **February 5, 1986 - 10 a.m.** – Open Meeting
James Monroe Building, 101 North 14th Street, 9th Floor Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

A monthly meeting of the council.

Contact: Grace Lessner, 101 N. 14th St., James Monroe Bldg., Richmond, Va., telephone (804) 225-2638

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 McKellar, Jr., General Counsel, 13 S. 13th St., Richmond, Va. 23219, telephone (804) 782-1986

* * * * *

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

Calendar of Events

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 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

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

† **February 3, 1986 - 1 p.m.** – Open Meeting
Fourth Street Office Building, 205 North Fourth Street, 2nd Floor, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

The board's regular formal business meeting to (i) review and approve the minutes from the prior meeting; (ii) provide an opportunity for public comments; (iii) review the report of the director on the operation of the Department of Housing and Community Development since the last board meeting; (iv) to hear reports of the committees of the board; and (v) to consider other matters as they may deem necessary. The planned agenda will be available at the above address one week prior to the date of the

meeting.

Building Codes and Standards Committee

† **February 3, 1986 - 10 a.m.** – Open Meeting
Fourth Street Office Building, 205 North Fourth Street, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A regularly scheduled meeting to consider work items and issues in the area of building codes and standards and develop recommendations as deemed appropriate for review by the board.

Community Development Committee

† **February 3, 1986 - 10 a.m.** – Open Meeting
Fourth Street Office Building, 205 North Fourth Street, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A regularly scheduled meeting to consider work items and issues in the area of community development and develop recommendations as deemed appropriate for review by the board.

Implementation Procedures Committee

† **February 3, 1986 - 12 noon** – Open Meeting
Fourth Street Office Building, 205 North Fourth Street, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A regularly scheduled meeting to consider work items and issues in the area of implementation procedures and develop recommendations as deemed appropriate for review by the board.

Contact: Neal J. Barber, 205 N. Fourth St., 7th Floor, Richmond, Va. 23219-1747, telephone (804) 786-1575

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

Calendar of Events

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

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

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, 1101 East Marshall Street, 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

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.

Calendar of Events

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.

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

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 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

STATE BOARD OF OPTICIANS

† **February 28, 1986 - 9:30 a.m. — Open Meeting**
Department of Commerce, Travelers Building, 3600 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to (i) review applications for reinstatement of licenses; (ii) review investigative reports of complaints and determine disposition; and (iii) to consider general correspondence pertinent to the operation of the board.

Contact: Virginia Board of Opticians, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8509

VIRGINIA BOARD OF OPTOMETRY

January 20, 1986 - 8:30 a.m. — Open Meeting
Holiday Inn (Downtown), 301 West Franklin Street, 3rd Floor Board Room, 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

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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 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 27708, Richmond, Va. 23261, telephone (804) 786-0239

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

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

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

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 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

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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

VIRGINIA SAFETY AND HEALTH CODES COMMISSION

† **January 23, 1986 - 10 a.m.** – Open Meeting
Fourth Street Office Building, 205 North Fourth Street, 2nd Floor Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to (i) discuss matters pertaining to the Hazard Communication Standard; and (ii) a request for an exemption under the Boiler and Pressure Vessel Code will be considered.

Contact: Margaret T. Gravett, Administrative Staff Specialist, Department of Labor and Industry, P.O. Box 12064, Richmond, Va. 23241, telephone (804) 786-0574

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

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employees and volunteers as well as applicants/licenses 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 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)

DEPARTMENT OF TAXATION

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 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 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

VIRGINIA COUNCIL ON VOCATIONAL EDUCATION

† **January 27, 1986 - 1 p.m. - Open Meeting**
† **January 28, 1986 - 8:30 a.m. - Open Meeting**
Richmond Marriott, 500 East Broad Street, Richmond, Virginia. (location accessible to handicapped.)

January 27:

A joint meeting with the Governor's Job Training Coordinating Council. The following presentations are scheduled: (i) The Private Sector Task Force Report; (ii) panel presentation on the training and educational needs of the adult population; and (iii) review of Vocational Education Plan modifications.

January 28:

A general business session of the council. Reports from the standing council committees, Department of Education, Virginia Community College System, and the Governor's Job Training Coordinating Council will be received.

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Contact: George S. Orr, Jr., Executive Director, P.O. Box U, Blacksburg, Va. 24060, telephone (703) 961-6945

VIRGINIA VOLUNTARY FORMULARY BOARD

† February 11, 1986 - 10:30 a.m. - Open Meeting
Virginia Department of Health, James Madison Building,
109 Governor Street, 5th Floor, Conference Room 516A,
Richmond, Virginia. (Location accessible to handicapped.)

A meeting to review public hearing comments and drug product data for drug products being considered for inclusion in the Virginia Voluntary Formulary.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Department of Health, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-4326

STATE WATER CONTROL BOARD

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 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, 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

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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

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).

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

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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

LEGISLATIVE

Notice To Subscribers

Legislative meetings held during the session of the General Assembly are exempted from publication in the Virginia Register of Regulations. Call Legislative Information for information on standing committee meetings. Telephone Number (804) 786-6530

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Safety and Health Codes Board, Virginia

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Higher Education for Virginia, State
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Longwood College
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