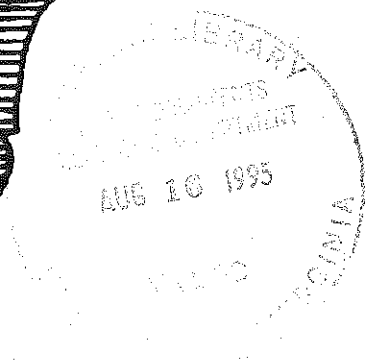
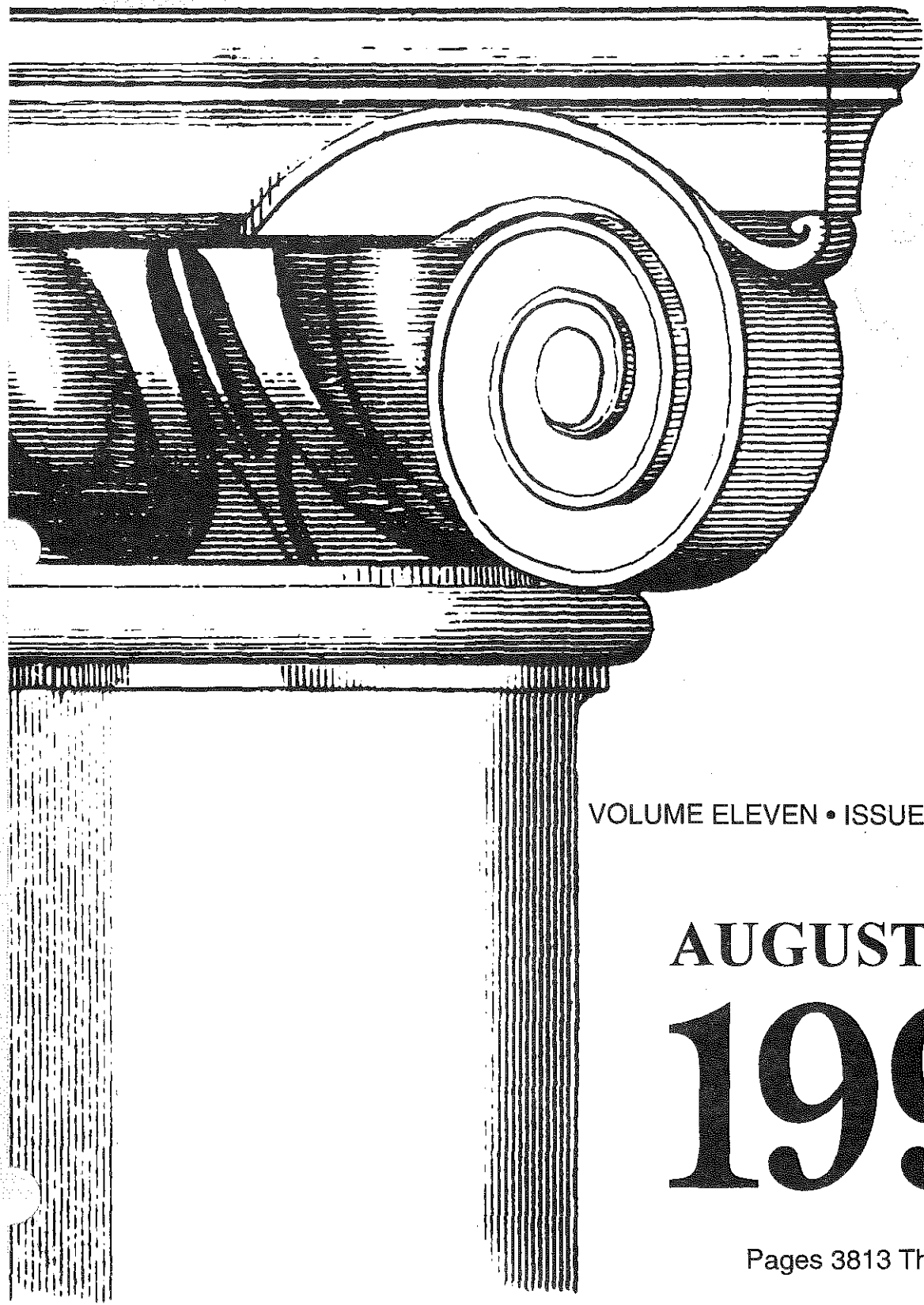


COD 5/R 26/11-23 c.2

THE VIRGINIA REGISTER

OF REGULATIONS

VA
DOC



VOLUME ELEVEN • ISSUE TWENTY-THREE

AUGUST 7, 1995

1995

Pages 3813 Through 3892

THE VIRGINIA REGISTER INFORMATION PAGE

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, is 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 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 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-month 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 (§ 9-6.14:7.1 et seq.) of Chapter 1.1:1 of the Code of Virginia be examined carefully.

CITATION TO THE VIRGINIA REGISTER

The *Virginia Register* is cited by volume, issue, page number, and date. **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 (§ 9-6.14:22 et seq.) of Chapter 1.1:1 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.**; **James B. Wilkinson**.

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

PUBLICATION DEADLINES AND SCHEDULES

August 1995 through September 1996

**Material Submitted
By Noon Wednesday**

Will Be Published On

Volume 11

July 19, 1995
August 2, 1995
August 16, 1995
August 30, 1995

August 7, 1995
August 21, 1995
September 4, 1995
September 18, 1995

FINAL INDEX - Volume 11

October 1995

Volume 12

September 13, 1995
September 27, 1995
October 11, 1995
October 25, 1995
November 8, 1995
November 21, 1995 (Tuesday)
December 6, 1995

October 2, 1995
October 16, 1995
October 30, 1995
November 13, 1995
November 27, 1995
December 11, 1995
December 25, 1995

INDEX 1 - Volume 12

January 1996

December 19, 1995 (Tuesday)
January 3, 1996
January 17, 1996
January 31, 1996
February 14, 1996
February 28, 1996

January 8, 1996
January 22, 1996
February 5, 1996
February 19, 1996
March 4, 1996
March 18, 1996

INDEX 2 - Volume 12

April 1996

March 13, 1996
March 27, 1996
April 10, 1996
April 24, 1996
May 8, 1996
May 22, 1996
June 5, 1996

April 1, 1996
April 15, 1996
April 29, 1996
May 13, 1996
May 27, 1996
June 10, 1996
June 24, 1996

INDEX 3 - Volume 12

July 1996

June 19, 1996
July 3, 1996
July 17, 1996
July 31, 1996
August 14, 1996
August 28, 1996

July 8, 1996
July 22, 1996
August 5, 1996
August 19, 1996
September 2, 1996
September 16, 1996

FINAL INDEX - Volume 12

October 1996

TABLE OF CONTENTS

NOTICES OF INTENDED REGULATORY ACTION

Department of Aviation (Board of)	3815
Department of Medical Assistance Services.....	3815
Department of Social Services (State Board of)	3815

FINAL REGULATIONS

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

Rules and Regulations for HUD-Insured Home Equity Conversion Mortgage Loans to Elderly Persons of Low and Moderate Income. (VR 400-02-0017)	3817
---	------

EMERGENCY REGULATIONS

BOARD FOR CONTRACTORS

Tradesman Certification Regulations. (VR 220-01-3)	3821
--	------

STATE CORPORATION COMMISSION

ADMINISTRATIVE LETTER

Registration - Small Employer Market (1995-9)	3829
---	------

GOVERNOR

GOVERNOR'S COMMENTS

DEPARTMENT OF EDUCATION (STATE BOARD OF)

Regulations Governing Guidance and Counseling Programs in the Public Schools of Virginia. (VR 270-01-0064)	3830
--	------

THE LEGISLATIVE RECORD

HJR 487: State and Local Government Responsibility and Taxing Authority Commission	3831
Joint Subcommittee on Abandoned Solid or Hazardous Waste Sites.....	3832
Coal Subcommittee of the Virginia Coal and Energy Commission	3834
HJR 283: Blue Ridge Economic Development Commission	3835
HJR 451: A. L. Philpott Southside Economic Development Commission	3837
HJR 445: Dulles Airport Regional Economic Study Commission	3838

SCHEDULES FOR COMPREHENSIVE REVIEW OF REGULATIONS

Department of Education.....	3839
Department of Social Services	3839

GENERAL NOTICES/ERRATA

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Sheep Industry Referendum.....	3841
--------------------------------	------

DEPARTMENT OF TAXATION

Guidelines for Business, Professional and Occupational License Tax Imposed by City, County and Town Ordinances	3841
--	------

VIRGINIA CODE COMMISSION

Notice to State Agencies	3867
Forms for Filing Material on Dates for Publication in <i>The Virginia Register of Regulations</i>	3867

CALENDAR OF EVENTS

EXECUTIVE

Open Meetings and Public Hearings	3868
---	------

LEGISLATIVE

Open Meetings and Public Hearings	3890
---	------

CHRONOLOGICAL

Open Meetings	3890
Public Hearings	3892

Table of Contents

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

DEPARTMENT OF AVIATION (BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Aviation intends to consider amending regulations entitled: **VR 165-1-02:1. Regulations Governing the Licensing and Operations of Airports, Aircraft and Obstructions to Airspace in the Commonwealth of Virginia.** The purpose of the proposed action is to (i) amend such regulations to conform them to legislative amendments enacted by the 1995 Session of the General Assembly regarding the licensing of airports per § 5.1-7 of the Code of Virginia; (ii) address the minimum standards specified for airport licensure; (iii) repeal and revise certain redundant and unnecessary provisions; and (iv) implement Executive Order 15 (94). The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 5.1-2.2 of the Code of Virginia.

Public comments may be submitted until August 9, 1995.

Contact: Keith F. McCrea, Policy Analyst, Virginia Department of Aviation, 5702 Gulfstream Road, Sandston, VA 23150-2502, telephone (804) 236-3630, toll-free 1-800-292-1034, FAX (804) 236-3635, or (804) 236-3624/TDD ☎

VA.R. Doc. No. R95-583; Filed June 21, 1995, 8:43 a.m.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

† Withdrawal of Notice of Intended Regulatory Action

The Department of Medical Assistance Services has **withdrawn** the Notice of Intended Regulatory Action for the promulgation of the regulation entitled, "VR 460-04-8.17, Kids Care," which was published in 10:14 VA.R. 3607-3608 April 4, 1994. The 1995 General Assembly did not appropriate funds for this program, therefore, the program will not be implemented.

VA.R. Doc. No. R95-630; Filed July 11, 1995, 12:14 p.m.

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to consider repealing regulations entitled: **VR 615-70-**

1. State Income Tax Intercept for Child Support. The purpose of the proposed action is to repeal the State Income Tax Intercept for Child Support Regulation (VR 615-70-1), which has been incorporated into, and superseded by § 5.12 of VR 615-70-17, Child Support Enforcement Program Regulations.

The subject matter of the regulation that is sought to be repealed is represented in a comprehensive regulation that was reviewed in accordance with the Administrative Process Act that went into effect on July 15, 1992. Thus, the above-captioned regulation became obsolete and should be removed as regulation of the Virginia Department of Social Services, Division of Child Support Enforcement.

Having multiple regulations that cover the same subject matter remain in effect will undoubtedly lead to confusion and waste for the public that the Commonwealth of Virginia is ordered to serve. Repealing the obsolete regulation that has been covered in a more recent promulgation will reduce much of this waste and confusion. The agency does not intend to hold a public hearing on the proposed repeal of the regulation after publication.

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

Public comments may be submitted until September 6, 1995.

Contact: Penelope B. Pellow, Division of Child Support Enforcement, Policy Unit Manager, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-2400 or FAX (804) 692-2410.

VA.R. Doc. No. R95-637; Filed July 19, 1995, 8:38 a.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to consider repealing regulations entitled: **VR 615-70-2. Application Fee Schedule.** The purpose of the proposed action is to repeal the Application Fee Schedule (VR 615-70-2), which has been incorporated into, and superseded by § 2.6 of VR 615-70-17, Child Support Enforcement Program Regulations.

The subject matter of the regulation that is sought to be repealed is represented in a comprehensive regulation that was reviewed in accordance with the Administrative Process Act that went into effect on July 15, 1992. Thus, the above-captioned regulation became obsolete and should be removed as regulation of the Virginia Department of Social Services, Division of Child Support Enforcement.

Having multiple regulations that cover the same subject matter remain in effect will undoubtedly lead to confusion and waste for the public that the Commonwealth of Virginia is ordered to serve. Repealing the obsolete regulation that has been covered in a more recent promulgation will reduce much of this waste and confusion. The agency does not

Notices of Intended Regulatory Action

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

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

Public comments may be submitted until September 6, 1995.

Contact: Penelope B. Pellow, Division of Child Support Enforcement, Policy Unit Manager, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-2400 or FAX (804) 692-2410.

VA.R. Doc. No. R95-635; Filed July 19, 1995, 8:38 a.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to consider repealing regulations entitled: **VR 615-70-3. Separate Fee Charged for Child Support Enforcement Services.** The purpose of the proposed action is to repeal the Separate Fee Charged for Child Support Enforcement Services Regulation (VR 615-70-3), which has been incorporated into, and superseded by § 2.6 of VR 615-70-17, Child Support Enforcement Program Regulations.

The subject matter of the regulation that is sought to be repealed is represented in a comprehensive regulation that was reviewed in accordance with the Administrative Process Act that went into effect on July 15, 1992. Thus, the above-captioned regulation became obsolete and should be removed as regulation of the Virginia Department of Social Services, Division of Child Support Enforcement.

Having multiple regulations that cover the same subject matter remain in effect will undoubtedly lead to confusion and waste for the public that the Commonwealth of Virginia is ordered to serve. Repealing the obsolete regulation that has been covered in a more recent promulgation will reduce much of this waste and confusion. The agency does not intend to hold a public hearing on the proposed repeal of the regulation after publication.

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

Public comments may be submitted until September 6, 1995.

Contact: Penelope B. Pellow, Division of Child Support Enforcement, Policy Unit Manager, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-2400 or FAX (804) 692-2410.

VA.R. Doc. No. R95-636; Filed July 19, 1995, 8:38 a.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to consider repealing regulations entitled: **VR 615-70-4. Policy of the Department of Social Services, Division of Child Support Enforcement.** The purpose of the proposed action is to repeal the Policy of the Department of Social Services, Division of Child Support Enforcement Services Regulation (VR 615-70-4), which has been incorporated into, and superseded by § 4.9 of VR 615-70-17, Child Support Enforcement Program Regulations.

The subject matter of the regulation that is sought to be repealed is represented in a comprehensive regulation that was reviewed in accordance with the Administrative Process Act that went into effect on July 15, 1992. Thus, the above-captioned regulation became obsolete and should be removed as regulation of the Virginia Department of Social Services, Division of Child Support Enforcement.

Having multiple regulations that cover the same subject matter remain in effect will undoubtedly lead to confusion and waste for the public that the Commonwealth of Virginia is ordered to serve. Repealing the obsolete regulation that has been covered in a more recent promulgation will reduce much of this waste and confusion. The agency does not intend to hold a public hearing on the proposed repeal of the regulation after publication.

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

Public comments may be submitted until September 6, 1995.

Contact: Penelope B. Pellow, Division of Child Support Enforcement, Policy Unit Manager, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-2400 or FAX (804) 692-2410.

VA.R. Doc. No. R95-634; Filed July 19, 1995, 8:38 a.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to consider repealing regulations entitled: **VR 615-70-6. Credit Bureau Reporting.** The purpose of the proposed action is to repeal the Credit Bureau Reporting Regulation (VR 615-70-6), which has been incorporated into, and superseded by § 8.3 of VR 615-70-17, Child Support Enforcement Program Regulations.

The subject matter of the regulation that is sought to be repealed is represented in a comprehensive regulation that was reviewed in accordance with the Administrative Process Act that went into effect on July 15, 1992. Thus, the above-captioned regulation became obsolete and should be removed as regulation of the Virginia Department of Social Services, Division of Child Support Enforcement.

Having multiple regulations that cover the same subject matter remain in effect will undoubtedly lead to confusion and waste for the public that the Commonwealth of Virginia is ordered to serve. Repealing the obsolete regulation that has been covered in a more recent promulgation will reduce much of this waste and confusion. The agency does not intend to hold a public hearing on the proposed repeal of the regulation after publication.

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

Public comments may be submitted until September 6, 1995.

Contact: Penelope B. Pellow, Division of Child Support Enforcement, Policy Unit Manager, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-2400 or FAX (804) 692-2410.

VA.R. Doc. No. R95-633; Filed July 19, 1995, 8:38 a.m.

FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

Symbol Key

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

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

REGISTRAR'S NOTICE: The Virginia Housing Development Authority is exempt from the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia); however, under the provisions of § 9-6.14:22, it is required to publish all proposed and final regulations.

Title of Regulation: VR 400-02-0017. Rules and Regulations for HUD-Insured Home Equity Conversion Mortgage Loans to Elderly Persons of Low and Moderate Income.

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

Effective Date: August 1, 1995.

Summary:

The amendments to the authority's rules and regulations for HUD-insured home equity conversion mortgage loans to elderly persons of low and moderate income will (i) conform the regulations to the Virginia Register Form, Style and Procedure Manual, (ii) specify income limits for the program separate and apart from those income limits that apply to the authority's other single family mortgage loan programs, (iii) eliminate regulatory provisions which are no longer necessary or required in administering the program, and (iv) make minor clarifications and corrections.

Agency Contact: Copies of the regulation may be obtained from J. Judson McKellar, Jr., Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, VA 23220, telephone (804) 782-1986.

VR 400-02-0017. Rules and Regulations for HUD-Insured Home Equity Conversion Mortgage Loans to Elderly Persons of Low and Moderate Income.

PART I. GENERAL PROVISIONS.

§ 1.1. General.

The following rules and regulations will be applicable to home equity conversion mortgage loans insured by the U.S. Department of Housing and Urban Development ("HUD") which are made or are proposed to be made by the Virginia Housing Development Authority ("authority") to enable low and moderate income elderly homeowners to convert a portion of their accumulated home equity into cash funds in order to continue living independently in their own homes.

Home equity conversion mortgage loans may be made pursuant to these rules and regulations only if and to the extent that the authority has made or expects to make funds available therefor.

Notwithstanding anything to the contrary herein, the executive director is authorized with respect to any home

equity conversion mortgage loan hereunder to waive or modify any provisions of these rules and regulations where deemed appropriate by him for good cause, to the extent not inconsistent with the Act.

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

The rules and regulations set forth herein are intended to provide a general description of the authority's program requirements and are not intended to include all actions involved or required in the originating and administration of home equity conversion mortgage loans under the authority's HUD-insured home equity conversion mortgage loan program (the "program"). These rules and regulations are subject to change at any time by the authority and may be supplemented by policies, rules and regulations adopted by the authority from time to time.

§ 1.2. Originating agents.

A. Approval.

A. The originating of home equity conversion mortgage loans and the processing of applications for the making thereof in accordance herewith may, at the authority's discretion, be performed through commercial banks, savings and loan associations and private mortgage bankers that are approved as originating agents ("originating agents") of the authority under the authority's rules and regulations for single family loans to persons and families of low and moderate income.

Each originating agent shall enter into an originating agreement ("originating agreement") with the authority containing such terms and conditions as the executive director shall require with respect to the origination, or origination and processing, of home equity conversion mortgage loans hereunder.

Originating agents shall maintain adequate books and records with respect to home equity conversion mortgage loans which they originate or originate and process, as applicable, shall permit the authority to examine such books and records, and shall submit to the authority such reports (including annual financial statements) and information as the authority may require. The fees payable to the originating agents for originating or originating and processing home equity conversion mortgage loans hereunder shall be established from time to time by the executive director and shall be set forth in the originating agreements applicable to such originating agents.

Final Regulations

~~B. Selection of limited number of originating agents.~~

~~B. The executive director may limit the number of originating agents based upon such factors as he deems relevant, including any of the following:~~

- ~~1. The need and demand for the financing of HUD-insured home equity conversion mortgage loans in various geographic areas of the Commonwealth;~~
- ~~2. The availability of HUD-insured home equity conversion mortgage loans from private lenders in various geographic areas of the Commonwealth;~~
- ~~3. The availability of HUD-certified counseling for applicants for HUD-insured home equity conversion mortgage loans in various geographic areas of the Commonwealth;~~
- ~~4. The need for the expeditious commitment and disbursement of home equity conversion mortgage loans;~~
- ~~5. The cost and difficulty of originating and processing HUD-insured home equity conversion mortgage loans; and~~
- ~~6. The time and cost of training originating agents.~~

~~The executive director shall select the limited number of originating agents in such manner, for such periods, and subject to such terms and conditions as he shall deem appropriate to best accomplish the purposes and goals of the authority program. In so selecting originating agents, the executive director may consider such factors as he deems relevant, including the capability, history and experience of any lender seeking selection and the amount of the origination fee requested by any such lender.~~

~~C. Allocation of funds.~~

~~The executive director shall allocate funds for the making or financing of home equity conversion mortgage loans hereunder in such manner, to such persons and entities, in such amounts, for such period, and subject to such terms and conditions as he shall deem appropriate to best accomplish the purposes and goals of the authority. Without limiting the foregoing, the executive director may allocate funds (i) to home equity conversion mortgage loan applicants on a first come, first serve or other basis and/or (ii) to originating agents for the origination of home equity conversion mortgage loans to qualified applicants. In determining how to so allocate the funds, the executive director may consider such factors as he deems relevant, including any of the following:~~

- ~~1. The need for the expeditious commitment and disbursement of such funds for home equity conversion mortgage loans;~~
- ~~2. The need and demand for the financing of home equity conversion mortgage loans with such funds in the various geographical areas of the Commonwealth;~~
- ~~3. The cost and difficulty of administration of the allocation of funds; and~~

~~4. The capability, history and experience of any originating agents who are to receive an allocation.~~

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

~~D. Originating guide.~~

~~C. The executive director is authorized to prepare and from time to time revise an originating guide which shall set forth the procedures to be followed by all originating agents responsible for the origination and/or processing of mortgage loans under the applicable originating agreements. Copies of the originating guide shall be available upon request. The executive director shall be responsible for the implementation and interpretation of the provisions of the originating guide.~~

~~E. Making of new mortgage loans.~~

~~D. Home equity conversion mortgage loans shall be made by the authority directly to borrowers with the assistance and services of its originating agents. The review of applications for such home equity conversion mortgage loans and the terms and conditions relating to such home equity conversion mortgage loans shall be governed by and shall comply with the provisions of the applicable originating agreement, the originating guide, the Act and these rules and regulations.~~

~~If the applicant and the application for a home equity conversion mortgage loan meet the requirements of the Act and these rules and regulations, the executive director may issue on behalf of the authority a home equity conversion mortgage loan commitment to the applicant, subject to the approval or ratification thereof by the board. Such home equity conversion mortgage loan commitment shall be issued only upon the determination of the authority that such a home equity conversion mortgage loan is not otherwise available from private lenders upon reasonably equivalent terms and conditions in the area where the applicant resides. The initial principal limit and term of such home equity conversion mortgage loan, the terms and conditions relating to the disbursement of funds by the authority to the applicant, the terms and conditions relating to the prepayment thereof, and such other terms, conditions and requirements as the executive director deems necessary or appropriate shall be set forth or incorporated in the home equity conversion mortgage loan commitment issued on behalf of the authority with respect to such home equity conversion mortgage loan.~~

~~F. Sale of servicing rights.~~

E. The authority may, at its discretion, sell to one or more financial institutions the servicing rights to any home equity conversion mortgage loan made pursuant to these rules and regulations. Such financial institution or institutions shall be selected in such manner, on the basis of such criteria, for such period and subject to such terms and conditions as the executive director shall deem appropriate in order to best accomplish the purposes and goals of the authority program.

PART II.
LOAN PROCESSING.

§ 2.1. Compliance with HUD and FNMA requirements.

Each home equity conversion mortgage loan must be insured pursuant to the Code of Federal Regulations, 24 CFR Parts 200 and 206, as amended (hereinafter the "federal regulations"). These federal regulations impose certain requirements and restrictions on the eligibility of home equity conversion borrowers and residences for insurance by HUD. No loan will be approved or made by the authority unless all of the requirements and restrictions under the federal regulations are met.

The authority intends to sell all of the home equity conversion mortgage loans to the Federal National Mortgage Association ("FNMA"). Therefore, each home equity conversion mortgage loan must satisfy all of the applicable guidelines, requirements, terms and conditions imposed by FNMA.

§ 2.2. Compliance with authority requirements.

~~A. Location.~~

A. The property which is to secure the home equity conversion mortgage loan shall be located entirely within the Commonwealth of Virginia.

~~B. Citizenship.~~

B. Each borrower for a home equity conversion mortgage loan must either be a United States citizen or have a valid and current alien registration card (U.S. Department of Immigration Form 1-551 or U.S. Department of Immigration Form 1-151).

~~C. Maximum gross family income.~~

C. The gross family income of an applicant for an authority home equity conversion mortgage loan may not exceed the percentage of the applicable median family income with respect to the residence of the applicant in effect under the authority's Rules and Regulations for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income (VR 400-02-0003) or, if the foregoing income limit shall be waived by the executive director pursuant to such rules and regulations, such other income limit as shall be specified therein or established pursuant thereto (the applicable percentage or income limit being determined by the authority is if the applicant were applying for a mortgage loan to purchase the residence under such rules and regulations) (i) in the case of dwelling units occupied by two or fewer persons, 95% of the applicable median family income as determined by the authority for the area in which the

residence is located and (ii) in the case of dwelling units occupied by three or more persons, 110% of the applicable median family income as determined by the authority for the area in which the residence is located.

For the purposes hereof, the term "gross family income" means the combined annualized gross income of all persons residing or intending to reside in a dwelling unit, from whatever source derived and before taxes or withholdings. For the purpose of this definition, annualized gross income means gross monthly income multiplied by 12. "Gross monthly income" is, in turn, the sum of monthly gross pay plus any additional income from overtime, part-time employment, bonuses, dividends, interest, royalties, pensions, Veterans Administration compensation, net rental income plus other income (such as alimony, child support, public assistance, sick pay, social security benefits, unemployment compensation, income received from trusts, and income received from business activities or investments).

The term "applicable median family income" shall be as defined in Section 143 (f) (4) of the Internal Revenue Code of 1986, as amended.

~~The authority shall from time to time inform its originating agents by written notification thereto of the foregoing maximum gross family income limits expressed in dollar amounts for each area of the state and each family size. The effective dates of such limits shall be determined by the executive director. The authority shall from time to time inform its originating agents by written notification of the foregoing maximum gross family income limits expressed in dollar amounts for each area of the Commonwealth established by the authority and for the number of persons to occupy the dwelling unit. Such income limits shall be effective as of such date as the executive director shall determine, and authority is reserved to the executive director to implement any changes on such date or dates as he shall deem necessary or appropriate to best accomplish the purposes of the program.~~

§ 2.3. Terms and conditions of home equity conversion mortgage loans.

~~A. Compliance with HUD and FNMA requirements.~~

A. The provisions, terms and conditions of each authority home equity conversion mortgage loan shall conform to all requirements under the federal regulations and all guidelines and requirements of FNMA for the purchase of the home equity conversion mortgage loan.

~~B. Interest rate.~~

B. The interest rate to be charged on each home equity conversion mortgage loan shall be an adjustable rate which shall be established and increased or decreased at the times and in the manner specified by the guidelines and requirements of FNMA consistent with the federal regulations.

~~C. Fees and charges at closing.~~

C. Pursuant to the federal regulations, the following fees and charges incurred in connection with the origination of the home equity conversion mortgage loan shall be collected from the borrower, either in cash at the time of closing or

Final Regulations

through an initial payment under the home equity conversion mortgage loan:

1. An origination fee in such amount as shall be determined by the executive director, but in no event greater than the maximum amount permitted in the federal regulations;
2. Recording fees and recording taxes or other charges incident to the recordation of the mortgage;
3. Credit report fee;
4. Survey fee, if required;
5. Title examination fee;
6. Title insurance charge;
7. Appraisal fee; and
8. Such other charges as incurred in closing the home equity conversion mortgage loan and as approved by HUD.

~~D. Monthly servicing fee.~~

D. The borrower shall be charged a fixed monthly servicing fee in an amount approved by HUD. The servicing fee shall be added to the outstanding balance of the home equity conversion mortgage loan in accordance with the procedures and requirements established in the federal regulations.

~~§ 2.4. Application package.~~

E. The originating agent shall submit to the authority for its review such documents and forms as the authority shall require to determine compliance with the requirements imposed by the federal regulations, the guidelines and requirements of FNMA for purchase of the home equity conversion mortgage loan, and the provisions of these rules and regulations.

~~§ 2.5. § 2.4. Firm commitment.~~

~~A. General.~~

A. The authority will review the application package submitted by the originating agent and, if and when approved, prepare a submission package to HUD for a firm mortgage insurance commitment. Upon issuance by HUD of a firm mortgage insurance commitment, the authority will issue a mortgage loan commitment to the borrower. The mortgage loan commitment must be accepted and signed by the applicant prior to closing of the home equity conversion mortgage loan. The term of a mortgage loan commitment may be extended in certain cases upon written request by the applicant and approval by the authority.

~~B. Loan rejection.~~

B. If the application fails to meet any of the standards, criteria and requirements herein, a rejection letter will be issued by the authority. In order to have the application reconsidered, the applicant must resubmit the application within 30 days after loan rejection. If the application is so resubmitted, any and all credit documentation cannot be more than 90 days old and any appraisal not more than six months old.

~~§ 2.6. § 2.5. Loan settlement.~~

~~A. Loan closing.~~

A. Upon the applicant's acceptance of the mortgage loan commitment, the closing instructions and documents will be sent to the closing attorney.

When the authority has determined that all closing requirements have been or will be satisfied, it will approve closing and, an initial payment check will be sent to the closing attorney together with any additional closing instructions. The closing attorney may disburse the initial payment only after he or she has conducted the loan closing and recorded all necessary documents, including the deed of trust securing repayment of the home equity conversion mortgage loan and in all other respects is in a position to disburse the initial payment in accordance with the commitment and the authority's instructions to the closing attorney.

~~B. Post closing requirements.~~

B. Any fees and charges to be paid in cash by the borrower and all closing documents shall be forwarded to the authority within such time period or periods as the authority shall require.

VA.R. Doc. No. R95-638; Filed July 19, 1995, 11:56 a.m.

EMERGENCY REGULATIONS

BOARD FOR CONTRACTORS

Title of Regulation: VR 220-01-3. Tradesman Certification Regulations.

Statutory Authority: §§ 54.1-201, 54.1-1102, and 54.1-1128 et seq. of the Code of Virginia.

Effective Dates: July 10, 1995, through July 9, 1996.

Preamble:

The Board for Contractors intends to promulgate emergency regulations as provided for in § 9-6.14.4.1 (C) 5 of the Code of Virginia regarding the certification of tradesmen.

Pursuant to the Administrative Process Act, the Board for Contractors is required to promulgate these regulations in order to begin the regulation of tradesmen as required by § 54.1-1128-1135 of the Code of Virginia, effective July 1, 1995.

These emergency regulations will remain in effect until July 9, 1996, the anticipated effective date of promulgation of tradesman regulations which will have undergone the normal scrutiny of the requirements of the APA.

Approved:

/s/ Ray Allen, Jr.
Director
Department of Professional and Occupational Regulation
Date: April 14, 1995

/s/ B. G. Morgan for
Robert T. Skunda
Secretary of Commerce and Trade
Date: June 29, 1995

/s/ Robert W. Lauterberg
Director
Department of Planning and Budget
Date: June 30, 1995

/s/ George Allen
Governor
Commonwealth of Virginia
Date: June 30, 1995

/s/ Joan W. Smith
Registrar of Regulations
Date: July 10, 1995

Necessity for Emergency Regulations:

These regulations are promulgated as emergency regulations due to time considerations: the tradesman certification program will be transferred to the Board for Contractors on July 1, 1995. As a consequence, there is not enough time to promulgate them under the usual conditions set forth in the Administrative Process Act. Specifically, there is inadequate time to subject these regulations to the public comment time period and promulgate by July 1, 1995.

Consequently, these regulations will be in effect for one year, from July 10, 1995, until July 9, 1996. During the

intervening months, the Department of Professional and Occupational Regulation will submit these regulations to the established steps necessary under the APA to promulgate these regulations after review by the public, the Secretary and the Governor's scrutiny.

Note of Clarification:

On July 1, 1995, the authority to regulate tradesmen engaging in the trades of electrical, plumbing and (HVAC) heating, ventilation and air-conditioning and gas-fitting will be transferred from the Board of Housing and Community Development to the Board for Contractors.

While the following regulations provide the regulatory framework for the certification and standards of practice for tradesmen, it is important to note that this document only relates to the certification of these individuals. If an individual wishes to become licensed as a contractor, the person must make application for the appropriate level of state Contractor's license.

Additionally, these individuals may be subject to local ordinances, laws or other requirements imposed by other state agencies, courts or certain localities. Questions about local ordinances, etc. should be directed to the community in which the individual plans to engage in the trade.

DIRECTORY

BOARD FOR CONTRACTORS
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL
REGULATION
3600 WEST BROAD STREET
RICHMOND, VIRGINIA 23230

Please write to the Board at this address when requesting:

1. An explanation of the Board's regulations or the need for a certification;
2. A question about the Board's regulations regarding a specific entry requirement;
3. Reciprocity for a required examination;
4. A change of name or address; or
5. Any form.

For fastest service of renewals, please send renewal cards and fees to:

Department of Professional and Occupational Regulation
P.O. Box 26792
Richmond, Virginia 23261-6792

Please send all applications and change forms to:

Board for Contractors
Department of Professional and Occupational Regulation
P.O. Box 11066
Richmond, Virginia 23230

Please use the following telephone numbers to:

1. Request any form: (804) 367-2945
2. Check on the status of your application: (804) 367-2945

Emergency Regulations

3. File a complaint against a licensee: (804) 367-8504

4. Check on the status of a filed complaint: (804) 367-8504

VR 220-01-3. Tradesman Certification Regulations.

PART I. GENERAL.

§ 1. Definitions of license classifications.

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

"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.

"Apprentice" means a person who assists tradesmen while gaining knowledge of the trade through on the job training and related instruction in accordance with the Voluntary Apprenticeship Act, § 40.1-120 of the Code of Virginia.

"Approved" means approved by the Department of Professional and Occupational Regulation.

"Board" means the Board for Contractors.

"Building Official" is an employee of the State, a local building department or other political subdivision who enforces the Virginia Uniform Statewide Building Code.

"Certified tradesman" means an individual who meets the requirements for certification that relate to the trade which they practice.

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

"Division" means a limited certification subcategory within any of the trades, as approved by the Department.

"Electrical work" consists of, but is not limited to the following: (i) planning and layout of details for installation or modifications of electrical apparatus and controls including preparation of sketches showing location of wiring and equipment; (ii) measuring, cutting, bending, threading, assembling and installing electrical conduits; (iii) performing maintenance on electrical systems and apparatus; (iv) observation of installed systems or apparatus to detect hazards and need for adjustments, relocation or replacement; (v) repairing faulty systems or apparatus.

"Electrician" means a tradesman who does electrical work including the construction, repair, maintenance, alteration or removal of electrical systems under the National Electrical Code and the Virginia Uniform Statewide Building Code.

"Formal vocational training" means courses in the trade administered at an accredited educational facility; or formal training, approved by the Department, conducted by trade associations, businesses, military, correspondence schools or other similar training organizations.

"Gasfitter" means a tradesman who does gasfitting related work usually as a division within the HVAC or plumbing

trades in accordance with the Virginia Uniform Statewide Building Code. This work includes the installation, repair, improvement or removal of gas piping and appliances annexed to real property.

"Helper" or "laborer" means a person who assists a tradesman certified according to these regulations.

"HVAC tradesman" means an individual whose work includes the installation, alteration, repair or maintenance of heating systems, ventilating systems, cooling systems, steam and hot water heating systems, boilers, process piping, and mechanical refrigeration systems, including tanks incidental to the system.

"Journeyman" means a person who possesses the necessary ability, proficiency and qualifications to install, repair and maintain specific types of materials and equipment, utilizing a working knowledge sufficient to comply with the pertinent provisions of the Virginia Uniform Statewide Building Code and according to plans and specifications.

"Master" means a person who possesses the necessary ability, proficiency and qualifications to plan and lay out the details for installation and supervise the work of installing, repairing and maintaining specific types of materials and equipment utilizing a working knowledge sufficient to comply with the pertinent provisions of the Virginia Uniform Statewide Building Code.

"Non-participating localities" means those cities, towns and counties in Virginia that did not participate in the Department of Housing and Community Development's Tradesman Certification Program prior to July 1, 1995.

"Participating localities" means those cities, towns and counties in Virginia that participated in the Department of Housing and Community Development's Tradesman Certification Program prior to July 1, 1995, by examining candidates and issuing journeyman and master cards to qualified tradesmen.

"Plumber" means a tradesman who does plumbing work in accordance with the Virginia Uniform Statewide Building Code.

"Plumbing work" means work that includes the installation, maintenance, extension, or alteration or removal of piping, fixtures, appliances, and appurtenances in connection with any of the following:

backflow prevention devices;

boilers;

domestic sprinklers;

hot water baseboard heating systems;

water heaters;

hydronic heating systems;

process piping;

public/private water supply systems within or adjacent to any building, structure or conveyance;

sanitary or storm drainage facilities;

steam heating systems;

storage tanks incidental to the installation of related systems;

venting systems.

These plumbing tradesmen may also install, maintain, extend or alter the following:

liquid waste systems;

sewerage systems;

storm water systems;

water supply systems.

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

"Regulant" means certificate holder.

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

"Supervisor" means the certified master tradesman who has the responsibility to assure that the final installation is in accordance with the applicable provisions of the Virginia Uniform Statewide Building Code.

"Testing organization" means an independent testing organization whose main function is to develop and administer examinations.

"Trade" means any of the following: plumbing, plumbing-gas fitting, HVAC (heating, ventilation and air conditioning), HVAC-gas fitting, or electrical work, and divisions within them.

"Tradesman" means a person who engages in or offers to engage in, for the general public for compensation, any of the trades covered by these regulations.

PART II. ENTRY.

§ 2.1. Requirements for certification as a journeyman or master tradesman engaging in the trades of plumbing, plumbing gas-fitting, HVAC (heating, ventilation and air conditioning) HVAC gas-fitting, or electrical.

Each tradesman who engages in, or offers to engage in, electrical, plumbing, HVAC work for the general public for compensation shall complete an application furnished by the Department of Professional and Occupational Regulation and shall meet or exceed the requirements set forth below prior to issuance of the certification card. The application shall contain the applicant's name, home address, place of employment, and business address; information on the knowledge, skills, abilities and education or training of the applicant; and an affidavit stating that the information on the application is correct.

If the application is satisfactory to the board, the applicant shall be required by these regulations to take an oral or written examination to determine the general knowledge of the trade in which he desires certification. If the applicant

successfully completes the examination, Tradesman Certification shall be issued.

§ 2.2. General qualifications for certification.

Every applicant to the Board for Contractors for certification as a tradesman shall have the following qualifications:

1. The applicant shall be at least 18 years old;
2. Unless otherwise exempted, the applicant shall meet the current educational requirements by passing all required courses prior to the time the applicant sits for the licensing examination and applies for certification;
3. Unless exempted, the applicant, within twelve months of making application for a license, shall have passed a written examination provided by the board or by a testing service acting on behalf of the board.

Complete applications must be received within the twelve month period;

4. The applicant shall meet the experience requirements as set forth in sections 2.3 and 2.4;

5. In those instances where the applicant is required to take the certification examination, the applicant shall follow all rules established by the board with regard to conduct at the examination. Such rules shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, either written or oral, on the date of the examination. Failure to comply with all rules established by the board and the testing service with regard to conduct at the examination shall be grounds for denial of application;

6. The applicant shall disclose his physical home address, a post office box alone is not acceptable;

7. Each non-resident applicant for a certificate shall file and maintain with the Department an irrevocable consent for the Department to serve as service agent for all actions filed in any court in this Commonwealth; in those instances where service is required, the Director of the Department will mail the court document to the individual at the address filed by them on their certification;

8. The applicant shall sign, as part of the application, an affidavit certifying that the applicant has read and understands the Virginia Tradesman Certification law and the regulations of the board;

9. The board may make further inquiries and investigations with respect to the qualifications of the applicant or require a personal interview with the applicant. Failure of an applicant to comply with a written request from the board for additional evidence or information within 60 days of receiving such notice, except in such instances where the board has determined ineligibility for a clearly specified period of time, may be sufficient and just cause for disapproving the application;

10. The applicant shall not have been convicted in any jurisdiction of a misdemeanor involving lying, cheating,

Emergency Regulations

stealing, sexual offense, drug distribution, physical injury, or relating to the practice of the profession, or any felony, regardless of the adjudication. Any pleas of *nolo contendere* shall be considered a conviction for purposes of this paragraph. The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as *prima facie* evidence of such conviction;

11. The applicant shall be in good standing as a tradesman in every jurisdiction where certified; the applicant may not have had a certificate which was suspended, revoked or surrendered in connection with a disciplinary action or which has been the subject of discipline in any jurisdiction prior to applying for licensure in Virginia;

12. Applicants for licensure who do not meet the requirements set forth in subdivisions 10 and 11 of this section may be approved for certification following consideration of their application by the board.

§ 2.3. Evidence of ability and proficiency.

A. Applicants for examination to be certified as a journeyman shall furnish evidence that one of the following experience and education standards has been attained:

1. Four years of practical experience in the trade, and 240 hours of formal vocational training in the trade; however, experience in excess of four years may be substituted for formal vocational training at a ratio of one year of experience for 80 hours of formal training, but not to exceed 200 hours; or

2. A Bachelor's Degree received from an accredited college or university in an engineering curriculum related to the trade for which certification is desired, and one year of practical experience in the trade for which certification is desired.

B. Applicants for examination to be certified as a master shall furnish evidence that one of the following experience standards has been attained:

1. Applicants for examination to be certified as a master shall furnish evidence that they have one year of experience as a certified journeyman;

2. On or after July 1, 1995 an applicant with ten years of practical experience in the trade, as verified by an affidavit from a building official attesting to the applicant's work in the trade, may be granted permission to sit for the master's level examination without having to meet the educational requirements;

C. Individuals who have successfully passed the Class A contractors trade examination prior to January 1, 1991, administered by the Virginia Board for Contractors in a certified trade shall be deemed qualified as a master in that trade in accordance with these standards.

§ 2.4. Exemptions from examination.

A. An individual certified or licensed by any one of the following agencies shall not be required to fulfill the examination requirement:

1. The Board of Housing and Community Development prior to July 1, 1995;
2. Any local governing body prior to July 1, 1978.

B. Other methods of exemption from examination:

1. Successful completion of an apprenticeship program which is approved by the Virginia Apprenticeship Council;

2. Any tradesman who has had a Class B Registration in the trade prior to January 1, 1991. Candidates for this exemption must submit documentation from the Board for Contractors or a local building official who can provide an affidavit which attests to the candidate's performance of the trade(s) prior to January 1, 1991.

3. Individuals residing in non-participating localities applying for Masters tradesman certification between July 1, 1995 and July 1, 1998, shall be deemed to have fulfilled the examination requirement if they are able to demonstrate ten (10) years of discipline-free experience as set forth in these regulations. Those individuals shall provide the following information with their application:

- a. an affidavit from a building official attesting to the required number of years of experience, on a form provided by the Department; and,
- b. three letters of reference of experience from any of the following: building officials, former employers, contractors, engineers, architects or past clients, on a form provided by the Department.

4. Individuals residing in non-participating localities applying for Journeyman's tradesman certification between July 1, 1995 and July 1, 1998 shall be deemed to have fulfilled the examination requirement if they are able to demonstrate six (6) years of discipline-free experience as set forth in these regulations. Those individuals shall provide the following information with their application:

- a. an affidavit from a building official attesting to the required number of years of experience, on a form provided by the Department; and
- b. three letters of reference of experience from any of the following: building officials, current or former employers, contractors, engineers, architects or current or past clients, on a form provided by the Department.

5. Individuals residing in non-participating localities applying for Masters tradesman certification between July 1, 1995 and July 1, 1998 who are currently employed by a Class A or B contractor as the "qualified individual" (Q I) in the licensed classification held by the firm, shall qualify for certification as a Master without having to sit for the examination. Upon that Q I's leaving

the employment of the contractor, the contractor shall name another full-time Q I in accordance with the then current Board for Contractor regulations.

6. Individuals applying for Master or Journeyman tradesman certification between July 1, 1995 and July 1, 1998 who were certified prior to July 1, 1995 by any locality as a "Gas-fitter" only, shall qualify for certification without having to sit for the examination.

C. Exemption from certification.

1. Helpers or laborers who assist certified tradesmen are not required to have journeyman or master certification.

2. Any person who performs plumbing, plumbing gas-fitting, HVAC, HVAC gas-fitting, or electrical work not for the general public for compensation.

3. Any person who installs television or telephone cables, or lightning arrestor systems.

4. Installers of wood stove equipment or masonry chimneys shall be exempt from certification as a HVAC tradesman.

§ 2.5. Application and issuance of certificates.

A. All applicants for certification as a tradesman must make application with the Department to obtain the necessary and required tradesman certification card.

B. Unless otherwise exempted, an applicant must successfully complete an examination to be issued a tradesman card and deemed certified.

C. The board shall receive and review applications and forward approved applications to the testing organization designated by the board. At its discretion, the board may delegate the application receipt and review process to the testing organization.

D. The applicant shall present to the board evidence of successful completion of a board approved examination.

E. The Department, or its testing organization, shall issue certificates provided by the Department to applicants successfully completing the examination. Certificates shall be good for two (2) years from the date of issue.

§ 2.6. Other recognized programs.

Individuals certified as journeyman or master by governing bodies located outside the Commonwealth of Virginia shall be considered to be in compliance with these standards, if the board or its designee has determined the certifying system to be substantially equivalent to the Virginia system. These individuals must meet the following requirements:

1. The applicant shall be at least 18 years of age;

2. The applicant shall have received the tradesman certification by virtue of having passed in the jurisdiction of original certification a written or oral examination deemed to be substantially equivalent to the Virginia examination;

3. The applicant shall sign, as part of the application, an affidavit certifying that the applicant has read and understands the Virginia Tradesman Certification laws and the Board for Contractors' Tradesman Certification regulations;

4. The applicant shall be in good standing as a certified tradesman in every jurisdiction where certified and the applicant shall not have had a certificate as a tradesman which was suspended, revoked, or surrendered in connection with a disciplinary action or which has been the subject of discipline in any jurisdiction prior to applying for certification in Virginia;

5. The applicant shall not have been convicted in any jurisdiction of a misdemeanor involving lying, cheating, stealing, sexual offense, drug distribution or physical injury, or any felony. Any plea of nolo contendere shall be considered a conviction for purposes of this paragraph. The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction.

6. Applicants for licensure who do not meet the requirements set forth in subdivisions 4 and 5 of this section may be approved for licensure following consideration by the board.

§ 2.7. Revocation of certification.

A. Certification may be revoked for misrepresentation or a fraudulent application, or for incompetence as demonstrated by an egregious or repeated violation of the Virginia Uniform Statewide Building Code.

B. Any building official who finds that an individual is practicing as a tradesman without a tradesman certification as required by state law shall file a report to such effect with the Board for Contractors, 3600 West Broad Street, Richmond, Virginia 23230.

C. Any building official who has reason to believe that a tradesman is performing incompetently as demonstrated by an egregious or repeated violation of the Virginia Uniform Statewide Building Code shall file a report to such effect with the board.

D. The board shall have the power to require remedial education and to fine, suspend, revoke or deny renewal of the tradesman certification of any individual who is found to be in violation of the statutes or regulations governing the practice of certified tradesmen in the Commonwealth.

§ 2.8. Fees for certification and examination.

A. Fee payments. Each check or money order shall be made payable to the Treasurer of Virginia. All fees required by the board are non-refundable and the date of receipt by the board or its agent is the date which will be used to determine whether or not it is on time. 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 of \$25.00.

Emergency Regulations

B. *Tradesman Certification - original license fee - certification by examination. The fee for an initial tradesman certification card shall be \$65.00.*

C. *Tradesman Certification - original license fee - without examination, through successful completion of the apprenticeship program offered through the Virginia Voluntary Apprenticeship Act. The fee for an initial tradesman certification card shall be \$65.00.*

D. *Tradesman Certification - original license fee - through the "grandfather" clause of § 54.1-1131, Code of Virginia, (1950), as amended. The fee for an initial Tradesman Certification card shall be \$65.00.*

E. *Commencing July 1, 1995 the Department of Professional and Occupational Regulation will institute a program of issuing tradesmen's cards. Those tradesmen who hold valid tradesmen cards issued by local governing bodies prior to July 1, 1978 or by the Board of Housing and Community Development prior July 1, 1995 must replace the old cards with new cards issued by the Board for Contractors.*

In order to obtain the tradesman card issued by the Board for Contractors, the individual must use the current application form provided by the Department of Professional and Occupational Regulation. The fee for card exchange application and processing is \$10.00. The term of the initial licensing period shall be determined by the board. The initial term of the license will be for a period of at least 12 months, but not to exceed 24 months. As a matter of administrative necessity, the Department will assign expiration dates in a manner that will stagger renewals for these applicants. Once this initial certification period ends, all certification renewals will be for a period of 24 months.

§ 2.9. Fees for examinations.

The examination fee shall consist of the administration expenses of the Department resulting from the board's examination procedures and contract charges. Exam service contracts shall be established through competitive negotiation, in compliance with the Virginia Public Procurement Act. The current examination shall not exceed a cost of \$100.00 for the Journeyman's exam and \$125.00 for the Master's exam for any of the trades.

PART III. RENEWAL AND REINSTATEMENT.

§ 3.1. Renewal.

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 certificate.

A. Renewal Fees.

1. *The application fee for renewal of a tradesman certification is \$50.00. All fees required by the board are non-refundable and shall not be prorated.*

2. *The board will mail a renewal notice to the certificate holder outlining procedures for renewal. Failure to receive this notice, however, shall not relieve the certificate holder of the obligation to renew. If the certificate holder fails to receive the renewal notice, a*

copy of the certificate may be submitted with the required fee as an application for renewal within 30 days of the expiration date of the certificate.

3. *The date on which the renewal fee is received by the Department or its agent will determine whether the certificate holder is eligible for renewal or required to apply for reinstatement.*

B. *Board discretion to deny renewal. The board may deny renewal of a certificate for the same reasons as it may refuse initial certification or discipline a certificant. The certificant has a right to appeal any such action by the board under the Virginia Administrative Process Act.*

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, processing of a new application, or exam administration.

§ 3.2. Reinstatement.

Should the Department of Professional and Occupational Regulation fail to receive a certificate holder's renewal application or fees within 30 days of the certificate expiration date, the certificate holder will be required to reinstate the certificate.

A. Fees.

1. *The application fee for reinstatement of a tradesman certificate is \$65.00 (this is in addition to the \$50.00 renewal fee which makes the total fee for reinstatement \$115.00). All fees required by the board are non-refundable and shall not be prorated.*

2. *Applicants for reinstatement shall meet the requirements of § 3.1 of these regulations.*

3. *The date on which the reinstatement fee is received by the Department of Professional and Occupational Regulation or its agent will determine whether the certificate is reinstated or a new application for certification is required.*

4. *In order to ensure that certificate holders are qualified to practice as tradesmen, no reinstatement will be permitted once six months from the expiration date of the certificate has passed. After that date the applicant must apply for a new certificate and meet the then current entry requirements.*

5. *Any tradesman activity conducted subsequent to the expiration of the license may constitute unlicensed activity and may be subject to prosecution under Title 54.1 of the Code of Virginia.*

B. *Board discretion to deny renewal or reinstatement. The board may deny renewal or reinstatement of a certificate for the same reasons as it may refuse initial certification or discipline a certificate holder. The certificate holder has a right to appeal any such action by the board under the Virginia Administrative Process Act.*

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, processing of a new application, or exam administration.

§ 3.3. Status of certificate holder during the period prior to reinstatement.

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

2. A certificate holder who reinstates his certificate shall be regarded as having been continuously certified without interruption. Therefore the certificate holder shall remain under the disciplinary authority of the board during this entire period and may be held accountable for his activities during this period. Nothing in these regulations shall divest the board of its authority to discipline a certificate holder for a violation of the law or regulations during the period of certification.

PART IV. STANDARDS OF PRACTICE.

§ 4.1. Changes, additions, or deletions to designations of tradesman certificate holders.

A certificate holder may change a designation or obtain additional designations by demonstrating, on a form provided by the board, acceptable evidence of experience, and examination if appropriate, in the designation(s) sought. The experience, and successful completion of examinations, must be demonstrated by meeting the requirements found in Part II of these regulations.

The fee for each change or addition is \$25.00. All fees required by the board are non-refundable.

While a tradesman may have multiple trade designations on their certification card, the renewal date for the tradesman card will be based upon the date the card was originally issued to the individual by the Board, not the date of the most recent trade designation addition to the certification card.

If a certificate holder is seeking to delete a designation, then the individual must provide a signed statement listing the designation to be deleted. There is no fee for the deletion of a designation. (If the certificate holder only has one designation, the deletion of that designation will result in the termination of the certificate.)

§ 4.2. 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 certificate holder's failure to receive notices or correspondence due to the certificate holder's not having reported a change of address. A post office box alone is not acceptable.

§ 4.3. Transfer of certificate prohibited.

No certificate issued by the board shall be assigned or otherwise transferred.

PART V. STANDARDS OF CONDUCT.

§ 5.1. Filing of complaints.

All complaints against tradesmen may be filed with the Department of Professional and Occupational Regulation at any time during business hours, pursuant to § 54.1-1114 of the Code of Virginia.

§ 5.2. Prohibited acts.

The following are cause for disciplinary action:

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 certificate;

3. Where the tradesman has failed to report to the board, in writing, the suspension or revocation of a tradesman certificate by another state or their conviction in a court of competent jurisdiction of a building code violation;

4. Gross negligence in the practice of a trade;

5. Misconduct in the practice of a trade;

6. A finding of improper or dishonest conduct in the practice of the trade by a court of competent jurisdiction;

7. 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 thirty days or more shall be considered evidence of abandonment);

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

9. Aiding or abetting an uncertified/unlicensed 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; or allowing one's certification to be used by an uncertified individual;

10. Where the tradesman has 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;

11. Where the tradesman has been convicted or found guilty, after initial licensure, regardless of adjudication, in

Emergency Regulations

any jurisdiction of any felony or of a misdemeanor involving lying, cheating, stealing, sexual offense, drug distribution, physical injury, or relating to the practice of the profession, there being no appeal pending therefrom or the time of appeal having elapsed. Any pleas of guilty or nolo contendere shall be considered a conviction for the purposes of this subdivision. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such guilt;

12. Having failed to inform the board in writing, within 30 days, that the tradesman has pleaded guilty or nolo contendere or was convicted and found guilty of any felony or of a misdemeanor involving lying, cheating, stealing, sexual offense, drug distribution, physical injury, or relating to the practice of the profession;

13. Having been disciplined by any county, city, town, or any state or federal governing body for actions relating to the practice of any trade, which action shall be reviewed by the board before it takes any disciplinary action of its own;

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

15. Practicing in a classification or specialty service for which the tradesman is not certified.

PART VI. SCHOOLS/PROFESSIONAL EDUCATION.

§ 6.1. Professional Education.

Pursuant to § 54.1-1130, Code of Virginia, unless certified through exemption, candidates for certification as Journeymen are required to complete 240 classroom hours of tradesman educational courses in their specialty to qualify to sit for the licensing examination, or have a Bachelor's Degree received from an accredited college or university in an engineering curriculum related to the trade for which certification is desired, and four years of practical experience in the trade for which certification is desired (see Part II, Entry).

Tradesman certification courses must be completed through accredited colleges, universities, junior and community colleges, adult distributive, marketing and vocational technical programs, Virginia Apprenticeship Council programs or proprietary schools approved by the Virginia Department of Education.

VA.R. Doc. No. R95-629; Filed July 10, 1995, 2:35 p.m.

STATE CORPORATION COMMISSION

ADMINISTRATIVE LETTER

Bureau of Insurance

ADMINISTRATIVE LETTER 1995-9

TO: All Insurers, Health Services Plans, and Health Maintenance Organizations Licensed to write Accident and Sickness Insurance in Virginia

RE: Registration - Small Employer Market

Section 4.A. of the Commission's Rules Governing Essential and Standard Health Benefit Contracts (Regulation No. 46), requires every insurer, Health Services Plan, Fraternal Benefit Society, or Health Maintenance Organization licensed in Virginia to notify the Commission in writing of its intent to participate or not participate in the Small Group Market (or Primary Small Group Market) within 90

days of the effective date of the regulation. This requirement also applies to Multiple Employer Welfare Arrangements operating in Virginia, as set forth in Section 2.B.2 of the regulation.

Since the regulation took effect on May 1, 1995, the 90 day period referred to above expires on July 30, 1995.

Enclosed is a registration form which should be completed and returned to the Bureau of Insurance to ensure that you meet this requirement. An election not to participate in the Small Employer Market at this time does not preclude an insurer from qualifying as a Small Employer carrier at a later date. Thank you for your prompt attention to this matter.

/s/ Steven T. Foster
Commissioner of Insurance

VA.R. Doc. No. R95-631; Filed July 17, 1995, 10:17 a.m.

<p>Participant and Non-Participant Registration Form</p> <p>Virginia Small Employer Market</p> <p>Rules Governing Essential & Standard Health Benefit Plan Contracts</p>	<p><i>Please check "will" or "will not" participate and complete the requested information:</i></p> <p><input type="checkbox"/> We will participate in the Small Employer Market in Virginia</p> <p><input type="checkbox"/> We will not participate in the Small Employer Market in Virginia</p>	<p>Company Information:</p> <p>Name: _____</p> <p>Address: _____</p> <p>NAIC No.: _____</p> <p>Contact Person: _____</p> <p>Contact Person Title: _____</p>	<p>Participating Status Authorized by:</p> <p>Name Printed: _____</p> <p>Title Printed: _____</p> <p>Signature: _____</p> <p>Date: _____</p>
<p>Return Registration Form to:</p> <p style="text-align: right;">Robert L. Wright, CLU, CIE Virginia State Corporation Commission Bureau of Insurance - 5th Floor Post Office Box 1157 Richmond, VA 23209</p>			

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.12:9.1 of the Code of Virginia)

DEPARTMENT OF EDUCATION (STATE BOARD OF)

Title of Regulation: VR 270-01-0064. Regulations
Governing Guidance and Counseling Programs in the
Public Schools of Virginia.

Governor's Comment:

I have reviewed this proposed regulation on a preliminary basis. The regulation is the result of a legislative study request and the need to establish consistent standards and safeguards in this area. The agency should consider the comments made by the Attorney General's Office in the development of the final proposed regulation.

While I reserve the right to take action authorized by the Administrative Process Act during the final adoption period, I have no objection to the proposed regulation based on the information and public comment currently available.

However, I want to see regulations on such counseling that make certain that a parent (or guardian) consents to the subjection and treatment of their child to counseling. Any indicated exceptions should be narrowly drawn.

/s/ George F. Allen

Governor

Date: May 30, 1995

VA.R. Doc. No. R95-639; Filed July 19, 1995, 12:22 p.m.

The LEGISLATIVE RECORD
Volume 5 Number 1 June 1995

Published by the Virginia Division of Legislative Services

HJR 487: State and Local Government Responsibility and Taxing Authority Commission

June 9, 1995, Richmond

The commission, consisting of 25 members (the Lieutenant Governor, the Attorney General, the Speaker of the House, the President pro tem of the Senate, the majority and minority leaders of both the House and the Senate, and 17 nonlegislative members) will examine and make recommendations regarding state and local taxes, fees, and services.

HJR 160 Study

Delegate Robert D. Hull explained the work of the Local Revenue Resources study (HJR 160, 1994). He reported that local government representatives were opposed to any reduction in their current sources of revenue. Moreover, they stated a need for additional means to raise money in order to provide required services.

Tax Burden

According to a number of comparisons, Virginia's tax burden is moderate. Based on data collected by the Bureau of the Census in 1991 and according to the per capita measure, Virginia ranks 23rd among the 50 states in tax burden (the state ranked 50th has the lowest tax burden). According to the tax per \$1,000 of income measure, Virginia ranked 43rd among the 50 states. Finally, based on the Advisory Commission on Intergovernmental Relations' (ACIR) representative tax system, Virginia ranks 35th.

Taxing Authority

The taxing authority of localities comes from three sources: the Constitution of Virginia, the Code of Virginia, and the Uniform Charter Powers Act. In Article X, Taxation and Finance, of the Constitution,

New Filing Deadlines

By action of the 1995 General Assembly, two new categories of bills now must be filed by the first day of the General Assembly Session.

Local Fiscal Impact (§ 30-19.03:1; Chapter 743, 1995 Acts of Assembly)

Any bill that mandates an additional expenditure by any county, city, or town must be filed on or before the first day of the session. A mandate has the effect of (i) requiring the performance of a new or expanded service or maintaining an existing service at a specific level, (ii) assuming administrative costs in support of state-related programs, or (iii) furnishing capital facilities for state-related activities. There is an exemption for bills requested by the Governor or "filed in accordance with the rules of the General Assembly."

Prison Impact (§ 30-19.1:6; Chapter 462, 1995 Acts of Assembly)

All bills requiring a statement of fiscal impact on the operating costs of state correctional facilities must be filed on or before the first day of the session. A fiscal impact statement is required for any bill that would result in a net increase in periods of imprisonment in state correctional facilities, including those bills that (i) add new crimes for which imprisonment is authorized, (ii) increase the periods of imprisonment for existing crimes, (iii) impose minimum or mandatory terms of imprisonment, or (iv) modify the law governing the release of prisoners in such a way that the time served in prison will increase.

Inside:

- 2 Joint Subcommittee on Abandoned Solid or Hazardous Waste Sites
- 4 Coal Subcommittee of the Virginia Coal and Energy Commission
- 5 HJR 283: Blue Ridge Economic Development Commission
- 7 HJR 451: A.L. Philpott Southside Economic Development Commission
- 8 HJR 445: Dulles Airport Regional Economic Study Commission

the authority of the General Assembly and limitations on such authority regarding taxation and borrowing are delineated.

Unless otherwise provided in the Constitution, Section 1 of Article X requires all property be taxed, all taxes to be levied and collected under general laws, and all taxes be uniform upon the same class of subjects within the territorial limits of the taxing authority. It also allows the General Assembly to define and classify taxable subjects the state may tax and which subjects the localities may tax. Section 4 of Article X specifically segregates real estate, coal and other mineral lands, and tangible personal property, except rolling stock of public service corporations, for taxation by local governments only.

The statutory authority for local taxes is found primarily in Chapters 30 through 39 of Title 58.1 of the Code. Finally, the Uniform Charter Powers Act (UCPA) is a broad statutory grant of taxing authority in Title 15.1 of the Code. Under Section 15.1-841, cities and towns that have incorporated the UCPA into their charters have a general taxing authority. Therefore, they may levy taxes that counties may not.

Tax Revenues

As of June 30, 1993, Virginia's cities and counties collected a little over \$10.3 billion annually from local, state, and federal sources. Of that amount 63.2 percent was locally generated, 30.3 percent state generated, and 6.5 percent federally generated. Of the locally generated portion, 63.26 percent came from property taxes, 22.50 percent from other local taxes, and 13.37 percent from other revenues such as fees, fines and forfeitures, and charges for services.

Work Plan and Next Meeting

The members of the commission decided to approach their task in three steps. First, they will examine the service responsibilities at the state and local levels. Next, they will review which federal budget changes will result in new responsibilities at the state and local levels. Finally, they will evaluate the revenue resources available to provide such services. The next meeting of the commission will be held in Charlottesville at the Local Government Officials Conference on Tuesday, August 15, at which time it will begin to examine the services portion of the work plan. A public hearing will be held after the business meeting.



The Honorable Donald S. Beyer, Jr., *Chairman*
Legislative Services contact: Joan E. Putney

Joint Subcommittee on Abandoned Solid or Hazardous Waste Sites

May 26, 1995, Richmond

Item 495 C of the 1994 Appropriations Act created a joint subcommittee to examine the appropriate financial role and responsibility of the Commonwealth, if any, to assist localities in remediation of abandoned solid or hazardous waste sites. The 1995 amendments to the budget bill continued the joint subcommittee for a second year and expanded its duties to include examining the ownership, access, and residual value issues associated with such sites; establishing financial responsibility for cleanup of the sites; and recommending appropriate funding mechanisms and a timetable for cleanup of those sites deemed to pose the most immediate threat to public health and safety.

Update on Ogden Study

The Department of Environmental Quality (DEQ) contracted with Ogden Environmental and Energy Services last year for a comprehensive assessment of the approximately 2,000 abandoned waste sites in Virginia. Ogden's first task was identifying a sample of 250 sites to be assessed, based on the type of site (i.e., container, dump, lagoon) and geographic area (i.e., coastal, plain, ordovician shale, fall zone). Sites were selected from each group in proportion to the group's relative size.

The next step is collecting and reviewing data on the 250 sites. Sampling may be required for over 100 of these sites. Upon completion of the data gathering, the sites will be ranked qualitatively based upon relative risk. DEQ will make a final determination of whether Ogden's initial ranking of risk is appropriate.

For the 50 sites that pose the greatest risk, based on such factors as the proximity of surface water and potable groundwater wells and current and potential uses of contaminated land, Ogden will conduct a comprehensive risk assessment. Using the EPA's Risk Assessment Guidance-Human Health Evaluation manual, Ogden will identify hazards, assess toxicity and exposure, and characterize risks. When the risks for these 50 sites are known, DEQ may require Ogden to evaluate up to 25 additional sites if needed to reach the point where the risks posed by a site are below the risk threshold.

Ogden's final task will be to prepare an estimate of remediation costs for all sites determined to pose a human health risk. The costs for a site will be based on the level of remediation required to achieve both a less-than 1-in-10,000 extra cancer risk and a less-than 1-in-1 million extra cancer risk. The estimated remediation costs for sites with known risks will be extrapolated across the list of all known abandoned waste sites. Ogden

anticipates completion of its final report, which will include estimates of the costs of containing or remediating identified risks, by October 1, 1995.

Waste Facilities and Minority Communities

House Joint Resolution 529 (1993) directed JLARC to examine state and local practices concerning the siting and monitoring of solid waste facilities, with an emphasis on whether these policies adversely affect minorities. A JLARC representative advised the joint subcommittee that most solid waste facilities are located in predominantly white neighborhoods. While minorities are disproportionately affected by some facility sitings, there is no reliable evidence indicating that the siting process is intentionally racially biased.

Nevertheless, JLARC reported that the local siting process could be improved by involving residents at early stages. When new landfills are sited, most localities do not implement strategies to actively involve community residents in the planning, site selection, and development of the facility's operational guidelines.

JLARC staff also examined the practices of DEQ's inspection process. The number of days between inspections and the number of days sites remained out of compliance was greater for minority communities than for non-minority communities in the period 1989-1994. However, these figures were greater for both types of communities in the period 1989-1994 than in 1984-1988, and greater in 1984-1988 than in 1971-1983.

The JLARC study also indicated that Virginia's cleanup program is inadequately funded. The emergency cleanup program is funded through fines levied on violators of environmental laws. In six years, less than \$700,000 has been generated for the emergency fund. Inactive landfills pose potential serious environmental risks, as indicated by the fact that 4 percent have liners, 12 percent have leachate collection systems, and 19 percent have gas control systems.

Other highlights of the JLARC study include:

- Only 54 percent of inactive landfills have been inspected by DEQ.
- Waste imports will be a major factor in the growth of landfill waste in Virginia.
- A disproportionate amount of waste is disposed of in Central Virginia.
- While minorities constitute 28 percent of the population in neighborhoods surrounding all recently permitted sites or proposed landfills, they constitute 48 percent of the population in neighborhoods surrounding private regional landfills.

Ownership, Access, and Residual Value Issues

An analysis of the Commonwealth's potential liability through ownership of an abandoned landfill should recognize that the state may become the site's owner under current escheat

law, according to an assistant attorney general. Escheat occurs by operation of law when there is a failure of title to land, whether through the disappearance of an individual owner or the dissolution or liquidation in bankruptcy of a corporate owner. Completion of the statutory escheat process does not create the escheat, but merely puts the fact of the escheat to record. The recent case involving the Statesman Park landfill in Roanoke holds that a corporate owner can create an escheat by voluntary abandonment of land, even if there is no failure of title.

Where an owner of a site is absent, nonexistent, or recalcitrant, the common law remedy of receivership may allow the Commonwealth to obtain control of a waste site. This remedy has been used to close a tire dump and correct deficiencies in the operation of a small waterworks. However, where a site has no value, there is no provision for payment of costs associated with the receivership.

The bankruptcy of a corporate owner of a waste site poses additional pitfalls for the Commonwealth. In a Chapter 7 liquidation case, an asset that is not administered or is abandoned by the trustee will remain the property of the debtor corporation. If the property poses an immediate hazard to the public, the Commonwealth may be able to compel the trustee to use assets of the bankrupt corporation to abate the hazard. Once the immediate hazard is abated, however, the contaminated site can be abandoned to the bankrupt shell corporation. At that point, the property may escheat to the Commonwealth.

Under the doctrine of sovereign immunity, the state would be protected from liability under state law for actions to abate hazards at a landfill. Two federal laws create questions of potential state liability. The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) exempts states that involuntarily acquire ownership of property from liability. However, the Resource Conservation Recovery Act (RCRA) does not contain a similar statutory exemption. The liability of a state for cleanup of a landfill acquired by escheat remains an open question.

With regard to the Commonwealth's right to enter a private landfill for the purpose of conducting remediation, the common law provides that entry to correct a nuisance is not a trespass. In addition, the Virginia Waste Management Act authorizes DEQ to enter a site to investigate a site and obtain a warrant if it is denied entry. However, the law does not address the right of access where no owner is in place and does not authorize entry to perform a cleanup in certain circumstances.

The escheat laws create a paradox with respect to the residual value of a remediated site. After escheat, an owner can reclaim land not sold by the escheator. Former Code § 10.1-1406 provided a lien on realty to cover the costs of remediation. However, 1991 amendments to the waste management law revoked the lien statute.

The joint subcommittee heard several suggestions for legislation to address these issues:

- Give a single agency control of both ownership and cleanup of abandoned landfills;
- Give that agency authority to initiate, reverse or prevent escheat of abandoned landfills;
- Establish a statutory proceeding for receivership of abandoned landfills;
- Grant the state authority to condemn abandoned landfills;
- Expedite procedures for entry of abandoned landfills;
- Limit the liability of the Commonwealth for ownership, inspection, closure, and abatement of abandoned landfills; and
- Provide tools to recoup costs of cleanup, including a lien for costs and powers to compel disclosure of assets.

Abandoned Waste Site Authority Act

House Bill 2040, passed by the 1995 General Assembly, created the Abandoned Waste Site Authority. The legislation will not become effective, however, unless reenacted by the 1996 Session. The authority is empowered to prioritize waste site cleanups, coordinate remedial action, and issue revenue bonds to finance the cleanup of abandoned waste sites. However, the legislation, which is based on the Virginia Resources Authority Act, does not identify a source of revenue for payment of bonds. The joint subcommittee will examine the bill to address issues raised by the attorney general's office. Specific issues raised include the ability to finance the cleanup of sites acquired by escheat to the Commonwealth, the scope of the disclaimer of liability, and staffing responsibilities.

Landfill Tour

At the close of the meeting, the members toured a closed solid waste landfill maintained by the City of Richmond. The School Street landfill was closed in the mid-1970s and features one of the first methane collection systems in the county. Methane production has necessitated the installation of a gas monitoring system at an adjacent school and inspections of nearby residential areas. The city's need to maintain the methane collection system underscored the need to adequately fund post-closure care at landfill sites.



The Honorable Creigh Deeds, *Chairman*
Legislative Services contact: Franklin D. Munyan

Coal Subcommittee of the Virginia Coal and Energy Commission

April 4, 1995, Richmond

The Coal Subcommittee met in Richmond to plan its activities for the year, particularly its examination of ways of reversing the downward trend in Virginia coal production and employment.

HJR 586 directs the subcommittee to continue this study during 1995. The subcommittee agreed that it should explore both (1) possible improvements to House Bill 2575, the coal tax credit bill passed by the General Assembly in 1995, and (2) strategies other than tax credits that might be effective in assisting the coal industry. Chairman Reasor suggested that the subcommittee complete its work early in the year so that its proposals could be forwarded to the Governor early enough to be incorporated, if possible, into his budget.

House Bill 2575

The subcommittee agreed upon several issues to be addressed in determining whether HB 2575 assists the coal industry in the best manner possible. These include: (1) the amount of the tax credit authorized by the bill, (2) the lag time between the earning and the application of the tax credit, (3) the allocation of tax credits between the two categories of seam thicknesses, and (4) the contingency of the tax credit on general fund revenue in fiscal year 1997-98 exceeding the official estimate of revenue by at least the cost of the credits.

The revenue impact of HB 2575 is expected to be \$17.6-19.7 million per year, starting in fiscal year 1999. Also, there will be a fiscal impact in 1997 and 1998 of about \$1.5 million due to the extension of the cogeneration tax credit and the new consumption tax credit for steam producers. The bill prohibits more than one credit being taken on a particular ton of coal, which may lead to negotiation between producers and consumers of coal as to who will claim the credit. The Tax Department will keep the subcommittee informed as to whether the department encounters any difficulties in administering the law.

Other Studies

The subcommittee also discussed two tax credit studies that HB 2575 establishes: one to be conducted by the Virginia Port Authority and another by the Center for Public Service, with the cooperation of several state agencies. The subcommittee agreed that, to avoid duplication, efforts should be made to coordinate the subcommittee's work with that of the agencies conducting the two other studies.

The Port Authority is directed by HB 2575 to study the effect that the tax credits will have on the export coal businesses at the Ports of Hampton Roads. The Port Authority study will include consideration of how the HB 2575 tax credits will enhance the competitiveness of Virginia coal. The majority of the coal exported from Hampton Roads does not come from Virginia.

The Center for Public Service study will consider the policy, legal, and economic impacts and efficiency of the HB 2575 tax credits. Because the Coal Subcommittee's work will address both the tax credits of HB 2575 and other ways of assisting the coal industry, the subcommittee study will be broader in scope than the studies conducted by the Center for Public Service and the Port Authority.

May 11, 1995, Wytheville

The Coal Subcommittee continued working on its HJR 586 study of ways to reverse the downward trend in Virginia coal production and employment by discussing possible improvements to HB 2575. The subcommittee also received an update on the HB 2575 study to be conducted by the Center for Public Service. A subcommittee member presented a proposal for financing a coke-making plant to be located in Southwest Virginia.

Coal Industry Studies

The first task for the Center for Public Service and Port Authority studies will be to determine what data is needed and where that data may be found. At least some of the necessary information will probably be proprietary in nature. If those working on the studies can agree on the kind of data that will be required, coal businesses will not be asked to disclose such information more than once. The Energy Ventures Analysis, Inc. study of the Virginia coal industry that was conducted and presented to the subcommittee last year may prove to be a useful source of information. The center's goal is to have its report finished and submitted to the subcommittee by October.

House Bill 2575

The subcommittee agreed that the requirement of HB 2575 that would prohibit the taking of a tax credit unless general fund revenue exceeds official estimates should be eliminated. Otherwise, the bill's goal of encouraging coal companies to invest in new mines and new workers will not be served, because companies will not be able to plan on receiving the tax credit.

The subcommittee also agreed that the period between the year in which the credit is earned and the year in which the credit may be taken should be shortened. Questions arose regarding administrative difficulties that might result from this change; the subcommittee planned to discuss the issue again at the next meeting.

The subcommittee further agreed that a tax credit larger than the amount authorized by HB 2575 would better assist the coal industry. The subcommittee considered issues such as the economic feasibility, impact on the coal industry, and impact on the Commonwealth of various tax credit amounts.

The subcommittee also reviewed the seam thickness categories created by HB 2575. As mine height decreases, labor productivity declines, while non-labor costs and materials handling costs increase. For example, 38-42 inches is typically the minimum vertical space within which mine equipment can operate in Virginia. Attempts to recover coal from thinner seams require the mining of rock along with the coal, which means that more mine area must be serviced for each ton of coal produced and that rock must be transported from the mine and managed as

solid waste. Based on an assumption of 38 inches minimum vertical mine space, an analysis showed that the rate of cost increase per decreasing inch of thickness begins to grow significantly at 38 inches of seam height. Actual mining costs vary widely according to mine conditions and the cost figures used in the analysis are not necessarily average or typical. Some coal operators favor an increased tax credit for coal from thin seams.

Financing a Coke-making Plant in Southwest

One way to increase coal production in Virginia is to develop new ways to use coal. A technology has been developed that can make coke that is worth \$150 a ton from coal that costs \$25 per ton. The United States is currently importing 3.5 million of the 26 million tons of coke used in this country per year. A plant that would use 70,000 tons of coal to produce 60,000 tons of coke a year would cost around 12 million dollars to build. If six million dollars were raised, the rest of the cost of the plant could be financed. A one cent per gallon tax on gasoline levied in the Ninth Congressional District would raise \$5.4 million in one year. The subcommittee agreed to look at the technical and legal issues surrounding this proposal at future meetings.

Next Meeting

The subcommittee's next meeting is scheduled for June 20, 1995, at 10:30 am at the Hotel Roanoke.



The Honorable Jackson E. Reasor, Jr., *Chairman*
Legislative Services contact: Nicole R. Beyer

HJR 283: Blue Ridge Economic Development Commission

May 18, 1995, Staunton

1995 General Assembly Action

Among the commission's legislative proposals which received favorable action by the 1995 General Assembly, SJR 290 increases the direct costs of the commission's study by \$5,000 and permits an amount not to exceed \$5,000 to be expended to publish a statistical profile of the Blue Ridge region; HB 1731 encourages regional cooperation by awarding an appropriate additional point or points to any application or request for state funds for projects related to economic, housing, community, or infrastructure development which documents a benefit to three or more political subdivisions of the Commonwealth by such project; SB 761 increases the number of enterprise zones from 25 to 50 and specifies other program requirements; and SB 841 requires the Council on Information Management to establish

statewide standards for (i) the efficient exchange of electronic information and technology, including infrastructure, between the public and private sectors in the Commonwealth and (ii) public access to the Legislative Information System.

Significant budget amendments recommended by the commission and passed by the General Assembly include increasing the Governor's Opportunity Fund to \$10 million in FY 1995-96, up from \$8.5 million in FY 1994-95; providing \$200,000 to initiate a small business incubator program in the City of Roanoke; providing \$25,000 to the Blue Ridge Regional Tourism Council (through the Virginia Department of Economic Development) for a Blue Ridge regional marketing plan; and providing \$50,000 to Virginia Western Community College to study the establishment and transfer of electronic information in the Blue Ridge region.

Small Business Financing Authority

The ability to obtain financing is often the most significant obstacle faced by Virginia businesses, particularly those interested in exporting products to the international marketplace. To assist Virginia businesses in overcoming this obstacle, the General Assembly created VSBFA in 1984. Currently, VSBFA provides two primary programs to Virginia's export businesses: export financing assistance and export credit insurance.

To provide export financing assistance to Virginia exporters, VSBFA works in partnership with the Export-Import Bank (Eximbank) of the United States and the U.S. Small Business Administration (SBA). Initially, VSBFA helps exporters by packaging and submitting their applications according to the guidelines of these federal programs. Once an application is approved and either Eximbank or SBA will guarantee a loan, VSBFA assists businesses in locating a bank to fund the transaction. VSBFA and both federal programs are designed to supplement commercial financing; they do not compete with private banks.

The underwriting criteria for Eximbank and SBA are very strict. Consequently, VSBFA often works with Virginia exporters for three to six months before submitting a federal application. That work has paid off: to date, either Eximbank or SBA has approved every application for export financing assistance that VSBFA has taken and processed. Over \$4.5 million in loan guarantees have been approved, facilitating export sales of over \$18 million.

About a year ago, VSBFA began helping Virginia businesses access export credit insurance, designed to protect exporters and the commercial banks who lend to them against losses resulting from the inability to collect foreign accounts receivable. VSBFA administers an Export Credit Insurance Umbrella Policy offered through Eximbank. The policy is designed for businesses that are just beginning to export or have limited export volume. For those businesses that do not qualify for the umbrella policy, VSBFA refers them to other policies available through Eximbank or private insurers.

Blue Ridge businesses have expressed tremendous interest in overseas exporting, and VSBFA provides a large majority of its export services and information to businesses in the Blue Ridge region. As part of its 1993 and 1994 legislative proposals to assist those businesses and all Virginia exporters, the commission recommended the creation of an export loan guaranty program to be administered by VSBFA. The VSBFA's presentation renewed the commission's enthusiasm for and commitment to such a program.

Future Viability of the Commission

HJR 283 (1994) directs the commission to present its final report to the Governor and the 1996 General Assembly. Since its beginning in 1991, four statutory entities have sprung from the commission's work—the Blue Ridge Regional Education and Training Council, the Blue Ridge Economic Development Advisory Council, the Blue Ridge Regional Tourism Council, and the World Trade Alliance of the Blue Ridge. Numerous non-profit economic development organizations—such as the New Century Council and the New River Valley Alliance—have also been launched. "Opportunity Virginia," Governor Allen's regional economic development initiative, is also underway. In this climate, it could well be that the commission has accomplished its goals and achieved its mission.

On the other hand, the commission could redefine its focus and create a new agenda for the future. Among the potential items on such an agenda are technology, transportation, higher education, and infrastructure funding.

1995 Work Plan

The commission did not reach a definitive answer regarding its future viability; however, the commission will address that issue based on its work during the 1995 interim. Toward that end, the commission agreed to focus its attention on just a few issues through the use of small subcommittees comprised of commission members and other interested parties. Possible topics include export loan financing and guarantees, major facility job tax credits, the Virginia Port Authority's study of an inland port in the Blue Ridge region, technology infrastructure, transportation, and tourism.



The Honorable R. Creigh Deeds, *Chairman*
Legislative Services contact: Diane E. Horvath

HJR 451: A.L. Philpott Southside Economic Development Commission

May 12, 1995, Chatham

Commission Grants

The 1994 Appropriations Act allocated \$675,000 to the Philpott Commission for grants for economic development projects in Southside Virginia. Grant awards were contingent upon matching local or private funds and supported those projects meeting specific criteria established by the commission, including local approval; evidence of specific economic development purpose, such as job creation or retention; multi-jurisdictional focus; and coordination with local strategic development plans. The commission received and approved grants proposals from 21 of the 25 Southside jurisdictions, for a total of \$575,748.53, at its January 23, 1995, meeting. The Counties of Amelia, Appomattox, Campbell, and Sussex had not applied for a grant by the initial January 5, 1995, deadline.

A formal grant agreement, prepared by the Department of Housing and Community Development (DHCD), has been submitted to the approved localities for signature. Localities must certify that matching funds are available, obtain any necessary loans, and then submit documentation to DHCD for reimbursement. Disbursement of grant funds is expected to occur by June 30, 1995.

New Grants

Having received three grants applications in 1995, the commission approved awards to Appomattox County (\$15,549.04 for shell building project), Campbell County: (\$59,799.77 for chipping/de-barking plant), and Sussex County: (\$12,882.12 for inventory of industrial sites).

No action was taken regarding the \$11,045.58 allocation earmarked for Amelia County; however, Amelia County officials will be contacted again regarding the grants program and given an opportunity to apply.

The commission also approved an alternative project for Prince Edward County, which requested that its previously approved Philpott grant of \$21,771.88 be transferred from the Virginia Heartland project and applied instead to pre-construction services for a shell building.

Regional Organizations

A report on the activities of three Southside organizations strongly urged the continuation of each. The 21-member Southside Virginia Business and Education Council (SVBEC),

supported by its own staff and the Longwood College Small Business Developmental Center, has met 13 times since its inception in 1991. The recipient of annual state appropriations, SVBEC has sponsored a number of successful forums in its efforts to build partnerships between the business and education communities. Representation on its board by individuals with expertise in worker training and in engineering technology would enhance its effectiveness.

The 13-member Southside Virginia Marketing Council, created in 1992, has received over \$75,000 in state appropriations to date. The council has also met 13 times and has made "solid progress" in the development of a computer-based marketing presentation. The council remains a significant component in securing Southside's economic future, as a central state agency cannot devote time and expertise to market any particular region of the Commonwealth. The council chair cited a December 1995 completion date for the council's multimedia database project.

Also established in 1992, the Southside Virginia Development Authority has yet to receive a state appropriation and has met only once. Express statutory authority to issue bonds may enhance its effectiveness; its efforts might supplement, rather than compete with, those of local industrial development authorities. Any discussion of dissolving or merging the council or the authority would be "premature," and all three entities should focus on a few large projects, rather than fragment their efforts. Increased coordination among the trio, as well as sufficient funding and staffing, were cited as essential to the future of each organization, and an annual regional economic development summit was recommended.

Lake Gaston Pipeline

The Lake Gaston Pipeline project received close commission attention. The president of the Roanoke River Basin Association cited concerns regarding the potential authority of the City of Virginia Beach to prohibit upstream development based upon its settlement agreement with the State of North Carolina. Members cited riparian rights issues, and the broader public policy implications of transferring natural resources to those areas that have expanded beyond capacity. Noting Southside's dependence on manufacturing and industry's need for an adequate water supply, members agreed that legislators should be contacted regarding the harmful effects of the pipeline proposal on the Southside region. The commission plans to meet again in June to review the Lake Gaston issue.



The Honorable Whittington W. Clement, *Chairman*
Legislative Services contact: Kathleen G. Harris

HJR 445: Dulles Airport Regional Economic Study Commission

May 17, 1995, Herndon

Transportation Study

The commission received a briefing on the status of the Dulles corridor transportation study sponsored by the Department of Rail and Public Transportation. The project manager of the engineering firm selected by the department to conduct the study explained that the study is aimed at improving transportation in the Dulles corridor to support economic development and protect the environment through construction of financially feasible projects that would use funds effectively and distribute impacts equitably. Technical elements of the study include evaluation of transit alternatives, land use, and financial options. Having already completed an initial work plan, developed a travel forecast model, screened preliminary alternatives, and planned operations, the study is presently focusing on detailed analysis of these alternatives through engineering study plans, cost estimates, environmental screening, and analysis of service and ridership. By the end of the summer, the firm expects to proceed to evaluation of alternatives, and by the end of 1995, to select a preferred alternative or set of alternatives, including a financing plan.

Technology Center

A discussion of the desirability of creating a technology marketing center in the vicinity of Dulles International Airport

and the Center for Innovative Technology ensued. Such a center could attract the attention of the stream of visitors—particularly international travelers—that passes through Dulles Airport. One aspect of such a facility could be a lounge, located in the airport, with a communications center, conference rooms, and videotapes and other displays that would facilitate the creation and promotion of the region's "identity" in the minds of business travelers. A technology center could be the nucleus for creation of recurring business and technology fairs and expositions supported by proceeds from bonds.

Regional Plan

A similar discussion focused on the merits of developing a regional master plan for air cargo. The attention focused on air and highway access for air cargo to Dulles Airport was contrasted with the lack of consideration given to the fact that major freight consolidators for ocean freight are also major freight consolidators for air cargo. Inclusion of an air cargo dimension to the operations of the Virginia Port Authority's inland port facility at Front Royal could have a beneficial impact not only on the inland port, but also on Dulles Airport and the economy of the surrounding area by permitting "one stop shopping" for major shippers by air, sea, water, and rail.

Following these discussions, Chairman Callahan appointed two subcommittees, the first to develop recommendations on the technology center and the regional master plan for air cargo, and the second to prepare a draft report to the 1996 Session of the General Assembly for consideration by the full commission.



The Honorable Vincent F. Callahan, Jr., *Chairman*
Legislative Services contact: Alan B. Wambold

The Legislative Record summarizes the activities of Virginia legislative study commissions and joint subcommittees. Published in Richmond, Virginia, by the Division of Legislative Services, an agency of the General Assembly of Virginia.



E.M. Miller, Jr. *Director*
R.J. Austin *Manager, Special Projects*
K.C. Patterson *Editor*
James A. Hall *Designer*

For subscription information, contact:
Special Projects
Division of Legislative Services
910 Capitol Street, 2nd Floor
Richmond, Virginia 23219
(804) 786-3591



The Legislative Record is also published in *The Virginia Register of Regulations*, available from the Virginia Code Commission, 910 Capitol Street, 2nd Floor, Richmond, Virginia 23219.

Notices of upcoming meetings of all legislative study commissions and joint subcommittees appear in the Calendar of Events in *The Virginia Register of Regulations*.

SCHEDULES FOR COMPREHENSIVE REVIEW OF REGULATIONS

Governor George Allen issued and made effective Executive Order Number Fifteen (94) on June 21, 1994. This Executive Order was published in *The Virginia Register of Regulations* on July 11, 1994 (10:21 VA.R. 5457-5461 July 11, 1994). The Executive Order directs state agencies to conduct a comprehensive review of all existing regulations to be completed by January 1, 1997, and requires a schedule for the review of regulations to be developed by the agency and published in *The Virginia Register of Regulations*. This section of the *Virginia Register* has been reserved for the publication of agencies' review schedules. Agencies will receive public comment on the following regulations listed for review.

DEPARTMENT OF EDUCATION

In compliance with the Governor's Executive Order Number Fifteen (94), the Department of Education reviewed 50% of the Board of Education's regulations between July 1, 1994, and June 30, 1995. The review period for the remaining regulations is July 1, 1995, through June 30, 1996. The remaining regulations are as follows:

- VR 270-01-0002. Regulations Governing Programs for Gifted Education.
- VR 270-01-0003. Regulations Governing Interagency CORE Standards.
- VR 270-01-0005. Regulations Governing Interdepartmental Committee on Rate Setting Standards.
- VR 270-01-0006. Regulations Governing Pupil Transportation Including Minimum for School Buses.
- VR 270-01-0007. Regulations Governing Special Education Programs.
- VR 270-01-0008. Regulations Governing Procedures for Adjusting Grievances.
- VR 270-01-0010. Regulations Governing Pupil Accounting Records.
- VR 270-01-0012. Regulations Governing Standards for Accrediting Schools in Virginia.
- VR 270-01-0013. Regulations Governing Retention Schedule for Pupil Accounting Records.
- VR 270-01-0015. Regulations Governing Secondary School Transcript.
- VR 270-01-0016. Regulations Governing Instructional Materials - Selection and Utilization by Local School Boards.
- VR 270-01-0017. Regulations Governing School Community Programs.
- VR 270-01-0019. Regulations Governing Diploma - High School Completion.
- VR 270-01-0024. Regulations Governing Testing of Pupils' Sight and Hearing.
- VR 270-01-0030. Regulations Governing Instruction Concerning Drugs and Drug Abuse.
- VR 270-01-0031. Regulations Governing Physical and Health Education.
- VR 270-01-0032. Regulations Governing Alternative Education.
- VR 270-01-0033. Regulations Governing Driver Education.

VR 270-01-0040. Regulations Governing Allowable Credit for Teaching Experience.

VR 270-01-0042. Regulations Governing Contractual Agreements with Professional Personnel.

VR 270-01-0043. Regulations Governing Professional Development.

VR 270-01-0045. Regulations Governing Nurses, Physicians, and Therapist Standards.

VR 270-01-0046. Regulations Governing Pupil Rights and Hearings.

VR 270-01-0051. Criteria to Identify Toxic Art Materials.

VR 270-01-0053. Bylaws of the Board of Education.

VR 270-01-0054. Regulations Governing the Reporting of Acts of Violence and Substance Abuse in Schools.

VR 270-01-0059. Regulations Governing School Breakfast Programs.

The public comment period is August 15, 1995, through September 29, 1995. Written comments may be submitted to James Laws, Department of Education, P.O. Box 2120, Richmond, Virginia 23216-2120.

DEPARTMENT OF SOCIAL SERVICES

Pursuant to Executive Order Number Fifteen (94), the Department of Social Services is publishing this notice to inform the public that the Foster Care regulation listed below will be reviewed to determine if it should be continued, amended, or repealed.

Regulation

VR 615-42-01. Foster Care-Guiding Principles.

Procedures for Submitting Comments

Written comments on the above regulation must be received no later than September 7, 1995, to be considered in the regulation review. Please identify the regulation by VR number and regulation title when submitting comments.

Please mail comments to the Foster Care and Adoptions Manager, Division of Service Programs, 730 East Broad Street, Richmond, VA 23219-1849. Comments may also be submitted by facsimile transmission (FAX number: (804) 692-1284).

The department contact for any questions about this notice is Leslie Anderson, Division of Service Programs, 730 East Broad Street, Richmond, VA 23219-1849, telephone (804) 692-1272.

Schedules for Comprehensive Review of Regulations

Pursuant to Executive Order Number Fifteen (94), the Department of Social Services is publishing this notice to inform the public that the regulation listed below will be reviewed to determine if it should be continued, amended or repealed.

Regulation

VR 615-01-90. Degree Requirements for Social Work/Social Work Supervision Classification Series.

Procedures for Submitting Comments

Written comments on the above regulation must be received no later than September 7, 1995, to be considered in the regulation review. The regulation about which comments are being made should be identified by VR number and regulation title.

Please mail comments to William Griffin or Betty Payne, Department of Social Services, Division of Human Resource Management, 730 East Broad Street, Richmond, VA 23219-1849. Comments may also be submitted by facsimile transmission (FAX number: (804) 692-1599).

The department contacts for any questions about this notice are William Griffin and Betty Payne, Department of Social Services, Division of Human Resource Management, 730 East Broad Street, Richmond, VA 23219-1849, telephone (804) 692-1500.

GENERAL NOTICES/ERRATA

Symbol Key

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

† Public Notice

Sheep Industry Referendum

A referendum subject to §§ 3.1-1065 through 3.1-1079 of the Code of Virginia will be conducted by mail ballot among Virginia sheep producers who sold one or more sheep or 50 or more pounds of wool within the Commonwealth from July 1, 1993, through June 30, 1994.

The purpose of this referendum is to present the following question: Do you favor additional market development, predator control, education, research, and promotion of the Virginia sheep industry, the creation of a Virginia Sheep Industry Board, and the levy of an assessment of \$.50 per head, with the board retaining the authority to increase the assessment no more than \$.10 per year, up to a maximum of \$1.00 per head, for all sheep and lambs sold within the Commonwealth of Virginia to be used by such board in accordance with the provisions of the Virginia Sheep Industry Board Act?

The assessment will be deducted by the "handler" which means the operator of a stockyard, livestock dealership, slaughter house, packing plant or livestock auction market, or any other person or business entity making a purchase from a sheep producer, at the point at which the sheep or lamb is sold or traded. The assessment levied thereon shall be remitted to the Virginia Department of Taxation for deposit in the Virginia Sheep Industry Promotion and Development Fund which is administered by the Virginia Sheep Industry Board.

Producers must establish voting eligibility by properly completing and returning a certification form to the Virginia Department of Agriculture and Consumer Services, no later than September 8, 1995. Those Virginia sheep producers who sold one or more sheep or 50 or more pounds of wool within the Commonwealth from July 1, 1993, through July 30, 1994, are eligible to vote.

Eligible voters will be mailed a ballot and return envelope on October 10, 1995. Each eligible voter must return the ballot in the official referendum envelope that must be received no later than Noon, October 30, 1995, by the Director, Division of Marketing, Virginia Department of Agriculture and Consumer Services.

Producers who do not receive certification forms in the mail may obtain eligibility certification forms from the following sources: The Virginia Sheep Federation, c/o Department of Animal and Poultry Sciences, Virginia Tech, Blacksburg, VA 24061-0306; Virginia Department of Agriculture and Consumer Services, Suite 1002, Washington Building, 1100 Bank Street, Richmond, VA 23219; or from a local county extension office throughout the Commonwealth.

DEPARTMENT OF TAXATION

† Guidelines for Business, Professional and Occupational License Tax Imposed by City, County and Town Ordinances

Order Adopting Guidelines of the Department

Pursuant to the authority vested in the Department of Taxation by § 58.1-3701 of the Code of Virginia, to promulgate guidelines,

IT IS ORDERED that the following guidelines be, and the same are hereby, amended and adopted:

IT IS FURTHER ORDERED that these guidelines shall be effective as of July 1, 1995; provided, however, that the definitions and explanations set forth in these guidelines, the promulgation of which was exempt from the Administrative Process Act, shall be considered advisory only, and these guidelines shall not be considered a "regulation" having the force of law as such term is defined and used in §§ 9-6.16 and 58.1-205 of the Code of Virginia.

/s/ Danny M. Payne
Tax Commissioner

July 7, 1995

Preface

Procedural History

The 1978 session of the Virginia General Assembly enacted House Bill 696 amending § 58-266.1 of the Code of Virginia (recodified in 1984 as § 58.1-3706), effective for the tax years beginning on and after January 1, 1979. The act imposed ceilings on the tax rates localities could impose on various classifications of businesses and also required that the Department of Taxation promulgate guidelines defining and explaining the categories of enterprises specified in the act.

After seeking the counsel of local officials and interested groups and holding a public hearing, the original Guidelines were published and dated January 1, 1979. The Department of Taxation updated the Guidelines effective January 1, 1980 and again on July 1, 1983.

In 1994 the General Assembly amended § 58.1-3701 to require the department to update the Guidelines by July 1, 1995, and triennially thereafter. The department circulated a draft of the updated Guidelines on May 15, 1995, and on June 12, 1995, held a hearing to receive comments. The Guidelines were issued on July 1, 1995.

Because virtually all localities imposing a BPOL tax have rates at or below the specified maximums, the 1995 update omits explanations of the "rollback" provisions currently found

General Notices/Errata

in subsection B of § 58.1-3706. In accordance with that subsection, any locality that had BPOL tax rates above the statutory maximum rates as of January 1, 1978, may continue, but not increase, the rate, but is also required to use a portion of subsequent increases in BPOL tax revenue to reduce the rates that remain above the maximum. Reference may be made to the BPOL Guidelines published in 1984 for an explanation of the rollback provisions.

LEGISLATIVE AND ADMINISTRATIVE HISTORY

A brief history of the license tax may help explain why so many policies and definitions refer back to laws that have been repealed. For many years the state required a long list of specific businesses to obtain a license and pay a tax. The tax was usually a flat amount, but in some cases was graduated based on gross receipts. During this period, state law permitted cities and towns to impose their own license tax when anything for which a state license was required was done in the city or town. (However, many city charters contained broader general tax powers. Telephone Company v. Newport News, 196 Va. 627.) Beginning in 1948, license tax authority under state law was extended to counties, and situs rules were added which brought in the concept of a "definite place of business." State law was amended in 1964 to eliminate the language restricting local licenses to instances in which a state license was required, permitting counties, and those cities and towns without general tax powers in their charters to impose a license tax regardless of whether the state taxed the particular business.

Although no locality was required to observe state license tax imposition and classifications after 1964, the local Commissioners of the Revenue issued both local and most state tax licenses. Thus, it was natural that whenever local ordinances and state law used the same terms or classifications the local Commissioners would follow state classifications made by the Department of Taxation for state license tax purposes.

State law provided for a number of exemptions for both state and local license tax purposes. For example, manufacturers were exempt from the tax on merchants if they were subject to the state tax on capital and sold to licensed dealers or retailers, but not to consumers. See § 188 of the Tax Code of 1928; See also Thompson's Dairy, Inc. v County Bd., 197 Va. 623 (1956) applying a similar provision to dairies. Thus, a state and local license tax exemption depended on the department's definition of a "manufacturer" for purposes of the capital tax.

In 1966 Virginia enacted the retail sales and use tax. The act also reduced the rate of the capital tax and repealed the code sections imposing a state license tax on retail and wholesale merchants. However, the enactment repealing the merchants license tax expressly provided that the repeal would not operate to subject a wholesale merchant to a state peddlers tax. In other words, even though the section defining a wholesale merchant had been repealed, the definition was still relevant for state license tax purposes and, by implication, for local license tax purposes as well. 1966 Acts of Assembly ch. 151, enactment 2. Therefore, almost 30 years after its repeal, the inclusion of sales to institutional, commercial and industrial users in § 58-304's definition of wholesale sales still is relevant in today's BPOL Guidelines.

From 1964 until 1975 there was little statutory restraint on the authority of local governments to impose local license taxes at whatever rate they chose. The 1975 General Assembly froze local license tax rates as of December 31, 1974, and maintained the freeze until 1978. Following recommendations made by the Revenue Resources and Economic Commission, the General Assembly enacted the current four major categories and rate limitations now found in subsection A of § 58.1-3706. The relationship between the ceiling rates reflected the relative differences in operating ratios between broad categories of similar activities, i.e., the gross profit ratios for similar business activities as reported by the Internal Revenue Service in Statistics of Income: Business Income Tax Returns, 1970. As described earlier, the legislation also required the Department of Taxation to develop these Guidelines.

In 1978 the department still administered a state license tax and the capital tax. As noted above, policies and definitions from the administration of both taxes affected local license tax administration. In 1982 the state license tax was repealed and in 1984 the rate on the capital tax was reduced to zero. The 1982 legislation repealed the code sections relating to state license taxes and amended sections relating to local license taxes to ensure that localities continued to enjoy the same authority with respect to local license tax as they had before the repeal of state license tax. Nevertheless, it is still necessary to look occasionally at pre-1982 state license tax law.

For example, employees who practice a profession may be required to obtain their own local license. Prior to the 1982 repeal, § 58-255 required a separate license for every member of a firm practicing a profession "regulated by the laws of this state" and other sections of the code required a state license of "every architect" or "every lawyer," etc. Because the state license tax was typically \$5 to \$20 per license, the separate license requirement obviously had a revenue impact. Because local licenses had been expressly tied to state licenses prior to 1964, localities commonly required a separate local license for every professional required to obtain a state license. Today, when professionals are taxed at a rate of 58¢ (or less) per \$100 of gross receipts, it makes little difference to local revenue if the gross receipts are taxed to the employer rather than each employee, but may affect administrative burdens placed on the locality, the employer, and the employee.

Finally, Title 58 was recodified as Title 58.1 in 1984. The recodification rearranged and rewrote local license tax sections with little substantive change. Some of the changes eliminated references to repealed laws. The definition of "contractor" currently found in § 58.1-3714 B was added, but derived from the definition for state license tax purposes in § 58-297 prior to its repeal in 1982. It is interesting to note that § 58-297 included language classifying dealers in tombstones as merchants. This language was not incorporated into the recodification changes, but survives in the Guidelines as § 3 C 1 (1995 version) and § 1-5 (1984 version).

INTRODUCTION

These Guidelines are merely to furnish information to local tax assessors for use in administering the taxes imposed

under the authority of Chapter 37 (§ 58.1-3700 et seq.) of the Code of Virginia. In addition, the Tax Commissioner has the authority to issue written advisory opinions in specific cases to interpret the provisions of Section 58.1-3706 A and these Guidelines. They are intended to supplement and be used in conjunction with the law set out in Chapter 37. Therefore, definitions and other provisions found in Chapter 37 are not repeated in these Guidelines.

The Guidelines and opinions only define and explain the categories listed in § 58.1-3706. They are not applicable as an interpretation of any other tax law, and are not to be interpreted as granting localities the authority to impose any tax not otherwise authorized or that is prohibited by some other provision of law. They also do not require the locality to levy any tax or to tax any business at a specified rate. The final decision of whether or not to tax a business, profession or occupation lies with the individual locality unless the tax is prohibited by some provision of law. The locality may impose a lower tax rate or provide for subclassifications within the categories, provided the tax imposed does not exceed the maximum tax rate specified in § 58.1-3706. For these reasons the word "may" has frequently been used in these Guidelines. In addition, the provisions required for administration of local license taxes must be adopted by the individual locality. Therefore, one must always look to the language of the local ordinance for the actual language imposing a tax, and creating subclassifications and exemptions.

The 1995 update of these Guidelines omits the rollback provisions. In the 15 years since the maximum rates became effective, all but one locality has reduced its rates to, or below, the statutory maximums.

In order to assist the users of these Guidelines, the department has prepared editorial comments containing cross references, annotations and other comments. This material is shown as a "comment" in a box following various subsections. The comments are not part of the official Guidelines issued by the department and are subject to periodic updates without notice or hearing.

§ 1. DEFINITIONS.

Unless otherwise required by the context, the following words and terms shall have the following meanings:

"**Ancillary**" means subordinate to, subservient to, auxiliary to, or in aid of, that which is principal and primary.

COMMENT: Source: Words and Phrases, "Ancillary."

Wisconsin Department of Revenue v. William Wrigley, Jr. Co., 112 S. Ct. 2447 (1992) (interpreted "ancillary" to mean those activities that serve no independent business function apart from their connection to the principal activity).

County of Chesterfield v. BBC Brown Boveri, 238 Va. 64 (1989) ("Unlike a business that is engaged in two separate trades, one of which is exempt and one of which is not, . . . [the] non-manufacturing activities are ancillary to its primary business of manufacturing" and exempt from tax).

1994 Op. Va. Att'y Gen. 99 (If company's engineering services are ancillary and subordinate to other

nonprofessional business services, and, further, if the latter are a substantial component of its business, the commissioner should disregard the professional services and tax the entire gross receipts at the lower rate).

"**Gross receipts**" means the whole, entire, total receipts of money or other consideration derived from the exercise of the licensed privilege to engage in a business or profession in the ordinary course of business, without the deduction of any item other than those specified in § 58.1-3703, § 58.1-3732, § 58.1-3734.1 and the local ordinance.

COMMENT: Source: New. Derived from the Uniform Ordinance definition of "gross receipts," which was limited to those derived from the exercise of the licensed privilege in the ordinary course of business. See § 2.9 for examples of items deemed not to be from the exercise of the licensable business. There are exemptions that apply to specific types of gross receipts, e.g., sales to affiliated corporations pursuant to § 58.1-3703 (B)(10).

Uniform Ordinance, Appendix C of "Report of the Joint Subcommittee Studying The Business, Professional, and Occupation License Tax," 1995 House Document 59. The Uniform Ordinance was introduced in the 1995 session of the General Assembly by Delegate David G. Brickley as House Bill 2351. The provisions of the Uniform Ordinance were also incorporated into Governor Allen's proposal to reform and ultimately phase out the BPOL tax, which was introduced as Senate Bill 895 by Senator Walter A. Stosch, and as House Bill 1974 by Delegate John Watkins.

Commonwealth v. Wash. Gas Light Co., 221 Va. 315 (1980) (term "gross receipts" includes revenues derived directly from business or from operations incidental to business).

Alexandria v. Morrison-Williams, 223 Va. 349 (1982) (advertising agency which charged its clients a commission on media charges, was taxable on total receipts from clients without deduction for the media charges).

Savage v. Commonwealth, 186 Va. 1012 (1947) (gross receipts mean the whole, entire total receipts).

1992 Op. Va. Att'y Gen. 162 ("gross receipts" typically include the total amount of money or the value of other consideration received from selling property or from performing services; proceeds from insurance policy on the life of a deceased executive are not taxable gross receipts because they are not attributable to the operation of a business).

1984-1985 Op. Va. Att'y Gen. 346 (fees for corporate directorship not taxable unless it is the person's business, trade, profession, occupation or calling).

"**Retail sale**" means a sale of goods, wares and merchandise for use or consumption by the purchaser or for any purpose other than resale by the purchaser, but does not include sales at wholesale to institutional, commercial and industrial users which are classified as wholesale sales.

COMMENT: Source: 1984 Guidelines § 2-2.

1990 Op. Va. Att'y Gen. 220 ("In retail sales, the purchaser buys to satisfy his personal wants and needs. In wholesale sales, the purchaser buys to make a profit, either by reselling

General Notices/Errata

the goods or by using them in his business as supplies or equipment.")

"Services" mean things purchased by a customer which do not have physical characteristics, or which are not goods, wares, or merchandise.

COMMENT: Source: Black's Law Dictionary, 6th Ed.

"Wholesale sale" means a sale of goods, wares and merchandise for resale by the purchaser, including sales when the goods, wares and merchandise will be incorporated into goods for sale, and also includes sales to institutional, commercial, industrial and governmental users which because of the facts and circumstances surrounding the sales, such as the quantity, price, or other terms, indicate that they are consistent with sales at wholesale.

COMMENT: Source: 1984 Guidelines § 2 (Gen. Prov.) and footnote 2. The inclusion of sales to institutional, commercial and industrial users is derived from former § 58-304 which defined wholesale merchants for purposes of the state license tax prior to its repeal in 1966 as part of the act imposing the retail sales and use tax.

Dickerson, Inc. v. Commonwealth, 206 Va. 339 (1965) (factors relevant to distinction between retail and wholesale are not merely size and quantity of sales, but may include the nature of the customer and, in some cases, industry concepts; addition of "at wholesale" to definition of wholesale merchant in 1956 applies to institutional, commercial or industrial users).

1990 Op. Va. Att'y Gen. 220 (there may be circumstances in which sales to institutional, commercial or industrial users constitute retail sales).

§ 2. GENERAL PROVISIONS.

§ 2.1. **Local imposition.** Code of Virginia § 58.1-3703 authorizes localities to enact an ordinance levying a local license (BPOL) tax. While localities must follow the exemptions, rates, and classifications as set forth in Chapter 37 (§ 58.1-3700 et seq.) of Title 58.1 of the Code of Virginia, their local ordinances may:

A. Set tax rates at levels lower than those authorized by state law, or select the classifications to tax or not tax;

B. Establish subclassifications within the classifications set out in state law and provide for different rates or exemptions for such subclassifications, as long as no rate exceeds the maximum permitted by state law;

C. Establish graduated tax rates for any classification or subclassification so that the rate increases or decreases with volume, as long as no rate exceeds the statutory maximum for the classification under state law; and

D. Establish a threshold amount of gross receipts below which no tax will be imposed, or a maximum tax for any classification.

COMMENT: Source: 1984 Guidelines, Introduction. See, also:

1987-1988 Op. Va. Att'y Gen. 515 (locality may set lower rate for itinerant merchant participants in a sponsored community event, and establish a classification permitting a sponsor of a community event to obtain one "umbrella" license on behalf of all the itinerant merchant participants).

1989 Op. Va. Att'y Gen. 308 (locality may exempt purchase of farm products for resale, but exemption of purchasers or sellers may not be based on residence).

1984-1985 Op. Va. Att'y Gen. 351 (locality may establish subclassifications and tax them at different rates, exempt them, or exempt specified types of gross receipts provided that the discrimination is based on a reasonable municipal policy and not arbitrary).

1981-1982 Op. Va. Att'y Gen. 366 (town may enact ordinance with single rate as long as it is below the lowest rate for any class, and sufficiently certain, clear and unambiguous as to the types of businesses taxed).

§ 2.2. **Multiple businesses.** Multiple businesses conducted by a person at a single location may be required to obtain a separate license for each business pursuant to § 58.1-5.

A. Each such business must be clearly identifiable as a separate business and not merely activities ancillary to the primary business or de minimis. An activity for which no separate charge is made is presumed to be ancillary to the activity for which a charge is made, but separately stating charges for different activities does not create a presumption that each such activity is a separate business. Gross receipts attributable to any ancillary activities are taxable as part of the primary licensable business. Gross receipts which are de minimis and not ancillary to a licensable business shall be taxable as part of the licensable business, if any, or to the licensable business to which they are most closely related, if there is more than one such business. The following are examples of activities which may be ancillary or de minimis:

1. A merchant (retail or wholesale) offers an extended warranty with the merchandise it sells. The warranty covers parts and labor, and may include replacement of defective merchandise. Although a separate charge is made for the warranty, at the time of sale it is impossible to determine how much of the charge will be used (if any) for labor, parts, or replacement merchandise. The charge for an extended warranty is ancillary to the sale of the merchandise.

2. A retail merchant offers to deliver the merchandise it sells for a fee. The merchant has its own delivery trucks, but also contracts with third parties make some of the deliveries. The fee charged to the customer varies with distance, but does not depend on whether the merchandise is delivered by the merchant or a

third party. Because the delivery service is only offered with respect to merchandise sold by the merchant, the delivery charge is ancillary to the merchandising business.

3. A repair service must occasionally replace small, inexpensive parts. It does not separately charge for the parts. The provision of parts is ancillary to the repair service.

4. A firm offers repair service at numerous offices in several states. At its headquarters the firm employs lawyers and certified public accountants to assist in managing its operations. The firm also employs a real estate professional, engineer and architect to find and develop locations for new offices. None of these employees offer their services to anyone other than the firm, and the firm does not separately charge anyone for the activities of its professional employees. The activities of these employees are ancillary to the firm's repair business and do not generate gross receipts.

5. A retail merchant offers installment contracts in conjunction with the sale of its merchandise. Each contract provides for the payment of interest and collection costs, including attorneys fees of 20% of any delinquent amount collected by legal action.

(a) Interest received pursuant to the installment sales contract is ancillary to the retail sale of the merchandise.

(b) If the merchant employs a salaried staff attorney to collect delinquencies under the installment sales contract, any amounts collected would be ancillary to the retail sale of merchandise. (But, see paragraph A of the definition of "gross receipts" for the impact of the cash or accrual method of accounting.)

B. Localities may permit, but may not require, a taxpayer to elect any of the following:

1. Multiple businesses conducted at a single location may be taxed under a single license if all are taxable at the same rate; or

2. Multiple businesses conducted at a single location may be taxed at the highest rate if the businesses are subject to tax at different rates; or

3. A single business may be issued separate licenses for its primary business and one or more ancillary activities which would be taxed at a different rate if the ancillary activities constituted a separate business.

C. The following are examples of multiple businesses that may be required to obtain multiple licenses:

1. When a merchant conducts both a wholesale and a retail business, the merchant is subject to the retail license tax on the retail portion of the business and subject to the wholesale license tax on the wholesale portion of the business. However, the locality may permit but not require the merchant to pay the license tax as a retailer on both the retail and wholesale portions of the business.

2. Any person engaged in repair service who sells parts in addition to or as part of the repair service, is engaged in retail or wholesale sales as to the sales of the repair parts, in addition to the licensable service business.

3. Any hotel, motel, boardinghouse or lodging house which also furnishes or sells food or merchandise for compensation is engaged in retail sales as to the sale of the food or merchandise.

4. Any person who merely fills prescriptions for or fits corrective lenses and eyeglass frames is a retail merchant. However, any practitioner who examines eyes is engaged in rendering a professional service.

5. Any practitioner of a profession who sells goods, wares or merchandise in connection with the practice of the profession may be engaged in making retail sales depending on the nature of the products sold and the service performed.

6. A medical doctor who engages in the sale of drugs or other merchandise as well as the practice of medicine is a merchant as to those sales. However, a medical doctor is not a merchant as to the drugs used in giving an immunization to a patient.

7. A chiroprapist who sells shoes in connection with his practice is a retail merchant as to such sales.

COMMENT: Source: 1984 Guidelines, §§ 5 (Gen. Prov.), 2-3, 2-4, 2-9, 2-11, & 2-12; County of Chesterfield v. BBC Brown Boveri, 238 Va. 64 (1989).

Caffee v. City of Portsmouth, 203 Va. 928 (1962) (baker was held to be a manufacturer, but was subject to tax on gross receipts from retail sales showroom in front of building).

1994 Op. Va. Att'y Gen. 99 (separate business activities that could each be performed independently of the other suggest separate taxable businesses; activities so integrated as to comprise a single business are properly taxable at a single rate based on whichever constitutes the "substantial" activity, not the ancillary activities).

1991 Op. Va. Att'y Gen. 258 (contractor taxable on all receipts for a "design-build" contract even though some services, standing alone, would not be classified as contracting).

General Notices/Errata

1984-1985 Op. Va. Att'y Gen. 346 (fees for corporate directorship not taxable unless it is the person's business, trade, profession, occupation or calling).

§ 2.3. Multiple locations. The classification of a business generally depends on the nature of the goods or services offered to the customers of the business for consideration. In the case of a business which conducts different activities at multiple locations, proper classification of the business may require consideration of its activities at locations in addition to the licensed location, i.e., the overall nature of the business. For example:

A. A complex product is manufactured in stages at different locations. It is undisputed that the overall process is manufacturing. However, final assembly and processing occur at a separate location and, viewed in isolation, the activities at this location may not cause sufficient transformation to be considered manufacturing. The location will be considered a "place of manufacture" for purposes of classifying the gross receipts or purchases as arising from sales at wholesale at the place of manufacture.

B. A contractor maintains a staff of architects and engineers and bids on "design-build" contracts. The bids are for a lump sum and do not segregate design costs from building costs. The entire gross receipts are subject to license tax as a contractor in the locality in which the building is constructed. The design activities are ancillary to the contracting activities and the contractor will not be required to obtain a professional license for the architects and engineers.

COMMENT: Source: New.

Because the public policy of Virginia is to encourage manufacturing in Virginia, and the definition of manufacturing is applied liberally, County of Chesterfield v. BBC Brown Boveri, 238 Va. 64 (1989), the manufacturing exemption cannot be limited to situations in which the entire manufacturing process occurs at one location.

1990 Op. Va. Att'y Gen. 220 (out-of-state manufacturer with a sales office in Virginia taxable as a wholesale merchant with respect to sales made at Virginia office since no manufacturing took place there).

1991 Op. Va. Att'y Gen. 257 (contractor taxable on all receipts for a "design-build" contract even though some services, standing alone, would not be classified as contracting).

Appeal of Titzel Engineering, Inc., 205 A. 2d. 700 (Pa. 1964) (the manufacturing process consisted of work subcontracted out but under the taxpayer's control at all times, work in the taxpayer's shop, and work by the taxpayer's employees at the customer's location)

§ 2.4. Employees. Employees are generally not engaged in a licensable business separate from that of their employer. Therefore, a license obtained by the employer generally covers the activities of any employees.

COMMENT: Source: 1984 Guidelines, § 1-13. Former state license tax law required every practitioner of certain professions to have a separate state tax license in addition to any regulatory license. This requirement was repealed in 1982 when the state license tax was abolished, although the authority of localities to continue imposing local license tax on professionals was not intended to be affected by the repeal. While localities may be authorized to require an employee who is also a practitioner of a profession to have a license separate from the employer's license when professional services are rendered to the public within the scope of employment, the department recommends taxing professional gross receipts under the employer's license and not requiring employees to obtain licenses. For the same reason, the license of a partnership, limited liability company, or other business entity should cover the receipts generated by the activities of partners, members, and similar individuals.

§ 2.5. Independent contractors. An independent contractor is engaged in a business separate from that of the person who contracts for the independent contractor's services.

A. Therefore, if one licensable business subcontracts some of its business to an independent contractor, the primary business may not deduct from its taxable gross receipts any payments to an independent contractor even though the independent contractor or subcontractor is also taxable on its gross receipts.

B. The determination as to whether a person is an employee or an independent contractor is based on common law principles and is affected by factors such as control, who furnishes materials, and other factors.

C. Localities are entitled to rely upon the classification of a person as an employee or independent contractor for federal payroll tax purposes unless the taxpayer demonstrates that the classification for federal payroll tax purposes is erroneous or inapplicable.

COMMENT: Source: 1984 Guidelines § 1-8 expanded and applied to all employee v. independent contractor issues.

§ 2.6. Consistent reporting and coordinated enforcement. The local official administering the license tax may consult with federal, state and local government officials to verify that any relevant certifications, determinations or classifications made by such other government official or the taxpayer for other tax or regulatory purposes are consistent with the classification claimed by the taxpayer for local

license tax purposes or to coordinate enforcement of various tax and regulatory provisions. No presumption shall be established by the action or inaction of another government official unless the applicable law, regulation, or policy administered by the other government official is substantially similar to the definition, law, ordinance or other provision applicable for BPOL purposes. For example:

A. The local tax official may consult with federal and state tax officials concerning whether a person who claims not to be engaged in business for local license tax purposes properly filed a schedule C with his federal and state income tax returns.

B. The local tax official may verify whether federal forms W-2, 1099 or similar forms have been filed with respect to persons or income for which classification as an employee or independent contractor is an issue.

C. The local tax official may verify whether a person has obtained or is required to obtain a state or local regulatory license such as a contractor's license, professional license, zoning approval, building permit, etc. The existence or absence of such other regulatory action generally will not establish a presumption with respect to BPOL tax issues because different definitions, purposes, and policies are involved.

COMMENT: Source: New.

1994 Op. Va. Att'y Gen. 114 (contractor license for regulatory purpose is different than for BPOL).

1993 Op. Va. Att'y Gen. 228 (local commissioner refused to issue BPOL license because of zoning violation; BPOL tax owed when business conducted in violation of zoning).

§ 2.7. Nonprofit organizations. Although they may be exempt from federal and Virginia income tax, nonprofit and charitable organizations that conduct an otherwise licensable business are not exempt from local license tax on the basis of their nonprofit status, unless the local ordinance imposing the license tax exempts such organizations.

A. The fact that the business conducted by the nonprofit organization is limited to members, or that the proceeds from the business are used to maintain the nonprofit organization or for another charitable purpose does not affect the taxability of the business. For example, a lunch counter operated by an organization open to members only, the proceeds from which are used to maintain the organization, may be subject to local license tax.

B. A nonprofit organization that is required to report "unrelated business taxable income" for federal income tax purposes may be presumed to have gross receipts from a business which, depending on the applicable classification, is licensable for BPOL purposes. Unless the local ordinance exempts business activity related to the nonprofit organization's purpose, the fact that the nonprofit does not report any unrelated business taxable income for federal income

tax purposes does not prevent the locality from requiring a license for the business activity.

C. In any case, gifts and contributions to nonprofit organizations would not be taxable gross receipts from the conduct of a business.

COMMENT: Source: New, but includes 1984 Guidelines, § 2-8 as an example; see also 1984 Guidelines, § 2-7;

1990 Op. Va. Att'y Gen. 217 (localities not precluded from taxing private nonprofit colleges on tuition or other consideration for services, but donations and other gratuitous transfers are not taxable gross receipts). But, see Acts of Assembly, 1991, Chapters 540 & 572, and 1993, Chapter 326, imposing a moratorium on the taxation of nonprofit hospitals, colleges, universities and other institutions of learning. The moratorium codified in § 58.1-3703 B 15 is scheduled to expire January 1, 1997, unless reenacted by the General Assembly.

1989 Op. Va. Att'y Gen. 311 (nonprofit organization that regularly offers seminars taxable on receipts from seminar fees, but not donations).

Commonwealth v. Employees Assoc., 195 Va. 663 (1954) (locality may tax nonprofit employee association sales of food and beverage to members even though no profit intended or realized).

§ 2.8. SIC Codes. The federal government publishes a manual of Standard Industrial Classification (SIC) codes. A locality may use the SIC codes in the course of classifying a business for BPOL tax purposes; however, the SIC code of a business does not control, or even create a presumption, as to the correct classification for BPOL purposes for the following reasons:

(i) The SIC codes group manufacturers and processors together, while BPOL tax statutes exclude processors from the definition of manufacturer.

(ii) Only one SIC code is assigned to an enterprise or establishment, while a separate BPOL license may be required for each identifiable business.

(iii) A classification, exemption, or deduction under state law or local ordinance may require consideration of factors not relevant to SIC code selection. For example, § 58.1-3703 B 4 exempts only a manufacturer's sales at wholesale at the place of manufacture from BPOL tax.

COMMENT: Source: New.

Study of the Proposal to Define Manufacturers for All State and Local Taxes as Defined in the Standard Industrial Classification Manual, 1994 House Document No. 75.

1983-1984 Op. Va. Att'y Gen. 372 (use of SIC codes for retail sales tax purposes is not applicable to the determination of the meaning of "manufacturer" as used in BPOL tax law)

§ 2.9. Exclusions from gross receipts. Gross receipts subject to BPOL tax are limited to receipts that are derived from the exercise of the licensed privilege to engage in a business or profession in the ordinary course of

General Notices/Errata

business. Examples of items deemed not to be receipts derived from the licensable business include, but are not limited to, the following:

A. Certain adjustments which may be required by reason of the accounting method or system or otherwise to reflect events subsequent to the sale, such as the return of merchandise for credit or refund. If the local ordinance requires gross receipts to be reported using the same method of accounting as used for federal income tax purposes, and the accrual method is used, sales will often be accrued, reported and taxed before actual payment is received. Adjustments may then be required to prevent the taxation of items accrued but never received. For example:

1. A business may record a customer's exchange of merchandise as a refund and new sale. If so, the refund of the previously taxed sale would be deductible because there would have been only one sale -- the first sale would have been rescinded when the refund/exchange was made.

2. A business that offers customers a discount for volume purchases, prompt payment, or other reason, may record the sale at full value and deduct the discount at the time of payment. If so, the discount from the previously taxed full sales price would be deductible from gross receipts since the amount was not and never will be received.

3. A business that makes sales on credit may accrue the full sales price and set up a receivable account for the installment payment or revolving charge account agreement. If the business subsequently determines that all or a portion of the receivable is worthless, entitling the business to a bad debt deduction for federal income tax purposes, the portion of the previously taxed sale which is determined to be worthless would be deductible because it was not received. The subsequent collection of a debt deducted from gross receipts as worthless would be includible in gross receipts when received, and considered ancillary to the business activity that created the debt.

4. A business that reports its receipts on the cash method of accounting would include all customer payments on installment contracts and revolving charge accounts when received since none of the receipts would be attributable to previously taxed sales.

B. The borrower's receipt of the proceeds of a loan transaction are not gross receipts arising from the exercise of a licensable privilege in the ordinary course of business even if the business regularly obtains money, goods or services on credit.

C. A business which lends money in the regular course of business may receive interest, points, origination fees, and other fees in connection

with the loan transaction, all of which would be gross receipts derived from the licensable business. Customer payments to a lender which represent the return of principal on a loan are not gross receipts arising from the exercise of a licensable privilege in the ordinary course of a money lending business. As described in paragraph A above, the treatment of return of principal on the loans, installment contracts and the accounts receivable of other types of businesses may depend on the nature of the transaction in which the debt was created and the method of accounting used.

COMMENT: Source: New. Derived from the Uniform Ordinance proposed amendment to § 58.1-3732 limiting receipts to those derived from the exercise of the licensed privilege in the ordinary course of business.

Uniform Ordinance, Appendix C of "Report of the Joint Subcommittee Studying The Business, Professional, and Occupation License Tax," 1995 House Document 59. The Uniform Ordinance was introduced in the 1995 session of the General Assembly by Delegate David G. Brickley as House Bill 2351. The provisions of the Uniform Ordinance were also incorporated into Governor Allen's proposal to reform and ultimately phase out the BPOL tax, which was introduced as Senate Bill 895 by Senator Walter A. Stosch, and as House Bill 1974 by Delegate John Watkins.

Monument Associates v. Arlington County Board, 242 Va. 145 (1991) (taxpayer who used accrual method for federal income tax must also use accrual method for BPOL receipts when ordinance required that same method be used for both).

Commonwealth v. Wash. Gas Light Co., 221 Va. 315 (1980) (term "gross receipts" includes revenues derived directly from business or from operations incidental to business).

Alexandria v. Morrison-Williams, 223 Va. 349 (1982) (advertising agency which charged its clients a commission on media charges, was taxable on total receipts from clients without deduction for the media charges).

1992 Op. Va. Att'y Gen. 162 ("gross receipts" typically include the total amount of money or the value of other consideration received from selling property or from performing services; proceeds from insurance policy on the life of a deceased executive are not taxable gross receipts because they are not attributable to the operation of a business).

1984-1985 Op. Va. Att'y Gen. 346 (fees for corporate directorship not taxable unless it is the person's business, trade, profession, occupation or calling).

§ 3. CONTRACTING

§ 3.1. Maximum rate. The maximum rate for a local license tax imposed upon a person engaged in contracting and persons constructing for their own account for sale is thirty dollars or sixteen cents per one hundred dollars of gross receipts, whichever is greater.

A. A person shall be classified as a contractor if he regularly performs, or engages others to perform,

any of the work described in paragraph B of § 58.1-3714 on buildings, structures or real estate (i) owned by him when the buildings, structures or real estate will be offered for sale upon completion of such work; or (ii) owned by others.

B. Contractors include persons who subdivide and improve real estate, and speculative builders who build houses or other buildings with the intention to offer the subdivided lots or completed buildings for sale. A person who would otherwise be classified as a contractor shall not lose such classification because real estate is temporarily leased until it can be sold, or leased with an option to purchase instead of sold, unless the leasing activity constitutes a separate licensable business. Any gross receipts from such leases shall be considered ancillary to the business of contracting.

C. The mere subdivision of land into lots, without more, is not contracting. However, a person who installs water or sewer systems, roads, or engages in any other activity described in subsection B of § 58.1-3714 on his own land with the intent to offer the land for sale is a contractor regardless of whether the land is subdivided.

D. A person shall not be deemed to be engaged in the business of contracting solely because he acts as his own prime contractor to build or improve a building which he intends to occupy as his residence, office or other place of business, or actually so occupied within a reasonable time prior to the sale of the premises.

- Cementing
- Dredging
- Electrical contracting
- Elevator installation
- Erecting signs which are assessed as realty
- Floor scraping or finishing
- Foundations
- House moving
- Paint and paper decorating
- Plastering
- Plumbing, heating, steamfitting
- Refrigeration
- Road, street, bridge, tunnel, sidewalk or curb and gutter construction
- Roofing and tinning
- Sewer drilling and well digging
- Sign painting
- Structural metal work
- Tile, glass, flooring and floor covering installation
- Wrecking, moving or excavating

COMMENT: Source: 1984 Guidelines § 1-14.

Subsection B includes a reference to leasing that must be coordinated with the provisions of § 58.1-3703 B 7; i.e.:

(i) Leasing activities that are deemed ancillary to the contracting business would be taxable every locality imposing a BPOL tax on contractors.

(ii) Leasing activities that constitute a separate business would be taxable only in a locality that imposed a BPOL tax on real estate rental businesses before January 1, 1974.

Subsection D is intended to exempt owner occupied real estate which requires "fix up" work prior to sale.

1994 Op. Va. Att'y Gen. 114 (contractor's licenses for regulatory purposes under § 54.1-1117 serve different purposes from license for tax purposes under § 58.1-3714, and different definitions apply).

1987-1988 Op. Va. Att'y Gen. 578, at 584 (person making repairs to his own home is not a contractor).

§ 3.2. List of occupations. Contracting generally includes, but is not limited to, persons engaged in the following occupations, businesses or trades:

- Air-conditioning
- Brick contracting and other masonry
- Building

COMMENT: Source: 1984 Guidelines § 1-3.

§ 3.3. Installation by merchant. A merchant shall not be deemed to be a contractor solely because he delivers and installs an appliance or other merchandise he sells when the installation uses existing openings and connections. If, however, the installation requires making openings in a wall, running ductwork, wires or plumbing, or any other work described in paragraph B of § 58.1-3714, then the installation work may be deemed contracting. The following are examples of the application of this paragraph:

A. A merchant engaged in the business of selling and erecting or erecting tombstones is not a contractor solely because he places or erects the tombstone on a gravesite, but is engaged in either retail or wholesale sales.

B. While a person engaged in the business of wrecking or demolishing a building is a contractor, the subsequent sale of the materials after they have been separated, cleaned, graded, etc. may be classified as either retail or wholesale sales. However, bulk sales of such material from the demolition site may be classified as ancillary to the demolition contract.

C. A person who merely sells a prefabricated building or structure is not a contractor, but if the person or a subcontractor for that person erects the building or structure, then the seller is a contractor.

General Notices/Errata

D. A merchant who sells floor coverings (whether the covering be carpet, linoleum, tile or other covering) and installs the floor covering as part of or incidental to the sale, then the transaction is not contracting but a retail or wholesale sale. The fact that the purchaser is a general contractor or other institutional, commercial or industrial entity, coupled with the quantity sold and other terms, may affect the classification of the sale as a wholesale rather than retail sale. A person who has no inventory of floor coverings from which sales are regularly made would not be classified as a merchant. A person other than a merchant who enters into a contract to install floor coverings would be classified as a contractor, whether the contract is for installation only or sale and installation.

E. The mere hauling of sand, gravel and dirt excavated by another is not contracting but is a business service.

F. Soliciting business for a contractor is not contracting but is a business service.

COMMENT: Source: New. 1984 Guidelines § 1-4, 1-5, 1-6, 1-7, 1-9, 1-10.

The reference to existing connections and openings is added to clarify the distinction between a contractor and installation by a merchant.

§ 4. RETAIL SALES

§ 4.1. **Maximum rate.** The maximum rate for a local license tax imposed on a person engaged in retail sales is thirty dollars or twenty cents per one hundred dollars of gross receipts, whichever is greater.

COMMENT: Source: 1984 Guidelines § 2-1.

1984-1985 Op. Va. Att'y Gen. 354 (person who sells seafood from a truck one day a week is a peddler not a merchant because he does not keep a regular place of business open at all times during regular business hours).

§ 4.2. **Retail and wholesale distinguished.** The sales price alone is not determinative of whether the sale is at retail or wholesale. The fact that a person sells goods, wares or merchandise at wholesale prices, at cost or at less than cost does not prevent the person from being classified as a retail merchant if the sales fall within the definition of a retail sale.

COMMENT: Source: 1984 Guidelines § 2-14. See also the definitions of "retail sales" and "wholesale sales" in § 1.

1990 Op. Va. Att'y Gen. 220 (sales to commercial or industrial users may be retail sales if made at a price or for a purpose that does not constitute a wholesale sale).

§ 4.3. **Banks.** Banks are generally exempt from local license tax, but § 58.1-1202 specifically authorizes localities to subject banks to local license tax on the sale of blank checks, repossessed automobiles, and any other tangible personal property sold by banks in connection with

promotions or otherwise. In connection with the sale of blank checks:

A. A bank is not engaged in retail sales if the customer places an order for the checks directly with the printer and authorizes the bank to collect for the printer by charging his account, and the bank is not obligated to pay for the checks except insofar as it honors the customer's authorization.

B. A bank is engaged in retail sales if the customer places his order with the bank, and the bank contracts with the printer and is liable to the printer, whether or not the bank actually collects from the customer.

COMMENT: Source: 1984 Guidelines § 2-5 & § 2-6.

1990 Op. Va. Att'y Gen. 227 (bank taxable on sales of repossessed automobiles).

§ 4.4. **Solicitation.** A person is not subject to a local license tax if his business in this state is limited solely to the solicitation of orders by catalogs mailed from outside this state to mail-order buyers in this state and who fills orders from outside this state. However, if the catalogs are distributed by a Virginia resident by mail or in person or if the person engaged in the mail-order business has a definite place of business in this state at which mail orders are received or filled, the mail order business may be treated the same as any other retail or wholesale business for purposes of local license taxes.

COMMENT: Source: 1984 Guidelines § 2-10.

§ 4.5. **Commission merchant.** Any person who sells goods at retail through a commission merchant, as defined in § 58.1-3732, may be held liable for a local license tax as to such sales even though the commission merchant may also be taxable with respect to a commission on such sales.

COMMENT: Source: 1984 Guidelines § 2-16.

§ 4.6. **Other merchants.** Any person who purchases rough stone already cut and who then polishes, glazes and cuts lettering in the stone is not a manufacturer and is engaged in either retail or wholesale sales.

COMMENT: Source: 1984 Guidelines § 2-15.

§ 4.7. **Non-mercantile businesses.** A job printer is a manufacturer and is engaged in either retail or wholesale sales as to the sales of the items printed.

COMMENT: Source: 1984 Guidelines § 2-13.

§ 4.8. **Motor vehicle dealers.** Any locality imposing a license tax on motor vehicle dealers may, by ordinance, require any dealer who separately states the amount of local license tax applicable to a sale and collects it from the customer to treat such taxes collected as held in trust for the locality and require that all such sums collected be paid over to the locality quarterly during the license year. Gross receipts on which the tax has been separately stated, collected and paid over shall be excluded from other taxable gross receipts when the annual license is obtained.

COMMENT: Source: § 58.1-3734.

1992 Op. Va. Att'y Gen. 163 (locality may assess a motor vehicle dealer for excess license taxes charged and collected from a customer unless the dealer produces evidence that he has refunded the excess tax to the customer).

1984-1985 Op. Va. Att'y Gen. 348 (farm equipment dealer licensed as a "motor vehicle dealer" by D.M.V. may separately state license tax).

§ 5. FINANCIAL, REAL ESTATE AND PROFESSIONAL SERVICES

§ 5.1. Maximum rate. The maximum rate for local license taxes imposed on a person engaged in a financial, real estate or professional service is thirty dollars or fifty-eight cents per one hundred dollars of gross receipts, whichever is greater.

COMMENT: Source: 1984 BPOL Guidelines § 3-1.

§ 5.2. Financial service.

§ 5.2.1. Definitions. Any person rendering a service for compensation in the form of a credit agency, an investment company, a broker or dealer in securities and commodities or a security or commodity exchange is providing a financial service, unless such service is specifically provided for under another section of these guidelines.

"Broker " for purposes of this classification means an agent of a buyer or a seller who buys or sells stocks, bonds, commodities, or services, usually on a commission basis.

"Commodity" for purposes of this classification means staples such as wool, cotton, etc. which are traded on a commodity exchange and on which there is trading in futures.

"Dealer" for purposes of this classification means any person engaged in the business of buying and selling securities for his own account, but does not include a bank, or any person insofar as he buys or sells securities for his own account, either individually or in some fiduciary capacity, but not as part of a regular business.

"Security" for purposes of this classification shall have the same meaning as in the Securities Act (§ 13.1-501 et seq.) of the Code of Virginia, or in similar laws of the United States regulating the sale of securities.

§ 5.2.2. List of occupations. Those engaged in rendering financial services include, but are not limited to, the following:

- Buying installment receivables
- Chattel mortgage financing

- Consumer financing
- Credit card services
- Credit Unions
- Factors
- Financing accounts receivable
- Industrial loan companies
- Installment financing
- Inventory financing
- Loan or mortgage brokers
- Loan or mortgage companies
- Safety deposit box companies
- Security and commodity brokers and services
- Stockbroker
- Working capital financing

§ 5.2.3. Buying for another. Any person other than a national bank or bank or trust company organized under the laws of this state, or duly licensed or practicing attorney at law, that engages in the business of buying or selling for others on commission or for other compensation, shares in any corporation, bonds, notes or other evidences of debt is a stockbroker. The fact that orders are taken subject to approval by a main office does not relieve the broker from local license taxation.

§ 5.2.4. Banks. Although they render financial services,

A. banks and trust companies subject to Virginia bank franchise tax are exempt from local license tax by § 58.1-1202 except as to sales of tangible personal property;

B. savings and loan companies (including those whose name includes "savings bank") and state chartered credit unions are limited to a local license tax of \$50 by § 58.1-3730; and

C. federal credit unions are exempt under the Federal Credit Union Act, 12 U.S.C.A. § 1768.

COMMENT: Source: 1984 Guidelines § 3-2, 3-2.1, 3-2.2 and footnotes 17 & 18.

The definitions of broker and dealer are from 1984-1985 Op. Va. Att'y Gen. 349 (defining broker and dealer; dealer taxable on total sales price). The definition of commodities is from Black's Law Dictionary 6th. Ed.

1984-1985 Op. Va. Att'y Gen. 327 (federal credit union exempt; state chartered credit union is not exempt; license tax is not a franchise tax).

General Notices/Errata

§ 5.3. Real estate service.

§ 5.3.1. **Defined.** Any person rendering a service for compensation as lessor, buyer, seller, agent or broker is providing a real estate service, unless the service is specifically provided for under another section of these guidelines.

§ 5.3.2. **List of occupations.** Those rendering real estate services include, but are not limited to, the following:

Appraisers of real estate
Escrow agents, real estate
Fiduciaries, real estate
Lessors of real property
Real estate agents, brokers and managers
Real estate selling agents
Rental agents for real estate

COMMENT: Source: 1984 BPOL Guidelines § 3-3 and § 3-1.1.

§ 5.4. Professional service.

§ 5.4.1. **Defined.** A person is engaged in providing a professional service if engaged in rendering any service specifically enumerated below or engaged in any occupation or vocation in which a professed knowledge of some department of science or learning, gained by a prolonged course of specialized instruction and study is used by its practical application to the affairs of others, either advising, guiding, or teaching them, and in serving their interests or welfare in the practice of an art or science founded on it. The words profession and professional imply attainments in professional knowledge as distinguished from mere skill, and the application of knowledge to uses for others as a vocation.

COMMENT: Source: 1984 BPOL Guidelines § 3-4.

The language defining a professional in § 5.4.1 has been widely used by courts in cases involving insurance policies, labor law, statutes of limitation, etc.; however, the application to different occupations varies depending on the context. The legislative history to the 1978 legislation creating the four major classifications discloses that the different rate caps were based on the relative differences in operating ratios or gross profit margins between broad categories of similar activities based on income statistics from 1970 federal income tax returns. Examination of the 1970 data did not disclose any reliable definition of the professions included.

§ 5.4.2. **List of occupations.** Those engaged in rendering a professional service include, but are not limited to, the following:

Architects
Attorneys-at-Law
Certified public accountants
Dentists
Engineers
Land surveyors
Practitioners of the healing arts (the art of science or group of arts or sciences dealing with the prevention, diagnosis, treatment and cure or alleviation of human physical or mental ailments, conditions, diseases, pain or infirmities)
Surgeons
Veterinarians

COMMENT: Source: 1984 BPOL Guidelines § 3-4.1 and footnote 20.

§ 5.4.3. **Consulting.** The terms "professional," "consultants" and "consulting" imply that the person possesses education, experience, and expertise in the subject matter of the service offered. However, the proper classification under the local ordinance and state law depends on the nature of the service offered, not the professed expertise of the person offering the service. The performance of services dealing with the conduct of business itself, including the promotion of sales or services of such business, does not constitute the practice of a profession, even though the services involve the application of a specialized knowledge. For example:

A. An inexperienced lawyer offering legal services to the public is classified as a professional because qualifying as a lawyer requires a prolonged course of specialized instruction and study, and legal services are generally considered professional services.

B. A "professional exterminator" is classified as repair, business and personal services because he is offering an exterminating service even though he may be very experienced, expert and knowledgeable in the subject. On the other hand, a biologist or sanitarian who does not provide extermination services but advises as to procedures (among which may be extermination services), equipment, and other measures to avoid contamination by viruses, bacteria, chemicals, insects, rodents, and the like may be considered a professional.

C. Services which are not considered professional services may be offered in connection with professional services and be

considered ancillary. For example, tax preparation services generally are not professional services, while rendering advice concerning the tax consequences of completed or contemplated transactions would be a professional service. Professionals who specialize in tax matters may prepare returns as well as render advice, and the tax preparation service would be ancillary to the professional service.

D. The term "management consulting" does not convey enough information about the service offered to determine the proper classification. Services which assist the business in the conduct of its day to day operations would generally not be considered professional. For example, payroll services, marketing surveys, and cash management, are all services that would not properly be classified as professional services.

COMMENT: Source: 1984 Guidelines § 3.4.2.
 1994 Op. Va. Att'y Gen. 99 (hourly rates may be of some assistance in determining the proper classification -- if a substantial portion of the hourly rates billed is equivalent to those prevailing for comparable professionals in the locality the commissioner may conclude that the business renders professional services.)

§ 5.4.4. Services for compensation.

A. Certification as a professional by itself is not sufficient to establish liability for local license taxation because many individuals may maintain their professional certification even though they are not practicing their profession. The business may not be classified as professional unless it is offering professional services to the public for compensation.

B. Gross receipts for purposes of local license taxation as a professional include only those gross receipts obtained from the practice of that profession as a business (including any ancillary or de minimis receipts), whether the practice be on a full or part-time basis, and without regard to the legal form of the business entity.

COMMENT: Source: 1984 BPOL Guidelines § 3-4.3, and footnote 21.
 1994 Op. Va. Att'y Gen. 99 (it is not necessary for an engineer to have been issued a regulatory license by the state in order to be classified as a professional for BPOL purposes)

§ 5.5. Other services. Other services not clearly identified as financial, real estate or professional are classified as "repair, personal, business and other services" under § 6.

§ 6. REPAIR, PERSONAL, BUSINESS AND OTHER SERVICES; OTHER BUSINESSES

§ 6.1. Maximum rate. The maximum rate for a local license tax imposed upon a person engaged in providing for compensation any repair, personal, business or other services not specifically classified as "financial, real estate or professional service" under § 5 of these guidelines, or engaged in any other business or occupation not specifically classified in these guidelines or exempted from local license tax is thirty dollars or thirty-six cents per one hundred dollars of gross receipts, whichever is greater.

COMMENT: Source: 1984 BPOL Guidelines § 4-1.

Definitions of repair service, personal service, and business service have been omitted since this classification applies to all services not classified as financial, real estate or professional.

§ 6.2. List of occupations. Those rendering a repair, personal or business service or other service as provided in subsection A include, but are not limited to, the following:

- Advertising agencies
- Airports
- Ambulance services
- Amusements and recreation services
- Animal hospitals, grooming services, kennels or stables
- Auctioneers and common criers
- Automobile driving schools
- Barber shops, beauty parlors, and hairdressing establishments, schools & services
- Bid or building reporting service
- Billiard or pool establishments or parlors
- Boat landings
- Bondsman
- Booking agents or concert managers
- Bowling alleys
- Brokers and commission merchants other than real estate or financial brokers
- Business and governmental research and consulting services
- Chartered clubs
- Child care attendants or schools
- Collection agents or agencies
- Commercial photography, art and graphics
- Court reporting and public stenographers

General Notices/Errata

Dance studios and schools

Data processing, computer and systems development services

Developing or enlarging photographs

Detective agency and protective services

Drafting services

Employment agencies

Engraving

Erecting installing, removing or storing awnings

Extermination services (unless the services involve performing functions defined as contracting under subsection B of § 58.1-3714)

Farrier or blacksmith

Freight traffic bureaus

Fumigating or disinfecting

Funeral services and crematories

Golf courses, driving ranges and miniature golf courses

Hauling of sand, gravel or dirt (excavated by others)

Home for adults (licensed by Department of Social Services)

Hospitals, profit or nonprofit

Hotels, motels, tourist courts, boarding and rooming houses and transient trailer parks and campsites

House cleaning services

Information bureaus

Instructors, tutors, schools and studios of music, ceramics, art, sewing, sports and the like

Interior decorating

Janitorial services

Laundry cleaning and garment services including laundries, dry cleaners, linen supply, diaper service, coin operated laundries and carpet and upholstery cleaning

Mailing, messenger and correspondent services

Movie theaters and drive-in theaters

Nickel plating, chromizing and electroplating

Nurses and physician registries

Nursing and personal care facilities including nursing homes, convalescent homes, homes for the retarded, old age homes and rest homes

Packing, crating, shipping, hauling or moving goods or chattels for others

Parcel delivery services

Parking lots, public garages and valet parking

Pawnbrokers

Personnel services, labor agents and employment bureaus

Photographers and photographic services

Piano tuning

Picture framing and gilding

Porter services

Press clipping services

Professional sports (i.e., commercial rather than amateur)

Promotional agents or agencies

Public relations services

Realty multiple listing services

Renting or leasing any items of tangible personal property

Reproduction services

Research and development laboratories

Secretarial services

Septic tank cleaning

Shoe repair, shoe shine and hat repair shops

Sign painting (unless the painting services involve performing functions defined as contracting under subsection B of § 58.1-3714)

Storage--all types

Swimming pool maintenance and management

Tabulation services

Tax preparers (other than professionals described in § 5.4)

Taxicab companies

Taxidermist

Telephone answering services

Temporary employee services

Testing laboratories

Theaters

Theatrical performers, bands and orchestras

Towing services

Transportation services including buses and taxis

Travel agencies

Tree surgeons, trimmers and removal services

Trucking companies, intrastate

Wake-up services

Washing, cleaning or polishing automobiles

COMMENT: Source: 1984 BPOL Guidelines § 4-5, § 4-7, and footnotes 23 - 28.

1991 Op. Va. Att'y Gen. 261 (adult care home licensed by Dept. of Social Services is not in business of renting real property as owner, as used in § 58.1-3703 B 7, but is providing personal services).

§ 6.3. Commission merchant. A commission merchant as defined in § 58.1-3733 is deemed to be providing a service to the manufacturer or merchant for whom he sells. The commission merchant's commission income may be subject to tax under this classification.

COMMENT: Source: New. 1984 BPOL Guidelines § 4-6 and footnote 29.

§ 7. MISCELLANEOUS CLASSIFICATIONS.

§ 7.1. Manufacturers. Manufacturers are not listed as a classification for which § 58.1-3706 specifies the maximum tax rate. The taxation of retailers and wholesalers, however, is affected by whether the business is also classified as a manufacturer, and whether activities at a definite place of business from which sales are made are considered to be part of the manufacturing process. Questions also arise as to whether a business is a manufacturer or properly classified as another type of business.

A. The Code of Virginia does not define the term "manufacturer" for purposes of the local business license tax. The courts, however, have developed a liberally applied test involving three essential elements in determining when a person is a manufacturer:

1. The original material; and
2. A process whereby the original material is changed; and
3. A resulting product which, by reason of being subjected to processing, is different from the original material.

B. Mere manipulation or rearrangement of the original materials is not sufficient; there must be a substantial, well-signalized transformation in form, usability, quality and adaptability rendering the original material more valuable for use than it was before. Merely processing, blending, grading, etc. material is not manufacturing.

C. The assembly of purchased components may or may not constitute manufacturing. Routine assembly generally is not manufacturing. For example, if components are sold separately and assembly is offered as an option to the purchaser, the assembly is a service (which may or may not be ancillary to the sale of the component, or de minimis).

When evaluating the facts and circumstances to determine if a business is engaged in manufacturing, factors which suggest that assembly is not a separate service but part of a manufacturing process include, but are not limited to, any one or more of the following:

- (i) The assembly process is complex and uses numerous parts.
- (ii) After assembly the components cannot be recognized without previous knowledge.
- (iii) The components are not readily usable for any purpose other than incorporation into the finished product.

D. Engineering, design, research and development, and computer software development typically are not manufacturing. However, the actual production of tangible products based on engineering, design, research and development can be manufacturing. For example:

- (i) While the development of computer software is not manufacturing, the production of boxes containing the software on disks and related instruction manuals may be manufacturing;
- (ii) While the design of computer hardware components is not manufacturing, the production of such components may be manufacturing;
- (iii) While the design and engineering of specialized tools, dies, and machinery is not manufacturing, the production of even a single tool, die or machine may be manufacturing.

E. Not every person engaged in some manufacturing is classified as a manufacturer. The manufacturing component of the business must be a substantial (i.e., not incidental or inconsequential) portion of the business. The factors that may be considered in determining whether the manufacturing component of a multi-purpose business makes a substantial contribution to the entire business include, but are not limited to, any one or more of the following:

- (i) the manufacturing component's financial receipts or proportion of total corporate income;
- (ii) the percentage that manufacturing equipment, inventory, etc. comprises of the total capital investment;
- (iii) the number of employees working in the manufacturing component as compared with the total number of employees; or
- (iv) the ratio of manufacturing activities to the entire business.

For example, if a developer of very complex custom software produces only a few copies of disks and manuals after completing the program, the production

General Notices/Errata

is unlikely to be considered a substantial portion of the business. On the other hand, if employees are engaged in the mass production of boxes, disks and manuals for software, then the production process may be considered a substantial portion of the business. Gross receipts that are ancillary to a manufacturer's sales at wholesale at the place of manufacture are also exempt even though the receipts may be attributable to activities at another location, e.g., interest on an installment sale or charge account may be received at a location other than the place of manufacture and sale at wholesale.

COMMENT: Source: New. The term "original material" has been used instead of raw or new material because modern manufacturers may start with purchased components. In one case, a circuit court held that the assembly of purchased components into personal computers was manufacturing. County of Fairfax v. Datacomp Corp. (letter opinion dated February 22, 1995). See, also:

County of Chesterfield v. BBC Brown Boveri, 238 Va. 64 (1989) (Solite test for manufacturing is to be applied liberally; a multi-purpose business is classified as a manufacturer if manufacturing activity makes a substantial contribution to the entire business, i.e., not de minimis, trivial or incidental; factors suggested in evaluating substantiality).

Solite Corp. v. King George County, 220 Va. 661 (1980) (the mere blending together of various ingredients, in the absence of a transformation into a product of substantially different character, is not manufacturing).

Prentice v. City of Richmond, 197 Va. 724 (1956) ("The original substance, though not destroyed, was so transformed through art and labor that without previous knowledge it could not have been recognized in the new shape it assumed, or in the new uses to which it was applied).

1995 Op. Va. Att'y Gen. ____ (4/11/95 opinion to the Honorable Mitch W. Nuckles) (pasteurization, homogenization, butterfat adjustment or vitamin fortification of milk, adding sugar and flavorings to milk is not manufacturing; but adding flavored powder or powdered tea and sugar to water is manufacturing; the addition of water to orange juice concentrate is not manufacturing).

1995 Op. Va. Att'y Gen. ____ (4/11/95 opinion to the Honorable Mitch W. Nuckles) (electroplating and electropainting processes are not manufacturing).

1993 Op. Va. Att'y Gen. 231 (seafood processor who transforms a product from one that is unusable by consumers into one that is usable and substantially different in character is a manufacturer).

1991 Op. Va. Att'y Gen. 248 (computer software development and hardware design, modification and installation is not manufacturing).

1984-1985 Op. Va. Att'y Gen. 356 (wholesale dealer in "cementitious" products not a manufacturer -- merely mixed dry ingredients and sold in bags and boxes).

1984-1985 Op. Va. Att'y Gen. 399 (person who grades and packs herbs, and sells scrap metal or parts from junk cars is

a merchant; but if plants are dried, crushed, graded and packaged, or if scrap metal is crushed and compacted, it would be manufacturing). However, the Circuit Court of Chesapeake recently held that crushing and shredding junk cars and separating the pieces into metallic categories free from debris was industrial processing, but not manufacturing under § 58.1-3703 B.4. Money Point Land Holding Corp. v/a Jacobson Metals Co. v. City of Chesapeake, (letter opinion dated 2/14/95).

1983-1984 Op. Va. Att'y Gen. 372 (definition in sales tax law not applicable to definition of "manufacturer" for license tax purposes).

Appeal of Titzel Engineering, Inc., 205 A. 2d. 700 (Pa. 1964) (making an automobile would be manufacturing whether or not it was merely the assembling of parts manufactured by many other companies; a company using employees to assemble many parts to create a new, different and useful article would be thought of as a manufacturer and not an assembler).

GUIDELINES FOR BUSINESS, PROFESSIONAL, AND OCCUPATIONAL LICENSE TAX

APPENDIX A

Index of Opinions of the Virginia Attorney General

By Subject Matter

The Department gratefully acknowledges the efforts of the staff of the City of Chesapeake for preparing this index of the Attorney General Opinions and for permitting it to be published with the Guidelines.

INDEX

OPINIONS OF THE ATTORNEY GENERAL OF VIRGINIA
 BPOL LISTING BY SUBJECT MATTER

DATE	GENERAL TOPIC	AG REPORT YEAR	PAGE	DESCRIPTION
----	-----	-----	----	-----
23-Oct-91	ADULT HOMES	1991	261	ADULT HOMES ARE SUBJECT TO LICENSE - NOT RENTAL OF REAL ESTATE.
18-May-84	AFFILIATES	1983-1984	377	PURCHASES FROM AFFILIATES EXEMPT FROM WHLSL LIC (CODE CHANGE).
28-Nov-86	AGENTS	1986-1987	285	MONIES RECEIVED AS AN AGENT ARE NOT RECEIPTS.
05-Dec-85	AGENTS	1985-1986	281	MONIES RECEIVED BY ATTORNEYS FOR CLIENTS ARE NOT GROSS RECEIPTS.
20-Mar-72	AGRICULTURE	1971-1972	395	LICENSING AGRICULTURAL FAIRS.
01-Dec-78	ALLOCATION	1978-1979	279	MULTISTATE CORP. AND VIOLATIONS OF COMMERCE CLAUSE.
30-Oct-86	AUCTIONEER	1986-1987	261	NEED FOR LICENSE BY CHARITY RUNNING AUCTION.
09-May-90	BANKS	1990	227	SALE OF REPOSSESSED AUTOS - SUBJECT TO LICENSE.
20-Mar-75	BANKS	1974-1975	459	BANKS OFFERING TVS IN EXCHANGE FOR DEPOSITS SUBJECT TO LICENSE.
19-Sep-74	BANKS	1974-1975	518	CHECK SALES ARE SUBJECT TO TAX.
17-Dec-73	BANKS	1973-1974	373	LEASING ACTIVITIES SUBJECT TO BPOL.
26-Oct-73	BANKS	1973-1974	380	BANKS SUBJECT TO RETAIL LICENSE IF SELLING MERCHANDISE.
21-Aug-72	BANKS	1972-1973	400	SALE OF PROMOTIONAL MATERIAL.
03-Nov-76	BONDSMAN	1976-1977	20	IF LOCALITY HAS BPOL, BONDSMAN MUST OBTAIN A LICENSE.
17-Jul-71	BONDSMAN	1971-1972	44	EXEMPTION FROM LICENSING.
19-May-89	CABLE T V	1989	86	GRANTING OF BPOL DOES NOT CONSTITUTE GRANT OF FRANCHISE.
29-Sep-67	CARNIVALS	1967-1968	33	MAY NOT BE EXEMPTED FROM COUNTY TAX.

28-Sep-84	CEMETERIES	1984-1985	322	FOR PROFIT CEMETERIES NOT EXEMPT.
11-Jun-82	CLASSIFICATION	1981-1982	366	TOWN MAY ENACT LAW IMPOSING ONE CATEGORY OF LICENSE.
14-Sep-93	COAL AND GAS	1993	228	USE OF COAL AND GAS FUND IMPROVEMENT FUND.
21-Jun-91	COGENERATION	1991	297	CAPACITY PAYMENTS ARE TAXABLE; SALE OF POWER IS NOT; EQUIPMENT IS M&T.
02-Apr-79	COIN MACHINES	1978-1979	272	TAX ON VENDING MACHINE OPERATORS/LEASING OF COIN LAUNDRY MACH.
19-Oct-78	COIN MACHINES	1978-1979	275	GROSS RECEIPTS TO OPERATOR OF COIN OPERATED VENDING MACHINES.
02-Feb-78	COIN MACHINES	1977-1978	426	AUTHORITY TO IMPOSE LICENSE/SITUS.
01-Feb-78	COIN MACHINES	1977-1978	425	AUTHORITY TO IMPOSE LICENSE.
17-Jan-73	COIN MACHINES	1972-1973	449	STATE BUSINESS LICENSE/RETAIL MERCHANTS LICENSE.
31-Mar-70	COIN MACHINES	1969-1970	254	COUNTY CANNOT IMPOSE TAX MACHINES IN TOWN WHICH TAXES MACHINES.
29-Sep-67	COIN MACHINES	1967-1968	35	LICENSE TAX ON SLOT MACHINES MUST CONFORM TO STATE ORDINANCE.
09-Feb-65	COIN MACHINES	1964-1965	329	RATE LIMITED BY STATE.
19-Mar-65	COIN MACHINES	1964-1965	318	CAR WASH MACHINES SUBJECT TO LICENSE.
11-Mar-83	COLLECTIONS	1982-1983	516	CITY MAY NOT REFUSE TO ISSUE LICENSE IF PERSONAL PROPERTY TAX OWED (CODE CHNG).
17-Jan-84	COLLECTIONS	1983-1984	384	CITY MAY NOT WITHHOLD LICENSE IF OTHER TAXES DUE (CODE CHANGE).
03-Feb-95	COMMON CARRIER	1995	N/A	CHARTER PARTY CARRIER IS NOT A PUB SER CORP AND IS SUBJECT TO BPOL.
09-Aug-89	COMMON CARRIERS	1989	313	INTERSTATE VS. INTRASTATE AND VIOLATIONS OF THE COMMERCE CLAUSE.
20-Sep-88	COMMON CARRIERS	1987-1988	579	CERTIFICATE OF PUBLIC CONVENIENCE FROM SCC NECESSARY FOR EXEMPTION.
14-Jun-88	COMMON CARRIERS	1987-1988	511	CERTIFICATE OF PUBLIC CONVENIENCE FROM SCC NECESSARY FOR EXEMPTION.
31-Jul-86	COMMON CARRIERS	1986-1987	287	CERTIFICATE OF PUBLIC CONVENIENCE FROM SCC NECESSARY FOR EXEMPTION.
30-May-86	COMMON CARRIERS	1985-1986	285	EXEMPTION OF COMMON CARRIERS FROM LICENSE.
12-May-77	COMMON CARRIERS	1976-1977	168	EXEMPTIONS OF AND INTERSTATE COMMERCE.
05-Sep-74	COMMON CARRIERS	1974-1975	466	LICENSING OF TRACTOR TRAILERS USED IN INTERSTATE COMMERCE.
20-Jan-95	CONTRACTORS	1995	N/A	COUNTY MAY IMPOSE BPOL WHEN RECEIPTS EXCEED \$25,000.
20-Jan-95	CONTRACTORS	1995	N/A	TOWN MAY IMPOSE BPOL WHEN RECEIPTS EXCEED \$25,000 FOR VA CONTRACTORS.
22-Jul-94	CONTRACTORS	1994	N/A	LOCALITIES MAY REQUIRE BONDS FROM CONTRACTORS.
21-Jun-91	CONTRACTORS	1991	258	RECEIPTS FROM COGENERATION CONTRACT INCLUDE DESIGN/EQPMT COSTS.

20-Sep-88	CONTRACTORS	1987-1988	584	DOING REPAIRS ON ONE'S OWN HOME; DOING BUSINESS.
31-Mar-88	CONTRACTORS	1987-1988	486	RESIDENCE NOT RESTRICTED TO THE DWELLING.
13-Oct-82	CONTRACTORS	1982-1983	556	LICENSE REQUIRED IN OTHER LOCALITIES WHEN RECEIPTS EXCEED \$25,000.
14-Oct-76	CONTRACTORS	1976-1977	49	LOCAL LICENSING REQUIREMENTS.
10-Aug-76	CONTRACTORS	1976-1977	272	LICENSE ON SUBCONTRACTORS.
05-Apr-74	CONTRACTORS	1973-1974	372	CONTRACTS MAY BE TAXED FOR ONLY ONE YEAR.
22-Feb-74	CONTRACTORS	1973-1974	348	CARPENTER BEING COMPENSATED ON AN HOURLY BASIS IS A CONTRACTOR.
15-Aug-73	CONTRACTORS	1973-1974	349	LICENSE NOT REQUIRED FOR ONE BUILDING FOR HIS OWN ACCOUNT.
19-Mar-73	CONTRACTORS	1972-1973	382	LOCALITY MAY NOT TAX THE SAME CONTRACT TWICE.
28-Dec-72	CONTRACTORS	1972-1973	381	TAKING SOIL SAMPLES AND TEST BORING NOT CONTRACTING.
22-Nov-72	CONTRACTORS	1972-1973	399	CONTRACTOR NOT SUBJECT TO BPOL IN ANOTHER CITY - \$25,000 RULE.
12-Jan-71	CONTRACTORS	1970-1971	368	DEFINITION INCLUDES HIGHWAY CONTRACTOR.
06-Mar-70	CONTRACTORS	1969-1970	264	OUT OF CITY CONTRACTOR LIABLE FOR TAX WHEN RECEIPTS EXCEED \$25,000.
30-Dec-69	CONTRACTORS	1969-1970	271	LOCALITY MAY EXEMPT CONTRACTORS WORKING ON FEDERAL PROPERTY FROM BPOL.
12-Mar-68	CONTRACTORS	1967-1968	258	MAY BE IMPOSED WHERE STATE IS PARTY TO CONTRACT.
06-Dec-67	CONTRACTORS	1967-1968	269	UNLICENSED CONTRACTORS FROM ANOTHER LOCALITY, MUST OBTAIN LICENSE.
14-Aug-67	CONTRACTORS	1967-1968	68	BPOL MAY BE REQUIRED FOR PLUMBERS AND ELECTRICIANS.
24-Sep-64	CONTRACTORS	1964-1965	165	STEAM FITTERS ARE LICENSEABLE.
27-Nov-84	CREDIT UNIONS	1984-1985	327	FED CU EXEMPT FROM BPOL; STATE CU MAY BE SUBJECT TO BPOL.
21-Mar-75	DELINQUENT	1974-1975	460	COUNTIES MAY ASSESS/COLLECT THREE YEARS DELINQUENT TAXES.
18-Nov-71	DEVELOPERS	1971-1972	96	SUBDIVIDERS OF LAND MUST BE IN BUSINESS TO LICENSE.
30-Nov-84	DIRECTOR FEES	1984-1985	345	DIRECTOR FEES NOT SUBJECT TO LICENSE UNLESS DIRECTORSHIP OCCUPATION.
10-Jun-88	DOING BUSINESS	1987-1988	513	DEALING IN PROPERTY OPTIONS IS LICENSEABLE IF IT IS THE PERSONS BUSINESS.
13-Dec-79	DOING BUSINESS	1979-1980	344	LICENSE ON AUTHOR DOES NOT VIOLATE COMMERCE CLAUSE.
05-Jun-74	DOING BUSINESS	1973-1974	379	REAL ESTATE BROKER BUILDING HOMES AND SELLING.
14-Jan-74	DOING BUSINESS	1973-1974	376	RENTAL OF REAL ESTATE.
11-Jan-74	DOING BUSINESS	1973-1974	376	MINISTER PERFORMING MAY BE SUBJECT TO BPOL IF COMPENSATED.
16-Sep-71	DOING BUSINESS	1971-1972	84	SHELL CORPORATIONS NOT DOING ANYTHING ARE NOT SUBJECT TO BPOL.
19-Jul-71	DOING BUSINESS	1971-1972	397	WHEN IS A BUSINESS A BEGINNER BUSINESS.
04-Jun-70	DOING BUSINESS	1969-1970	269	TRAILER PARKS.

31-Mar-86	ENFORCEMENT	1985-1986	284	LOCALITY MAY NOT DISCONNECT UTILITIES TO COLLECT LICENSE.
19-Oct-84	EXEMPTIONS	1984-1985	351	CITY MAY EXEMPT FROM LICENSE R&D FIRMS IF JUSTIFIED BY CITY POLICY.
25-Jan-83	EXEMPTIONS	1982-1983	512	OIL CO. EXCISE TAXES ARE NOT AN EXCLUSION FROM GROSS RECEIPTS.
05-Jan-72	EXEMPTIONS	1971-1972	400	EXCISE TAXES ON MOTOR FUELS NOT PART OF GROSS RECEIPTS.
06-Dec-71	EXEMPTIONS	1971-1972	399	NON BANKING AFFILIATE OF A BANK NOT EXEMPT FROM LICENSE.
06-Sep-89	FARMS	1989	308	EXEMPTION OF SALES OF FARM PRODUCTS.
09-Apr-85	FARMS	1984-1985	347	FARM PRODUCTS AND HOME BAKED GOODS EXEMPT FROM LICENSE.
09-Apr-74	FARMS	1973-1974	372	FERN GROWERS EXEMPT FROM LICENSE.
18-Jul-69	FARMS	1969-1970	268	PRODUCTS GROWN BY SELLER NOT SUBJECT TO TAX.
25-Nov-87	FOREIGN CORP.	1987-1988	512	LICENSING OF HOME SHOPPING BY TELEVISION.
04-Feb-71	INSTALLMENTS	1970-1971	368	PAYMENT OF TAXES IN INSTALLMENTS NEED NOT BE EQUAL.
01-Feb-68	INSTALLMENTS	1967-1968	258	LOCALITIES ARE PERMITTED TO COLLECT TAXES IN INSTALLMENTS.
07-Dec-89	INSURANCE	1989	306	TITLE INSURANCE COMPANY NOT SUBJECT TO BPOL IF TAXED UNDER UNDER CHPT 25.
29-Apr-88	INSURANCE	1987-1988	509	EXEMPTION IN 58.1-3703(A) PROHIBITS LICENSE ON INSURANCE COMPANIES.
19-Mar-71	INSURANCE	1970-1971	367	LICENSE MAY NOT BE IMPOSED ON INSURANCE AGENTS.
14-Mar-80	INTEREST	1979-1980	334	LOCALITY MAY NOT IMPOSE HIGHER RATE THAN STATE CODE ALLOWS.
20-Jun-72	INTEREST	1971-1972	393	INTEREST SHOULD BE CHARGED ON PENALTIES.
17-Nov-94	INTERSTATE COM.	1994	N/A	MAIL ORDER HOUSE SUBJECT TO BPOL IF NOT SUBJECT TO MULTI-TAXATION.
17-Mar-69	INTERSTATE COM.	1968-1969	233	BPOL ON DRY CLEANING DOES NOT BURDEN INTERSTATE COMMERCE.
30-Oct-85	LEASING	1985-1986	287	EMPLOYEE LEASING - LICENSE BASED ON GROSS AMT. RECEIVED FROM CUSTOMERS.
29-May-81	LICENSE	1980-1981	351	LICENSE ORDINANCE ADAPTED IMPROPERLY - NO PUBLIC NOTICE.
21-Nov-88	LOTTERY SALES	1987-1988	560	LOTTERY SALES ARE RETAIL AND BASIS IS THE 5% COLLECTED BY AGENT.
11-Apr-95	MANUFACTURING	1995	N/A	ELECTROPLATING IS PROCESSING, NOT MANUFACTURING.

11-Apr-95	MANUFACTURING	1995	N/A	PASTEURIZATION OF MILK IS PROCESSING, NOT MANUFACTURING.
09-Mar-93	MANUFACTURING	1993	231	SEAFOOD PROCESSOR EXEMPT FROM LICENSING AS A MANUFACTURER.
14-Mar-91	MANUFACTURING	1991	249	COMPUTER SOFTWARE DEVELOPMENT, CONSULTING AND HARDWARE ENGINEERING.
14-Dec-90	MANUFACTURING	1990	220	WHOLESALERS FROM PLACE OTHER THAN PLACE OF MANUFACTURE ARE TAXABLE.
31-Jul-86	MANUFACTURING	1986-1987	288	FERTILIZER PROCESSOR IS NOT A MANUFACTURER.
21-Jan-86	MANUFACTURING	1985-1986	287	DEFINITION; SUBSTANTIAL TRANSFORMATION REQUIRED.
05-Nov-84	MANUFACTURING	1984-1985	357	DEALER IN PROCESSED CEMENT PRODUCTS IS NOT ENGAGED IN MANUFACTURING.
20-Aug-84	MANUFACTURING	1984-1985	400	AUTO CURSHER DEEMED A MANUFACTURER EXEMPT FROM MERCHANT'S CAPITAL.
28-Dec-83	MANUFACTURING	1983-1984	372	DEFINITION OF MANUFACTURING FOR SALES TAX NOT CONTROLLING IN BPOL.
16-Sep-75	MANUFACTURING	1975-1976	363	READY MIX CONCRETE DEALER CLASSIFIED A MANUFACTURER.
25-Feb-74	MANUFACTURING	1973-1974	381	TIRE RECAPPING IS MANUFACTURING.
17-Aug-73	MANUFACTURING	1973-1974	371	DENTAL LABS ARE MANUFACTURERS IF INDEPENDENT OF DENTAL PRACTICE.
17-Aug-71	MANUFACTURING	1971-1972	403	DENTAL LABS ARE MANUFACTURERS.
29-Jun-71	MANUFACTURING	1970-1971	370	SALES AT WHOLESALE FROM PLACE OF MANUFACTURE ARE EXEMPT.
15-Dec-70	MANUFACTURING	1970-1971	371	RETAIL SALES OF MANUFACTURERS ARE TAXABLE.
09-Mar-70	MANUFACTURING	1969-1970	269	RESEARCH AND DEVELOPMENT FIRMS MAY BE LICENSED.
07-Jul-69	MANUFACTURING	1969-1970	271	DIFFERENCE BETWEEN MANUFACTURING AND PROCESSING.
10-Mar-83	MERCHANTS	1982-1983	558	ITINERANT MERCHANTS - TOWN MAY DESIGNATE WHERE THEY DO BUSINESS.
10-Aug-82	MERCHANTS	1982-1983	554	COMMISSION MERCHANTS; WHOLESALE MERCHANTS MUST HAVE DEFINITE SITUS.
03-Aug-82	MERCHANTS	1982-1983	557	ITINERANT MERCHANTS - DEFINITION.
05-Dec-80	MERCHANTS	1980-1981	154	DEFINITION - ITINERANT MERCHANT.
07-Aug-74	MERCHANTS	1974-1975	445	COMMISSION MERCHANTS DEFINED.
04-Apr-72	MERCHANTS	1971-1972	396	COMMISSION MERCHANTS.
21-Dec-71	MERCHANTS	1971-1972	398	COMMISSION MERCHANTS LIABLE FOR TAX.
26-Mar-71	MERCHANTS	1970-1971	369	SEPERATE RETAIL/WHOLESALE LICENSES REQUIRED.
28-Sep-70	MERCHANTS	1970-1971	367	ITINERANT MERCHANTS.
10-Sep-70	MERCHANTS	1970-1971	394	STAMP REDEMPTION CENTER SUBJECT TO LICENSE.
17-Mar-89	MERCHANTS CAPITAL	1989	316	MERCHANTS MAY BE EXEMPT FROM BPOL AND SUBJECT TO MERCHANTS CAPITAL.
17-Mar-89	MERCHANTS CAPITAL	1989	316	PEDDLERS ARE NOT MERCHANTS.
20-Oct-83	MERCHANTS CAPITAL	1983-1984	374	LOCALITY WITH BPOL MAY EXEMPT MERCHANTS AND IMPOSE MERCHANT'S CAPITAL.
16-Feb-79	MERCHANTS CAPITAL	1978-1979	281	TOWN MAY IMPOSE BPOL EVEN THOUGH COUNTY IMPOSES MERCHANTS CAPITAL.
13-Jan-78	MERCHANTS CAPITAL	1977-1978	420	GRADUATED RATES ARE NOT PERMITTED.
01-Oct-76	MERCHANTS CAPITAL	1976-1977	33	ASSESSMENT OF OMITTED TAXES.

05-Feb-75	MERCHANTS CAPITAL	1974-1975	474	COUNTY MAY ABOLISH MERCHANTS CAPITAL AND REPLACE WITH BPOL.
25-Jun-82	MERCHANTS CAPITAL	1981-1982	364	UNDERTAKER'S STOCK SUBJECT TO TAX.
11-Mar-65	MERCHANTS CAPITAL	1964-1965	329	MAY BE BASED ON BEST AVAILABLE INFO.
20-Jul-84	MORTGAGE	1984-1985	353	MORTGAGE CORP. WHICH IS A SUBSIDIARY OF A BANK SUBJECT TO LICENSE.
12-Jun-84	MORTGAGE	1983-1984	364	MORTGAGE CORP. WHICH IS A SUBSIDIARY OF AN S&L SUBJECT TO LICENSE.
10-Jan-92	MOTOR VEHICLE	1992	163	OVERCOLLECTED GROSS RECEIPTS TAX - COMMISSIONER MAY ASSESS.
03-Jul-90	MOTOR VEHICLE	1990	224	RECONDITIONING EXPENSES ON USED VEHICLES ARE NOT DEDUCTIBLE.
24-Oct-89	MOTOR VEHICLE	1989	310	DEDUCTION OF TRADE-IN FROM GROSS RECEIPTS (SUPERCEDED BY 58.1-3734.1).
08-Nov-85	MOTOR VEHICLE	1985-1986	283	LEASING ACTIVITY REQUIRES A SEPERATE LICENSE FROM RETAIL LICENSE.
28-Jan-85	MOTOR VEHICLE	1984-1985	348	FARM EQUIPMENT DEALER LICENSED BY DMV MAY COLLECT BUSINESS LICENSE TAX.
08-May-85	NEWSPAPERS	1984-1985	346	AGENT-DISTRIBUTORS ARE PUBLISHERS EXEMPT FROM LICENSE.
28-Jan-83	NEWSPAPERS	1982-1983	559	DEFINITION FOR PURPOSES OF EXEMPTION.
02-Aug-77	NEWSPAPERS	1977-1978	278	EXEMPTION FROM LICENSE FOR NEWSPAPERS - CONSTRUED AGAINST EXEMPTION.
17-Jun-88	NON PROFITS	1987-1988	516	NON PROFITS NOT AUTOMATICALLY EXEMPT FROM LICENSE.
18-Jul-90	NONPROFITS	1990	218	PRIVATE COLLEGE SUBJECT TO LICENSE FOR GOODS AND SERVICES PROVIDED.
11-Sep-89	NONPROFITS	1989	311	UNRELATED BUSINESS INCOME IS TAXABLE.
02-May-84	NONPROFITS	1983-1984	371	NONPROFITS ENGAGED IN BUSINESS AND BPOL.
08-Nov-73	NONPROFITS	1973-1974	370	CONTRACTED SERVICES IN A NONPROFIT ORGANIZATION.
01-Jun-71	NONPROFITS	1970-1971	369	ANTIQUE SHOW NOT SUBJECT TO LICENSE.
13-Jan-67	PAWNBROKERS	1966-1967	222	LICENSING.
13-Jun-79	PAYMENT	1978-1979	267	PAYMENT OF ONE TAX MAY NOT BE USED FOR PAYMENT OF ANOTHER.
02-Apr-92	PEDDLERS	1992	161	PEDDLERS AND MERCHANT'S CAPITAL TAX.
17-Jun-88	PEDDLERS	1987-1988	515	PEDDLERS ARE NOT MERCHANTS; BUSINESS LICENSE AND MERCHANT'S CAPITAL.
11-Sep-84	PEDDLERS	1984-1985	354	PEDDLER'S LICENSE V. RETAIL MERCHANT'S LICENSE.
01-Oct-82	PEDDLERS	1982-1983	513	WHOLESALE PEDDLERS TAXABLE AS WHOLESALE MERCHANTS.
20-Dec-79	PEDDLERS	1979-1980	342	PEDDLERS V. ITINERANT MERCHANTS.
23-Oct-68	PEDDLERS	1968-1969	238	PERMIT ISSUED BY STATE DEPT OF LABOR DOES NOT RELIEVE BPOL.
15-Jan-65	PEDDLERS	1964-1965	331	MAY NOT IMPOSE WHOLESALERS LICENSE UNLESS DEFINITIVE PLACE OF BUSINESS.

22-Apr-81	PENALTY	1980-1981	348	PENALTIES/INTEREST DO NOT APPLY IF TAXES ARE TIMELY MAILED.
25-Aug-76	PENALTY	1976-1977	283	LOCALITY MAY IMPOSE PENALTY FOR FAILURE TO FILE AND/OR PAY BPOL.
28-Oct-94	PROFESSIONALS	1994	N/A	PROFESSIONAL RATE MAY BE IMPOSED ON NON LICENSED ENGINEER.
22-Nov-76	PROFESSIONALS	1976-1977	281	GROSS RECEIPTS OF DOCTOR/LAWYER/HOSPITAL; SITUS OF COMMONWEALTH ATTORNEY.
06-Aug-76	PROFESSIONALS	1976-1977	282	PROFESSIONALS EMPLOYED MAY BE ASSESSED BPOL ON THEIR SALARY.
23-Apr-75	PROFESSIONALS	1974-1975	470	TOWN LICENSE MAY BE REQUIRED EVEN IF STATE LICENSE IS OBTAINED.
02-Jan-75	PROFESSIONALS	1974-1975	458	RETIRED DOCTOR REQUIRED TO OBTAIN LICENSE.
18-Jan-71	PROFESSIONALS	1970-1971	291	REVENUE LICENSE REQUIRED OF NON BOARD CERTIFIED MD.
15-Dec-70	PROFESSIONALS	1970-1971	307	ENGINEERS.
25-Mar-69	PROFESSIONALS	1968-1969	44	COMMONWEALTH ATTORNEY'S SALARY NOT SUBJECT TO LICENSE.
03-Dec-68	PROFESSIONALS	1968-1969	238	LOCAL LICENSE REQUIRED TO PRACTICE LAW.
07-Jul-67	PROFESSIONALS	1967-1968	286	NO LICENSE REQUIRED FOR DOCTOR EMPLOYED BY GOVERNMENT.
01-Nov-85	PRORATION	1985-1986	289	PRORATION OF LICENSE ONLY WHEN BUSINESS PERMANENTLY CEASES.
09-Oct-79	PRORATION	1979-1980	8	LOCAL LICENSE TAX ON SALE OF ALCOHOL CANNOT BE PRORATED.
23-Oct-68	PUB SER CORP	1968-1969	237	NO AUTHORITY TO LICENSE PUBLIC SERVICE CORPORATIONS.
23-Dec-70	PUB SER CORP	1970-1971	376	LICENSE NOT APPLICABLE TO TEL & TEL COMPANIES.
05-Jul-94	R & D	1994	N/A	R&D CONTRACTS SUBJECT TO 58.1-3706(D) GOVERNED BY FED. ACQUIS. REG. SYS.
10-Feb-69	RADIO	1968-1969	236	RADIO/TV NOT SUBJECT TO LICENSE BUT SUBJECT TO FRANCHISE.
23-May-75	RATES	1974-1975	473	ROLLBACK OF RATES AFTER DECEMBER 31, 1974.
28-Mar-74	RATES	1973-1974	379	RATE CHARGED BY LOCALITY MUST BE EQUAL FOR SAME BUSINESSES.
30-Jan-69	RATES	1968-1969	236	TOWN MAY LEVY LICENSE AS SET FEE PLUS A PERCENTAGE OF RECEIPTS.
06-Nov-92	RECEIPTS	1992	162	LIFE INSURANCE POLICY PROCEEDS NOT GROSS RECEIPTS.
05-Apr-85	RECEIPTS	1984-1985	349	WHAT ARE THE GROSS RECEIPTS OF A DEALER.
24-Sep-82	RECEIPTS	1982-1983	521	TAXPAYER MAY NOT DEDUCT SALARIES FROM GROSS RECEIPTS.
22-Feb-91	REFUND	1991	286	APPLICATION FOR REFUND WITHIN ALLOWABLE TIME.
01-Nov-90	REFUND	1990	226	REFUND OF LICENSE PRORATED BASED ON NUMBER OF MONTHS IN BUSINESS.

11-Oct-83	REFUND	1983-1984	376	TAXPAYER ENTITLED TO PRORATED REFUND FOR CEASING BUSINESS.
21-Apr-81	REFUND	1980-1981	64	ERRONEOUSLY ASSESSED MERCHANT'S CAPITAL.
13-Sep-76	RENTALS	1976-1977	271	LICENSE ON REAL PROPERTY RENTAL PROHIBITED - EXCEPTION.
24-Jan-69	RESTRICTIONS	1968-1969	234	AUTHORITY TO LICENSE SALE OF ALCOHOL GIVEN TO CITY/TOWN BUT NOT COUNTY.
19-Feb-75	RETAIL	1974-1975	472	HOME PARTY SALES - LICENSING OF SALES.
26-Apr-74	RETAIL	1973-1974	374	MIXED BEV. LICENSE AND RETAIL LICENSE MAY BE IMPOSED ON SALE OF LIQUOR.
14-Nov-77	SALES TAX	1977-1978	445	LICENSE/PRIVELEGE TAXES ARE NOT PROPERTY TAXES.
20-Feb-76	SALES TAX	1975-1976	370	LICENSE/PRIVELEGE TAXES ARE NOT PROPERTY TAXES.
06-Aug-91	SEVERANCE	1991	257	OIL SEVERANCE TAX NOT APPLICABLE ON OIL SEVERED AFTER 7/1/92.
21-Sep-90	SEVERANCE	1990	223	FAIR MARKET VALUE OF COAL DOES NOT INCLUDE VALUE ADDED IN ANOTHER STATE.
14-May-82	SEVERANCE	1981-1982	361	LICENSE MAY BE IMPOSED ON FIRM EXTRACTING OIL.
16-Jun-75	SEVERANCE	1974-1975	465	AUTHORITY TO IMPOSE LICENSE FOR SEVERING COAL AND GAS.
06-Jun-74	SEVERANCE	1973-1974	375	EXTRACTING CRUSHED STONE SUBJECT TO BPOL.
07-Aug-73	SEVERANCE	1973-1974	413	COUNTY CAN REQUIRE MONTHLY REPORTS.
04-Apr-69	SEVERANCE	1968-1969	234	COUNTY MAY IMPOSE LICENSE ON EXTRACTING NATURAL RESOURCES.
28-Jul-72	SHIP BROKERS	1972-1973	402	BPOL THAT IS NONDISCRIMINATORY DOES NOT VIOLATE COMMERCE CLAUSE.
31-Dec-91	SITUS	1991	253	CONSULTANT WORKING OUT OF HOME.
23-Oct-91	SITUS	1991	255	MANUFACTURER'S REP SELLING OUT OF HOME.
08-Oct-91	SITUS	1991	251	BUSINESS MUST HAVE SITUS TO IMPOSE BPOL.
23-Feb-91	SITUS	1991	269	FOREIGN INVESTORS - NEXUS WITH LOCALITY TO ESTABLISH TAXATION.
10-Jan-86	SITUS	1985-1986	288	HOME OFFICE OF COMMISSION MERCHANT SUBJECTS HIM TO LICENSE.
22-Jul-85	SITUS	1985-1986	314	EMPLOYEE LEASING - WHERE SITUS IS WHEN THERE IS NO VA OFFICE.
04-Aug-83	SITUS	1983-1984	375	DIRECT SELLER WITH SITUS OUTSIDE LOCALITY BUT HOME IS IN THE LOCALITY.
21-Apr-83	SITUS	1982-1983	611	GARBAGE DISPOSAL FIRM - SITUS WHERE OFFICE IS NOT WHERE DUMPSTERS ARE.
27-Jul-82	SITUS	1982-1983	615	CABLE TV.
13-May-82	SITUS	1981-1982	387	MAINTENANCE OF HOME OFFICE BY SALESMAN REQUIRES STATE BUSINESS LICENSE.
26-Apr-82	SITUS	1981-1982	390	PROFESSIONAL FIRM TAXABLE WHERE IT HAS ITS OFFICE.
10-Jul-81	SITUS	1981-1982	363	MAINTENANCE OF AN OFFICE IS SUFFICIENT NEXUS TO IMPOSE LICENSE.

09-Jun-81	SITUS	1980-1981	350	MAINTENANCE OF AN OFFICE IS SUFFICIENT NEXUS TO IMPOSE LICENSE.
19-Jul-78	SITUS	1978-1979	276	LICENSE ON A FOREIGN CORPORATION WITH A WAREHOUSE IN A LOCALITY.
24-Jun-76	SITUS	1975-1976	364	SITUS FOR SUBCONTRACTOR.
16-Sep-75	SITUS	1975-1976	363	PHOTOGRAPHER IS LICENSEABLE WHERE HE HAS A DEFINITE PLACE OF BUSINESS.
13-Mar-75	SITUS	1974-1975	526	CONTRACTORS DOING \$25,000 IN ANOTHER JURISDICTION.
01-Nov-74	SITUS	1974-1975	525	HAULING COMPANIES MAY BE TAXED ONLY IN CITY WHERE OFFICE IS LOCATED.
05-Jun-74	SITUS	1973-1974	379	REAL ESTATE BROKERS - LICENSED WHERE OFFICE IS.
11-Nov-71	SITUS	1971-1972	397	SALES MADE AND DELIVERED OUTSIDE VA EXCLUDED FROM BPOL.
24-Mar-69	SITUS	1968-1969	233	LICENSE ON RENTAL OF REAL ESTATE VALID WHERE PROPERTY IS LOCATED.
08-Apr-75	SITUS	1974-1975	465	PROPER PLACE OF LICENSE FOR CONTRACTOR.
11-Feb-75	SITUS	1974-1975	466	COUNTIES MAY ONLY LICENSE BUSINESSES WITHIN BOUNDARIES.
10-Aug-73	STOCKBROKERS	1973-1974	414	BROKERAGE HOUSE OR MUTUAL FUND IS THE LICENSEE.
29-Oct-85	SUMMONS	1985-1986	265	POWER TO SUMMONS LIMITED TO PERSONS WITHIN LOCALITY.
19-Apr-83	SUMMONS	1982-1983	567	AUTHORITY TO REQUIRE BUSINESSES TO PRODUCE RECORDS.
11-Jan-78	SUMMONS	1977-1978	72	COMMISSIONER MAY REQUIRE TAXPAYER TO PROVIDE INFORMATION.
20-Nov-75	SUMMONS	1975-1976	367	COMMISSIONER MAY EXAMINE DOCUMENTS OUTSIDE HIS JURISDICTION.
21-Jun-89	SUSIDIARIES	1989	307	LICENSE BASED ON RECEIPTS BY SUBSIDIARIES PROHIBITED.
30-Nov-71	TELEPHONE	1971-1972	401	LOCALITIES MAY NOT TAX PHONE COMPANIES UNLESS SPECIFICALLY AUTHORIZED.
25-Feb-74	TOWNS	1973-1974	378	COUNTY AND TOWN MAY IMPOSE LICENSE ON SLOT MACHINES.
16-Jan-76	TRAILER PARK	1975-1976	362	AUTHORITY TO IMPOSE LICENSE.
25-Jun-75	TRAILER PARK	1974-1975	468	LICENSING ON OPERATION OF TRAILER PARKS.
14-Feb-75	TRAILER PARK	1974-1975	471	MOBILE HOMES NOT WITHIN DEFINITION, NOT TAXABLE.
21-Dec-71	TRAILER PARK	1971-1972	405	LICENSE MAY NOT BE IMPOSED ON OWNERS OF TRAILERS.
10-Aug-67	TRAILER PARK	1967-1968	271	COUNTY ORDINANCE MAY PROVIDE FOR LICENSE.
12-Oct-78	UNIFORMITY	1978-1979	278	CITY MAY NOT LEVY A SPECIAL ASSESSMENT FOR DOWNTOWN RENEWAL.
09-Jul-84	UTILITY	1984-1985	355	UTILITY OF INCORPORATED TOWN NOT SUBJECT TO LICENSE.
06-Jul-83	UTILITY	1983-1984	343	RETROACTIVE GROSS RECEIPTS TAX ON PUBLIC SERVICE COMPANIES VALID.
09-Jun-76	WHOLESALE	1975-1976	361	DISTRIBUTION CENTER SALES TO RELATED RETAIL STORES.
24-Jan-75	WHOLESALE	1974-1975	459	RECEIPTS INCLUDE SALES WHERE GOODS SHIPPED FROM OUTSIDE JURISDICTION.
08-Jan-93	ZONING	1993	229	B/L REQUIRED IF BUSINESS IS OPERATING IN VIOLATION OF ZONING LAW.
TOTAL NUMBER OF OPINIONS			242	

VIRGINIA CODE COMMISSION

Notice to State Agencies

Mailing Address: Our mailing address is: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219. You may FAX in your notice; however, we ask that you FAX two copies and do not follow up with a mailed copy. Our FAX number is: (804) 692-0625.

**Forms for Filing Material on Dates for Publication in
*The Virginia Register of Regulations***

All agencies are required to use the appropriate forms when furnishing material and dates for publication in *The Virginia Register of Regulations*. The forms are supplied by the office of the Registrar of Regulations. If you do not have any forms or you need additional forms, please contact: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

FORMS:

NOTICE of INTENDED REGULATORY ACTION - RR01
NOTICE of COMMENT PERIOD - RR02
PROPOSED (Transmittal Sheet) - RR03
FINAL (Transmittal Sheet) - RR04
EMERGENCY (Transmittal Sheet) - RR05
NOTICE of MEETING - RR06
AGENCY RESPONSE TO LEGISLATIVE OBJECTIONS -
RR08

CALENDAR OF EVENTS

Symbol Key

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

♿ Location accessible to handicapped

☎ Telecommunications Device for Deaf (TDD)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the *Virginia Register* deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

VIRGINIA CODE COMMISSION

EXECUTIVE

VIRGINIA AGRICULTURAL COUNCIL

† August 28, 1995 - 9 a.m. -- Open Meeting
Embassy Suites Hotel, 2925 Emerywood Parkway,
Richmond, Virginia. ♿ (Interpreter for the deaf provided upon
request)

The annual business meeting of the council. The agenda will consist of an annual review of finances, progress reports on approved projects, and general business matters. The council will allot 30 minutes at the conclusion of the business meeting for the public to appear before the council. Any person who needs any accommodations in order to participate at the meeting should contact Thomas R. Yates at least 10 days before the meeting date so that suitable arrangements can be made.

Contact: Thomas R. Yates, Assistant Secretary, Virginia Agricultural Council, 1100 Bank St., Suite 203, Richmond, VA 23219, telephone (804) 786-6060.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Virginia Aquaculture Advisory Board

August 11, 1995 - 10:30 a.m. -- Open Meeting
Department of Agriculture and Consumer Services, 1100
Bank Street, 2nd Floor, Board Room, Richmond, Virginia. ♿

The board will meet in regular session to discuss issues related to the Virginia Aquaculture Society. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact T. Robins Buck at least five days before the meeting date so that suitable arrangements can be made.

Contact: T. Robins Buck, Secretary, Virginia Aquaculture Advisory Board, P.O. Box 1163, Richmond, VA 23209, telephone (804) 371-6094.

Virginia Horse Industry Board

August 15, 1995 - 10 a.m. -- Open Meeting
Virginia Cooperative Extension, Charlottesville-Albemarle
Unit, 168 Spotsnap Road, Lower Level Meeting Room,
Charlottesville, Virginia. ♿

The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact Andrea S. Heid at least five days before the meeting date so that suitable arrangements can be made.

Contact: Andrea S. Heid, Equine Marketing Specialist, Department of Agriculture and Consumer Services, 1100 Bank St., #906, Richmond, VA 23219, telephone (804) 786-5842 or (804) 371-6344/TDD ☎

Virginia Winegrowers Advisory Board

August 8, 1995 - 10 a.m. -- Open Meeting
State Capitol, 11th Street at Capitol Square, House Room 1,
Richmond, Virginia. ♿

The board will hold elections of the chairman, vice-chairman and treasurer, hear project reports and conduct new business. Public comment will be heard following the conclusion of board business. Any person who needs any accommodations in order to participate at the meeting should contact Mary Davis-Barton at least 14 days before the meeting date so that suitable arrangements can be made.

Contact: Mary Davis-Barton, Secretary, Virginia Winegrowers Advisory Board, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23209, telephone (804) 786-0481.

STATE AIR POLLUTION CONTROL BOARD

August 28, 1995 -- Public comments may be submitted until 4:30 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **VR 120-01. Regulations for the Control and Abatement of Air Pollution (Revision FF -- Rule 4-4, Emission Standards for Open Burning)**. The proposed regulation amendments provide for the deregulation of certain control measures at the state level while providing an administrative mechanism to assist local governments in developing their own control programs. The proposed amendments also require a summertime ban on open burning in order to reduce emissions of volatile organic compounds in Virginia's ozone nonattainment areas.

Request for Comments: The purpose of this notice is to provide the public with the opportunity to comment on the proposed regulation and the costs and benefits of the proposal.

Localities Affected: Although any person conducting open burning will be affected by the proposed regulation, the jurisdictions within Virginia's three Volatile Organic Compound Emissions Control Areas (identified below) will experience more impact during June, July and August than jurisdictions outside these areas.

1. The Northern Virginia area: Arlington County, Fairfax County, Loudoun County, Prince William County, Stafford County, the City of Alexandria, the City of Fairfax, the City of Falls Church, the City of Manassas, and the City of Manassas Park.
2. The Richmond area: Charles City County, Chesterfield County, Hanover County, Henrico County, the City of Colonial Heights, the City of Hopewell, and the City of Richmond.
3. The Hampton Roads area: James City County, York County, the City of Chesapeake, the City of Hampton, the City of Newport News, the City of Norfolk, the City of Poquoson, the City of Portsmouth, the City of Suffolk, the City of Virginia Beach, and the City of Williamsburg.

Location of Proposal: The proposal, an analysis conducted by the department (including a statement of purpose, a statement of estimated impact and benefits of the proposed regulation, an explanation of need for the proposed regulation, an estimate of the impact of the proposed regulation upon small businesses, identification of and comparison with federal requirements, and a discussion of alternative approaches), and any other supporting documents may be examined by the public at the department's Air Programs Section, 629 East Main Street, 8th Floor, Richmond, Virginia, and the department's regional offices (listed below) between 8:30 a.m. and 4:30 p.m., of each business day until the close of the public comment period.

Southwest Regional Office

Department of Environmental Quality
121 Russell Road
Abingdon, Virginia
Ph: (703) 676-5482

West Central Regional Office
Department of Environmental Quality
Executive Office Park, Suite D
5338 Peters Creek Road
Roanoke, Virginia
Ph: (703) 561-7000

Lynchburg Satellite Office
Department of Environmental Quality
7701-03 Timberlake Road
Lynchburg, Virginia
Ph: (804) 582-5120

Fredericksburg Satellite Office
Department of Environmental Quality
300 Central Road, Suite B
Fredericksburg, Virginia
Ph: (703) 899-4600

Piedmont Regional Office
Department of Environmental Quality
Innsbrook Corporate Center
4900 Cox Road
Glen Allen, Virginia
Ph: (804) 527-5300

Tidewater Regional Office
Department of Environmental Quality
Old Greenbrier Village, Suite A
2010 Old Greenbrier Road
Chesapeake, Virginia
Ph: (804) 424-6707

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

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

Public comments may be submitted until 4:30 p.m., August 28, 1995, to the Manager, Air Programs Section, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

Contact: Dr. Kathleen Sands, Policy Analyst, Air Programs Section, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 762-4413.

August 28, 1995 -- Public comments may be submitted until 4:30 p.m. on this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **VR 120-01. Regulations for the Control and Abatement of Air Pollution (Revision RR -- Volatile Organic**

Calendar of Events

Compounds). The standards require owners to reduce emissions of volatile organic compounds from specific sources, and to limit those emissions to a level resulting from the use of reasonably available control technology. The following types of sources are affected: otherwise unregulated facilities; surface cleaning and degreasing operations using nonhalogenated solvents; rotogravure/flexographic printing facilities emitting 25-100 tons per year; sanitary landfill operations; and lithographic printing operations.

Request for Comments: The purpose of this notice is to provide the public with the opportunity to comment on the proposed regulation and the costs and benefits of the proposal.

Localities Affected: The localities affected by the proposed regulation are as follows:

1. The Northern Virginia area: Arlington County, Fairfax County, Loudoun County, Prince William County, Stafford County, the City of Alexandria, the City of Fairfax, the City of Falls Church, the City of Manassas, and the City of Manassas Park.
2. The Richmond area: Charles City County, Chesterfield County, Hanover County, Henrico County, the City of Colonial Heights, the City of Hopewell, and the City of Richmond.

Location of Proposal: The proposal, an analysis conducted by the department (including a statement of purpose, a statement of estimated impact and benefits of the proposed regulation, an explanation of need for the proposed regulation, an estimate of the impact of the proposed regulation upon small businesses, identification of and comparison with federal requirements, and a discussion of alternative approaches), and any other supporting documents may be examined by the public at the department's Air Programs Section, 629 East Main Street, 8th Floor, Richmond, Virginia, and the department's regional offices (listed below) between 8:30 a.m. and 4:30 p.m., of each business day until the close of the public comment period.

Southwest Regional Office
Department of Environmental Quality
121 Russell Road
Abingdon, Virginia
Ph: (703) 676-5482

West Central Regional Office
Department of Environmental Quality
Executive Office Park, Suite D
5338 Peters Creek Road
Roanoke, Virginia
Ph: (703) 561-7000

Lynchburg Satellite Office
Department of Environmental Quality
7701-03 Timberlake Road
Lynchburg, Virginia
Ph: (804) 582-5120

Fredericksburg Satellite Office

Department of Environmental Quality
300 Central Road, Suite B
Fredericksburg, Virginia
Ph: (703) 899-4600

Piedmont Regional Office
Department of Environmental Quality
Innsbrook Corporate Center
4900 Cox Road
Glen Allen, Virginia
Ph: (804) 527-5300

Tidewater Regional Office
Department of Environmental Quality
Old Greenbrier Village, Suite A
2010 Old Greenbrier Road
Chesapeake, Virginia
Ph: (804) 424-6707

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

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

Public comments may be submitted until 4:30 p.m., August 28, 1995, to the Manager, Air Programs Section, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

Contact: Karen G. Sabasteanski or Dr. Kathleen Sands, Policy Analysts, Air Programs Section, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 762-4000.

VIRGINIA ALCOHOLIC BEVERAGE CONTROL BOARD

- † August 7, 1995 - 9:30 a.m. -- Open Meeting
 - † August 21, 1995 - 9:30 a.m. -- Open Meeting
 - † September 6, 1995 - 9:30 a.m. -- Open Meeting
 - † September 18, 1995 - 9:30 a.m. -- Open Meeting
 - † October 2, 1995 - 9:30 a.m. -- Open Meeting
 - † October 16, 1995 - 9:30 a.m. -- Open Meeting
 - † October 30, 1995 - 9:30 a.m.-- Open Meeting
- Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. ☎

A meeting to receive and discuss reports and activities from staff members. Other matters not yet determined.

Contact: W. Curtis Coleburn, Secretary to the Board, 2901 Hermitage Road, P.O. Box 27491, Richmond, VA 23261, telephone (804) 367-0712 or FAX (804) 367-1802.

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

Board for Architects

† August 25, 1995 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. ♿

A meeting to conduct general board business. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514 or (804) 367-9753/TDD ☎

Board for Land Surveyors

† August 15, 1995 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. ♿

A meeting to review applications for examination and to develop a licensee seminar. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514 or (804) 367-9753/TDD ☎

† August 23, 1995 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. ♿

The Virginia Land Surveyor Board Section will compile the Virginia "A" Examination that will be administered in October 1995.

Contact: George O. Bridewell, Examination Administrator, Land Surveyor Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8572 or (804) 367-9753/TDD ☎

Board for Professional Engineers

† August 31, 1995 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. ♿

A meeting to conduct general board business. Persons desiring to participate in the meeting and requiring special accommodations or interpretive 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: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514 or (804) 367-9753/TDD ☎

VIRGINIA BOARD FOR ASBESTOS LICENSING AND LEAD CERTIFICATION

† August 30, 1995 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 5th Floor, Conference Room 3,
Richmond, Virginia. ♿

A general board meeting.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-2475 or (804) 367-9753/TDD ☎

VIRGINIA AVIATION BOARD

† August 23, 1995 - 9 a.m. -- Open Meeting
† August 25, 1995 - 9 a.m. -- Open Meeting
Omni Charlottesville Hotel, 235 West Main Street,
Charlottesville, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular bi-monthly meeting of the Virginia Aviation Board. Applications for state funding will be presented to the board and other matters of interest to the Virginia aviation community will be discussed. This meeting is being held in conjunction with the 22nd Annual Virginia Aviation Conference. For further information on the conference contact Betty Wilson at (804) 236-3625. Individuals with a disability should contact Cindy Waddell 10 days prior to the meeting if assistance is needed.

Contact: Cindy Waddell, Department of Aviation, 5702 Gulfstream Road, Sandston, VA 23150, telephone (804) 236-3625 or (804) 236-3624/TDD ☎

BOARD FOR BARBERS

August 7, 1995 - 9 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 interpretive 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 accommodation 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

Calendar of Events

St., Richmond, VA 23230, telephone (804) 367-0500, FAX (804) 367-2745 or (804) 367-9753/TDD ☎

BOARD FOR BRANCH PILOTS

† August 18, 1995 - 9:30 a.m. -- Open Meeting
Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia. ☎

A meeting to conduct general board business. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514 or (804) 367-9753/TDD ☎

STATE BUILDING CODE TECHNICAL REVIEW BOARD

† August 18, 1995 - 10 a.m. -- Open Meeting
The Jackson Center, 501 North Second Street, 1st Floor Conference Room, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

The Review Board hears administrative appeals concerning building and fire codes and other regulations of the department. The board also issues interpretations and formalizes recommendations to the Board of Housing and Community Development concerning future changes to the regulations.

Contact: Vernon W. Hodge, Building Code Supervisor, State Building Code Office, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7170 or (804) 371-7089/TDD ☎

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

Central Area Review Committee

† August 15, 1995 - 2 p.m. -- Open Meeting
† September 7, 1995 - 2 p.m. -- Open Meeting
Chesapeake Bay Local Assistance Department, 805 East Broad Street, Suite 701, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to review Chesapeake Bay Preservation Area programs for the central area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the meeting; however, written comments are welcome.

Contact: Florence E. Jackson, Program Support Technician, Chesapeake Bay Local Assistance Department, 805 E. Broad

St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440, FAX (804) 225-3447 or toll-free 1-800-243-7229/TDD ☎

Northern Area Review Committee

† August 15, 1995 - 10 a.m. -- Open Meeting
† September 6, 1995 - 10 a.m. -- Open Meeting
Chesapeake Bay Local Assistance Department, 805 East Broad Street, Suite 701, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to review Chesapeake Bay Preservation Area programs for the northern area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the meeting; however, written comments are welcome.

Contact: Florence E. Jackson, Program Support Technician, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440, FAX (804) 225-3447 or toll-free 1-800-243-7229/TDD ☎

Southern Area Review Committee

† August 14, 1995 - 10 a.m. -- Open Meeting
† September 7, 1995 - 10 a.m. -- Open Meeting
Chesapeake Bay Local Assistance Department, 805 East Broad Street, Suite 701, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to review Chesapeake Bay Preservation Area programs for the southern area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the meeting; however, written comments are welcome.

Contact: Florence E. Jackson, Program Support Technician, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440, FAX (804) 225-3447 or toll-free 1-800-243-7229/TDD ☎

CHILD DAY-CARE COUNCIL

August 10, 1995 - 9:30 a.m. -- Open Meeting
Theater Row Building, 730 East Broad Street, Lower Level, Conference Room 1, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to discuss issues and concerns that impact child day centers, camps, school-age programs, and preschool/nursery schools. Public comment period will be at noon. Please call ahead of time for possible changes in meeting time.

Contact: Rhonda Harrell, Division of Licensing Programs, Department of Social Services, 7th Floor, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1775.

Governor St., Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899, or (804) 786-2121/TDD ☎

DEPARTMENT OF CONSERVATION AND RECREATION

August 23, 1995 - 1 p.m. -- Open Meeting
Department of Conservation and Recreation, 203 Governor Street, Room 200, Richmond, Virginia. ☎

A meeting of the ad hoc committee formed to assist the department in the regulatory review of the Virginia Soil and Water Conservation Board's "VR 625-02-00, Erosion and Sediment Control Regulations," under Governor Allen's Executive Order 15(94).

Contact: Leon E. App, Agency Regulatory Coordinator, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-4570, FAX (804) 786-6141 or (804) 786-2121/TDD ☎

August 23, 1995 - 7 p.m. -- Open Meeting
Virginia War Memorial, 621 South Belvidere Street, Richmond, Virginia. ☎

A meeting to provide opportunity for public comment concerning the Virginia Soil and Water Conservation Board's "VR 625-02-00, Erosion and Sediment Control Regulations," under Governor Allen's Executive Order 15(94).

Contact: Leon E. App, Agency Regulatory Coordinator, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-4570, FAX (804) 786-6141 or (804) 786-2121/TDD ☎

Falls of the James Scenic River Advisory Board

August 17, 1995 - Noon -- CANCELLED
City Hall, Planning Commission Conference Room, 5th Floor, Richmond, Virginia.

The meeting of the advisory board has been cancelled.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899, or (804) 786-2121/TDD ☎

Shenandoah Scenic River Advisory Board

† **September 8, 1995 - 10 a.m.** -- Open Meeting
Shenandoah River and Route 50 Bridge, Clarke County, Virginia.

A meeting to discuss river issues and river inspection.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203

BOARD FOR CONTRACTORS

Recovery Fund Committee

† **September 27, 1995 - 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 Holly Erickson. The department fully complies with the Americans with Disabilities Act. Please notify the department of your request at least two weeks in advance.

Contact: Holly Erickson, Assistant Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8561.

DEPARTMENT OF CORRECTIONS (STATE BOARD OF)

August 8, 1995 - 10 a.m. -- Public Hearing
Board of Corrections, Board Room, 6900 Atmore Drive, Richmond, Virginia.

September 8, 1995 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Corrections intends to adopt regulations entitled: **VR 230-01-006. Regulations for Private Management and Operation of Prison Facilities.** Section 53.1-266 of the Code of Virginia directs the Board of Corrections to promulgate regulations governing certain aspects of private management and operation of prison facilities. In compliance with the statute this regulation establishes minimum standards governing administration and operational issues within private prisons.

Contact: Amy Miller, Regulatory Coordinator, P.O. Box 26963, Richmond, Virginia 23261, telephone (804) 674-3119.

August 9, 1995 - 10 a.m. -- Open Meeting
Powhatan Correctional Center, Administrative Building, Conference Room, State Farm, Virginia. ☎

A meeting to discuss matters as they may be presented to the board.

Contact: Barbara Fellows, Secretary to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235.

Calendar of Events

Administration Committee

August 9, 1995 - 8:30 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Richmond, Virginia. ☎

A meeting to discuss administrative matters as they may be presented to the full board.

Contact: Barbara Fellows, Secretary to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235.

Correctional Services Committee

August 9, 1995 - 10:45 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. ☎

A meeting to discuss correctional services matters as they may be presented to the full board.

Contact: Barbara Fellows, Secretary to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235.

BOARD FOR COSMETOLOGY

August 14, 1995 - 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 interpretive 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 accommodation at least two weeks in advance for consideration of your request.

Contact: Karen W. O'Neal, Assistant Director, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0500, FAX (804) 367-2475, or (804) 367-9753/TDD ☎

† **August 21, 1995 - 9 a.m.** -- Open Meeting

† **August 22, 1995 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A meeting to conduct a cut-score study for the cosmetology and nail technician written examinations.

Contact: George O. Bridewell, Examination Administrator, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8572 or (804) 367-9753/TDD ☎

DISABILITY SERVICES COUNCIL

† **August 21, 1995 - 1 p.m.** -- Open Meeting

Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to develop guidelines for award of remaining RSIF moneys.

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/TDD and Voice or (804) 662-9040/TDD ☎

BOARD OF EDUCATION

September 28, 1995 - 8:30 a.m. -- Open Meeting
General Assembly Building, Ninth and Broad Streets, 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.

August 8, 1995 - 7 p.m. -- Public Hearing
Thomas Edison High School, 5801 Franconia Road, Alexandria, Virginia.

August 8, 1995 - 7 p.m. -- Public Hearing
E. C. Glass High School, 2111 Memorial Avenue, Lynchburg, Virginia.

August 8, 1995 - 7 p.m. -- Public Hearing
Godwin High School, 2102 Pump Road, Richmond, Virginia.

August 8, 1995 - 7 p.m. -- Public Hearing
Marion High School, 848 Stage Street, Marion, Virginia.

August 8, 1995 - 7 p.m. -- Public Hearing
Lake Taylor High School, 1384 Kempsville Road, Norfolk, Virginia. ☎ (Interpreter for the deaf provided upon request)

September 15, 1995 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Education intends to adopt regulations entitled: **VR 270-01-0064. Regulations Governing Guidance and Counseling Programs in the Public Schools of Virginia.** The regulations address requirements for parental notification about the programs and the conditions under which parental consent must be obtained for students to participate. The purpose of these hearings is to receive comments from the public on these proposed regulations. Registration will begin at 6:30 p.m.

Public comments may be submitted until September 15, 1995, to H. Douglas Cox, Virginia Department of Education, P.O. Box 2120, Richmond, Virginia 23216-2120.

Contact: James E. Laws, Jr., Administrative Assistant for Board Relations, P.O. Box 2120, Richmond, Virginia 23216-2120, telephone (804) 225-2540 or toll-free 1-800-292-3820.

LOCAL EMERGENCY PLANNING COMMITTEE - CHESTERFIELD COUNTY

† **October 5, 1995 - 5:30 p.m.** -- Open Meeting
6610 Public Safety Way, Chesterfield, Virginia.

A regular meeting.

Contact: Lynda G. Furr, Assistant Emergency Services Coordinator, Chesterfield Fire Department, P.O. Box 40, Chesterfield, VA 23832, telephone (804) 748-1236.

DEPARTMENT OF ENVIRONMENTAL QUALITY

August 16 1995 - 6 p.m. -- Briefing

† **August 16, 1995 - 7 p.m.** -- Public Hearing
Department of Environmental Quality, Innsbrook Corporate Center, 4900 Cox Road, Board Room, Glen Allen, Virginia. ☒

A public briefing and hearing to consider the application of Combined Heat and Power, Inc., to construct and operate a 3,000 kw distillate oil/dual fuel-fired cogeneration facility. The facility is to be located one mile north of Interstate 64 on State Route 623 in Goochland County.

Contact: Charles L. Turner, Department of Environmental Quality, Innsbrook Corporate Center, 4900 Cox Rd., Glen Allen, VA 23058, telephone (804) 527-5004.

VIRGINIA FIRE SERVICES BOARD

† **August 18, 1995 - 9 a.m.** -- Open Meeting
Comfort Inn, Lynchburg, Virginia.

A business meeting to discuss fire training and policies. The meeting is open to the public for their comments and input.

Contact: Bobby L. Stanley, Jr., Executive Director, Department of Fire Programs, 2807 N. Parham Rd., Suite 200, Richmond, VA 23294, telephone (804) 527-4236.

† **August 17, 1995 - 7:30 p.m.** -- Public Hearing
Comfort Inn, Lynchburg, Virginia.

A public hearing to discuss fire training and policies. The meeting is open to the public for their comments and input.

Contact: Bobby L. Stanley, Jr., Executive Director, Department of Fire Programs, 2807 N. Parham Rd., Suite 200, Richmond, VA 23294, telephone (804) 527-4236.

Fire/EMS Education and Training Committee

† **August 17, 1995 - 10 a.m.** -- Open Meeting
Comfort Inn, Lynchburg, Virginia.

A meeting to discuss fire training and policies. The meeting is open to the public for their comments and input.

Contact: Bobby L. Stanley, Jr., Executive Director, Department of Fire Programs, 2807 N. Parham Rd., Suite 200, Richmond, VA 23294, telephone (804) 527-4236.

Fire Prevention and Control Committee

† **August 17, 1995 - 9 a.m.** -- Open Meeting
Comfort Inn, Lynchburg, Virginia.

A meeting to discuss fire training and policies. The meeting is open to the public for their comments and input.

Contact: Bobby L. Stanley, Jr., Executive Director, Department of Fire Programs, 2807 N. Parham Rd., Suite 200, Richmond, VA 23294, telephone (804) 527-4236.

Legislative/Liaison Committee

† **August 17, 1995 - 1 p.m.** -- Open Meeting
Comfort Inn, Lynchburg, Virginia.

A meeting to discuss fire training and policies. The meeting is open to the public for their comments and input.

Contact: Bobby L. Stanley, Jr., Executive Director, Department of Fire Programs, 2807 N. Parham Rd., Suite 200, Richmond, VA 23294, telephone (804) 527-4236.

BOARD OF GAME AND INLAND FISHERIES

NOTE: CHANGE IN MEETING TIME AND LOCATION

August 24, 1995 - 10 a.m. -- Open Meeting
Innsbrook Corporate Center, 4900 Cox Road, Glen Allen, Virginia. ☒ (Interpreter for the deaf provided upon request)

The board will meet and intends to adopt regulations governing the 1995-96 migratory waterfowl seasons based on the framework provided by the U.S. Fish and Wildlife Service. The board may also propose fish and nongame wildlife regulation changes. In addition, general and administrative matters will be discussed. The board may hold an executive session.

Contact: Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond, VA 23230, telephone (804) 367-8341 or FAX (804) 367-2427.

BOARD FOR GEOLOGY

† **August 14, 1995 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☒

A general board meeting.

Contact: William H. Ferguson, II, Board Administrator, Department of Professional and Occupational Regulation,

Calendar of Events

3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8307 or (804) 367-9753/TDD ☎

DEPARTMENT OF HEALTH

Biosolids Use Regulations Advisory Committee

† August 24, 1995 - 9 a.m. -- Open Meeting
The UVA Richmond Center, 7740 Shrader Road, Suite E,
Richmond, Virginia. ☎

A meeting to discuss issues concerning the implementation of the Biosolids Use Regulations involving land application, distribution or marketing of biosolids.

Contact: C.M. Sawyer, Director, Division of Wastewater Engineering, Department of Health, P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-1755 or (804) 371-2891.

BOARD OF HEALTH PROFESSIONS

Regulatory Research Committee

August 15, 1995 - 8 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia. ☎
(Interpreter for the deaf provided upon request)

A public hearing on the need to regulate pharmacy technicians. The board invites testimony, written comments or both, related to this issue. Testimony must be received at the time and location listed. Written comments must be received no later than August 30, 1995. Individuals, agencies or organizations wishing to present testimony may reserve time by contacting the Department of Health Professions in advance.

Contact: Elizabeth A. Carter, Ph.D., Deputy Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA, telephone (804) 662-9915 or (804) 662-7197/TDD ☎

August 15 1995 - 9:30 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia. ☎
(Interpreter for the deaf provided upon request)

A public hearing on the need to regulate massage therapy. The board seeks evidence that the unregulated practice of massage therapy poses a threat to public health or safety or that the current status of Virginia law is a barrier to safe and effective delivery of health care services. The board invites testimony, written comments or both, related to this issue. Testimony must be received at the time and location listed. Written comments must be received no later than August 30, 1995. Individuals, agencies or organizations wishing to present testimony may reserve time by contacting the Department of Health Professions in advance.

Contact: Elizabeth A. Carter, Ph.D., Deputy Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA, telephone (804) 662-9915 or (804) 662-7197/TDD ☎

August 15, 1995 - 11 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia. ☎
(Interpreter for the deaf provided upon request)

A public hearing on the need to further regulate respiratory therapists. The board is conducting a study to determine the need to change the level of regulation for respiratory therapists from certification to licensure. Currently, respiratory therapists are regulated by the Board of Medicine. The level of regulation is limited to certification and title protection. The law does not limit practice to certified individuals, but rather any person may render the services of a respiratory therapist provided restricted titles are not assumed. The board invites testimony, written comments or both, related to this issue. Testimony must be received at the time and location listed. Written comments must be received no later than August 30, 1995. Individuals, agencies or organizations wishing to present testimony may reserve time by contacting the Department of Health Professions in advance.

Contact: Elizabeth A. Carter, Ph.D., Deputy Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA, telephone (804) 662-9915 or (804) 662-7197/TDD ☎

August 15, 1995 - 2 p.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia. ☎
(Interpreter for the deaf provided upon request)

A public hearing on alternative and complementary medicine. The Board of Health Professions is authorized to advise the Governor, General Assembly, Secretary of Health and Human Resources, and the Director of the Department of Health Professions on matters related to the regulation of health care providers in Virginia. Recent studies have indicated that many citizens avail themselves of alternative and complementary medicine, and the National Institutes of Health has organized the Office of Alternative Medicine in response to Congressional mandate. The board has undertaken a study to review the practice of alternative and complementary medicine and its relationship to the laws governing the delivery of health care services in the Commonwealth. The board has set aside time to receive testimony at the location and time listed. Oral testimony may be limited based on the number of individuals testifying. Written comments may be of any length and be received until March 15, 1996. Individuals, agencies, or organizations wishing to present oral testimony may reserve time by contacting the Department of Health Professions in advance.

Contact: Elizabeth A. Carter, Ph.D., Deputy Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA, telephone (804) 662-9915 or (804) 662-7197/TDD ☎

August 15, 1995 - 4 p.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia. ☎
(Interpreter for the deaf provided upon request)

A public hearing on art therapy. The board is conducting a study to determine the need to regulate the practice of art therapy. The board seeks evidence that the unregulated practice of art therapy poses a threat to public health or safety or that the current status of Virginia law is a barrier to safe and effective delivery of health care services. The board invites testimony, written comments or both, related to this issue. Testimony must be received at the time and location listed. Written comments must be received no later than August 30, 1995. Individuals, agencies or organizations wishing to present testimony may reserve time by contacting the Department of Health Professions in advance.

Contact: Elizabeth A. Carter, Ph.D., Deputy Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA, telephone (804) 662-9915 or (804) 662-7197/TDD ☎

DEPARTMENT OF HISTORIC RESOURCES

† September 12, 1995 - 3 p.m. -- Open Meeting
Virginia War Memorial, 621 South Belvidere Street,
Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A public meeting to (i) receive comment on activities the Department of Historic Resources should undertake using federal funds during the period October 1, 1995, to September 30, 1996; and (ii) receive comment on the department's proposed work plan objectives and activities for Federal Fiscal Year 1996.

Contact: Margaret Peters, Preservation Program Manager, Department of Historic Resources, 221 Governor St., Richmond, VA 23219, telephone (804) 786-3143, FAX (804) 225-4261 or (804) 786-1934/TDD ☎

Board of Historic Resources

† August 16, 1995 - 10 a.m. -- Open Meeting
General Assembly Building, 910 Capitol Square, Senate Room A, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A general business meeting.

Contact: Margaret Peters, Preservation Program Manager, Department of Historic Resources, 221 Governor St., Richmond, VA 23219, telephone (804) 786-3143, FAX (804) 225-4261 or (804) 786-1934/TDD ☎

State Review Board

† August 15, 1995 - 10 a.m. -- Open Meeting

General Assembly Building, 910 Capitol Square, Senate Room A, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

The board will consider the nomination of the following properties to the Virginia Landmarks Register and to the National Register of Historic Places:

1. Bridge at Falling Creek, Chesterfield County
2. Long Meadow, Warren County
3. Richmond National Cemetery, Henrico County
4. Riverside, Warren County
5. Seven Pines National Cemetery, Henrico County
6. Six Mile Bridge, Amherst and Campbell Counties
7. Glasgow Historic District, Rockbridge County
8. William Gooch Tomb and York Village Archaeological Site (boundary clarification), York County

Contact: Margaret Peters, Preservation Program Manager, Department of Historic Resources, 221 Governor St., Richmond, VA 23219, telephone (804) 786-3143, FAX (804) 225-4261 or (804) 786-1934/TDD ☎

HIV PREVENTION COMMUNITY PLANNING COMMITTEE

† August 8, 1995 - 7:30 p.m. -- Public Hearing
Richardson Memorial Library, 1 Spring Street, Emporia, Virginia.

A public forum to gather information from the general public on prevention needs in a rural community and in a region with the highest teen pregnancy rates.

Contact: Elaine G. Martin, Coordinator, STD/AIDS Education, Information and Training, Bureau of STD/AIDS, Department of Health, P.O. Box 2448, Room 112, Richmond, VA 23218, telephone (804) 786-0877 or toll-free 1-800-533-4148.

HOPEWELL INDUSTRIAL SAFETY COUNCIL

September 5, 1995 - 9 a.m. -- Open Meeting
Hopewell Community Center, Second and City Point Road, Hopewell, Virginia. ☎ (Interpreter for the deaf provided upon request)

Local Emergency Preparedness Committee Meeting on emergency preparedness as required by SARA Title III.

Contact: Robert Brown, Emergency Services Coordinator, 300 N. Main St., Hopewell, VA 23860, telephone (804) 541-2298.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† August 15, 1995 - 11 a.m. -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. ☎

A regular meeting of the Board of Commissioners to (i) elect the chairman and vice chairman; (ii) review and, if appropriate, approve the minutes from the prior monthly

Calendar of Events

meeting; (iii) consider for approval and ratification of mortgage loan commitments under its various programs; (iv) review the authority's operations for the prior month; and (v) 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.

STATEWIDE INDEPENDENT LIVING COUNCIL

† **August 23, 1995 - 10 a.m.** -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular business meeting.

Contact: Catherine Northan, Chairperson, or Kathy Hayfield, SILC Staff, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23288, telephone (804) 850-5922 (Northan), (804) 662-7134 (Hayfield), toll-free 1-800-552-5019/TDD and Voice or (804) 662-9040/TDD

COUNCIL ON INFORMATION MANAGEMENT

† **August 8, 1995 - 1:30 p.m.** -- Open Meeting
1100 Bank Street, 9th Floor Conference Room, Richmond, Virginia.

A regular bi-monthly meeting.

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 INTERAGENCY COORDINATING COUNCIL

† **September 13, 1995 - 9:30 a.m.** -- Open Meeting
Henrico Area Mental Health/Mental Retardation Services, 10299 Woodman Road, Glen Allen, Virginia. (Interpreter for the deaf provided upon request)

A quarterly meeting to discuss Virginia implementation of Part H program services for infants and toddlers with disabilities and their families.

Contact: Richard Corbett, Program Support, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3710.

STATE LAND EVALUATION ADVISORY COUNCIL

August 9, 1995 - 10 a.m. -- Open Meeting

† **September 14, 1995 - 10 a.m.** -- Open Meeting
Department of Taxation, 2220 West Broad Street, 3rd Floor Conference Room, Richmond, Virginia.

A meeting to introduce and receive comments on the preliminary suggested ranges of value for agricultural, horticultural, forest and open-space land use and the use-value assessment program for 1996, and conduct other business that may be introduced before the council.

Contact: Farley Beaton, Executive Assistant, Department of Taxation, 2220 W. Broad St., Richmond, VA 23220, telephone (804) 367-8028.

LITTER CONTROL AND RECYCLING FUND ADVISORY BOARD

† **August 16, 1995 - 2 p.m.** -- Open Meeting
General Assembly Building, 910 Capitol Square, 4th Floor Conference Room, Richmond, Virginia.

A meeting to (i) review and make recommendations on applications for grants from the fund; (ii) promote the control, prevention and elimination of litter from the Commonwealth and encourage recycling; and (iii) advise the Director of the Department of Environmental Quality on other litter control and recycling matters.

Contact: Paddy Katzen, Special Assistant to Secretary of Natural Resources, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23219, telephone (804) 762-4488.

STATE COUNCIL ON LOCAL DEBT

† **August 16, 1995 - 11 a.m.** -- Open Meeting
† **September 20, 1995 - 11 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, 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 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

August 21, 1995 - 11 a.m. -- Open Meeting
Pearisburg Community Center, 1410 Wenonah Avenue, Pearisburg, Virginia.

Oral presentations regarding the Town of Pearisburg-Giles County Voluntary Settlement Agreement. Persons desiring to participate in the commission's proceedings and requiring special accommodations or interpreter services should contact the commission's offices.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 Eighth Street Office Building, Richmond, VA 23219-1924, telephone (804) 786-6508 or (804) 786-1860/TDD ☎

August 21, 1995 - 7 p.m. -- Public Hearing
Pearisburg Community Center, 1410 Wenonah Avenue, Pearisburg, Virginia.

Public hearing regarding the Town of Pearisburg-Giles County Voluntary Settlement Agreement. Persons desiring to participate in the commission's proceedings and requiring special accommodations or interpreter services should contact the commission's offices.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 Eighth Street Office Building, Richmond, VA 23219-1924, telephone (804) 786-6508 or (804) 786-1860/TDD ☎

† **September 11, 1995 - 10:30 a.m. -- Open Meeting**
Winchester area; site to be determined.

Oral presentations regarding the City of Winchester-County of Frederick Voluntary Settlement Agreement. Persons desiring to participate in the commission's proceedings and requiring special accommodations or interpreter services should contact the commission's offices.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 Eighth Street Office Building, Richmond, VA 23219-1924, telephone (804) 786-6508 or (804) 786-1860/TDD ☎

† **September 11, 1995 - 7 p.m. -- Public Hearing**
Winchester area; site to be determined.

Public hearing regarding the City of Winchester-County of Frederick Voluntary Settlement Agreement. Persons desiring to participate in the commission's proceedings and requiring special accommodations or interpreter services should contact the commission's offices.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 Eighth Street Office Building, Richmond, VA 23219-1924, telephone (804) 786-6508 or (804) 786-1860/TDD ☎

† **September 12, 1995 - 9 a.m. -- Open Meeting**
Winchester area; site to be determined.

A regular meeting of the commission to consider such matters as they may be presented. Persons desiring to participate in the commission's proceedings and requiring special accommodations or interpreter services should contact the commission's offices.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 Eighth Street Office Building, Richmond, VA 23219-1924, telephone (804) 786-6508 or (804) 786-1860/TDD ☎

STATE LOTTERY BOARD

† **August 23, 1995 - 9:30 a.m. -- Open Meeting**

State Lottery Department, 900 East Main Street, 8th Floor Conference Room, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular meeting of the board. Business will be conducted according to items listed on the agenda, which has not yet been determined. One period for public comment is scheduled.

Contact: Barbara L. Robertson, Legislative, Regulatory and Board Administrator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7774 or FAX (804) 692-7775.

MARINE RESOURCES COMMISSION

† **August 22, 1995 - 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; policy and regulatory issues. The commission will hear and decide fishery management items at approximately noon. Items to be heard are as follows: regulatory proposals, fishery management plans; fishery conservation issues; licensing; shellfish leasing. Meetings are open to the public. Testimony 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

August 11, 1995 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to adopt regulations entitled: **VR 460-01-66.2. Medicaid Reimbursement for Administration of Vaccines under the Pediatric Immunization Program (§ 4.19m)**. The purpose of this proposal is to promulgate permanent regulations for the payment of a fee for the administration of vaccines to children under the Vaccines for Children Program. The vaccines which are covered under this program are routine childhood immunizations which are given to prevent such childhood diseases as whooping cough,

Calendar of Events

diphtheria, tetanus, polio, measles, mumps, and German measles.

The Omnibus Budget Reconciliation Act of 1993 (OBRA '93), Public Law 103-66, created the Pediatric Immunization Distribution Program (more commonly known and hereafter referred to as the Vaccines for Children (VFC) Program), which took effect on October 1, 1994. Section 13631 of OBRA '93 added § 1902 (A)(62) to the Social Security Act (the Act) to require that states provide for a program for the purpose and distribution of pediatric vaccines to program-registered providers for the immunization of vaccine-eligible children in accordance with § 1928 of the Act. Section 1928 required each state to establish a VFC Program (which may be administered by the State Department of Health) under which certain specified groups of children are entitled to receive qualified pediatric immunizations without charge for the costs of the vaccine. The Department of Medical Assistance Services (DMAS) has complied with this requirement with the exception of the final component, the vaccine administration fee, which is needed to complete all the necessary program elements.

The establishment of a vaccine administration fee is essential to comply with OBRA '93's Vaccines for Children (VFC) Program, which ensures that certain specified groups of children receive qualified pediatric immunizations free of charge. This vaccine administration fee is mandated in the law and is intended to provide an incentive to providers to participate in the VFC program and provide immunizations to Medicaid children. Medicaid proposes to establish a fee of \$11 for the administration of such fees. The primary advantage to the Commonwealth and to providers of this regulatory action is that the federal government will provide these routine childhood vaccines free of charge. Since Medicaid recipients do not pay for such immunizations, such a change in drug distribution and payment policies is expected to be transparent to them. Actual expenditures will depend on the number of Medicaid providers who enroll in this vaccines program, the number of recipients who receive immunizations, and the number of administration fees that are actually paid to providers.

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

Public comments may be submitted until August 11, 1995, to Sally Rice, Division of Client Services, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

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

BOARD OF MEDICAL ASSISTANCE SERVICES

August 15, 1995 - 9 a.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia. ☎

A meeting to discuss medical assistance services and to take action on issues pertinent to the board.

Contact: Cynthia Klisz, Executive Assistant, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA, telephone (804) 786-8099.

BOARD OF MEDICINE

† **August 11, 1995 - 1 p.m. -- Open Meeting**
† **August 16, 1995 - 9:30 a.m. -- Open Meeting**
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ☎

The informal conference committee composed of three members of the board will inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 A 7 and A 15 of the Code of Virginia. Public comment will not be received.

Contact: Karen W. Perrine, Deputy Executive Director, Discipline, Board of Medicine, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

Credentials Committee

August 12, 1995 - 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, Board of Medicine, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9923 or (804) 662-7197/TDD ☎

Executive Committee

August 11, 1995 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Rooms 2 and 3, Richmond, Virginia. ☎

The committee will meet in open and closed session to review cases of files requiring administrative action, adopt amendments for approval of promulgation of regulations as presented, and act upon certain issues as presented. The chairman will entertain public comments following the adoption of the agenda for 10 minutes on agenda items.

Contact: Eugenia K. Dorson, Deputy Executive Director, Board of Medicine, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9923 or (804) 662-7197/TDD ☎

Advisory Board on Occupational Therapy

August 17, 1995 - 9 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to review public comments and make recommendations to the Board of Medicine regarding the regulatory review of VR 465-08-01, Regulations for Certification of Occupational Therapists, and such other issues which may be presented.

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 FAX (804) 662-9943.

Advisory Board on Physical Therapy

August 18, 1995 - 9 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to elect new officers, review public comments and make recommendations to the Board of Medicine regarding the regulatory review of VR 465-04-01, Regulations Governing the Practice of Physical Therapy, and such other issues which may be presented.

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 FAX (804) 662-9943.

Advisory Committee on Physician Assistants

August 23, 1995 - Noon -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

The committee will meet to review public comments and make recommendations to the Board of Medicine regarding the regulatory review of VR 465-05-01, Regulations Governing the Practice of Physician Assistants, and such other issues which may be presented.

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 ☎

Advisory Board on Respiratory Therapy

August 17, 1995 - 1 p.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to elect officers, review public comments and make recommendations to the Board of Medicine

regarding the regulatory review of VR 465-04-01, Regulations Governing the Practice of Respiratory Therapy Practitioners, and such other issues which may be presented.

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 ☎

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

August 16, 1995 - 10 a.m. -- Public Hearing

James Madison Building, Main Floor Conference Room, 109 Governor Street, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A public hearing to receive comments on the Virginia Substance Abuse Prevention Treatment and Community Mental Health Services Block Grant applications for federal fiscal year 1996. Copies of this application will be available for review beginning August 4, 1995, at the Office of the Director of Planning and Policy, 8th Floor, James Madison Building in Richmond and at each community services board office. Comments may be made at the hearing or in writing by no later than August 23, 1995, to the Office of Commissioner, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214. Persons wishing to make a presentation may contact Sterling Deal. Copies of oral statements should be filed at the time of the hearing.

Contact: Sterling Deal, Planning Analyst, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3906 or (804) 371-8977/TDD ☎

VIRGINIA MILITARY INSTITUTE

Board of Visitors

August 26, 1995 - 8:30 a.m. -- Open Meeting

Smith Hall, Virginia Military Institute, Lexington, Virginia. ☎

A regular meeting of the Board of Visitors to elect president, make committee appointments, and receive committee reports. The board will provide an opportunity for public comment immediately after the Superintendent's comments at approximately 9 a.m.

Contact: Colonel Edwin L. Dooley, Jr., Secretary to the Board, Superintendent's Office, Virginia Military Institute, Lexington, VA 24450, telephone (703) 464-7206 or FAX (703) 464-7600.

Calendar of Events

DEPARTMENT OF MOTOR VEHICLES

Medical Advisory Board

August 9, 1995 - 1 p.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street,
Richmond, Virginia. ♿

A regular business meeting.

Contact: Karen Ruby, Manager, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA, telephone (804) 367-2240.

MOTOR VEHICLE DEALER BOARD

† **August 23, 1995 - 9 a.m.** -- Open Meeting
† **September 27, 1995 - 9 a.m.** -- Open Meeting
Department of Motor Vehicles Headquarters, 2300 West Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to conduct general board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at (804) 367-6606 at least 10 days prior to the meeting so that suitable arrangements can be made. DMV and the board fully comply with the Americans with Disabilities Act. A tentative agenda will be provided upon request by contacting the Department of Motor Vehicles. The board's guidelines for receiving public comment are as follows:

1. Issue addressed by individual making public comment must be on the agenda for that meeting.
2. Opportunity for public comment on the issue being addressed has not been afforded the public in another forum such as a public hearing.
3. Individual offering public comment should limit remarks to not more than five minutes.
4. If a group of citizens wishes to comment on an item, they are asked to select one individual to speak for the group.
5. Exceptions to item 2 can be made upon the motion of a board member with a majority of the board concurring.

Contact: W. Gail Morykon, Chief, Investigative Services, Department of Motor Vehicles, P.O. Box 27412, Room 625A, Richmond, VA 23269-0001, telephone (804) 367-6002, FAX (804) 367-2936 or (804) 272-9278/TDD ♿

VIRGINIA MUSEUM OF FINE ARTS

Board of Trustees

September 5, 1995 - 8 a.m. -- Open Meeting
Virginia Museum of Fine Arts, Director's Office, 2800 Grove Avenue, Richmond, Virginia. ♿

A monthly update meeting of board officers and the director. Public comment will not be received at the meeting.

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 367-0553.

September 13, 1995 - 10 a.m. -- Open Meeting
Virginia Museum of Fine Arts, Library Reading Room, 2800 Grove Avenue, Richmond, Virginia. ♿

One of four workshops to develop a long-range strategic plan for the Virginia Museum. Public comment will not be received at the meeting.

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 367-0553.

September 14, 1995 - 9:30 a.m. -- Open Meeting
Virginia Museum of Fine Arts, Library Reading Room, 2800 Grove Avenue, Richmond, Virginia. ♿

A briefing meeting of the Planning Committee following the Strategic Plan Steering Committee Workshop held on the previous day. Public comment will not be received at the meeting.

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 367-0553.

September 18, 1995 - 1 p.m. -- Open Meeting
September 19, 1995 - 9 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Richmond, Virginia. ♿

A two-day retreat for the Board of Trustees. Planning issues and future direction of the Museum will be discussed. Public comment will not be received at the meeting.

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 367-0553.

VIRGINIA MUSEUM OF NATURAL HISTORY

Board of Trustees

August 12, 1995 - 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, research and collections, and director search committees. Public comment will be received following approval of the minutes of the April meeting.

Contact: Rhonda J. Knighton, Executive Secretary Sr., Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (703) 666-8616 or (703) 666-8638/TDD ♿

STATE NETWORKING USERS ADVISORY BOARD

August 9, 1995 - 10 a.m. -- Open Meeting
Jefferson-Madison Regional Library, Madison Room, 201 East Market Street, Charlottesville, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to discuss administrative matters.

Contact: Jean Taylor, Secretary to the State Librarian, The Library of Virginia, 11th St. at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

BOARD OF NURSING

August 7, 1995 - 9 a.m. -- Open Meeting
August 9, 1995 - 9 a.m. -- Open Meeting
August 10, 1995 - 9 a.m. -- Open Meeting
August 15, 1995 - 9 a.m. -- Open Meeting
August 16, 1995 - 9 a.m. -- Open Meeting
August 17, 1995 - 9 a.m. -- Open Meeting
August 21, 1995 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A special conference committee comprised of two members of the Board of Nursing will conduct informal conferences with licensees to determine what, if any, action should be recommended to the board. 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, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE

† **August 29, 1995 - 1 p.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 meeting to consider matters related to the licensure and practice of nurse practitioners. Pursuant to Executive Order 15(94) requiring a comprehensive review of all regulations, the committee will receive comments on the Regulations Governing the Licensure of Nurse Practitioners, VR 495-02-01 and VR 465-07-01. This comment period is an extension from one originally published on April 3, 1995, with a deadline of June 15, 1995. Written comments may be sent to the Board of Nursing until September 15, 1995. These regulations will be reviewed to ensure (i) that they are essential to protect the health and safety of the citizens or necessary for the performance of an important government; (ii) that they are mandated and authorized by law; (iii) that they offer the least burdensome alternative and most reasonable solution; and (iv) that they are clearly written and easily understandable.

Contact: Corinne F. Dorsey, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9943 or (804) 662-7197/TDD ☎

BOARD FOR OPTICIANS

August 11, 1995 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

An open meeting for regulatory review and other matters which may require board action. A public comment period will be scheduled at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpretative 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, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-2474 or (804) 367-9753/TDD ☎

† **August 22, 1995 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

The Virginia Board for Opticians will conduct an examination workshop for the Practical Examination.

Contact: George O. Bridewell, Examination Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8572 or (804) 367-9753/TDD ☎

BOARD OF OPTOMETRY

August 30, 1995 - 8 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A general board meeting. Public comment will be received at the beginning of the meeting.

Contact: Carol Stamey, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9910 or (804) 662-7197/TDD ☎

August 30, 1995 - 1:30 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

Formal hearings. Public comment will be received at the beginning of the meeting.

Calendar of Events

Contact: Carol Stamey, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9910 or (804) 662-7197/TDD

VIRGINIA OUTDOORS FOUNDATION

† **August 23, 1995 - 10 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, Treasury Board Conference Room, 3rd Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A general business meeting. Agenda available upon request. Public comment will be received.

Contact: Virginia E. McConnell, Executive Director, Virginia Outdoors Foundation, 203 Governor St., Richmond, VA 23219, telephone (804) 225-2147.

BOARD OF PROFESSIONAL COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS

August 18, 1995 - 8:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, Conference Room 1, Richmond, Virginia. (Interpreter for the deaf provided upon request)

An informal conference regarding credentials will begin at 8:30 a.m. At 9:30 a.m. there will be a regular meeting of the board to conduct general board business, and to consider committee reports, correspondence and any other matters under the jurisdiction of the board. Regulatory review will be conducted. This is a public meeting and there will be a half-hour general public comment period from 9:45 a.m. to 10:15 a.m.

Contact: Evelyn B. Brown, Executive Director, or Joyce D. Williams, Administrative Assistant, Board of Professional Counselors and Marriage and Family Therapists, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9912.

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

† **September 18, 1995 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A general business meeting of the board. 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: Debra S. Vought, Agency Analyst, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8519 or (804) 367-9753/TDD

PROTECTION AND ADVOCACY FOR INDIVIDUALS WITH MENTAL ILLNESS ADVISORY COUNCIL

† **August 17, 1995 - 9 a.m.** -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regularly scheduled meeting. Public comment will be received at 9 a.m.

Contact: Loretta Petty, Human Services Program Advocate, Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone toll-free 1-800-552-3962, FAX (804) 225-3221 or (804) 225-2042/Voice/TDD

VIRGINIA RACING COMMISSION

† **August 16, 1995 - 9:30 a.m.** -- Open Meeting
Tyler Building, 1300 East Main Street, Richmond, Virginia.

A regular commission meeting including a discussion of the issue of medication in race horses and proposed satellite facilities in Chesapeake and Hampton.

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

REAL ESTATE APPRAISER BOARD

† **August 7, 1995 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia.

A meeting to conduct informal fact-finding conferences in order for the board to make case decisions in regard to: Katherine P. Sarres (License No. 40 01 000496); H. Wayne MacDonald (License No. 40 01 001998); Robert L. Tolson (License No. 40 01 001229); and Laura N. Jones (License No. 40 01 001230).

Contact: Stacie G. Camden, Legal Assistant, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2393.

† **August 8, 1995 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia.

A meeting to conduct informal fact-finding conferences in order for the board to make case decisions in regard to: Cecil W. Simmons (License No. 40 08 000552); Gary D. Schindler (License No. 40 01 001484); and Stephen N. Clark (License No. 40 01 001910).

Contact: Stacie G. Camden, Legal Assistant, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2393.

† **August 10, 1995 - 9 a.m.** -- Open Meeting

† **August 11, 1995 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia.

A meeting to conduct informal fact-finding conferences in order for the board to make case decisions in regard to: Kenneth A. Gebbie (License No. 40 01 000443); Linda M. Harless (License No. 40 01 001092); Milton R. McCormick (License No. 40 01 000857); Edward H. Isbell, Jr. (License No. 40 04 002049); and Philip W. Andrews.

Contact: Stacie G. Camden, Legal Assistant, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2393.

VIRGINIA RECYCLING MARKETS DEVELOPMENT COUNCIL

Plastic Subcommittee

† **August 8, 1995 - Noon** -- Open Meeting
Winchester/Frederick County Economic Development Commission, 45 East Boscawen Street, Winchester, Virginia.

A meeting to review plastic recycling report for presentation to the council in September.

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.

STATE REHABILITATION ADVISORY COUNCIL

† **August 14, 1995 - 10 a.m.** -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular business meeting.

Contact: Kathy Hayfield, SRAC Staff, 8004 Franklin Farms Dr., Richmond, VA 23230, telephone (804) 662-7134, toll-free 1-800-552-5019/TDD and Voice or (804) 662-9040/TDD ♿

BOARD OF REHABILITATIVE SERVICES

† **September 28, 1995 - 10 a.m.** -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly business 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/TDD and Voice or (804) 662-9040/TDD ♿

VIRGINIA RESOURCES AUTHORITY

August 8, 1995 - 9:30 a.m. -- Open Meeting

The Mutual Building, 909 East Main Street, Suite 607, Board Room, Richmond, Virginia.

The board will meet to approve minutes of the prior monthly meeting; 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., The Mutual Bldg., 909 E. Main St., Suite 607, Richmond, VA 23219, telephone (804) 644-3100 or FAX (804) 644-3109.

RICHMOND HOSPITAL AUTHORITY

Board of Commissioners

† **August 24, 1995 - 4 p.m.** -- Open Meeting
Richmond Nursing Home, 1900 Cool Lane, 2nd Floor, Classroom, Richmond, Virginia. ♿

A monthly board meeting to discuss nursing home operations and related matters.

Contact: Marilyn H. West, Chairman, Richmond Hospital Authority, P.O. Box 548, Richmond, VA 23204-0548, telephone (804) 782-1938.

SEWAGE HANDLING AND DISPOSAL ADVISORY COMMITTEE

† **August 10, 1995 - 10 a.m.** -- Open Meeting
Department of Health, Main Street Station, 1500 East Main Street, Suite 115, Richmond, Virginia.

A regular meeting.

Contact: Berly Nguyen, Office Services Assistant, 1500 E. Main St., Suite 115, P.O. Box 2448, Richmond, VA 23219, telephone (804) 786-3559 or (804) 786-1750.

SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

August 9, 1995 - 10 a.m. -- Open Meeting
August 10, 1995 - 10 a.m. -- Open Meeting
General Assembly Building, Senate Room A, Capitol Square, Ninth and Broad Streets, Richmond, Virginia. ♿

The board will 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: Beth B. Dubis, Secretary to the Board, Sewage Handling and Disposal Appeals Review Board, 1500 E. Main St., Suite 117, P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-1750.

Calendar of Events

STATE BOARD OF SOCIAL SERVICES

August 16, 1995 - 1:30 p.m. -- Open Meeting
August 17, 1995 - 9 a.m. (if necessary) -- Open Meeting
Wythe Building, Koger Executive Center West, 1604 Santa Rosa Road, Richmond, Virginia.☎

A work session and formal business meeting of the board.

Contact: Phyllis Sisk, Special Assistant to the Commissioner, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, (804) 692-1900, toll-free 1-800-552-7096, 1-800-552-3431/TDD☎, or FAX (804) 692-1949.

DEPARTMENT OF SOCIAL SERVICES

† August 17, 1995 - 10 a.m. -- Public Hearing
730 East Broad Street, 7th Floor Conference Room, Richmond, Virginia.☎

A public hearing to receive comment on the use of the Low Income Energy Assistance Program Funds for the 1995-96 program year.

Contact: Charlene H. Chapman, Program Manager, Energy and Emergency Assistance, Department of Social Services, 730 E. Broad St., 7th Floor, Richmond, VA 23219, telephone (804) 692-1750.

BOARD OF SOCIAL WORK

August 11, 1995 -- Public 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 Social Work intends to amend regulations entitled: **VR 620-01-2. Regulations Governing the Practice of Social Work.** The purpose of the proposed action is to clarify the responsibilities of a supervisor, allow candidates to be examined prior to completing experience requirements, and address problems with standards of practice.

Contact: Evelyn Brown, Executive Director, Board of Social Work, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9914.

DEPARTMENT OF TRANSPORTATION (COMMONWEALTH TRANSPORTATION BOARD)

† August 16, 1995 - 2 p.m. -- Open Meeting
Department of Transportation, 1401 East Broad Street, Richmond, 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.

† August 17, 1995 - 10 a.m. -- Open Meeting
Department of Transportation, 1401 East Broad Street, Richmond, Virginia.☎ (Interpreter for the deaf provided upon request)

A monthly meeting to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval. Public comment will be received at the outset of the meeting on items on the meeting agenda for which the opportunity for public comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions. Separate committee meetings may be held on call of the chairman. Contact the Department of Transportation Public Affairs at (804) 786-2715 for a schedule.

Contact: Robert E. Martinez, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-8032.

September 8, 1995 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Commonwealth Transportation Board intends to amend regulations entitled: **VR 385-01-8. Subdivision Street Requirements.** The Subdivision Street Requirements were originally adopted in 1949 to establish the requirements and administrative procedures for the addition of subdivision streets into the secondary system of Virginia's highways. The geometric standards and specifications listed or referenced in the manual are consistent with the department's criteria for the design and construction of roadway facilities which are adequate to serve the traffic projected to travel over the streets involved. The regulation does make allowances to recognize unique situations concerning street development which arise during the process of subdividing land.

The proposed amendments to the Subdivision Street Requirements reflect the findings of the department documented in response to Senate Joint Resolution 61, enacted by the 1994 General Assembly. This resolution directed the department to study the need for establishing more flexible design standards to ensure these standards reflect the special needs of historical districts, and to address the need for conservation and protection of environmentally sensitive areas. As a result of this effort, the department solicited comments from municipalities, developers, and other stakeholders before securing formal permission to revise the Subdivision Street Requirements.

The proposed amendments provide a number of benefits for participants in the subdivision/development processes: updated nomenclature, references, and titles; additional definitions to reflect new conditions or

design specifications; the establishment of new or expanded responsibilities of the participants; and clarifying language to resolve procedural issues. These amendments are intended to produce a document which (i) is easier to understand; (ii) provides additional flexibility to the overall addition process; and (iii) addresses economic and environmental concerns fairly.

Public comments may be submitted until September 8, 1995, to James S. Givens, Secondary Roads Engineer, Department of Transportation, 1401 E. Broad Street, Richmond, Virginia 23219.

Contact: H. Charles Rasnick, Assistant Secondary Roads Engineer, Virginia Department of Transportation, 1401 E. Broad Street, Richmond, Virginia 23219, telephone (804) 786-7314.

TRANSPORTATION SAFETY BOARD

† **September 14, 1995 - 9 a.m.** -- Open Meeting
Department of Motor Vehicles Headquarters, 2300 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

† **October 4, 1995 - 9 a.m.** -- Open Meeting
Virginia Military Institute, Lexington, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss matters regarding highway safety.

Contact: Angelisa C. Jennings, Management Analyst, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23269, telephone (804) 367-2026 or FAX (804) 367-6031.

TREASURY BOARD

† **August 16, 1995 - 9 a.m.** -- Open Meeting
† **September 20, 1995 - 9 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, Treasury Board Conference Room, 3rd Floor, Richmond, Virginia.

A regular meeting.

Contact: Gloria J. Hatchel, Administrative Assistant, Department of the Treasury, Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 371-6011.

BOARD OF VETERINARY MEDICINE

† **August 9, 1995 - 8 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct general board business, a formal hearing and, pursuant to Executive Order 15(94) requiring a comprehensive review of all regulations, the board will receive comments on the following regulations: VR 645-01-1. Regulations Governing the Practice of Veterinary Medicine. This regulation will be reviewed to ensure (i) that it is essential to protect the health and safety of the citizens or necessary for the performance of

an important government function; (ii) that it is mandated or authorized by law; (iii) that it offers the least burdensome alternative and most reasonable solution; and (iv) that it is clearly written and easily understandable. Written comment may be sent to the board until September 29, 1995. Brief comment will be received at the beginning of the meeting.

Contact: Terri H. Behr, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9915 or (804) 662-7197/TDD

† **August 10, 1995 - 8 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

Informal conferences.

Contact: Terri H. Behr, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9915 or (804) 662-7197/TDD

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Vocational Rehabilitation Advisory Council

September 16, 1995 - 10 a.m. -- Open Meeting
Department for the Visually Handicapped, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. (Interpreter for the deaf provided upon request. Request must be received no later than 9/5/95 at 5 p.m.)

Council meets quarterly to advise the Virginia Department for the Visually Handicapped on matters related to vocational rehabilitation services for the blind and visually impaired citizens of the Commonwealth.

Contact: James G. Taylor, Vocational Rehabilitation Program Specialist, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140, (804) 371-3140/TDD, or toll-free 1-800-622-2155.

VIRGINIA COUNCIL ON VOCATIONAL EDUCATION

August 8, 1995 - Noon -- Open Meeting
August 9, 1995 - 8:30 a.m. -- Open Meeting
Hotel Roanoke, Roanoke, Virginia.

Opening session (August 8). Business session (August 9).

Contact: Jerry Hicks, Executive Director, Virginia Council on Vocational Education, 7420-A Whitepine Rd., Richmond, VA 23237, telephone (804) 275-6218.

Calendar of Events

VIRGINIA VOLUNTARY FORMULARY BOARD

August 17, 1995 - 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 being considered for inclusion in the Virginia Voluntary Formulary.

Contact: James K. Thomson, Bureau of Pharmacy Services, Department of Health, Madison Bldg., 109 Governor St., Room B1-9, Richmond, VA 23219, telephone (804) 786-4326.

STATE WATER CONTROL BOARD

August 28, 1995 - 7 p.m. -- Public Hearing
Prince William County Administration Center, 1 County Complex, McCoart Building, Board Chambers, 4850 Davis Ford Road, Prince William, Virginia.

August 29, 1995 - 7 p.m. -- Public Hearing
James City County Board of Supervisors Room, 101 C Mounts Bay Road, Building C, Williamsburg, Virginia.

August 31, 1995 - 7 p.m. -- Public Hearing
Roanoke County Administration Center, 5204 Bernard Drive, Board of Supervisors Room, Roanoke, Virginia.

September 25, 1995 -- 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 Water Control Board intends to repeal regulations entitled: **VR 680-14-01. Permit Regulation**. The purpose of the proposed regulatory action is to repeal the permit regulation in order to eliminate confusion and duplication from the concurrent adoption of a VPDES permit regulation and a VPA permit regulation.

Question and Answer Period: A question and answer period will be held one-half hour prior to the beginning of each public hearing at the same location. The Department of Environmental Quality staff will be present to answer questions regarding the proposed action.

Accessibility to Persons with Disabilities: The meetings will be held at public facilities believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Zelda Hardy, Office of Regulatory Services, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 762-4377 or (804) 762-4261/TDD. Persons needing interpreter services for the deaf must notify Ms. Hardy no later than 4 p.m. on Monday, August 14, 1995.

Other Pertinent Information: The department has conducted analyses on the proposed action related to basis, purpose, substance, issues and estimated impacts. These are available upon request from Richard Ayers at the Department of Environmental Quality.

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

Written comments may be submitted until 4 p.m., Monday, September 25, 1995, to Zelda Hardy, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240.

Contact: Richard Ayers, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 527-5059 or (804) 762-4261/TDD☎

August 28, 1995 - 7 p.m. -- Public Hearing
Prince William County Administration Center, 1 County Complex, McCoart Building, Board Chambers, 4850 Davis Ford Road, Prince William, Virginia.

August 29, 1995 - 7 p.m. -- Public Hearing
James City County Board of Supervisors Room, 101 C Mounts Bay Road, Building C, Williamsburg, Virginia.

August 31, 1995 - 7 p.m. -- Public Hearing
Roanoke County Administration Center, 5204 Bernard Drive, Board of Supervisors Room, Roanoke, Virginia.

September 25, 1995 -- 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 Water Control Board intends to adopt regulations entitled: **VR 680-14-01:1. Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation**. The purpose of the proposed regulation is to adopt a VPDES permit regulation which will administer the VPDES program which controls the point source discharge of pollutants to surface waters of the state.

Question and Answer Period: A question and answer period will be held one-half hour prior to the beginning of each public hearing at the same location. The Department of Environmental Quality staff will be present to answer questions regarding the proposed action.

Accessibility to Persons with Disabilities: The meetings will be held at public facilities believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Zelda Hardy, Office of Regulatory Services, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 762-4377 or (804) 762-4261/TDD. Persons needing interpreter services for the deaf must notify Ms. Hardy no later than 4 p.m. on Monday, August 14, 1995.

Other Pertinent Information: The department has conducted analyses on the proposed action related to basis, purpose, substance, issues and estimated impacts. These are available upon request from Richard Ayers at the Department of Environmental Quality.

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

Written comments may be submitted until 4 p.m., Monday, September 25, 1995, to Zelda Hardy, Department of

Environmental Quality, P.O. Box 10009, Richmond, VA 23240.

Contact: Richard Ayers, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 527-5059 or (804) 762-4261/TDD

Contact: Richard Ayers, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 527-5059 or (804) 762-4261/TDD

August 28, 1995 - 7 p.m. -- Public Hearing Prince William County Administration Center, 1 County Complex, McCoart Building, Board Chambers, 4850 Davis Ford Road, Prince William, Virginia.

August 28, 1995 - 7 p.m. -- Public Hearing Prince William County Administration Center, 1 County Complex, McCoart Building, Board Chambers, 4850 Davis Ford Road, Prince William, Virginia.

August 29, 1995 - 7 p.m. -- Public Hearing James City County Board of Supervisors Room, 101 C Mounts Bay Road, Building C, Williamsburg, Virginia.

August 29, 1995 - 7 p.m. -- Public Hearing James City County Board of Supervisors Room, 101 C Mounts Bay Road, Building C, Williamsburg, Virginia.

August 31, 1995 - 7 p.m. -- Public Hearing Roanoke County Administration Center, 5204 Bernard Drive, Board of Supervisors Room, Roanoke, Virginia.

August 31, 1995 - 7 p.m. -- Public Hearing Roanoke County Administration Center, 5204 Bernard Drive, Board of Supervisors Room, Roanoke, Virginia.

September 25, 1995 -- Written comments may be submitted through this date.

September 25, 1995 -- 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 Water Control Board intends to repeal regulations entitled: VR 680-14-03. Toxics Management Regulation. The purpose of the proposed regulatory action is to repeal the Toxics Management Regulation to avoid duplication and confusion with the adoption of a VPDES permit regulation.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to adopt regulations entitled: VR 680-14-21. Virginia Pollution Abatement (VPA) Permit Regulation. The purpose of the proposed regulation is to adopt a VPA permit regulation which will administer the VPA permit program which controls activities that do not result in a point source discharge to surface waters of the state.

Question and Answer Period: A question and answer period will be held one-half hour prior to the beginning of each public hearing at the same location. The Department of Environmental Quality staff will be present to answer questions regarding the proposed action.

Question and Answer Period: A question and answer period will be held one-half hour prior to the beginning of each public hearing at the same location. The Department of Environmental Quality staff will be present to answer questions regarding the proposed action.

Accessibility to Persons with Disabilities: The meetings will be held at public facilities believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Zelda Hardy, Office of Regulatory Services, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 762-4377 or (804) 762-4261/TDD. Persons needing interpreter services for the deaf must notify Ms. Hardy no later than 4 p.m. on Monday, August 14, 1995.

Accessibility to Persons with Disabilities: The meetings will be held at public facilities believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Zelda Hardy, Office of Regulatory Services, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 762-4377 or (804) 762-4261/TDD. Persons needing interpreter services for the deaf must notify Ms. Hardy no later than 4 p.m. on Monday, August 14, 1995.

Other Pertinent Information: The department has conducted analyses on the proposed action related to basis, purpose, substance, issues and estimated impacts. These are available upon request from Richard Ayers at the Department of Environmental Quality.

Other Pertinent Information: The department has conducted analyses on the proposed action related to basis, purpose, substance, issues and estimated impacts. These are available upon request from Richard Ayers at the Department of Environmental Quality.

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

Statutory Authority: §§ 62.1-44.15, 62.1-44.16, 62.1-44.17, 62.1-44.18, 62.1-44.19, 62.1-44.20 and 62.1-44.21.

Written comments may be submitted until 4 p.m., Monday, September 25, 1995, to Zelda Hardy, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240.

Written comments may be submitted until 4 p.m., Monday, September 25, 1995, to Zelda Hardy, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240.

Contact: Richard Ayers, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 527-5059 or (804) 762-4261/TDD

Calendar of Events

GOVERNOR'S ADVISORY COMMISSION ON WELFARE REFORM

† August 15, 1995 - 3 p.m. -- Open Meeting
Department of Social Services, 730 East Broad Street, Lower Level, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting of the commission. Business will be conducted according to items listed on the agenda which has not yet been determined. A period for public comment is scheduled. Please call Virginia Hayden at (804) 367-9828 to confirm meeting time.

Contact: Gail Nottingham, Commission Secretary, Governor's Employment and Training Department, 4615 West Broad St., Richmond, VA 23230, telephone (804) 367-9828, FAX (804) 367-6172 or (804) 367-6283/TDD

LEGISLATIVE

VIRGINIA HOUSING STUDY COMMISSION

August 10, 1995 - 1 p.m. -- Open Meeting
General Assembly Building, House Room C, Richmond, Virginia.

August 17, 1995 - 10 a.m. -- Open Meeting
Southwest Virginia Community College, King Hall Auditorium, Richlands, Virginia.

Re: HJR 438 (Community Land Trusts), HJR 590 (Shrink-Swell Soil), SJR 347 (Tenant Organizations in Public Housing), HB 2223 (1995 - DHCD Board Membership), Virginia Mortgage Lender and Broker Act (as to licensing lenders to act in a brokerage capacity); other issues related to affordable housing in Virginia. Persons wishing to speak should contact Nancy D. Ambler, Esquire, Executive Director, Virginia Housing Study Commission, 601 South Belvidere Street, Richmond, Virginia 23220, telephone (804) 225-3797.

Contact: Nancy D. Blanchard, Virginia Housing Study Commission, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 782-1986, ext. 5565.

VIRGINIA CODE COMMISSION

August 16, 1995 - 10 a.m. -- Open Meeting

August 17, 1995 - 10 a.m. -- Open Meeting
Fort Magruder Inn, Route 60 East, Williamsburg, Virginia.

A meeting to continue with the revision of Title 15.1 of the Code of Virginia and to discuss other matters as may be presented.

Contact: Joan W. Smith, Registrar of Regulations, General Assembly Building, 2nd Floor, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

Title 15.1 Recodification Task Force

August 24, 1995 - 10 a.m. -- Open Meeting
General Assembly Building, 910 Capitol Square, 6th Floor, Speakers Conference Room, Richmond, Virginia.

A meeting to review working documents for Title 15.1 recodification.

Contact: Michelle Browning, Senior Operations Staff Assistant, Division of Legislative Services, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

CHRONOLOGICAL LIST

OPEN MEETINGS

August 7

† Alcoholic Beverage Control Board, Virginia
Barbers, Board for
Nursing, Board of
† Real Estate Appraiser Board

August 8

Agriculture and Consumer Services, Department of
- Virginia Winegrowers Advisory Board
Education, Board of
† Information Management, Council on
† Real Estate Appraiser Board
† Recycling Markets Development Council, Virginia
- Plastic Subcommittee
Virginia Resources Authority
Vocational Education, Virginia Council on

August 9

Corrections, Board of
- Administration Committee
- Correctional Services Committee
Land Evaluation Advisory Council, State
Motor Vehicles, Department of
- Medical Advisory Board
Networking Users Advisory Board, State
Nursing, Board of
Sewage Handling and Disposal Appeals Review Board
† Veterinary Medicine, Board of
Vocational Education, Virginia Council on

August 10

Child Day-Care Council
Housing Study Commission, Virginia
Nursing, Board of
† Real Estate Appraiser Board
† Sewage Handling and Disposal Advisory Committee
Sewage Handling and Disposal Appeals Review Board
† Veterinary Medicine, Board of

August 11

Agriculture and Consumer Services, Department of
- Virginia Aquaculture Advisory Board
Medicine, Board of
- Executive Committee
Opticians, Board for

† Real Estate Appraiser Board

August 12

Medicine, Board of
 - Credentials Committee
 Museum of Natural History, Virginia
 - Board of Trustees

August 14

Cosmetology, Board for
 † Geology, Board for
 † Rehabilitation Advisory Council, State

August 15

Agriculture and Consumer Services, Department of
 - Virginia Horse Industry Board
 † Architects, Professional Engineers, Land Surveyors
 and Landscape Architects, Board for
 - Board for Land Surveyors
 † Chesapeake Bay Local Assistance Board
 - Central Area Review Committee
 - Northern Area Review Committee
 † Historic Resources, Department of
 - State Review Board
 † Housing Development Authority, Virginia
 Medical Assistance Services, Board of
 Nursing, Board of
 † Welfare Reform, Governor's Advisory Commission on

August 16

† Historic Resources, Board of
 † Litter Control and Recycling Fund Advisory Board
 † Local Debt, State Council on
 † Medicine, Board of
 Nursing, Board of
 † Racing Commission, Virginia
 Social Services, State Board of
 † Transportation Board, Commonwealth
 † Treasury Board
 Virginia Code Commission

August 17

† Fire Services Board, Virginia
 - Fire/EMS Education and Training Committee
 - Fire Prevention and Control Committee
 - Legislative/Liaison Committee
 Housing Study Commission, Virginia
 Medicine, Board of
 - Advisory Board on Occupational Therapy
 - Advisory Board on Respiratory Therapy
 Nursing, Board of
 † Protection and Advocacy for Individuals with Mental
 Illness Advisory Council
 Social Services, State Board of
 † Transportation Board, Commonwealth
 Virginia Code Commission
 Voluntary Formulary Board, Virginia

August 18

† Branch Pilots, Board for
 † Building Code Technical Review Board, State
 † Fire Services Board, Virginia
 Medicine, Board of
 - Advisory Board on Physical Therapy

Professional Counselors and Marriage and Family
 Therapists, Board of

August 21

† Alcoholic Beverage Control Board, Virginia
 † Cosmetology, Board for
 † Disability Services Council
 Local Government, Commission on
 Nursing, Board of

August 22

† Aviation Board, Virginia
 † Cosmetology, Board for
 † Marine Resources Commission
 † Opticians, Board for

August 23

† Architects, Professional Engineers, Land Surveyors
 and Landscape Architects, Board for
 - Land Surveyor Board
 † Aviation Board, Virginia
 Conservation and Recreation, Department of
 † Independent Living Council, Statewide
 † Lottery Board, State
 Medicine, Board of
 - Advisory Committee on Physician Assistants
 † Motor Vehicle Dealer Board
 † Outdoors Foundation, Virginia

August 24

Game and Inland Fisheries, Board of
 † Health, Department of
 - Biosolids Use Regulations Advisory Committee
 † Richmond Hospital Authority
 - Board of Commissioners
 Title 15.1 Recodification Task Force

August 25

† Architects, Professional Engineers, Land Surveyors
 and Landscape Architects, Board for
 - Board for Architects
 † Aviation Board, Virginia

August 26

Military Institute, Virginia
 - Board of Visitors

August 28

† Agricultural Council, Virginia

August 29

† Nursing and Medicine, Joints Boards of

August 30

† Asbestos Licensing and Lead Certification, Board for
 Optometry, Board of

August 31

† Architects, Professional Engineers, Land Surveyors
 and Landscape Architects, Board for
 - Board for Professional Engineers

September 5

Hopewell Industrial Safety Council
 Museum of Fine Arts, Virginia
 - Board of Trustees

Calendar of Events

September 6

- † Alcoholic Beverage Control Board, Virginia
- † Chesapeake Bay Local Assistance Board
 - Northern Area Review Committee

September 7

- † Chesapeake Bay Local Assistance Board
 - Central Area Review Committee
 - Southern Area Review Committee

September 8

- † Conservation and Recreation, Department of
 - Shenandoah Scenic River Advisory Board

September 11

- † Local Government, Commission on

September 12

- † Historic Resources, Department of
- † Local Government, Commission on

September 13

- † Interagency Coordinating Council, Virginia Museum of Fine Arts, Virginia
 - Board of Trustees

September 14

- † Land Evaluation Advisory Council, State Museum of Fine Arts, Virginia
 - Board of Trustees
- † Transportation Safety Board

September 16

- Visually Handicapped, Department for the
 - Vocational Rehabilitation Advisory Council

September 18

- † Alcoholic Beverage Control Board
- Museum of Fine Arts, Virginia
 - Board of Trustees
- † Professional and Occupational Regulation, Board for

September 19

- Museum of Fine Arts, Virginia
 - Board of Trustees

September 20

- † Local Debt, State Council on
- † Treasury Board

September 27

- † Contractors, Board for
- † Motor Vehicle Dealer Board

September 28

- Education, Board of
- † Rehabilitative Services, Board of

October 2

- † Alcoholic Beverage Control Board

October 4

- † Transportation Safety Board

October 5

- † Emergency Planning Committee, Local - Chesterfield County

October 16

- † Alcoholic Beverage Control Board

October 30

- † Alcoholic Beverage Control Board

PUBLIC HEARINGS

August 8

- Corrections, Board of
- Education, Board of
- † HIV Prevention Community Planning Committee

August 15

- Health Professions, Board of
 - Regulatory Research Committee

August 16

- † Environmental Quality, Department of
- Mental Health, Mental Retardation and Substance Abuse Services, Department of

August 17

- † Fire Services Board, Virginia
- † Social Services, Department of
 - Energy Assistance Program

August 21

- Local Government, Commission on

September 11

- † Local Government, Commission on