

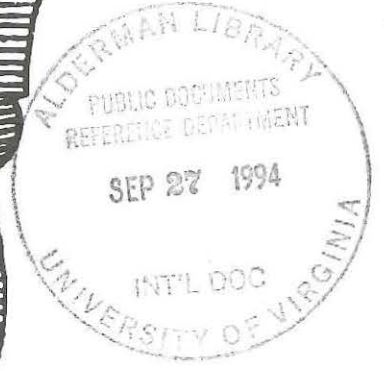
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# THE VIRGINIA REGISTER

OF REGULATIONS

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*Aisle 9*

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VOLUME TEN • ISSUE TWENTY-FIVE

September 5, 1994

# 1994

Pages 5969 Through 6084

## VIRGINIA REGISTER

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

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

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

### ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

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

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

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

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

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

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

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

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

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

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

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

### EMERGENCY REGULATIONS

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

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

### STATEMENT

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

### CITATION TO THE VIRGINIA REGISTER

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.

"The *Virginia Register of Regulations*" (USPS-001831) is published bi-weekly, except four times in January, April, July and October for \$100 per year by the Virginia Code Commission, General Assembly Building, Capitol Square, Richmond, Virginia 23219. Telephone (804) 786-3591. Second-Class Postage Rates Paid at Richmond, Virginia. **POSTMASTER:** Send address changes to the *Virginia Register of Regulations*, 910 Capitol Street, 2nd Floor, Richmond, Virginia 23219.

The *Virginia Register of Regulations* is published pursuant to Article 7 of Chapter 1.1:1 (§ 9-6.14:2 et seq.) of the Code of Virginia. Individual copies are available for \$4 each from the Registrar of Regulations.

Members of the Virginia Code Commission: Joseph V. Gartlan, Jr., Chairman, W. Tayloe Murphy, Jr., Vice Chairman; Russell M. Carneal; Bernard S. Cohen; Frank S. Ferguson; E. M. Miller, Jr.; Theodore V. Morrison, Jr.; William F. Parkerson, Jr.; Jackson E. Reasor, Jr.

Staff of the Virginia Register: Joan W. Smith, Registrar of Regulations; Jane D. Chaffin, Assistant Registrar of Regulations.

VIRGINIA REGISTER OF REGULATIONS

PUBLICATION DEADLINES AND SCHEDULES

July 1994 through September 1995

MATERIAL SUBMITTED BY  
Noon Wednesday

PUBLICATION DATE

Volume 10

June 22, 1994	July 11, 1994
July 6	July 25
July 20	Aug. 8
Aug. 3	Aug. 22
Aug. 17	Sept. 5
Aug. 31	Sept. 19
Final Index - Volume 10	

Volume 11

Sept. 14, 1994	Oct. 3, 1994
Sept. 28	Oct. 17
Oct. 12	Oct. 31
Oct. 26	Nov. 14
Nov. 9	Nov. 28
Nov. 23	Dec. 12
Dec. 7	Dec. 26
Index 1 - Volume 11	

Dec. 21, 1994	Jan. 9, 1995
Jan. 4, 1995	Jan. 23
Jan. 18	Feb. 6
Feb. 1	Feb. 20
Feb. 15	Mar. 6
Mar. 1	Mar. 20
Index 2 - Volume 11	

Mar. 15, 1995	April 3, 1995
Mar. 29	April 17
April 12	May 1
April 26	May 15
May 10	May 29
May 24	June 12
June 7	June 26
Index 3 - Volume 11	

June 21, 1995	July 10, 1995
July 5	July 24
July 19	Aug. 7
Aug. 2	Aug. 21
Aug. 16	Sept. 4
Aug. 30	Sept. 18
Final Index - Volume 11	

---

# TABLE OF CONTENTS

---

## NOTICES OF INTENDED REGULATORY ACTION

Notices of Intent ..... 5971

### PROPOSED REGULATIONS

#### BOARD FOR BARBERS

Board for Barbers Regulations. (VR 170-01-1:1) ..... 5972

#### BOARD FOR CONTRACTORS

Board for Contractors Regulations (REPEALING).  
(VR 220-01-2) ..... 5981

Board for Contractors Regulations. (VR 220-01-2:1) .. 5981

#### DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

State Plan for Medical Assistance Relating to Expanded Coverage for Children Ages 6 to 19. .... 5996

Coverage and Conditions of Eligibility (Attachment 2.2-A). (VR 460-02-2.2100:1) ..... 5998

Eligibility Conditions and Requirements (Attachment 2.6-A). (VR 460-02-2.6100:1) ..... 5998

Income Eligibility Levels (Supplement 1 to Attachment 2.6-A). (VR 460-03-2.6101:1) ..... 5998

More Liberal Income Disregards (Supplement 8a to Attachment 2.6-A). (VR 460-03-2.6108.1) .... 6002

More Liberal Methods of Treating Resources under § 1902(r)(2) of the Act (Supplement 8b to Attachment 2.6-A). (VR 460-03-2.6108.2) ..... 6002

### FINAL REGULATIONS

#### DEPARTMENT OF LABOR AND INDUSTRY

##### Safety and Health Codes Board

Electrical Standard, General Industry (1910.301 through 1910.399). (VR 425-02-76) ..... 6005

#### DEPARTMENT OF TRANSPORTATION

Rules and Regulations Governing the Prequalification and Classification of Prospective Bidders. (VR 385-01-14) ..... 6008

Rules and Regulations Governing the Prequalification and Classification of Prospective Bidders for Minimum Prequalification. (VR 385-01-15) ..... 6008

Virginia Alternative Fuels Revolving Fund Regulations. (VR 385-01-25) ..... 6008

Rules and Regulations Governing the Registration of Subcontractors. (VR 385-01-26) ..... 6009

Certification Procedures for the Disadvantaged and Women-Owned Business Program. (VR 385-01-27) .... 6009

Location and Design Division's Procedures Manual for Procurement of Professional Services. (VR 385-01-28) ..... 6009

Debarment of Bidders. (VR 385-01-34) ..... 6010

Industrial Access Program Guide. (VR 385-01-53) .... 6010

Revenue Sharing Program Guide. (VR 385-01-54) .... 6010

Guide for Additions, Abandonments and Discontinuances. (VR 385-01-55) ..... 6010

Recreational Access Guide. (VR 385-01-56) ..... 6011

Virginia Supplement to the Manual on Uniform Traffic Control Devices. (VR 385-01-59) ..... 6011

Urban Division Manual, Chapter II. (VR 385-01-65) . 6012

Urban Division Manual, Chapter III. (VR 385-01-66) 6012

Debarment or Suspension of Contractors. (VR 385-01-67) ..... 6013

#### Department of Rail and Public Transportation

Policy and Procedures for Rail Industrial Access Program. (VR 385-01-52) ..... 6013

### STATE CORPORATION COMMISSION

#### PROPOSED REGULATION

In the Matter of Adopting Revised Rules Governing Insurance Holding Companies. (INS940114) ..... 6014

#### FINAL REGULATION

Adoption of Adjusted Prima Facie Rates for Credit Life and Credit Accident and Sickness Insurance Pursuant to Virginia Code Sections 38.2-3725, 38.2-3726 and 38.2-3730. (INS940096) ..... 6043

# Table of Contents

---

## STATE LOTTERY DEPARTMENT

### DIRECTOR'S ORDERS

Virginia's "Lessons With a Legend" Second Chance Drawing; Final Rules for Game Operation. (30-94) ...	6046
"Money Bags," Virginia Lottery Retailer Promotional Program Rules. (32-94) .....	6046

## MARINE RESOURCES COMMISSION

Pertaining to the Taking of Striped Bass. (VR 450-01-0034) .....	6047
Pertaining to Grey Trout (Weakfish). (VR 450-01-0050) .....	6052
Pertaining to Pound Net License Sales. (VR 450-01-0078) .....	6054

## GENERAL NOTICES/ERRATA

### STATE AIR POLLUTION CONTROL BOARD

Notice of Right to Petition for Regulation Revision HH Concerning Regulated Medical Waste Incinerators. ....	6055
--	------

### DEPARTMENT OF EDUCATION

Notice of Pending Action. ....	6055
--------------------------------	------

### STATE BOARD OF HEALTH

Legal Notice of Opportunity to Comment on Proposed State Plan of Operations and Administration of Special Supplemental Food Program for Women, Infants, and Children (WIC) for Federal Fiscal Year 1995. ....	6056
---	------

### VIRGINIA CODE COMMISSION

Notice of mailing address. ....	6056
Forms for filing material on dates for publication. ..	6056

## CALENDAR OF EVENTS

### EXECUTIVE

Open Meetings and Public Hearings .....	6057
---	------

### LEGISLATIVE

Open Meetings and Public Hearings .....	6080
---	------

## CHRONOLOGICAL LIST

Open Meetings .....	6081
Public Hearings .....	6083

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# NOTICES OF INTENDED REGULATORY ACTION

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<b>Symbol Key †</b>
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† Indicates entries since last publication of the Virginia Register
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## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medical Assistance Services intends to consider promulgating regulations entitled: **VR 460-01-11 and VR 460-02-2.1100. Definition of Medicaid State Plan Health Maintenance Organizations (HMOs)**. The purpose of the proposed regulations is to promulgate permanent regulations to replace emergency regulations enabling the Department of Medical Assistance Services to implement HMO contracting as mandated by the 1994 General Assembly. This agency does not intend to hold public hearings regarding this regulatory action.

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

Written comments may be submitted until September 21, 1994, to Tom McGraw, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933.

VA.R. Doc. No. R94-1167; Filed August 2, 1994, 11:44 a.m.

## DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Social Services intends to consider promulgating regulations entitled: **Discretionary Provisions of the Virginia Independence Program**. The purpose of the proposed regulation is to implement the discretionary provisions of the Virginia Independence Program. Chapter 951 of the 1994 Acts of Assembly provides the basis for the Virginia Department of Social Services to implement the Virginia Independence Program. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 63.1-25, 63.1-133.46, 63.1-133.47,

63.1-133.49, 63.1-133.51 and 63.1-133.55 of the Code of Virginia.

Written comments may be submitted until October 5, 1994, to Tom Steinhauer, 730 East Broad Street, Richmond, Virginia 23219.

**Contact:** Richard Martin, Policy Analyst Senior, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1825.

VA.R. Doc. No. R94-1185; Filed August 16, 1994, 12:54 p.m.

# PROPOSED REGULATIONS

For information concerning Proposed Regulations, see information page.

## Symbol Key

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

## BOARD FOR BARBERS

**Title of Regulation:** VR 170-01-1:1. Board for Barbers Regulations.

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

**Public Hearing Date:** October 3, 1994 - 9 a.m.

Written comments may be submitted until November 5, 1994.

(See Calendar of Events section for additional information)

**Basis:** Section 54.1-201 A 1 of the Code of Virginia states that regulatory boards within the Department of Professional and Occupational Regulation shall have the power to promulgate regulations necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board. Section 54.1-113 of the Code of Virginia states that following the close of any biennium, when the account for the board maintained under § 54.1-308 shows expenses allocated to it for the past biennium to be more than 10% greater or less than moneys collected on behalf of the board, a regulatory board within the Department of Professional and Occupational Regulation shall revise the fees levied by it for certification or licensure and renewal thereof so that the fees are sufficient but not excessive to cover expenses.

**Purpose:** The proposed amendments are designed to ensure the public protection by establishing standards for licensure, examinations and the practice of barbering. The proposed amendments establish new fees and adjust all other fees associated with barber licensing and establish a fee level which assures that the variance between revenues and expenditures for the board will not exceed 10% in any biennium as required by § 54.1-113 of the Code of Virginia but ensures collection of revenues sufficient to support the operations of the board. The new fees are proposed to cover the cost of reviewing and processing barber license applications, barber temporary permit applications, processing check returns for insufficient funds and issuance of a duplicate wall certificate. These processes are currently performed by the board without assessing the regulant the cost incurred by the board. The board proposes to (i) establish a new fee category for Barber Application, Temporary Permit Application, Insufficient Funds Check Return and Duplicate Wall Certificate and amend current fees; (ii) define "board" and "department" as shown in the proposed in § 1.1; (iii) allow for handling of checks returned to the

department due to insufficient funds and the associated fee; (iv) allow a barber temporary permit holder to retain the permit for 45 days following the next examination instead of the current requirement of 20 days which will allow the individual to continue to practice under the supervision of a licensed barber and not experience a discontinuation of skill level and allow a barber applicant for examination to be issued two temporary permits instead of the current provision of one for the same reason; (v) clarify that the license or certificate issued by the board must be posted in plain view of the public which is added protection for the public; and (vi) clarify several references to sanitation standards and disciplinary provisions to clearly indicate that current requirements are intended to include prevention of the transmission of communicable and infectious diseases.

**Substance:** Section 1.1, Definitions, has been added and the definitions of "board" and "department" have been proposed.

Section 2.8 C is amended to increase from 20 days to 45 days the amount of time an individual may hold the temporary permit following the next examination for which the applicant is eligible which allows additional time if grading of the examination is delayed for any reason.

Section 2.8 E is amended to allow a barber applicant for examination to be issued one additional temporary permit. In the event the applicant fails the examination on the first attempt, this will allow for additional training under the supervision of a licensed barber instead of a lapse of several months during which the applicant cannot practice, possibly permitting skill level to decrease and increase the chance of examination failure.

Section 4.1 proposes the process for requesting a duplicate wall certificate and the associated fee of \$25.

Section 4.3 proposes a procedure for checks which cannot be processed by the department due to insufficient bank funds and the associated fee of \$25.

Section 5.6 proposes to clarify that the license or permit issued by the board shall be posted in plain view of the public in the place of business.

Section 6.2 is amended and § 6.3 D is proposed to clarify its sanitation standards and disciplinary provisions to specifically include a statement which clearly requires the regulant to take sufficient measures to prevent the transmission of communicable and infectious diseases.

**Issues:** It is anticipated that the board will engage in

# Proposed Regulations

review and revision of these regulations within the next two years. Fee structures for all programs in the department are reviewed biennially for compliance with § 54.1-113 of the Code of Virginia. The Board for Barbers made minor amendments to the fee schedule in 1991. These proposed fee revisions are needed to ensure continued compliance with § 54.1-113 of the Code and to ensure sufficient revenues to cover the cost of board operations. Examination fees were derived from the cost to the board for vendor examination development and administration costs. The proposal allowing the temporary permit to be extended from 20 days to 45 days will eliminate administrative problems when grading of examinations is delayed. The issuance of two temporary permits will ensure protection of the public by allowing the individual being trained to continue to practice under supervision until the next examination eliminating any lapse causing skill level to decrease. The board proposes to eliminate any question by regulants or public that sanitation standards do require certain measures to prevent transmission of communicable and infectious diseases and, further, that appropriate disciplinary action may be taken for failure to comply with requirements.

The majority of barber shops and schools are classified as small businesses and these businesses will not be significantly impacted by these amendments and new proposals. The fee adjustments involve only a one time cost or a renewal fee which is charged every two years. The amount to be passed on to clients of the barbering profession is minimal. There is no potential disadvantage to the regulated entities or the public anticipated as a result of implementation of these regulations.

The Board for Barbers is not aware of any significant issues involving the proposed changes to its regulations.

Impact:

A. Projected cost of implementation: The proposed new and adjusted fees will not create an additional cost burden on the board or department, but will instead adjust the fees to provide sufficient revenue to support the board's operations mandated by law through the 1994-96 biennium. There is no additional significant projected cost of compliance for the board or department following implementation of these proposed regulations except the printing and mailing costs associated with the initial distribution of the regulations which is estimated at \$7,790.

B. Number and type of regulated entities affected: These regulations apply to approximately 4000 licensed barbers, barbering shops and barbering schools.

C. Projected cost of compliance:

		Current	Proposed
Renewal	Barber	\$45	\$75
Renewal	Teacher	55	100

Renewal	School	110	160
Renewal	Shop	35	100
Late Renewal	Barber	45	75
Late Renewal	Teacher	55	100
Late Renewal	School	110	160
Late Renewal	Shop	35	100
Reinstatement	Barber	90	150
Reinstatement	Teacher	110	200
Reinstatement	School	220	320
Reinstatement	Shop	70	200
Application	School	100	160
Application	Shop	20	100
License by Endorsement		50	150
Barber Teacher Temporary		50	75
Duplicate Wall Certificate		5	25
Application (New Licensee)	N/A		75
Temporary Permit	N/A		20
Bad Check Fee	N/A		25
Projected expenditures 1992-94 Biennium			266,816
Projected revenues 1992-94 Biennium			<u>203,160</u>
Projected revenue balance @ 6/30/94 (Carryforward)			(63,656)
<u>Under New Fee Structure</u>			
Projected expenditures 1994-96 Biennium			333,095
Projected revenues 1994-96 Biennium			<u>420,843</u>
Biennium Surplus/(Shortfall)			87,748
Cumulative projected revenue balance @ 6/30/96			24,092
Projected % revenue balance @ 6/30/96			5.72%

D. Source of funds: The board/department receives no general funds to support the board's operations. The board operates solely on funds collected through regulant fees.

E. Localities particularly affected: There are no particular localities affected by the implementation of these regulations.

Summary:

*The proposed amendments are designed to ensure the public protection by establishing standards for*



# Proposed Regulations

licensure, examinations and the practice of barbering. The proposed amendments establish new fees and adjust all other fees associated with barber licensing and establish a fee level which assures that the variance between revenues and expenditures for the board will not exceed 10% in any biennium as required by § 54.1-113 of the Code of Virginia but ensures collection of revenues sufficient to support the operations of the board. The new fees are proposed to cover the cost of reviewing and processing barber license applications, barber temporary permit applications, processing check returns for insufficient funds and issuance of a duplicate wall certificate. These processes are currently performed by the board without assessing the regulant the cost incurred by the board. The board proposes to establish a new fee category for Barber Application, Temporary Permit Application, Insufficient Funds Check Return and Duplicate Wall Certificate.

The amendments will also define "board" and "department" as shown in the proposed § 1.1. Definitions; allow for handling of checks returned to the department due to insufficient funds and the associated fee; allow a barber temporary permit holder to retain the permit for 45 days following the next examination instead of the current requirement of 20 days which will allow the individual to continue to practice under the supervision of a licensed barber and not experience a discontinuation of skill level; and allow a barber applicant for examination to be issued two temporary permits instead of the current provision of one for the same reason. The amendments clarify that the license or certificate issued by the board must be posted in plain view of the public which is added protection for the public and clarify several references to sanitation standards and disciplinary provisions to clearly indicate that current requirements are intended to include prevention of the transmission of communicable and infectious diseases.

VR 170-01-1:1. Board for Barbers Regulations.

## PART I. GENERAL.

### § 1.1. Definitions.

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise. All terms defined in the Board for Barbers Act (§ 54.1-700 et seq. of the Code of Virginia) are incorporated by reference in this regulation.

"Board" means the Board for Barbers.

"Department" means the Department of Professional and Occupational Regulation.

## PART II. ENTRY.

### § 1-1: 2.1. General requirements for a barber license.

A. Upon filing an application with the board on forms approved by the board, and upon paying the required fee, any person shall be granted a license provided the application contains evidence satisfactory to the board that an applicant has passed the examination administered by the board or by independent examiners after having completed one of the following:

1. Has graduated from a school of barbering approved by the board; or
2. Has completed a course in a public school with a curriculum in barbering approved by the State Department of Education; or
3. Has been trained as a barber at any state institution; or
4. Has experience as a barber in the armed forces; or
5. Has completed an apprenticeship program approved by the board.

B. The barber license application fee shall be \$75.

### § 1-2: 2.2. Apprenticeship training.

Licensed barbers training apprentices shall comply with the standards established by the Division of Apprenticeship Training of the Department of Labor and Industry and the Virginia Board for Barbers.

### § 1-3: 2.3. School training.

Any person trained at an approved school for barbers shall be eligible for licensing provided the school maintains the minimum standards of operation set forth in Part III V of these regulations.

### § 1-4: 2.4. Exceptions to training requirements.

A. Licensed cosmetologists with two years of work experience shall be eligible for examination.

B. Cosmetology students wishing to enroll for barber training, shall be given credit by the barber school for a maximum of 50% of the hours required of cosmetology students.

C. Persons with two years of barber training or experience outside the territorial limits of the United States shall be eligible for examination upon submission of satisfactory documentary evidence of the training or experience.

### § 1-5: 2.5. Examination required.

# Proposed Regulations

A. Applicants for licensing shall pass a practical and written examination approved by the board.

B. Any applicant who passes one part of the examination shall not be required to take that part again provided both parts are passed within one year.

C. The fee for initial examination shall be \$100. ~~All fees are nonrefundable and shall not be prorated.~~

## § 1-6. 2.6. Reexamination.

A. ~~If~~ The applicant *who* does not pass a reexamination within a one-year period ~~;~~ ~~he will~~ *shall* be required to submit another initial application/examination fee and repeat the entire examination.

B. The fee for reexamination of the written portion shall be \$40. The fee for reexamination of the practical portion shall be \$60. ~~All fees are nonrefundable and shall not be prorated.~~

## § 1-7. 2.7. Examination administration.

A. The examination shall be conducted by independent examiners or board members.

B. Each independent examiner shall complete a period of training specified by the board.

C. Every independent examiner shall have at least three years of active experience as a licensed barber and be currently licensed by the board.

D. The results of the examination shall be submitted to the board's office where the grades shall be compiled and the results released.

## § 1-8. 2.8. Barber temporary permit.

A. A temporary permit to work under the supervision of a currently licensed barber may be issued to any person that the board finds eligible for examination. *The fee for the temporary permit shall be \$20.*

~~B. The request for a temporary permit shall be accompanied with the examination application.~~

~~C. B.~~ The temporary permit shall remain in force until ~~20~~ 45 days following the next examination for which the applicant would be eligible.

~~D. C.~~ Any person continuing to practice barbering after a temporary permit has expired may be prosecuted under ~~§ 54-1-20~~ § 54.1-111 A 1 of the Code of Virginia.

~~E. D.~~ No applicant for examination shall be issued more than ~~one~~ two temporary permit ~~permits~~ .

## § 1-9. 2.9. General requirements for a barber-teacher's license.

A. An applicant for a barber-teacher's license shall pass a barber-teacher examination administered by the board or by independent examiners.

B. A prerequisite to taking the examination shall be that the applicant has been a currently licensed Virginia barber for two years.

C. Applicants passing the examination for a barber-teacher's license shall not be required to maintain a barber license.

## § 1-10. 2.10. Student teacher temporary permit.

A. A licensed barber or person holding a temporary permit may be granted a student teacher temporary permit to function under the direct supervision of a barber-teacher. The student teacher temporary permit shall remain in force for not more than 24 months after the date of issuance and shall be nontransferable. Failure to maintain a barber license or a temporary permit pending examination shall disqualify an individual from holding a student teacher temporary permit.

B. The fee for a student teacher temporary permit shall be ~~\$50~~ \$75 . ~~All fees are nonrefundable and shall not be prorated.~~

## § 1-11. 2.11. License by endorsement.

Any person currently licensed to practice as a barber in any other state in the United States, the District of Columbia, or Puerto Rico may, upon proper application to the board, be issued a license to practice as a barber in this Commonwealth without being required to pass an examination.

~~1.~~ The application fee for a license by endorsement shall be ~~\$50~~ \$150 . ~~All fees are nonrefundable and shall not be prorated.~~

## § 1-12. 2.12. Shop license.

Any person, firm, or corporation operating any place or establishment providing barber services must have a valid shop or school license. The barber shop license shall not be transferable and shall bear the same name and address as the business. An application for a barber shop license shall be accompanied by an affidavit of inspection required by any local health department. Any changes in the name of the salon, address, or owners shall be reported to the board in writing within 30 days of such changes.

The application fee for a shop license shall be ~~\$20~~ \$100 . ~~All fees are nonrefundable and shall not be prorated.~~

## § 1-13. 2.13. School license.

A license may be issued to any school approved by the board as meeting the standards set forth in Part ~~III~~ V of

# Proposed Regulations

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these regulations. The barber school license shall not be transferable and shall bear the same name and address as the business. Any changes in the name of the school, address, or owners shall be reported to the board in writing within 30 days of such changes.

~~1.~~ The application fee for a school license shall be ~~\$100~~ \$160 . All fees are nonrefundable and shall not be prorated.

## PART H III . RENEWAL/REINSTATEMENT.

§ ~~2.1.~~ 3.1. License renewal required.

A. All licenses issued by the board will expire on March 31 of each odd-numbered year.

B. The renewal fee for a barber license shall be \$45 \$75 , for a teacher license shall be ~~\$55~~ \$100 , for a shop license shall be ~~\$35~~ \$100 , and for a school license shall be ~~\$110~~ \$160 .

§ ~~2.2.~~ 3.2. Notice of renewal.

The department of ~~Commerce~~ will mail a renewal notice to the licensee outlining the procedures for renewal. Failure to receive this notice shall not relieve the licensee of the obligation to renew. If the licensee fails to receive the renewal notice, a copy of the old license may be submitted as evidence of intent to renew, along with the required fee.

§ ~~2.3.~~ 3.3. Failure to renew.

A. Any licensee who fails to renew a license within one month after the license expires will be required to pay a late renewal fee which shall be equal to twice the regular renewal fee. The late renewal for a barber license shall be ~~\$45~~ \$75 , for a teacher license shall be ~~\$55~~ \$100 , for a shop license shall be ~~\$35~~ \$100 , and for a school license shall be ~~\$110~~ \$160 .

B. Any licensee who fails to renew his license within six months after the expiration date of his license must apply for reinstatement of the license by submitting to the department of ~~Commerce~~ a reinstatement application and fee which shall be equal to twice the regular renewal fee with a statement of the reasons for failing to renew prior to the expiration date. The fee for reinstatement of a barber license shall be ~~\$90~~ \$150 , for a teacher license shall be ~~\$110~~ \$200 , for a shop license shall be ~~\$70~~ \$160 , and for a school license shall be ~~\$220~~ \$320 .

C. Upon receipt of the reinstatement application, fee, and statement, the board may grant reinstatement of the license or require requalification, reexamination, or both before granting the reinstatement.

D. When an individual licensee fails to renew his license after a two-year period, the licensee must pass both a

practical and written examination in order to be reinstated unless the requirement is waived by the board.

E. The date the renewal application is received by the department of ~~Commerce~~ or its agent shall be the factor determining whether a license shall be renewed without penalty fees or shall be subject to reinstatement procedures.

F. All fees are nonrefundable and shall not be prorated.

## PART IV. MISCELLANEOUS.

§ 4.1. Duplicate wall certificate.

A. A regulant desiring a duplicate wall certificate must submit a request in writing stating the necessity for such duplicate wall certificate. A duplicate certificate may be issued for any of the following reasons: replacing certificate lost, stolen, misplaced, destroyed or is otherwise irretrievable; recording the new name of a registrant whose name has been changed by court order or by marriage; or for multiple offices.

B. The fee for a duplicate wall certificate shall be \$25.

§ 4.2. Refunds.

All fees are nonrefundable and shall not be prorated.

§ 4.3. Insufficient funds check return.

When a check, money draft, or similar instrument for payment of a fee required by regulation is not honored by the bank or financial institution named, the applicant or regulant shall be required to remit fees sufficient to cover the original fee, plus the additional processing fee of \$25.

## PART H V . BARBER SCHOOLS.

§ ~~3.1.~~ 5.1. Applicants for state approval.

Any person, firm, or corporation desiring to operate a barber school shall submit an application to the board at least 60 days prior to the date for which approval is sought. Exception: Schools subject to regulation by the State Department of Education.

§ ~~3.2.~~ 5.2. General curriculum.

A. A school of barbering shall be approved by the board after having been inspected to determine if it meets all of the following requirements:

1. It has a classroom and clinic area;
2. Its faculty is made up of licensed barber teachers;
3. It accepts no more than 16 students per barber

# Proposed Regulations

teacher; and

4. It requires its students to obtain not less than 1,500 hours of approved instruction.

## § 3-3. 5.3. Curriculum requirements.

Each school shall submit with its application a course of instruction which shall include the following subjects:

1. School policies.
2. State law, regulations and professional ethics.
3. Business and salon management.
4. Client consultation.
5. Personal hygiene.
6. Cutting the hair with a razor, clippers, shears.
7. Tapering the hair.
8. Thinning the hair.
9. Shampooing the hair.
10. Styling the hair with a hand hair dryer.
11. Thermal waving.
12. Permanent waving with chemicals.
13. Shaving.
14. Trimming a moustache or beard.
15. Applying hair color.
16. Lightening or toning the hair.
17. Analyzing skin or scalp conditions.
18. Giving scalp treatments.
19. Giving facial massage or treatment.
20. Sanitizing and maintaining implements and equipment.
21. Honing and stropping a razor.

## § 3-4. 5.4. Hours of instruction.

Practical and classroom instruction shall consist of the following hours:

1. Haircutting and grooming ..... 600 hours
2. Orientation, hygiene, skin disease, muscle and bone

structure and shaving ..... 300 hours

3. Chemical relaxers, perms, and color ..... 400 hours

4. Business and salon management ..... 200 hours

TOTAL ..... 1,500 hours

## § 3-5. 5.5. School identification.

Each barber school approved by the board shall identify itself to the public as a teaching institution.

## § 3-6. 5.6. Records.

Schools are required to keep upon graduation, termination or withdrawal, records showing what instruction the student has received for five years. These records shall be available for inspection by the department. All records shall be kept on the premises of each school.

## § 3-7. 5.7. Hours reported.

Upon completion of 25%, 50% and 75% of hours completed by a student in a licensed school, the school shall provide an individualized written report to the student of hours completed. Upon termination from a licensed school, for any reason, the school shall provide a written report to the student and the board on the number of hours completed.

## PART IV VI. STANDARDS OF PRACTICE.

### § 4-1. 6.1. Display of license.

All current licenses and permits issued by the board shall be ~~visibly displayed~~ *posted in plain view of the public* in the school or establishment where business is conducted.

### § 4-2. 6.2. Sanitation.

*A. Regulators performing duties in barbershops and barber schools shall take sufficient measures to prevent the transmission of communicable and infectious diseases and comply with the following sanitation standards :*

*A. B. Sanitation standards for premises and equipment - are as follows:*

1. Wash basins. There shall be a sufficient number of wash basins to provide hot and cold running water, under pressure, to adequately accommodate the clientele.
2. General cleanliness. All furniture, walls, floors, and windows shall be clean and in good repair. Wash basins and sinks shall be clean.

# Proposed Regulations

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3. Cabinets. Cleaned instruments, such as combs, brushes, shears, towels, etc., shall be kept free from contamination until used.

4. Towel receptacles. Soiled towels shall be kept in a closed container except if the towels are in a separate laundry rooms.

~~B.~~ C. Sanitation standards for operations and services :  
are as follows:

1. Towels. Clean towels shall be used for each patron.
2. Haircloth. Whenever a haircloth is used in cutting, shampooing, etc., a clean towel or a neck strip shall be placed around the neck of the patron to prevent the haircloth from touching the skin.
3. Astringent use. No alum or other astringent shall be used in stick form. Liquid or powder astringent must be used.
4. Brushes and combs. Brushes shall be washed in soap and hot water after each use on a patron. Combs shall be washed in soap and hot water or shall be kept immersed in a properly maintained sanitizing solution.
5. Permanent wave equipment. Permanent wave rods shall be rinsed after each use. End papers shall be destroyed after each use.

§ ~~4.3.~~ 6.3. Discipline.

A. The board may revoke, suspend, or fail to renew a barber license ; or impose a fine as permitted by law , *or both*, if ; after a hearing, it finds that:

1. The licensee is incompetent, or negligent in practice, or incapable mentally or physically to practice as a barber; or
2. The licensee is guilty of fraud or deceit in the practice or teaching of barbering; or
3. The licensee violates or induces others to violate, or cooperates with others in violating, any of the provisions of these regulations, or of Chapter 7 of Title 54.1 of the Code of Virginia, or any local ordinance or regulation governing standards of health and sanitation of the establishment in which any barber may practice or offer to practice; or

§ 4.4. Discipline.

B. The board may revoke, suspend or fail to renew the license of any school or impose a fine as permitted by law , *or both*, when:

1. An instructor of the approved school fails to teach the curriculum as provided for in these regulations; or

2. The owner or director of the approved school permits or allows a person to teach in the school without a current teacher license.

3. The teacher, owner or director is guilty of fraud or deceit in the teaching of barbering.

§ ~~4.5.~~ Discipline.

C. The board may revoke, suspend, or refuse to renew the license of any barbershop or impose a fine as permitted by law , *or both*, when there is a finding that:

1. The owner or operator of the shop fails to comply with the sanitary requirements of barbershops provided for in any local ordinances; or
2. The owner or operator allows a person who has not obtained a license or a temporary permit to practice as a barber unless the person is duly indentured as an apprentice.

*D. The board may revoke, suspend or fail to renew the license of any regulant or impose a fine as permitted by law, or both, when the regulant fails to take sufficient measures to prevent transmission of communicable or infectious diseases or fails to comply with any local, state or federal ordinance or regulation governing the standards of health and sanitation of the practice of barbering.*

VA.R. Doc. No. R94-1173; Filed August 5, 1994, 3:23 p.m.

Certificate No. \_\_\_\_\_  
Date \_\_\_\_\_

For office use only

FEE: \$50.00  
(make check or money  
order payable to the  
Treasurer of Virginia)

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF COMMERCE  
Board for Barbers  
Post Office Box 11066  
Richmond, Virginia 23230-1066

FEE: \$50.00

APPLICATION FOR A BARBER LICENSE BY ENDORSEMENT

Section I

Phone  
No. ( ) \_\_\_\_\_

Last Name First Name Middle Name

Street Address \_\_\_\_\_

City State Zip Code

Date of Birth: Security No. \_\_\_\_\_

Section II

1. Attach copy of current barber license.

FOR OFFICE USE ONLY

Approved for Endorsement State

NOTE: DEPOSIT OF APPLICANT PROCESSING FEE DOES NOT INDICATE LICENSE HAS BEEN APPROVED.  
ALL FEES ARE NONREFUNDABLE.

Section III

(To Be Executed By Applicant) Have this AFFIDAVIT completed by a Notary Public

State of \_\_\_\_\_

County or City of \_\_\_\_\_

The undersigned applicant, being duly sworn deposes and says that they are the person who executed this application, that the statements herein contained are true, that they have not suppressed any information that might affect this application, and that they have read and understand this affidavit.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_

Signature of Applicant Signature of Notary Public

My commission expires: \_\_\_\_\_

REV 6-20-91

COMMONWEALTH OF VIRGINIA

BOARD FOR BARBERS  
Post Office Box 11066  
Richmond, Virginia 23230-1066

APPLICATION FOR REINSTATEMENT

The Individual Application for Reinstatement form must be completed in its entirety.

INSTRUCTIONS

1. Regulation 2.3(B) states, "Any licensee who fails to renew their license within six months after the expiration date of their license must apply for reinstatement of the license by submitting to the Department of Commerce a reinstatement application and fee which shall be equal to twice the regular renewal fee with the reasons for failing to renew prior to the expiration date. The fee for reinstatement of a barber license shall be \$90, for a teacher license shall be \$110, for a shop license shall be \$70, and for a school license shall be \$220."
2. Regulation 2.3(C) states, "Upon receipt of the reinstatement application, fee, and statement, the Board may grant reinstatement of the license or require requalification; reexamination; or both before granting the reinstatement."
3. Regulation 2.3(D) states, "When an individual licensee fails to renew his license after a two year period, the licensee must pass both a practical and written examination in order to be reinstated unless the requirement is waived by the board."
4. Make check or money order payable to the "Treasurer of Virginia."

NOTE: DEPOSIT OF APPLICANT PROCESSING FEE DOES NOT INDICATE LICENSE HAS BEEN APPROVED.  
ALL FEES ARE NONREFUNDABLE.

Phone  
No. ( ) \_\_\_\_\_

Last Name First Name Middle Name

Street Address City State Zip

Social Security Number \_\_\_\_\_

Shop/School Name \_\_\_\_\_

Street Address of Shop/School City State Zip Code

Tax I.D. Number \_\_\_\_\_

Please indicate below, reinstatement of:

- |                            |                     |                    |
|----------------------------|---------------------|--------------------|
| ( ) Barber license         | Certificate # _____ | Date expired _____ |
| ( ) Barber teacher license | Certificate # _____ | Date expired _____ |
| ( ) Barber shop license    | Certificate # _____ | Date expired _____ |
| ( ) Barber school license  | Certificate # _____ | Date expired _____ |

PFD 7-16-91

Certificate No. \_\_\_\_\_  
 Date \_\_\_\_\_  
 For office use only

**FEE: \$20.00**  
 (Make check or money order payable to the Treasurer of Virginia)

**COMMONWEALTH OF VIRGINIA**  
 DEPARTMENT OF COMMERCE  
 Board for Barbers  
 Post Office Box 11066  
 Richmond, Virginia 23230-1066

**FEE: \$20.00**

APPLICATION FOR LICENSE TO OPERATE A BARBER SHOP

NAME OF SHOP: \_\_\_\_\_ PHONE NO. \_\_\_\_\_

T/A NAME OF SHOP: \_\_\_\_\_

ADDRESS OF SHOP: \_\_\_\_\_  
Street and Number City Zip Code

OWNER'S NAME: \_\_\_\_\_  
Last Name First Name Middle

OWNER'S MAILING ADDRESS: \_\_\_\_\_  
Street and Number City Zip Code

NOTE: DEPOSIT OF APPLICANT PROCESSING FEE DOES NOT INDICATE LICENSE HAS BEEN APPROVED.  
 ALL FEES ARE NONREFUNDABLE.

AFFIDAVIT OF INSPECTION  
 (If required by Local Ordinance)

This is to certify \_\_\_\_\_ barber shop  
 \_\_\_\_\_  
 (Address)

has been inspected and found to comply with the regulations of the Local and/or State Health Department(s).

State and/or Local Health Department \_\_\_\_\_ Signature of Inspector \_\_\_\_\_

AFFIDAVIT

I do hereby certify that the information given by me in this application is true to the best of my knowledge and belief.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

Signature of Applicant \_\_\_\_\_ Signature of Notary Public \_\_\_\_\_

My commission expires: \_\_\_\_\_

**FEE: \$50.00**  
 (MAKE CHECK PAYABLE TO "TREASURER OF VIRGINIA")

ALL FEES ARE  
 NONREFUNDABLE

DEPARTMENT OF COMMERCE  
 3600 WEST BROAD STREET  
 RICHMOND, VIRGINIA 23230  
 (804)367-8569

APPLICATION FORM  
 FOR STUDENT TEACHER TEMPORARY PERMIT

1. SOCIAL SECURITY NO. \_\_\_\_\_
2. BIRTH DATE \_\_\_\_\_
3. PRINT FULL NAME  
 Last \_\_\_\_\_  
 First \_\_\_\_\_  
 Middle \_\_\_\_\_
4. RESIDENCE MAILING ADDRESS  
 Street \_\_\_\_\_  
 City \_\_\_\_\_  
 State \_\_\_\_\_ Zip Code \_\_\_\_\_
5. TELEPHONE  
 Area Code \_\_\_\_\_ Number \_\_\_\_\_

COMPLETE APPLICABLE SECTION:

1. Virginia Barber License # \_\_\_\_\_
2. Date scheduled for examination \_\_\_\_\_ and expiration date of temporary permit \_\_\_\_\_

(\*Note: Failure to maintain a barber license or temporary permit shall disqualify an individual from holding a student teacher temporary permit).

STUDENT TEACHER TEMPORARY PERMIT SPONSORSHIP

I, the undersigned, agree to supervise all activities related to the instruction of barbering for the above named individual and am responsible for the actions of the applicant in this regard.

Sponsor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Sponsor's Virginia Barber License # \_\_\_\_\_

Sponsor's Virginia Barber Instructor Certificate # \_\_\_\_\_

## BOARD FOR CONTRACTORS

**Title of Regulation:** VR 220-01-2. Board for Contractors Regulations (REPEALING).

**Title of Regulation:** VR 220-01-2:1. Board for Contractors Regulations.

**Statutory Authority:** §§ 54.1-113, 54.1-201 and 54.1-1102 of the Code of Virginia.

**Public Hearing Dates:**

September 8, 1994 - 10 a.m.

September 13, 1994 - 10 a.m.

September 14, 1994 - 10 a.m.

September 22, 1994 - 7 p.m.

Written comments may be submitted through November 4, 1994.

(See Calendar of Events section for additional information)

**Basis:** The statutory authority of the Board for Contractors to promulgate rules and regulations to regulate the practice of contracting and to set the appropriate fees for the implementation of these requirements is found in §§ 54.1-113, 54.1-201 and 54.1-1102 of the Code of Virginia.

**Purpose:** The purpose of the regulations is to set clear standards for the certification of Class C contractors and the licensure of Class A and Class B contractors to ensure that these contractors are technically competent and will meet their contractual obligations to consumers. The regulations also set forth the standards of practice and conduct which govern these licensed/certified contractors to provide further assurance that the public will be protected from incompetent or unscrupulous practices by these regulants. Finally, the regulations provide the appropriate fee structure to ensure that the program is operated within the requirements of § 54.1-113 of the Code of Virginia. The current proposal will replace the current regulations identified as VR 220-01-2.

**Substance:** The proposed revisions will:

1. Increase the fees charged to regulants and applicants;
2. Add new fees to cover the costs of production of certifications of licensure, review of applications to change the qualified individual for a licensed/certified firm and the costs associated with payment of fees with dishonored checks;
3. Promulgate regulations and establish new fees for the certification of Class C contractors, a new class created by HB 403, passed in the 1994 Session of the General Assembly and effective July 1, 1994. These regulations will replace emergency regulations adopted by the board on March 30, 1994, in order to ensure compliance with the new statutory language in accordance with § 9-6.14:4.1 of the Administrative

Process Act;

4. Add definitions for terms used in the regulations but not previously defined;

5. Clarify the definitions of the classifications and specialties in which contracting firms are licensed/certified to practice;

6. Amend the standards of conduct to specify grounds for disciplinary action and to add two new standards; and

7. Clarify and simplify the language throughout the regulations to make them more readable for both licensees/certificate holders and consumers.

The board wished to respond to concerns which had been raised by contractors, consumers and local building officials that the current structure of and language in the regulations is overly complex, unclear and, in the case of the definitions of the classifications and specialties, too vague and insufficiently specific.

A number of terms used in the current regulations were not defined, raising many questions about their correct interpretation and application to the practice of contracting. New definitions make the meaning of these terms clear.

Requirements for certification as a Class C contractor were developed in response to the passage of HB 403 in the 1994 Session of the General Assembly. These requirements have previously been proposed as emergency regulations.

Consistent with the board's statutory mandate (in §§ 54.1-1106 and 54.1-1108 of the Code) to examine the "financial position" and the "reputation for paying material bills and carrying out other contractual obligations" of applicants for licensure, the board proposes to require information on past due debts, outstanding tax obligations and defaults on bonds during the five years immediately prior to application rather than the current three-year period.

The board proposes to change the language regarding the required reporting of criminal convictions and past disciplinary actions on licenses issued in other jurisdictions, as the current wording does not make clear the fact that such reporting is required of all applicants.

Language regarding the licensee's/certificate holder's right to appeal denial of the renewal or reinstatement of a license/certificate has been added to ensure that all regulants are aware of these rights.

Due to questions from a number of sources about the status of a license during the reinstatement period, the board has added language to state clearly in regulation the policy currently applied in these circumstances.



# Proposed Regulations

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The time allowed for reporting to the board a change of designated employee or qualified individual has been reduced from 90 days to 45 days. The board feels that the presence of these individuals is essential to the proper management of the business and the assurance of the competence of the firm to practice in the classifications and/or specialties in which it is licensed/certified.

Two new standards of conduct are added. The first requires that, after January 1, 1996, all residential contractors list their license/certificate number on all flyers and in all classified and display ads. This requirement is designed to increase public awareness of the licensing requirements and the importance of contracting with businesses which are fully qualified under the law.

The second new standard proposes to hold each regulant responsible for all activities involving contracting services, regardless of whether the specific activity requires a license or certificate. In performing these contracting services, these regulants will be subject to the provisions of these regulations.

Fees are revised in accordance with § 54.1-113 of the Code of Virginia to ensure that the current deficit for this program will be remedied. The board also added language regarding the authority for the collection of fees for services such as the provision of certifications of licensure/certification, changing the qualified individual for the business, and the costs associated with the replacement of a dishonored check.

Estimated Impact: The new/clarified definitions and terms of classifications/specialties should make it easier for local building officials to interpret and apply these definitions and terms. The new Class C certification will require local building officials to be informed about this new class in order to appropriately issue building permits.

The revised regulations will affect approximately 35,143 currently licensed contractors as well as an undetermined number of newly certified Class C contractors. The cost of printing the regulations is estimated to be \$26,500 and the cost of distribution is estimated to be \$35,280.

The regulations contain an increase in the amount of the fees contained in the regulations. The size of the increases range from \$20 to \$55. Contractors who were previously not regulated will now be required to become certified under the Class C certification and will be required to submit the application fee and to renew the certification every two years.

The new requirement that residential contractors include their license/certificate number on all flyers and classified or display advertisements may impose some small additional cost on the regulants if they must have any flyers, classified or display advertisements reprinted to comply with this requirement. However, this requirement does not take effect until January 1, 1996, in order to

allow contractors time to use existing stock of printed materials to avoid unnecessary expense.

Issues: All of the regulations have been rewritten and restructured to improve their simplicity and clarity. This change will benefit all those who need to use these regulations and apply them to the daily practice of this occupation. The regulations should also be more "user friendly" for local building officials and consumers.

Compliance with § 54.1-113 of the Code of Virginia requires that the fees be increased in order to address the deficit currently existing for this program. Contractor fees have not been raised since 1992. The board adopted a revised fee structure which spreads the cost among all applicants for initial licensure, renewal or reinstatement, or the addition or change of classification, specialty or personnel. The highest increase is \$55. In addition, the board added fees to cover the cost of the production of license certifications and the processing of a change of qualifier, so that these costs will be paid directly by the firms requesting these services.

The addition of new definitions for terms used but not previously defined will benefit both regulants and consumers by clarifying the meaning and application of these terms. Similarly, the revision of the definitions of the classifications and specialties will assist both contractors and local building officials who use this information to comply with § 54.1-1111 of the Code of Virginia when issuing permits. Both of these groups were active participants in the revision of these definitions.

Applicants for initial licensure/certification will be required to report past-due debts, outstanding tax obligations and defaults on bonds during the five years immediately prior to application rather than the three years currently required. This change will require more information from applicants, but the board feels that the additional information is necessary to allow them to carry out their obligation to protect the public by ensuring that the applicant firm is financially stable and meets its contractual obligations as required by §§ 54.1-1106 and 54.1-1108 of the Code of Virginia. Since financial statements no longer have to be submitted, some paperwork previously required has been eliminated. This change has been especially helpful for small businesses.

Clarification of a regulant's right to appeal denial of the renewal or reinstatement of a license/certificate will benefit all contractors by ensuring that they know this information. Similarly, the added language to clarify the status of a license during the reinstatement period will answer many questions which have arisen on this subject. Both general and subcontractors will benefit from knowing this information as it can affect the validity of a contract. Consumers will also benefit as the regulation clearly states that a firm which reinstates its license continues to be covered by the Virginia Contractor Transaction Recovery Act.

# Proposed Regulations

The time frame for reporting a change of designated employee or qualified employee has been reduced from 90 to 45 days. This change should not be burdensome to small or large firms as these individuals are vital to the operation of the contracting business and are, therefore, usually replaced very quickly. It is in the interest of both the regulant and consumers to have this information be current in the department's records.

The new requirement that residential contractors include the license/certificate number on all flyers and classified or display ads will impose some small additional cost on all licensees/certificate holders but will ensure that consumers become increasingly aware of the licensing/certification requirements and the associated protections offered to the public. There are many problems with unlicensed, unscrupulous contractors who offer services such as roofing or paving to consumers and either perform shoddy work or take money and abandon the job with little or no work completed. Use of the license/certification numbers in these types of advertising will help consumers understand that there are contractors who have met regulatory requirements regarding both their skill and their conduct. This requirement does not take effect until January 1, 1996, in order to allow contractors time to use existing stock of printed materials to avoid unnecessary expense.

Disadvantages to the Agency - None.

Costs to the State and Source of Funding: The only anticipated costs are for the printing and distribution of the regulations and application forms. These costs are covered by the proposed fee increases.

Number and Types of Regulated Entities Affected: The revised regulations will affect approximately 35,143 licensed Class A and Class B contracting firms as well as an undetermined number of Class C contracting firms. (The issuance of Class C certificates began July 1, 1994.)

Projected Costs to Regulated Entities: The following proposed fee structure summary shows the amounts of each proposed fee increase or proposed new fee. The board attempted to distribute the burden of these increases equitably among new applicants and currently licensed firms.

Proposed Fee Structure Summary

		Current	Proposed
New Applicant	Class A	\$85	\$130
New Applicant	Class B	65	110
New Applicant	Class C	N/A	90
Renewal	Class A	65	120
Renewal	Class B	45	100
Renewal	Class C	N/A	80

Reinstatement	Class A	75	130
Reinstatement	Class B	60	110
Reinstatement	Class C	N/A	90
Classification Fee	Each Add'l. A/B/C	25	45
Designated Employee	Class A & B	25	45
Qualified Individual	Change, A/B/C	0.	45
Bad Check Fee	All	N/A	25
Certification of Licensure		N/A	25
Projected expenditures 1992-94 Biennium			3,220,750
Projected revenues 1992-94 Biennium			<u>2,837,001</u>
Projected revenue balance @ 6/30/94 (Carryforward)			(383,749)
<u>Under New Fee Structure</u>			
Projected expenditures 1994-96 Biennium			4,106,084
Projected revenues 1994-96 Biennium			<u>4,667,363</u>
Biennium Surplus/(Shortfall)			561,279
Cumulative projected revenue balance @ 6/30/96			177,530
Projected % revenue balance @ 6/30/96			4.08%

Summary:

*The proposed revisions to the Board for Contractors licensing regulations add definitions for terms used but not previously defined, clarify definitions for classifications and specialties in which contracting businesses are authorized to practice, add requirements for certification of Class C contractors, clarify the status of a reinstated license/certificate, amend the standards of conduct to specify grounds for disciplinary action more clearly and to add two new standards, and adjust fees in accordance with the requirements of § 54.1-113 of the Code of Virginia. The regulations are also rewritten to simplify and clarify the language throughout.*

VR 220-01-2:1. Board for Contractors Regulations.

**PART I.  
DEFINITIONS.**

§ 1.1. General definitions.

*The following words and terms, when used in these regulations, unless a different meaning is provided or is plainly required by the context, shall have the following meanings:*

*"Affidavit" means a written statement of facts, made voluntarily, and confirmed by the oath or affirmation of the party making it, taken before a notary or other person having the authority to administer such oath or affirmation.*

# Proposed Regulations

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*"Certificate holder" means a firm holding a Class C contractor certificate issued by the Board for Contractors to act as a contractor as defined in § 54.1-1100 of the Code of Virginia.*

*"Controlling financial interest" means the direct or indirect ownership or control of 50% or more of the applicable indicia of ownership of a firm.*

*"Firm" means any sole proprietorship, partnership, association, limited liability company, or corporation which is required by § 54.1-1100 of the Code of Virginia to obtain a license/certificate.*

*"Full-time employee" means an employee who spends a minimum of 30 hours a week carrying out the work of the licensed/certified contracting business.*

*"Licensee" means a firm holding a license issued by the Board for Contractors to act as a contractor, as defined in § 54.1-1100 of the Code of Virginia.*

*"Net worth" means assets minus liabilities. For purposes of these regulations, assets shall not include any property owned as tenants by the entirety.*

*"Reciprocity" means an arrangement by which the licensees of two states are allowed to practice within each other's boundaries by mutual agreement.*

*"Reinstatement" means having a license or certificate restored to effectiveness after the expiration date has passed.*

*"Renewal" means continuing the effectiveness of a license or certificate for another period of time.*

*"Responsible management" means the following individuals:*

- 1. The sole proprietor of a sole proprietorship*
- 2. The partners of a general partnership*
- 3. The managing partners of a limited partnership*
- 4. The officers of a corporation*
- 5. The managers of a limited liability company*
- 6. The officers or directors of an association or both*

*"Sole proprietor" means any individual, not a corporation, who is trading under his own name, or under an assumed or fictitious name pursuant to the provisions of §§ 59.1-69 through 59.1-76 of the Code of Virginia.*

## *§ 1.2. Definitions of license/certificate classifications.*

*The following words and terms, when used in these regulations, unless a different meaning is provided or is*

*plainly required by the context, shall have the following meanings:*

*"Building contractors" (Abbr: BLD) means those individuals whose contracts include construction on real property owned, controlled or leased by another person of commercial, industrial, institutional, governmental, residential (single-family, two-family or multifamily) and accessory use buildings or structures. This classification also provides for remodeling, repair, improvement or demolition of these buildings and structures. A holder of this license/certificate can do general contracting but his scope of work cannot include any work covered under the following trade or specialty licenses:*

*alarm security*

*asbestos*

*billboard/sign*

*blasting*

*electrical*

*electronic communication*

*elevator/escalator*

*environmental systems*

*fire alarm*

*fire sprinkler*

*fire suppression*

*gas fitting*

*HVAC*

*irrigation*

*passive energy*

*plumbing*

*The building classification does include the functions carried out by the following specialties:*

*commercial improvement*

*home improvement*

*farm improvement*

*landscape services*

*miscellaneous*

*modular/mobile building*

## *recreational facilities*

The above specialties are not inclusive of all of the functions covered by the building classification.

"Electrical contractors" (Abbr: ELE) means those individuals whose contracts include the construction, repair, maintenance, alteration or removal of electrical systems under the National Electrical Code. This classification provides for all work covered by the National Electrical Code including electrical work covered by ALS, ESC, and FAS classifications. A firm holding an electrical license is responsible for meeting all applicable tradesman certification standards adopted by each locality.

"Highway/heavy contractors" (Abbr: H/H) means those individuals whose contracts include construction, repair, improvement or demolition of the following:

bridges  
dams  
foundations  
drainage systems  
parking lots  
public transit systems  
rail roads  
roads  
runways  
streets  
structural signs & lights  
tanks

The functions carried out by these contractors include but are not limited to the following:

building demolition  
clearing  
concrete work  
excavating  
grading  
nonwater well drilling  
paving  
pile driving

## *road marking*

These contractors also install, maintain or dismantle the following:

1. Power systems for the generation and primary and secondary distribution of electric current ahead of the customer's meter;
2. Pumping stations and treatment plants;
3. Telephone, telegraph or signal systems for public utilities;
4. Water, gas and sewer lines up to five feet from any building or structure.

"HVAC contractors" (Abbr: HVA) means those individuals whose work includes the installation, alteration, or repair of heating systems, ventilating systems, cooling systems, steam and hot water heating systems, boilers, and mechanical refrigeration systems. This classification does not provide for process piping, fire suppression installations, sprinkler system installations, electrical work covered under the NEC in conjunction with HVAC systems, gas piping or storage tank installations. A firm holding a HVAC license is responsible for meeting all applicable tradesman certification standards adopted by each locality.

"Plumbing contractors" (Abbr: PLB) means those individuals whose contracts include the installation, maintenance, extension, or alteration or removal of all piping, fixtures, appliances, and appurtenances in connection with any of the following:

boilers  
hot water baseboard heating systems  
hot water heaters  
hydronic heating systems  
public/private water supply systems within or adjacent to any building, structure or conveyance  
sanitary or storm drainage facilities  
venting systems

These contractors also install, maintain, extend or alter the following:

liquid waste systems  
sewerage systems  
storm water systems  
water supply systems

# Proposed Regulations

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*This classification does not provide for process piping, gas piping or the function of fire sprinkler contracting. A firm holding a plumbing license is responsible for meeting all applicable tradesman certification standards adopted by each locality.*

*"Specialty contractors" means those individuals whose contracts are for specialty services which do not generally fall within the scope of any other classification within these regulations.*

## § 1.3. Definitions of specialty services.

*The following words and terms, when used in these regulations, unless a different meaning is provided or is plainly required by the context, shall have the following meanings:*

*"Alarm/security systems contracting" (Abbr: ALS) means that service which provides for the installation, repair, improvement or removal of alarm systems or security systems annexed to real property. This classification covers only burglar and security alarm installations. A firm holding an ALS license/certificate is responsible for meeting all applicable tradesman certification standards adopted by each locality. The electrical classification also provides for this function.*

*"Asbestos contracting" (Abbr: ASB) means that service which provides for the installation, removal or encapsulation of asbestos containing materials annexed to real property. No other classification or specialty service provides for this function.*

*"Billboard/sign contracting" (Abbr: BSC) means that service which provides for the installation, repair, improvement or dismantling of any billboard or structural sign permanently annexed to real property. H/H is the only other classification that can perform this work. No trade related plumbing, electrical or HVAC work is included in this classification.*

*"Blast/explosive contracting" (Abbr: BEC) means that service which provides for the use of explosive charges for the repair, improvement, alteration or demolition of any real property or any structure annexed to real property.*

*"Commercial improvement contracting" (Abbr: CIC) means that service which provides for additions, repairs or improvements to nonresidential property and multifamily property as defined in Virginia Uniform Statewide Building Code. The BLD classification also covers this work. The CIC classification does not provide for the construction of new buildings, accessory buildings, electrical plumbing, HVAC or gas work.*

*"Electronic/communication service contracting" (Abbr: ESC) means that service which provides for the installation, repair, improvement or removal of electronic or communications systems annexed to real property*

*including telephone wiring, computer cabling, sound systems, data links, data and network installation, television and cable TV wiring, antenna wiring and fiber optics installation, all of which operate at 50 volts or less. A firm holding an ESC license/certificate is responsible for meeting all applicable tradesman certification standards adopted by each locality. The electrical classification also provides for this function.*

*"Elevator/escalator contracting" (Abbr: EEC) means that service which provides for the installation, repair, improvement or removal of elevators or escalators permanently annexed to real property. A firm holding an EEC license/certificate is responsible for meeting all applicable tradesman certification standards adopted by each locality. No other classification or specialty service provides for this function.*

*"Environmental monitoring well contracting" (Abbr: EMW) means that service which provides for the construction of a well to monitor hazardous substances in ground water.*

*"Equipment/machinery contracting" (Abbr: EMC) means that service which provides for the installation or removal of equipment or machinery such as conveyors or heavy machinery. It does not provide for any electrical, plumbing, process piping or HVAC functions.*

*"Farm improvement contracting" (Abbr: FIC) means that service which provides for the installation, repair or improvement of a nonresidential farm building or structure, or nonresidential farm accessory-use structure, or additions thereto. The BLD classification also provides for this function. The FIC specialty does not provide for any electrical, plumbing, HVAC or gas fitting functions.*

*"Fire alarm systems contracting" (Abbr: FAS) means that service which provides for the installation, repair or improvement of fire alarm systems which operate at 50 volts or less. The electrical classification also provides for this function. A firm with an FAS license/certificate is responsible for meeting all applicable tradesman certification standards adopted by each locality.*

*"Fire sprinkler contracting" (Abbr: SPR) means that service which provides for the installation, repair, improvement or removal of sprinkler systems using water as a means of fire suppression when annexed to real property. No other classification or specialty provides for this service. This specialty does not provide for the installation, repair or maintenance of other types of fire suppression systems.*

*"Fire suppression contracting" (Abbr: FSP) means that service which provides for the installation, repair, improvement or removal of fire suppression systems including but not limited to halon and other gas systems; dry chemical systems; and carbon dioxide systems annexed to real property. No other classification provides for this function. The FSP specialty does not provide for*

## Proposed Regulations

the installation, repair or maintenance of water sprinkler systems.

"Gas fitting contracting" (Abbr: GFC) means that service which provides for the installation, repair, improvement or removal of gas piping and appliances annexed to real property.

"Home improvement contracting" (Abbr: HIC) means that service which provides for repairs or improvements to one- and two-family residential buildings or structures annexed to real property. The BLD classification also provides for this function. The HIC specialty does not provide for electrical, plumbing, HVAC or gas fitting functions. It does not include high rise buildings, buildings with more than two dwelling units or new construction functions.

"Landscape irrigation contracting" (Abbr: ISC) means that service which provides for the installation, repair, improvement or removal of irrigation sprinkler systems or outdoor sprinkler systems. The PLB and H/H classifications also provide for this function. However, only the PLB classification provides for the installation of backflow devices.

"Landscape service contracting" (Abbr: LSC) means that service which provides for the alteration or improvement of a land area not related to any other classification or service activity by means of excavation, clearing, grading, construction of retaining walls for landscaping purposes or placement of landscaping timbers.

"Marine facility contracting" (Abbr: MCC) means that service which provides for the construction, repair, improvement or removal of any structure the purpose of which is to provide access to, impede or alter a body of surface water. The H/H classification also provides for this function. The MCC specialty does not provide for electrical, HVAC or plumbing functions.

"Miscellaneous contracting" (Abbr: MSC) means that service which may fall under another classification or specialty service but is more limited than the functions provided by the other classification.

"Modular/mobile building contracting" (Abbr: MBC) means that service which provides for the installation or removal of a modular or mobile building. This classification does not cover foundation work; it does allow a licensee/certificate holder to do internal tie ins of plumbing and electrical or HVAC equipment. It does not allow for installing additional plumbing, electrical or HVAC work such as installing the service meter, or installing the outside compressor for the HVAC system. The H/H and BLD classifications also provide for this function.

"Passive energy systems contracting" (Abbr: PES) means that service which provides for the installation, repair or improvement, from the customer's meter, of passive

energy generation systems or passive supplemental energy systems annexed to real property. No other classification or specialty service provides this function. This specialty does not provide for electrical, plumbing, gas fitting or HVAC functions.

"Radon mitigation contracting" (Abbr: RMC) means that service which provides for additions, repairs or improvements to buildings or structures, for the purpose of mitigating or preventing the effects of radon gas. This function can only be performed by a firm holding the BLD classification or CIC (for other than one- and two-family dwellings), FIC (for nonresidential farm buildings) or HIC (for one- and two-family dwellings) specialty services. No electrical, plumbing, gas fitting or HVAC functions are provided by this specialty.

"Recreational facility contracting" (Abbr: RFC) means that service which provides for the construction, repair or improvement of any recreational facility, excluding paving and the construction of buildings, plumbing, electrical and HVAC functions. The building classification also provides for this function.

"Refrigeration contracting" (Abbr: REF) means that service which provides for installation, repair or removal of any refrigeration equipment (excluding HVAC equipment). No electrical, plumbing, gas fitting or HVAC functions are provided by this specialty. This specialty is intended for those contractors who repair or install coolers, refrigerated casework, ice-making machines, cold room equipment and similar hermetic refrigeration equipment. This function is also provided by the HVAC classification.

"Septic systems contracting" (Abbr: SSC) means that service which provides for the installation, repair, improvement or removal of septic tanks and systems annexed to real property.

"Vessel construction contracting" (Abbr: VCC) means that service which provides for the construction, repair, improvement or removal of nonresidential vessels, tanks or piping that hold or convey fluids other than sanitary, storm, waste or potable water supplies. The H/H classification also provides for this service.

"Water well contracting" (Abbr: WWC) means that service which provides for the construction of a water well to reach groundwater as defined in § 62.1-255 of the Code of Virginia. No other classification or specialty service provides for this function.

Note: Specialty contractors engaging in construction which involves the following activities or items or similar activities or items may fall under the specialty service of commercial improvement, home improvement or farm improvement, or they may fall under the building classification.

Appliances

# Proposed Regulations

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<i>Awnings</i>	<i>Glass</i>
<i>Blinds</i>	<i>Glazing</i>
<i>Bricks</i>	<i>Grouting</i>
<i>Bulkheads</i>	<i>Grubbing</i>
<i>Cabinetry</i>	<i>Guttering</i>
<i>Carpentry</i>	<i>Insulation</i>
<i>Carpeting</i>	<i>Interior Decorating</i>
<i>Casework</i>	<i>Lubrication</i>
<i>Caulking</i>	<i>Marble</i>
<i>Ceilings</i>	<i>Masonry</i>
<i>Chimneys</i>	<i>Metal Work</i>
<i>Chutes</i>	<i>Millwrighting</i>
<i>Concrete</i>	<i>Mirrors</i>
<i>Conduit Rodding</i>	<i>Miscellaneous Iron</i>
<i>Curtains</i>	<i>Ornamental Iron</i>
<i>Curtain Walls</i>	<i>Painting</i>
<i>Decks</i>	<i>Partitions</i>
<i>Doors</i>	<i>Plastic Wall Coverings</i>
<i>Drapes</i>	<i>Protective Coatings</i>
<i>Drywall</i>	<i>Railings</i>
<i>Epoxy</i>	<i>Rigging</i>
<i>Exterior Decoration</i>	<i>Roofing</i>
<i>Facings</i>	<i>Rubber Linings</i>
<i>Fences</i>	<i>Sandblasting</i>
<i>Fiberglass</i>	<i>Scaffolding</i>
<i>Fireplaces</i>	<i>Screens</i>
<i>Fireproofing</i>	<i>Sheet Metal</i>
<i>Fixtures</i>	<i>Shingles</i>
<i>Floor Coverings</i>	<i>Shutters</i>
<i>Flooring</i>	<i>Siding</i>
<i>Floors</i>	<i>Skylights</i>

Special Coatings

Stone

Storage Bins & Lockers

Stucco

Temperature Controls

Terrazzo

Tile

Vaults

Vinyl Flooring

Wall Coverings

Wall Panels

Wall Tile

Waterproofing

Weatherstripping

Welding

Windows

Wood Floors

b. Radon mitigation, and

c. Water well drilling.

C. Each firm shall provide information for the past five years prior to application on any outstanding, past-due debts and judgments, outstanding tax obligations or defaults on bonds. The firm, its qualified individual or individuals and all members of the responsible management of the firm shall submit information on any past-due debts and judgments or defaults on bonds directly related to the practice of contracting as defined in § 54.1-1100 of the Code of Virginia.

D. The firm, the qualified individual and all members of the responsible management of the firm shall disclose at the time of application any current or previous contractor licenses held in Virginia or in other jurisdictions and any disciplinary actions taken on these licenses, including but not limited to any monetary penalties, fines, suspension, revocation or surrender of a license in connection with a disciplinary action in Virginia or any other jurisdiction within the five years immediately prior to applying for a Virginia contractor certificate.

E. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information about the firm, any member of the responsible management and the qualified individual or individuals for the firm:

1. A conviction in any jurisdiction of any felony.

2. A conviction in any jurisdiction of any misdemeanor within the three years immediately prior to application.

Any plea of *nolo contendere* shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as *prima facie* evidence of a conviction or finding of guilt. The board, in its discretion, may deny certification to any applicant in accordance with § 54.1-204 of the Code of Virginia.

## PART II. ENTRY.

### § 2.1. Requirements for a Class C certificate.

A. Every firm applying for a Class C certificate must meet the requirements of this section.

B. For every classification or specialty in which the firm seeks to be certified, the firm shall name a qualified individual who meets the following requirements:

1. Is at least 18 years old;
2. Has a minimum of two years experience in the classification or specialty for which he is the qualifier;
3. Is a full-time employee of the firm as defined in these regulations or is a member of the responsible management of the firm; and
4. Where appropriate, has passed the trade-related examination approved by the board and required for the specialties listed below:

a. Blast/explosive contracting.

### § 2.2. Requirements for a Class B license.

A. Every firm applying for a Class B license must meet the requirements of this section.

B. Every firm shall name a designated employee who meets the following requirements:

1. Is at least 18 years old.
2. Is a full-time employee of the firm as defined in these regulations, or is a member of responsible management as defined in these regulations.
3. Has passed the General Section and the Virginia Section of the licensing examination as required by §



# Proposed Regulations

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54.1-1108 of the Code of Virginia. An applicant who has passed in another jurisdiction a licensing exam found by the board to be substantially equivalent to the General Section of the Virginia exam, shall only be required to pass the Virginia Section of the board's licensing examination.

4. Has followed all rules established by the board or by the testing service acting on behalf of the board with regard to conduct at the examination. Such rules shall include any written instructions communicated prior to the examination date and any oral or written instructions given at the site on the date of the exam.

C. For every classification or specialty in which the firm seeks to be licensed, the firm shall name a qualified individual who meets the following requirements:

1. Is at least 18 years old;
2. Has a minimum of three years experience in the classification or specialty for which he is the qualifier;
3. Is a full-time employee of the firm as defined in these regulations or is a member of the responsible management of the firm;
4. Where appropriate, has passed the trade-related examination approved by the board and required for the classifications and specialties listed below:

- electrical
- gas fitting
- HVAC
- plumbing
- blast/explosive contracting
- radon mitigation
- water well drilling

D. Each firm shall submit information on its financial position. Excluding any property owned as tenants by the entirety, the firm shall state a net worth or equity of \$15,000 or more.

E. Each firm shall provide information for the five years prior to application on any outstanding, past-due debts and judgments, outstanding tax obligations or defaults on bonds. The firm, its designated employee, qualified individual or individuals and all members of the responsible management of the firm shall submit information on any past-due debts and judgments or defaults on bonds directly related to the practice of contracting as defined in § 54.1-1100 of the Code of Virginia.

F. The firm, the designated employee, the qualified individual and all members of the responsible management of the firm shall disclose at the time of application any current or previous contractor licenses held in Virginia or in other jurisdictions and any disciplinary actions taken on these licenses, including but not limited to any monetary penalties, fines, suspension, revocation or surrender of a license in connection with a disciplinary action. The board, in its discretion, may deny licensure to any applicant when any of the parties listed above have had a license suspended, revoked, or surrendered in connection with a disciplinary action in Virginia or any other jurisdiction within the five years immediately prior to applying for a Virginia contractor license.

G. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information about the firm, designated employee, any member of the responsible management and the qualified individual or individuals for the firm:

1. A conviction in any jurisdiction of any felony.
2. A conviction in any jurisdiction of any misdemeanor within the three years immediately prior to application.

Any plea of *nolo contendere* shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as *prima facie* evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

## § 2.3. Additional requirements for a Class A license.

A. Every firm applying for a Class A license shall meet all of the requirements outlined in subsections E, F, and G of § 2.2 as well as the additional qualifications of this section.

B. The designated employee shall meet the requirements of § 2.1 B and shall also pass the Advanced Section of the licensing examination as required by § 54.1-1106 of the Code of Virginia or have been exempted from the exam requirement in accordance with § 54.1-1108.1 of the Code of Virginia. An applicant who has passed in another jurisdiction a licensing examination found by the board to be substantially equivalent to the General and Advanced Sections of the Virginia exam, shall only be required to pass the Virginia Section of the board's licensing examination.

C. The qualified individual for every classification or specialty in which the firm seeks to be licensed shall meet the requirements of § 2.1 C and shall have a minimum of five years experience in the classification or specialty for which he is the qualifier.

D. Each firm shall submit information on its financial

# Proposed Regulations

position. Excluding any property owned as tenants by the entirety, the firm shall state a net worth or equity of \$45,000.

§ 2.4. Qualifications for licensure by reciprocity.

Firms originally licensed in a state with which the board has a reciprocal agreement may obtain a Virginia contractor's license in accordance with the terms of that agreement.

§ 2.5. Examinations.

All examinations required for licensure shall be approved by the board and provided by the board, a testing service acting on behalf of the board or another governmental agency or organization.

§ 2.6. Past due Recovery Fund assessments.

No license shall be issued to an applicant whose previous license or registration was suspended for nonpayment of a Virginia Contractor Transaction Recovery Fund assessment until all past-due assessments have been paid.

§ 2.7. Fees.

Each check or money order shall be made payable to the Treasurer of Virginia. All fees required by the board are nonrefundable. In the event that a check, money draft or similar instrument for payment of a fee required by statute or regulation is not honored by the bank or financial institution named, the applicant or regulant shall be required to remit fees sufficient to cover the original fee, plus the additional processing charge specified below.

Fee Type	When Due	Amount Due
Class C Initial Certificate	with certificate application	\$ 90
Class B Initial License	with license application	\$110
Class A Initial License	with license application	\$130
Declaration of Designated Employee	with license application	\$ 45
Class B Exam Fee	with exam application (\$20 per section)	\$ 40
Class A Exam Fee	with exam application (\$20 per section)	\$ 60
Water Well Exam	with exam application	\$ 40
Dishonored Check Fee	with replacement check	\$ 25

Note: A \$25 Recovery Fund assessment is also required with each initial license application. If the applicant does not meet all requirements and does not become licensed, this assessment will be refunded. The fees for examinations approved by the board but administered by another governmental agency or organization shall be

determined by that agency or organization.

PART III.  
RENEWAL.

§ 3.1. Renewal required.

Licenses/certificates issued under these regulations shall expire two years from the last day of the month in which they were issued, as indicated on the license/certificate.

§ 3.2. Procedures for renewal.

The Department of Professional and Occupational Regulation will mail a renewal application to the licensee/certificate holder at the last known address of record. Failure to receive this notice shall not relieve the licensee/certificate holder of the obligation to renew. If the licensee/certificate holder does not receive the renewal application, a copy of the license/certificate may be substituted with the required fee.

§ 3.3. Qualifications for renewal.

Applicants for renewal of a Class C certificate shall continue to meet all of the qualifications for certification set forth in § 2.1. Applicants for renewal of a Class B license shall continue to meet all of the qualifications for licensure set forth in § 2.2. Applicants for renewal of a Class A license shall continue to meet all of the qualifications for licensure set forth in § 2.3.

§ 3.4. Renewal fees.

Each check or money order should be made payable to the Treasurer of Virginia. All fees required by the board are nonrefundable.

In the event that a check, money draft or similar instrument for payment of a fee required by statute or regulation is not honored by the bank or financial institution named, the applicant or regulant shall be required to remit fees sufficient to cover the original fee, plus the additional processing charge specified below.

Fee Type	When Due	Amount Due
Class C Renewal	with renewal application	\$ 80
Class B Renewal	with renewal application	\$100
Class A Renewal	with renewal application	\$120
Dishonored Check Fee	with replacement check	\$ 25

The date on which the renewal fee is received by the department or its agent shall determine whether the licensee/certificate holder is eligible for renewal or must apply for reinstatement. If the renewal application and fee are not received within 30 days of the expiration date of the license, the licensee/certificate holder will be required to reinstate the license/certificate.

# Proposed Regulations

## § 3.5. Board discretion to deny renewal.

A. The board may deny renewal of a license/certificate for the same reasons as it may refuse initial licensure/certification or discipline a licensee/certificate holder. The licensee/certificate holder has a right to appeal any such action by the board under the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia).

B. Failure to timely pay any monetary penalty, reimbursement of cost, or other fee assessed by consent order or final order shall result in delaying or withholding services provided by the department such as, but not limited to, renewal, reinstatement, transfer of a license/certificate, processing a new application, or exam administration.

### PART IV. REINSTATEMENT.

#### § 4.1. Reinstatement required.

Should the Department of Professional and Occupational Regulation fail to receive a licensee's/certificate holder's renewal application or fees within 30 days of the license/certificate expiration date, the licensee/certificate holder shall be required to reinstate the license/certificate. Applicants for reinstatement shall meet the requirements of § 3.3.

#### § 4.2. Reinstatement fees.

Each check or money order should be made payable to the Treasurer of Virginia. All fees required by the board are nonrefundable. In the event that a check, money draft or similar instrument for payment of a fee required by statute or regulation is not honored by the bank or financial institution named, the applicant or regulant shall be required to remit fees sufficient to cover the original fee, plus the additional processing charge specified below.

Fee type	When Due	Amount Due
Class C Reinstatement	with reinstatement application	\$ 90*
Class B Reinstatement	with reinstatement application	\$110*
Class A Reinstatement	with reinstatement application	\$130*
Dishonored Check Fee	with replacement check	\$ 25

\* in addition to renewal fee listed in § 3.4 of these regulations.

The date on which the reinstatement fee is received by the department or its agent shall determine whether the licensee is eligible for reinstatement or must apply for a new license/certificate and meet the entry requirements in place at the time of that application. In order to ensure that licensees/certificate holders are qualified to practice as contractors, no reinstatement will be permitted once

six months from the expiration date of the license/certificate has passed.

#### § 4.3. Status of licensee/certificate holder during the period prior to reinstatement.

A. When a license/certificate is reinstated, the licensee/certificate shall continue to have the same license/certificate number and shall be assigned an expiration date two years from the previous expiration date of the license/certificate.

B. A contractor who reinstates his license/certificate shall be regarded as having been continuously licensed/certified without interruption. Therefore:

1. The contractor shall remain under the disciplinary authority of the board during this entire period and may be held accountable for his activities during this period.

2. A consumer who contracts with a contractor during the period between the expiration of the license/certificate and the reinstatement of the license/certificate shall not be prohibited from making a claim on the Virginia Contractor Transaction Recovery Fund.

A contractor who fails to reinstate his license shall be regarded as unlicensed/uncertified from the expiration date of the license/certificate forward.

Nothing in these regulations shall divest the board of its authority to discipline a contractor for a violation of the law or regulations during the period of time for which the contractor was licensed/certified.

#### § 4.4. Board discretion to deny reinstatement.

A. The board may deny reinstatement of a license/certificate for the same reasons as it may refuse initial licensure/certification or discipline a licensee/certificate holder. The licensee/certificate holder has a right to appeal any such action by the board under the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia).

B. Failure to timely pay any monetary penalty, reimbursement or cost or other fee assessed by consent order or final order shall result in delaying or withholding services provided by the department such as, but not limited to, renewal, reinstatement, transfer of a license, certificate, processing of a new application, or exam administration.

### PART V. STANDARDS OF PRACTICE AND CONDUCT.

#### Article 1. Revocation, Suspension and Fines.

*§ 5.1. Revocation or suspension; fines.*

The board may revoke or suspend a license/certificate or fine a licensee/certificate holder when a licensee/certificate holder has been found to have violated or cooperated with others in violating any provision of Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia, or any regulation of the board.

*Article 2.*

*Maintenance of License/Certificate.*

*§ 5.2. Transfer of license/certificate prohibited.*

Licenses/certificates are issued to firms as defined in these regulations. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, a new license is required. Such changes include but are not limited to:

1. Death of a sole proprietor.
2. Death or withdrawal of a general partner in a general partnership or the managing partner in a limited partnership.
3. Dissolution of a corporation, a limited liability company or an association.

*§ 5.3. Change of responsible management.*

Any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association shall be reported to the board in writing within 90 days of the change.

*§ 5.4. Change of designated employee.*

Any change of designated employee shall be reported on a form provided by the board within 45 days of the change. The new designated employee for a Class B licensee shall meet the requirements of § 2.2 B. The new designated employee for a Class A licensee shall meet the requirements of § 2.3 B.

*§ 5.5. Change of qualified individual.*

Any change of qualified individual shall be reported on a form provided by the board within 45 days of the change. The new qualified individual for a Class C certificate holder shall meet the requirements of § 2.1 B. The new qualified individual for a Class B licensee shall meet the requirements of § 2.2 C. The new qualified individual for a Class A licensee shall meet the requirements of § 2.3 C.

*§ 5.6. Change of name.*

A licensee/certificate holder must operate under the name in which the license/certificate is issued. Any name change shall be reported in writing to the board within 30

days of the change. The board shall not be responsible for the licensee's/certificate holder's failure to receive notices or correspondence due to the licensee's/certificate not having reported a change of name.

*§ 5.7. Change of address.*

Any change of address shall be reported in writing to the board within 30 days of the change. The board shall not be responsible for the licensee's/certificate holder's failure to receive notices or correspondence due to the licensee's/certificate holder's not having reported a change of address.

*§ 5.8. Deletion or addition of a classification or specialty.*

A. A licensee/certificate holder wishing to delete a classification or specialty from its license shall notify the board in writing. If a licensee has only one classification or specialty, deletion of that classification or specialty will result in termination of the license/certificate.

B. A licensee/certificate holder wishing to add a classification or specialty to its license/certificate shall complete a form provided by the board. A Class C certificate holder seeking an additional classification or specialty shall meet the requirements of § 2.1 B for the new classification or specialty. A Class B licensee seeking an additional classification or specialty shall meet the requirements of § 2.3 C for the new classification or specialty. A Class A licensee seeking an additional classification or specialty shall meet the requirements of § 2.3 C for the new classification or specialty.

*§ 5.9. Fees.*

Each check or money order should be made payable to the Treasurer of Virginia. All fees required by the board are nonrefundable. In the event that a check, money draft or similar instrument for payment of a fee required by statute or regulation is not honored by the bank or financial institution named, the applicant or regulant shall be required to remit fees sufficient to cover the original fee, plus the additional processing charge specified below.

Fee Type	When Due	Amount Due
Change of Designated Employee	with change form	\$45
Change of Qualified Individual	with change form	\$45
Addition of Classification or Specialty	with addition application	\$45
Certification of License/Certificate	with written request	\$25
Dishonored Check Fee	with replacement check	\$25

*§ 5.10. Filing of charges.*

All complaints against contractors may be filed with the

# Proposed Regulations

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Department of Professional and Occupational Regulation  
at any time during business hours, pursuant to §  
54.1-1114 of the Code of Virginia.

## § 5.11. Prohibited acts.

The following are prohibited acts:

1. Failure in any material way to comply with provisions of Chapter 1 or Chapter 11 of Title 54.1 of the Code of Virginia or the regulations of the board.

2. Furnishing substantially inaccurate or incomplete information to the board in obtaining, renewing, reinstating, or maintaining a license/certificate.

3. Where the responsible management, designated employee or qualified individual has failed to report to the board, in writing, the suspension or revocation of a contractor license by another state or his conviction in a court of competent jurisdiction of a building code violation.

4. Publishing or causing to be published any advertisement relating to contracting which contains an assertion, representation, or statement of fact that is false, deceptive, or misleading.

5. Gross negligence in the practice of contracting.

6. Misconduct in the practice of contracting.

7. A finding of improper or dishonest conduct in the practice of his profession by a court of competent jurisdiction.

8. Failure of all those who engage in residential contracting, excluding subcontractors to the contracting parties and those who engage in routine maintenance or service contracts, to make use of a legible written contract clearly specifying the terms and conditions of the work to be performed. For the purposes of these regulations, residential contracting means construction, removal, repair, or improvements to single-family or multiple-family residential buildings, including accessory-use structures. Prior to commencement of work or acceptance of payments, the contract shall be signed by both the consumer and the licensee/certificate holder or his agent. At a minimum the contract shall specify or disclose the following:

a. When work is to begin and the estimated completion date;

b. A statement of the total cost of the contract and the amounts and schedule for progress payments including a specific statement on the amount of the down payment;

c. A listing of specified materials and work to be

performed, which is specifically requested by the consumer;

d. A "plain-language" exculpatory clause concerning events beyond the control of the contractor and a statement explaining that delays caused by such events do not constitute abandonment and are not included in calculating time frames for payment or performance;

e. A statement of assurance that the contractor will comply with all local requirements for building permits, inspections, and zoning;

f. Disclosure of the cancellation rights of the parties;

g. For contracts resulting from a door-to-door solicitation, a signed acknowledgment by the consumer that he has been provided with and read the Department of Professional and Occupational Regulation statement of protection available to him through the Board for Contractors;

h. Contractor's name, address, license/certificate number, expiration date, class of license/certificate, and classifications or specialty services;

i. Statement providing that any modification to the contract, which changes the cost, materials, work to be performed, or estimated completion date, must be in writing and signed by all parties.

9. Failure to make prompt delivery to the consumer before commencement of work of a fully executed copy of the contract as described in subdivision 8 of this section for construction or contracting work.

10. Failure of the contractor to maintain for a period of three years from the date of contract a complete and legible copy of all documents relating to that contract, including, but not limited to, the contract and any addenda or change orders.

11. Refusing or failing, upon request or demand, to produce to the board, or any of its agents, any document, book, record or copy thereof in the licensee's/certificate holder's possession concerning a transaction covered by these regulations or for which the licensee/certificate holder is required to maintain records, or failing to respond to an investigator seeking information in the investigation of a complaint filed with the board against the contractor.

12. Abandonment, or the intentional and unjustified failure to complete work contracted for, or the retention or misapplication of funds paid, for which work is either not performed or performed only in part. (Unjustified cessation of work under the contract for a period of 30 days or more shall be considered evidence of abandonment.)

# Proposed Regulations

13. Making any misrepresentation or making a false promise of a character likely to influence, persuade, or induce.

14. Assisting an unlicensed/uncertified contractor to violate any provision of Chapter 1 or Chapter 11 of Title 54.1 of the Code of Virginia, or these regulations; or combining or conspiring with or acting as agent, partner, or associate for an unlicensed/uncertified contractor.

15. Allowing a firm's license/certificate to be used by an unlicensed/uncertified contractor.

16. Acting as or being an ostensible licensee/certificate holder for undisclosed persons who do or will control or direct, directly or indirectly, the operations of the licensee's/certificate holder's business.

17. Where the responsible management as defined in these regulations, designated employee or qualified individual have offered, given or promised anything of value or benefit to any federal, state, or local employee for the purpose of influencing that employee to circumvent, in the performance of his duties, any federal, state, or local law, regulation, or ordinance governing the construction industry.

18. Where the firm, responsible management as defined in these regulations, designated employee or qualified individual has been convicted or found guilty, after initial licensure/certification, regardless of adjudication, in any jurisdiction, of any felony or of any misdemeanor, there being no appeal pending therefrom or the time of appeal having elapsed. Any plea of guilty or nolo contendere shall be considered a conviction for the purposes of this subdivision. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt.

19. Having failed to inform the board in writing, within 30 days, that the firm, a member of responsible management as defined in these regulations, its designated employee, or its qualified individual has pleaded guilty or nolo contendere or was convicted and found guilty of any felony or of a Class 1 misdemeanor or any misdemeanor conviction for activities carried out while engaged in the practice of contracting.

20. Having been disciplined by any county, city, town, or any state or federal governing body, which action shall be reviewed by the board before it takes any disciplinary action of its own.

21. Failure to comply with the Virginia Uniform Statewide Building Code, as amended.

22. Failure of a contractor to notify Miss Utility prior to excavation, as required by the Underground Utility

Damage Prevention Act, Chapter 10.3 (§ 56-266.14 et seq.) of Title 56 of the Code of Virginia.

23. Practicing in a classification or specialty service for which the contractor is not licensed/certified.

24. After January 1, 1995, failure to include the contractor's license/certificate number and class on all business cards and flyers and in all classified and display advertisements in newspapers and in telephone directories and in written contracts.

## § 5.12. Accountability of licensee/certificate holder.

Whenever a licensee/certificate offers or performs any services in Virginia related to his profession, regardless of the necessity to hold a license/certificate to perform that service, he shall be subject to the provisions of these regulations.

\* \* \*

RBC-9.1(11-01-94)

## DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

### STATEMENT OF CONSUMER PROTECTIONS

THIS CONSUMER PROTECTION SHEET IS PROVIDED THROUGH THE BOARD FOR CONTRACTORS AND MAY BE REPRODUCED BUT NOT ALTERED

If you are about to engage the services of a contractor in the state of Virginia, you should be aware of the state's program for the regulation of this occupation by licensing or certifying these businesses.

Any contractor who undertakes a project the total value of which is \$70,000 or more is required to have a valid Class A license issued by the Board for Contractors. Any contractor who undertakes a project the total value of which is over \$7,500 but less than \$70,000 must have a valid Class B license. A licensed contractor has met standards established by the Board for Contractors to ensure that the licensee possesses the character, knowledge, and skills necessary to practice without harm to the public.

Any contractor who undertakes a project the total value of which is more than \$1,000 but no more than \$7,500 is required to have a valid Class C certificate. Class C certification requires that the contractor submit information to the Board for Contractors concerning the location, nature, and operation of the business, as well as evidence of experience and information on the applicant's credit history. Contractors who work in the plumbing, electrical or heating/ventilation/air-conditioning trades must have either a Class A or Class B license, according to project amount.

# Proposed Regulations

Before signing any contract, you should ask to see the license/certificate or the pocket card issued with the license/certificate and check to be sure that it has not expired and that the contractor is working within the limits of his licensure or certification.

The authority of the Board for Contractors to discipline these licensed or certified contractors is limited to specific violations of the law and/or regulations of the board, such as written citations from the local building inspectors for violations of the Virginia Uniform Statewide Building Code or practices which constitute abandonment, gross negligence, continued incompetence, or misconduct in the practice of the profession. In such cases disciplinary action by the board is limited to fines and/or revocation or suspension of the contractor's license or certification, and such action can only be taken after a hearing or with the consent of the licensee/certificate holder and his agreement to waive his right to a hearing.

The board does not have the authority to order a licensee/certificate holder to make restitution to you for losses you may have incurred due to the contractor's poor performance; efforts to recover such funds must be made through the civil courts. If you are planning to take such action against the contractor, you should contact the Board for Contractors at (804) 367-8561 in order to receive information about the Virginia Contractors Transaction Recovery Fund and the procedures for applying to recover from the fund if you are unable to collect after judgment is awarded in court.

Issues involving cosmetic defects in workmanship must be resolved by negotiation between you and your contractor or civil action to enforce the terms of your contract if necessary. You should be careful in reviewing the contract before signing it in order to be sure that the terms of the agreement are clear and acceptable to you. You should know that, customarily, the initial down payment is no more than 30% of the total value of the contract and that, if you are dissatisfied with the work performed by the sub-contractors, you may hold the general contractor responsible. Finally, remember that, in accordance with the Virginia Home Solicitation Sales Act (§ 59.1-21.1 et seq. of the Code of Virginia), you have a three-day right to cancel a contract which you have negotiated in your home. (For more precise information about the application of this law, see the Code of Virginia or seek legal advice.)

Should you have reason to believe that your contractor may not have complied with the rules and regulations of the Board for Contractors, you should notify the Department of Professional and Occupational Regulation by calling (804) 367-2025 or write to the following address:

Department of Professional and Occupational  
Regulation  
Enforcement Division  
3600 West Broad Street  
Richmond, Virginia 23230-4917

The aforementioned information is not intended to be an exhaustive list of the remedies available to you through your local government or other agencies. If you need additional assistance, call the Virginia Department of Agriculture and Consumer Services, Citizens Assistance number at (804) 786-2042, or write to the following address:

Department of Agriculture and Consumer Services  
Washington Building - Capitol Square  
1100 Bank Street, Room 101  
Richmond, Virginia 23219

VA.R. Doc. Nos. R94-1183 and R94-1184; Filed August 15, 1994, 12:07 p.m.

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

**REGISTRAR'S NOTICE:** Due to the length, only the amended pages of VR 460-02-2.2100:1, Coverage and Conditions of Eligibility, and VR 460-02-2.6100:1, Eligibility Conditions and Requirements, are being published; however, a summary is being published in lieu of full text. The full text of the regulations is available for public inspection at the Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219 or at the Office of the Registrar of Regulations, Virginia Code Commission, General Assembly Building, 910 Capitol Street, 2nd Floor, Richmond, Virginia 23219.

**Title of Regulations:** State Plan for Medical Assistance Relating to Expanded Coverage for Children Ages 6 to 19.

**VR 460-02-2.2100:1. Coverage and Conditions of Eligibility (Attachment 2.2-A).**

**VR 460-02-2.6100:1. Eligibility Conditions and Requirements (Attachment 2.6-A).**

**VR 460-03-2.6101:1. Income Eligibility Levels (Supplement 1 to Attachment 2.6-A).**

**VR 460-03-2.6108.1. More Liberal Income Disregards (Supplement 8a to Attachment 2.6-A).**

**VR 460-03-2.6108.2. More Liberal Methods of Treating Resources under § 1902(r)(2) of the Act (Supplement 8b to Attachment 2.6-A).**

**Statutory Authority:** § 32.1-325 of the Code of Virginia, through November 4, 1994.

(See Calendar of Events section  
for additional information)

**Basis and Authority:** Section 32.1-325 of the Code of Virginia grants to the Board of Medical Assistance Services (BMAS) the authority to administer and amend the Plan for Medical Assistance. The Code also provides in § 9-6.14:9.1 of the Administrative Process Act (APA) for this agency's promulgation of proposed regulations subject to the Governor's review.

The 1992 Appropriations Act, § 1-88 Item 313(M), directs

# Proposed Regulations

the Department of Medical Assistance Services (DMAS) to amend the State Plan to establish an income level equal to 100% of the official poverty guideline for certain qualified children (as defined in Title XIX of the Social Security Act, § 1902 (l)(2)(A) for qualified children described in § 1902 (a)(10)(A)(ii)(IX) who have attained age six but have not attained age 19).

Purpose: The purpose of this proposal is to make amendments to the Plan for Medical Assistance to conform existing policy with federal requirements regarding the placement of eligibility policy within the State Plan. This regulatory change will affect the health of the public by expanding Medicaid coverage to eligible children up to age 19. This change was mandated by the 1992 Appropriations Act.

Summary and Analysis: Title XIX of the Social Security Act requires states to use an income criteria equal to 100% of the federal poverty income guideline when determining the Medicaid eligibility of children born after September 30, 1983, who have attained age six but who have not attained age 19. Title XIX § 1905(n)(2) also permits states, at their option, to cover poor children born before September 30, 1983. The 1992 Appropriations Act directed that Medicaid coverage be expanded by setting the eligibility income level for children who have attained the age of six but have not attained the age of 19 to 100% of the federal poverty income level in fiscal year 1994. By covering children born after September 30, 1973, Medicaid coverage can be expanded to children up to age 19 at this level.

Using these authorities, DMAS previously promulgated regulations to expand Medicaid coverage to qualified children who are born after September 30, 1973, and who have attained the age of six but have not attained the age of 19. Although this change was required by the 1992 Appropriations Act, this change is considered by HCFA to be a more liberal treatment than what is federally mandated. More liberal treatment of standards must be defined through a specific means in the State Plan under the authority granted in § 1902(r)(2) of the Social Security Act. DMAS had previously defined its more liberal standards based on another section of the Act and placed the standards in another place in the State Plan. HCFA approved these State Plan amendments in 1992. However, when the 1993 amendments were submitted, HCFA advised that the placement in the State Plan was technically incorrect and advised state officials that the State Plan citations must be changed in order to comply with federal requirements. Pending its approval of Virginia's 1993 State Plan amendment, HCFA offered guidance as to how to properly define the more liberal treatment of standards for this group of children. The changes requested by HCFA require changing the location of the policies within the State Plan.

HCFA required the following changes in format. Section B 2 relating to children between ages six and 19 is deleted entirely from Supplement 1 to Attachment 2.6 A. Section A

7 b of Attachment 2.2 A is revised to specify the correct optional date of September 30, 1973. A statement is added to provide the appropriate reference to the proper location of the policy. Section B 15 of Attachment 2.2 A is deleted to remove an incorrectly placed statement of the policy. Section C of Attachment 2.6 A (pg. 6a) is revised to provide reference to the proper location of the policy. The policies are properly placed in the sections added to Supplement 8a and Supplement 8b to Attachment 2.6 A.

Issues: DMAS anticipates no issues will arise as a result of these proposed changes, because they are changes made to conform to General Assembly and HCFA requirements. There are no disadvantages or advantages to the regulated parties as a result of this change. There will be no advantages or disadvantages to the agency or to the Commonwealth as a result of this regulatory change.

Impact: These changes will not result in any changes in Medicaid coverage because the policies have been in effect since July 1, 1993, as mandated by the 1992 Appropriations Act. These amendments are technical changes only. There are no localities which are uniquely affected by these regulations as they apply statewide. This change will be transparent to the persons affected, because, though the methodology is changing, the end result remains the same. There will be no new costs associated with the implementation by the agency or for compliance by the public.

## Summary:

*The purpose of this proposal is to make amendments to the Plan for Medical Assistance to conform existing policy with federal requirements regarding the placement of eligibility policy within the State Plan.*

*The 1992 Appropriations Act, § 1-88 Item 313(M), directed the Department of Medical Assistance Services (DMAS) to amend the State Plan to establish an income level equal to 100% of the official poverty guideline for certain qualified children (as defined in Title XIX of the Social Security Act, § 1902 (l)(2)(A) for qualified children described in § 1902 (a)(10)(A)(ii)(IX) who have attained age six but have not attained age 19).*

*Title XIX of the Social Security Act requires states to use an income criteria equal to 100% of the federal poverty income guideline when determining the Medicaid eligibility of children born after September 30, 1983, who have attained age six but who have not attained age 19. Title XIX § 1905(n)(2) also permits states, at their option, to cover poor children born before September 30, 1983. The 1992 Appropriations Act directed that Medicaid coverage be expanded by setting the eligibility income level for children who have attained the age of six but have not attained the age of 19 to 100% of the federal poverty income level in fiscal year 1994. By covering children born after September 30, 1973, Medicaid*



# Proposed Regulations

coverage can be expanded to children up to age 19 at this level.

Using these authorities, DMAS previously promulgated regulations to expand Medicaid coverage to qualified children who are born after September 30, 1973, and who have attained the age of six but have not attained the age of 19. Although this change was required by the 1992 Appropriations Act, this change is considered by HCFA to be a more liberal treatment than what is federally mandated. More liberal treatment of standards must be defined through a specific means in the State Plan under the authority granted in § 1902(r)(2) of the Social Security Act. DMAS had previously defined its more liberal standards based on another section of the Act and placed the standards in another place in the State Plan. HCFA approved these State Plan amendments in 1992. However, when the 1993 amendments were submitted, HCFA advised that the placement in the State Plan was technically incorrect and advised state officials that the State Plan citations must be changed in order to comply with federal requirements. Pending its approval of Virginia's 1993 State Plan amendment, HCFA offered guidance as to how to properly define the more liberal treatment of standards for this group of children. The changes requested by HCFA require changing the location of the policies within the State Plan.

## VR 460-02-2.2100:1. Coverage and Conditions of Eligibility (Attachment 2.2-A).

Page 4

### A. Mandatory Coverage - Categorically Needy and Other Required Special Groups (Continued)

7. a. (2) Is a member of a family that would be eligible for aid to families with dependent children of unemployed parents if the state had an AFDC-unemployed parents program; or

(3) Would be eligible for an AFDC cash payment on the basis of the income and resource requirements of the state's approved AFDC plan.

Citation: 1902(a)(10)(A)(i)(III) and 1905(n) of the Act

(b) Children born after September 30, 1983, who are under age 19 and who would be eligible for an AFDC cash payment on the basis of the income and resource requirements of the state's approved AFDC plan.

Children born after *September 30, 1979 1973* (specify optional earlier date) who are under age 19 and who would be eligible for an AFDC cash payment on the basis of the income and resource requirements of the state's approved AFDC plan.

Supplement 8a and 8b to Attachment 2.6-A describe the more liberal methods of treating income and resources under § 1902(r)(2) of the Act.

Page 21

### B. Optional Groups Other Than the Medically Needy (Continued)

Citation: ~~1902(a)(10)(A)(ii)(IX)~~ and ~~1902(1)(1)(D)~~ of the Act ~~1905(n)(2)~~

15. The following individuals who are not mandatory categorically needy, who have income that does not exceed the income level (established at an amount up to 100 percent of the Federal poverty level) specified in Supplement 1 of Attachment 2.6-A for a family of the same size:

Children who are born after September 30, ~~[1979 1973]~~ and who have attained 6 years of age but have not attained age ~~13 19~~.

## VR 460-02-2.6100:1. Eligibility Conditions or Requirements (Attachment 2.6-A).

Page 6a

Supplement 2 to Attachment 2.6-A specifies the resource levels for mandatory and optional categorically needy poverty level related groups, and for medically needy groups.

Supplement 7 to Attachment 2.6-A specifies the income levels for categorically needy aged, blind, and disabled persons who are covered under requirements more restrictive than SSI.

Supplement 4 to Attachment 2.6-A specifies the methods for determining income eligibility used by States that have more restrictive methods than SSI, permitted under § 1902(f) of the Act.

Supplement 5 to Attachment 2.6-A specifies the methods for determining resource eligibility used by States that have more restrictive methods than SSI, permitted under § 1902(f) of the Act.

Supplement 8a to Attachment 2.6-A specifies the methods for determining income eligibility used by States that are more liberal than the methods of the cash assistance programs, permitted under § 1902(r)(2) of the Act.

Supplement 8b to Attachment 2.6-A specifies the methods for determining resource eligibility used by States that are more liberal than the methods of the cash assistance programs, permitted under § 1902(r)(2) of the Act.

## VR 460-03-2.6101:1. Income Eligibility Levels.

# Proposed Regulations

A. Mandatory categorically needy.

1. AFDC-related groups other than poverty level pregnant women and infants.

Family Size	Need Standard	Payment Standard	Maximum Payment Amounts
	See Table 1	See Table 2	

4	457	410
5	542	488
6	593	534
7	655	590
8	721	650
9	779	701
10	838	755
Each person above 10	61	56

### STANDARDS OF ASSISTANCE

#### GROUP I

Size of Assistance Unit	Table 1 (100%)	Table 2 (90%)
1	\$ 146	\$ 131
2	229	207
3	295	265
4	358	322
5	422	380
6	473	427
7	535	482
8	602	541
9	657	591
10	718	647
Each person above 10	61	56

MAXIMUM REIMBURSABLE PAYMENT \$403

#### GROUP II

Size of Assistance Unit	Table 1 (100%)	Table 2 (90%)
1	\$ 174	\$ 157
2	257	231
3	322	291
4	386	347
5	457	410
6	509	458
7	570	512
8	636	572
9	692	623
10	754	678
Each person above 10	61	56

MAXIMUM REIMBURSABLE PAYMENT \$435

#### GROUP III

Size of Assistance Unit	Table 1 (100%)	Table 2 (90%)
1	\$ 243	\$ 220
2	327	294
3	393	354

### MAXIMUM REIMBURSABLE PAYMENT \$518

2. Pregnant women and infants under 1902(a)(10)(i)(IV) of the Act:

Effective April 1, 1990, based on the following percentage of the official federal income poverty level

133%       .....% (no more than 185%)  
(specify)

Family Size	Income Level
1	\$ 9,789
2	\$13,087
3	\$16,386
4	\$19,684
5	\$22,982

3. Children under § 1902(a)(10)(i)(VI) of the Act (children who have attained age 1 but have not attained age 6), the income eligibility level is 133% of the federal poverty level (as revised annually in the Federal Register) for the size family involved.

4. For children under § 1902(a)(10)(i)(VII) of the Act (children who were born after September 30, 1983, and have attained age 6 but have not attained age 19), the income eligibility level is 100% of the federal poverty level (as revised annually in the Federal Register) for the size family involved.

B. Optional categorically needy groups with income related to federal poverty level.

1. Pregnant woman and infants. The levels for determining income eligibility for optional groups of pregnant women and infants under the provisions of §§ 1902(a)(1)(A)(ii)(IX) and 1902(l)(2) of the Act are as follows:

Based on.....% of the official federal income poverty level (no less than 133% and no more than 185%).

Family Size	Income Level
1	\$
2	\$
3	\$
4	\$
5	\$

# Proposed Regulations

2. Children between ages 6 and 19. The levels for determining income eligibility for groups of children who are born after September 30, 1973, and who have attained six years of age but are under 19 years of age under the provisions of §§ 1902(1)(2) and 1905(n)(2) of the Act are as follows:

Based on 100% (no more than 100%) of the official federal income poverty line:

Family Size	Income Level
1	\$ 7,360
2	9,840
3	12,320
4	14,800
5	17,280
6	19,760
7	22,240
8	24,720
9	27,200
10	29,680

3. 2. Children between ages 6 and 8. The levels for determining income eligibility for groups of children who are born after September 30, 1983, and who have attained 6 years of age but are under 8 years of age under the provisions of § 1902(1)(2) of the Act are as follows:

Based on...% (no more than 100%) of the official federal income poverty line.

Family Size	Income Level
1	\$
2	\$
3	\$
4	\$
5	\$
6	\$
7	\$
8	\$
9	\$
10	\$
N/A - Erroneous Group	

4. 3. Aged and disabled individuals. The levels for determining income eligibility for groups of aged and disabled individuals under the provisions of § 1902(m)(4) of the Act are as follows:

Based on.....% on the official federal income poverty line.

Family Size	Income Level
1	\$
2	\$
3	\$
4	\$

5 \$

If an individual receives a Title II benefit, any amount attributable to the most recent increase in the monthly insurance benefit as a result of a Title II COLA is not counted as income during a "transition period" beginning with January, when the Title II benefit for December is received, and ending with the last day of the month following the month of publication of the revised annual federal poverty level.

For individuals with Title II income, the revised poverty levels are not effective until the first day of the month following the end of the transition period.

For individuals not receiving Title II income, the revised poverty levels are effective no later than the beginning of the month following the date of publication.

C. Qualified Medicare beneficiaries with incomes related to federal poverty level.

The levels for determining income eligibility for groups of qualified Medicare beneficiaries under the provisions of § 1905(p)(2)(A) of the Act are as follows:

1. Non-§ 1902(f) states:

a. Based on the following percentage of the official federal income poverty level:

- Effective Jan. 1, 1989:  85%  .....%  
(no more than 100)
- Effective Jan. 1, 1990:  90%  .....%  
(no more than 100)
- Effective Jan. 1, 1991: 100%
- Effective Jan. 1, 1992: 100%

b. Levels:

Family Size	Income Level
1	\$
2	\$

2. § 1902(f) states which as of January 1, 1987, used income standards more restrictive than SSI. (VA did not apply a more restrictive income standard as of January 1, 1987.)

a. Based on the following percentage of the official federal income poverty level:

- Effective Jan. 1, 1989:  85%  .....%  
(no more than 100)
- Effective Jan. 1, 1990:  85%  90%  
(no more than 100)
- Effective Jan. 1, 1991:  95%  100%  
(no more than 100)
- Effective Jan. 1, 1992: 100%

# Proposed Regulations

b. Levels:

Family Size	Income Level
1	\$ 7,360
2	\$ 9,840

D. Income levels - medically needy.

1.  Applicable to all groups

Applicable to all groups except those specified below. Excepted group income levels are also listed on an attached page 3.

(1) Family Size	(2) Net income level protected for maintenance for 12 months	(3) Amount by which Column 2 exceeds limits specified in 42 CFR 435.1007 <sup>1</sup>	(4) Net income level for persons living in rural areas for.... months	(5) Amount by which Column 4 exceeds limits specified in 42 CFR 435.1007 <sup>1</sup>
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urban only

urban and rural See subdivision 2 of this subsection for required income levels.

1	\$	\$	\$	\$
2	\$	\$	\$	\$
3	\$	\$	\$	\$
4	\$	\$	\$	\$
5	\$	\$	\$	\$
6	\$	\$	\$	\$
7	\$	\$	\$	\$
8	\$	\$	\$	\$
9	\$	\$	\$	\$
10	\$	\$	\$	\$
For each additional person, add:				
	\$	\$	\$	\$

<sup>1</sup> The agency has methods for excluding from its claim for FFP payments made on behalf of individuals whose income exceeds these limits.

2.  Applicable to all groups

Applicable to:

(1) Family Size	(2) Net income level protected for maintenance	(5) Amount by which column 2 exceeds limits specified in 42 CFR 435.1007
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urban only

urban and rural

	Group I	Group II	Group III	
1	\$2,600	\$3,000	\$3,900	\$0
2	\$3,400	\$3,700	\$4,800	\$0
3	\$3,900	\$4,300	\$5,300	\$0
4	\$4,400	\$4,800	\$5,800	\$0

5	\$4,900	\$5,300	\$6,300	\$0
6	\$5,400	\$5,800	\$6,800	\$0
7	\$5,900	\$6,300	\$7,300	\$0
8	\$6,500	\$6,900	\$7,800	\$0
9	\$7,100	\$7,500	\$8,500	\$0
10	\$7,800	\$8,200	\$9,100	\$0
For each additional person, add:				
	\$ 600	\$ 600	\$ 600	\$0

\*NOTE: As authorized in § 4718 of OBRA '90.

## Grouping of Localities

### GROUP I

#### Counties

Accomack	King George
Alleghany	King and Queen
Amelia	King William
Amherst	Lancaster
Appomattox	Lee
Bath	Louisa
Bedford	Lunenburg
Bland	Madison
Botetourt	Mathews
Brunswick	Mecklenburg
Buchanan	Middlesex
Buckingham	Nelson
Campbell	New Kent
Caroline	Northampton
Carroll	Northumberland
Charles City	Nottoway
Charlotte	Orange
Clarke	Page
Craig	Patrick
Culpeper	Pittsylvania
Cumberland	Powhatan
Dickenson	Prince Edward
Dinwiddie	Prince George
Essex	Pulaski
Fauquier	Rappahannock
Floyd	Richmond
Fluvanna	Rockbridge
Franklin	Russell
Frederick	Scott
Giles	Shenandoah
Gloucester	Smyth
Goochland	Southampton
Grayson	Spotsylvania
Greene	Stafford
Greensville	Surry
Halifax	Sussex
Hanover	Tazewell
Henry	Washington
Highland	Westmoreland
Isle of Wight	Wise
James City	Wythe
	York

#### Cities

# Proposed Regulations

Bristol	Franklin
Buena Vista	Galax
Clifton Forge	Norton
Danville	Poquoson
Emporia	Suffolk

**GROUP II**

**Counties**

Albemarle	Loudoun
Augusta	Roanoke
Chesterfield	Rockingham
Henrico	Warren

**Cities**

Chesapeake	Portsmouth
Covington	Radford
Harrisonburg	Richmond
Hopewell	Roanoke
Lexington	Salem
Lynchburg	Staunton
Martinsville	Virginia Beach
Newport News	Williamsburg
Norfolk	Winchestereach
Petersburg	

**GROUP III**

**Counties**

Arlington	Montgomery
Fairfax	Prince William

**Cities**

Alexandria	Fredericksburg
Charlottesville	Hampton
Colonial Heights	Manassas
Fairfax	Manassas Park
Falls Church	Waynesboro

E. Income eligibility levels—mandatory group of specified low-income Medicare beneficiaries with incomes up to federal poverty line.

The levels for determining income eligibility for groups of qualified Medicare beneficiaries under the provisions of § 1905(a)(10)(E) of the Act are as follows:

Based on 110%, and updated annually, of the official federal nonfarm income poverty line:

Size of Family Unit	Poverty Guideline
1	\$ 8,096
2	\$10,824

F. Income eligibility levels—mandatory group of qualified disabled and working individuals with incomes up to

federal poverty line.

The levels for determining income eligibility for groups of qualified disabled and working individuals under the provisions of § 1905(s) of the Act are as follows:

Based on 200%, and updated annually, of the official federal nonfarm income poverty level:

Size of Family Unit	Poverty Guideline
1	\$14,720
2	\$19,680

**VR 460-03-2.6108.1. More Liberal Income Disregards (Supplement 8a to Attachment 2.6-A).**

*For children covered under § 1902(a)(10)(A)(i)(III) and 1905(n) of the Social Security Act, the Commonwealth of Virginia will disregard one dollar plus an amount equal to the difference between 100% of the AFDC payment standard for the same family size and 100% of the Federal Poverty Level for the same family size as updated annually in the Federal Register.*

**VR 460-03-2.6108.2. More Liberal Methods of Treating Resources under § 1902(r)(2) of the Act.**

§ 1902(f) State  Non-§ 1902(f) State

§ 1. Resources to meet burial expenses.

Resources set aside to meet the burial expenses of an applicant/recipient or that individual's spouse are excluded from countable assets. In determining eligibility for benefits for medically needy individuals, disregarded from countable resources is an amount not in excess of \$2,500 for the individual and an amount not in excess of \$2,500 for his spouse when such resources have been set aside to meet the burial expenses of the individual or his spouse. The amount disregarded shall be reduced by:

1. The face value of life insurance on the life of an individual owned by the individual or his spouse if the cash surrender value of such policies has been excluded from countable resources; and
2. The amount of any other revocable or irrevocable trust, contract, or other arrangement specifically designated for the purpose of meeting the individual's or his spouse's burial expenses.

§ 2. Life rights.

Life rights to real property are not counted as a resource.

§ 3. Reasonable effort to sell.

A. For purposes of this section "current market value" is defined as the current tax assessed value. If the

property is listed by a realtor, then the realtor may list it at an amount higher than the tax assessed value. In no event, however, shall the realtor's list price exceed 150% of the assessed value.

B. A reasonable effort to sell is considered to have been made:

1. As of the date the property becomes subject to a realtor's listing agreement if:

a. It is listed at a price at current market value, and

b. The listing realtor verifies that it is unlikely to sell within 90 days of listing given the particular circumstances involved (e.g., owner's fractional interest; zoning restrictions; poor topography; absence of road frontage or access; absence of improvements; clouds on title, right of way or easement; local market conditions);

2. When at least two realtors refuse to list the property. The reason for refusal must be that the property is unsaleable at current market value. Other reasons for refusal are not sufficient; or

3. When the applicant has personally advertised his property at or below current market value for 90 days by use of a "Sale By Owner" sign located on the property and by other reasonable efforts such as newspaper advertisements, or reasonable inquiries with all adjoining landowners or other potential interested purchasers.

C. Notwithstanding the fact that the recipient made a reasonable effort to sell the property and failed to sell it, and although the recipient has become eligible, the recipient must make a continuing reasonable effort to sell by:

1. Repeatedly renewing any initial listing agreement until the property is sold. If the list price was initially higher than the tax-assessed value, the listed sales price must be reduced after 12 months to no more than 100% of the tax-assessed value.

2. In the case where at least two realtors have refused to list the property, the recipient must personally try to sell the property by efforts described in subdivision B 3 of this section, for 12 months.

3. In the case of recipient who has personally advertised his property for a year without success (the newspaper advertisements, "for sale" sign, do not have to be continuous; these efforts must be done for at least 90 days within a 12 month period), the recipient must then

a. Subject his property to a realtor's listing agreement at price or below current market value;

or

b. Meet the requirements of subdivision B 2 of this section which are that the recipient must try to list the property and at least two realtors refuse to list it because it is unsaleable at current market value; other reasons for refusal to list are not sufficient.

D. If the recipient has made a continuing effort to sell the property for 12 months, then the recipient may sell the property between 75% and 100% of its tax assessed value and such sale shall not result in disqualification under the transfer of property rules. If the recipient requests to sell his property at less than 75% of assessed value, he must submit documentation from the listing realtor, or knowledgeable source if the property is not listed with a realtor, that the requested sale price is the best price the recipient can expect to receive for the property at this time. Sale at such a documented price shall not result in disqualification under the transfer of property rules. The proceeds of the sale will be counted as a resource in determining continuing eligibility.

E. Once the applicant has demonstrated that his property is unsaleable by following the procedures in subsection B of this section the property is disregarded in determining eligibility starting the first day of the month in which the most recent application was filed, or up to three months prior to this month of application if retroactive coverage is requested and the applicant met all other eligibility requirements in the period. A recipient must continue his reasonable efforts to sell the property as required in Section C above.

## § 4. Automobiles.

Ownership of one motor vehicle does not affect eligibility. If more than one vehicle is owned, the individual's equity in the least valuable vehicle or vehicles must be counted. The value of the vehicles is the wholesale value listed in the National Automobile Dealers Official Used Car Guide (NADA) Book, Eastern Edition. In the event the vehicle is not listed, the value assessed by the locality for tax purposes may be used. The value of the additional motor vehicles is to be counted in relation to the amount of assets that could be liquidated that may be retained.

## § 5. Life, retirement, and other related types of insurance policies.

Life, retirement, and other related types of insurance policies with face values totaling \$1,500 or less on any one person 21 years old and over are not considered resources. When the face values of such policies of any one person exceeds \$1,500, the cash surrender value of the policies is counted as a resource.

## § 6. Resource exemption for Aid to Dependent Children

# Proposed Regulations

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categorically and medically needy (the Act §§ 1902(a)(10)(A)(i)(III), (IV), (VI), (VII); §§ 1902(a)(10)(A)(ii)(VIII), (IX); § 1902(a)(10)(C)(i)(III).

For ADC-related cases, both categorically and medically needy, any individual or family applying for or receiving assistance may have or establish one interest-bearing savings account per assistance unit not to exceed \$5,000 at a financial institution if the applicant, applicants, recipient or recipients designate that the account is reserved for one of the following purposes: (i) paying for tuition, books, and incidental expenses at any elementary, secondary or vocational school or any college or university; (ii) making down payment on a primary residence; or (iii) business incubation. Any funds deposited in the account, and any interest earned thereon, shall be exempt when determining eligibility for medical assistance for so long as the funds and interest remain on deposit in the account. Any amounts withdrawn and used for any of the purposes stated in this section shall be exempt. For purposes of this section, "business incubation" shall mean the initial establishment of a commercial operation which is owned by a member of the Medicaid assistance unit. The net worth of any business owned by a member of the assistance unit shall be exempt from consideration so long as the net worth of the business is less than \$5,000.

## § 7. *Disregard of resources.*

*The Commonwealth of Virginia will disregard all resources for qualified children covered under §§ 1902(a)(10)(A)(i)(III) and 1905(n) of the Social Security Act.*

V.A.R. Doc. No. R94-1174; Filed August 9, 1994, 3:17 p.m.

# FINAL REGULATIONS

For information concerning Final Regulations, see information page.

## Symbol Key

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

## DEPARTMENT OF LABOR AND INDUSTRY

### Safety and Health Codes Board

**REGISTRAR'S NOTICE:** The following regulation is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4 (c) of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation. The Safety and Health Codes Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Title of Regulation:** VR 425-02-76. Electrical Standard, General Industry (1910.301 through 1910.399).

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

**Effective Date:** October 17, 1994.

#### Summary:

The provisions of Subpart S, the Electrical Standard, General Industry (Safety-Related Work Practices) (§§ 1910.331 through 1910.335), were directly affected by the new final rule on Electrical Power Generation, Transmission and Distribution, § 1910.269. Because the standards are related, federal OSHA decided to revise two of the existing notes to requirements in Subpart S and to add one additional note. This will clarify the relationship between the standards. Only informational notes were amended; the requirements of Subpart S were not affected by these changes.

The new Note 2, which was added to follow § 1910.331(c)(1), describes the types of installations covered by the electrical safety-related work practices standard. The former Note 2 was revised and redesignated as Note 3.

The first sentence of the informational note following the introductory text in § 1910.333(c)(3) was revised to explain that work practices used by qualified persons installing insulating devices on overhead power transmission or distribution lines is covered by § 1910.269, not by §§ 1910.332 through 1910.335.

#### Note on Incorporation By Reference

Pursuant to § 9-6.18 of the Code of Virginia, the Electrical Standard, General Industry (1910.301 through 1910.399) is declared a document generally available to the public and

appropriate for incorporation by reference. For this reason the entire document will not be printed in The Virginia Register of Regulations. Copies of the document are available for inspection at the Department of Labor and Industry, 13 South 13th Street, Richmond, Virginia, and in the Office of the Registrar of Regulations, General Assembly Building, Capitol Square, Room 202, Richmond, Virginia.

On July 19, 1994, the Safety and Health Codes Board adopted an identical version of two federal OSHA amendments to the Electrical Standard, General Industry (Safety-Related Work Practices) entitled, "Scope," 29 CFR 1910.331, and "Selection and use of work practices," 29 CFR 1910.333, as published in the Federal Register, Vol. 59, No. 20, p. 4476, Monday, January 31, 1994. The amendments as adopted are set out below.

When the regulations, as set forth in the Electrical Standard, General Industry, §§ 1910.301 through 1910.399, are applied to the Commissioner of the Department of Labor and Industry or to Virginia employers, the following terms shall be considered to read as shown below:

Federal Terms	VOSH Equivalent
29 CFR 1910.331	1910.331
29 CFR 1910.333	1910.333
Assistant Secretary Agency May 31, 1994	Commissioner of Labor and Industry Department October 17, 1994

#### § 1910.331. Scope.

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

Note 2: For work on or directly associated with utilization installations, an employer who complies with the work practices of § 1910.269 (electric power generation, transmission, and distribution) will be deemed to be in compliance with § 1910.333(c) and § 1910.335. However, the requirements of § 1910.332, § 1910.333(a), § 1910.333(b), and § 1910.334 apply to all work on or directly associated with utilization installations, regardless of whether the work is performed by qualified or unqualified persons.

Note 3: Work on or directly associated with generation, transmission, or distribution installations includes:

(1) Work performed directly on such installations such as repairing overhead or underground distribution lines or repairing a feed-water pump for the boiler in a generating



# Final Regulations

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plant.

(2) Work directly associated with such installations such as line-clearance tree trimming and replacing utility poles.

(3) Work on electric utilization circuits in a generating plant provided that:

(A) Such circuits are commingled with installations of power generation equipment or circuits, and

(B) The generation equipment or circuits present greater electrical hazards than those posed by the utilization equipment or circuits (such as exposure to higher voltages or lack of overcurrent protection).

This work is covered by § 1910.269 of this Part.

\* \* \* \* \*

## § 1910.333. Selection and use of work practices.

\* \* \* \* \*

(c) \* \* \*

(3) \* \* \*

Note: The work practices used by qualified persons installing insulating devices on overhead power transmission or distribution lines are covered by § 1910.269 of this Part, not by §§ 1910.332 through 1910.335 of this Part. \* \* \*

\* \* \* \* \*

V.A.R. Doc. No. R94-1175; Filed August 8, 1994, 2:54 p.m.



COMMONWEALTH of VIRGINIA

JOAN W. SMITH  
REGISTRAR OF REGULATIONS

VIRGINIA CODE COMMISSION  
General Assembly Building

910 CAPITOL STREET  
RICHMOND, VIRGINIA 23219  
(804) 786-3591

August 15, 1994

Mr. Charles B. Ashby, Chairman  
Virginia Safety and Health Codes Board  
C/o The Department of Labor and Industry  
13 South Thirteenth Street  
Richmond, Virginia 23219

RE: VR 425-02-76 - Electrical Standard, General Industry  
1910.301 - 1910.399

ATTENTION: Mr. John J. Crisanti, Director  
Office of Enforcement Policy

Dear Mr. Ashby:

This will acknowledge receipt of the above-referenced regulations from the Department of Labor and Industry.

As required by § 9-6.14:4.1 C.4.(c) of the Code of Virginia, I have determined that these regulations are exempt from the operation of Article 2 of the Administrative Process Act, since they do not differ materially from those required by federal law.

Sincerely,

A handwritten signature in cursive script that reads "Joan W. Smith".

Joan W. Smith  
Registrar of Regulations

JWS:jbc

# Final Regulations

## DEPARTMENT OF TRANSPORTATION

**REGISTRAR'S NOTICE:** The following regulations were filed by description with the Registrar of Regulations in accordance with § 2.3 of the Virginia Code Commission Regulations Implementing the Virginia Register Act. Section 2.3 of the Virginia Code Commission Regulations allows the Registrar to authorize the filing of a regulatory document by description in lieu of filing the entire text pursuant to criteria identified in that section.

**Title of Regulation:** VR 385-01-14. Rules and Regulations Governing the Prequalification and Classification of Prospective Bidders.

**Administrative Process Act Exemption:** § 9-6.14:4.1 B 2 of the Code of Virginia.

**Virginia Code Commission Exemption from Filing in Full:** § 2.3 2 f

**Effective Date:** August 10, 1994.

**Description:**

*This regulation establishes the policies, criteria, and procedures the Commonwealth Transportation Board, the department, and contractors must follow in the prequalification process to be authorized to bid on construction and maintenance projects.*

*The regulation was filed with the Registrar of Regulations as part of VR 385-01-18 (now deleted from the department's entry under the Administrative Law Appendix), but was refiled in August, 1993, to comply with the requirements of SB 639. However, the department wishes to request that this regulation be filed by description, since it meets the filing and exemption criteria set forth in the Administrative Process Act and the Virginia Code Commission's regulations. It is available to businesses and citizens for public review.*

**Document available for inspection at the following location:**

Virginia Department of Transportation  
Construction Division  
1401 E. Broad Street, Annex Building, 12th Floor  
Richmond, VA 23219

V.A.R. Doc. No. R94-1186; Filed August 10, 1994, 2:15 p.m.

\* \* \* \* \*

**Title of Regulation:** VR 385-01-15. Rules and Regulations Governing the Prequalification and Classification of Prospective Bidders for Minimum Prequalification.

**Administrative Process Act Exemption:** § 9-6.14:4.1 B 2 of the Code of Virginia.

**Virginia Code Commission Exemption from Filing in Full:** § 2.3 2 f

**Effective Date:** August 10, 1994.

**Description:**

*This regulation establishes the policies, criteria, procedures, and forms the Commonwealth Transportation Board, the department, and contractors must follow in the prequalification process to be authorized to bid on construction and maintenance projects which are built under the minimum or no-plan category.*

*The regulation was filed with the Registrar of Regulations as part of VR 385-01-18 (now deleted from the department's entry under the Administrative Law Appendix), but was refiled in August, 1993, to comply with the requirements of SB 639. However, the department wishes to request that this regulation be filed by description, since it meets the filing and exemption criteria set forth in the Administrative Process Act and the Code Commission's regulations. It is available to businesses and citizens for public review.*

**Document available for inspection at the following location:**

Virginia Department of Transportation  
Construction Division  
1401 E. Broad St., Annex Building, 12th Floor  
Richmond, VA 23219

V.A.R. Doc. R94-1187; Filed August 10, 1994, 2:15 p.m.

\* \* \* \* \*

**Title of Regulation:** VR 385-01-25. Virginia Alternative Fuels Revolving Fund Regulations.

**Administrative Process Act Exemption:** 9-6.14:4.1 B 4 of the Code of Virginia.

**Virginia Code Commission Exemption from Filing in Full:** § 2.3 2 e and i

**Effective Date:** August 10, 1994.

**Description:**

*The legislative intent of the Virginia Alternative Fuels Revolving Fund is to encourage the use of alternative fuels. Alternative fuel means a motor fuel used as an alternative to gasoline and diesel fuel. Alcohol/gasoline blended fuels which contain less than 85% ethanol or methanol shall not be considered alternative fuels. The purposes of this program are to (i) improve air quality in the Commonwealth; (ii) reduce dependence on imported fuels; (iii) reduce operating and maintenance costs of publicly-owned vehicles; and (iv)*

improve the Commonwealth's economy.

Document available for inspection at the following location:

Virginia Department of Transportation  
Financial Planning and Debt Management Division  
1401 E. Broad St., Annex Building, Room 410  
Richmond, VA 23219

VA.R. Doc. No. R94-1188; Filed August 10, 1994, 2:15 p.m.

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**Title of Regulation: VR 385-01-26. Rules and Regulations Governing the Registration of Subcontractors.**

Administrative Process Act Exemption: § 9-6.14:4.1 B 2 of the Code of Virginia.

Virginia Code Commission Exemption from Filing in Full: § 2.3 2 f

Effective Date: August 10, 1994.

Description:

*These regulations establish the rules, criteria, and procedures for contractors to follow to be authorized to bid on construction or maintenance contracts as a subcontractor, and are intended to ensure that the broadest possible participation occurs in the competitive bidding process.*

Document available for inspection at the following location:

Virginia Department of Transportation  
Equal Opportunity Division  
1401 E. Broad St., Annex Building, 14th Floor  
Richmond, VA 23219

VA.R. Doc. No. R94-1189; Filed August 10, 1994, 2:15 p.m.

\* \* \* \* \*

**Title of Regulation: VR 385-01-27. Certification Procedures for the Disadvantaged and Women-Owned Business Program.**

Administrative Process Act Exemption: 9-6.14:4.1 B 2 of the Code of Virginia.

Virginia Code Commission Exemption from Filing in Full: § 2.3 2 f

Effective Date: August 10, 1994.

Description:

*These regulations establish the rules, criteria, and procedures to be followed to determine if the firm (i) meets federal guidelines to be considered a small business; (ii) can be considered owned by a*

*disadvantaged person or persons (minorities or women, or both); (iii) has an owner that can be considered to be in control of critical, day-to-day operations; and (iv) has the necessary expertise and resources to perform the work.*

Document available for inspection at the following location:

Virginia Department of Transportation  
Equal Opportunity Division  
1401 E. Broad St., Annex Building, 14th Floor  
Richmond, VA 23219

VA.R. Doc. No. R94-1190; Filed August 10, 1994, 2:15 p.m.

\* \* \* \* \*

**Title of Regulation: VR 385-01-28. Location and Design Division's Procedures Manual for Procurement of Professional Services.**

Administrative Process Act Exemption: § 9-6.14:4.1 B 2 of the Code of Virginia.

Virginia Code Commission Exemption from Filing in Full: § 2.3 2 f

Effective Date: August 10, 1994.

Description:

*This manual has been prepared to promote uniformity in the method of procuring professional services by the Virginia Department of Transportation as set forth in the Departmental Policy Memorandum 6-1, 6-3 and the Virginia Public Procurement Act. The Virginia Public Procurement Act defines a professional service as "...work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, land surveying, landscape architecture, law, medicine, optometry, pharmacy, or professional engineering."*

*This manual is intended to serve as an informational and procedural guide and shall be used in conjunction with the Code of Virginia (Highway Laws of Virginia) and The Departmental Policy Memorandum 6-1 and 6-3, and applicable department/divisional regulations. The figures, tables and charts included within this manual are intended as the basic framework and examples of documents necessary to conform with the appropriate policies, and each division may require different or additional letters and/or charts.*

Document available for inspection at the following location:

Virginia Department of Transportation  
Location and Design Division  
1401 E. Broad St., Annex Building, Room 704  
Richmond, VA 23219

VA.R. Doc. No. R94-1191; Filed August 10, 1994, 2:15 p.m.

# Final Regulations

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Title of Regulation: **VR 385-01-34. Debarment of Bidders.**

Administrative Process Act Exemption: § 9-6.14:4.1 B 2 of the Code of Virginia.

Virginia Code Commission Exemption from Filing in Full: § 2.3 2 f

Effective Date: August 10, 1994.

Description:

*This department policy memorandum is the same policy filed as VR 385-01-67. The only difference is that VR 385-01-34 is in the Information Mapping format and VR 385-01-67 is in normal text format. VR 385-01-67 was part of the regulatory package filed with the Registrar of Regulations as VR 385-01-18, which was deleted from the Administrative Law Index in 1994; all regulations in that package were given individual VR numbers.*

*VR 385-01-34 contains the policies, criteria, and procedures to be followed by the Commonwealth Transportation Board to debar a contractor from bidding on future state contracts.*

Document available for inspection at the following location:

Virginia Department of Transportation  
Management Services Division  
1401 E. Broad St., Annex Building, Room 712  
Richmond, VA 23219

VA.R. Doc. No. R94-1192; Filed August 10, 1994, 2:15 p.m.

\* \* \* \* \*

Title of Regulation: **VR VR 385-01-53. Industrial Access Program Guide.**

Administrative Process Act Exemption: § 9-6.14:4.1 B 4 of the Code of Virginia.

Virginia Code Commission Exemption from Filing in Full: § 2.3 2 e and i

Effective Date: August 10, 1994.

Description:

*This revised document was prepared to reflect a change in the Industrial Access Program by action of the Commonwealth Transportation Board at its meeting of January 17, 1991, which extends the maximum time for bonded projects from two to three years. Also included are provisions for environmental review by several state agencies as required by the VDOT's Project Early Notification review process.*

*All previous instructions regarding the administrative procedures for individual access projects are hereby superseded.*

Document available for inspection at the following location:

Virginia Department of Transportation  
Secondary Roads Division  
1401 E. Broad St., Annex Building, Room 403  
Richmond, VA 23219

VA.R. Doc. No. R94-1194; Filed August 10, 1994, 2:15 p.m.

\* \* \* \* \*

Title of Regulation: **VR 385-01-54. Revenue Sharing Program Guide.**

Administrative Process Act Exemption: § 9-6.14:4.1 B 4 of the Code of Virginia.

Virginia Code Commission Exemption from Filing in Full: § 2.3 2 e and i

Effective Date: August 10, 1994.

Description:

*This revised document provides a comprehensive summary of the Revenue Sharing program as established by the Code of Virginia and as governed by the policies of the Commonwealth Transportation Board. It is intended to serve as a reference for local jurisdictions and VDOT staff in the preparation and disposition of applications for program funding.*

*This document defines eligible projects, summarizes funding limitations, and describes the roles of the parties involved in the application and approval process.*

*All previous instructions regarding administrative procedures for Revenue Sharing projects are hereby superseded.*

Document available for inspection at the following location:

Virginia Department of Transportation  
Secondary Roads Division  
1401 E. Broad St., Annex Building, Room 403  
Richmond, VA 23219

VA.R. Doc. No. R94-1195; Filed August 10, 1994, 2:15 p.m.

\* \* \* \* \*

Title of Regulation: **VR 385-01-55. Guide for Additions, Abandonments and Discontinuances.**

Administrative Process Act Exemption: § 9-6.14:4.1 B 4 of the Code of Virginia.

# Final Regulations

Virginia Code Commission Exemption from Filing in Full:  
§ 2.3 2 e and i

Effective Date: August 10, 1994.

Description:

*This guide was prepared by the Secondary Roads Division to serve as a reference for Virginia Department of Transportation (VDOT) personnel throughout the Commonwealth who are called upon to handle additions, abandonments, and discontinuances of secondary roads in Virginia's counties. Its creation was a major effort to bring together many statutes and Commonwealth Transportation Board policies, with a few attorney's general and court interpretations. No policy changes are included in this guide.*

*While there may be some information of value to persons outside of VDOT, this document is intended primarily to guide the VDOT user through the administrative procedures to accomplish three major categories or changes to the secondary system:*

*1. Additions to the system of (i) new subdivision streets (this guide supplements VDOT's Subdivision Street Requirements); (ii) rural additions governed by the Rural Addition Policy of the CTB and § 33.1-72.1 of the Code of Virginia; (iii) school bus roads; and (iv) streets in towns under 3,500 population.*

*2. Abandonments.*

*3. Discontinuances.*

*An additional category, using some or all three of the above, is:*

*4. Adjustments due to Road Relocation.*

*Current policies and statutes are presented in a way intended to explain them better. Decision trees, flow charts, and administrative process charts guide users through the steps to make changes to the system. Also included are sample resolutions for Boards of Supervisors, surety forms, standard agreements for crossings of dams, standard agreements for stormwater management, standard quitclaim deeds, updated submission forms, and reprints of policies and selected statutes from the Code of Virginia.*

Document available for inspection at the following location:

Virginia Department of Transportation  
Secondary Roads Division  
1401 E. Broad St., Annex Building, Room 403  
Richmond, VA 23219

VA.R. Doc. No. R94-1196; Filed August 10, 1994, 2:15 p.m.

\* \* \* \* \*

Title of Regulation: VR 385-01-56. Recreational Access Guide.

Administrative Process Act Exemption: § 9-6.14:4.1 B 4 of the Code of Virginia.

Virginia Code Commission Exemption from Filing in Full:  
§ 2.3 2 e and i

Effective Date: August 10, 1994.

Description:

*This revised document was prepared to provide a comprehensive summary of the Recreational Access Program as established by the Code of Virginia and as governed by the policies of the Commonwealth Transportation Board. It is intended to serve as a reference for local jurisdictions and VDOT staff in the preparation and disposition of applications for program funding.*

*The document defines eligible projects, summarizes funding limitations, and describes the roles of the parties involved in the application and approval process. Appendices contain copies of the program's statutory authority, the Commonwealth Transportation Board's policy, and sample resolutions for local governing bodies.*

*All previous instructions regarding administrative procedures for recreational access projects are hereby superseded.*

Document available for inspection at the following location:

Virginia Department of Transportation  
Secondary Roads Division  
1401 E. Broad St., Annex Building, Room 403  
Richmond, VA 23219

VA.R. Doc. No. R94-1197; Filed August 10, 1994, 2:15 p.m.

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Title of Regulation: VR 385-01-59. Virginia Supplement to the Manual on Uniform Traffic Control Devices.

Administrative Process Act Exemption: § 9-6.14:4.1 B 11 of the Code of Virginia.

Virginia Code Commission Exemption from Filing in Full:  
§ 2.3 3

Effective Date: August 10, 1994.

Description:

*By resolution dated November 20, 1980, the State*

# Final Regulations

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*Highway and Transportation Commission adopted the Virginia Supplement to the Manual on Uniform Traffic Control Devices. The purpose of the Virginia Supplement is to promulgate any state standards for traffic control devices that exceed minimum federal requirements and to present any pertinent traffic control device design, installation and operation details not covered in the Manual on Uniform Traffic Control Devices.*

Document available for inspection at the following location:

Virginia Department of Transportation  
Traffic Engineering Division  
1401 E. Broad St., Annex Building, Room 201  
Richmond, VA 23219

V.A.R. Doc. No. R94-1198; Filed August 10, 1994, 2:15 p.m.

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Title of Regulation: **VR 385-01-65. Urban Division Manual, Chapter II.**

Administrative Process Act Exemption: § 9-6.14:4.1 B 4 of the Code of Virginia.

Virginia Code Commission Exemption from Filing in Full: § 2.3 2 e and i

Effective Date: August 10, 1994.

Description:

*The Urban Highway Manual is written for the purpose of identifying the statutes which provide the authority for urban highways in the Commonwealth of Virginia. In addition, the manual provides the policies and procedures that have been developed to carry out the urban highway maintenance and construction programs.*

*The objective of this manual is two-fold: (i) it is intended to provide the municipalities with information as to the various requirements and instructions in regard to the role they play in accomplishing the various items of work; and (ii) it is also intended to serve as an instructional manual for Urban Division personnel and other department employees as to their responsibilities. The manual, therefore, should be read and considered in light of this dual objective recognizing that certain instructions or forms apply in-house, while other information may be pertinent only to municipalities, and some to both.*

*The manual is intended to supersede and replace all previous manuals, procedures, directives and other instructional and informational material. However, such materials should not be totally ignored or discarded, since much background and basic*

*philosophies pertaining to the original purpose are contained therein and should be considered as reference material. Likewise, all existing policies adopted by the Transportation Board remain in effect until rescinded.*

Document available for inspection at the following location:

Virginia Department of Transportation  
Urban Division  
1401 E. Broad St., Annex Building, Room 404  
Richmond, VA 23219

V.A.R. Doc. No. R94-1199; Filed August 10, 1994, 2:15 p.m.

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Title of Regulation: **VR 385-01-66. Urban Division Manual, Chapter III.**

Administrative Process Act Exemption: § 9-6.14:4.1 B 4 of the Code of Virginia.

Virginia Code Commission Exemption from Filing in Full: § 2.3 2 e and i

Effective Date: August 10, 1994.

Description:

*The Urban Highway Manual is written for the purpose of identifying the statutes which provide the authority for urban highways in the Commonwealth of Virginia. In addition, the manual provides the policies and procedures that have been developed to carry out the urban highway maintenance and construction programs.*

*The objective of this manual is two-fold: (i) it is intended to provide the municipalities with information as to the various requirements and instructions in regard to the role they play in accomplishing the various items of work; and (ii) it is also intended to serve as an instructional manual for Urban Division personnel and other department employees as to their responsibilities. The manual, therefore, should be read and considered in light of this dual objective recognizing that certain instructions or forms apply in-house, while other information may be pertinent only to municipalities, and some to both.*

*The manual is intended to supersede and replace all previous manuals, procedures, directives and other instructional and informational material. However, such materials should not be totally ignored or discarded, since much background and basic philosophies pertaining to the original purpose and intent of the Urban Division's role in administering the programs are contained therein and should be considered as reference material. Likewise, all existing*

*policies adopted by the Transportation Board remain in effect until rescinded.*

§ 2.3 2 e and i

Document available for inspection at the following location:

Virginia Department of Transportation  
Urban Division  
1401 E. Broad St., Annex Building, Room 404  
Richmond, VA 23219

VA.R. Doc. No. R94-1200; Filed August 10, 1994, 2:15 p.m.

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Title of Regulation: VR 385-01-67. **Debarment or Suspension of Contractors.**

Administrative Process Act Exemption: § 9-6.14:4.1 B 2 of the Code of Virginia.

Virginia Code Commission Exemption from Filing in Full: § 2.3 2 f

Effective Date: August 10, 1994.

Description:

*The Policies and Procedures for Debarment were amended by the Commonwealth Transportation Board on July 1, 1985. The regulation affirms the department's interest in awarding bids to the lowest responsible bidder. It also establishes the criteria to be used in deciding whether to debar a contractor, the procedures to be followed when considering debarment of a contractor, opportunities for appeal by contractors, and the extent to which the policy will be applied. The policy originally appeared as part of VR 385-01-18, "Manual of Rules and Regulations of the Department of Highways and Transportation."*

*An abridged form of this policy appears as Department Policy Memorandum 2-10, "Debarment of Bidders."*

Document available for inspection at the following location:

Virginia Department of Transportation  
Construction Division  
1401 E. Broad St., Annex Building, 12th Floor  
Richmond, VA 23219

VA.R. Doc. No. R94-1201; Filed August 10, 1994, 2:15 p.m.

**Department of Rail and Public Transportation**

Title of Regulation: VR 385-01-52. **Policy and Procedures for Rail Industrial Access Program.**

Administrative Process Act Exemption: § 9-6.14:4.1 B 4 of the Code of Virginia.

Virginia Code Commission Exemption from Filing in Full:

Effective Date: August 10, 1994.

Description:

*This memorandum details the administrative procedures to be followed by the applicant and the Commonwealth in the allocation of funds for the construction of industrial access railroad tracks as authorized in § 33.1-221.1:1 of the Code of Virginia, as amended, and Chapter 723, Item 630.d, Acts of the General Assembly.*

*The industrial access railroad track program will be administered by the Director of the Department of Rail and Public Transportation. The Department of Rail and Public Transportation will act as staff to receive and process applications, to make recommendations and to supervise the expenditure of funds and transmit same to the director. The director may solicit comments regarding the applications from the Commissioner of Agriculture and Consumer Services and the Director of the Department of Economic Development or their designated representatives.*

Document available for inspection at the following location:

Virginia Department of Rail and Public Transportation  
1401 E. Broad St., Annex Building, 14th Floor  
Richmond, VA 23219

VA.R. Doc. No. R94-1193; Filed August 10, 1994, 2:15 p.m.



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# STATE CORPORATION COMMISSION

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## PROPOSED REGULATION

AT RICHMOND, AUGUST 5, 1994

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS940114

Ex Parte: In the matter of  
adopting revised Rules Governing  
Insurance Holding Companies

### ORDER TO TAKE NOTICE

WHEREAS, Virginia Code § 12.1-13 provides that the Commission shall have the power to promulgate rules and regulations in the enforcement and administration of all laws within its jurisdiction, and Virginia Code § 38.2-223 provides that the Commission may issue any rules and regulations necessary or appropriate for the administration and enforcement of Title 38.2 of the Code of Virginia;

WHEREAS, the Bureau of Insurance has submitted to the Commission a proposed revised regulation entitled "Rules Governing Insurance Holding Companies"; and

WHEREAS, the Commission is of the opinion that the proposed revised regulation should be adopted;

THEREFORE, IT IS ORDERED:

(1) That all interested persons TAKE NOTICE that the Commission shall enter an order subsequent to September 15, 1994, adopting the revised regulation proposed by the Bureau of Insurance unless on or before September 15, 1994, any person objecting to the adoption of such a regulation files a request for a hearing, and in such request specifies in detail their objection to the adoption of the proposed revised regulation, with the Clerk of the Commission, Document Control Center, P.O. Box 2118, Richmond, Virginia 23216;

(2) That an attested copy hereof, together with a copy of the proposed regulation, be sent by the Clerk of the Commission to the Bureau of Insurance in care of Deputy Commissioner Alfred W. Gross who shall forthwith give further notice of the proposed adoption of the regulation by mailing a copy of this order, together with a copy of the proposed regulation, to all insurance companies licensed in the Commonwealth of Virginia; and

(3) That the Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (2) above.

COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

BUREAU OF INSURANCE

REVISED RULES GOVERNING INSURANCE  
HOLDING COMPANIES  
with reporting forms and instructions

INSURANCE REGULATION 14

Effective: January 1, 1995

Section 1. Authority.

This regulation is adopted pursuant to §§ 12.1-13 and 38.2-223 of the Code of Virginia.

Section 2. Purpose.

The purpose of this regulation is: to set forth rules and procedural requirements which the Commission deems necessary to carry out the provisions of Articles 5 and 6 in Chapter 13 (§ 38.2-1322, et seq. and § 38.2-1335 et seq., hereinafter, "the Act") of the Code of Virginia, concerning insurance holding companies and subsidiaries of insurance companies. The information called for by this regulation is necessary and appropriate for the protection of the policyholders in this Commonwealth.

Section 3. Severability Clause.

If any provision of this regulation or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the regulation and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 4. Definitions.

A. "Commission" means the State Corporation Commission.

B. "Commissioner of Insurance" means the administrative or executive officer of the division or bureau of state government established to administer the insurance laws of a state other than Virginia.

C. "Executive officer" means chief executive officer, chief operating officer, chief financial officer, president, vice-president, treasurer, secretary, controller, and any other individual performing functions corresponding to those performed by the foregoing officers under whatever title.

D. "Foreign insurer" shall include an alien insurer except where clearly noted otherwise.

E. "NAIC" means National Association of Insurance Commissioners.

F. "The Act" means Articles 5 and 6 in Chapter 13 (§

38.2-1322 et seq. and § 38.2-1335 et seq.) of the Code of Virginia.

G. "Ultimate controlling person" means that person which is not controlled by any other person.

H. Unless the context otherwise requires, other terms found in this regulation are used as defined in Virginia Code § 38.2-1322, Title 38.2 of the Code of Virginia, or industry usage if not defined by the Code of Virginia.

## Section 5. Acquisition of Control – Applications for Approval Pursuant to § 38.2-1323.A

A. A person filing an application or statement pursuant to subsection A of § 38.2-1323, or any related provision of §§ 38.2-1324 through 38.2-1328, of the Act shall furnish the required information designated on Form A of this regulation.

(1) Where applicable and required by Form A, Form E shall also be filed.

(2) Whenever an application includes information in the format required by Form E, the Commission may require an opinion of an economist as to the competitive impact of the proposed acquisition.

B. When the person being acquired controls a domestic insurer, such person shall, for purposes of completing a Form A application, be deemed to be a "domestic insurer."

(1) The name of the domestic subsidiary insurer should be indicated on the cover page as follows:

"ABC Insurance Company, a subsidiary of XYZ Holding Company", and

(2) References to "the insurer" contained in Form A shall refer to both the domestic subsidiary insurer and the person being acquired.

C. The applicant shall promptly advise the Commission of any changes in the information so furnished on Form A, or any attachments thereto, arising subsequent to the date upon which such information was furnished, but prior to the Commission's disposition of the application and consummation of the acquisition of control.

(1) Within two business days after the person filing the application learns of the change, an amendment setting forth the change, together with copies of all documents and other material relevant to the change, shall be filed with the Commission. The filing shall be made with the Clerk of the Commission. Except where the applicant is also the insurer, the applicant shall show on each such filing that a copy has also been sent to the insurer.

(2) A failure to file complete and accurate

information as required by this regulation is grounds for a denial by the Commission pursuant to § 38.2-1326.

(3) As used in this section and for purposes of all Form A filings, "material change" includes any change in the identity of executive officers or any party to a merger or a liquidating transaction.

D. Where "control" is derived from a management agreement, including any other agreement between a domestic insurer and another person other than an contract for goods or nonmanagement services, any termination of the agreement and any substitution of persons under such agreement shall be deemed a change of control requiring notice and application to the Commission pursuant to § 38.2-1323 of the Act.

E. A person seeking to merge with or acquire a domestic insurer may apply to the Commission for an order exempting the person from the provisions of §§ 38.2-1323 through 38.2-1327 if the merger or acquisition meets the standards for exemption provided in § 38.2-1328.

(1) The application shall be in writing and shall be filed with the Clerk of the Commission. The applicant shall identify the parties to the merger or acquisition and shall state (i) the purpose of the merger or acquisition, (ii) the method of merger or acquisition and (iii) why the person believes the exemption criteria of § 38.2-1328 will be met.

(2) Within thirty (30) days after the application for exemption is filed with the Clerk's Office, the Commission shall enter an order granting the exemption or giving notice of a hearing to determine the merits of the application.

F. Any hearing held to consider an application filed pursuant to the provisions of this section and Section 38.2-1323 of the Act shall be held pursuant to § 38.2-1326 and shall begin, unless waived by the insurer, within forty (40) days of the date the application is filed with the Commission. An application shall be deemed filed upon receipt by the Commission of all material required by the section or § 38.2-1324 of the Act.

## Section 5.1. Acquisitions Under § 38.2-1323.B Involving Insurers Not Otherwise Covered by § 38.2-1323.A.

A. An acquisition covered by subsection B of § 38.2-1323 of the Act may be subject to orders pursuant to paragraphs B and C of § 38.2-1323 of the Virginia Code unless the acquiring party files a pre-acquisition notification or an acquisition statement in the format prescribed by Form E of this regulation. The person being acquired may file the statement.

(1) The Commission may enter an order suspending the license of an insurer involved in such an acquisition if there is substantial evidence that the

# State Corporation Commission

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effect of the acquisition may be substantially to lessen competition in any line of insurance in this Commonwealth or tend to create a monopoly therein, and is detrimental to policyholders or the public in general.

(2) Such an order may also be entered if the insurer fails to file adequate information sufficient to rebut a reasonable belief that the merger or acquisition causes or tends to cause a substantial lessening of competition in any line of insurance, and also is detrimental to policyholders or the public.

(3) In determining whether competition may be detrimental, the Commission shall consider, among other things, whether applicable competitive standards promulgated by the NAIC have or may be violated as a consequence of the acquisition. Such standards may include any indicators of competition identified or enumerated by the NAIC in any model laws or portions of practice and procedure or instructional manuals developed to provide guidance in regulatory oversight of holding company systems, mergers and acquisitions, or competitive practices within the marketplace. Such standards include particularly the definitions, guidelines or standards embodied in any model holding company act or model holding company regulation adopted by the NAIC. In addition, the Commission may request and consider the opinion of an economist as to the competitive impact of the acquisition whenever pre-acquisition notification is submitted pursuant to subsection B of § 38.2-1323 of the Act.

(4) An order suspending license shall not be entered under § 38.2-1323.B of the Act unless the involved insurer has received ten (10) days notice and an opportunity to be heard. The notice of hearing shall be accompanied by a request for such information as required by § 38.2-1324 of the Act; it may include also a request for an opinion of an economist as to the competitive impact of the acquisition.

(a) Requested information shall be filed as an acquisition statement in the format of Form E of this regulation.

(b) If the Commission determines that the acquisition or merger causes or tends to cause a substantial lessening of competition in any line of insurance, the Commission may request the insurer to furnish the additional information required by § 38.2-1324, in order to rebut the reasonable belief that such lessening of competition is detrimental to policyholders or the public in general.

(5) An order suspending license shall not be entered under Virginia Code § 38.2-1323.B and this Section 5.1 if:

(a) The acquisition will yield substantial economies

of scale or economies in resource utilization that cannot be feasibly achieved in any other way, and the public benefits which would arise from such economies exceed the public benefits which would arise from not lessening competition; or

(b) The acquisition will substantially increase the availability of insurance, and the public benefits of such increase exceed the public benefits which would arise from not lessening competition.

(6) The Commission's order suspending license entered under this section shall not become final earlier than twenty-one (21) days after it is issued, during which time the involved insurer may submit a plan to remedy the anticompetitive impact of the acquisition within a reasonable time. Based upon such plan or other information, the Commission shall specify the conditions, if any, under the time period during which the aspects of the acquisition causing a violation of the applicable competitive standards announced by the Commission would be remedied and the order vacated or modified.

B. Any hearing held pursuant to the provisions of this section shall begin, unless waived by the insurer, within forty days of the date of receipt by the Commission of all material required by § 38.2-1323 of the Act.

C. For the purposes of this section and § 38.2-1323.B of the Act, "acquisition" means any agreement, arrangement or activity the consummation of which results in a person acquiring directly or indirectly control of another person, and includes but is not limited to the acquisition of voting securities, the acquisition of assets, bulk reinsurance and mergers.

## Section 6. Annual Registration of Insurers - Registration Statement Filings and Amendments.

A. An insurer required to file a registration statement pursuant to § 38.2-1329 of the Act shall furnish the required information in the format designated on Form B of this regulation.

(1) The initial registration statement shall be filed with the Commission within fifteen (15) days after the insurer becomes subject to registration under § 38.2-1329 of the Act.

(2) Annually thereafter by April 30 of each year, for the previous calendar year, the registrant shall file a completely restated up-to-date registration statement in the format designated on Form B, with amendments consolidated therein. Each such registration statement shall contain a summary outlining all items in the current registration statement representing changes from the prior registration statement. The summary shall be prepared in the format designated on Form C, as specified in the instructions of that form, which is a part of this regulation.

B. An insurer shall file a copy of its most current registration statement and the Form C filing, also known as a Summary of Registration Filing, in each state in which the insurer is authorized to do business, if requested by the Insurance Commissioner of that state.

## C. Amendments to Form B

(1) An amendment to Form B shall be filed under the following conditions:

(a) Within fifteen (15) days after the end of any month in which there is a material change to the information provided in the annual registration statement;

(b) Within fifteen (15) days after the end of any month in which the registrant or insurer learns there is a change in control of the registrant, in which case all of Form B and Form C shall be made current;

(c) Within fifteen (15) days after the end of any month in which the registrant or insurer learns there is a material change in information given in Item 5 of Form B;

(d) Within fifteen (15) days after the end of any month in which there is a material change in any portion of the information given in Item 6 of Form B;

(e) Within fifteen (15) days after there is a change of the chief executive officer, president, or more than one-third of the directors reported in Item 4 of Form B,

(f) Within two (2) business days following the declaration of any dividend or other distribution to an insurer's shareholder, and

(g) Within 120 days after the end of each fiscal year of the ultimate controlling person of the insurance holding company system.

(2) Amendments shall be filed in the Form B format. Subject to the provisions of Section 6.A.(2) of this regulation, only those items which are being amended need be reported. Each such amendment shall include at the top of the cover page "Amendment No. (insert number) to Form B for (insert year)" and shall indicate the date of the change and not the date of the original filings. Filings made in the format of Forms A, D, E or F may be deemed amendments filed in the Form B format when accompanied by certification under oath or affirmation that the transaction reported on such Form A, D, E or F has been consummated. If the Commission's approval of the transaction is required by the Act, the certification shall state also that consummation was pursuant to terms and agreements approved by the Commission.

(3) As used in this section, "material transaction" has the meaning set forth in § 38.2-1322 except that, unless the Commission by rule, order or regulation prescribes otherwise, no sale, purchase, exchange, loan or extension of credit or investment shall be considered "material" unless it involves at least one-half of one per cent (0.5%) of an insurer's admitted assets or five percent (5%) of the insurer's surplus to policyholders, as of the 31st day of December next preceding. Any sale or other transaction which is one of a series of transactions occurring within a twelve month period that are sufficiently similar in nature as to be reasonably construed as a single transaction and that in the aggregate exceed the minimum limits herein provided shall be deemed a material transaction.

## D. Exemptions and Alternative and Consolidated Registrations.

(1) Any insurer which is authorized to do business in this Commonwealth may file a registration statement on behalf of any affiliated insurer or insurers which are required to register under § 38.2-1329 of the Act. A registration statement may include information not required by the Act regarding any insurer in the insurance holding company system even if such insurer is not authorized to do business in this Commonwealth. In lieu of filing a registration statement on Form B, the authorized insurer may file a copy of the registration statement or similar report which it is required to file in its state of domicile, provided:

(a) the statement or report contains substantially similar information required to be furnished on Form B; and

(b) the filing insurer is the principal insurance company in the insurance holding company system.

(2) The question of whether the filing insurer is the principal insurance company in the insurance holding company system is a question of fact and an insurer filing a registration statement or report in lieu of Form B on behalf of an affiliated insurer, shall set forth a brief statement of facts which will substantiate the filing insurer's claim that it, in fact, is the principal insurer in the insurance holding company system.

(3) With the prior approval of the Commission, an insurer not licensed to transact the business of insurance in this Commonwealth may follow any of the procedures which could be done by an authorized insurer under paragraph D(1) above.

(4) Any insurer may take advantage of the provisions of § 38.2-1329.G or § 38.2-1329.H of the Act without obtaining the prior approval of the Commission. The Commission, however, reserves the right to require

# State Corporation Commission

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individual filings if it deems such filings necessary in the interest of clarity, ease of administration or the public good.

(5) The state of entry of an alien insurer shall be deemed to be its state of domicile for the purpose of this regulation.

(6) Any foreign insurer subject to disclosure requirements and standards adopted by statute or regulation in the jurisdiction of its domicile that are substantially similar to those contained in § 38.2-1329 of the Act, shall be exempted and excepted from registration in this Commonwealth pursuant to Section 6 of these rules and § 38.2-1329.A of the Act; however, if requested by the Commission, such insurer shall furnish to the Commission a copy of the registration statement or other information filed with its state of domicile. Such information shall be filed with the Commission within fifteen (15) days after the Commission makes its request.

(7) Any insurer not otherwise exempt or excepted from § 38.2-1329 of the Code may apply for an exemption from the requirements of this section of the Code by submitting a statement to the Commission setting forth its reasons for being exempt.

## Section 7. Disclaimers and Termination of Registration.

A. A disclaimer of affiliation or a request for termination of registration claiming that a person does not, or will not upon the taking of some proposed action, control any other person (hereinafter referred to as the "subject") shall contain the following information:

(1) The number of authorized, issued and outstanding voting securities of the subject;

(2) With respect to the person whose control is denied and all affiliates of such person, the number and percentage of shares of the subject's voting securities which are held of record or known to be beneficially owned, and the number of such shares concerning which there is a right to acquire, directly or indirectly; and also information as to all transactions in any securities of the subject which were effected during the past six months by such persons;

(3) All material relationships and bases for affiliation, including a description of all contracts and agreements, between the subject and the person whose control is denied and all affiliates of such person; and

(4) A statement explaining why such person should not be considered to control the subject.

B. A request for termination of registration under § 38.2-1329 of the Act for lack of affiliation shall be deemed to have been granted unless the Commission, within 30 days after receipt of the request, notifies the registrant

otherwise. Thereafter, the subject shall be relieved of any registering or reporting requirements under § 38.2-1329 of the Act that may arise out of the subject's relationship with the person, unless and until the Commission disallows the disclaimer.

(1) The Commission shall disallow the disclaimer only after giving all interested parties notice and opportunity to be heard.

(2) Any disallowance shall be supported by specific findings of fact.

## Section 8. Transactions Subject to Prior Notice Filing.

A. An insurer required to give notice of a proposed transaction pursuant to § 38.2-1331 of the Act shall furnish the required information in the format designated on Form D, as specified in the instructions of that form, which is a part of this regulation.

B. The approval of any material transactions pursuant to § 38.2-1331 of the Act shall be deemed an amendment to an insurer's registration statement under subsection C.4. of § 38.2-1329 of the Act without further filing other than written confirmation under oath or affirmation by registrant that the transaction as approved by the Commission has been consummated. Such confirmation shall be filed within two (2) business days following consummation of the approved transaction.

## Section 9. Dividends and Other Distributions.

A. Section 38.2-1329 notice of dividends and other distributions.

(1) Each registered insurer shall report to the Commission, pursuant to § 38.2-1329, all dividends and other distributions to shareholders within two business days following their declaration. The notice shall be filed at least ten (10) days prior to payment or distribution and shall be in the format prescribed by Form F of this regulation. Unless the declaration has received the prior approval of the Commission pursuant to § 38.2-1330.C, such notice shall include at least the following:

(a) The amount of the proposed dividend;

(b) The date of declaration, date of record and date established for payment of the dividend;

(c) A statement as to whether the dividend is to be in cash or other property and, if in property, a description thereof, its cost, and its fair market value together with an explanation of the basis for valuation;

(d) The amounts, dates and form of payment of all dividends or distributions (including regular dividends but excluding distributions of the insurer's

own securities) paid within the period of twelve (12) consecutive months ending on the date fixed for payment of the proposed dividend for which approval is sought and commencing on the day after the same day of the same month in the last preceding year;

(e) A brief statement as to the effect of the proposed dividend upon the insurer's surplus and the reasonableness of surplus in relation to the insurer's outstanding liabilities and the adequacy of surplus relative to the insurer's financial needs; and

(f) A statement stating whether the dividend or distribution is extraordinary. The insurer shall also state either the date of approval, if any, pursuant to § 38.2-1330.C or the date on which such approval is anticipated.

(2) No declaration of an extraordinary dividend or distribution shall confer any rights on shareholders without the prior approval of the Commission pursuant to § 38.2-1330.C. However, an insurer may declare a dividend or distribution which is conditional upon the Commission's approval, and the declaration shall confer no rights upon shareholders until (i) the Commission has approved the payment of the dividend or distribution or (ii) the Commission has not disapproved the dividend or distribution within the thirty-day period provided by § 38.2-1330.C of the Act.

(3) When the a dividend or distribution is approved, pursuant to § 38.2-1330.C, prior to its declaration, the insurer may comply with the requirements of § 38.2-1329.E by filing written confirmation under oath or affirmation that the dividend or distribution, as approved by the Commission, as been declared. Confirmation shall be filed within two (2) business days following declaration.

## B. Section 38.2-1330 extraordinary dividends or other extraordinary distributions.

(1) An insurer may obtain approval, pursuant to § 38.2-1330.C, of an extraordinary dividend or distribution by filing a request for approval with the Commission. The request shall be filed in the format prescribed by Form F and shall include at least the following:

(a) All the information required in subsection A above for a § 38.2-1329 notice of declared dividends and other distributions;

(b) Statements of financial condition and earnings for the period intervening from the last annual statement filed with the Commission and the end of the month preceding the month in which the request for dividend approval is submitted; and, if the date of payment or distribution is more that sixty (60) days removed from the date of the most

current financial statement submitted by the insurer, the insurer shall include also a pro forma statement as of the day after the distribution or payment of the dividend showing its effect and other known and reasonably projected adjustments to the financial condition and earnings of the insurer; and

(c) A copy of the calculations determining that the proposed dividend is extraordinary. The work paper shall include the following information:

i. The amounts, dates and form of payment of all dividends or distributions paid within the period of twelve (12) consecutive months ending on the date fixed for payment of the proposed dividend for which approval is sought, and commencing on the day after the same day of the same month in the last preceding year.

ii. Surplus as regards policyholders (total capital and surplus) as of the 31st day of December next preceding;

iii. If the insurer is a life insurer, the net gain from operations for the 12-month period ending the 31st day of December next preceding;

iv. If the insurer is not a life insurer, the net income less realized capital gains for the 12-month period ending the 31st day of December next preceding and the two preceding 12-months periods; and

v. If the insurer is not a life insurer, the dividends paid to stockholders excluding distributions of the insurer's own securities in the preceding two calendar years.

(2) Statements on each factor set forth in subsection B of § 38.2-1330 of the Act must be submitted in support of the request for approval of an extraordinary dividend or distribution, although these factors are not intended to be an exhaustive list. In determining the adequacy and reasonableness of an insurer's surplus no single factor is controlling. The Commission, instead, will consider the net effect of all of these factors plus other factors bearing on the financial condition of the insurer. In comparing the surplus maintained by other insurers, the Commission will consider the extent to which each of these factors varies from company to company and in determining the quality and liquidity of investments in subsidiaries, the Commission will consider the individual subsidiary and may discount or disallow its valuation to the extent that the individual investments so warrant.

(3) In addition, in order to determine the possibility of any financial effect on the insurer, the Commission may request the means of funding and the purpose of the extraordinary dividend or distribution.

# State Corporation Commission

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## Section 10. Management of Controlled Insurers and Standards for Transactions with Affiliates.

A. Notwithstanding the control of an authorized insurer by any person, neither the officers and directors of the insurer nor any similarly situated person to whom authority has been delegated, shall thereby be relieved of any obligation or liability to which they would otherwise be subject by law, and the insurer shall be managed so as to assure its separate operating identity consistent with the Act and Title 38.2 of the Code of Virginia.

B. Nothing herein shall preclude an authorized insurer from having or sharing a common management or cooperative or joint use of personnel, property, or services with one or more other persons under arrangements meeting the standards of subsection A of § 38.2-1330 of the Act:

- (1) The terms shall be fair and reasonable;
- (2) Charges or fees for services performed shall be reasonable;
- (3) Expenses incurred and payments received shall be allocated to the insurer in conformity with customary insurance accounting practices consistently applied;
- (4) The books, accounts, and records of each party shall disclose clearly and accurately the precise nature and details of the transactions as agreed upon in writing by the parties; and
- (5) The insurer's surplus to policyholders following any dividends or distributions to shareholder affiliates shall be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs.

### FORM A - INSTRUCTIONS FOR APPLICATION FOR APPROVAL OF ACQUISITION OF CONTROL OF OR MERGER WITH A DOMESTIC INSURER

#### I. Regulation as to Use of Form A. -

- (1) Form A shall be used by an applicant required to file an application with the Commission pursuant to Section 38.2-1323 of the Code. Subsequent amendments shall also be filed on Form A, but shall include on the top of the cover "Amendment No. .... to" and shall indicate the date of the amendment and not the date of the original filing.
- (2) Form A and all amendments, attachments or exhibits thereto shall be filed with the Clerk of the Commission.
- (3) Information required by and filed in the format of Form A shall be open for public inspection at the offices of the Clerk of the Commission during the pendency of the application.

(4) An Applicant may request in writing that specific data or documents be treated as confidential. The applicant's request shall be in the form of a motion for a protective order filed with the Clerk's Office and stating the grounds why the data or documents should be treated as confidential. A copy of the motion together with the data or documents for which confidentiality is being requested shall be addressed and delivered to the Commissioner of Insurance, State Corporation Commission - Bureau of Insurance, P. O. Box 1157, Richmond, VA 23209 (Tyler Building - 6th Floor, 1300 East Main Street, Richmond, VA 23219).

Confidentiality may be requested pursuant to § 38.2-1333 for specific data or documents incorporated by reference or described as exhibits attached to and filed with the Form A application. Information required by and filed in the format of Form E also shall be given confidential treatment as though such filings were subject to § 38.2-1333.

Confidentiality of certain information will also be recognized pursuant to § 38.2-1324.A.2 also if requested by a written motion filed with the Commission.

In addition and pursuant to § 38.2-1306, no document which is determined to be a special report shall be open to public inspection.

No information shall receive confidential treatment if its omission from the Form A makes the Form A misleading, incomplete, unclear or confusing. Notwithstanding other provisions to the contrary, nothing contained in this regulation shall prevent or be construed as prohibiting the Commission from disclosing otherwise confidential information, administrative or judicial orders, or the content of any analysis or any matter related thereto, to the insurance regulatory officials of any state or country, or to law-enforcement officials of this or any other state or agency of the federal government at anytime provided that those officials are required under their law to maintain its confidentiality.

II. Preparation of Application. - This form is not to be used as a blank form to be filled in, but only as a guide in the preparation of the application. The application shall contain the numbers and captions of all items, but the text of the items may be omitted provided the answers thereto are prepared in such a manner as to indicate clearly the scope and coverage of the items. All instructions, whether appearing under the items of the form or elsewhere therein, are to be omitted. Unless expressly provided otherwise, if any item is inapplicable or the answer thereto is in the negative, an appropriate statement to that effect shall be made.

#### III. Number of Copies - Signatures.

- (1) The original and seven (7) copies of each application, and any amendments thereto, shall be filed with the Commission by personal delivery or

mail addressed to: The Clerk of the Commission, State Corporation Commission, Document Control Center, P. O. Box 2118, Richmond, VA 23216 (Tyler Building, 1300 East Main Street, Richmond, VA 23219). A copy of the transmittal letter should be delivered or mailed to the Deputy Commissioner, Financial Regulation Division, State Corporation Commission - Bureau of Insurance, P. O. Box 1157, Richmond, VA 23209 (Tyler Building - 6th Floor, 1300 East Main Street, Richmond, VA 23219)

(2) The original and seven (7) copies of exhibits and or all other papers or documents required by or described as attached to the Form A application shall be filed also through the Clerk of the Commission unless prior to filing the applicant requests and receives the written approval of the Commission (i) to file fewer copies of an exhibit or attachment or (ii) to designate as confidential any data, exhibit, attachment or document which is to be filed and considered in connection with an insurer's Form A application.

(3) At least one copy of each application filed with the Commission shall be manually signed in the manner prescribed by this form. Unsigned copies shall be conformed.

(4) If the signature of any person is affixed pursuant to a power of attorney or other similar authority, a copy of such power of attorney or other authority shall also be filed with the application.

#### IV. Requirements as to Printing and Language.

(1) Statements should be prepared on paper 8 1/2"x11" in size and preferably bound at the top or the top left-hand corner. All pages should be sequentially numbered. Exhibits and financial statements, unless specifically prepared for the filing, may be submitted in their original size.

(2) All copies of any statements, papers or documents shall be clear, easily readable and suitable for photocopying. Debits in credit categories and credits in debit categories shall be designated so as to be clearly distinguishable as such on photocopies.

(3) Statements shall be in the English language and monetary values shall be stated in United States currency. If any exhibit or other paper or document filed with the statement is in a foreign language, it shall be accompanied by a translation into the English language and any monetary value shown in a foreign currency normally shall be converted into United States currency.

(4) Any amendments to the application that include the re-filing of original documents in their entirety shall be "red-lined" or otherwise marked to reflect all changes made by the amendment.

#### V. Additional Information and Exhibits.

(1) In addition to the information expressly required to be included in the application, there shall be added such further material information, if any, as may be necessary to make the information contained therein not misleading.

(2) The applicant may file such exhibits as it may desire in addition to those expressly required by the statement. Such exhibits shall be so marked as to indicate clearly the subject matters to which they refer.

(3) No statement required by this application shall be deemed filed with the Commission until on the date all such material required and sufficient to constitute a full statement has been provided.

VI. Information Unknown or Not Available. - Information required need be given only insofar as it is known or reasonably available to the person filing the statement. If any required information is unknown and not reasonably available to the person filing, either because the obtaining thereof would involve unreasonable effort or expense, or because it rests peculiarly within the knowledge of another person not affiliated with the person filing, the information may be omitted, subject to the following conditions:

(1) the applicant shall give such information on the subject as it possesses or can acquire without unreasonable effort or expense, together with the sources thereof; and

(2) the applicant shall include a statement either showing that unreasonable effort or expense would be involved or indicating the absence of any affiliation with the person within whose knowledge the information rests and stating the result of a request made to such person for the information.

#### VII. Incorporation by Reference.

(1) Information required by any item of this application may be incorporated by reference in answer or partial answer to any other item.

(2) Information contained in a statement filed pursuant to the Securities Act of 1933, the Securities Exchange Act of 1934 or disclosure and information contained in any financial statement, annual report, proxy statement, any other document filed with a governmental authority, or any other document may be incorporated by reference in answer or partial answer to any item of this application, provided such information substantially satisfies the requirements of this application and copies of all documents containing such information are attached as exhibits to this application. Excerpts of documents may be filed as exhibits if the documents are extensive.



# State Corporation Commission

(3) Material incorporated by reference shall be clearly identified in the reference. An express statement that the specified matter is incorporated by reference shall be made at the particular place in the application where the information is required. Matter shall not be incorporated by reference in any case where such incorporation would render the statement incomplete, unclear or confusing.

(4) Documents incorporated by reference which are currently on file with the Commission and which were filed within three years need not be attached as exhibits unless the Commission specifically requests otherwise. References to information contained in exhibits or in documents already on file shall clearly identify the material and shall specifically indicate that such material is to be incorporated by reference in answer to the item. The Commission may at any time in its discretion require the filing of copies of any omitted documents.

VIII. Summaries or Outlines of Documents. - Where an item requires a summary or outline of the provisions of any document, only a brief statement shall be made as to the pertinent provisions of the document. In addition to such statement, the summary or outline may incorporate by reference particular parts of any exhibit or document currently on file with the Commission which was filed within three years and may be qualified in its entirety by such reference.

IX. Omission of Substantially Identical Documents. - In any case where two or more documents required to be filed as exhibits are substantially identical in all material respects except as to the parties thereto, the dates of execution, or other details, the person filing need file a copy of only one of such documents with a schedule identifying the omitted documents and setting forth the material details in which cited documents differ from filed documents. The Commission may at any time in its discretion require the filing of copies of any omitted documents.

X. Extension of Time for Furnishing Information. - If it is impractical to furnish any required information, document or report at the time it is required to be filed, the applicant may file with the Commission as a separate document an application (i) identifying the information, document or report in question, (ii) stating why the filing thereof at the time required is impractical, and (iii) requesting an extension of time for filing the information, document or report to a specified date. The request for extension shall be deemed granted unless the Commission, within thirty (30) days after receipt thereof enters an order denying the request.

## APPLICATION FOR APPROVAL OF ACQUISITION OF CONTROL OF OR MERGER WITH A DOMESTIC INSURER

filed with the

## STATE CORPORATION COMMISSION COMMONWEALTH OF VIRGINIA

DATE: .....

.....  
Name of Domestic Insurer (Insurer) NAIC No.

by

.....  
Name of Acquiring Person (Applicant)

.....  
NAIC No. State of Domicile

Name, Title, Address and Telephone Number of Individual to Whom Notices and Correspondence Concerning this Statement Should be Addressed:

.....  
.....  
.....

### FORM A

#### ITEM 1. INSURER AND METHOD OF ACQUISITION

State the name and address of the domestic insurer to which this application relates and a brief description of the method by which control is to be acquired and maintained. Identify any affiliate of the Applicant or Insurer that will play an intermediate role in the acquisition or maintenance of control by Applicant.

#### ITEM 2. IDENTITY AND BACKGROUND OF THE APPLICANT

(a) State the name and address of the Applicant seeking to acquire control over the Insurer.

(b) If the Applicant is not an individual, state the nature of its business operations for the past five years or for such lesser period as such person and any predecessors thereof shall have been in existence. Briefly describe the business intended to be done by the Applicant and the Applicant's subsidiaries.

(c) If the Applicant is not an individual, identify all persons who directly or indirectly own, control, hold with power to vote, or hold proxies representing collectively ten percent or more of the voting securities of the Applicant. For each such person state whether a disclaimer of affiliation has or will be filed with the Commission pursuant to § 38.2-1329.I. State also the basis for disclaiming the affiliation.

(d) Furnish a chart or listing clearly presenting the identities of the inter-relationships among the Applicant

and all affiliates of the Applicant and with any third party through whom the Applicant intends to acquire, maintain or exercise control of the Insurer. The relationships of the holding company group to the ultimate parent (even if such parent is outside the reported holding company) should be shown. Show the Federal Employer's Identification No. for each listed person. Also identify each insurer as such and show its NAIC Company Code. Indicate in such chart or listing the percentage of voting securities of each person which is owned or controlled by the Applicant or by any other such person. If control of any person is maintained other than by the ownership or control of voting securities, indicate the basis of such control. As to each person specified in such chart or listing indicate the type of organization (e.g. corporation, trust, partnership) and the state or other jurisdiction of domicile. If court proceedings involving a reorganization or liquidation are pending with respect to any such person, indicate which person, and set forth the title of the court, nature of proceedings and the date when commenced.

### ITEM 3. IDENTITY AND BACKGROUND OF INDIVIDUALS ASSOCIATED WITH THE APPLICANT

(a) State the following with respect to (1) the Applicant if (s)he is an individual or (2) all persons who are directors, executive officers or owners of ten percent (10%) or more of the voting securities of the Applicant if the Applicant is not an individual.

i. Name and business address;

ii. Present principal business activity, occupation or employment including position and office held and the name, principal business and address of any corporation or other organization in which such employment is carried on;

iii. Material occupations, positions, offices or employment during the last five years, giving the starting and ending dates of each and the name, principal business and address of any business corporation or other organization in which each such occupation, position, office or employment was carried on; if any such occupation, position, office or employment required licensing by or registration with any federal, state or municipal governmental agency, indicate such fact, the current status of such licensing or registration, and an explanation of any surrender, revocation, suspension or disciplinary proceedings in connection therewith.

iv. Whether or not such person has ever been convicted in a criminal proceeding (excluding minor traffic violations) during the last ten years and, if so, give the date, nature of conviction, name and location of court, and penalty imposed or other disposition of the case.

(b) If the applicant is a partnership, limited partnership, syndicate or other group, the Commission may require

additional information, pursuant to § 38.2-1324 of the Act, concerning any partner, member or person in the group and any officer, corporate director, or beneficial owner of more than ten percent of the outstanding voting securities of the corporation if the applicant is a corporation.

### ITEM 4. NATURE, SOURCE AND AMOUNT OF CONSIDERATION

(a) Describe the nature, source and amount of funds or other considerations used or to be used in effecting the merger or other acquisition of control. If any part of the same is represented or is to be represented by funds or other consideration borrowed or otherwise obtained for the purpose of acquiring, holding or trading securities, furnish a description of the transaction (including but not limited to interest, and principal repayments), the names of the parties thereto, the relationship, if any, between the borrower and the lender, the amounts borrowed or to be borrowed, and copies of all agreements, promissory notes and security arrangements relating thereto, and proposed manner and method of repayment.

(b) Explain the criteria used in determining the nature and amount of such consideration.

(c) If the source of the consideration is a loan made in the lender's ordinary course of business and if the Applicant wishes the identity of the lender to remain confidential, he must specifically request that the identity be kept confidential.

(d) If the acquisition of control involves a management agreement or other contract services, give a full description of such agreement, contracts, arrangements or understanding, including all provisions pertaining to compensation or termination under the agreement.

### ITEM 5. FUTURE PLANS OF INSURER

(a) Describe any plans or proposals which the Applicant may have to declare an extraordinary dividend, to liquidate the Insurer, to sell its assets to or merge it with any person or persons or to make any other material change in its business operations or corporate structure or management.

(b) Describe Applicant's operational plans for the domestic insurer covering the succeeding twenty-four (24) months, including, but not limited to, change of location, change of name, increase in capital and/or surplus, type of business to be written, and anticipated premium volume. For the Insurer, provide the full name of any new director or officer to be employed as a result of the reported acquisition of control and provide the information specified in Item 3(a) of this Form A. Describe also any financial or employment guarantees given to present or contemplated management.

(c) Describe any other arrangement or agreement, oral or written, entered into by the Applicant, an acquiring

# State Corporation Commission

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party or any of their affiliates and the domestic insurer during the immediately preceding twelve (12) months.

## ITEM 6. COMPETITION

(a) State whether the proposed acquisition or merger

i. Involves only insurers which individually and collectively hold five percent (5%) or less of all markets in which such insurers transact business and will not produce, as a direct or indirect result of merger or acquisition, an insurer or collection of involved insurers which hold five percent (5%) or more of any market;

ii. Is primarily other than an insurance transaction and is either an acquisition of a person by another person, or a merger of two persons, neither of which is directly, or through their affiliates, primarily engaged in the business of insurance;

iii. Is a transaction in which there will be no increase in any market share held by any involved insurer;

iv. Involves insurers which are authorized solely to write ocean marine insurance and which do not anticipate future requests for additional or other licensing authority in this Commonwealth.

(b) If any one of the foregoing statements is answered in the affirmative, the Applicant may proceed to Item 7. Otherwise, the Applicant shall complete and file the information required by Form E in the format designated on that form as specified in the instructions of that form, which are a part of this regulation.

For purposes of this question, "market" means direct written insurance premium in this Commonwealth for a line of business as contained in the annual statement required to be filed by insurers licensed to do business in this Commonwealth; and the term "insurer" includes any company or group of companies under common management, ownership or control.

## ITEM 7. VOTING SECURITIES TO BE ACQUIRED

State and describe the number of shares of the Insurer's voting securities which the Applicant, its affiliates and any person listed in Items 1 or 3 plan to acquire, and the terms of the offer, request, invitation, agreement or acquisition, and provide a statement as to the method by which the fairness of the proposal was determined.

## ITEM 8. OWNERSHIP OF VOTING SECURITIES

State the amount of each class of any voting security of the Insurer which is beneficially owned or concerning which there is a right to acquire beneficial ownership by the Applicant, its affiliates or any person listed in Item 3.

## ITEM 9. CONTRACTS, ARRANGEMENTS, OR

## UNDERSTANDINGS WITH RESPECT TO VOTING SECURITIES OF THE INSURER

Give a full description of any contracts, arrangements or understandings with respect to any voting security of the Insurer in which the Applicant, its affiliates or any person listed in Item 3 is involved, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies. Such description shall identify the persons with whom such contracts, arrangements or understandings have been made.

## ITEM 10. RECENT PURCHASES OF VOTING SECURITIES

Describe any purchases of any voting securities of the Insurer by the Applicant, its affiliates or any person listed in Item 3 during the twelve (12) calendar months preceding the filing of this Application. Include in such description the dates of purchase, the names of the purchasers, and the consideration paid or agreed to be paid therefore. State whether any such shares so purchased are pledged or hypothecated.

## ITEM 11. RECENT RECOMMENDATIONS TO PURCHASE

Describe any recommendations to purchase any voting security of the insurer made during the twelve (12) calendar months preceding the filing of this statement by the Applicant, its affiliates or any person listed in Item 3, or by anyone based upon interviews or at the suggestion of the Applicant, its affiliates or any person listed in Item 3.

## ITEM 12. AGREEMENTS WITH BROKER-DEALERS.

Describe the terms of any agreement, contract or understanding made with any broker-dealer as to solicitation of voting securities of the insurer for tender, and the amount of any fees, commissions or other compensation to be paid to broker-dealers with regard thereto.

## ITEM 13. LITIGATION OR ADMINISTRATIVE PROCEEDINGS.

Provide a brief description of any litigation or administrative proceedings of the following types, either then pending or concluded within the preceding fiscal year, to which the Applicant, the ultimate controlling person and/or any intermediate acquiring party or any of their directors or executive officers was a party or of which the property of any such person is or was the subject; give the names of the parties and the court or agency in which such litigation or proceeding is or was pending;

(a) criminal prosecutions or administrative proceedings by any government agency or authority which may be

# State Corporation Commission

relevant to the trustworthiness of any party thereto; and

(b) proceedings which may have a material effect upon the solvency or capital structure of the Applicant, ultimate controlling person and/or any intermediate acquiring party including, but not necessarily limited to, bankruptcy, receivership or other corporate reorganizations.

An "intermediate acquiring party" is any third party through whom the Applicant intends to acquire, maintain or exercise control of the Insurer.

## ITEM 14. FINANCIAL STATEMENTS AND EXHIBITS

(a) Financial statements and exhibits shall be attached to this statement as an appendix, but list under this item the financial statements and exhibits so attached.

(b) The financial statements shall include the annual financial statements of the persons identified in Item 2(d) for the preceding five fiscal years (or for such lesser period as such Applicant and its affiliates and any predecessors thereof shall have been in existence), and similar information covering the period from the end of such person's last fiscal year, if such information is available. Such statements may be prepared on either an individual basis, or, unless the Commission otherwise requires, on a consolidated basis if such consolidated statements are prepared in the usual course of business.

The annual financial statements of the Applicant shall be accompanied by the certificate of an independent public accountant to the effect that such statements present fairly the financial position of the applicant and the results of its operations for the year then ended, in conformity with generally accepted accounting principles or with requirements of insurance or other accounting principles prescribed or permitted under law. If the Applicant is an insurer which is actively engaged in the business of insurance, the Commission may determine that the financial statements need not be certified, provided they are based on the Annual Statement of such person filed with the insurance department of the person's domiciliary state and are in accordance with the requirements of insurance or other accounting principles prescribed or permitted under the law and regulations of such state. Unless the Commission provides otherwise, all other annual financial statements required hereunder also shall be certified.

(c) File as exhibits copies of all tender offers for, requests or invitations for, tenders of, exchange offers for, and agreements to acquire or exchange any voting securities of the insurer and (if distributed) of additional soliciting material relating thereto, any proposed employment, consultation, advisory or management contracts concerning the insurer, annual reports to the stockholders of the insurer and the Applicant for the last two fiscal years, and any additional documents or papers required by Form A.

## ITEM 15. SIGNATURE AND OATH

Signature and oath shall be in the following form:

### SIGNATURE

Pursuant to the requirements of § 38.2-1324 of the Code of Virginia and Insurance Regulation No. 14 (revised), ..... Applicant, has caused this application to be duly signed on its behalf in the City/County of ..... and State of ..... on the ..... day of .....

(SEAL)

.....  
Name of Applicant

By: .....  
(Name) (Title)

Attest:

.....  
(Signature of Officer)

Title:.....

### OATH

The undersigned deposes and says that (s)he has duly executed the attached application dated ..... 19....., for and on behalf of....., (name of Applicant company)

that (s)he is the .....  
(title of officer)

of such company; and that (s)he has the authority to execute and file such instrument. Deponent further says that (s)he is familiar with such instrument and the contents thereof, and that the facts therein set forth are true to the best of his(her) knowledge, information and belief.

.....  
(Signature)

.....  
(Type or print name beneath signature)

Subscribed and sworn to before me this ..... day of 19.....

.....  
Notary Public in and for the  
City/County of .....  
State of .....

FORM B - INSTRUCTIONS FOR INSURANCE  
HOLDING COMPANY SYSTEM ANNUAL

# State Corporation Commission

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## REGISTRATION STATEMENT

### I. Regulation as to Use of Form B. -

(1) Form B shall be used by an insurer (Registrant) required to file a statement with the Commission pursuant to Section 38.2-1329 of the Code. The insurer's initial registration statement, prepared in the format of Form B, shall be filed with the Commission within fifteen (15) days after the insurer becomes subject to registration under § 38.2-1329 of the Act. Annually thereafter by April 30 of each year, for the previous calendar year, the Registrant shall file a completely restated up-to-date registration statement in the format designated on Form B, with amendments consolidated therein. Intervening disclosures which may be filed in the format of Form A, D, E or F shall be filed in such formats. Filings made in the format of Form A, D, E or F may be deemed amendments filed in the Form B format when accompanied by certification under oath or affirmation that the transaction reported on such Form A, D, E or F has been consummated. If the Commission's approval of the transaction is required by the Act, the certification shall state also that consummation was pursuant to terms and agreements approved by the Commission. All other amendments shall be filed in the format required by Form B, provided that all such amendments, and any confirmation certification, shall include a cover which commences: "Amendment No. .... to ..." and shall indicate the date of the amendment and not the date of the original filing.

(2) Information required by and filed in the format of Form B shall receive confidential treatment pursuant to § 38.2-1333 of the Act. The Registrant may request in writing that specific documents incorporated by reference, including any exhibits attached to and filed with the Form B statement, similarly receive confidential treatment.

II. Preparation of Statement. - This form is not to be used as a blank form to be filled in, but only as a guide in the preparation of the statement. The statement shall contain the numbers and captions of all items, but the text of the items may be omitted provided the answers thereto are prepared in such a manner as to indicate clearly the scope and coverage of the items. All instructions, whether appearing under the items of the form or elsewhere therein, are to be omitted. Unless expressly provided otherwise, if any item is inapplicable or the answer thereto is in the negative, an appropriate statement to that effect shall be made.

### III. Number of Copies - Signatures. -

(1) The original and one copy of each statement, including exhibits and all other papers and documents filed as a part thereof, shall be filed with the Commission by personal delivery or mail addressed to: State Corporation Commission - Bureau of Insurance, ATTN: Financial Regulation Division, P. O. Box 1157, Richmond, VA 23209 (Tyler Building - 6th Floor, 1300 East Main Street, 23219).

(2) At least one copy of each statement filed with the Commission shall be manually signed in the manner prescribed by this form. Unsigned copies shall be conformed.

(3) If the signature of any person is affixed pursuant to a power of attorney or other similar authority, a copy of such power of attorney or other authority shall also be filed with the statement.

### IV. Requirements as to Printing and Language. -

(1) Statements should be prepared on paper 8 1/2"x11" in size and preferably bound at the top or the top left-hand corner. All pages should be sequentially numbered. Exhibits and financial statements, unless specifically prepared for the filing, may be submitted in their original size.

(2) All copies of any filed statements, papers or documents shall be clear, easily readable and suitable for photocopying. Debits in credit categories and credits in debit categories shall be designated so as to be clearly distinguishable as such on photocopies.

(3) Statements shall be in the English language and monetary values shall be stated in United States currency. If any exhibit or other paper or document filed with the statement is in a foreign language, it shall be accompanied by a translation into the English language and any monetary value shown in a foreign currency normally shall be converted into United States currency.

(4) Any amendments to the application that include the refile of original documents in their entirety shall be "red-lined" or otherwise marked to reflect all changes made by the amendment.

### V. Additional Information and Exhibits. -

(1) In addition to the information expressly required to be included in the statement there shall be added such further material information, if any, as may be necessary to make the information contained therein not misleading.

(2) The Registrant may file such exhibits as it may desire in addition to those expressly required by the statement. Such exhibits shall be so marked as to indicate clearly the subject matters to which they refer.

VI. Information Unknown or Not Available. - Information required need be given only insofar as it is known or reasonably available to the Registrant. If any required information is unknown and not reasonably available to the person filing, either because the obtaining thereof would involve unreasonable effort or expense, or because it rests peculiarly within the knowledge of another person not affiliated with the Registrant, the information may be omitted, subject to the following conditions:

(1) the Registrant shall give such information on the

# State Corporation Commission

subject as it possesses or can acquire without unreasonable effort or expense, together with the sources thereof; and

(2) the Registrant shall include a statement either showing that unreasonable effort or expense would be involved or indicating the absence of any affiliation with the person within whose knowledge the information rests and stating the result of a request made to such person for the information.

## VII. Incorporation by Reference. -

(1) Information required by any item of this statement may be incorporated by reference in answer or partial answer to any other item.

(2) Information contained in a statement filed pursuant to the Securities Act of 1933, the Securities Exchange Act of 1934 or disclosure and information contained in any financial statement, annual report, proxy statement, any other document filed with a governmental authority, or any other document may be incorporated by reference in answer or partial answer to any item of this statement, provided such information substantially satisfies the requirements of this statement and copies of all documents containing such information are attached as exhibits to this statement. Excerpts of documents may be filed as exhibits if the documents are extensive.

(3) Material incorporated by reference shall be clearly identified in the reference. An express statement that the specified matter is incorporated by reference shall be made at the particular place in the application where the information is required. Matter shall not be incorporated by reference in any case where such incorporation would render the statement incomplete, unclear or confusing.

(4) Documents incorporated by reference which are currently on file with the Commission and which were filed within three years need not be attached as exhibits unless the Commission specifically requests otherwise. References to information contained in exhibits or in documents already on file shall clearly identify the material and shall specifically indicate that such material is to be incorporated by reference in answer to the item. The Commission may at any time in its discretion require the filing of copies of any omitted documents.

VIII. Summaries or Outlines of Documents. - Where an item requires a summary or outline of the provisions of any document, only a brief statement shall be made as to the pertinent provisions of the document. In addition to such statement, the summary or outline may incorporate by reference particular parts of any exhibit or document currently on file with the Commission which was filed within three years and may be qualified in its entirety by such reference.

IX. Omission of Substantially Identical Documents. - In any case where two or more documents required to be filed as exhibits are substantially identical in all material respects

except as to the parties thereto, the dates of execution, or other details, the person filing need file a copy of only one of such documents with a schedule identifying the omitted documents and setting forth the material details in which cited documents differ from filed documents. The Commission may at any time in its discretion require the filing of copies of any omitted documents.

X. Extension of Time for Furnishing Information. - If it is impractical to furnish any required information, document or report at the time it is required to be filed, the Registrant may file with the Commission as a separate document an application (i) identifying the information, document or report in question, (ii) stating why the filing thereof at the time required is impractical, and (iii) requesting an extension of time for filing the information, document or report to a specified date. The request for extension shall be deemed granted unless the Commission, within thirty (30) days after receipt thereof enters an order denying the request.

## INSURANCE HOLDING COMPANY SYSTEM ANNUAL REGISTRATION STATEMENT

filed with the

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION  
Bureau of Insurance

DATE: .....

by

.....  
Name of Registrant

On Behalf of the Following Insurance Companies

.....  
Name NAIC No. Dom. State

Name, Title, Address and Telephone Number of  
Individual to Whom Notices and Correspondence  
Concerning this Statement Should be Addressed:

.....

.....

.....

FORM B

## ITEM 1. IDENTITY AND CONTROL OF REGISTRANT

Furnish the exact name of each insurer registering or being registered (hereinafter called "the Registrant"), the home office address and principal executive offices of each; the date on which each Registrant became part of the insurance holding company system; and the method(s)

# State Corporation Commission

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by which control of each Registrant was acquired and is maintained.

## ITEM 2. ORGANIZATIONAL CHART

Furnish a chart or listing clearly presenting the identities of and interrelationships among all affiliated persons within the insurance holding company system. Show the Federal Employers Identification No. for each listed person. Also identify each insurer as such and list its NAIC Company Code. All affiliated non-insurers must be shown. The chart or listing should show the percentage of each class of voting securities of each affiliate which is owned, directly or indirectly, by another affiliate. If control of any person within the system is maintained other than by the ownership or control of voting securities, indicate the basis of such control. As to each person specified in such chart or listing indicate the type of organization (e.g., corporation, trust, partnership) and the state or other jurisdiction of domicile.

## ITEM 3. THE ULTIMATE CONTROLLING PERSON

As to the ultimate controlling person in the insurance holding company system furnish the following information:

- (a) Name.
- (b) Home office address.
- (c) Principal executive office address.
- (d) The organizational structure of the person, i.e., corporation, partnership, individual, trust, etc.
- (e) The principal business of the person.
- (f) The capital structure of the person, including the type and number of shares issued and whether such shares are outstanding.
- (g) The name and address of any person who holds or owns 10% or more of any class of voting security, the class of such security, the number of shares held of record or known to be beneficially owned, and the percentage of class so held or owned and state whether or not such person has filed a disclaimer of affiliation as to such ownership interests pursuant to subsection I of § 38.2-1329 of the Act.
- (h) If court proceedings involving a reorganization or liquidation are pending, indicate the title and location of the court, the nature of proceedings and the date when commenced.

## ITEM 4. BIOGRAPHICAL INFORMATION

Furnish the following information for the directors and executive officers of the ultimate controlling person: the individual's name and address, his or her principal occupation and all offices and positions held during the

past five years, and any conviction of crimes (excluding minor traffic violations) during the past ten years.

## ITEM 5. TRANSACTIONS AND AGREEMENTS

Briefly describe the following agreements in force, relationships subsisting and transactions currently outstanding or which have occurred during the last calendar year between the Registrant and its affiliates:

- (a) Loans, other investments, or purchases, sales or exchanges of securities of the affiliates by the Registrant or of the Registrant by its affiliates;
- (b) Purchases, sales or exchanges of assets;
- (c) Transactions not in the ordinary course of business;
- (d) Guarantees or undertakings for the benefit of an affiliate or other third party which result in an actual contingent exposure of the Registrant's assets to liability, other than insurance contracts entered into in the ordinary course of the Registrant's business;
- (e) All management and service contracts and all cost-sharing arrangements;
- (f) Reinsurance agreements or other risk-sharing arrangements;
- (g) Dividends and other distributions to shareholders;
- (h) Consolidated tax allocation agreements; and
- (i) Any pledge or hypothecation of the Registrant's stock and/or of the stock of any subsidiary or controlling affiliate, for a loan made to any member of the insurance holding company system.

Unless the Commission provides otherwise by rule, order or regulation, no information need be disclosed for sales, purchases, exchanges, loans or extensions of credit, investments or guarantees involving the lesser of (i) one-half of 1% (0.5%) of the Registrant's admitted assets or (ii) five percent (5%) of the insurer's surplus to policyholders, as of the 31st day of December next preceding, unless such sale or other transaction is one of a series of transactions, occurring within a twelve (12) month period, that are sufficiently similar in nature as to be reasonably construed as a single transaction and that in the aggregate exceed the minimum limits herein provided.

The description shall be in a manner as to permit the proper evaluation thereof by the Commission, and shall include at least the following:

- (j) The nature and purpose of the transaction,
- (k) The nature and amounts of any payments or transfers of assets between the parties,

# State Corporation Commission

(l) The identity of all parties to such transaction, and

(m) The relationship of the affiliated parties to the Registrant.

## ITEM 6. LITIGATION OR ADMINISTRATIVE PROCEEDINGS

A brief description of any litigation or administrative proceedings of the following types, either then pending or concluded within the preceding fiscal year, to which the ultimate controlling person or any of its directors or executive officers was a party or of which the property of any such person is or was the subject; give the names of the parties and the court or agency in which such litigation or proceeding is or was pending:

(a) Criminal prosecutions or administrative proceedings by any government agency or authority which may be relevant to the trustworthiness of any party thereto; and

(b) Proceedings which may have a material effect upon the solvency or capital structure of the Registrant or the ultimate holding company including, but not necessarily limited to, bankruptcy, receivership or other corporate reorganizations.

## ITEM 7. STATEMENT REGARDING PLAN OR SERIES OF TRANSACTIONS

The insurer shall furnish a statement that transactions entered into since the filing of the prior year's annual registration statement are not part of a plan or series of like transactions, the purpose of which is to avoid statutory threshold amounts and the review that might otherwise occur.

## ITEM 8. FINANCIAL STATEMENTS AND EXHIBITS

(a) Financial statements and exhibits should be attached to this statement as an appendix, but list under this item the financial statements and exhibits so attached.

(b) The financial statements shall include the annual financial statements of the ultimate controlling person in the insurance holding company system as of the end of the person's latest fiscal year.

If at the time of the initial registration, the annual financial statements for the latest fiscal year are not available, annual statements for the previous fiscal year may be filed and similar financial information shall be filed for any subsequent period to the extent such information is available. Such financial statements may be prepared on either an individual basis, or, unless the Commission otherwise requires, on a consolidated basis if such consolidated statements are prepared in the usual course of business.

Unless the Commission otherwise permits, the annual financial statements shall be accompanied by the

certificate of an independent public accountant to the effect that such statements present fairly the financial position of the ultimate controlling person and the results of its operations for the year then ended, in conformity with generally accepted accounting principles or with requirements of insurance or other accounting principles prescribed or permitted under law. If the ultimate controlling person is an insurer which is actively engaged in the business of insurance, the annual financial statements need not be certified, provided they are based on the Annual Statement of such insurer filed with the insurance department of the insurer's domiciliary state and are in accordance with requirements of insurance or other accounting principles prescribed or permitted under the law and regulations of such state.

(c) Exhibits shall include:

i. The most recent annual report to shareholders of the ultimate controlling person;

ii. The latest proxy material used by the ultimate controlling person;

iii. The most recent annual financial audit report prepared by an independent public accountant including, if available, individual audit reports of any affiliated domestic insurers;

iv. All reports submitted to the Securities and Exchange Commission during the preceding year, including, but not limited to, Forms 8K, 10K and 10Q; and

v. Any additional documents or papers required by this Form B.

## ITEM 9. FORM C REQUIRED

A Form C, Summary of Registration Statement, must be prepared and filed with the Registrant's initial Form B filing. A Form C filing shall also be filed with the Form B filing due from each Registrant, pursuant to Section 6 of the regulation, within 120 days of the end of the calendar year.

## ITEM 10. SIGNATURE AND OATH

(a) Signature and oath shall be in the following form for Registrant's initial registration statement and all amendments filed in the format of Form B:

SIGNATURE

Pursuant to the requirements of § 38.2-1329 of the Code of Virginia and Insurance Regulation No. 14 (revised), the Registrant has caused this application to be duly signed on its behalf in the City/County of ..... and State of ..... on the .....day of .....



# State Corporation Commission

(SEAL)

.....

By: .....  
(Name) (Title)

.....  
(Registrant)

Attest:

on behalf of ..... (the insurance company);

.....

Title:.....

(ii) That (s)he is familiar with the transaction, such instruments and the contents thereof, and that the facts therein set forth and herein certified are true to the best of his/her knowledge, information and belief;

### OATH

The undersigned deposes and says that (s)he has duly executed the attached application dated ....., 19....., for and on behalf of .....; (name of applicant company) that (s)he is the ..... (title of officer) of such company; and that (s)he has the authority to execute and file such instrument. Deponent further says that (s)he is familiar with such instrument and the contents thereof, and that the facts therein set forth are true to the best of his(her) knowledge, information and belief.

(iii) That (s)he is the .....  
(Title of Officer)

of such Registrant.

(Signature) .....

.....  
(Type or print name beneath)

Subscribed and sworn to before me this ..... day of 19.....

(SEAL)

.....  
(Signature)

.....  
Notary Public in and for the  
City/County of .....  
State of .....

.....  
(Type or print name beneath signature)

Subscribed and sworn to before me this ..... day of 19.....

(SEAL)

.....  
Notary Public in and for the  
City/County of .....  
State of .....

(b) Signature and oath shall be as follows when treating other form filings as amendments to a Form B filing:

### SIGNATURE AND OATH

Pursuant to the requirements of §§ 38.2-1329.E and 38.2-1331.D of the Code of Virginia and Insurance Regulation No. 14, the undersigned deposes and says that the transaction described in the Form ..... filing dated ....., 19....., filed by ....., and approved on ..... by the Bureau of Insurance State Corporation Commission for the Commonwealth of Virginia (Commission) was consummated, as approved by the Commission, on ....., 19.....

The undersigned further deposes and says:

### FORM C - INSTRUCTIONS FOR SUMMARY OF REGISTRATION STATEMENT

#### I. Regulation as to Use of Form C. -

(1) The information required by these instructions shall constitute a Form C filing and may be referred to as a Summary of Registration Statement. An insurer required to register with the Commission pursuant to § 38.2-1329 shall use Form C to prepare a summary outlining all items in the current registration statement representing changes from the prior registration statement. The Summary of Registration Statement shall be filed with the Commission annually by April 30 . It shall accompany the restated up-to-date registration statement which each insurer subject to registration pursuant to § 38.2-1329 of the Code is required to file with the Commission.

#### II. Preparation of Application. -

This form is not to be used as a blank form to be filled in but only as a guide in the preparation of the application. The summary shall contain the numbers and captions of all items, but the text of the items may be omitted provided the answers thereto are prepared in such a manner as to indicate clearly the scope and coverage of the items. All instructions, whether appearing under the items of the form or elsewhere therein, are to be omitted.

# State Corporation Commission

Unless expressly provided otherwise, if any item is inapplicable or the answer thereto is in the negative, an appropriate statement to that effect shall be made.

**III. Number of Copies - Signatures. -**

(1) Two copies of each Form C filing shall be filed with the Commission by personal delivery or mail addressed to: State Corporation Commission - Bureau of Insurance, ATTN: Financial Regulation Division, P. O. Box 1157, Richmond, VA 23209 (Tyler Building - 6th Floor, 1300 East Main Street, 23219).

(2) A copy of Form C shall be filed in each state in which an insurer is authorized to do business, if the Insurance Commissioner of that state has notified the insurer of its request in writing, in which case the insurer has seven (7) days from receipt of the notice to file such form.

(3) At least one copy of each Form C filing filed with the Commission shall be manually signed in the manner prescribed by this form. Unsigned copies shall be conformed.

(4) If the signature of any person is affixed pursuant to a power of attorney or other similar authority, a copy of such power of attorney or other authority shall also be filed with the Form C filing.

**IV. Requirements as to Printing and Language. -**

(1) Form C filing should be prepared on paper 8 1/2"x11" in size and preferably bound at the top or the top left-hand corner.

(2) Pages shall be consecutively numbered, clear, easily readable and suitable for photocopying.

(3) Statements shall be in the English language and monetary values shall be stated in United State currency.

**SUMMARY OF REGISTRATION STATEMENT**

filed with the  
**COMMONWEALTH OF VIRGINIA**  
**STATE CORPORATION COMMISSION**  
 Bureau of Insurance

DATE: .....

by

.....  
 Name of Registrant

On Behalf of the Following Insurance Companies

Name	NAIC No. Dom. State
------	---------------------

Name	NAIC No. Dom. State
------	---------------------

Name	NAIC No. Dom. State
------	---------------------

Name, Title, Address and Telephone Number of  
 Individual to Whom Notices and Correspondence  
 Concerning this Statement Should be Addressed:

.....  
 .....  
 .....

**FORM C**

Furnish a brief description of all items in the current annual registration statement which represent changes from the registrant's initial registration statement or the prior year's annual registration statement, whichever was most recently filed. The description shall be in a manner as to permit the proper evaluation thereof by the Commission, and shall include specific references to Item numbers in the annual registration statement and to the terms contained therein.

Changes occurring under Item 2 of Form B insofar as changes in the percentage of each class of voting securities held by each affiliate is concerned, need only be included where such changes are ones which result in ownership or holdings of ten percent (10%) or more of voting securities, loss or transfer of control, or acquisition or loss of partnership interest.

Changes occurring under Item 4 of Form B need only be included where: (i) an individual is, for the first time, made a director or executive officer of the ultimate controlling person; (ii) a director or executive officer terminates his or her responsibilities with the ultimate controlling person; or (iii) an individual is named president of the ultimate controlling person.

If a transaction disclosed on the registration statement for the prior year has been changed, the nature of such change shall be included. If a transaction disclosed on the prior year's registration statement has been effectuated, furnish the mode of completion and describe any flow of funds between affiliates resulting from the transaction.

The insurer shall furnish a statement that transactions entered into since the filing of the Registrant's registration statement for the prior year are not part of a plan or series of like transactions whose purpose it is to avoid statutory threshold amounts and the review that might otherwise occur.

**SIGNATURE AND OATH**

Signature and oath shall be in the following form:

# State Corporation Commission

## SIGNATURE

Pursuant to the requirements of § 38.2-1324 of the Code of Virginia and Insurance Regulation No. 14 (revised), Registrant has caused this Form C Summary of Registration Statement to be duly signed on its behalf in the City/County of ..... and State of ..... on the ..... day of ....., 19.....

(SEAL)

.....  
Name of Registrant

By: .....  
(Name) (Title)

Attest:

.....  
(Signature of Officer)

Title:.....

## OATH

The undersigned deposes and says that (s)he has duly executed the attached application dated ....., 19....., for and on behalf of

.....;  
(Name of Registrant)

that (s)he is the .....  
(title of officer)

of such company; and that (s)he has the authority to execute and file such instrument. Deponent further says that (s)he is familiar with such instrument and the contents thereof, and that the facts therein set forth are true to the best of his(her) knowledge, information and belief.

(Signature) .....

.....  
(Type or print name beneath signature)

Subscribed and sworn to before me this ..... day of 19.....

(SEAL)

.....  
Notary Public in and for the  
City/County of .....  
State of .....

FORM D - INSTRUCTIONS FOR A § 38.2-1331 PRIOR  
NOTICE AND APPLICATION FOR APPROVAL OF  
CERTAIN TRANSACTIONS

## I. Regulation as to Use of Form D. -

(1) Form D shall be used by an insurer to provide written notice to the Commission and to apply for the Commission's approval of transactions subject to § 38.2-1331 of the Code. The subject transactions are material transactions that involve the insurer and an affiliate.

"Material transaction" is defined in § 38.2-1322 of the Act.

A "transaction between a domestic insurer and any of its affiliates" includes transactions between a domestic insurer and a nonaffiliate as are described in § 38.2-1331 of the Act.

(2) All material transactions between a domestic insurer and any of its affiliates, excepting an anticipated change of control or the declaration or payment of any dividend or distribution to shareholders, shall be reported using Form D if such transaction involves:

(i) More than either three percent (3%) of the insurer's admitted assets or twenty-five percent (25%) of the insurer's surplus as of the immediately preceding December 31; and/or

(ii) Any reinsurance treaty or risk-sharing arrangement, or modifications thereto, in which the reinsurance premium or anticipated change in the insurer's liabilities equals or exceeds five percent (5%) of the insurer's surplus to policyholders reported on the immediately preceding December 31.

(3) Form D also shall be used by domestic insurers to report any investment in an affiliated company if the insurer knows or can reasonably anticipate that on the date of investment, the sum of its investments in affiliated companies exceeds or will exceed one or more of the following:

(i) Fifty percent (50%) of the surplus to policyholders reported on the immediately preceding December 31,

(ii) Ten percent (10%) of admitted assets reported on the immediately preceding December 31, or

(iii) Fifty percent (50%) of the surplus to policyholders at the time Form D is filed and application is made to the Commission for approval of the transaction.

As used herein, an insurer's "investment in affiliated companies" is the sum of the following:

(i) The assets held by the insurer that represent securities issued by or, if not in security form, equity or debt interests in companies of the affiliate system;

(ii) Loans or extensions of credit to any person who is not an affiliate, where the insurer makes such loans

# State Corporation Commission

or extensions of credit with the agreement or understanding that the proceeds of such transactions, in whole or substantial part, are to be used to make loans or extensions of credit to, to purchase assets of, or to make investments in, any affiliate of the insurer making such loans or extensions of credit;

(iii) The assets of the insurer that are pledged on behalf of companies in the holding company system; and

(iv) The aggregate guarantees for loans or extensions of credit made to affiliates which result in an actual contingent exposure of the insurer's assets to liability.

To the extent not already provided in this paragraph, the sum shall include for all affiliated companies other than domestic and foreign insurance company subsidiaries and health maintenance organization subsidiaries, (i) total net moneys or other considerations expended and obligations assumed in the acquisition or formation of a subsidiary, including all organizational expenses and contributions to capital and surplus of such subsidiary whether or not represented by the purchase of capital stock or issuance of other securities and (ii) all amounts expended in acquiring additional common stock, preferred stock, debt obligations, and other securities and all contributions to capital or surplus of a subsidiary subsequent to its acquisition or formation.

(4) Form D shall not be used to give notice of or seek approval for any dividend or distribution to shareholders; notice of dividends and distributions to shareholders shall be given in the format of Form F.

(5) Form D shall not be used to give notice of or to seek approval for any change of control; such notice shall be given in the format of Form A, and where appropriate in the format of Form E.

(6) Material transactions not subject to reporting in the format of Forms A, D, E or F shall be filed in the format of Form B as amendments to the registrant's registration statement.

(7) An insurer may amend a Form D filing during its pendency by filing amended information in the format of Form D and including on the top cover "Amendment No. .... to...." The form used for the amendment shall indicate the date of the amendment and not the date of the original filing.

(8) Information required by § 38.2-1329 of the Act and filed in the format of Form D shall receive confidential treatment during the pendency of review by the Commission; however, this provision shall not restrict the ability of the Commission to share information with insurance departments in other states. Upon approval by the Commission and confirmation by the insurer that the transaction as approved has been consummated, information required by § 38.2-1329 of the Act and filed in

the format of Form D shall receive confidential treatment pursuant to § 38.2-1333 of the Act.

II. Preparation of Application. - This form is not to be used as a blank form to be filled in but only as a guide in the preparation of the application. The application shall contain the numbers and captions of all items, but the text of the items may be omitted provided the answers thereto are prepared in such a manner as to indicate clearly the scope and coverage of the items. All instructions, whether appearing under the items of the form or elsewhere therein, are to be omitted. Unless expressly provided otherwise, if any item is inapplicable or the answer thereto is in the negative, an appropriate statement to that effect shall be made.

III. Number of Copies - Signatures. -

(1) Two copies of each application including exhibits and all other papers and documents filed as a part thereof, shall be filed with the Commission by personal delivery or mail addressed to: State Corporation Commission - Bureau of Insurance, ATTN: Financial Regulation Division, P. O. Box 1157, Richmond, VA 23209 (Tyler Building - 6th Floor, 1300 East Main Street, 23219).

(2) At least one copy of each application filed with the Commission shall be manually signed in the manner prescribed by this form. Unsigned copies shall be conformed.

(3) If the signature of any person is affixed pursuant to a power of attorney or other similar authority, a copy of such power of attorney or other authority shall also be filed with the application.

IV. Requirements as to Printing and Language. -

(1) Statements should be prepared on paper 8 1/2"x11" in size and preferably bound at the top or the top left-hand corner. Exhibits and financial statements, unless specifically prepared for the filing, may be submitted in their original size.

(2) All copies of any filed statements, papers or documents shall be clear, easily readable and suitable for photocopying. Debits in credit categories and credits in debit categories shall be designated so as to be clearly distinguishable as such on photocopies.

(3) Statements shall be in the English language and monetary values shall be stated in United States currency. If any exhibit or other paper or document filed with the statement is in a foreign language, it shall be accompanied by a translation into the English language and any monetary value shown in a foreign currency normally shall be converted into United States currency.

(4) Any amendments to the application that include the refile of original documents in their entirety shall be "red-lined" or otherwise marked to reflect all changes

# State Corporation Commission

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made by the amendment.

## V. Additional Information and Exhibits. -

(1) In addition to the information expressly required to be included in the application there shall be added such further material information, if any, as may be necessary to make the information contained therein not misleading.

(2) The applicant may file such exhibits as it may desire in addition to those expressly required by the statement. Such exhibits shall be so marked as to indicate clearly the subject matters to which they refer.

VI. Information Unknown or Not Available. - Information required need be given only insofar as it is known or reasonably available to the person filing the statement. If any required information is unknown and not reasonably available to the person filing, either because the obtaining thereof would involve unreasonable effort or expense, or because it rests peculiarly within the knowledge of another person not affiliated with the person filing, the information may be omitted, subject to the following conditions:

(1) The applicant shall give such information on the subject as it possesses or can acquire without unreasonable effort or expense, together with the sources thereof; and

(2) The applicant shall include a statement either showing that unreasonable effort or expense would be involved or indicating the absence of any affiliation with the person within whose knowledge the information rests and stating the result of a request made to such person for the information.

## VII. Incorporation by Reference. -

(1) Information required by any item of this application may be incorporated by reference in answer or partial answer to any other item.

(2) Information contained in a statement filed pursuant to the Securities Act of 1933, the Securities Exchange Act of 1934 or disclosure and information contained in any financial statement, annual report, proxy statement, any other document filed with a governmental authority, or any other document may be incorporated by reference in answer or partial answer to any item of this application, provided such information substantially satisfies the requirements of this application and copies of all documents containing such information are attached as exhibits to this application. Excerpts of documents may be filed as exhibits if the documents are extensive.

(3) Material incorporated by reference shall be clearly identified in the reference. An express statement that the specified matter is incorporated by reference shall be made at the particular place in the application where the information is required. Matter shall not be incorporated by reference in any case where such incorporation would render the statement incomplete, unclear or confusing.

(4) Documents incorporated by reference which are currently on file with the Commission and which were filed within three years need not be attached as exhibits unless the Commission specifically requests otherwise. References to information contained in exhibits or in documents already on file shall clearly identify the material and shall specifically indicate that such material is to be incorporated by reference in answer to the item. The Commission may at any time in its discretion require the filing of copies of any omitted documents.

VIII. Summaries or Outlines of Documents. - Where an item requires a summary or outline of the provisions of any document, only a brief statement shall be made as to the pertinent provisions of the document. In addition to such statement, the summary or outline may incorporate by reference particular parts of any exhibit or document currently on file with the Commission which was filed within three years and may be qualified in its entirety by such reference.

IX. Omission of Substantially Identical Documents. - In any case where two or more documents required to be filed as exhibits are substantially identical in all material respects except as to the parties thereto, the dates of execution, or other details, the person filing need file a copy of only one of such documents with a schedule identifying the omitted documents and setting forth the material details in which cited documents differ from filed documents. The Commission may at any time in its discretion require the filing of copies of any omitted documents.

X. Extension of Time for Furnishing Information. - If it is impractical to furnish any required information, document or report at the time it is required to be filed, the applicant may file with the Commission as a separate document an application (i) identifying the information, document or report in question, (ii) stating why the filing thereof at the time required is impractical, and (iii) requesting an extension of time for filing the information, document or report to a specified date. The request for extension shall be deemed granted unless the Commission, within thirty (30) days after receipt thereof enters an order denying the request.

XI. Approval of Form D Filings. - Pursuant to § 38.2-1331 of the Act, failure of the Commission to act within sixty days after notification by the insurer shall constitute approval of the transaction.

## § 38.2-1331 PRIOR NOTICE AND APPLICATION FOR APPROVAL OF CERTAIN TRANSACTIONS

filed with the

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION  
Bureau of Insurance

DATE: .....

# State Corporation Commission

by

.....  
Name of Registrant                      NAIC No. Dom. State

On Behalf of the Following Insurance Companies

.....  
Name                                      NAIC No. Dom. State

.....  
Name                                      NAIC No. Dom. State

.....  
Name                                      NAIC No. Dom. State

Name, Title, Address and Telephone Number of  
Individual to Whom Notices and Correspondence  
concerning this statement should be addressed:

.....  
.....  
.....

## FORM D

### ITEM 1. IDENTITY OF PARTIES TO TRANSACTION

Furnish the following information for each of the parties to the transaction:

- (a) Name.
- (b) Home office address.
- (c) Principal executive office address.
- (d) The organizational structure, i.e. corporation, partnership, individual, trust, etc.
- (e) A description of the nature of the party's business operations.
- (f) Relationship, if any, of other parties to the transaction to the insurer filing the notice, including any ownership or debtor/creditor interest by any other parties to the transaction in the insurer seeking approval, or by the insurer filing the notice in the affiliated parties.

(g) Where the transaction is with a non-affiliate, the name(s) of the affiliate(s) which will receive, in whole or in substantial part, the proceeds of the transaction.

### ITEM 2. DESCRIPTION OF THE TRANSACTION

Furnish the following information for each transaction for which notice is being given:

- (a) A statement as to whether notice is being given

under subsection A.1(i), A.1(ii) or A.2 of § 38.2-1331 of the Code. Where more than one subsection is applicable, identify all such subsections.

(b) A statement as to which sub-classification in the definition of "material transaction" found in § 38.2-1322 of the Code most accurately describes the subject transaction.

(c) A statement of the nature of the transaction.

(d) The proposed effective date of the transaction.

### ITEM 3. SALES, PURCHASES, EXCHANGES, LOANS, EXTENSIONS OF CREDIT, GUARANTEES OR INVESTMENTS

If the transaction is a sale, purchase, exchange, loan, extension of credit, guarantee, or investment: furnish a brief description of the amount and source of funds, securities, property or other consideration for the transaction. Also state whether any provision exists for purchase by the insurer filing notice, by any party to the transaction, or by any affiliate of the insurer filing notice, a description of the terms of any securities being received, if any, and a description of any other agreements relating to the transaction such as contracts or agreements for services, consulting agreements and the like. If the transaction involves other than cash, furnish a description of the consideration, its cost and its fair market value, together with an explanation of the basis for evaluation.

If the transaction involves a loan, extension of credit or a guarantee: furnish also a description of the maximum amount which the insurer will be obligated to make available under such loan, extension of credit or guarantee, the date on which the credit or guarantee will terminate, and any provisions for the accrual of or deferral of interest.

If the transaction involves an investment, guarantee or other arrangement: state also the time period during which the investment, guarantee or other arrangement will remain in effect, together with any provisions for extensions or renewals of such investments, guarantees or arrangements. Furnish a brief statement as to the effect of the transaction upon the insurer's surplus.

### ITEM 4. LOANS OR EXTENSIONS OF CREDIT TO A NON-AFFILIATE

If the transaction involves a loan or extension of credit to any person who is not an affiliate: furnish a brief description of the agreement or understanding whereby the proceeds of the proposed transaction, in whole or in substantial part, are to be used to make loans or extensions of credit to, to purchase the assets of, or to make investments in, any affiliate of the insurer making such loans or extensions of credit, and specify in what manner the proceeds are to be used to loan to, extend credit to, purchase assets of or make investments in any affiliate. Describe the amount and source of funds,

# State Corporation Commission

securities, property or other consideration for the loan or extension of credit and, if the transaction is one involving consideration other than cash, a description of its cost and its fair market value together with an explanation of the basis for evaluation. Furnish a brief statement as to the effect of the transaction upon the insurer's surplus.

## ITEM 5. REINSURANCE

If the transaction involves a reinsurance treaty or risk-sharing arrangement, or modification thereto, in which the reinsurance premium or anticipated change in the insurer's liabilities equals or exceeds five percent of the insurer's surplus to policyholders reported on the immediately preceding December 31, furnish a description of the known and/or estimated amount of liability to be ceded and/or assumed in each calendar year, the period of time during which the agreement will be in effect, and a statement whether an agreement or understanding exists between the insurer and non-affiliate to the effect that any portion of the assets constituting the consideration for the agreement will be transferred to one or more of the insurer's affiliates. Furnish a brief description of the consideration involved in the transaction, and a brief statement as to the effect of the transaction upon the insurer's surplus.

## ITEM 6. MANAGEMENT AGREEMENTS, SERVICE AGREEMENTS AND COST-SHARING ARRANGEMENTS

(a) For management and service contracts furnish: (i) a brief description of the managerial responsibilities, or services to be performed and (ii) a brief description of the agreement, including a statement of its duration, together with brief descriptions of the basis for compensation and the terms under which payment or compensation is to be made.

(b) For cost-sharing arrangements, furnish: (i) a brief description of the purpose of the agreement, (ii) a description of the period of time during which the agreement is to be in effect, (iii) a brief description of each party's expenses or costs covered by the agreement, and (iv) a brief description of the accounting basis to be used in calculating each party's costs under the agreement.

## ITEM 7. CONTRACTS, AGREEMENTS AND OTHER DOCUMENTATION

At the request of the Commission, the applicant shall provide also a copy of the contract, agreement or other document establishing the terms of the transaction for which prior approval is being requested.

## ITEM 8. SIGNATURE AND OATH

Signature and oath shall be in the following form:

SIGNATURE

Pursuant to the requirements of § 38.2-1331 of the Code

of Virginia and Insurance Regulation No. 14 (revised),  
..... (name of applicant) has caused this  
application to be duly signed on its behalf in the  
City/County of ..... and State of  
..... on the ..... day of .....

By: .....  
(Name) (Title)

Attest:

.....

Title:.....

### OATH

The undersigned deposes and says that (s)he has duly  
executed the attached application dated  
....., 19....., for and on behalf of

.....;  
(name of applicant company)

that (s)he is the .....  
(title of officer)

of such company; and that (s)he has the authority to  
execute and file such instrument. Deponent further says  
that (s)he is familiar with such instrument and the  
contents thereof, and that the facts therein set forth are  
true to the best of his(her) knowledge, information and  
belief.

(Signature) .....

.....  
(Type or print name beneath signature)

Subscribed and sworn to before me this ..... day of 19.....

(SEAL)

.....  
Notary Public in and for the  
City/County of .....  
State of .....

## FORM E - INSTRUCTIONS FOR AN ACQUISITION STATEMENT REPORTING COMPETITIVE IMPACT DATA

### I. Regulation as to Use of Form E. -

(1) Form E shall be used by a person filing an  
acquisition statement with the Commission pursuant to  
subsection B of § 38.2-1323 of the Act and also by certain  
insurers subject to subsection A of § 38.2-1323. During the  
pendency of this filing, amendments may be filed provided

# State Corporation Commission

such amendments are also filed in the Form E format and include on the top of the cover "Amendment No. .... to..." with an indication of both the date of the amendment and the date of the original filing.

(2) The Commission shall give confidential treatment to information required by and submitted in the format of Form E pursuant to the provisions of § 38.2-1306 of the Code of Virginia.

II. Preparation of Application. - This form is not to be used as a blank form to be filled in but only as a guide in the preparation of the Form E statement. The application shall contain the numbers and captions of all items, but the text of the items may be omitted provided the answers thereto are prepared in such a manner as to indicate clearly the scope and coverage of the items. All instructions, whether appearing under the items of the form or elsewhere therein, are to be omitted. Unless expressly provided otherwise, if any item is inapplicable or the answer thereto is in the negative, an appropriate statement to that effect shall be made.

### III. Number of Copies - Signatures. -

(1) Two copies of each application including exhibits and all other papers and documents filed as a part thereof, shall be filed with the Commission by personal delivery or mail addressed to: State Corporation Commission - Bureau of Insurance, ATTN: Financial Regulation Division, P. O. Box 1157, Richmond, VA 23209 (Tyler Building - 6th Floor, 1300 East Main Street, 23219).

(2) At least one copy of each statement filed with the Commission shall be manually signed in the manner prescribed by this form. Unsigned copies shall be conformed. If the signature of any person is affixed pursuant to a power of attorney or other similar authority, a copy of such power of attorney or other authority shall also be filed with the statement.

### IV. Requirements as to Printing and Language. -

(1) Statements should be prepared on paper 8-1/2"x11" in size and preferably bound at the top or the top left-hand corner. Exhibits and financial statements, unless specifically prepared for the filing, may be submitted in their original size.

(2) All copies of any statement, financial statements, or exhibits shall be clear, easily readable and suitable for photocopying. Debits in credit categories and credits in debit categories shall be designated so as to be clearly distinguishable as such on photocopies.

(3) Statements shall be in the English language and monetary values shall be stated in United States currency. If any exhibit or other paper or document filed with the statement is in a foreign language, it shall be accompanied by a translation into the English language and any monetary value shown in a foreign currency normally

shall be converted into United States currency.

(4) Any amendments to the statement that include the refile of original documents in their entirety shall be "red-lined" or otherwise marked to reflect all changes made by the amendment.

### V. Additional Information and Exhibits. -

(1) In addition to the information expressly required to be included in the statement, there shall be added such further material information, if any, as may be necessary to make the information contained therein not misleading.

(2) The person filing may file such exhibits as it may desire in addition to those expressly required by the statement. Such exhibits shall be so marked as to indicate clearly the subject matters to which they refer.

(3) The Commission may require, pursuant to § 38.2-1323.B, such additional information as it deems necessary to determine if the merger or acquisition causes or tends to cause a substantial lessening of competition in any line of insurance. The Commission may consider, among other things, competitive standards promulgated by the NAIC and also may require an opinion of an economist as to the competitive impact of the acquisition or merger in the Commonwealth. In such opinion shall be accompanied by a summary of the education and experience of such person indicating his or her ability to render an informed opinion.

VI. Information Unknown or Not Available. - Information required need be given only insofar as it is known or reasonably available to the person filing the statement. If any required information is unknown and not reasonably available to the person filing, either because the obtaining thereof would involve unreasonable effort or expense, or because it rests peculiarly within the knowledge of another person not affiliated with the person filing, the information may be omitted, subject to the following conditions:

(1) the person filing shall give such information on the subject as it possesses or can acquire without unreasonable effort or expense, together with the sources thereof; and

(2) the person filing shall include a statement either showing that unreasonable effort or expense would be involved or indicating the absence of any affiliation with the person within whose knowledge the information rests and stating the result of a request made to such person for the information.

### VII. Incorporation by Reference. -

(1) Information required by any item of this application may be incorporated by reference in answer or partial answer to any other item.

(2) Information contained in a statement filed pursuant to the Securities Act of 1933, the Securities Exchange Act



# State Corporation Commission

of 1934 or disclosure and information contained in any financial statement, annual report, proxy statement, or any other document may be incorporated by reference in answer or partial answer to any item of this statement, provided such information substantially satisfies the requirements of this application and copies of all documents containing such information are attached as exhibits to this statement.

(3) Material incorporated by reference shall be clearly identified in the reference. An express statement that the specified matter is incorporated by reference shall be made at the particular place in the application where the information is required. Matter shall not be incorporated by reference in any case where such incorporation would render the statement incomplete, unclear or confusing.

(4) Documents incorporated by reference which are currently on file with the Commission and which were filed within three years need not be attached as exhibits unless the Commission specifically requests otherwise. References to information contained in exhibits or in documents already on file shall clearly identify the material and shall specifically indicate that such material is to be incorporated by reference in answer to the item. The Commission may at any time in its discretion require the filing of copies of any omitted documents.

VIII. Summaries or Outlines of Documents. - Where an item requires a summary or outline of the provisions of any document, only a brief statement shall be made as to the pertinent provisions of the document. In addition to such statement, the summary or outline may incorporate by reference particular parts of any exhibit or document currently on file with the Commission which was filed within three years and may be qualified in its entirety by such reference.

IX. Omission of Substantially Identical Documents. - In any case where two or more documents required to be filed as exhibits are substantially identical in all material respects except as to the parties thereto, the dates of execution, or other details, the person filing need file a copy of only one of such documents with a schedule identifying the omitted documents and setting forth the material details in which cited documents differ from filed documents. The Commission may at any time in its discretion require the filing of copies of any omitted documents.

X. Extension of Time for Furnishing Information.- If it is impractical to furnish any required information, document or report at the time it is required to be filed, there may be filed with the Commission as a separate document: a document (i) identifying the information, document or report in question, (ii) stating why the filing thereof at the time required is impractical, and (iii) requesting an extension of time for filing the information, document or report to a specified date. The request for extension shall be deemed granted unless the Commission, within thirty (30) days after receipt thereof notifies the applicant to the contrary and enters an order denying the request.

## ACQUISITION STATEMENT REPORTING COMPETITIVE IMPACT DATA

filed with the

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION  
Bureau of Insurance

DATE: .....

by

.....  
Name of Person Making Filing      NAIC No. Dom. State

Other Persons Involved in Merger or Acquisition,  
including Involved Insurers  
An "involved insurer" acquires or is acquired, is  
affiliated with an acquirer or an acquiree, or is  
the result of a merger.

.....  
Name      NAIC No. Dom. State

.....  
Name      NAIC No. Dom. State

.....  
Name      NAIC No. Dom. State

Name, Title, Address and Telephone Number of  
Individual to Whom Notices and Correspondence  
Concerning this Statement Should be Addressed:

.....  
.....  
.....

### FORM E

#### ITEM 1. NAME AND ADDRESS

State the names and address of the persons who hereby provide notice of their involvement in a pending acquisition, merger, or change in corporate control.

#### ITEM 2. NAME AND ADDRESSES OF AFFILIATED COMPANIES

State the names and addresses of the companies affiliated with those listed in Item 1. Describe their affiliation.

#### ITEM 3. NATURE AND PURPOSE OF THE PROPOSED MERGER OR ACQUISITION.

State the nature and purpose of the proposed acquisition, merger, or change in control.

# State Corporation Commission

## ITEM 4. NATURE OF BUSINESS

State the nature of the business performed by each of the parties identified in response to Item 1 and Item 2.

(Signature of Officer)

Title:.....

## ITEM 5. MARKET AND MARKET SHARE

State specifically what market and market share in each relevant insurance market the persons identified in Item 1 and Item 2 currently enjoy in this state. Provide historical market and market share data for each person identified in Item 1 and Item 2 for the past five years and identify the source of such data. For purposes of this question, "market" means direct written insurance premium in this Commonwealth for a line of business as contained in the annual statement required to be filed by insurers licensed to do business in this Commonwealth.

### OATH

The undersigned deposes and says that (s)he has duly executed the attached statement dated ..... 19....., for and on behalf of

.....  
(name of person making filing)

that (s)he is the .....  
(title of officer)

of such company; and that (s)he has authority to execute and file such instrument. Deponent further says that (s)he is familiar with such instrument and the contents thereof, and that the facts therein set forth are true to the best of his/her knowledge, information and belief.

(Signature) .....

.....  
(Type or print name beneath signature)

## ITEM 6. SUMMARY

Summarize the effect that the merger, acquisition or change of control has or will have on competition in insurance in this Commonwealth. Describe the general competitive standard by which the applicant feels the merits of the acquisition or merger are to be evaluated. Relevant data include, but are not limited to the following: market shares, volatility of ranking of market leaders, number of competitors, concentration, trend of concentration in the industry, and ease of entry and exit into the market. With regard to and in addition to each of these factors, consideration should be given to, among other things, the definitions or guidelines, if any, promulgated by the National Association of Insurance Commissions, particularly such guidelines or standards embodied in any model holding company act or model holding company regulation adopted by the NAIC.

Subscribed and sworn to before me this ..... day of 19.....

(SEAL)

.....  
Notary Public in and for the  
City/County of .....  
State of .....

## ITEM 7. SIGNATURE AND OATH

Signature and oath shall be in the following form:

### SIGNATURE

Pursuant to the requirements of §§ 38.2-1323 and 38.2-1324 of the Code of Virginia and Insurance Regulation No. 14 (revised), ..... (name of person filing) has caused this statement to be duly signed on its behalf in the City/County of ..... and State of ..... on the ..... day of .....

(SEAL)

.....  
Name of Person Making Filing

By: .....  
(Name) (Title)

Attest:

.....

## FORM F - INSTRUCTIONS FOR NOTICE OF DIVIDENDS AND DISTRIBUTIONS TO SHAREHOLDERS PURSUANT TO §§ 38.2-1329.E AND 38.2-1330.C

I. Regulation as to Use of Form F. - Form F shall be used by all domestic insurers and registrants to report dividends and distributions to shareholders pursuant to the following provisions of the Code:

§ 38.2-1329.E Requiring that each insurer subject to registration under § 38.2-1329 report to the Commission all dividends and other distributions to shareholders within two (2) business days following their declaration.

§ 38.2-1330.C Providing that no insurer subject to registration under § 38.2-1329 shall pay any extraordinary dividend or make any extraordinary distribution to shareholders or confer any rights on its shareholders regarding the dividend or distribution until the payment and creation of right is approved by the Commission.

Subsequent amendments shall also be filed on Form F, but

# State Corporation Commission

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shall include on the top of the cover "Amendment No. .... to..." and shall indicate the date of the amendment and not the date of the original filing.

II. Preparation of Application. - This form is not to be used as a blank form to be filled in but only as a guide in the preparation of the application. The application shall contain the numbers and captions of all items, but the text of the items may be omitted provided the answers thereto are prepared in such a manner as to indicate clearly the scope and coverage of the items. All instructions, whether appearing under the items of the form or elsewhere therein, are to be omitted. Unless expressly provided otherwise, if any item is inapplicable or the answer thereto is in the negative, an appropriate statement to that effect shall be made.

III. Number of Copies - Signatures. -

(1) Two copies of each statement notice, including exhibits and all other papers and documents filed as a part thereof, shall be filed with the Commission by personal delivery or mail addressed to: State Corporation Commission, - Bureau of Insurance, ATTN: Financial Regulation Division, P. O. Box 1157, Richmond, VA 23209 (Tyler Building - 6th Floor, 1300 East Main Street, 23219).

(2) At least one copy of each application filed with the Commission shall be manually signed in the manner prescribed by this form. Unsigned copies shall be conformed.

(3) If the signature of any person is affixed pursuant to a power of attorney or other similar authority, a copy of such power of attorney or other authority shall also be filed with the notice.

IV. Requirements as to Printing and Language. -

(1) Statements should be prepared on paper 8 1/2"x11" in size and preferably bound at the top or the top left-hand corner. All pages should be sequentially numbered. Exhibits and financial statements, unless specifically prepared for the filing, may be submitted in their original size.

(2) All copies of any statements, papers or documents shall be clear, easily readable and suitable for photocopying. Debits in credit categories and credits in debit categories shall be designated so as to be clearly distinguishable as such on photocopies.

(3) Statements shall be in the English language and monetary values shall be stated in United States currency. If any exhibit or other paper or document filed with the statement is in a foreign language, it shall be accompanied by a translation into the English language and any monetary value shown in a foreign currency normally shall be converted into United States currency.

(4) Any amendments to the application that include the

refiling of original documents in their entirety shall be "red-lined" or otherwise marked to reflect all changes made by the amendment.

V. Additional Information and Exhibits. -

(1) In addition, there shall be added such further material information, if any, as may be necessary to make the information contained therein not misleading.

(2) The applicant may file such exhibits as it may desire in addition to those expressly required by the statement. Such exhibits shall be so marked as to indicate clearly the subject matters to which they refer.

VI. Information Unknown or Not Available. - Information required need be given only insofar as it is known or reasonably available to the person filing the statement. If any required information is unknown and not reasonably available to the person filing, either because the obtaining thereof would involve unreasonable effort or expense, or because it rests peculiarly within the knowledge of another person not affiliated with the person filing, the information may be omitted, subject to the following conditions:

(1) the person filing shall give such information on the subject as it possesses or can acquire without unreasonable effort or expense, together with the sources thereof; and

(2) the person filing shall include a statement either showing that unreasonable effort or expense would be involved or indicating the absence of any affiliation with the person within whose knowledge the information rests and stating the result of a request made to such person for the information.

VII. Incorporation by Reference. -

(1) Matters required by any item of this form may be incorporated by reference in answer or partial answer to any other item.

(2) Information contained in a statement filed pursuant to the Securities Act of 1933, the Securities Exchange Act of 1934 or disclosure and information contained in any financial statement, annual report, proxy statement filed with any other governmental authority, or other document may be incorporated by reference in answer or partial answer to any item of this form, provided such information substantially satisfies the requirements of this application and copies of all documents containing such information are attached as exhibits to this form.

(3) Material incorporated by reference shall be clearly identified in the reference. An express statement that the specified matter is incorporated by reference shall be made at the particular place in the application where the information is required. Matter shall not be incorporated by reference in any case where such incorporation would render the statement incomplete, unclear or confusing.

# State Corporation Commission

(4) Documents incorporated by reference which are currently on file with the Commission and which were filed within three years need not be attached as exhibits unless the Commission specifically requests otherwise. References to information contained in exhibits or in documents already on file shall clearly identify the material and shall specifically indicate that such material is to be incorporated by reference in answer to the item. The Commission may at any time in its discretion require the filing of copies of any omitted documents.

VIII. Summaries or Outlines of Documents. - Where an item requires a summary or outline of the provisions of any document, only a brief statement shall be made as to the pertinent provisions of the document. In addition to such statement, the summary or outline may incorporate by reference particular parts of any exhibit or document currently on file with the Commission which was filed within three years and may be qualified in its entirety by such reference.

IX. Omission of Substantially Identical Documents. - In any case where two or more documents required to be filed as exhibits are substantially identical in all material respects except as to the parties thereto, the dates of execution, or other details, the person filing need file a copy of only one of such documents need be filed with a schedule identifying the omitted documents and setting forth the material details in which cited documents differ from filed documents. The Commission may at any time in its discretion require the filing of copies of any omitted documents.

X. Extension of Time for Furnishing Information. - If it is impractical to furnish any required information, document or report at the time it is required to be filed, the applicant may file with the Commission as a separate document an application (i) identifying the information, document or report in question, (ii) stating why the filing thereof at the time required is impractical, and (iii) requesting an extension of time for filing the information, document or report to a specified date. The request for extension shall be deemed granted unless the Commission, within thirty (30) days after receipt thereof enters an order denying the request.

## NOTICE OF DIVIDENDS AND DISTRIBUTIONS TO SHAREHOLDERS

PURSUANT TO §§ 38.2-1329:E AND 38.2-1330:C

filed with the

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION  
Bureau of Insurance

DATE: .....

by

.....

Name of Registrant

On Behalf of the Following Insurance Companies

..... Name	..... NAIC No. Dom. State
..... Name	..... NAIC No. Dom. State
..... Name	..... NAIC No. Dom. State

Name, Title, Address and Telephone Number of Individual to Whom Notices and Correspondence Concerning this Statement Should be Addressed:

.....  
.....  
.....

## FORM F

### ITEM 1. IDENTITY OF PARTIES TO TRANSACTION

Furnish the following information for each of the parties to the transaction:

- (a) Name.
- (b) Home office address.
- (c) Principal executive office address.
- (d) The organizational structure; i.e., corporation, partnership, individual, trust, etc.
- (e) Description of the nature of the party's business operations.
- (f) Relationship, if any, of other parties to the transaction to the insurer filing the notice, including any ownership or debtor/creditor interest by any other parties to the transaction in the insurer seeking approval, or by the insurer filing the notice in the affiliated parties.

(g) Where the transaction is with a non-affiliate, the name(s) of the affiliate(s) which will receive, in whole or in substantial part, the proceeds of the transaction.

### ITEM 2. DESCRIPTION OF THE TRANSACTION

Furnish the following information for each transaction for which notice is being given:

- (a) A statement as to whether notice is being given under § 38.2-1329.E, or § 38.2-1330.C, or both § 38.2-1329.E and § 38.2-1330.C of the Act;

# State Corporation Commission

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(b) A brief description of the nature of the transaction, including a statement stating whether the dividend or distribution is or may be extraordinary;

(c) The proposed effective date of the transaction; and

(d) The date(s) on which regulatory approvals, if any, were received or are anticipated.

## ITEM 3. DIVIDENDS AND DISTRIBUTIONS TO SHAREHOLDERS

(a) For dividends and other distributions to affiliates which are not extraordinary dividends or other extraordinary distributions to shareholders furnish the following:

(i) The amount of the proposed dividend;

(ii) The date of declaration, date of record and date established for payment of the dividend;

(iii) A statement as to whether the dividend is to be in cash or other property and, if in property, a description thereof, its cost, and its fair market value together with an explanation of the basis for valuation;

(iv) The amounts, dates and form of payment of all dividends or distributions (including regular dividends but excluding distributions of the insurers own securities) paid within the period of twelve (12) consecutive months ending on the date fixed for payment of the proposed dividend for which approval is sought and commencing on the day after the same day of the same month in the last preceding year.

(v) A brief statement as to the effect of the proposed dividend upon the insurer's surplus and the reasonableness of surplus in relation to the insurer's outstanding liabilities and the adequacy of surplus relative to the insurer's financial needs.

(b) If the transaction involves an extraordinary dividend or any other extraordinary distribution to shareholders furnish all data listed above and also the following:

(i) Statements of financial condition and earnings for the period intervening from the last annual statement filed with the Commission and the end of the month preceding the month in which the request for dividend approval is submitted; and, if the date of payment or distribution is more than sixty (60) days removed from the date of the most current financial statement submitted by the insurer, the insurer shall include also a pro forma statement as of the day after the distribution or payment of the dividend showing its effect and other known and reasonably projected adjustments to the financial condition and earnings of the insurer; and

(ii) A copy of the calculations determining that the

proposed dividend is extraordinary. The work paper shall include the following information:

(aa) The amounts, dates and form of payment of all dividends or distributions paid within the period of twelve (12) consecutive months ending on the date fixed for payment of the proposed dividend for which approval is sought, and commencing on the day after the same day of the same month in the last preceding year.

(ab) Surplus to policyholders (total capital and surplus) as of the 31st day of December next preceding;

(ac) If the insurer is a life insurer, the net gain from operations for the 12-month period ending the 31st day of December next preceding;

(ad) If the insurer is not a life insurer, the net income, less realized capital gains, for the 12-month period ending the 31st day of December next preceding and the two preceding 12-month periods; and

(ae) If the insurer is not a life insurer, the dividends paid to stockholders, excluding distributions of the insurer's own securities, in the preceding two calendar years.

(iii) Statements on each factor set forth in § 38.2-1330.B of the Code must be submitted in support of the request for approval of an extraordinary dividend or distribution, although these factors are not intended to be an exhaustive list.

In determining the adequacy and reasonableness of an insurer's surplus to policyholders, no single factor is controlling. The Commission, instead, will consider the net effect of all factors set forth in § 38.2-1330.B of the Code plus other factors bearing on the financial condition of the insurer.

In comparing the surplus to policyholders maintained by other insurers, the Commission will consider the extent to which each of the factors varies from company to company.

In determining the quality and liquidity of investments in subsidiaries, the Commission will consider the individual subsidiary. The Commission in its judgment may classify any investment in the subsidiary as a nonadmitted asset for the purpose of determining the adequacy of surplus to policyholders and, in so doing, may discount or disallow the subsidiary's valuation to the extent that the individual investments so warrant.

(iv) In addition, in order to determine the possibility of any financial effect on the insurer, the Commission may request the means of funding and the purpose of the extraordinary dividend or distribution.

State Corporation Commission

ITEM 4. SIGNATURE AND OATH

FINAL REGULATION

Signature and oath shall be in the following form:

AT RICHMOND, August 5, 1994

SIGNATURE

COMMONWEALTH OF VIRGINIA

Pursuant to the requirements of § 38.2-1329.E and/or § 38.2-1330.C of Code of Virginia and Insurance Regulation No. 14 (revised), ..... (name of applicant)

At the relation of the STATE CORPORATION COMMISSION

CASE NO. INS940096

has caused this application to be duly signed on its behalf in the City/County of ..... and State of ..... on the ..... day of 19.....

Ex Parte, in re: adoption of adjusted prima facie rates for credit life and credit accident and sickness insurance pursuant to Virginia Code Sections 38.2-3725, 38.2-3726 and 38.2-3730

By: ..... (Name) (Title)

ORDER ADOPTING CREDIT LIFE AND CREDIT ACCIDENT AND SICKNESS INSURANCE RATES FOR THE TRIENNIUM 1995-1997

Attest:

WHEREAS, pursuant to a TAKE NOTICE ORDER entered herein June 28, 1994, the Commission conducted a hearing in its courtroom at 10:00 a.m. on July 28, 1994, for the purpose of receiving comments from interested parties with respect to adjusted prima facie rates for credit life insurance and credit accident and sickness insurance proposed by the Bureau of Insurance; and

.....

Title:.....

OATH

AT THE HEARING, the Bureau of Insurance sponsored through its witnesses expert and fact testimony and was represented by its counsel; and, while the Division of Consumer Counsel of the Office of the Attorney General did not make an appearance or otherwise participate in this proceeding, several intervenors did appear and make statements under oath both in support of, and against, the proposed adjusted rates.

The undersigned deposes and says that (s)he has duly executed the attached application dated ....., 19....., for and on behalf of

.....; (name of applicant company)

NOW, THEREFORE, THE COMMISSION, having considered the proposed adjusted prima rates for credit life insurance and credit accident and sickness insurance, the testimony of the witnesses sponsored by the Bureau of Insurance, the comments of the public witnesses appearing at the hearing and the law applicable in this matter, is of the opinion, finds and ORDERS that the proposed adjusted prima facie rates for credit life insurance and credit accident and sickness insurance, which are attached hereto and made a part hereof, should be, and they are hereby, ADOPTED effective January 1, 1995 for the triennium commencing on said date and ending on January 1, 1998 as provided in Virginia Code Section 38.2-3730.B.

that (s)he is the ..... (title of officer)

of such company; and that (s)he has the authority to execute and file such instrument. Deponent further says that (s)he is familiar with such instrument and the contents thereof, and that the facts therein set forth are true to the best of his(her) knowledge, information and belief.

(Signature) .....

..... (Type or print name beneath signature)

Subscribed and sworn to before me this ..... day of 19.....

(SEAL)

..... Notary Public in and for the City/County of ..... State of .....

VA.R. Doc. No. R94-1176; Filed August 9, 1994, 2:34 p.m.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to William F. Burfeind, Executive Director, Consumer Credit Insurance Association, 542 South Dearborn Street, Chicago, Illinois 60605; Dennis DiMaggio, Vice President, Governmental and Public Affairs, American Bankers Insurance Group, 11222 Quail Roost Drive, Miami, Florida 33157-6596, Chairman of Consumer

# State Corporation Commission

Credit Insurance Association; Jean Ann Fox, Virginia Citizens Consumer Council, 114 Coachman Drive, Yorktown, Virginia 23693; Teresa J. Moore, 11222 Quail Roost Drive, Miami, Florida 33157; Edwin D. Pierce, Jr., Vice President, First Virginia Life Insurance Company, 6402 Arlington Boulevard, Suite 1120, Falls Church, Virginia 22042; Walter D. Runkle, 542 South Dearborn Street, Chicago, Illinois 60605; J. Pat Green, Green & Associates, Inc., 6420 Commonwealth Drive, Roanoke, Virginia 24018; Mark L. Sherraden, Universal Underwriters Group, 6363 College Boulevard, Overland Park, Kansas 66211; and the Bureau of Insurance, c/o Deputy Commissioner Gerald A. Milsky who shall cause a copy of this Order and the attachments hereto to be sent to all insurance companies licensed to write credit life insurance and credit accident and sickness insurance in this Commonwealth.

PRIMA FACIE CREDIT LIFE AND CREDIT ACCIDENT AND SICKNESS INSURANCE RATES EFFECTIVE JANUARY 1, 1995

CREDIT LIFE INSURANCE RATES

\$.6485 per month per \$1,000.00 of outstanding insured indebtedness if premiums are payable on a monthly outstanding balance basis.

\$.4140 per \$100 of initial indebtedness repayable in twelve equal monthly installments.

SINGLE PREMIUM CREDIT ACCIDENT AND SICKNESS INSURANCE RATES PER \$100 OF INITIAL INSURED INDEBTEDNESS REPAYABLE IN EQUAL MONTHLY INSTALLMENTS

Benefit Period (Months)	7 Day Coverages		14 Day Coverages		30 Day Coverages	
	Retro	Elim	Retro	Elim	Retro	Elim
1	1.58	1.20	1.47	0.91	1.11	0.50
2	1.90	1.53	1.73	1.18	1.26	0.66
3	2.13	1.76	1.92	1.37	1.39	0.78
4	2.30	1.93	2.07	1.53	1.48	0.89
5	2.43	2.07	2.19	1.65	1.56	0.97
6	2.55	2.19	2.29	1.76	1.63	1.04
7	2.63	2.27	2.37	1.84	1.69	1.11
8	2.70	2.35	2.44	1.91	1.75	1.16
9	2.77	2.42	2.50	1.97	1.79	1.21
10	2.83	2.48	2.55	2.04	1.83	1.26
11	2.87	2.53	2.61	2.09	1.87	1.30
12	2.91	2.57	2.65	2.13	1.90	1.33
13	2.96	2.62	2.69	2.18	1.94	1.37
14	3.00	2.66	2.73	2.22	1.97	1.40
15	3.05	2.70	2.77	2.26	2.00	1.43
16	3.09	2.75	2.81	2.30	2.04	1.47
17	3.13	2.79	2.85	2.34	2.06	1.50
18	3.18	2.84	2.90	2.39	2.10	1.53
19	3.22	2.88	2.93	2.43	2.13	1.56
20	3.27	2.92	2.98	2.48	2.16	1.60
21	3.31	2.97	3.02	2.51	2.19	1.63
22	3.35	3.01	3.06	2.55	2.23	1.66
23	3.40	3.05	3.10	2.60	2.26	1.69
24	3.44	3.11	3.14	2.64	2.29	1.73
25	3.47	3.13	3.17	2.67	2.31	1.75
26	3.49	3.16	3.20	2.70	2.33	1.77
27	3.53	3.20	3.23	2.73	2.36	1.80
28	3.55	3.22	3.26	2.76	2.38	1.83
29	3.58	3.26	3.28	2.79	2.41	1.84

30	3.62	3.28	3.31	2.82	2.42	1.87
31	3.64	3.32	3.34	2.84	2.45	1.90
32	3.67	3.34	3.37	2.88	2.48	1.91
33	3.70	3.37	3.40	2.91	2.49	1.94
34	3.73	3.41	3.42	2.93	2.52	1.97
35	3.76	3.43	3.46	2.97	2.55	1.99
36	3.79	3.47	3.48	2.99	2.56	2.01
37	3.82	3.49	3.51	3.02	2.58	2.04
38	3.84	3.51	3.53	3.05	2.61	2.05
39	3.86	3.54	3.55	3.06	2.62	2.07
40	3.89	3.56	3.58	3.09	2.64	2.09
41	3.91	3.59	3.60	3.12	2.66	2.12
42	3.93	3.61	3.63	3.14	2.68	2.13
43	3.96	3.63	3.65	3.17	2.70	2.15
44	3.98	3.66	3.67	3.19	2.72	2.18
45	4.00	3.69	3.70	3.21	2.74	2.19
46	4.03	3.71	3.72	3.24	2.76	2.21
47	4.06	3.73	3.74	3.27	2.77	2.24
48	4.07	3.76	3.77	3.28	2.80	2.26
49	4.10	3.78	3.78	3.31	2.81	2.27
50	4.12	3.80	3.81	3.33	2.83	2.29
51	4.13	3.82	3.83	3.35	2.84	2.31
52	4.16	3.84	3.84	3.37	2.86	2.33
53	4.18	3.86	3.87	3.40	2.88	2.34
54	4.20	3.89	3.89	3.41	2.90	2.36
55	4.22	3.91	3.91	3.43	2.91	2.38
56	4.24	3.93	3.92	3.46	2.93	2.40
57	4.27	3.95	3.95	3.48	2.95	2.41
58	4.28	3.97	3.97	3.50	2.97	2.43
59	4.30	3.99	3.98	3.52	2.98	2.45
60	4.33	4.01	4.01	3.54	3.00	2.47
61	4.34	4.03	4.03	3.56	3.02	2.48
62	4.36	4.06	4.05	3.58	3.03	2.50
63	4.38	4.07	4.06	3.60	3.05	2.52
64	4.40	4.09	4.08	3.62	3.06	2.54
65	4.42	4.11	4.10	3.63	3.08	2.55
66	4.43	4.13	4.12	3.65	3.09	2.56
67	4.45	4.14	4.13	3.68	3.11	2.58
68	4.47	4.17	4.15	3.70	3.12	2.60
69	4.49	4.19	4.17	3.71	3.14	2.62
70	4.51	4.20	4.20	3.73	3.15	2.63
71	4.53	4.22	4.21	3.75	3.17	2.65
72	4.55	4.24	4.23	3.77	3.19	2.66
73	4.56	4.26	4.25	3.79	3.20	2.68
74	4.58	4.27	4.26	3.81	3.21	2.69
75	4.59	4.29	4.27	3.83	3.23	2.71
76	4.61	4.31	4.29	3.84	3.25	2.72
77	4.63	4.33	4.31	3.85	3.26	2.74
78	4.64	4.34	4.33	3.87	3.27	2.76
79	4.66	4.36	4.34	3.89	3.28	2.76
80	4.68	4.38	4.36	3.91	3.30	2.78
81	4.70	4.40	4.38	3.92	3.32	2.80
82	4.71	4.42	4.40	3.94	3.33	2.82
83	4.73	4.43	4.42	3.96	3.34	2.83
84	4.75	4.45	4.42	3.98	3.36	2.84
85	4.76	4.47	4.44	3.99	3.37	2.86
86	4.77	4.49	4.46	4.01	3.39	2.87
87	4.79	4.49	4.48	4.03	3.40	2.89
88	4.81	4.51	4.49	4.05	3.41	2.90
89	4.82	4.53	4.50	4.06	3.42	2.91
90	4.84	4.55	4.52	4.07	3.44	2.93
91	4.85	4.56	4.54	4.09	3.45	2.94
92	4.87	4.57	4.55	4.11	3.47	2.96
93	4.88	4.59	4.56	4.13	3.48	2.97
94	4.90	4.61	4.58	4.14	3.49	2.98
95	4.92	4.63	4.60	4.16	3.50	3.00
96	4.93	4.64	4.61	4.17	3.52	3.01
97	4.94	4.65	4.63	4.19	3.53	3.03
98	4.96	4.67	4.64	4.20	3.54	3.04
99	4.97	4.69	4.65	4.22	3.55	3.05
100	4.99	4.70	4.67	4.23	3.56	3.06
101	5.00	4.71	4.68	4.25	3.58	3.08
102	5.01	4.73	4.70	4.27	3.59	3.09
103	5.03	4.75	4.71	4.27	3.60	3.11
104	5.05	4.76	4.72	4.29	3.62	3.12
105	5.06	4.77	4.74	4.31	3.63	3.13

# State Corporation Commission

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106	5.07	4.79	4.76	4.33	3.64	3.14
107	5.08	4.80	4.77	4.34	3.65	3.16
108	5.10	4.82	4.78	4.35	3.67	3.17
109	5.12	4.84	4.79	4.37	3.68	3.18
110	5.13	4.85	4.81	4.38	3.69	3.20
111	5.14	4.86	4.82	4.40	3.70	3.20
112	5.15	4.87	4.84	4.41	3.71	3.22
113	5.17	4.89	4.85	4.42	3.72	3.23
114	5.18	4.90	4.86	4.43	3.73	3.24
115	5.20	4.92	4.87	4.45	3.75	3.26
116	5.21	4.92	4.89	4.47	3.76	3.27
117	5.22	4.94	4.90	4.48	3.77	3.28
118	5.23	4.96	4.92	4.49	3.78	3.29
119	5.25	4.97	4.92	4.50	3.79	3.30
120	5.26	4.99	4.94	4.52	3.80	3.32

VAR. Doc. No. R94-1177; Filed August 8, 1994, 2:56 p.m.



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# STATE LOTTERY DEPARTMENT

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## DIRECTOR'S ORDER NUMBER THIRTY (94)

### VIRGINIA'S "LESSONS WITH A LEGEND" SECOND CHANCE DRAWING; FINAL RULES FOR GAME OPERATION

Interim Director  
Date: August 8, 1994

V.A.R. Doc. No. R94-1182; Filed August 15, 1994, 10:29 a.m.

In accordance with the authority granted by Section 58.1-4006A of the Code of Virginia, I hereby promulgate the "Lessons With A Legend" second chance drawing game rules for the Virginia Lottery promotional program to be conducted from Monday, August 1, 1994 through Friday, September 9, 1994. These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 2201 West Broad Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Marketing Division, State Lottery Department, P. O. Box 4689, Richmond, Virginia 23220.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Richard G. Wilkinson  
Interim Director  
Date: July 27, 1994

V.A.R. Doc. No. R94-1181; Filed August 15, 1994, 10:29 a.m.

## DIRECTOR'S ORDER NUMBER THIRTY-TWO (94)

### "MONEY BAGS," VIRGINIA LOTTERY RETAILER PROMOTIONAL PROGRAM RULES.

In accordance with the authority granted by Section 58.1-4006A of the Code of Virginia, I hereby promulgate "Money Bags," Virginia Lottery Retailer Promotional Program Rules for the lottery retailer incentive program which will be conducted from Monday, September 12, 1994 through Sunday, November 6, 1994. These rules amplify and conform to the duly adopted State Lottery Board regulations.

These rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 2201 West Broad Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Marketing Division, State Lottery Department, P. O. Box 4689, Richmond, Virginia 23220.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ R. G. Wilkinson

# MARINE RESOURCES COMMISSION

## MARINE RESOURCES COMMISSION

**NOTICE:** The Marine Resources Commission is exempted from the Administrative Process Act (§ 9-6.14:4.1 of the Code of Virginia); however, it is required by § 9-6.14:22 B to publish all final regulations.

**Title of Regulation:** VR 450-01-0034. Pertaining to the Taking of Striped Bass.

**Statutory Authority:** § 28.2-201 of the Code of Virginia.

**Effective Date:** August 1, 1994.

### Preamble:

*This regulation establishes a limited commercial and recreational fishery for striped bass in Virginia. The purpose of this regulation is to provide for the continued recovery of the Chesapeake Bay stocks of striped bass. These changes comply with the requirement of the Interstate Fishery Management Plan for Striped Bass.*

*Section 11 of this regulation authorizes the aquaculture of striped bass and hybrid striped bass and sets forth the terms and conditions required for their culture.*

VR 450-01-0034. Pertaining to the Taking of Striped Bass.

### § 1. Authority, prior regulations, effective date.

A. This regulation is promulgated pursuant to the authority contained in § 28.2-201 of the Code of Virginia.

B. This regulation amends previous regulation VR 450-01-0034, Pertaining to the Taking of Striped Bass, which was promulgated and made effective on July ~~September 1, 1992~~ 1, 1993 .

C. The effective date of this regulation is ~~July 1, 1993~~ August 1, 1994 .

### § 2. Purpose.

The purpose of this regulation is to provide for the continued recovery of Virginia's striped bass stocks.

The provisions pertaining to aquaculture serve to prevent escapement of cultured hybrid striped bass into the natural environment and to minimize the impact of cultured fish in the market place on the enforcement of other provisions in this regulation.

### § 3. Definitions.

A. Striped bass - any fish of the species *Morone saxatilis* including any hybrid striped bass.

B. Spawning rivers - the James, Pamunkey, Mattaponi and Rappahannock Rivers including all tributaries.

C. Spawning reaches - sections within the spawning rivers as follows:

1. James River: From a line connecting Dancing Point and New Sunken Meadow Creek upstream to a line connecting City Point and Packs Point;

2. Pamunkey River: From the Route 33 bridge at West Point upstream to a line connecting Liberty Hall and the opposite shore;

3. Mattaponi River: From the Route 33 bridge at West Point upstream to the Route 360 bridge at Aylett;

4. Rappahannock River: From the Route 360 bridge at Tappahannock upstream to the Route 3 bridge at Fredericksburg.

§ 4. Commercial fishing, recreational fishing, and marketing seasons.

A. Except as provided in § 7 of this regulation, the open-commercial fishing seasons for striped bass in Virginia tidal waters shall be as specified below:

1. For pound nets, gill nets and haul seines, from ~~September 15, 1993~~ October 1, 1994 , through December 31, ~~1993~~ 1994 .

2. For fyke nets, from March 1, ~~1994~~ 1995 , through March 31, ~~1994~~ 1995 .

B. The open recreational fishing seasons, including fishing from charter boats and vessels, for striped bass in Virginia tidal waters shall be Thursday, Friday, Saturday, and Sunday of each week during the period beginning October 28, ~~1993~~ 27, 1994 , and ending on December 19, ~~1993~~ 18, 1994 . Additionally, only the Territorial Sea shall be open to recreational striped bass fishing from December 19, 1994, through March 31, 1995.

C. It shall be unlawful for any person to take or catch any striped bass from the tidal waters of Virginia other than during the applicable open fishing season as specified in paragraphs A and B above, or as modified by § 7 of this regulation.

D. It shall be lawful for any person to possess striped bass, including striped bass taken from waters other than Virginia tidal waters, at any time, under the following conditions.

1. The striped bass shall have been harvested legally in Virginia or another jurisdiction.

2. The striped bass shall ~~be within~~ meet or exceed the lawful minimum ~~and maximum~~ size limits as specified in § 5 of this regulation.

3. All striped bass in the possession of any person for the purpose of sale, must be identified with a tamper

# Marine Resources Commission

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evident sealed tag made of plastic, nylon or metal that has been approved and issued by the appropriate authority in the jurisdiction of origin. Whole striped bass shall have tags attached directly to the fish. Processed or filleted striped bass must be accompanied by the tags removed from the fish when processed.

4. When the striped bass are in the possession of any person other than the original harvester, for the purpose of resale, the striped bass shall be accompanied by a bill of sale which shall include the name of the seller, the permit or license number of the seller if such permit or license is required in the jurisdiction of origin, the date of sale, the pounds of striped bass in possession, the location of catch and the gear type used to harvest the striped bass. *If the striped bass product for sale be fillets, the bill of sale shall also describe the number of fillets.*

§ 5. Minimum ~~and maximum~~ size limits, alteration prohibited, total length determination.

A. It shall be unlawful for any person to possess any striped bass measuring less than 18 inches, total length.

B. It shall be unlawful for any person to possess any striped bass taken from the Territorial Sea measuring less than 28 inches, total length.

C. It shall be unlawful for any person to possess any striped bass measuring greater than 36 inches total length, except that during the open recreational season any recreational hook and line fisherman may catch and retain one striped bass 48 inches or greater per day, while aboard any boat or vessel or while fishing from shore or pier, to alter any striped bass or to possess any altered striped bass such that its total length cannot be determined.

D. It shall be unlawful for any person, while aboard any boat or vessel or while fishing from shore or pier, to alter any striped bass or to possess any altered striped bass such that its total length cannot be determined.

E. D. Total length shall be measured in a straight line from the tip of the nose of the striped bass to the tip of its tail.

§ 6. Gear restrictions.

A. During the period April 1 to May 31, of each year, both dates inclusive, a person may not set or fish any anchored or staked gill net within the spawning reaches. Drift (float) gill nets may be set or fished within the spawning reaches during this time period, but the fishermen must remain with such net while that net is in the fishing position and shall return all striped bass to the water immediately.

B. It shall be unlawful for any person to spear, to gaff

or attempt to spear or gaff any striped bass, at any time.

C. It shall be unlawful to place, set, or fish any gill net within 300 feet, unless otherwise specified by other regulations, of any bridge, bridge-tunnel, jetty or pier during the open recreational ~~open~~ season specified in § 4 B of October 27, 1994, through December 18, 1994.

D. It shall be unlawful to use any commercial hook and line within 300 feet of any bridge, bridge-tunnel, jetty or pier during the open recreational season of October 27, 1994, through December 18, 1994.

§ 7. Commercial harvest quotas.

A. During the open fishing seasons it shall be unlawful to harvest striped bass for commercial purposes by any method other than by gill net, pound net, haul seine, fyke net, or commercial hook-and-line. The harvest of striped bass by any person using a gill net, pound net, haul seine, fyke net, or commercial hook-and-line shall be presumed to be for commercial purposes and the amounts of such harvest shall be summed to the total allowable level of commercial harvest.

B. During the legal commercial harvest seasons of any calendar year, the total allowable sum of commercial harvest of striped bass by all legal harvest methods shall be 211,000 pounds of whole fish. At such time as the total harvest of striped bass reaches is projected to reach 211,000 pounds it shall be unlawful for any person to take, catch or land any striped bass by any method for commercial purposes.

C. The total allowable level of commercial striped bass harvest by gill net shall be 147,700 pounds of whole fish. At such time as harvest of striped bass by gill net totals is projected to total 147,700 pounds, it shall be unlawful for any person to take, catch or land any striped bass by gill net.

D. The total allowable level of commercial striped bass harvest by pound net shall be 52,750 pounds of whole fish. At such time as the harvest of striped bass by pound net totals is projected to total 52,750 pounds, it shall be unlawful for any person to take or land any striped bass by pound net.

E. The total allowable level of commercial striped bass harvest by haul seine shall be 6,330 pounds of whole fish. At such time as the harvest of striped bass by haul seine totals is projected to total 6,330 pounds, it shall be unlawful for any person to take or land any striped bass by haul seine.

F. The total allowable level of commercial striped bass harvest for fyke net during the ~~1994~~ 1995 season shall be 4,220 pounds of whole fish. At such time as the harvest of striped bass by fyke net totals is projected to total 4,220 pounds it shall be unlawful for any person to take, catch, or land any striped bass by fyke net.

# Marine Resources Commission

G. In the event that the harvest of striped bass by any single or combination of commercial gear exceeds its the harvest level levels provided for in the preceding paragraphs such that the total allowable level of commercial harvest reaches or exceeds 211,000 pounds, during any calendar year, then all commercial harvest of striped bass shall cease. Such cessation of fishing shall apply to all gears even in the event other single gear quotas are not reached.

## § 8. Recreational gear limitation, Bag limit, sale of recreational catch.

A. It shall be unlawful for any person to take or to catch striped bass for recreational purposes with any gear other than a hook-and-line, rod-and-reel or hand line.

B. During the open recreational fishing season of October 27, 1994, through December 18, 1994, it shall be unlawful for any person using recreational hook-and-line, rod-and-reel, or hand-line to take and possess from Virginia tidal waters more than two striped bass per day only one of which may equal or exceed 48 inches in length more than two striped bass. Any striped bass taken after the bag limit of two fish has been reached shall be returned to the water immediately. When fishing from a boat or vessel, the daily bag limit shall be equal to the number of licensed persons on board the boat or vessel multiplied by two. Retention of the legal number of striped bass is the responsibility of the vessel captain or owner.

C. During the open recreational fishing season of December 19, 1994, through March 31, 1995, in the Territorial Sea, it shall be unlawful for any person using recreational hook-and-line, rod-and-reel or handline to possess more than one striped bass. Any striped bass taken after the bag limit of one fish has been reached shall be returned to the water immediately. When fishing from any boat or vessel, the daily bag limit shall be equal to the number of licensed persons on board the boat or vessel multiplied by two. Retention of the legal number of striped bass is the responsibility of the vessel captain or owner.

D. It shall be unlawful for any licensed recreational fisherman to possess more than one striped bass 48 inches or greater in length at any time person to transfer any striped bass to another person while on the water or while fishing from a pier or shore.

E. It shall be unlawful for any person to sell, offer for sale, trade or barter any striped bass taken by recreational hook-and-line, rod-and-reel, or hand line. This no sale provision shall not apply to persons possessing a commercial hook-and-line license that meet the other requirements of this regulation.

## § 9. Individual commercial catch limits and mandatory tagging.

A. It shall be unlawful to land, or bring to shore, any commercially caught striped bass that has not been marked by the fishermen with a tamper evident, numbered tag provided by the Marine Resources Commission. Upon As soon as possible after capture, tags shall be passed through the mouth of the fish and one gill opening; interlocking ends of the tag shall then be connected such that the tag may only be removed by breaking. It shall be unlawful to possess striped bass in quantities greater than the number of tags in possession.

B. For each of the commercial gear types, tags will be issued in equal amounts by the Marine Resources Commission to eligible fishermen, permitted as described in § 10 of this regulation, according to the available quotas described in § 7 of this regulation, and the estimated average weight of the striped bass caught.

C. If individual tag allocations exceed 30 tags per permittee, the tags will be distributed to permittees in two allotments. One-half of the tag allotment will be given to the fisherman prior to the start of the commercial season. The second half of the tag allotment, adjusted for average weight, if necessary, will be given to the fisherman after the fisherman has harvested at least 50% of the fish allowed to him by the initial tag allotment and has submitted to the commission a catch report detailing the weight of that harvest, the location of the harvest, and the amount of hours or days fished. Distribution of the second allotment of tags will be made no earlier than one week after the beginning of the commercial season to allow for verification of average fish weight.

D. Tags will be sequentially numbered and will only be valid for use by the fisherman to which the tags were allotted. It shall be unlawful for any person to transfer an unused tag to another individual, or to attach a tag he has not been allotted to a striped bass in the manner described in paragraphs A and B above. Striped bass tags are valid only for use by the fisherman to whom the tags were allotted and to whom the permit is issued. It shall be unlawful for any person to transfer a tag to another individual. It shall be unlawful for any person to transfer any striped bass to another person. The permitted fisherman shall be present on board the vessel when striped bass are harvested and tags are applied.

E. Any attempt to alter a tag for the purpose of reuse shall constitute a violation of this regulation.

## § 10. Permits and reports.

A. It shall be unlawful for any commercial harvester, to take or attempt to take, striped bass without first having obtained a permit from the Marine Resources Commission or its agent. Permits will only be issued to commercial fishermen meeting the following conditions:

1. Fishermen shall apply for permits by August 16, 1993 September 1, 1994, to be eligible to fish during the fall season 1993, and must apply for permits from

# Marine Resources Commission

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January 4-29, ~~1994~~ 4-31, 1995 , to be eligible to fish during the spring ~~1994~~ 1995 fyke net fishery. Applications outside of these time periods will not be accepted. Completed permit applications and supporting documents may be hand delivered or mailed to the Marine Resources Commission, 2600 Washington Avenue, P.O. Box 756, Newport News, Virginia 23607. Complete applications must be received at the commission no later than 5 p.m. on the last day of the respective application periods.

2. Fishermen may apply only for a permit for a single type of commercial gear within a calendar year.

3. A copy of a valid gear license as required by Title 28.2 of the Code of Virginia, corresponding to the type of gear being applied for, must be presented at the time of application for the permit.

4. Applicants shall have held a valid striped bass commercial gear permit in 1990 or 1991.

5. Applicants shall have reported striped bass fishing activity in accordance with 1990, 1991, and 1992 , and 1993 striped bass regulations.

6. Applicants shall provide valid state or federal income tax forms (Form 1040 and Schedule C, if applicable) to demonstrate that greater than 50% of their earned income for the previous year was derived from commercial fishing. Additional documentation of income shall be provided by the applicant upon request by personnel from the Marine Resources Commission.

B. The commission may grant exceptions to the limited entry criteria listed above based on hardship. Any person requesting an exception shall provide in writing an explanation of their hardship and all pertinent information relating to the criteria in subsection A of this section. All exception requests must be received at the commission according to the application deadlines specified in subdivision A 1.

C. It shall be unlawful to fish for striped bass from a charter boat or charter vessel taking hook and line fishermen for hire, unless the captain of the boat has obtained a permit from the Marine Resources Commission and is the holder of a Coast Guard charter license.

D. It shall be unlawful for any person to purchase striped bass from a ~~commercial harvester~~ taken from Virginia tidal waters for the purpose of resale without first obtaining a permit from the Marine Resources Commission.

E. Possession of a striped bass permit shall authorize Marine Resources Commission personnel or their designees to inspect, measure, weigh, and take biological samples of the striped bass catch.

F. In addition to the reporting requirements described in § 9 C of this regulation, all commercial harvesters of striped bass shall report to the Marine Resources Commission ~~on forms provided by the commission~~ all quantities of striped bass harvested, ~~the gear utilized to harvest, the water body fished, and the amount of hours or days fished.~~ in accordance with the provision of VR 450-01-0079. Any tags issued as described in § 9 of this regulation and not used by the fisherman shall be returned to the commission with report form.

1. Seasonal reports shall cover the specified season.

2. All seasonal reports shall be forwarded to the commission immediately and shall be postmarked no later than the first Wednesday immediately following the last day of the season described in the report.

3. Any tags issued as described in § 9 of this regulation and not used by the fisherman shall be returned to the commission with the seasonal report.

G. All buyers of striped bass from ~~commercial~~ harvesters shall verbally report to the Marine Resources Commission on a daily basis the quantities of striped bass purchased, the permit number of the harvesters selling the fish and the gear utilized by the harvesters. Written reports of daily purchases and sales for each commercial fishing season shall be forwarded to the commission no later than the first Wednesday immediately following the last day of each open season ~~taken from Virginia tidal waters shall provide written reports of daily purchases and sales for each commercial fishing season to the commission no later than 15 days immediately following the last day of each open season .~~

H. Charter boat captains shall report to the Marine Resources Commission on forms provided by the commission all daily quantities of striped bass caught and harvested and daily fishing hours by themselves or their customers, respectively, at the end of the open fishing season. Written reports shall be forwarded to the commission no later than the first Wednesday following the last day of the open season 15 days following the last day of the open season .

I. Failure of any person permitted to harvest, buy or sell striped bass, to submit the required written ~~or oral~~ report for any fishing day shall constitute a violation of this regulation.

J. Permits must be in the possession of the permittee while harvesting, selling, or possessing striped bass. Failure to possess the appropriate permit shall constitute a violation of this regulation.

§ 11. Aquaculture of striped bass and hybrid striped bass.

A. Permit required.

It shall be unlawful for any person, firm, or corporation

to operate an aquaculture facility without first obtaining a permit from the Marine Resources Commission. Such permit shall authorize the purchase, possession, sale, and transportation of striped bass or hybrid striped bass in accordance with the other rules contained in this section.

## B. Application for and term of permit.

The application for a striped bass aquaculture facility shall state the name and address of the applicant, the type and location of the facility, type of water supply, location of nearest tidal waters or tributaries to tidal water, and an estimate of production capacity. All aquaculture permits shall expire on December 31 of the year of issue and are not transferable. Permits shall be automatically renewed by the Marine Resources Commission provided no structural changes in the facility have been made, the facility has been adequately maintained, and the permittee has complied with all of the provisions of this regulation.

## C. Display of permit.

1. The original of each permit shall be maintained and prominently displayed at the aquaculture facility described therein.
2. A copy of such permit may be used as evidence of authorization to transport striped bass or hybrid striped bass to sell the fish away from the permitted facility under the conditions imposed in subsection G in this section.

## D. Water supply; outfall; prevention of entry and escapement.

1. A striped bass or hybrid striped bass aquaculture facility may consist of one or more ponds, artificial impoundments, closed recirculating systems or a combination of the above.
2. No pond or impoundment used for striped bass or hybrid striped bass aquaculture may be constructed or situated on a natural water course that originates beyond the boundaries of private land upon which the pond or impoundment is located.
3. There shall be no direct and unscreened discharge from any facility to any natural watercourse. Except as provided in subdivision 4 below, outfall from any pond or impoundment shall be processed according to one of the following systems:
  - a. The outfall shall pass over a dry ground percolation system in which ground absorption of the water is sufficient to prevent the formation of a watercourse which is capable of reaching any natural watercourse. The outfall shall pass through a screened filter box prior to entering the percolation area.
  - b. The outfall shall pass through a chlorination

process and retention pond for dechlorination. The outfall shall pass through a filter box prior to entering the chlorination system. Such facilities must also comply with regulations of the State Water Control Board.

4. If the outfall from an aquaculture facility may not conform to the systems described in subdivision 3 a or subdivision 3 b, above, then all of the following conditions shall be required:

a. The aquaculture of striped bass or hybrid striped bass shall be restricted to the use of cage culture. Such cages shall be constructed of a vinyl coated wire or high density polyethylene mesh material sufficient in size to retain the fish and all cages must be securely anchored to prevent capsizing. Covers shall be required on all cages.

b. The outfall from the pond or impoundment shall pass through a screened filter box. Such filter box shall be constructed of a mesh material sufficient in size to retain the fish and shall be maintained free of debris and in workable condition at all times.

c. The outfall from the screened filter box shall pass into a containment basin lined and filled with quarry rock or other suitable material to prevent the escapement of the fish from the basin.

5. Those facilities utilizing embankment ponds shall maintain sufficient freeboard above the spillway to prevent overflow.

## E. Acquisition of fish, fingerlings, fry, and eggs.

Striped bass or hybrid striped bass fingerlings, fry, or eggs, may be obtained only from state permitted fish dealers and must be certified by the seller as striped bass or hybrid striped bass having a disease-free status. Each purchase or acquisition of striped bass or hybrid striped bass must be accompanied by a receipt or other written evidence showing the date, source, species, quantity of the acquisition and its destination. Such receipt must be in the possession of the permittee prior to transportation of such fish, fingerlings, fry, or eggs to the permitted facility. All such receipts shall be retained as part of the permittee's records. The harvesting of striped bass from the tidal waters of Virginia for the purpose of artificially spawning in a permitted aquaculture facility shall comply with all of the provisions of this regulation and state law including minimum size limits, maximum size limits, and closed harvesting seasons and areas.

## F. Inspection of facilities.

1. Inspection. Agents of the Marine Resources Commission and the Department of Game and Inland Fisheries are authorized to make periodic inspection of the facilities and the stock of each operation permitted under this section. Every person engaged in

# Marine Resources Commission

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the business of striped bass aquaculture shall permit such inspection at any reasonable time.

2. Diseased fish. No person permitted under this section shall maintain in the permitted facility any fish which shows evidence of any contagious disease listed in the then current list by the United States Fish and Wildlife Services as "certifiable diseases" except for the period required for application of standard treatment procedures or for approved disposition.

3. Disposition. No person permitted under this section shall sell or otherwise transfer possession of any striped bass or hybrid striped bass which shows evidence of a "certifiable disease" to any person, except that such transfer may be made to a fish pathologist for examination and diagnosis.

## G. Sale of fish.

All striped bass or hybrid striped bass except fingerlings, fry, and eggs, which are the product of an aquaculture facility permitted under this section shall be packaged with a printed label bearing the name, address, and permit number of the aquaculture facility. When so packaged and labelled such fish may be transported and sold at retail or at wholesale for commercial distribution through normal channels of trade until reaching the ultimate consumer. Every such sale must be accompanied by a receipt showing the date of sale, the name, address and permit number of the aquaculture facility, the numbers and species of fish sold, and the name of the purchaser. Each subsequent resale must be accompanied by a receipt clearly identifying the seller by name and address, showing the number and species of the fish sold, the date sold, the permit number of the aquaculture facility and, if the sale is to other than the ultimate consumer, the name and address of the purchaser. The purchaser in possession of such fish must exhibit the receipt on demand of any law-enforcement officer. A duplicate copy of each such receipt must be retained for one year by the seller as part of the records of each transaction.

## H. Records.

Each permitted aquaculture facility operator shall maintain a chronological file of the receipts or copies thereof showing the dates and sources of acquisitions of striped bass or hybrid striped bass and quantities thereof, and a chronological file of copies of the receipts of his sales required under subsection G of this section. Such records shall be segregated as to each permit year, shall be made available for inspection by any authorized agent of the Marine Resources Commission or Department of Game and Inland Fisheries, and shall be retained for at least one year following the close of the permit year to which they pertain.

## I. Revocation and nonrenewal of permit.

In addition to the penalties prescribed by law, any violation of § 11 shall be grounds for revocation or suspension of the permit for the aquaculture facility for the balance of the permit year. No person whose permit has been revoked shall be eligible to apply for an aquaculture facility permit for a period of two years after the date of such revocation.

## J. Importation of striped bass for the consumer market.

Striped bass or hybrid striped bass which are the product of an approved and state permitted aquaculture facility in another state may be imported into Virginia for the consumer market. Such fish shall be packaged and labelled in accordance with the provisions contained in subsection G of this section. Any sale of such fish also shall be accompanied by receipts as described in subsection G of this section.

## K. Release of live fish.

Under no circumstance shall striped bass or hybrid striped bass which are the product of an aquaculture facility located within or outside the Commonwealth of Virginia be placed into the waters of the Commonwealth without first having notified the commission and having received written permission from the commissioner.

## § 12. Penalty.

A. As set forth in § 28.2-903 of the Code of Virginia, any person, firm, or corporation violating any provision of this regulation shall be guilty of a Class 3 misdemeanor.

B. Any person failing to submit any catch report as specified in §§ 9 and 10 of this regulation shall be prohibited from taking striped bass in the following calendar year.

C. Any person violating any provision of this regulation may be subject to permit or license revocation upon review by the commission as provided in § 28.2-232 of the Code of Virginia.

VA.R. Doc. No. R94-1180; Filed August 11, 1994, 2:20 p.m.

\* \* \* \* \*

Title of Regulation: VR 450-01-0050. Pertaining to Grey Trout (Weakfish).

Statutory Authority: § 28.2-201 of the Code of Virginia.

Effective Date: July 29, 1994.

### Preamble:

*This regulation establishes limitations on the commercial and recreational harvest of weakfish in order to reduce the fishing mortality rate and to rebuild the severely depleted stock of weakfish. The*

# Marine Resources Commission

limitations include minimum size limits, gear restrictions and season limits for the commercial fishery and minimum size and bag limits for the recreational fishery.

VR 450-01-0050. Pertaining to Grey Trout (Weakfish).

§ 1. Authority, repeal of prior regulations, effective date.

A. This regulation is promulgated pursuant to the authority contained in § 28.2-201 of the Code of Virginia.

B. This regulation ~~amends~~ ~~repeals~~ prior VR 450-01-0050 which was promulgated by the Marine Resources Commission and made effective August 1, 1988 July 1, 1992 .

C. The effective date of this regulation is July 1, 1992 29, 1994 .

§ 2. Purpose.

The purpose of this regulation is to achieve a 25% reduction in the ~~annual exploitation~~ of grey trout in Virginia waters, ~~weakfish fishing mortality rate during the April 1, 1994, through March 31, 1995, period~~, thereby reducing the probability of recruitment failure and stock collapse and to allow for a rebuilding of the spawning stock. This regulation responds to Amendment No. 1 of the mandatory requirements of the Atlantic Coastal Fisheries Cooperative Management Act (Public Law 103-206), in accordance with the Interstate Weakfish Fishery Management Plan of the Atlantic States Marine Fisheries Commission.

§ 3. Definition.

"Grey Trout (Weakfish)" "Weakfish (Grey Trout)" shall include any fish of the species *Cynoscion regalis*.

§ 4. Minimum size limits, tolerances.

A. It shall be unlawful for any person fishing with pound net or haul seine to ~~take, catch, or possess~~ any amount of grey trout which consists of more than 10%, by weight, grey trout less than ~~10 inches~~ nine inches in length .

B. It shall be unlawful for any person fishing with gill nets to ~~take, catch, or possess~~ any grey trout less than 12 inches in length.

C. It shall be unlawful for any person fishing with ~~hook-and-line, rod-and-reel, or hand line~~ to ~~take, catch, or possess~~ any grey trout ~~trawl boat to land~~ any grey trout in Virginia that are less than 12 inches in length .

D. Length is measured in a straight line from the tip of the nose to the tip of the tail. It shall be unlawful for any person fishing with ~~hook-and-line, rod-and-reel, or hand line~~ to possess any grey trout less than 14 inches in

length.

E. It shall be unlawful for any person using any gear type not specified in subsection A, B, C or D of this section to possess any grey trout less than nine inches in length.

F. Length is measured in a straight line from the tip of the nose to the tip of the tail.

§ 5. Gear restrictions.

A. It shall be unlawful for any person utilizing a boat or vessel to take or catch fish by gill net, to have on board, possess, or land grey trout in a vessel equipped with more than 8,400 feet of gill net. It shall be unlawful for any person possessing grey trout to utilize or have overboard more than 8,400 feet of gill net.

B. It shall be unlawful for any trawl boat or vessel to land grey trout in Virginia while possessing on board any trawl net having a cod-end mesh less than three inches, stretched measure.

§ 6. Daily bag limit Commercial fishing season .

A. It shall be unlawful for any person fishing with ~~hook-and-line, rod-and-reel or hand line~~ to take, catch or possess more than 15 grey trout per day. Any grey trout taken after the bag limit of 15 fish has been reached shall be returned to the water immediately. ~~pound net to possess any grey trout from August 1 through September 9, 1994, except as provided in subsection B of this section.~~

B. When fishing from any boat or vessel, the daily bag limit shall be equal to the number of persons on board the boat or vessel multiplied by 15. Retention of the legal number of grey trout is the responsibility of the vessel captain or owner. Any pound net fisherman who holds 2, 3 or 4 pound net licenses as of August 5, 1994, and forfeits one of those licenses shall be eligible to possess grey trout during the August 1 through September 9, 1994, period. Any pound net fisherman who holds 5, 6 or 7 pound net licenses as of August 5, 1994, and forfeits two of those licenses shall be eligible to possess grey trout during the August 1 through September 9, 1994, period. Any pound net fisherman who holds 8, 9 or 10 pound net licenses as of August 5, 1994, and forfeits three of those licenses shall be eligible to possess grey trout during the August 1 through September 9, 1994, period.

C. Any pound net licensee who forfeits one or more licensed pound net stands may retain his priority rights to such locations for future licensing until April 1, 1995.

D. It shall be unlawful for any person fishing with gill net to possess any grey trout from August 1 through October 18, 1994, and December 9, 1994, through March 31, 1995.

E. It shall be unlawful for any person fishing with haul



# Marine Resources Commission

seine to possess any grey trout from August 25, 1994, through March 31, 1995.

F. It shall be unlawful for any trawl boat to land any grey trout in Virginia from October 12 through November 30, 1994.

## § 7. Exemptions from size provision Daily bag limit .

The provisions of this regulation shall not apply to persons in possession of undersized trout while in the conduct of a retail seafood business nor to licensed crab pot fishermen in possession of undersized trout purchased as bait. A. It shall be unlawful for any person fishing with hook-and-line, rod-and-reel, or hand line to possess more than 10 grey trout. Any grey trout taken after the bag limit of 10 fish has been reached shall be returned to the water immediately.

B. The daily bag limit of grey trout when fishing from a boat shall be equal to the number of legally eligible persons on board multiplied by 10.

C. Charter, party and head boat captains are ultimately responsible for the retention of the legal number of grey trout aboard their vessels.

## § 8. Penalty.

As set forth in § 28.2-903 of the Code of Virginia, any person, firm or corporation violating any provision of this regulation shall be guilty of a Class 3 misdemeanor.

V.A.R. Doc. No. R94-1178; Filed August 10, 1994, 12:34 p.m.

\* \* \* \* \*

**Title of Regulation:** VR 450-01-0078. Pertaining to Pound Net License Sales.

**Statutory Authority:** §§ 28.2-201 and 28.2-204.1 of the Code of Virginia.

**Effective Date:** August 5, 1994.

### Preamble:

This regulation limits the sale of pound net licenses to the number of pound nets licensed on or before August 5, 1994.

VR 450-01-0078. Pertaining to Pound Net License Sales.

### § 1. Authority, effective date.

A. This regulation is promulgated pursuant to the authority contained in §§ 28.2-201 and 28.2-204.1 of the Code of Virginia.

B. The effective date of this regulation is August 5, 1994.

### § 2. Purpose.

The purpose of this regulation is to limit the number of pound net licenses to the number of pound net licenses sold on or after January 1, 1994, but prior to August 5, 1994. This regulation is part of recent restrictions adopted by the Marine Resources Commission in order to reduce the weakfish fishing mortality rate and thereby establish compliance with mandatory requirements of the Atlantic Coastal Fisheries Cooperative Management Act (Public Law 103-206).

### § 3. Definition of pound net.

For the purposes of this regulation a pound net is a stationary or fixed fishing device consisting of several stakes or poles which have been pushed or pumped into the bottom and attached to netting which forms a straight wall or leader which serves to guide fish through a funnel and heart-shaped enclosure into a terminal head or pocket with a netting floor.

### § 4. Limit on sale of licenses.

A. Except as provided in § 5 of this regulation, the total number of pound net licenses issued for 1995 shall be limited to the number of pound net licenses sold prior to August 5, 1994, for calendar year 1994. No additional pound net licenses shall be sold for calendar year 1994.

B. All eligible license renewals by those licensees who meet the requirements of subsection A of this section, applications for vacant locations, if available, and requests for transfer of license shall be made in accordance with VR 450-01-0004.

### § 5. Exceptions to limit on pound net licenses.

Licenses issued for pound nets to be set in the following areas shall not be limited in number:

1. In the James River, upstream of a line connecting Scotland Wharf with Jamestown Wharf.
2. In the Mattaponi and Pamunkey Rivers, upstream of the Route 33 bridges at West Point.
3. In the Rappahannock River, upstream of the Route 360 bridge at Tappahannock.
4. In the Virginia Potomac River tributaries, upstream of the Route 301 bridge.

### § 6. Penalty.

As provided in § 28.2-903 of the Code of Virginia, any person violating any provision of this regulation shall be guilty of a Class 3 misdemeanor.

V.A.R. Doc. No. R94-1179; Filed August 10, 1994, 12:35 p.m.

# GENERAL NOTICES/ERRATA

## Symbol Key †

† Indicates entries since last publication of the Virginia Register

changes to the regulation shall be subject to judicial review.

## GENERAL NOTICES

### STATE AIR POLLUTION CONTROL BOARD

#### Notice of Right to Petition for Regulation Revision HH Concerning Regulated Medical Waste Incinerators

##### Introduction

The 1992 General Assembly of Virginia passed legislation to require the promulgation of regulations concerning regulated medical waste by September 1, 1993. This legislation was resubmitted to the General Assembly in the 1993 session; however, the deadline for promulgation of regulations remained September 1, 1993. Due to changes in the Administrative Process Act, and in order to meet the September 1 deadline, the board adopted an emergency regulation covering regulated medical waste incinerators which was effective June 28, 1993, and remained in effect for one year. In order to comply with the legislation, the board was required to adopt a permanent regulation.

The law states, "The State Air Pollution Control Board and the Virginia Waste Management Board shall each promulgate regulations with respect to the permitting of infectious waste incinerators...by September 1, 1993, or as soon as practicable thereafter within the constraints of the Administrative Process Act (§ 9-6.14:1 et seq.)."

On July 14, 1994, the State Air Pollution Control Board adopted final amendments to regulations entitled "Regulations for the Control and Abatement of Air Pollution" (VR 120-01), specifically, Standards of Performance for Regulated Medical Waste Incinerators (Rule 5-6). The regulation is to be effective on September 15, 1994.

##### Right to Petition

In accordance with the Administrative Process Act, subsection J of § 9-6.14:7.1 of the Code of Virginia:

If one or more changes with substantial impact are made to a proposed regulation from the time that it is published as a final regulation, any person may petition the agency within thirty days from the publication of the final regulation to request an opportunity for oral and written submittals on the changes to the regulation. If the agency receives requests from at least twenty-five persons for an opportunity to submit oral and written comments on the changes to the regulation, the agency shall suspend the regulatory process for thirty days to solicit additional public comment, unless the agency determines that the changes made are minor or inconsequential in their impact. Agency denial of petitions for a comment period on

In adopting the regulated medical waste regulation, the board requested that notice of the right to petition be announced. Persons wishing to exercise their right to petition should follow the procedures described below. A copy of the final regulation has been published in the August 8, 1994, edition of the Virginia Register. It may also be obtained from the contact listed below.

##### Procedures

All requests must be received by the department by close of business September 7, 1994, to be considered. Requests may be submitted by mail, facsimile transmission (FAX number: 804-762-4510) or by personal delivery. All requests must be submitted to the Manager, Air Programs Section, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240. Facsimile copies will be considered only if followed by receipt of the original within one week.

##### Agency Contact

The department contact for any questions about this notice is:

Karen G. Sabasteanski  
Policy Analyst  
Air Programs Section  
Department of Environmental Quality  
P.O. Box 10009  
Richmond, Virginia 23240  
Phone: (804) 762-4426

### DEPARTMENT OF EDUCATION

#### Notice of Pending Action

The Department of Education, pursuant to 20 U.S.C. § 1416, publishes this public notice to bring the pendency of the following action to the attention of the public within Virginia.

The Virginia Department of Education received notice from Judith E. Heumann, Assistant Secretary for the Office of Special Education and Rehabilitative Services, of her intention to take action under § 1416(a) of the Individuals with Disabilities Education Act (IDEA) to withhold fiscal year 1995 funds and all subsequent payment under Part B of the IDEA. The notice, dated May 3, 1994, further stated that the United States Secretary of Education intends to find that there has been

# General Notices/Errata

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a failure to comply substantially with the provisions of § 1412(1) and/or (2)(B) of the IDEA. A hearing on the intended withholding has been requested by Virginia in accordance with 20 U.S.C. § 1416(a). The administrative action is pending in the United States Department of Education, Office of Hearings and Appeals, as Dkt. No. 94-76-0.

Pursuant to the court order in Virginia Department of Education v. Richard W. Riley, United States Secretary of Education, United States Department of Education, 23 F.3d 80 (4th Cir. 1994), the federal funds referred to in the May 3 notice of the Assistant Secretary may not be withheld until the procedures of 20 U.S.C. § 1416(a) are met.

## STATE BOARD OF HEALTH

### † Legal Notice of Opportunity to Comment on Proposed State Plan of Operations and Administration of Special Supplemental Food Program for Women, Infants, and Children (WIC) for Federal Fiscal Year 1995

Pursuant to the authority vested in the State Board of Health by § 32.1-12 of the Code of Virginia and in accordance with the provisions of Title 9, Chapter 1.1:1 of Public Law 95-627, notice is hereby given of a public comment period to enable the general public to participate in the development of the Special Supplemental Food Program for Women, Infants, and Children (WIC) for Federal Fiscal Year 1995.

Written comments on the proposed plan will be accepted in the office of the Director, Division of Public Health Nutrition, Virginia Department of Health, 1500 East Main Street, Room 132, Richmond, Virginia 23219 until 5 p.m. on October 5, 1994.

The proposed State Plan for WIC Program Operations and Administration may be reviewed at the office of your health district headquarters during public business hours beginning September 5, 1994. Please contact your local health department for the location of this office in your area.

## VIRGINIA CODE COMMISSION

### NOTICE TO STATE AGENCIES

**Mailing Address:** Our mailing address is: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219. You may FAX in your notice; however, we ask that you 371-0169.

### FORMS FOR FILING MATERIAL ON DATES FOR PUBLICATION IN THE VIRGINIA REGISTER OF REGULATIONS

All agencies are required to use the appropriate forms when furnishing material and dates for publication in The Virginia Register of Regulations. The forms are supplied by the office of the Registrar of Regulations. If you do not have any forms or you need additional forms, please contact: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

### FORMS:

- NOTICE of INTENDED REGULATORY ACTION - RR01
- NOTICE of COMMENT PERIOD - RR02
- PROPOSED (Transmittal Sheet) - RR03
- FINAL (Transmittal Sheet) - RR04
- EMERGENCY (Transmittal Sheet) - RR05
- NOTICE of MEETING - RR06
- AGENCY RESPONSE TO LEGISLATIVE OR GUBERNATORIAL OBJECTIONS - RR08
- DEPARTMENT of PLANNING AND BUDGET (Transmittal Sheet) - DPBRR09

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# CALENDAR OF EVENTS

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<b>Symbols Key</b>	
†	Indicates entries since last publication of the Virginia Register
☒	Location accessible to handicapped
☎	Telecommunications Device for Deaf (TDD)/Voice Designation

## NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and The Virginia Register deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

## VIRGINIA CODE COMMISSION

### EXECUTIVE

#### BOARD FOR ACCOUNTANCY

**September 13, 1994 - 10 a.m. – Open Meeting**  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ☒

An informal fact-finding conference in regard to the Board for Accountancy v. Stanford H. Bradshaw. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at (804) 367-8500. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request for accommodation at least two weeks in advance for consideration.

**Contact:** Carol A. Mitchell, Assistant Director, Board for Accountancy, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8524.

**September 22, 1994 - 10 a.m. – Open Meeting**  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ☒

An informal fact-finding conference in regard to the Board for Accountancy v. Mary K. Musgrove. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at (804) 367-8500. The department fully complies with the Americans with Disabilities Act. Please notify the department of your

request for accommodation at least two weeks in advance for consideration.

**Contact:** Carol A. Mitchell, Assistant Director, Board for Accountancy, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8524.

† **October 18, 1994 - 10 a.m. – Open Meeting**

† **October 19, 1994 - 8 a.m. – Open Meeting**

Department of Professional and Occupational Regulation,  
3600 West Broad Street, 4th Floor, Richmond, Virginia. ☒

An open meeting to conduct review and disposition of applications, correspondence, enforcement files, regulatory review and any other matters which may require board action. A public comment period will be scheduled during the meeting. No public comment will be accepted after that period. However, the meeting is open to the public. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made for any appropriate accommodation. The department fully complies with the Americans with Disabilities Act.

**Contact:** Nancy Taylor Feldman, Assistant Director, Board for Accountancy, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590.

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

**September 28, 1994 - 9 a.m. – Open Meeting**  
Washington Building, 1100 Bank Street, Room 204,  
Richmond, Virginia. ☒

At this regular meeting, the board plans to discuss regulations and fiscal matters and will receive reports from the staff of the Department of Agriculture and Consumer Services. The board may consider other matters relating to its responsibilities. At the conclusion of other business, the board will review public comments for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Roy E. Seward at least five days before the meeting so that suitable arrangements can be made.

**Contact:** Roy E. Seward, Secretary to the Board, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 211, Richmond, VA 23219, telephone (804) 786-3535 or (804) 371-6344/TDD ☎

# Calendar of Events

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## Virginia Marine Products Board

**September 6, 1994 - 5:30 p.m.** – Open Meeting  
Kiln Creek and Country Club, 1003 Brick Kiln Boulevard,  
Newport News, Virginia. ☒

The board will meet to receive reports from the Executive Director of the Virginia Marine Products Board on finance, marketing, past and future program planning, publicity/public relations, and old/new business.

**Contact:** Shirley Estes, Executive Director, Virginia Marine Products Board, 554 Denbigh Blvd., Suite B, Newport News, VA 23602, telephone (804) 874-3474.

## Pesticide Control Board

† **October 13, 1994 - 10 a.m.** – Open Meeting  
† **October 14, 1994 - 9 a.m.** – Open Meeting  
† **October 15, 1994 - 8 a.m.** – Open Meeting  
Holiday Inn, I-81 and U.S. 50, 1054 Millwood Avenue,  
Winchester, Virginia. ☒

The board will conduct its normal quarterly meeting. During the meeting the board will engage in strategic planning, develop goals and objectives for the board's activities, and tour apple orchards in the Winchester area to observe pesticide management. Portions of the meeting may be held in closed session, pursuant to § 2.1-344 of the Code of Virginia. The public will have an opportunity to comment on any matter not on the board's agenda at 9 a.m., October 14, 1994. Any person who needs any accommodations in order to participate at the meeting should contact Dr. Marvin A. Lawson at least 10 days before the meeting so that suitable arrangements can be made.

**Contact:** Dr. Marvin A. Lawson, Program Manager, Office of Pesticide Management, Department of Agriculture and Consumer Services, P.O. Box 1163, 1100 Bank St., Room 401, Richmond, VA 23209, telephone (804) 371-6558.

## Virginia Sweet Potato Board

† **September 14, 1994 - 7:30 p.m.** – Open Meeting  
Eastern Shore Agriculture Experiment Station, Research Drive, Painter, Virginia. ☒

The board will meet to discuss marketing, promotion, research and education programs for the state's sweet potato industry, and to adopt the board's budget. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes.

**Contact:** J. William Mapp, Program Director, Box 26, Onley, VA 23418, telephone (804) 787-5867.

## ALCOHOLIC BEVERAGE CONTROL BOARD

**September 7, 1994 - 9:30 a.m.** – Open Meeting  
**September 19, 1994 - 9:30 a.m.** – Open Meeting  
Alcoholic Beverage Control Board, 2901 Hermitage Road,  
Richmond, Virginia. ☒

A meeting to receive and discuss reports and activities from staff members. Other matters not yet determined.

**Contact:** Robert N. Swinson, Secretary to the Board, Alcoholic Beverage Control Board, 2901 Hermitage Road, P. O. Box 27491, Richmond, VA 23261, telephone (804) 367-0616.

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

**September 29, 1994 - 9 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Conference Room 4, Richmond,  
Virginia. ☒

A meeting to (i) approve minutes from the May 12, 1994, meeting; (ii) review correspondence; and (iii) review enforcement files.

**Contact:** Janice S. Beck, Acting Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514 or (804) 367-9753/TDD ☎

### Board for Landscape Architects

**September 15, 1994 - 9 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Conference Room 2, Richmond,  
Virginia. ☒

A meeting to (i) approve minutes from the May 6, 1994, meeting; (ii) review correspondence; (iii) review enforcement files; and (iv) review applications.

**Contact:** Janice S. Beck, Acting Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514 or (804) 367-9753/TDD ☎

### Board for Land Surveyors

**September 28, 1994 - 9 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Conference Room 2, Richmond,  
Virginia. ☒

A meeting to (i) review minutes from the May 11, 1994, meeting; (ii) review correspondence; (iii) review enforcement files; and (iv) review applications.

**Contact:** Janice S. Beck, Acting Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514 or (804) 367-9753/TDD ☎

## Board for Professional Engineers

**September 8, 1994 - 10 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 2, Richmond, Virginia. Ⓢ

A meeting to (i) approve minutes from the May 10, 1994, meeting; (ii) review correspondence; (iii) review enforcement files; and (iv) review applications.

**Contact:** Janice S. Beck, Acting Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514 or (804) 367-9753/TDD ☎

## VIRGINIA ASBESTOS LICENSING BOARD

**September 21, 1994 - 9 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation, 3600 W. Broad Street, Conference Room 3, Richmond, Virginia. Ⓢ!

A general meeting.

**Contact:** David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595 or (804) 367-9753/TDD ☎

## AUCTIONEERS BOARD

**September 9, 1994** – Written comments may be submitted through this date.

**September 20, 1994 - 9 a.m.** – Public Hearing  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 2, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Auctioneers Board intends to **repeal** regulations entitled: **VR 150-01-2. Rules and Regulations for the Virginia Board of Auctioneers** and **adopt** regulations entitled: **VR 150-01-2.1. Rules and Regulations for the Virginia Board of Auctioneers**. The proposed regulations establish entry requirements for licensure of auctioneers and auction firms, examination for licensure, licensure by reciprocity, standards of practice regarding advertising, contract, escrow accounts, records and the standards of conduct for auctioneers. The proposed regulations are a result of legislative amendments enacted to § 54.1-603 of the

Code of Virginia, which repealed the registration and certification program for auctioneers and established a single licensure program.

Statutory Authority: §§ 54.1-201 and 54.1-602 of the Code of Virginia.

**Contact:** Willie Fobbs, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514.

**September 20, 1994 - 9 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 2, Richmond, Virginia. Ⓢ

A meeting to (i) approve minutes from the June 7, 1994, meeting; (ii) review correspondence; and (iii) review enforcement files.

**Contact:** Janice S. Beck, Acting Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514 or (804) 367-9753/TDD ☎

## BOARD FOR BARBERS

† **October 3, 1994 - 9 a.m.** – Public Hearing  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

† **November 5, 1994** – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Barbers intends to amend regulations entitled: **VR 170-01-1.1. Board for Barbers Regulations**. The purpose of the proposed amendments is to establish the requirements for licensure of barbers, barber instructors, barber shops and barber schools, including a fee adjustment.

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

**Contact:** Karen W. O'Neal, Assistant Director, Board for Barbers, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-0500.

## GOVERNOR'S COMMISSION ON BASE RETENTION AND DEFENSE ADJUSTMENT

† **September 7, 1994 - 10 a.m.** – Open Meeting  
James Monroe Building, 101 North 14th Street, Conference Room C, Richmond, Virginia. Ⓢ! (Interpreter for the deaf provided upon request)

The first meeting of the Governor's commission. Commission members will be sworn in, and there will be a few speakers. In the afternoon, the

# Calendar of Events

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commissioners will break up into three working groups focusing on base retention, defense conversion, and strategic planning.

**Contact:** Bob Stolle, Director, Governor's Commission on Base Retention and Defense Adjustment, P.O. Box 494, Madison Bldg., Suite 500, Richmond, VA 23294, telephone (804) 692-0076.

## CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

**September 15, 1994 - 11 a.m.** – Open Meeting  
McArthur Square, McArthur Memorial Classroom, Norfolk, Virginia. ♿ (Interpreter for the deaf provided upon request)

The board will conduct general business, including review of local Chesapeake Bay Preservation Area programs. Public comment will be taken early in the meeting. A tentative agenda will be available by September 8 from the Chesapeake Bay Local Assistance Department.

**Contact:** Receptionist, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Richmond, VA 23219, telephone (804) 225-3440 or toll-free 1-800-243-7229/TDD ☎

## Southern Area Review Committee

**September 28, 1994 - 10 a.m.** – Open Meeting  
Chesapeake Bay Local Assistance Department, 8th Street Office Building, 8th and Broad Streets, 7th Floor, Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The committee will review local Chesapeake Bay Preservation Area programs for the Southern Area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. Public comment will not be received at the committee meeting. Written comments, however, are welcome.

**Contact:** Receptionist, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Richmond, VA 23219, telephone (804) 225-3440 or toll free 1-800-243-7229/TDD ☎

## CHILD DAY-CARE COUNCIL

† **September 8, 1994 - 9:30 a.m.** – Open Meeting  
Theater Row Building, 730 East Broad Street, Conference Room 1, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The council will meet to discuss issues and concerns that impact child day centers, camps, school age programs, and preschool/nursery schools. The public comment period will be noon. Please call ahead of time for possible changes in meeting time.

**Contact:** Peggy Friedenber, Policy Analyst, Office of Governmental Affairs, Department of Social Services, Theater Row Bldg., 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1820.

\* \* \* \* \*

**October 11, 1994 - 4 p.m.** – Public Hearing  
Wytheville Community College, 1000 East Main Street, Grayson Hall Commons, Wytheville, Virginia.

**October 13, 1994 - 3 p.m.** – Public Hearing  
Verona Government Office, 4801 Lee Highway, Verona, Virginia.

**October 17, 1994 - 4 p.m.** – Public Hearing  
Norfolk City Council Chambers, 810 Union Street, Hall Building, 11th Floor, Norfolk, Virginia.

**October 19, 1994 - 4 p.m.** – Public Hearing  
Fairfax Government Center, 12011 Government Center Parkway, Human Services Building, 2nd Floor, Room 230, Fairfax, Virginia.

**October 22, 1994** – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Child Day-Care Council intends to amend regulations entitled: **VR 175-08-01. Minimum Standards for Licensed Child Day Centers Serving Children of Preschool Age or Younger.** The purpose of the proposed amendments is to incorporate therapeutic child development and special needs child day standards into the child day center regulations, as well as review the existing standards for clarity and appropriateness.

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

Written comments may be submitted until October 22, 1994, to Peg Spangenthal, Chair, Child Day-Care Council, 730 East Broad Street, Richmond, Virginia 23219.

**Contact:** Peggy Friedenber, Policy Analyst, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1820.

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**October 11, 1994 - 4 p.m.** – Public Hearing  
Wytheville Community College, 1000 East Main Street, Grayson Hall Commons, Wytheville, Virginia.

**October 13, 1994 - 3 p.m.** – Public Hearing  
Verona Government Office, 4801 Lee Highway, Verona, Virginia.

**October 17, 1994 - 4 p.m.** – Public Hearing  
Norfolk City Council Chambers, 810 Union Street, Hall Building, 11th Floor, Norfolk, Virginia.

# Calendar of Events

## October 19, 1994 - 4 p.m. - Public Hearing

Fairfax Government Center, 12011 Government Center Parkway, Human Services Building, 2nd Floor, Room 230, Fairfax, Virginia.

**October 22, 1994** - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Child Day-Care Council intends to amend regulations entitled: **VR 175-09-01. Minimum Standards for Child Day Centers Serving School Age Children.** The purpose of the proposed amendments is to incorporate therapeutic child development and special needs child day standards into the child day center regulations, as well as review the existing standards for clarity and appropriateness.

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

Written comments may be submitted until October 22, 1994, to Peg Spangenthal, Chair, Child Day-Care Council, 730 East Broad Street, Richmond, Virginia 23219.

**Contact:** Peggy Friedenber, Policy Analyst, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1820.

## STATE BOARD FOR COMMUNITY COLLEGES

### † September 22, 1994 - 9 a.m. - Open Meeting

James Monroe Building, 101 North 14th Street, 15th Floor, Richmond, Virginia.

A regularly scheduled meeting.

**Contact:** Joy S. Graham, Assistant Chancellor, Public Affairs, Virginia Community College System, 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126 or (804) 371-8504/TDD ☎

## COMPENSATION BOARD

### September 28, 1994 - 1 p.m. - Open Meeting

Ninth Street Office Building, 202 North Ninth Street, 9th Floor, Room 913/913A, Richmond, Virginia. ♯ (Interpreter for the deaf provided upon request)

A routine business meeting.

**Contact:** Bruce W. Haynes, Executive Secretary, Compensation Board, P. O. Box 710, Richmond, VA 23206-0686, telephone (804) 786-3886/TDD ☎

## DEPARTMENT OF CONSERVATION AND RECREATION

### Virginia State Parks Foundation

### September 7, 1994 - Noon - Open Meeting

Sky Meadows State Park, Route 1, Box 540, Delaplane, Virginia.

A general business meeting.

**Contact:** Karen Spencer, Executive Secretary, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-6124 or (804) 786-2121/TDD ☎

## BOARD FOR CONTRACTORS

### † September 8, 1994 - 7 p.m. - Public Hearing

Fairfax City Hall, 10455 Armstrong Street, Room 305, Fairfax, Virginia.

### † September 13, 1994 - 7 p.m. - Public Hearing

City Council Chambers, 215 Church Avenue, Roanoke, Virginia.

### † September 14, 1994 - 7 p.m. - Public Hearing

Virginia Highlands Community College, Room 220, Abingdon, Virginia.

### † September 22, 1994 - 10 a.m. - Public Hearing

Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Rooms 4A and 4B, Richmond, Virginia.

**November 4, 1994** - Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Contractors intends to **repeal** regulations entitled: **VR 220-01-2, Board for Contractors Regulations**, and **adopt** regulations entitled: **VR 220-01-2:1, Board for Contractors Regulations**. The purpose of the proposed regulation is to adjust application and renewal fees, to add and clarify definitions, to promulgate requirements for Class C contractors in accordance with new statutory requirements, and to amend its standards of practice and conduct.

Statutory Authority: §§ 54.1-113, 54.1-201 and 54.1-1102 of the Code of Virginia.

**Contact:** Geralde W. Morgan, Assistant Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-2785.

### September 28, 1994 - 9 a.m. - Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor Conference Room, Richmond, Virginia. ♯



# Calendar of Events

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A regular quarterly meeting of the board will address policy and procedure issues, and review and render decisions on matured complaints against licensees. The meeting is open to the public; however, a portion of the board's business may be discussed in executive session. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact A.R. Wade. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request for accommodation at least two weeks in advance for consideration.

**Contact:** A.R. Wade, Assistant Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8582 or (804) 367-9753.

## Applications Review Committee

† **September 27, 1994 - 10 a.m. – Open Meeting**  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ☒

A regular meeting. The committee will review applications with convictions and complaints for Class A, B and C contractor's licenses.

**Contact:** Elizabeth Y. Kirksey, Assistant Administrator, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785.

## Recovery Fund Committee

**September 21, 1994 - 9 a.m. – Open Meeting**  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ☒

A meeting to consider claims filed against the Virginia Contractor Transaction Recovery Fund. This meeting will be open to the public; however, a portion of the discussion may be conducted in executive session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact Christine Martine at (804) 367-8561. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request for accommodation at least two weeks in advance for consideration of your request.

**Contact:** Holly Erickson, Assistant Administrator, Board for Contractors, 3600 W. Broad St., Richmond, VA 23219, telephone (804) 367-8561.

## BOARD OF CORRECTIONS

† **September 14, 1994 - 10 a.m. – Open Meeting**  
Board of Corrections, Board Room, 6900 Atmore Drive,  
Richmond, Virginia. ☒

A meeting to discuss matters as may be presented to the board.

**Contact:** Vivian Toler, Secretary to the Board, Board of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235.

## Liaison Committee

† **September 15, 1994 - 9:30 a.m. – Open Meeting**  
Board of Corrections, Board Room, 6900 Atmore Drive,  
Richmond, Virginia. ☒

A meeting to discuss criminal justice matters.

**Contact:** Vivian Toler, Secretary to the Board, Board of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235.

## BOARD FOR COSMETOLOGY

**September 19, 1994 - 10 a.m. – Open Meeting**  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ☒

A meeting to conduct an informal fact-finding conference in regard to: Board for Cosmetology v. Babette A. Cross (Grady), 10 a.m.; Board for Cosmetology v. Nekicia M. Copling, 11 a.m.; Board for Cosmetology v. Debbie Cargill Terry, noon. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request for accommodation at least two weeks in advance for consideration.

**Contact:** Carol A. Mitchell, Assistant Director, Board for Cosmetology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8524.

† **September 19, 1994 - 10:30 a.m. – Open Meeting**  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ☒

A meeting to conduct informal fact-finding conferences in regard to the Board for Cosmetology v. Personality Beauty School. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request for accommodation at least two weeks in advance for consideration.

**Contact:** Carol A. Mitchell, Assistant Director, Board for Cosmetology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8524.

**September 26, 1994 - 10 a.m. – Open Meeting**

Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ☎

A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Karen O'Neal. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request for accommodations at least two weeks in advance for consideration of your request.

**Contact:** Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500 or (804) 367-9753/TDD ☎

## DEPARTMENT OF CRIMINAL JUSTICE SERVICES (CRIMINAL JUSTICE SERVICES BOARD)

**October 5, 1994 - 9 a.m. – Public Hearing**

General Assembly Building, 910 Capitol Street, House Room D, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Criminal Justice Services Board intends to adopt regulations entitled: **VR 240-01-15. Rules Relating to Compulsory Minimum Training Standards For Radar Operators.** The proposed regulations include specific training requirements for public law-enforcement officers employed by state and local law-enforcement agencies who operate radar as part of their assigned duties. These training standards include 18 performance based training objectives which each officer required to operate radar must meet prior to being able to operate the unit. Training for radar operators under the proposed regulations may be done at the employing agency by a certified radar operator instructor and records of the training provided are to be maintained by the employing agency. Retraining is required by December 31 of every third calendar year to ensure that the operating officer has retained proficiency in the operation of the speed measurement device. Provisions are available for the exemption or partial exemption of the training requirement based upon previous training and experience.

Statutory Authority: § 9-170(3a) of the Code of Virginia.

Written comments may be submitted through August 26, 1994, to L.T. Eckenrode, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219.

**Contact:** Paula Scott-Dehetre, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-4000.

## BOARD OF DENTISTRY

† **September 9, 1994 - 9 a.m. – Open Meeting**

† **September 16, 1994 - 9 a.m. – Open Meeting**

Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ☎

Informal conferences. This is a public meeting; however, no public comment will be taken.

**Contact:** Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906.

**September 22, 1994 - 8:30 a.m. – Open Meeting**

Williamsburg Lodge, 310 South England Street, Williamsburg, Virginia. ☎

The board will review public comments on the licensure by endorsement provision of VR 255-01-1 as required by the Administrative Process Act as a result of gubernatorial objection to proposed regulation. This is a public meeting. A 20-minute public comment period will be held at 8:40 a.m.; however, no other public comment will be taken. If the board completes its review of the regulations prior to 6 p.m. on September 22, then regular board business will be conducted at that time.

**Contact:** Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906.

**September 23, 1994 - 8:30 a.m. – Open Meeting**

Williamsburg Lodge, 310 South England Street, Williamsburg, Virginia. ☎

The board will conduct board business and receive committee reports.

**Contact:** Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906.

## DEPARTMENT OF EDUCATION (STATE BOARD OF)

**September 29, 1994 - 8:30 a.m. – Public Hearing**

General Assembly Building, 910 Capitol Street, Senate Room B, Richmond, Virginia.

**October 7, 1994 –** Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Education intends to amend regulations entitled: **VR 270-01-0009. Regulations Governing Literary Loan Applications in Virginia.** These regulations are being amended to include language required by the 1989 and 1990 sessions of the General Assembly relating to

## Calendar of Events

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the ceiling on indebtedness to the fund and consolidation incentives; to include changes by the 1991 session to § 22.1-140 of the Code of Virginia; to include changes by the 1994 session to § 22.1-146 of the Code of Virginia; and to increase the maximum loan amount from \$2.5 million to \$5 million per project.

Statutory Authority: §§ 22.1-140 and 22.1-142 et seq. of the Code of Virginia.

**Contact:** Kathryn S. Kitchen, Division Chief, Department of Education, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2025 or toll-free 1-800-292-3820.

† **September 29, 1994 - 8:30 a.m.** – Open Meeting

† **October 27, 1994 - 8:30 a.m.** – Open Meeting

† **November 17, 1994 - 8:30 a.m.** – Open Meeting

General Assembly Building, 910 Capitol Square, Richmond, Virginia. Ⓜ (Interpreter for the deaf provided upon request)

The Board of Education and the Board of Vocational Education will hold a regularly scheduled meeting. Business will be conducted according to items listed on the agenda. The agenda is available upon request.

**Contact:** James E. Laws, Jr., Administrative Assistant for Board Relations, Department of Education, P.O. Box 2120, Richmond, VA 23216-2120, telephone (804) 225-2924 or toll-free 1-800-292-3820.

### LOCAL EMERGENCY PLANNING COMMITTEE - CITY OF ALEXANDRIA

**September 14, 1994 - 6 p.m.** – Open Meeting

Public Broadcasting System, 1320 Braddock Place, Alexandria, Virginia. Ⓜ (Interpreter for the deaf provided upon request)

An open meeting with committee members and facility emergency coordinators to conduct business in accordance with SARA Title III, Emergency Planning and Community Right-to-Know Act of 1986.

**Contact:** Charles McRorie, Emergency Preparedness Coordinator, P.O. Box 178, Alexandria, VA 22313-1500, telephone (703) 838-3825 or (703) 838-5056/TDD ☎

### LOCAL EMERGENCY PLANNING COMMITTEE - COUNTY OF MONTGOMERY/TOWN OF BLACKSBURG

**September 13, 1994 - 3 p.m.** – Open Meeting

Montgomery County Courthouse, 3rd Floor, Board of Supervisors Room, Christiansburg, Virginia. Ⓜ

A meeting to discuss the development of a Hazardous Materials Emergency Response Plan for Montgomery

County and the Town of Blacksburg.

**Contact:** Steve Via, New River Valley Planning District Commission, P. O. Box 3726, Radford, VA 24143, telephone (703) 639-9313 or FAX (703) 831-6093.

### DEPARTMENT OF ENVIRONMENTAL QUALITY

#### Technical Advisory Committee on Financial Assurance Regulations for Solid Waste Management Facilities

† **September 22, 1994 - 10 a.m.** – Open Meeting

Department of Environmental Quality, 629 East Main Street, 4th Floor Conference Room, Richmond, Virginia. Ⓜ

A meeting to assist the department in formulation of the draft of the Financial Assurance Regulations.

**Contact:** Wladimir Gulevich, Ph.D., P.E., Director, Office of Regional Planning and Development, Department of Environmental Quality, P. O. Box 10009, Richmond, VA 23240-0009, telephone (804) 762-4218 or (804) 762-4021/TDD ☎

#### Work Group on Detection/Quantitation Levels

**September 14, 1994 - 1:30 p.m.** – Open Meeting

Department of Environmental Quality, 4949 Cox Road, Lab Training Room, Room 111, Glen Allen, Virginia.

The department has established a work group on detection quantitation levels for pollutants in the regulatory and enforcement programs. The work group will advise the Director of Environmental Quality. Other meetings of the work group have been scheduled at the same time and location for September 28, October 12, October 26, November 9, November 30, and December 14. However, these dates are not firm. Persons interested in the meetings of this work group should confirm the date with the contact person below.

**Contact:** Alan J. Anthony, Chairman, Department of Environmental Quality, 4900 Cox Road, Glen Allen, VA 23060, telephone (804) 527-5070.

### BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† **September 15, 1994 - 9:30 a.m.** – Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. Ⓜ

A regularly scheduled meeting.

**Contact:** Meredyth P. Partridge, Executive Director, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907 or (804) 662-1797/TDD ☎

## BOARD OF GAME AND INLAND FISHERIES

**September 6, 1994 - 7 p.m.** – Open Meeting  
Toano Middle School, 7817 Richmond Road (Route 60),  
Auditorium, Toano, Virginia.

**September 7, 1994 - 7 p.m.** – Open Meeting  
Farmville Bus Station, 112 South Street, Second Floor  
Meeting Room, Farmville, Virginia.

**September 8, 1994 - 7 p.m.** – Open Meeting  
Henrico County Government Center, Parham Road, East of  
Hungary Springs Road intersection, Henrico Administration  
Building, Board Room, Richmond, Virginia.

**September 8, 1994 - 7 p.m.** – Open Meeting  
Windsor Elementary School, 23320 North Court Street,  
Cafeteria, Windsor, Virginia.

**September 8, 1994 - 7 p.m.** – Open Meeting  
Clinch Valley College, State Route 646, 1/2 mile east of  
Wise, Chapel, Wise, Virginia.

Public meetings will be held for the purpose of receiving comments regarding changes to game fish and nongame regulations proposals adopted for advertisement by the Board of Game and Inland Fisheries at their August 25 and 26, 1994 meeting. Comments from these meetings will be summarized and reported to the board for their consideration at their October 13 and 14, 1994 meeting (location to be announced). Regulation changes adopted by the board will become effective January 1995. The Board of Game and Inland Fisheries is exempted from the Administrative Process Act and Executive Order Number Thirteen (94) when promulgating wildlife management regulations, including the length of seasons, bag limits and methods of take set on the wildlife resources within the Commonwealth of Virginia.

**Contact:** Belle Harding, Secretary to the Director, Board of Game and Inland Fisheries, 4010 W. Broad St., P.O. Box 11104, Richmond, VA 23230, telephone (804) 367-1000.

## DEPARTMENT OF HEALTH (STATE BOARD OF)

**September 8, 1994 - 10 a.m.** – Open Meeting  
Holiday Inn, 10800 Vandor Lane, Manassas, Virginia. ♿  
(Interpreter for the deaf provided upon request)

A worksession. An informal dinner will follow at 6:30 p.m.

**September 9, 1994 - 9 a.m.** – Open Meeting  
Holiday Inn, 10800 Vandor Lane, Manassas, Virginia. ♿  
(Interpreter for the deaf provided upon request)

A business meeting.

**Contact:** Susan R. Rowland, MPA, Assistant to the Commissioner, Department of Health, 1500 E. Main St., Suite 214, Richmond, VA 23219, telephone (804) 786-3564.

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**September 9, 1994** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to amend regulations entitled: **VR 355-29-100. Board of Health Regulations Governing Vital Records.** Section 32.1-273 of the Code of Virginia authorizes the Board of Health to prescribe a fee, not to exceed \$5.00, for searching and certification of vital records of birth, death, marriage, and divorce. Senate Bill 402, passed by the 1994 General Assembly, raises the maximum limit on vital records fees to \$8.00. Accordingly, the proposed regulations raise the current fee of \$5.00 to the new fee of \$8.00. Comments on the costs and benefits of the proposal are requested.

Statutory Authority: § 32.1-273 of the Code of Virginia.

**Contact:** Deborah M. Little, Director, Office of Vital Records and Health Statistics, P. O. Box 1000, Richmond, VA 23208-1000, telephone (804) 371-6077 or FAX (804) 371-4800.

## Commissioner's Waterworks Advisory Committee

† **September 15, 1994 - 10 a.m.** – Open Meeting  
Office of Water Programs, Culpeper Field Office, 400 South Main Street, 2nd Floor, Culpeper, Virginia.

A general business meeting of the committee. The committee meets the third Thursday of odd months at various locations around the state.

**Contact:** Thomas B. Gray, P.E., Special Projects Manager, Division of Water Supply Engineering, 1500 E. Main St., Room 109, Richmond, VA 23219, telephone (804) 786-5566.

## VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

**October 25, 1994 - 9:30 a.m.** – Open Meeting  
Blue Cross/Blue Shield, 2015 Staples Mill Road, Richmond, Virginia. ♿

A monthly meeting.

**Contact:** Kim Bolden Walker, Public Relations Coordinator, Virginia Health Services Cost Review Council, 805 E. Broad St., 6th Floor, Richmond, VA 23219, telephone (804) 786-6371.

# Calendar of Events

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## BOARD FOR HEARING AID SPECIALISTS

**September 12, 1994 - 9 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. ☎

A general business meeting, followed by examination. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Karen W. O'Neal. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request for accommodations at least two weeks in advance for consideration of your request.

**Contact:** Karen W. O'Neal, Assistant Director, Board for Hearing Aid Specialists, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500 or (804) 367-9753/TDD ☎

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**September 12, 1994 - 9 a.m.** – Public Hearing  
Department of Professional and Occupational Regulation,  
5th Floor, Conference Room 3, 3600 West Broad Street,  
Richmond, Virginia.

**October 8, 1994** – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Hearing Aid Specialists intends to amend regulations entitled: **VR 375-01-02. Board of Hearing Aid Specialists Regulations.** The proposed regulations define additional terminology, clarify entry criteria for licensure, establish examination provisions incorporating board policy, clarify renewal and reinstatement procedures and the provisions regarding standards of practice and conduct, and adjust licensing fees as needed in accordance with § 54.1-113 of the Code of Virginia. All other amendments are for clarity, simplicity and readability.

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

**Contact:** Karen O'Neal, Assistant Director, Board for Hearing Aid Specialists, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500.

## COMMISSION ON THE FUTURE OF HIGHER EDUCATION IN VIRGINIA

**September 14, 1994 - 10 a.m.** – Open Meeting

† **October 20, 1994 - 10 a.m.** – Open Meeting  
General Assembly Building, 910 Capitol Square, Senate Room A, Richmond, Virginia. ☎

The commission was created by SJR 139 and is

charged with considering a variety of topics that are of interest to higher education in Virginia.

**Contact:** Anne M. Pratt or Pam Landrum, 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2629 or (804) 225-2632.

## STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

**September 25, 1994** – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Council of Higher Education for Virginia intends to adopt regulations entitled: **VR 380-04-01. Virginia Postsecondary Review Entity Regulations.** The proposed regulations establish the procedures and standards by which the SPRE may review institutions participating in the Title IV, HEA programs.

Statutory Authority: §§ 23-9.6:1 and 23-261 of the Code of Virginia.

**Contact:** Richard Myers, State Council of Higher Education for Virginia, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-3189.

## VIRGINIA HIV PREVENTION COMMUNITY PLANNING COMMITTEE

**September 16, 1994 - 8 a.m.** – Open Meeting  
Holiday Inn Airport, 5203 Williamsburg Road, Sandston, Virginia. ☎

A meeting to continue prioritization of target populations and identification of strategies that can reduce the transmission of HIV.

**Contact:** Elaine Martin, Coordinator, AIDS Education, P. O. Box 2448, Richmond, VA 23218, telephone (804) 786-0877 or toll free 1-800-533-4148/TDD ☎

## HOPEWELL INDUSTRIAL SAFETY COUNCIL

**September 6, 1994 - 9 a.m.** – Open Meeting  
† **October 4, 1994 - 9 a.m.** – Open Meeting  
† **November 1, 1994 - 9 a.m.** – Open Meeting  
Hopewell Community Center, Second and City Point Road, Hopewell, Virginia. ☎ (Interpreter for the deaf provided upon request)

Local Emergency Preparedness Committee Meeting on emergency preparedness as required by SARA Title III.

**Contact:** Robert Brown, Emergency Service Coordinator,

300 North Main Street, Hopewell, VA 23860, telephone (804) 541-2298.

## VIRGINIA HOUSING DEVELOPMENT AUTHORITY

**September 8, 1994 - Noon** – Open Meeting  
Williamsburg Lodge and Conference Center, Room B, Williamsburg, Virginia. ☒

A regular meeting of the Board of Commissioners to (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month; and (iv) consider such other matters and take such other actions as it may deem appropriate. Various committees of the Board of Commissioners may also meet before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

**Contact:** J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 782-1986.

## COUNCIL ON INFORMATION MANAGEMENT

† **September 16, 1994 - 10 a.m.** – Open Meeting  
James Monroe Building, 101 North 14th Street, 1st Floor, Room B, Richmond, Virginia. ☒

A general business session beginning at 10 a.m., and council advisory committees making presentations in the afternoon.

**Contact:** Linda Hening, Administrative Assistant, Council on Information Management, 1100 Bank St., Suite 901, Richmond, VA 23219, telephone (804) 225-3622 or (804) 225-3624/TDD ☎

## VIRGINIA'S INTERCOMMUNITY TRANSITION COUNCIL

**September 13, 1994 - 9:30 a.m.** – Open Meeting  
Holiday Inn Fair Oaks, 1787 Lee Jackson Memorial Highway, Fairfax, Virginia. ☒ (Interpreter for the deaf provided upon request)

State and local representatives from 13 state agencies and representatives of the business and consumer community form the Virginia Intercommunity Transition Council (VITC). The VITC meets quarterly to focus on strategic targets to move Virginia forward in the development of statewide and systematic transition services for all youth with disabilities. Eleven-thirty to 12:30 of every meeting is designated for public comment to enable persons or groups who

are not standing members of the VITC to express opinions and recommendations to the VITC regarding transition issues.

**Contact:** Kathy Trosci, Education Services Manager, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23288-0300, telephone (804) 662-7606 or toll-free 1-800-552-5019; or Sharon deFur, Associate Specialist/Transition, Monroe Bldg., 23rd Floor, Richmond, VA 23216, telephone (804) 225-3242.

## HJR NO. 76 INTERNET STAFF STUDY TEAM

**September 22, 1994 - 10 a.m.** – Open Meeting  
Department of Information Technology, Richmond Plaza Building, 3rd Floor, Richmond, Virginia. ☒

A meeting to study whether the Commonwealth needs to establish protocols and guidelines regarding in-state access to the myriad files and components available through the Internet.

**Contact:** Marty Gillespie, Department of Information Technology, Director of Security, 110 S. 7th St., 3rd Floor, Richmond, VA 23219, telephone (804) 344-5705.

## STATE LAND EVALUATION ADVISORY COUNCIL

**September 20, 1994 - 1 p.m.** – Open Meeting  
Department of Taxation, 2220 West Broad Street, Richmond, Virginia. ☒

A meeting to adopt suggested ranges of values for agricultural, horticultural, forest and open-space land use and the use-value assessment program.

**Contact:** Ronald W. Wheeler, Executive Assistant, Department of Taxation, 3600 W. Broad St., Richmond, VA 23219, telephone (804) 367-6920.

## LIBRARY OF VIRGINIA

† **September 12, 1994 - 9:30 a.m.** – Open Meeting  
Library of Virginia, 11th Street at Capitol Square, 3rd Floor, Supreme Court Room, Richmond, Virginia. ☒

A meeting to discuss administrative matters of the Library of Virginia.

**Contact:** Jean H. Taylor, Secretary to State Librarian, Library of Virginia, 11th Street at Capitol Square, Richmond, VA 23239, telephone (804) 786-2332.

## STATE COUNCIL ON LOCAL DEBT

**September 21, 1994 - 11 a.m.** – Open Meeting  
James Monroe Building, 101 N. 14th Street, 3rd Floor,

# Calendar of Events

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Treasury Board Conference Room, Richmond, Virginia. ☎

A regular meeting subject to cancellation unless there are action items requiring the council's consideration. Persons interested in attending should call one week prior to the meeting date to ascertain whether or not the meeting is to be held as scheduled.

**Contact:** Gary Ometer, Debt Manager, Department of the Treasury, P. O. Box 1879, Richmond, VA 23215, telephone (804) 225-4928.

## COMMISSION ON LOCAL GOVERNMENT

† **September 12, 1994 - 10 a.m.** – Open Meeting  
State Capitol, Capitol Square, House Room 1, Richmond, Virginia.

A regular meeting of the commission to consider such matters as they may be presented. Persons desiring to participate in the commission's meeting and requiring special accommodations or interpreter services should contact the commission's office.

**Contact:** Barbara Bingham, Administrative Assistant, 702 8th Street Office Building, Richmond, VA 23239, telephone (804) 786-6508 or (804) 786-1860/TDD ☎

## LONG-TERM CARE COUNCIL

† **September 15, 1994 - 10 a.m.** – Open Meeting  
James Monroe Building, 101 North 14th Street, Conference Room B, Richmond, Virginia.

A general business meeting.

**Contact:** Cathy Saunders, Director, Long-Term Care Council, 700 E. Franklin St., 11th Floor, Richmond, VA 23219, telephone (804) 225-2912 or toll-free 1-800-552-3402.

## Advisory Committee on Consolidation of Long-Term Care and Aging Services

† **September 23, 1994 - 10 a.m.** – Open Meeting  
Monroe Towers, 101 North 14th Street, Room B, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to discuss state-level consolidation of long-term care and aging services and provide guidance to the Secretary of Health and Human Resources in developing a plan to ensure the coordination and enhancement of service delivery.

**Contact:** Cathy Saunders, Director, Long-Term Care Council, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-2912.

## STATE LOTTERY BOARD

† **September 26, 1994 - 10 a.m.** – Open Meeting  
State Lottery Department, 2201 West Broad Street, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular monthly meeting of the board. Business will be conducted according to items listed on the agenda which has not yet been determined. Two periods for public comment are scheduled.

**Contact:** Barbara L. Robertson, Lottery Staff Officer, State Lottery Department, 2201 W. Broad St., Richmond, VA 23220, telephone (804) 367-3106 or (804) 367-3000/TDD ☎

## MARINE RESOURCES COMMISSION

† **September 27, 1994 - 9:30 a.m.** – Open Meeting  
Marine Resources Commission, 2600 Washington Avenue, 4th Floor, Room 403, Newport News, Virginia. ☎ (Interpreter for the deaf provided upon request)

The commission will hear and decide marine environmental matters at 9:30 a.m.; permit applications for projects in wetlands, bottom lands, coastal primary sand dunes and beaches; appeals of local wetland board decisions; and policy and regulatory issues.

The commission will hear and decide fishery management items at approximately noon. Items to be heard are as follows: regulatory proposals, fishery management plans, fishery conservation issues, licensing, and shellfish leasing.

Meetings are open to the public. Testimony is taken under oath from parties addressing agenda items on permits and licensing. Public comments are taken on resource matters, regulatory issues and items scheduled for public hearing.

The commission is empowered to promulgate regulations in the areas of marine environmental management and marine fishery management.

**Contact:** Sandra S. Schmidt, Secretary to the Commission, Marine Resources Commission, P. O. Box 756, Newport News, VA 23607-0756, telephone (804) 247-8088, toll free 1-800-541-4646 or (804) 247-2292/TDD ☎

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

† **September 20, 1994 - 10 a.m.** – Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia. ☎

An open meeting to discuss medical assistance services and take action on issues pertinent to the board.

## Calendar of Events

**Contact:** Patricia Sykes, Board Liaison, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7958.

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**October 21, 1994** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **VR 460-03-3.1100. Amount, Duration, and Scope of Services: (Reimbursement for Organ Transplant Services)**. The purpose of this proposal is to amend the state plan to clarify the requirements and process for determining the level of reimbursement available for covered transplant services.

As a result of court action in which the Department of Medical Assistance Services (DMAS) was required to reimburse providers for covered transplantation services, DMAS developed the current state plan amendment. At that time, emergency (and subsequently final) regulations were promulgated which stated that reimbursement for covered transplant services and any other medically necessary transplantation procedures that are determined to not be experienced or investigational would be based upon a rate negotiated with providers on an individual basis, or a flat rate by procedure, or by procedure and facility.

This proposed regulation is intended to describe more specifically the reimbursement process that has been in effect since the promulgation of the current regulation. In summary, reimbursement for covered liver, heart, and bone marrow transplant services and any other medically necessary transplantation procedures shall be a fee based upon the greater of a prospectively determined, procedure-specific, flat fee determined by the agency, or a prospectively determined, procedure-specific percentage of usual and customary charges. The flat fee reimbursement will cover all procurement costs, hospital costs, and physician costs, including such physicians as radiologists, pathologists, oncologists, surgeons, etc., but will not include pre- and post-hospitalization for the transplant procedure or pre-transplant evaluation. In addition, reimbursement for approved transplant procedures that are performed out of state will be made in the same manner as reimbursement for procedures performed in state.

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

Written comments may be submitted through October 21, 1994, to Betty Cochran, Director, Division of Quality Care Assurance, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

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

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**September 23, 1994** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to adopt regulations entitled: **VR 460-01-53, 460-01-53.1, 460-01-53.2, and 460-02-4.1730. Liens and Recoveries: OBRA 93 Estate Recoveries**. The purpose of this action is to amend the Plan for Medical Assistance concerning estate recoveries consistent with the requirements of OBRA 93 § 13612 and of §§ 32.1-326.1 and 32.1-327 of the Code of Virginia. The process of recovering funds when they have been expended for persons who had their own resources, but did not use them for their own medical care, returns general fund dollars to the Commonwealth.

Sections 32.1-326.1 and 32.1-327 of the Code of Virginia provide for the recovery, by the Title XIX agency, of expenditures for certain services from the estates of recipients. The Omnibus Budget Reconciliation Act of 1993 § 13612 (OBRA 93) permitted the recovery of Title XIX expended funds from the estates of individuals for all Medicaid covered services. The inclusion of states' estate recovery policies in their state plans for medical assistance was required by the cited OBRA section. Since 1984, DMAS has exercised its authority under state law and recovered expenditures for all Medicaid covered services. The fact that the new federal law makes recovery of institutional payments mandatory, but this degree of recovery an option for states lacking similar state authority, is what causes this regulatory action to be subject to the Article 2 requirements of the Administrative Process Act.

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

Written comments may be submitted through September 23, 1994, to Jesse R. Garland, Director, Fiscal Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

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

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**September 23, 1994** – Written comments may be submitted through this date.



## Calendar of Events

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Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **VR 460-02-4.1920, Methods and Standards for Establishing Payment Rates—Other Types of Care; VR 460-03-4.1921, Fees for Pediatric and Obstetric CPT Procedures; VR 460-03-4.1924, State Agency Fee Schedule: Resource Based Relative Value Scale.** The purpose of this proposal is to implement a new medical and surgical fee schedule for the agency which is based on the federal RBRVS. The program reimburses fee-for-service providers the lower of the state agency fee schedule or their actual charge to the general public. The 1994 Appropriations Act § 1-88(313)(W) directs the Board of Medical Assistance Services (BMAS) to develop a RBRVS-based physician fee schedule for approval by the HCFA. RBRVS-based reimbursement links the fee for a service to research-based estimates of the resources necessary to provide that service.

Prior to January 1, 1992, HCFA also used a fee schedule based on provider charges to reimburse physicians for their services rendered to Medicare beneficiaries. However, HCFA concluded that the fees it paid for services did not have a consistent, rational relationship to the actual resources utilized to provide those services. Therefore, HCFA developed a RBRVS-based fee schedule. HCFA assigned a "relative value" to each service expressed in relative value units (RVUs). HCFA computes the fee for a service by multiplying its RVUs times one of three conversion factors (CFs) which it developed for different types of services. The Department of Medical Assistance Services (DMAS) is amending HCFA's RVUs for its RBRVS-based fee schedule. DMAS will use HCFA's CFs after they have been adjusted by an additional factor to maintain budget neutrality. DMAS may revise the additional factor whenever HCFA updates its RVUs or CFs so that no change in expenditure will result solely from such update. DMAS will estimate RBRVS-type fees for services that have no HCFA RVUs and use existing fees for services for which it is unable to estimate an RBRVS-type fee. The RBRVS-based fees will be effective July 1, 1995, and will be phased in over a three-year period. There will be one fee schedule for the entire state with no geographic adjusters.

Implementation of the RBRVS-based fee schedule will affect each provider differently depending on the types of services provided since the allowable fee will increase for some services and decrease for others. The agency projects no significant negative issues involved in implementing this proposed change. The primary advantage of this regulation is that reimbursement for primary care services will be enhanced.

This change to the fee schedule is undertaken only after obtaining input from the physician community.

During 1993, DMAS convened an advisory committee composed of physicians selected by professional societies throughout the state. After several months of deliberation, a majority of this group voted to recommend to the department that it proceed to seek authorization to implement a RBRVS-based fee schedule. The details of the present proposal are consistent with the recommendations of the committee. All physician providers and some nonphysician providers (such as nurse practitioners) throughout the state will be affected. Provided there are no changes in the types of services provided as a result of the new fee schedule, there should be no impact on Medicaid recipients and the implementation of the new fee schedule should be budget neutral. Medicaid spent approximately \$205 million (total funds) for these services in SFY 94, and expects to spend \$244.8 million (total funds) in SFY 95. There are no localities which are uniquely affected by these regulations as they apply statewide.

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

Written comments may be submitted through September 23, 1994, to Scott Crawford, Manager, Division of Cost Settlement and Audit, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

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

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**October 7, 1994** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **VR 460-03-4.1940:1. Nursing Home Payment System (Balloon Loan Financing).** The purpose of this action is to amend the State Plan for Medical Assistance to specifically address existing reimbursement policies relating to balloon loan financing, in light of regulations addressing refinancing for nursing facilities. This amendment is the result of policies adopted by the Board of Medical Assistance Services on December 14, 1992, regarding refinancing of balloon loans in response to requests by providers that DMAS establish a policy for balloon loan financing based on current State Plan language. This action incorporates the specific language of the balloon loan financing policy into the State Plan.

The Nursing Home Payment System (NHPS) provides that costs incurred due to a refinancing cannot exceed the total costs that would have been allowable had the refinancing not occurred. This could be interpreted to

prohibit reimbursement for the refinancing of a balloon loan at the expiration of the term of the original note since payment of the balloon principal would eliminate the debt on the nursing facility and the associated interest cost to the Medicaid program. Providers were asking for a specific policy to address balloon loan financing due to the reluctance of financial institutions to make long-term loans to the health care industry.

The department developed this policy in 1992 to accommodate the needs of the provider community at a minimum cost to the Medicaid program. Under this policy as promulgated, § 2.4 of the NHPS would permit the refinancing of a balloon loan as limited by the procedures.

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

Written comments may be submitted until October 7, 1994, to Richard Weinstein, Manager, Division of Cost Settlement, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

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

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† **November 4, 1994** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medical Assistance Services intends to amend regulations entitled: **VR 460-02-2.2100:1, Coverage and Conditions of Eligibility (Attachment 2.2-A); VR 460-02-2.6100:1, Eligibility Conditions and Requirements (Attachment 2.6-A); VR 460-03-2.6101:1, Income Eligibility Levels (Supplement 1 to Attachment 2.6-A); More Liberal Income Disregards (Supplement 8a to Attachment 2.6-A); and VR 460-03-2.6108.2, More Liberal Methods of Treating Resources under § 1902(r)(2) of the Act (Supplement 8b to Attachment 2.6-A): Expanded Coverage for Children Ages 6 to 19.** The purpose of these amendments is to conform existing policy with federal requirements regarding the placement of eligibility policy within the state plan.

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

Written comments may be submitted through November 4, 1994, to Ann Cook, Department of Medical Assistance Services, Division of Policy and Research, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

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

371-8850.

## Drug Utilization Review Board

**September 22, 1994 - 3 p.m.** – Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia.

A regular meeting of the board to conduct routine business. A brief organizational meeting of the Medicaid Prior Authorization Advisory Committee will also be held.

**Contact:** Carol B. Pugh, Pharm.D., DUR Program Consultant, Client Services Division, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-3820.

## BOARD OF MEDICINE

† **October 13, 1994 - 8 a.m.** – Open Meeting  
† **October 14, 1994 - 8 a.m.** – Open Meeting  
† **October 15, 1994 - 8 a.m.** – Open Meeting  
† **October 16, 1994 - 8 a.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Rooms 1, 2, 3 and 4, Richmond, Virginia.

The board will meet on Thursday, October 13, 1994, in open session, to conduct general board business, receive committee reports, and discuss any other items which may come before the board. The board will also meet on October 13, 14, 15 and 16 to review reports, interview licensees, and make decisions on disciplinary matters. The board will also review any regulations that may come before it. The board will entertain public comments during the first 15 minutes on agenda items.

**Contact:** Eugenia K. Dorson, Deputy Executive Director, Discipline, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9923 or (804) 662-7197/TDD ☎

## Credentials Committee

† **October 14, 1994 - 8:15 a.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Rooms 3 and 4, Richmond, Virginia.

The committee will meet in open and closed session to conduct general business, interview and review medical credentials of applicants applying for licensure in Virginia, and to discuss any other items which may come before the committee. The committee will receive public comments of those persons appearing on behalf of candidates.

**Contact:** Eugenia K. Dorson, Deputy Executive Director, Discipline, Board of Medicine, 6606 W. Broad St., 4th

# Calendar of Events

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Floor, Richmond, VA 23230-1717, telephone (804) 662-9923 or (804) 662-7197/TDD ☎

## Informal Conference Committee

† **September 8, 1994 - 10:30 a.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street, Richmond, Virginia. ☎

† **September 14, 1994 - 10:30 a.m.** – Open Meeting  
Patrick Henry Hotel, 617 South Jefferson Street, Roanoke, Virginia. ☎

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 of the Code of Virginia. Public comment will not be received.

**Contact:** Karen W. Perrine, Deputy Executive Director, Discipline, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908 or (804) 662-9943/TDD ☎

## Legislative Committee

**September 9, 1994 - 10 a.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 3, Richmond, Virginia. ☎

The committee will meet to develop a recommendation to the full board on "short term use" of pharmacotherapy for weight loss; develop regulations for licensure by endorsement for doctors of chiropractic; develop regulations for implementation of House Bill 266 relating to unprofessional conduct; develop regulations for implementation of Senate Bill 474; and such other business that may be presented. The chairperson will entertain public comments following the adoption of the agenda for 10 minutes on any agenda items.

**Contact:** Eugenia K. Dorson, Deputy Executive Director of Discipline, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9923 or (804) 662-7197/TDD ☎

## Advisory Board on Physician's Assistants

**September 9, 1994 - 2 p.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 3, Richmond, Virginia. ☎

The Advisory Committee on Physician's Assistants will (i) review the board's position on home care (house calls); (ii) review and adopt the additions to the list of approved schools; and (iii) review such other business that may be presented. There will be a 10 minute period for public comments on specific agenda items.

**Contact:** Eugenia K. Dorson, Deputy Executive Director of Licensing, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9923 or (804) 662-7197/TDD ☎

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

### NOTE: CHANGE IN MEETING DATE

**September 12, 1994 - 10 a.m.** – Public Hearing  
James Monroe Building, 101 North 14th Street, Conference Room C, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to obtain public comment on the Community Mental Health Services Block Grant application for FFY 1995 and state mental health plan.

**Contact:** Jeanette DuVal, Policy Analyst, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 371-0359 or (804) 371-8977/TDD ☎

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**September 11, 1994** – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to repeal regulations entitled: **VR 470-01-01. Public Participation Guidelines** and adopt regulations entitled: **VR 470-01-01:1. Public Participation Guidelines**. The purpose of this regulation is to adopt Public Participation Guidelines in conformance with § 9-6.14:7.1 of the Code of Virginia.

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

**Contact:** Rubyjean Gould, Administrative Services Director, Department of Mental Health, Mental Retardation and Substance Abuse Services, P. O. Box 1797, Richmond, VA 23214, telephone (804) 786-3915.

## State Human Rights Committee

† **September 23, 1994 - 9 a.m.** – Open Meeting  
Western State Hospital, 1301 Richmond Avenue, Staunton, Virginia. ☎

A meeting to discuss any and all Department of Mental Health, Mental Retardation and Substance Abuse Services Office of Human Rights statewide issues, and facility (15) human rights issues.

**Contact:** Elsie D. Little, Director, Department of Mental

Health, Mental Retardation and Substance Abuse Services,  
Office of Human Rights, 109 Governor St., Richmond, VA  
23225, telephone (804) 786-3988 or (804) 371-8977/TDD ☎

## DEPARTMENT OF MOTOR VEHICLES

### Motor Vehicle Dealers' Advisory Board

**September 7, 1994 - 9:30 a.m.** – Open Meeting  
Department of Motor Vehicles Headquarters, 2300 West  
Broad Street, Room 702, Richmond, Virginia. ☎

A scheduled meeting of the board. No public comment  
will be received at this meeting.

**Contact:** L. Stephen Stupasky, Manager, Dealer Services,  
Department of Motor Vehicles, 2300 W. Broad St.,  
Richmond, VA 23269-0001, telephone (804) 367-2921 or  
(804) 367-0261.

## VIRGINIA MUSEUM OF NATURAL HISTORY

### Board of Trustees

**September 17, 1994 - 9 a.m.** – Open Meeting  
Virginia Museum of Natural History, 1001 Douglas Avenue,  
Martinsville, Virginia. ☎

A meeting to include reports from the executive,  
finance, legislative, marketing, outreach, personnel,  
planning/facilities, and research and collections  
committees. Public comment will be received following  
approval of the minutes of the April meeting.

**Contact:** Rhonda J. Knighton, Executive Secretary, Virginia  
Museum of Natural History, 1001 Douglas Ave.,  
Martinsville, VA 24112, telephone (703) 666-8616 or (703)  
666-8638/TDD ☎

## NORFOLK STATE UNIVERSITY

### Board of Visitors

† **September 13, 1994 - 10 a.m.** – Open Meeting  
Harrison B. Wilson Hall, Administration Building, 2401  
Corprew Avenue, Board Room, Norfolk, Virginia.

A regular meeting of the board. Committee meetings  
will be held as follows:

The Academic Affairs Committee will meet at 8 a.m.  
on September 13, 1994; Student Affairs will meet at 3  
p.m. on September 12, 1994; and Audit and Finance  
will meet at 8 a.m. on September 13, 1994.

**Contact:** Gerald D. Tyler, Norfolk State University, 2401  
Corprew Ave., Wilson Hall-S340, Norfolk, VA 23504,  
telephone (804) 683-8373.

## BOARD OF NURSING

**September 19, 1994 - 9 a.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Conference Rooms 2 and 3, Richmond, Virginia.  
☎ (Interpreter for the deaf provided upon request)

Two special conference committees will conduct  
informal conferences in the morning. A panel of the  
Board of Nursing will conduct formal hearings in the  
afternoon. Public comment will not be received.

**Contact:** Corinne F. Dorsey, R.N., Executive Director,  
Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond,  
VA 23230-1717, telephone (804) 662-9909 or (804)  
662-7197/TDD ☎

**September 20, 1994 - 9 a.m.** – Open Meeting  
**September 21, 1994 - 9 a.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Conference Room 2, Richmond, Virginia. ☎  
(Interpreter for the deaf provided upon request)

A regular meeting to consider matters relating to  
nursing education programs, discipline of licensees,  
licensure by examination and other matters under the  
jurisdiction of the board. Public comment will be  
received during an open forum beginning at 11 a.m.  
on Tuesday, September 20, 1994.

**Contact:** Corinne F. Dorsey, R.N., Executive Director,  
Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond,  
VA 23230-1717, telephone (804) 662-9909 or (804)  
662-7197/TDD ☎

**September 22, 1994 - 8:30 a.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Conference Room 2, Richmond, Virginia. ☎  
(Interpreter for the deaf provided upon request)

A panel of the board will conduct formal hearings. If  
the agenda for the panel is not filled with formal  
hearings, two special conference committees will  
conduct informal conferences as time permits. Public  
comment will not be received.

**Contact:** Corinne F. Dorsey, R.N., Executive Director,  
Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond,  
VA 23230-1717, telephone (804) 662-9909 or (804)  
662-7197/TDD ☎

## COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE

† **September 16, 1994 - 9:30 a.m.** – Open Meeting  
Sheraton Hotel, Tyson's Corner, 8661 Leesburg Pike,  
Vienna, Virginia. ☎ (Interpreter for the deaf provided  
upon request)

An informal conference will be held at 9:30 a.m.,

# Calendar of Events

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followed by a general business meeting of the committee at 12:30 p.m. Draft changes in regulations and other matters under the jurisdiction of the committee will be considered. Public comment will be received at 2 p.m.

**Contact:** Corinne F. Dorsey, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909 or (804) 662-7197/TDD ☎

## BOARD FOR OPTICIANS

† **October 14, 1994 - 10 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 4th Floor, Richmond, Virginia. ☎

An open meeting to (i) conduct review and disposition of applications, (ii) review correspondence; (iii) review enforcement files; (iv) conduct regulatory review; and (v) review any other matters requiring board action. A public hearing on proposed regulations will follow at 7:30 p.m. A public comment period will be scheduled during the meeting. No public comment will be accepted after that period; however, the meeting is open to the public. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made for appropriate accommodations. The department fully complies with the Americans with Disabilities Act.

**Contact:** Nancy Taylor Feldman, Assistant Director, Board for Opticians, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590.

## BOARD OF OPTOMETRY

† **September 7, 1994 - 9 a.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
4th Floor, Conference Room 4, Richmond, Virginia. ☎  
(Interpreter for the deaf provided upon request)

Informal conference meetings. Brief public comment will be received at the beginning of the meeting.

**Contact:** Carol Stamey, Administrative Assistant, Board of Optometry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910 or (804) 662-7197/TDD ☎

## VIRGINIA POLYGRAPH EXAMINERS ADVISORY BOARD

**September 20, 1994 - 10 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, 4th Floor, Richmond, Virginia. ☎

A meeting to administer the Polygraph Examiners Licensing examination to eligible examiner interns and to consider other matters which may require board action. A public comment period will be scheduled during the meeting. No public comment will be accepted after that period; however, the meeting is open to the public. Any person who needs any accommodation in order to participate in the meeting should contact Nancy T. Feldman at least 10 days before the meeting date so that suitable arrangements can be made.

**Contact:** Nancy T. Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590.

## PRIVATE SECURITY SERVICES ADVISORY BOARD

† **October 26, 1994 - 9 a.m.** – Open Meeting  
Sheraton Oceanfront, 36th and Atlantic Avenues, Virginia Beach, Virginia. ☎

A meeting to discuss private security industry issues.

**Contact:** Roy Huhta, Assistant, Department of Criminal Justice Services, Private Security Section, P.O. Box 10110, Richmond, VA 23240-9998, telephone (804) 786-4700.

## BOARD OF PROFESSIONAL COUNSELORS

**September 16, 1994 - 9 a.m.** – Open Meeting  
**September 17, 1994 - 9 a.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Conference Room 1, Richmond, Virginia. ☎  
(Interpreter services for the deaf provided upon request)

A regular meeting of the Virginia Board of Professional Counselors to consider committee reports, act on correspondence, conduct regulatory review, and consider any other matters under the jurisdiction of the board. This is a public meeting and there will be a half-hour public comment period from 9:15 a.m. to 9:45 a.m.

**Contact:** Evelyn B. Brown, Executive Director, or Joyce D. Williams, Administrative Assistant, Board of Professional Counselors, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9912.

## Advisory Board on Rehabilitation Providers

**September 15, 1994 - 9 a.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street,  
5th Floor, Conference Room 3, Richmond, Virginia. ☎  
(Interpreter for the deaf provided upon request)

An organizational meeting to adopt bylaws, elect officers, identify tasks, etc., related to the certification

of rehabilitation providers. Public comments will not be received.

**Contact:** Evelyn B. Brown, Executive Director, Board of Professional Counselors, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9912.

## BOARD OF PROFESSIONAL AND OCCUPATIONAL REGULATION

**September 27, 1994 - 10 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A regular quarterly meeting of the board. Agenda items include discussion of survey results from survey on locksmiths, final recommendation on property manager study of 1993, and election of chairperson and vice-chairperson.

**Contact:** Joyce K. Brown, Secretary to the Board, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8564 or (804) 367-9753/TDD ☎

**September 27, 1994 - 7 p.m.** – Public Hearing  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

† **October 6, 1994 - 7 p.m.** – Public Hearing  
Holiday Inn Tanglewood, 4468 Starkey Road, S.W., Roanoke, Virginia. ☎

† **October 11, 1994 - 7 p.m.** – Public Hearing  
Holiday Inn Tysons Corner, 1960 Chain Bridge Road, McLean, Virginia. ☎

† **October 13, 1994 - 7 p.m.** – Public Hearing  
Norfolk City Council Chamber, 810 Union Street, City Hall Building, 11th Floor, Norfolk, Virginia. ☎

The board will conduct a public hearing in connection with its study of the feasibility of establishing a licensing program for locksmiths. The study is a result of House Joint Resolution 181 and Senate Joint Resolution 134, both of which passed in the 1994 session of the Virginia General Assembly.

**Contact:** Joyce K. Brown, Secretary to the Board, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8564 or (804) 367-9753/TDD ☎

## BOARD OF PSYCHOLOGY

† **September 20, 1994 - 10 a.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☎

A meeting to conduct general board business. Public comment will be received.

**Contact:** Evelyn Brown, Executive Director, Board of Psychology, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9913.

## Advisory Committee on Certified Practices

**September 15, 1994 - 1 p.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. ☎  
(Interpreter for the deaf provided upon request)

An organizational meeting to adopt the bylaws, elect officers, identify tasks, etc., related to the certification of sex offender treatment providers. Public comments will not be received.

**Contact:** Evelyn B. Brown, Executive Director, Board of Psychology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9913.

## Credentials Committee

† **September 20, 1994 - 8:30 a.m.** – Open Meeting  
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☎

The committee will conduct an informal credentials conference in accordance with §§ 9-6.14:11 and 54.1-2400(7) of the Code of Virginia to determine the eligibility of an applicant for program of study acceptance. No public comment will be received.

**Contact:** Evelyn Brown, Executive Director, Board of Psychology, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9913.

## RAPPAHANNOCK-RAPIDAN DIVISION OF COURT SERVICES EXECUTIVE BOARD

† **September 19, 1994 - 5:30 p.m.** – Open Meeting  
1300 Sunset Lane, Suite 3110, Culpeper, Virginia. ☎  
(Interpreter for the deaf provided upon request)

A quarterly business meeting of the District Nine Virginia Alcohol Safety Action Program. Items for review include (i) program deficit; (ii) program activities; (iii) personnel; and (iv) and new legislation.

**Contact:** R. Dean Irvine, Director, 1300 Sunset Lane, Suite 3110, Culpeper, VA 22701, telephone (703) 829-7379.

## REAL ESTATE APPRAISER BOARD

**September 20, 1994 - 10 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

# Calendar of Events

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A general business meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Karen W. O'Neal. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request for accommodations at least two weeks in advance for consideration of your request.

**Contact:** Karen W. O'Neal, Assistant Director, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500 or (804) 367-9753/TDD ☎

## REAL ESTATE BOARD

† **September 15, 1994 - 10:30 a.m.** – Open Meeting  
Fredericksburg Juvenile and Domestic Court, 701 Princess Anne Street, Fredericksburg, Virginia.

A meeting to conduct a formal administrative hearing in regard to the Real Estate Board v. Clayton D. Bouchyard.

**Contact:** Stacie Camden, Legal Assistant, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2394.

## VIRGINIA RECYCLING MARKETS DEVELOPMENT COUNCIL

† **September 8, 1994 - 10 a.m.** – Open Meeting  
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. †

A monthly meeting of the council. Members will review subcommittee reports on House Bill 1176, the recycling zone concept, current statutory recycling goals, and the work plan for 1995.

**Contact:** Paddy Katzen, Assistant to the Secretary of Natural Resources, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 762-4488.

## REFORESTATION OF TIMBERLANDS BOARD

**September 21, 1994 - 10 a.m.** – Open Meeting  
Department of Forestry Headquarters Building, 900 Natural Resources Drive, Charlottesville, Virginia.

A meeting to conduct general business and to review accomplishments.

**Contact:** Phil T. Grimm, Assistant Chief, Forest Management, P.O. Box 3758, Charlottesville, VA 22903, telephone (804) 977-6555.

## STATE REHABILITATION ADVISORY COUNCIL

**September 23, 1994 - 10 a.m.** – Open Meeting  
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia.

A regular quarterly meeting.

**Contact:** Dr. Ronald C. Gordon, Commissioner, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23230, telephone (804) 662-7010, toll-free 1-800-552-5019 or (804) 662-9040/TDD ☎

## VIRGINIA RESOURCES AUTHORITY

**September 13, 1994 - 9:30 a.m.** – Open Meeting  
Virginia Resources Authority, The Mutual Building, 909 East Main Street, Board Room, Suite 607, Richmond, Virginia.

The board will meet to approve minutes of the meeting of August 9, 1994; to review the authority's operations for the prior months; and to consider other matters and take other actions as it may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting. Public comments will be received at the beginning of the meeting.

**Contact:** Shockley D. Gardner, Jr., Virginia Resources Authority, 909 E. Main St., Suite 607, Richmond, VA 23219, telephone (804) 644-3100 or FAX (804) 644-3109.

**October 11, 1994 - 9:30 a.m.** – Open Meeting  
Virginia Resources Authority, The Mutual Building, 909 East Main Street, Board Room, Suite 607, Richmond, Virginia.

The board will meet to approve minutes of the meeting of September 13, 1994; to review the authority's operations for the prior months; and to consider other matters and take other actions as it may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting. Public comments will be received at the beginning of the meeting.

**Contact:** Shockley D. Gardner, Jr., Virginia Resources Authority, 909 E. Main St., Suite 607, Richmond, VA 23219, telephone (804) 644-3100 or FAX (804) 644-3109.

## SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

**September 21, 1994 - 10 a.m.** – Open Meeting  
County of Henrico, Administrative Building, 4301 East Parham Road, Board of Supervisors Board Room, Richmond, Virginia. †

A meeting to hear all administrative appeals of denials of onsite sewage disposal systems permits pursuant to §§ 32.1-166.1 et seq. and 9-6.14:12 of the Code of Virginia and VR 355-34-02.

Contact: Constance G. Talbert, Secretary to the Board, 1500 E. Main St., P.O. Box 2448, Suite 117, Richmond, VA 23218, telephone (804) 786-1750.

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

October 7, 1994 - Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to amend regulations entitled: VR 615-01-29. Aid to Families with Dependent Children (AFDC) Program - Disregarded Income and Resources. The proposed regulation modifies AFDC regulations to require that all bona fide loans be disregarded in the evaluation of financial eligibility for benefits. The regulation defines what is required for a loan to be considered bona fide.

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

Written comments may be submitted through October 7, 1994, to Constance O. Hall, AFDC Program Manager, Division of Benefit Programs, Department of Social Services, 730 East Broad Street, Richmond, Virginia 23219-1849.

Contact: Peggy Friedenber, Policy Analyst, Department of Social Services, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1820.

BOARD OF SOCIAL WORK

† September 9, 1994 - 9 a.m. - Open Meeting Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ☒

Informal conferences. Public comment will not be heard.

Contact: Evelyn B. Brown, Executive Director, or Bernice Parker, Administrative Assistant, Board of Social Work, 6606 W. Broad St., 4th Floor, Richmond, VA 23219, telephone (804) 662-9967.

VIRGINIA SOIL AND WATER CONSERVATION BOARD

September 26, 1994 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1

of the Code of Virginia that the Virginia Soil and Water Conservation Board intends to amend regulations entitled: VR 625-02-00. Erosion and Sediment Control Regulations. Sections 10.1-502 and 10.1-561 of the Code of Virginia authorize the Virginia Soil and Water Conservation Board to promulgate regulations to implement the Erosion and Sediment Control Law. This action is necessary to amend the existing regulations which became effective September 13, 1990, due to the passage of Chapter 925 of the 1993 Virginia Acts of Assembly and other legislative changes since last amendment. The regulations establish minimum statewide standards for the control of soil erosion, sediment deposition and nonagricultural runoff from land-disturbing activities that must be met in local erosion and sediment control programs, and also by state agencies that conduct land-disturbing activities. Land-disturbing activities include, but are not limited to, clearing, grading, excavating, transporting and filling of land.

Statutory Authority: §§ 10.1-502 and 10.1-561 of the Code of Virginia.

Contact: James P. Edmonds, Urban Conservation Engineer, Department of Conservation and Recreation, 203 Governor St., Suite 206, Richmond, VA 23219, telephone (804) 786-3997 or FAX (804) 786-1798.

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September 26, 1994 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Soil and Water Conservation Board intends to adopt regulations entitled: VR 625-02-01. Erosion and Sediment Control Certification Regulations. The proposed regulations establish minimum statewide standards for the certification of erosion and sediment control plan reviewers, inspectors, and program administrators. The regulations provide four classifications of certification: Program Administrator, Plan Reviewer, Inspector, and Combined Administrator. In addition, the regulations provide for eligibility requirements, fees, examinations, applications, and discipline of certified personnel. Training will be based upon the Erosion and Sediment Control Law and attendant regulations which establish minimum statewide standards for the control of soil erosion, sediment deposition and nonagricultural runoff from land-disturbing activities. Land-disturbing activities include, but are not limited to, clearing, grading, excavating, transporting and filling of land. Certification will be based upon completion of the training programs, work experience or combination thereof, plus obtaining a passing grade on the certification test. Recertification and decertification are also covered by the regulations.

Statutory Authority: §§ 10.1-502 and 10.1-561 of the Code of



# Calendar of Events

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Virginia.

**Contact:** James P. Edmonds, Urban Conservation Engineer, Department of Conservation and Recreation, 203 Governor St., Suite 206, Richmond, VA 23219, telephone (804) 786-3997 or FAX (804) 786-1798.

## COMMONWEALTH TRANSPORTATION BOARD

† **September 14, 1994 - 2 p.m.** – Open Meeting

Virginia Port Authority, 600 World Trade Center, Board Room, Norfolk, Virginia. ☒ (Interpreter for the deaf provided upon request)

A work session of the board and the Department of Transportation staff.

**Contact:** Robert E. Martinez, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-8032.

† **September 15, 1994 - 10 a.m.** – Open Meeting

Virginia Port Authority, 600 World Trade Center, Board Room, Norfolk, Virginia. ☒ (Interpreter for the deaf provided upon request)

A monthly meeting of the board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval. Public comment will be received at the outset of the meeting on items on the meeting agenda for which the opportunity for public comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions.

**Contact:** Robert E. Martinez, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-8032.

## TRANSPORTATION SAFETY BOARD

† **September 20, 1994 - 8:30 a.m.** – Open Meeting

Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. ☒

A quarterly meeting to review and recommend federal grants.

**Contact:** Bill Dennis, Executive Assistant, Transportation Safety Board, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23220, telephone (804) 367-2593 or (804) 367-1773/TDD ☎

## TREASURY BOARD

**September 21, 1994 - 9 a.m.** – Open Meeting  
James Monroe Building, 101 North 14th Street, Treasury Board Room, 3rd Floor, Richmond, Virginia. ☒

A regular meeting of the board.

**Contact:** Gloria J. Hatchel, Administrative Assistant to the Treasurer, Department of the Treasury, 101 N. 14th St., 3rd Floor, Richmond, VA 23219, telephone (804) 371-6011.

## VIRGINIA VETERANS CARE CENTER

### Board of Trustees

† **September 30, 1994 - 1 p.m.** – Open Meeting  
State Capitol, Capitol Square, Richmond, Virginia. ☒

A meeting of the Board of Trustees to review the operations of the Virginia Veterans Care Center.

**Contact:** John T. Plichta, Executive Director, Virginia Veterans Care Center, P.O. Box 6334, Roanoke, VA 24017-6334, telephone (804) 857-6974, toll-free 1-800-220-8387 or (804) 342-8810/TDD ☎

## VIRGINIA VOLUNTARY FORMULARY BOARD

**September 12, 1994 - 10 a.m.** – Public Hearing  
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia.

A public hearing to consider the proposed adoption and issuance of revisions to the Virginia Voluntary Formulary. The proposed revisions to the Formulary add and delete drugs and drug products to the Formulary that became effective on May 1, 1994. Copies of the proposed revisions to the Formulary are available for inspection at the Department of Health, Bureau of Pharmacy Services, James Madison Building, 109 Governor Street, Richmond, Virginia 23219. Written comments sent to the above address and received prior to 5 p.m. on September 12, 1994, will be made a part of the hearing record.

**Contact:** James K. Thomson, Bureau of Pharmacy Services, Virginia Voluntary Formulary Board, 109 Governor St., Room B1-9, Richmond, VA 23219, telephone (804) 786-4326.

**October 27, 1994 - 10:30 a.m.** – Open Meeting  
Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia.

A meeting to consider public hearing comments and review new product data for products pertaining to the Virginia Voluntary Formulary.

**Contact:** James K. Thomson, Bureau of Pharmacy Services,

# Calendar of Events

Virginia Voluntary Formulary Board, 109 Governor St., Room B1-9, Richmond, VA 23219, telephone (804) 786-4326.

## VIRGINIA WASTE MANAGEMENT BOARD

**September 7, 1994 - 7 p.m.** – Public Hearing  
Department of Environmental Quality, Innsbrook Corporate Center, 4900 Cox Road, Glen Allen, Virginia.

**September 8, 1994 - 7 p.m.** – Public Hearing  
Clinch Valley College, Wise, Virginia.

**October 7, 1994** – Written comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Waste Management Board intends to adopt regulations entitled **VR 672-20-20. Regulation Governing Management of Coal Combustion By-Products.** The purpose of the proposed regulation is to provide for the use of coal combustion by-products and to establish appropriate standards for siting, design, construction, operation and administrative procedures pertaining to their use, reuse, or reclamation. The board seeks specific comments regarding clarification or the need for testing schedules (frequency/volumes) for TCLP tests for coal combustion by-products as presented in § 4.1 C 4.

Statutory Authority: § 10.1-1402 of the Code of Virginia.

Written comments may be submitted through October 7, 1994, to Deborah G. Pegram, Hearing Reporter, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240-0009.

**Contact:** Walt Gulevich, Office Director, Department of Environmental Quality, P. O. Box 10009, Richmond, Virginia, 23240-0009, telephone (804) 762-4218.

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**September 8, 1994** – Written comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Waste Management Board intends to adopt regulations entitled **VR 672-60-1. Waste Tire End User Reimbursement.** This regulation provides the guidelines for the partial reimbursement, from the Waste Tire Trust Fund, of the end users of Virginia generated waste tires. The promulgation of VR 672-60-1 is exempt from the requirements of the Administrative Process Act pursuant to § 9-6.14:4.1 B of the Act.

Statutory Authority: §§ 10.1-1402.11, 10.1-1422.3 and 10.1-1422.4 of the Code of Virginia.

**Contact:** Allan Lassiter, Manager, Waste Tire Program, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240-0009, telephone (804) 762-4215.

## BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

† **October 6, 1994 - 8:30 a.m.** – Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. ☺

An open meeting to conduct regulatory review and other matters which may require board action. Also, a public hearing on proposed regulatory changes will be held at 7:30 p.m. A public comment period will be scheduled during the meeting. No public comment will be accepted after that period; however, the meeting is open to the public. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Nancy Taylor Feldman, Assistant Director, Board for Waterworks and Wastewater Works Operators, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590.

## THE COLLEGE OF WILLIAM AND MARY

**September 8, 1994 - 8 a.m.** – Open Meeting  
**September 9, 1994 - 8 a.m.** – Open Meeting  
Blow Memorial Hall, Richmond Road, Williamsburg, Virginia. ☺

A regularly scheduled meeting of the Board of Visitors to receive reports from several committees of the board, and to act on those resolutions that are presented by the administrations of the College of William and Mary and Richard Bland College. An informational release will be available four days prior to the board meeting for those individuals or organizations who request it.

**Contact:** William N. Walker, Director, Office of University Relations, Lambert House, College of William and Mary, P.O. Box 8795, Williamsburg, VA 23187-8795, telephone (804) 221-2630.

## BOARD OF YOUTH AND FAMILY SERVICES

**September 8, 1994 - 8:30 a.m.** – Open Meeting  
700 Centre Building, 7th and Franklin Streets, 4th Floor, Richmond, Virginia. ☺

Committee meetings will be held from 8:30 a.m. to 10 a.m. A general meeting will be held from 10 a.m. to 5

# Calendar of Events

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p.m. to review programs recommended for certification or probation, to consider adoption of draft policies, and to consider other matters that may come before the board.

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

## LEGISLATIVE

### JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION

† **September 12, 1994 - 9:30 a.m.** – Open Meeting  
General Assembly Building, 910 Capitol Square, Richmond, Virginia.

A briefing on the Review of Regional Planning District Commissions and a briefing on the Review of State-owned Surplus Real Property.

**Contact:** Phil Leone, Director, Joint Legislative Audit and Review Commission, General Assembly Building, 910 Capitol St., Suite 1100, Richmond, VA 23219, telephone (804) 786-1258.

### CHESAPEAKE BAY COMMISSION

† **September 15, 1994 - 1 p.m.** – Open Meeting  
Colonial Courthouse, 205 West Market Street, York, Pennsylvania.

† **September 16, 1994 - 9 a.m.** – Open Meeting  
The Yorktowne Hotel, 48 East Market Street, York, Pennsylvania.

A quarterly meeting. Topics include nitrogen and toxic loading from air pollution, fertilizer use as de-icers, and Chesapeake Executive Council issues including tributary strategies, riparian forest buffers and toxics.

**Contact:** Ann Pesiri Swanson, Chesapeake Bay Commission, 60 West St., Suite 200, Annapolis, MD 21401, telephone (410) 263-3420.

### JOINT SUBCOMMITTEE STUDYING LOCAL REVENUE RESOURCES

† **September 14, 1994 - 10 a.m.** – Open Meeting  
General Assembly Building, 910 Capitol Square, House Room C, Richmond, Virginia.

The subcommittee will meet for the purpose of hearing recommendations. HJR 160.

**Contact:** Pamela Catania, Staff Attorney, Division of

Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

### COMMISSION ON POPULATION GROWTH AND DEVELOPMENT

† **October 12, 1994 - 10 a.m.** – Open Meeting  
† **October 13, 1994 - 10 a.m.** – Open Meeting  
The Williamsburg Lodge, Williamsburg, Virginia.

A meeting of the commission to review the proposed Virginia Growth Strategies Act, implementation to date of the Virginia Geographic Information Network, and a draft Regionalism: Shared Decision Making paper.

**Contact:** Katherine L. Imhoff, Executive Director, Commission on Population Growth and Development, General Assembly Building, 910 Capitol St., Room 519B, Richmond, VA 23219, telephone (804) 371-4949.

### Executive Committee

† **September 8, 1994 - 10 a.m.** – Open Meeting  
General Assembly Building, 910 Capitol Square, 6th Floor Conference Room, Richmond, Virginia. ☒

A meeting of the committee to review regionalism options for Virginia as well as an update on the progress of the Virginia Geographic Information Network and the proposed Virginia Growth Strategies Act.

**Contact:** Katherine L. Imhoff, Executive Director, Commission on Population Growth and Development, General Assembly Building, 910 Capitol St., Room 519B, Richmond, VA 23219, telephone (804) 371-4949.

† **November 7, 1994 - 10 a.m.** – Open Meeting  
General Assembly Building, 910 Capitol Square, 6th Floor Conference Room, Richmond, Virginia. ☒

A meeting of the committee to review the Virginia Growth Strategies Act and to discuss recommendations from the October commission meeting.

**Contact:** Katherine L. Imhoff, Executive Director, Commission on Population Growth and Development, General Assembly Building, 910 Capitol St., Room 519B, Richmond, VA 23219, telephone (804) 371-4949.

### VIRGINIA CODE COMMISSION

#### Title 15.1 Recodification Task Force

**September 28, 1994 - 10 a.m.** – Open Meeting  
**October 20, 1994 - 10 a.m.** – Open Meeting  
General Assembly Building, 910 Capitol Street, 6th Floor Conference Room, Richmond, Virginia. ☒

A meeting to review working documents for Title 15.1 recodification.

**Contact:** Michelle L. Browning, Operations Staff Assistant, Division of Legislative Services, General Assembly Building, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

## CHRONOLOGICAL LIST

### OPEN MEETINGS

#### September 6

Agriculture and Consumer Services, Department of  
- Virginia Marine Products Board  
Game and Inland Fisheries, Board of  
Hopewell Industrial Safety Council

#### September 7

Alcoholic Beverage Control Board  
† Base Retention and Defense Adjustment, Governor's Commission on  
Conservation and Recreation, Department of  
- Virginia State Parks Foundation  
Game and Inland Fisheries, Board of  
Motor Vehicle Dealers' Advisory Board  
† Optometry, Board of

#### September 8

† Child Day-Care Council  
Game and Inland Fisheries, Board of  
Health, State Board of  
Housing Development Authority, Virginia  
† Medicine, Board of  
- Informal Conference Committee  
† Population Growth and Development, Commission on  
- Executive Committee  
Professional Engineers, Board for  
† Recycling Markets Development Council, Virginia  
William and Mary, College of  
- Board of Visitors  
Youth and Family Services, Board of

#### September 9

† Dentistry, Board of  
Health, State Board of  
Medicine, Board of  
- Legislative Committee  
- Advisory Board on Physician's Assistants  
† Social Work, Board of  
William and Mary, College of  
- Board of Visitors

#### September 12

† Audit and Review Commission, Joint Legislative

Hearing Aid Specialists, Board for  
† Library of Virginia  
† Local Government, Commission on

#### September 13

Accountancy, Board for  
Emergency Planning Committee, Local - County of Montgomery/Town of Blacksburg  
Intercommunity Transition Council, Virginia  
† Norfolk State University  
- Board of Visitors  
Resources Authority, Virginia

#### September 14

† Agriculture and Consumer Services, Department of  
- Virginia Sweet Potato Board  
† Corrections, Board of  
Environmental Quality, Department of  
- Work Group on Detection/Quantitation Levels  
Higher Education in Virginia, Commission on the Future of  
Emergency Planning Committee, Local - City of Alexandria  
† Local Revenue Resources, Joint Subcommittee Studying  
† Medicine, Board of  
- Informal Conference Committee  
† Transportation Board, Commonwealth

#### September 15

† Chesapeake Bay Commission  
Chesapeake Bay Local Assistance Board  
† Corrections, Board of  
- Liaison Committee  
† Funeral Directors and Embalmers, Board of  
† Health, Department of  
- Commissioner's Waterworks Advisory Committee  
Landscape Architects, Board for  
† Long-Term Care Council  
Professional Counselors, Board of  
- Advisory Board on Rehabilitation Providers  
Psychology, Board of  
- Advisory Committee on Certified Practices  
† Real Estate Board  
† Transportation Board, Commonwealth

#### September 16

† Dentistry, Board of  
† Chesapeake Bay Commission  
HIV Prevention Community Planning Committee, Virginia  
† Information Management, Council on  
† Nursing and Medicine, Committee of the Joint Boards of  
Professional Counselors, Board of

#### September 17

Museum of Natural History, Virginia  
- Board of Trustees  
Professional Counselors, Board of  
Visually Handicapped, Department for the

# Calendar of Events

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- Vocational Rehabilitation Advisory Council

## September 19

Alcoholic Beverage Control Board  
Cosmetology, Board for  
Nursing, Board of  
† Rappahannock-Rapidan Division of Court Services  
Executive Board

## September 20

Auctioneers Board  
† Medical Assistance Services, Board of  
Nursing, Board of  
Polygraph Examiners Advisory Board, Virginia  
Land Use Advisory Council, State  
† Psychology, Board of  
- Credentials Committee  
Real Estate Appraiser Board  
† Transportation Safety Board, Virginia

## September 21

Asbestos Licensing Board, Virginia  
† Community Colleges, State Board for  
Contractors, Board for  
Local Debt, State Council on  
Nursing, Board of  
Reforestation of Timberlands Board  
Sewage Handling and Disposal Appeals Review Board  
Treasury Board

## September 22

Accountancy, Board for  
Dentistry, Board of  
† Environmental Quality, Department of  
- Technical Advisory Committee on Financial  
Assurance Regulations for Solid Waste Management  
Facilities  
HJR No. 76 Internet Staff Study Team  
Medical Assistance Services, Department of  
- Drug Utilization Review Board  
† Mental Health, Mental Retardation and Substance  
Abuse Services, Department of  
- State Human Rights Committee  
Nursing, Board of

## September 23

Dentistry, Board of  
† Aging, Department of  
- Advisory Committee on Consolidation of Long-Term  
Care and Aging Services  
Rehabilitation Advisory Council, State

## September 26

Cosmetology, Board for  
† Lottery Board, State

## September 27

† Contractors, Board for  
- Applications Review Committee  
† Marine Resources Commission  
Professional and Occupational Regulation, Board of

## September 28

Agriculture and Consumer Services, Board of  
Chesapeake Bay Local Assistance Board  
- Southern Area Review Committee  
Compensation Board  
Contractors, Board for  
Land Surveyors, Virginia Board for  
Virginia Code Commission  
- Title 15.1 Recodification Task Force

## September 29

Architects, Professional Engineers, Land Surveyors and  
Landscape Architects, Board for  
† Education, Board of

## September 30

† Virginia Veterans Care Center  
- Board of Trustees

## October 4

† Hopewell Industrial Safety Council

## October 6

† Waterworks and Wastewater Works Operators, Board  
for

## October 11

Resources Authority, Virginia

## October 12

† Population Growth and Development, Commission on

## October 13

† Agriculture and Consumer Services, Department of  
- Pesticide Control Board  
† Medicine, Board of  
† Population Growth and Development, Commission on

## October 14

† Agriculture and Consumer Services, Department of  
- Pesticide Control Board  
† Medicine, Board of  
- Credentials Committee  
† Opticians, Board for

## October 15

† Agriculture and Consumer Services, Department of  
- Pesticide Control Board  
† Medicine, Board of

## October 16

† Medicine, Board of

## October 18

† Accountancy, Board for

## October 19

† Accountancy, Board for

## October 20

† Higher Education, Commission on the Future of

Virginia Code Commission  
- Title 15.1 Recodification Task Force

**October 25**

**October 26**

† Private Security Services Advisory Board  
Health Services Cost Review Council, Virginia

**October 27**

† Education, Board of  
Voluntary Formulary Board, Virginia

**November 1**

† Hopewell Industrial Safety Council

**November 7**

† Population Growth and Development, Commission on  
- Executive Committee

**November 17**

† Education, Board of

**October 3**

† Barbers, Board for

**October 5**

Criminal Justice Services, Department of

**October 6**

† Professional and Occupational Regulation, Board of

**October 11**

Child Day Care Council  
† Professional and Occupational Regulation, Board of

**October 13**

Child Day-Care Council  
† Professional and Occupational Regulation, Board of

**October 17**

Child Day-Care Council

**October 19**

Child Day-Care Council

## PUBLIC HEARINGS

**September 7**

Waste Management Board, Virginia

**September 8**

† Contractors, Board for  
Waste Management Board, Virginia

**September 12**

Hearing Aid Specialists, Board for  
† Mental Health, Mental Retardation and Substance  
Abuse Services, Department of  
Voluntary Formulary Board, Virginia

**September 13**

† Contractors, Board for

**September 14**

† Contractors, Board for

**September 20**

Auctioneers Board

**September 22**

† Contractors, Board for

**September 27**

Professional and Occupational Regulation, Board of

**September 29**

Education, Department of

## Calendar of Events

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