
TABLE OF CONTENTS

CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

Cumulative Table.....2131

NOTICES OF INTENDED REGULATORY ACTION

TITLE 2. AGRICULTURE

Department of Agriculture and Consumer Services2143

TITLE 8. EDUCATION

State Board of Education2143

TITLE 9. ENVIRONMENT

State Air Pollution Control Board2144

State Water Control Board2144

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

Department of Professional and Occupational Regulation2146

Real Estate Board.....2146

TITLE 22. SOCIAL SERVICES

State Board of Social Services2146

PROPOSED REGULATIONS

TITLE 2. AGRICULTURE

STATE MILK COMMISSION

Withdrawal

Regulations for the Control and Supervision of Virginia's Milk Industry. (2 VAC 15-20-10 et seq.)2148

TITLE 4. CONSERVATION AND NATURAL RESOURCES

BOARD OF GAME AND INLAND FISHERIES

Game: Deer (amending 4 VAC 15-90-20, 4 VAC 15-90-70, 4 VAC 15-90-80, 4 VAC 15-90-100, 4 VAC 15-90-110, 4 VAC 15-90-141, 4 VAC 15-90-160, 4 VAC 15-90-170, 4 VAC 15-90-190, 4 VAC 15-90-195, 4 VAC 15-90-200, 4 VAC 15-90-210, 4 VAC 15-90-220, and 4 VAC 15-90-240; adding 4 VAC 15-90-21 and 4 VAC 15-90-85).2148

Game: Fox (amending 4 VAC 15-110-75).....2152

Game: Turkey (amending 4 VAC 15-240-20, 4 VAC 15-240-31, and 4 VAC 15-240-90).2152

TITLE 13. HOUSING

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

Withdrawal

Rules and Regulations for Multi-Family Housing Developments. (13 VAC 10-20-10 et seq.)2153

TITLE 14. INSURANCE

STATE CORPORATION COMMISSION

Rules Governing Credit for Reinsurance (amending 14 VAC 5-300-130).2153

TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS

STATE CORPORATION COMMISSION

Rules Governing Retail Access to Competitive Energy Services. (20 VAC 5-312-10 et seq.)2156

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Temporary Assistance for Needy Families. (22 VAC 40-295-10 et seq.).....2167

FINAL REGULATIONS

TITLE 2. AGRICULTURE

STATE MILK COMMISSION

Regulations for the Control and Supervision of Virginia's Milk Industry (amending 2 VAC 15-20-81).2179

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

Pertaining to Crabbing (amending 4 VAC 20-270-40).2179

Pertaining to Summer Flounder (amending 4 VAC 20-620-30, 4 VAC 20-620-50 and 4 VAC 20-620-70).2180

Pertaining to Scup (Porgy) (amending 4 VAC 20-910-30).2181

Pertaining to Black Sea Bass (amending 4 VAC 20-950-30 and 4 VAC 20-950-45).....2181

Pertaining to Commercial Hook-and-Line Fishing (amending 4 VAC 20-995-20).2182

Table of Contents

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Notice of Change in Effective Date

Transportation as an Administrative Expense.
Amount, Duration, and Scope of Medical and Remedial
Care Services (amending 12 VAC 30-50-300 and
12 VAC 30-50-530). 2183

TITLE 17. LIBRARIES AND CULTURAL RESOURCES

LIBRARY BOARD

Standards for Microfilming Public Records (amending 17 VAC
15-20-20 through 17 VAC 15-20-50, 17 VAC 15-20-70
through 17 VAC 15-20-120, and 17 VAC 15-20-150 through
17 VAC 15-20-170). 2183

Archival Standards for Recording Deeds and Other Writings
by a Procedural Microphotographic Process (REPEALED).
(17 VAC 15-30-10 et seq.)..... 2183

Standards for the Microfilming of Ended Law Chancery and
Criminal Cases of the Clerks of the Circuit Courts Prior to
Disposition (REPEALED). (17 VAC 15-40-10 et seq.).... 2183

Standards for Computer Output Microfilm (COM) for Public
Records (amending 17 VAC 15-50-20 through 17 VAC 15-50-
50, 17 VAC 15-50-70, 17 VAC 15-50-90 through 17 VAC 15-
50-110, 17 VAC 15-50-130, 17 VAC 15-50-150, and 17 VAC
15-50-160; repealing 17 VAC 15-50-140). 2184

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF ACCOUNTANCY

Board for Accountancy Regulations (REPEALED). (18 VAC
5-20-10 et seq.)..... 2184

Board of Accountancy Regulations. (18 VAC 5-21-10 et seq.)
..... 2184

BOARD OF SOCIAL WORK

Regulations Governing the Practice of Social Work (amending
18 VAC 140-20-100, 18 VAC 140-20-110, and 18 VAC 140-
20-160; adding 18 VAC 140-20-105 and 18 VAC 140-20-106).
..... 2198

TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

COMMONWEALTH TRANSPORTATION BOARD

Recreational Access Funding (REPEALED). (24 VAC 30-
440-10 et seq.)..... 2200

Airport Access Program. (24 VAC 30-450-10 et seq.) 2200

Industrial Access Funding (REPEALED). (24 VAC 30-460-
10)..... 2201

EMERGENCY REGULATIONS

TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

Regulations Governing the Determination of Critical Teacher
Shortage Areas for Awarding the Virginia Teaching
Scholarship Loan Program. (8 VAC 20-650-10 et seq.) ..2202

GOVERNOR

EXECUTIVE ORDER

Balanced Budget Implementation Plan 2000-02 Biennium.
(74-01) 2203

GUIDANCE DOCUMENTS

State Council of Higher Education for Virginia..... 2205

GENERAL NOTICES/ERRATA

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS

Notice of Periodic Review 2206

BOARD FOR BRANCH PILOTS

Notice of Periodic Review 2206

BOARD FOR CONTRACTORS

Notice of Periodic Review and Retention 2206

DEPARTMENT OF ENVIRONMENTAL QUALITY

TMDLs for Cooks Creek and Blacks Run..... 2206

DEPARTMENT OF HEALTH

Drinking Water Funding 2207

DEPARTMENT OF HEALTH PROFESSIONS

Notice of Periodic Review - Request for Comment..... 2207

STATE MILK COMMISSION

Order Number 21 -- Moratorium on Regulations..... 2208

STATE WATER CONTROL BOARD

Notices of Periodic Review..... 2208

VIRGINIA CODE COMMISSION

Notice to State Agencies..... 2209

Forms for Filing Material for Publication in *The Virginia Register of Regulations*2209

CALENDAR OF EVENTS

EXECUTIVE

Open Meetings and Public Hearings.....2210

INDEPENDENT

Open Meetings and Public Hearings.....2224

LEGISLATIVE

Open Meetings and Public Hearings.....2224

CHRONOLOGICAL LIST

Open Meetings2224

Public Hearings2226

CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

The table printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Fall 2000 VAC Supplement includes final regulations published through *Virginia Register* Volume 16, Issue 24, dated August 14, 2000). Emergency regulations, if any, are listed, followed by the designation "emer," and errata pertaining to final regulations are listed. Proposed regulations are not listed here. The table lists the sections in numerical order and shows action taken, the volume, issue and page number where the section appeared, and the effective date of the section.

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 2. Agriculture			
2 VAC 5-330-30	Amended	17:8 VA.R. 1192	2/5/01
2 VAC 5-430-10 et seq.	Repealed	17:8 VA.R. 1192	1/31/01
2 VAC 5-600-10	Amended	17:9 VA.R. 1293	12/14/00
Title 3. Alcoholic Beverages			
3 VAC 5-10-70	Amended	17:10 VA.R. 1528	2/28/01
3 VAC 5-10-240	Amended	17:10 VA.R. 1528	2/28/01
3 VAC 5-70-170	Amended	17:10 VA.R. 1530	2/28/01
3 VAC 5-70-210	Added	17:10 VA.R. 1529	2/28/01
Title 4. Conservation and Natural Resources			
4 VAC 15-20-50	Amended	17:6 VA.R. 919	1/1/01
4 VAC 15-20-130	Amended	17:6 VA.R. 920	1/1/01
4 VAC 15-30-40	Amended	17:6 VA.R. 921	1/1/01
4 VAC 15-250-30	Amended	17:6 VA.R. 923	1/1/01
4 VAC 15-320-30	Amended	17:6 VA.R. 924	1/1/01
4 VAC 15-320-100	Amended	17:6 VA.R. 925	1/1/01
4 VAC 15-320-120	Amended	17:6 VA.R. 925	1/1/01
4 VAC 15-320-170	Added	17:6 VA.R. 925	1/1/01
4 VAC 15-330-30	Amended	17:6 VA.R. 926	1/1/01
4 VAC 15-330-50	Amended	17:6 VA.R. 926	1/1/01
4 VAC 15-330-60	Amended	17:6 VA.R. 926	1/1/01
4 VAC 15-330-100	Amended	17:6 VA.R. 926	1/1/01
4 VAC 15-330-120	Amended	17:6 VA.R. 926	1/1/01
4 VAC 15-330-160	Amended	17:6 VA.R. 927	1/1/01
4 VAC 15-330-190	Amended	17:6 VA.R. 927	1/1/01
4 VAC 15-360-10	Amended	17:6 VA.R. 928	1/1/01
4 VAC 15-360-60	Amended	17:6 VA.R. 928	1/1/01
4 VAC 20-110-10	Amended	17:5 VA.R. 698	10/30/00
4 VAC 20-110-15	Added	17:5 VA.R. 698	10/30/00
4 VAC 20-110-20 through 4 VAC 20-110-50	Amended	17:5 VA.R. 698	10/30/00
4 VAC 20-110-55	Added	17:5 VA.R. 699	10/30/00
4 VAC 20-110-60	Amended	17:5 VA.R. 699	10/30/00
4 VAC 20-110-65	Added	17:5 VA.R. 699	10/30/00
4 VAC 20-252-30	Amended	17:5 VA.R. 699	10/30/00
4 VAC 20-252-70	Amended	17:12 VA.R. 2024	1/26/01
4 VAC 20-252-90	Amended	17:12 VA.R. 2024	1/26/01
4 VAC 20-252-100	Amended	17:12 VA.R. 2024	1/26/01
4 VAC 20-252-110	Amended	17:12 VA.R. 2025	1/26/01
4 VAC 20-252-140	Amended	17:12 VA.R. 2025	1/26/01
4 VAC 20-337-10 through 4 VAC 20-337-30	Added	17:5 VA.R. 700-702	11/1/00
4 VAC 20-490-20	Amended	17:3 VA.R. 386	10/15/00
4 VAC 20-490-40	Amended	17:3 VA.R. 387	10/15/00
4 VAC 20-490-60	Amended	17:3 VA.R. 387	10/15/00
4 VAC 20-540-30	Amended	17:5 VA.R. 702	1/1/01
4 VAC 20-540-40	Amended	17:5 VA.R. 702	1/1/01

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 20-560-40	Amended	17:7 VA.R. 1035	12/1/00
4 VAC 20-560-50	Amended	17:7 VA.R. 1035	12/1/00
4 VAC 20-620-30	Amended	17:10 VA.R. 1530	1/1/01
4 VAC 20-620-40	Amended	17:5 VA.R. 703	10/30/00
4 VAC 20-620-40	Amended	17:10 VA.R. 1531	1/1/01
4 VAC 20-670-30	Amended	17:10 VA.R. 1532	1/1/01
4 VAC 20-670-40	Amended	17:10 VA.R. 1532	1/1/01
4 VAC 20-720-20	Amended	17:3 VA.R. 387	10/1/00
4 VAC 20-720-40	Amended	17:3 VA.R. 388	10/1/00
4 VAC 20-720-50	Amended	17:3 VA.R. 388	10/1/00
4 VAC 20-720-60	Amended	17:3 VA.R. 389	10/1/00
4 VAC 20-720-70	Amended	17:3 VA.R. 389	10/1/00
4 VAC 20-720-80	Amended	17:3 VA.R. 390	10/1/00
4 VAC 20-754-30	Amended	17:3 VA.R. 393	10/1/00
4 VAC 20-755-10	Amended	17:5 VA.R. 704	10/30/00
4 VAC 20-755-20	Amended	17:5 VA.R. 704	10/30/00
4 VAC 20-755-30	Amended	17:5 VA.R. 704	10/30/00
4 VAC 20-890-20	Amended	16:25 VA.R. 3227	10/1/00
4 VAC 20-890-25	Amended	17:1 VA.R. 62	9/21/00
4 VAC 20-890-30	Amended	17:1 VA.R. 62	9/21/00
4 VAC 20-890-40	Amended	16:25 VA.R. 3227	10/1/00
4 VAC 20-900-10 emer	Amended	16:25 VA.R. 3330	7/28/00-8/24/00
4 VAC 20-900-25 emer	Amended	16:25 VA.R. 3330	7/28/00-8/24/00
4 VAC 20-900-25	Amended	17:1 VA.R. 63	9/1/00
4 VAC 20-900-25 emer	Amended	17:5 VA.R. 832	10/20/00-11/19/00
4 VAC 20-900-25	Amended	17:7 VA.R. 1036	11/17/00
4 VAC 20-900-25	Amended	17:10 VA.R. 1533	1/1/01
4 VAC 20-900-30	Amended	17:10 VA.R. 1533	1/1/01
4 VAC 20-900-35	Amended	17:10 VA.R. 1534	1/1/01
4 VAC 20-910-45	Amended	17:3 VA.R. 393	11/1/00
4 VAC 20-950-10	Amended	17:3 VA.R. 394	10/1/00
4 VAC 20-950-45	Amended	17:3 VA.R. 394	10/1/00
4 VAC 20-995-20	Amended	17:5 VA.R. 705	10/30/00
4 VAC 20-995-20	Amended	17:12 VA.R. 2025	1/26/01
4 VAC 20-995-30	Amended	17:5 VA.R. 706	10/30/00
4 VAC 25-30 (Forms)	Amended	17:4 VA.R. 613	--
4 VAC 25-30 (Forms)	Amended	17:8 VA.R. 1201	--
4 VAC 25-40 (Forms)	Amended	17:4 VA.R. 613	--
4 VAC 25-40 (Forms)	Amended	17:8 VA.R. 1201	--
4 VAC 25-90 (Forms)	Amended	17:4 VA.R. 613	--
4 VAC 25-100 (Forms)	Amended	17:4 VA.R. 613	--
4 VAC 25-130 (Forms)	Amended	17:4 VA.R. 614	--
4 VAC 25-130 (Forms)	Amended	17:8 VA.R. 1201	--
4 VAC 25-170 (Forms)	Amended	17:8 VA.R. 1203	--
Title 6. Criminal Justice and Corrections			
6 VAC 20-190-10 through 6 VAC 20-190-200	Amended	17:3 VA.R. 395-398	11/23/00
6 VAC 20-190 (Forms)	Added	17:8 VA.R. 1204	--
Title 8. Education			
8 VAC 20-21-10	Amended	17:8 VA.R. 1193	1/31/01
8 VAC 20-21-50	Amended	17:8 VA.R. 1194	1/31/01
8 VAC 20-21-80	Amended	17:8 VA.R. 1195	1/31/01
8 VAC 20-21-260	Amended	17:8 VA.R. 1196	1/31/01
8 VAC 20-80-10	Amended	17:5 VA.R. 707	1/1/01
8 VAC 20-80-10	Erratum	17:8 VA.R. 1217	--
8 VAC 20-80-20	Repealed	17:5 VA.R. 717	1/1/01
8 VAC 20-80-30	Amended	17:5 VA.R. 717	1/1/01

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
8 VAC 20-80-30	Erratum	17:8 VA.R. 1217	--
8 VAC 20-80-40	Amended	17:5 VA.R. 721	1/1/01
8 VAC 20-80-40	Erratum	17:8 VA.R. 1217	--
8 VAC 20-80-45	Added	17:5 VA.R. 722	1/1/01
8 VAC 20-80-45	Erratum	17:8 VA.R. 1217	--
8 VAC 20-80-50	Amended	17:5 VA.R. 725	1/1/01
8 VAC 20-80-52	Added	17:5 VA.R. 727	1/1/01
8 VAC 20-80-54	Added	17:5 VA.R. 728	1/1/01
8 VAC 20-80-54	Erratum	17:8 VA.R. 1217	--
8 VAC 20-80-56	Added	17:5 VA.R. 731	1/1/01
8 VAC 20-80-56	Erratum	17:8 VA.R. 1217	--
8 VAC 20-80-58	Added	17:5 VA.R. 735	1/1/01
8 VAC 20-80-60	Amended	17:5 VA.R. 736	1/1/01
8 VAC 20-80-62	Added	17:5 VA.R. 738	1/1/01
8 VAC 20-80-62	Erratum	17:8 VA.R. 1217	--
8 VAC 20-80-64	Added	17:5 VA.R. 746	1/1/01
8 VAC 20-80-65	Added	17:5 VA.R. 748	1/1/01
8 VAC 20-80-66	Added	17:5 VA.R. 748	1/1/01
8 VAC 20-80-68	Added	17:5 VA.R. 752	1/1/01
8 VAC 20-80-70	Amended	17:5 VA.R. 756	1/1/01
8 VAC 20-80-70	Erratum	17:8 VA.R. 1217	--
8 VAC 20-80-72	Added	17:5 VA.R. 765	1/1/01
8 VAC 20-80-74	Added	17:5 VA.R. 767	1/1/01
8 VAC 20-80-76	Added	17:5 VA.R. 768	1/1/01
8 VAC 20-80-76	Erratum	17:8 VA.R. 1217	--
8 VAC 20-80-78	Added	17:5 VA.R. 776	1/1/01
8 VAC 20-80-80 through 8 VAC 20-80-150	Amended	17:5 VA.R. 778-786	1/1/01
8 VAC 20-80-80	Erratum	17:8 VA.R. 1217	--
8 VAC 20-80-152	Added	17:5 VA.R. 786	1/1/01
8 VAC 20-80-152	Erratum	17:8 VA.R. 1217	--
8 VAC 20-80-155	Added	17:5 VA.R. 787	1/1/01
8 VAC 20-80-160	Amended	17:5 VA.R. 787	1/1/01
8 VAC 20-80-160	Erratum	17:8 VA.R. 1217	--
8 VAC 20-80-170	Repealed	17:5 VA.R. 788	1/1/01
8 VAC 20-80-180	Repealed	17:5 VA.R. 789	1/1/01
8 VAC 20-80-190	Amended	17:5 VA.R. 790	1/1/01
8 VAC 20-80-200	Repealed	17:5 VA.R. 790	1/1/01
8 VAC 20-80 Appendix A	Erratum	17:8 VA.R. 1217	--
8 VAC 20-110-10	Amended	17:12 VA.R. 2026	3/28/01
8 VAC 20-110-20	Repealed	17:12 VA.R. 2026	3/28/01
8 VAC 20-110-40	Amended	17:12 VA.R. 2026	3/28/01
8 VAC 20-110-50	Amended	17:12 VA.R. 2026	3/28/01
8 VAC 20-110-60	Repealed	17:12 VA.R. 2026	3/28/01
8 VAC 20-110-70	Repealed	17:12 VA.R. 2026	3/28/01
8 VAC 20-110-140	Repealed	17:12 VA.R. 2026	3/28/01
8 VAC 20-131-10 through 8 VAC 20-131-150	Amended	16:25 VA.R. 3228-3237	9/28/00
8 VAC 20-131-170	Amended	16:25 VA.R. 3237	9/28/00
8 VAC 20-131-180	Amended	16:25 VA.R. 3237	9/28/00
8 VAC 20-131-210	Amended	16:25 VA.R. 3238	9/28/00
8 VAC 20-131-220	Amended	16:25 VA.R. 3239	9/28/00
8 VAC 20-131-240	Amended	16:25 VA.R. 3239	9/28/00
8 VAC 20-131-250	Repealed	16:25 VA.R. 3240	9/28/00
8 VAC 20-131-260 through 8 VAC 20-131-320	Amended	16:25 VA.R. 3240-3249	9/28/00
8 VAC 20-131-325	Added	16:25 VA.R. 3249	9/28/00
8 VAC 20-131-340	Amended	16:25 VA.R. 3250	9/28/00
8 VAC 20-570-10 et seq.	Repealed	17:5 VA.R. 706	1/1/01

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
8 VAC 20-640-10	Added	17:8 VA.R. 1198	1/31/01
8 VAC 35-10-20	Amended	17:10 VA.R. 1534	12/22/00
8 VAC 35-10-30	Amended	17:10 VA.R. 1535	12/22/00
8 VAC 35-10-50	Amended	17:10 VA.R. 1535	12/22/00
8 VAC 35-10-60	Amended	17:10 VA.R. 1535	12/22/00
8 VAC 35-10-80	Amended	17:10 VA.R. 1535	12/22/00
8 VAC 35-10-90	Amended	17:10 VA.R. 1536	12/22/00
8 VAC 35-20-10 et seq.	Repealed	17:10 VA.R. 1536	12/22/00
8 VAC 35-21-10 through 8 VAC 35-21-360	Added	17:10 VA.R. 1536-1547	12/22/00
Title 9. Environment			
9 VAC 5-60-120 through 9 VAC 5-60-180	Added	17:4 VA.R. 585	1/1/01
9 VAC 5-60-150	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-50 through 9 VAC 5-80-120	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-180 through 9 VAC 5-80-300	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-305	Repealed	17:4 VA.R. 585	1/1/01
9 VAC 5-80-310 through 9 VAC 5-80-350	Amended	17:4 VA.R. 585	*
9 VAC 5-80-355	Repealed	17:4 VA.R. 585	*
9 VAC 5-80-360 through 9 VAC 5-80-380	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-400 through 9 VAC 5-80-460	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-480	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-490	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-510	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-540 through 9 VAC 5-80-570	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-610	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-620	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-650	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-660	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-680	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-700	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-80-705	Repealed	17:4 VA.R. 585	1/1/01
9 VAC 5-80-720	Amended	17:4 VA.R. 585	1/1/01
9 VAC 5-90-10 et seq.	Repealed	17:1 VA.R. 63	10/25/00
9 VAC 5-100-10 et seq.	Repealed	17:1 VA.R. 63	10/25/00
9 VAC 5-121-10 et seq.	Repealed	17:4 VA.R. 585	1/1/01
9 VAC 20-60-18	Amended	17:2 VA.R. 220	11/8/00
9 VAC 20-170-10 through 9 VAC 20-170-410	Added	17:9 VA.R. 1297-1327	**
9 VAC 25-31-10	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-10	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-30	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-30	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-40	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-50	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-100	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-100	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-110	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-120	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-120	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-121 (renumbered from 9 VAC 25-31-125)	Added	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-170	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-170	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-190	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-200	Amended	16:25 VA.R. 3252	9/27/00

* Regulatory process suspended in 17:9 VA.R. 1297.

** Regulatory process suspended in 17:13 VA.R.

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-31-220	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-230	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-280	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-280	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-340	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-370	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-390	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-390	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-410	Amended	17:13 VA.R. 2076	4/11/01
9 VAC 25-31-500	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-570	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-580	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-590	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-620	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-660	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-670	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-710	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-720	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-750	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-770	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-780	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-800	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-810	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-840	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-210-10	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-210-50	Amended	16:25 VA.R. 3254	9/27/00
9 VAC 25-210-110	Amended	16:25 VA.R. 3254	9/27/00
9 VAC 25-210-110	Erratum	17:3 VA.R. 433	--
9 VAC 25-400-10	Amended	16:25 VA.R. 3255	9/27/00
9 VAC 25-630-10 through 9 VAC 25-630-60	Amended	17:3 VA.R. 399-409	12/1/00
9 VAC 25-630-30	Erratum	17:7 VA.R. 1112	--
9 VAC 25-630-50	Erratum	17:7 VA.R. 1112	--
9 VAC 25-630 (Forms)	Amended	17:8 VA.R. 1207	--
9 VAC 25-640-10 through 9 VAC 25-640-250	Added	17:10 VA.R. 1548-1556	3/2/01
9 VAC 25-640 Appendices I through IX	Added	17:10 VA.R. 1556-1566	3/2/01
9 VAC 25-650-10 through 9 VAC 25-650-210 emer	Added	17:9 VA.R. 1370-1383	12/14/00-12/13/01
9 VAC 25-730-10 through 9 VAC 25-730-40	Added	17:9 VA.R. 1328	2/16/01
Title 11. Gaming			
11 VAC 10-100-30	Amended	16:25 VA.R. 3261	8/8/00
11 VAC 10-100-110	Amended	16:25 VA.R. 3261	8/8/00
11 VAC 10-100-170	Amended	16:25 VA.R. 3262	8/8/00
11 VAC 10-100-210	Amended	16:25 VA.R. 3262	8/8/00
11 VAC 10-110-30	Amended	16:25 VA.R. 3262	8/8/00
11 VAC 10-110-90	Amended	16:25 VA.R. 3262	8/8/00
11 VAC 10-110-230	Added	16:25 VA.R. 3263	8/8/00
11 VAC 10-120-50	Amended	16:26 VA.R. 3507	8/14/00
11 VAC 10-120-80	Amended	16:26 VA.R. 3508	8/14/00
11 VAC 10-120-90	Amended	16:26 VA.R. 3508	8/14/00
11 VAC 10-130-10	Amended	17:4 VA.R. 586	10/16/00
11 VAC 10-130-20	Amended	17:4 VA.R. 587	10/16/00
11 VAC 10-130-40	Amended	17:4 VA.R. 588	10/16/00
11 VAC 10-130-60	Amended	17:4 VA.R. 588	10/16/00
11 VAC 10-130-70	Amended	17:4 VA.R. 589	10/16/00
11 VAC 10-130-76	Amended	17:4 VA.R. 589	10/16/00
11 VAC 10-130-77	Amended	17:4 VA.R. 589	10/16/00
11 VAC 10-130-80	Amended	17:4 VA.R. 590	10/16/00

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
11 VAC 10-150-10	Amended	16:26 VA.R. 3510	8/14/00
11 VAC 10-150-20	Amended	16:26 VA.R. 3510	8/14/00
11 VAC 10-150-30	Amended	16:26 VA.R. 3510	8/14/00
11 VAC 10-150-40	Amended	16:26 VA.R. 3510	8/14/00
11 VAC 10-150-80	Amended	16:26 VA.R. 3510	8/14/00
11 VAC 10-150-90	Amended	16:26 VA.R. 3511	8/14/00
11 VAC 10-150-120	Amended	16:26 VA.R. 3511	8/14/00
11 VAC 10-150-130	Amended	16:26 VA.R. 3511	8/14/00
11 VAC 10-150-170	Amended	16:26 VA.R. 3511	8/14/00
Title 12. Health			
12 VAC 5-90-185 emer	Added	17:11 VA.R. 1670	1/17/01-1/16/02
12 VAC 5-120-10 through 12 VAC 5-120-120 emer	Added	17:11 VA.R. 1671-1672	1/12/01-1/11/02
12 VAC 5-185-10 through 12 VAC 5-185-110	Added	17:9 VA.R. 1329-1331	2/14/01
12 VAC 5-371-150	Amended	17:1 VA.R. 64	10/27/00
12 VAC 5-371-260	Amended	17:1 VA.R. 64	10/27/00
12 VAC 5-410-220	Amended	17:1 VA.R. 65	10/27/00
12 VAC 5-475-10 through 12 VAC 5-475-100 emer	Added	17:11 VA.R. 1673-1675	1/17/01-1/16/02
12 VAC 5-507-10 through 12 VAC 5-507-290 emer	Added	17:11 VA.R. 1675-1681	1/17/01-1/16/02
12 VAC 5-508-10 through 12 VAC 5-508-280 emer	Added	17:11 VA.R. 1687-1692	1/23/01-1/22/02
12 VAC 5-510-10 emer	Amended	17:11 VA.R. 1681	1/17/01-1/16/02
12 VAC 5-510-10.1 emer	Added	17:11 VA.R. 1682	1/17/01-1/16/02
12 VAC 5-510-20 emer	Amended	17:11 VA.R. 1682	1/17/01-1/16/02
12 VAC 5-510-30 emer	Amended	17:11 VA.R. 1682	1/17/01-1/16/02
12 VAC 5-510-50 emer	Amended	17:11 VA.R. 1683	1/17/01-1/16/02
12 VAC 5-510-60 emer	Amended	17:11 VA.R. 1683	1/17/01-1/16/02
12 VAC 5-510-70 emer	Amended	17:11 VA.R. 1683	1/17/01-1/16/02
12 VAC 5-510-80 through 12 VAC 5-510-290 emer	Added	17:11 VA.R. 1684-1687	1/17/01-1/16/02
12 VAC 5-520-10 emer	Amended	17:11 VA.R. 1693	1/12/01-1/11/02
12 VAC 5-520-20 emer	Amended	17:11 VA.R. 1694	1/12/01-1/11/02
12 VAC 5-520-30 emer	Amended	17:11 VA.R. 1694	1/12/01-1/11/02
12 VAC 5-520-40 emer	Repealed	17:11 VA.R. 1694	1/12/01-1/11/02
12 VAC 5-520-50 emer	Repealed	17:11 VA.R. 1694	1/12/01-1/11/02
12 VAC 5-520-60 emer	Repealed	17:11 VA.R. 1694	1/12/01-1/11/02
12 VAC 5-520-70 emer	Repealed	17:11 VA.R. 1694	1/12/01-1/11/02
12 VAC 5-520-80 emer	Amended	17:11 VA.R. 1694	1/12/01-1/11/02
12 VAC 5-520-90 emer	Repealed	17:11 VA.R. 1694	1/12/01-1/11/02
12 VAC 5-520-110 emer	Repealed	17:11 VA.R. 1695	1/12/01-1/11/02
12 VAC 5-520-120 emer	Repealed	17:11 VA.R. 1695	1/12/01-1/11/02
12 VAC 5-520-130 through 12 VAC 5-520-210 emer	Added	17:11 VA.R. 1695-1697	1/12/01-1/11/02
12 VAC 30-10-150	Amended	17:5 VA.R. 791	1/1/01
12 VAC 30-10-160	Amended	17:13 VA.R. 2077	4/11/01
12 VAC 30-20-80	Amended	17:13 VA.R. 2077	4/11/01
12 VAC 30-30-10	Amended	17:13 VA.R. 2077	4/11/01
12 VAC 30-30-20	Amended	17:13 VA.R. 2081	4/11/01
12 VAC 30-30-40	Amended	17:13 VA.R. 2082	4/11/01
12 VAC 30-30-50	Amended	17:13 VA.R. 2082	4/11/01
12 VAC 30-40-80	Amended	17:13 VA.R. 2087	4/11/01
12 VAC 30-40-100	Amended	17:13 VA.R. 2083	4/11/01
12 VAC 30-40-240	Amended	17:13 VA.R. 2083	4/11/01
12 VAC 30-40-250	Amended	17:13 VA.R. 2085	4/11/01
12 VAC 30-40-280	Amended	17:13 VA.R. 2085	4/11/01
12 VAC 30-40-290	Amended	17:13 VA.R. 2085	4/11/01
12 VAC 30-40-345	Amended	17:3 VA.R. 410	11/22/00
12 VAC 30-40-350	Amended	17:13 VA.R. 2087	4/11/01
12 VAC 30-50-30	Amended	17:5 VA.R. 792	1/1/01
12 VAC 30-50-70	Amended	17:5 VA.R. 792	1/1/01

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-50-130	Amended	17:5 VA.R. 792	1/1/01
12 VAC 30-50-229.1	Amended	17:5 VA.R. 798	1/1/01
12 VAC 30-50-250	Amended	17:5 VA.R. 793	1/1/01
12 VAC 30-50-300	Amended	17:12 VA.R. 2026	4/2/01
12 VAC 30-50-480	Amended	17:5 VA.R. 801	1/1/01
12 VAC 30-50-530	Amended	17:12 VA.R. 2026	4/2/01
12 VAC 30-60-170	Amended	17:5 VA.R. 802	1/1/01
12 VAC 30-80-21	Added	17:5 VA.R. 793	1/1/01
12 VAC 30-80-111	Added	17:5 VA.R. 803	1/1/01
12 VAC 30-90-19 emer	Added	17:10 VA.R. 1572	1/8/01-1/7/02
12 VAC 30-110-630	Amended	17:13 VA.R. 2096	4/11/01
12 VAC 30-110-650	Amended	17:13 VA.R. 2096	4/11/01
12 VAC 30-110-660	Amended	17:13 VA.R. 2096	4/11/01
12 VAC 30-110-670	Amended	17:13 VA.R. 2096	4/11/01
12 VAC 30-110-700	Amended	17:13 VA.R. 2097	4/11/01
12 VAC 30-110-710	Amended	17:13 VA.R. 2097	4/11/01
12 VAC 30-110-720	Amended	17:13 VA.R. 2088	4/11/01
12 VAC 30-110-730	Amended	17:13 VA.R. 2090	4/11/01
12 VAC 30-110-740	Repealed	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-741	Added	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-744	Added	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-747	Added	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-751	Added	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-760	Amended	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-780	Amended	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-790	Amended	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-800	Amended	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-810	Amended	17:13 VA.R. 2091	4/11/01
12 VAC 30-110-813	Added	17:13 VA.R. 2092	4/11/01
12 VAC 30-110-815	Added	17:13 VA.R. 2092	4/11/01
12 VAC 30-110-820	Repealed	17:13 VA.R. 2092	4/11/01
12 VAC 30-110-830	Amended	17:13 VA.R. 2092	4/11/01
12 VAC 30-110-840	Amended	17:13 VA.R. 2092	4/11/01
12 VAC 30-110-850	Amended	17:13 VA.R. 2092	4/11/01
12 VAC 30-110-853	Added	17:13 VA.R. 2092	4/11/01
12 VAC 30-110-856	Added	17:13 VA.R. 2093	4/11/01
12 VAC 30-110-860	Amended	17:13 VA.R. 2093	4/11/01
12 VAC 30-110-870	Amended	17:13 VA.R. 2093	4/11/01
12 VAC 30-110-880	Amended	17:13 VA.R. 2093	4/11/01
12 VAC 30-110-890	Repealed	17:13 VA.R. 2093	4/11/01
12 VAC 30-110-900	Amended	17:13 VA.R. 2093	4/11/01
12 VAC 30-110-910	Amended	17:13 VA.R. 2094	4/11/01
12 VAC 30-110-920	Amended	17:13 VA.R. 2094	4/11/01
12 VAC 30-110-921	Added	17:13 VA.R. 2094	4/11/01
12 VAC 30-110-930	Amended	17:13 VA.R. 2094	4/11/01
12 VAC 30-110-940	Amended	17:13 VA.R. 2094	4/11/01
12 VAC 30-110-950	Amended	17:13 VA.R. 2094	4/11/01
12 VAC 30-110-960	Amended	17:13 VA.R. 2095	4/11/01
12 VAC 30-110-970	Amended	17:13 VA.R. 2095	4/11/01
12 VAC 30-110-980	Amended	17:13 VA.R. 2095	4/11/01
12 VAC 30-110-990	Amended	17:13 VA.R. 2095	4/11/01
12 VAC 30-110-1010	Amended	17:13 VA.R. 2095	4/11/01
12 VAC 30-110-1011	Added	17:13 VA.R. 2095	4/11/01
12 VAC 30-130-850 through 12 VAC 30-130-890	Added	17:5 VA.R. 794-796	1/1/01
12 VAC 30-130-880	Erratum	17:6 VA.R. 932	--
12 VAC 30-130-900 through 12 VAC 30-130-950	Added	17:5 VA.R. 803-806	1/1/01

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 13. Housing			
13 VAC 5-51-71	Amended	17:7 VA.R. 1036	1/17/01
13 VAC 5-51-81	Amended	17:7 VA.R. 1037	1/17/01
13 VAC 5-51-130	Amended	17:7 VA.R. 1038	1/17/01
13 VAC 5-51-150	Amended	17:7 VA.R. 1038	1/17/01
13 VAC 5-51-170	Amended	17:7 VA.R. 1040	1/17/01
13 VAC 10-160-10	Amended	16:26 VA.R. 3512	9/1/00
13 VAC 10-160-30	Amended	16:26 VA.R. 3513	9/1/00
13 VAC 10-160-41	Repealed	16:26 VA.R. 3514	9/1/00
13 VAC 10-160-51	Repealed	16:26 VA.R. 3514	9/1/00
13 VAC 10-160-55 through 13 VAC 10-160-90	Amended	16:26 VA.R. 3515-3518	9/1/00
Title 14. Insurance			
14 VAC 5-200-20 through 14 VAC 5-200-60	Amended	17:4 VA.R. 594-597	12/1/00
14 VAC 5-200-65	Added	17:4 VA.R. 597	12/1/00
14 VAC 5-200-70	Amended	17:4 VA.R. 598	12/1/00
14 VAC 5-200-90	Amended	17:4 VA.R. 598	12/1/00
14 VAC 5-200-110	Amended	17:4 VA.R. 599	12/1/00
14 VAC 5-200-120	Amended	17:4 VA.R. 601	12/1/00
14 VAC 5-200-150	Amended	17:4 VA.R. 601	12/1/00
14 VAC 5-200-155	Added	17:4 VA.R. 602	12/1/00
14 VAC 5-200-170	Amended	17:4 VA.R. 602	12/1/00
14 VAC 5-200-175	Added	17:4 VA.R. 603	12/1/00
14 VAC 5-200-180	Repealed	17:4 VA.R. 603	12/1/00
14 VAC 5-200-185	Added	17:4 VA.R. 603	12/1/00
14 VAC 5-200-187	Added	17:4 VA.R. 605	12/1/00
14 VAC 5-200-200	Amended	17:4 VA.R. 606	12/1/00
14 VAC 5-350 (Forms)	Amended	17:11 VA.R. 1698-1700	
14 VAC 5-370-20	Amended	16:25 VA.R. 3264	9/30/00
14 VAC 5-370-100	Amended	16:25 VA.R. 3264	9/30/00
Title 16. Labor and Employment			
16 VAC 15-30-20	Amended	17:1 VA.R. 66	10/25/00
16 VAC 15-30-200	Amended	17:1 VA.R. 66	10/25/00
16 VAC 15-30-210	Added	17:1 VA.R. 68	10/25/00
16 VAC 15-30-220	Added	17:1 VA.R. 68	10/25/00
16 VAC 15-30-230	Added	17:1 VA.R. 69	10/25/00
16 VAC 25-120-1917.1	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.2	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.3	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.23	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.25	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.26	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.27	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.30	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.42 through 16 VAC 25-120-1917.45	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.50	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.71	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.73	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.92	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.95	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.112	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.117 through 16 VAC 25-120-1917.122	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.124	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.151	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.152	Amended	16:25 VA.R. 3265	10/1/00

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
16 VAC 25-120-1917.153	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.156	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120 Appendix I	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.1	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.2	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.24	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.25	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.37	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.41	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.42	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.43	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.51	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.52	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.54	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.61	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.62	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.65	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.66	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.69	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.85	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.86	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.94	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.97	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.98	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.100	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.102	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.105	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130 Appendix II	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130 Appendix IV	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 30-100-10 through 16 VAC 30-100-80	Added	17:9 VA.R. 1331-1334	2/14/01
Title 18. Professional and Occupational Licensing			
18 VAC 45-20-5	Added	17:7 VA.R. 1041	2/1/01
18 VAC 45-20-10	Amended	17:7 VA.R. 1041	2/1/01
18 VAC 45-20-20	Amended	17:7 VA.R. 1042	2/1/01
18 VAC 45-20-30	Amended	17:7 VA.R. 1042	2/1/01
18 VAC 45-20-40	Amended	17:7 VA.R. 1042	2/1/01
18 VAC 45-20-50	Added	17:7 VA.R. 1043	2/1/01
18 VAC 85-20-131 emer	Amended	17:4 VA.R. 610	10/13/00-10/12/01
18 VAC 85-20-140	Amended	17:8 VA.R. 1198	1/31/01
18 VAC 85-31-10 through 18 VAC 85-31-160	Repealed	16:25 VA.R. 3266-3270	9/27/00
18 VAC 85-40-61	Added	17:13 VA.R. 2097	4/11/01
18 VAC 85-50-58	Added	17:13 VA.R. 2098	4/11/01
18 VAC 85-110-100 emer	Amended	17:7 VA.R. 1091	11/17/00-11/16/01
18 VAC 90-20-36 emer	Added	17:2 VA.R. 221	9/19/00-9/18/01
18 VAC 90-30-50	Amended	17:13 VA.R. 2098	4/11/01
18 VAC 90-30-110	Amended	17:13 VA.R. 2098	4/11/01
18 VAC 90-30-120	Amended	17:7 VA.R. 1047	1/17/01
18 VAC 90-40-60	Amended	17:13 VA.R. 2098	4/11/01
18 VAC 90-40-70	Amended	17:13 VA.R. 2098	4/11/01
18 VAC 90-50-30	Amended	17:11 VA.R. 1669	3/14/01
18 VAC 90-50-80	Amended	17:11 VA.R. 1669	3/14/01
18 VAC 100-20-5	Added	17:9 VA.R. 1334	3/1/01
18 VAC 100-20-10	Amended	17:9 VA.R. 1334	3/1/01
18 VAC 100-20-20	Repealed	17:9 VA.R. 1335	3/1/01
18 VAC 100-20-30	Repealed	17:9 VA.R. 1335	3/1/01
18 VAC 100-20-40	Repealed	17:9 VA.R. 1335	3/1/01

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 100-20-50	Amended	17:9 VA.R. 1335	3/1/01
18 VAC 100-20-54	Added	17:9 VA.R. 1335	3/1/01
18 VAC 100-20-55	Added	17:9 VA.R. 1336	3/1/01
18 VAC 100-20-56	Added	17:9 VA.R. 1336	3/1/01
18 VAC 100-20-60	Amended	17:9 VA.R. 1336	3/1/01
18 VAC 100-20-65	Added	17:9 VA.R. 1336	3/1/01
18 VAC 100-20-70	Amended	17:9 VA.R. 1337	3/1/01
18 VAC 100-20-80	Repealed	17:9 VA.R. 1337	3/1/01
18 VAC 100-20-81	Added	17:9 VA.R. 1337	3/1/01
18 VAC 100-20-85	Added	17:9 VA.R. 1338	3/1/01
18 VAC 100-20-87	Added	17:9 VA.R. 1338	3/1/01
18 VAC 100-20-90	Amended	17:9 VA.R. 1338	3/1/01
18 VAC 100-20-100	Amended	17:9 VA.R. 1338	3/1/01
18 VAC 100-20-110	Amended	17:9 VA.R. 1338	3/1/01
18 VAC 100-20-120	Added	17:9 VA.R. 1339	3/1/01
18 VAC 100-20-130	Added	17:9 VA.R. 1339	3/1/01
18 VAC 110-20-10	Amended	17:7 VA.R. 1047	1/17/01
18 VAC 110-20-20	Amended	17:7 VA.R. 1050	1/17/01
18 VAC 110-20-20 emer	Amended	17:10 VA.R. 1573	1/10/01-1/9/02
18 VAC 110-20-425	Added	17:7 VA.R. 1050	1/17/01
18 VAC 110-30-10	Amended	17:7 VA.R. 1058	1/17/01
18 VAC 110-30-15	Added	17:7 VA.R. 1058	1/17/01
18 VAC 110-30-20	Amended	17:7 VA.R. 1058	1/17/01
18 VAC 110-30-30	Amended	17:7 VA.R. 1059	1/17/01
18 VAC 110-30-35	Added	17:7 VA.R. 1059	1/17/01
18 VAC 110-30-50	Amended	17:7 VA.R. 1059	1/17/01
18 VAC 110-30-60	Repealed	17:7 VA.R. 1059	1/17/01
18 VAC 110-30-80	Amended	17:7 VA.R. 1059	1/17/01
18 VAC 110-30-90	Amended	17:7 VA.R. 1059	1/17/01
18 VAC 110-30-100	Amended	17:7 VA.R. 1060	1/17/01
18 VAC 110-30-110	Amended	17:7 VA.R. 1060	1/17/01
18 VAC 110-30-160	Amended	17:7 VA.R. 1060	1/17/01
18 VAC 110-30-170	Amended	17:7 VA.R. 1061	1/17/01
18 VAC 110-30-190	Amended	17:7 VA.R. 1061	1/17/01
18 VAC 110-30-200	Amended	17:7 VA.R. 1061	1/17/01
18 VAC 110-30-210	Amended	17:7 VA.R. 1061	1/17/01
18 VAC 110-30-220	Amended	17:7 VA.R. 1062	1/17/01
18 VAC 110-30-240	Amended	17:7 VA.R. 1062	1/17/01
18 VAC 110-30-255	Added	17:7 VA.R. 1062	1/17/01
18 VAC 110-30-260	Amended	17:7 VA.R. 1062	1/17/01
18 VAC 110-30-270	Amended	17:7 VA.R. 1062	1/17/01
18 VAC 110-40-10 through 18 VAC 110-40-70	Added	17:7 VA.R. 1066-1067	1/17/01
18 VAC 112-10-10 through 18 VAC 112-10-120 emer	Added	17:4 VA.R. 611-612	10/17/00-10/16/01
18 VAC 112-20-10 through 18 VAC 112-20-150	Added	16:25 VA.R. 3266-3270	9/27/00
18 VAC 125-20-10	Amended	17:12 VA.R. 2026	3/28/01
18 VAC 125-20-30	Amended	17:12 VA.R. 2027	3/28/01
18 VAC 125-20-43	Added	17:12 VA.R. 2027	3/28/01
18 VAC 160-20-10	Amended	17:9 VA.R. 1342	2/15/01
18 VAC 160-20-20 through 18 VAC 160-20-70	Repealed	17:9 VA.R. 1343-1345	2/15/01
18 VAC 160-20-74	Added	17:9 VA.R. 1345	2/15/01
18 VAC 160-20-76	Added	17:9 VA.R. 1345	2/15/01
18 VAC 160-20-80	Amended	17:9 VA.R. 1345	2/15/01
18 VAC 160-20-85	Added	17:9 VA.R. 1345	2/15/01
18 VAC 160-20-90	Amended	17:9 VA.R. 1345	2/15/01
18 VAC 160-20-100	Repealed	17:9 VA.R. 1349	2/15/01
18 VAC 160-20-102	Added	17:9 VA.R. 1350	2/15/01

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 160-20-104	Added	17:9 VA.R. 1350	2/15/01
18 VAC 160-20-106	Added	17:9 VA.R. 1350	2/15/01
18 VAC 160-20-109	Added	17:9 VA.R. 1350	2/15/01
18 VAC 160-20-110	Repealed	17:9 VA.R. 1351	2/15/01
18 VAC 160-20-120	Added	17:9 VA.R. 1351	2/15/01
18 VAC 160-20-130	Added	17:9 VA.R. 1352	2/15/01
18 VAC 160-20-140	Added	17:9 VA.R. 1353	2/15/01
18 VAC 160-20-160	Amended	17:9 VA.R. 1353	2/15/01
Title 19. Public Safety			
19 VAC 30-20-80	Amended	17:10 VA.R. 1567	3/14/01
Title 20. Public Utilities and Telecommunications			
20 VAC 5-200-21	Amended	16:25 VA.R. 3274	7/28/00
20 VAC 5-200-30	Amended	16:25 VA.R. 3296	7/28/00
20 VAC 5-200 Appendix	Amended	16:25 VA.R. 3298	7/28/00
20 VAC 5-202-10 through 20 VAC 5-202-50	Added	17:5 VA.R. 819-824	10/20/00
20 VAC 5-309-10	Amended	17:9 VA.R. 1366	7/1/01
20 VAC 5-309-15	Added	17:9 VA.R. 1366	7/1/01
20 VAC 5-309-20	Amended	17:9 VA.R. 1366	7/1/01
20 VAC 5-309-30	Amended	17:9 VA.R. 1366	7/1/01
20 VAC 5-309-40	Amended	17:9 VA.R. 1366	7/1/01
20 VAC 5-309-50	Amended	17:9 VA.R. 1367	7/1/01
20 VAC 5-309-70	Amended	17:9 VA.R. 1367	7/1/01
20 VAC 5-309-90 through 20 VAC 5-309-220	Added	17:9 VA.R. 1367-1369	7/1/01
Title 22. Social Services			
22 VAC 30-20-10 through 22 VAC 30-20-60	Amended	17:7 VA.R. 1067-1076	1/17/01
22 VAC 30-20-80 through 22 VAC 30-20-130	Amended	17:7 VA.R. 1076-1086	1/17/01
22 VAC 30-20-150	Amended	17:7 VA.R. 1086	1/17/01
22 VAC 30-20-160	Amended	17:7 VA.R. 1087	1/17/01
22 VAC 30-20-170	Amended	17:7 VA.R. 1088	1/17/01
22 VAC 30-20-181	Amended	17:7 VA.R. 1088	1/17/01
22 VAC 30-20-200	Amended	17:7 VA.R. 1090	1/17/01
22 VAC 40-35-10	Amended	17:5 VA.R. 825	12/20/00
22 VAC 40-35-10	Amended	17:10 VA.R. 1567	2/28/01
22 VAC 40-35-90	Amended	17:10 VA.R. 1570	2/28/01
22 VAC 40-35-125	Amended	17:5 VA.R. 827	12/20/00
22 VAC 40-35-126	Added	17:5 VA.R. 827	12/20/00
22 VAC 40-35-127	Added	17:5 VA.R. 828	12/20/00
22 VAC 40-35-128	Added	17:5 VA.R. 828	12/20/00
22 VAC 40-60 (Forms)	Amended	17:1 VA.R. 72	--
22 VAC 40-170 (Forms)	Amended	17:5 VA.R. 833	--
22 VAC 40-180 (Forms)	Amended	16:25 VA.R. 3331-3332	--
22 VAC 40-600-10	Amended	17:1 VA.R. 70	10/25/00
22 VAC 40-600-50	Amended	17:1 VA.R. 70	10/25/00
22 VAC 40-600-70	Amended	17:1 VA.R. 70	10/25/00
22 VAC 40-600-90	Repealed	17:1 VA.R. 71	10/25/00
22 VAC 40-600-130	Amended	17:1 VA.R. 71	10/25/00
22 VAC 40-600-140	Amended	17:1 VA.R. 71	10/25/00
22 VAC 40-600-170	Amended	17:1 VA.R. 71	10/25/00
22 VAC 40-600-200	Amended	17:1 VA.R. 71	10/25/00
22 VAC 40-600-210	Amended	17:1 VA.R. 71	10/25/00
22 VAC 40-680-10	Amended	17:5 VA.R. 830	12/20/00
22 VAC 40-680-20	Amended	17:5 VA.R. 830	12/20/00
22 VAC 40-730-10 emer	Amended	17:13 VA.R. 2103	4/1/01-3/31/02
22 VAC 40-730-40 through 22 VAC 40-730-100 emer	Amended	17:13 VA.R. 2103-2104	4/1/01-3/31/02
Title 24. Transportation and Motor Vehicles			
24 VAC 30-280-10	Amended	17:13 VA.R. 2099	2/15/01

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
24 VAC 30-280-20 through 24 VAC 30-280-70	Added	17:13 VA.R. 2099-2102	2/15/01
24 VAC 30-380-10	Amended	16:26 VA.R. 3518	8/23/00

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 2. AGRICULTURE

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-360-10 et seq. Rules and Regulations for the Enforcement of the Virginia Commercial Feed Law.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, including compatibility with changes to the Commercial Feed Law enacted by the General Assembly. The agency invites comment on whether there should be an adviser. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 3.1-828.4 of the Code of Virginia.

Public comments may be submitted until May 1, 2001.

Contact: Alan Rogers, Program Manager, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 402, Richmond, VA 23219, telephone (804) 786-2476 or FAX (804) 786-1571.

VA.R. Doc. No. R01-109; Filed January 25, 2001, 2:13 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-440-10 et seq. Rules and Regulations for Enforcement of the Virginia Pest Law - Cotton Boll Weevil Quarantine.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, including the effectiveness and clarity of language relating to penalties, exemptions, and reporting and filing deadlines. VDACS also recommends the current regulation be amended to allow liens to be placed on the cotton crops of those producers who do not pay their fees in lieu of destruction of crops. The agency invites comment on whether there should be an adviser. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 3.1-188.23 of the Code of Virginia.

Public comments may be submitted until May 1, 2001.

Contact: Frank M. Fulgham, Program Manager, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 703, Richmond, VA 23219, telephone (804) 786-3515 or FAX (804) 371-7793.

VA.R. Doc. No. R01-110; Filed January 25, 2001, 2:13 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to consider repealing regulations entitled: **2 VAC 5-580-10 et seq. Rules and Regulations Pertaining to the Sanitary and Operating Requirements in Retail Food Stores.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, including the abolishment of the current regulation and at the same time, adoption of the Food Code to bring Virginia's regulations pertaining to food safety in retail food stores into alignment with the regulations of other states that have adopted the Food Code and to support the FDA's efforts to promote uniform, nationwide sanitary requirements for all food handling establishments. The agency invites comment on whether there should be an adviser. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 3.1-364 and 3.1-398 of the Code of Virginia.

Public comments may be submitted until May 14, 2001.

Contact: James A. Morano, Review and Compliance Officer, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 402, Richmond, VA 23219, telephone (804) 786-8899 or FAX (804) 371-7792.

VA.R. Doc. No. R01-120; Filed February 12, 2001, 2:57 p.m.

TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

† 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 Education intends to consider amending regulations entitled: **8 VAC 20-21-10 et seq. Licensure Regulations for School Personnel.** Several legislative and statutory changes have occurred that require specific revisions to be made to keep the licensure regulations in line with current laws as well as with the standards expected of Virginia's teachers. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 22.1-16 and 22.1-298 of the Code of Virginia.

Public comments may be submitted until April 25, 2001.

Contact: Dr. Thomas Elliott, Assistant Superintendent, Department of Education, P.O. Box 2120, Richmond, VA 23218, telephone (804) 371-2522 or FAX (804) 225-2524.

Notices of Intended Regulatory Action

VA.R. Doc. No. R01-135; Filed March 7, 2001, 9:54 a.m.

TITLE 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to consider amending regulations entitled: **9 VAC 5-40-10 et seq. Existing Stationary Sources (Rev. J00 and Rev. K00)**. The purpose of these proposed actions is to develop state regulations that control emissions from commercial/industrial solid waste incinerators (CISWIs) and small municipal waste combustors (SMWCs) as required by §§ 111(d) and 129 of the federal Clean Air Act. (See 17:12 VA.R. 1911-1913 February 26, 2001, for more detailed information.)

After publication in the Virginia Register of Regulations, the department will hold at least one public hearing to provide opportunity for public comment on any regulation amendments drafted pursuant to this notice.

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

Public comments may be submitted until March 29, 2001.

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

VA.R. Doc. Nos. R01-112 and R01-113; Filed February 6, 2001, 9:03 a.m.

STATE WATER CONTROL BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled: **9 VAC 25-32-10 et seq. Virginia Pollution Abatement (VPA) Permit Regulation**. The purpose of the proposed action is to bring the regulation up to date with current state law requirements and to clarify the intent of certain other provisions. Under Executive Order 25(98), agencies must review the effects, burdens and consequences of their regulations every three years. This rulemaking will also accomplish the mandated regulatory review.

Need: The VPA Permit Regulation has not been amended since 1996. There have been a number of statutory changes since then that bear on the administration of the VPA program and the regulation should be revised to reflect them. Specifically §§ 62.1-44.2 and 62.1-44.15:15 were amended by the 2000 General Assembly; § 62.1-44.15:4 was enacted by the 1997 General Assembly; and § 62.1-44.17:1 was amended by the 1998 General Assembly.

Substance: The proposed amendments will clarify the requirements for confined animal feeding operations, clarify the signatory requirements for permit applications and reports, and update the public participation provisions of the regulation to reflect recent legislation. Other amendments may be identified following the submittal of public comment on this notice.

Alternatives: At this point, the board has not considered any alternatives to the proposed rulemaking. The proposed revisions that have been identified to date are designed to bring the regulation into conformance with the Code of Virginia. Information gathered from the public during the NOIRA comment period may identify alternatives that will be considered.

Public Participation: The board is seeking comments on the intended regulatory action, including (i) ideas to assist in the development of a proposal, (ii) the costs and benefits of the amendments proposed in this notice or other alternatives and (iii) the impacts of the regulation on farm or forest lands. A public meeting will be held on April 27, 2001, at 10 a.m. Notice of the meeting can be found in the Calendar of Events section of the Virginia Register of Regulations. Both oral and written comments may be submitted at that time. Written comments must include the name and address of the commenter and must be received by the close of the comment period. Written comments should be addressed to Richard W. Ayers, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240 (fax: 804-698-4032; e-mail: rwayers@deq.state.va.us).

The board is inviting comment on whether to use the participatory approach in the development of the amendments.

In addition, if enough public interest is shown, a Technical Advisory Committee will be formed by the department to assist in the development of the regulation. Any person who desires to be on the committee should notify the agency contact in writing by the close of the public comment period and provide their name, address, phone number and the name of the organization they represent.

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

Public comments may be submitted until May 4, 2001.

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

VA.R. Doc. No. R01-133; Filed March 7, 2001, 8:44 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 Water Control Board intends to consider amending regulations entitled: **9 VAC 25-260-5 et seq. Water Quality Standards**. The intent of this rulemaking is to protect designated and beneficial uses of state waters by adopting regulations that are technically correct, necessary and reasonable. These standards will be used in setting Virginia Pollutant Discharge Elimination System Permit limits and for evaluating the waters of the Commonwealth for

Notices of Intended Regulatory Action

inclusion in the Clean Water Act § 305(b) report and on the § 303(d) list. Waters not meeting standards will require development of a Total Maximum Daily Load under the Clean Water Act at § 303(e).

This rulemaking is needed because the last triennial review was completed in December 1997 and new scientific information is available to update the water quality standards. Changes to the regulation are also needed to improve permitting and monitoring programs as well as meet EPA priorities for this triennium. In addition, the agency has to fulfill the legal mandates for a three-year review under § 62.1-44.15(3a) of the Code of Virginia and federal regulations 40 CFR Part 131. (See 17:10 VA.R. 1442-1445 January 29, 2001, for more detailed information.)

The agency intends to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until March 30, 2001.

Contact: Eleanore Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4111.

VA.R. Doc. No. R01-78; Filed January 5, 2001, 9:22 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 Water Control Board intends to consider promulgating regulations entitled: **9 VAC 25-740-10 et seq. Regulation for the Reuse of Reclaimed Wastewater.** The purpose of the proposed action is to establish requirements for the reclamation and reuse of wastewater and processes for acting on requests for reclamation and reuse of wastewater.

Need: Although a regulatory framework for wastewater reclamation and reuse involving land irrigation has been established through the VPA Permit Regulation (9 VAC 25-32-10 et seq.) or VPDES Permit Regulation (9 VAC 25-31-10 et seq.), these regulations do not prescribe any technical standards for this type of operation. The reuse of reclaimed wastewater for other purposes (such as industrial cooling processes, fire protection, street washing, dust control, etc.) are not currently required to obtain a permit from the department.

Pursuant to the action of the 2000 General Assembly, the board must promote and establish requirements for the reclamation and reuse of wastewater that are protective of state waters and public health as an alternative to directly discharging pollutants into state waters. The proposed regulation will establish technical standards that address various potential categories of reuse. Therefore, the proposed regulatory action would be essential to protect the health, safety and welfare of the citizens of Commonwealth. It would also be essential to protect the Commonwealth's environment and natural resources from pollution, impairment or destruction.

Substance: The proposed regulation will establish requirements for the reclamation and reuse of wastewater

that are protective of state waters and public health. It will provide for greater flexibility and less stringent requirements commensurate with the quality of the reclaimed wastewater and its intended use. It will provide a predictable and certain process for the approval or denial of requests for the reclamation and reuse of wastewater in Virginia.

In response to HJR662 (1999), the department conducted a study on issues surrounding land irrigation, and reclamation and reuse of wastewater. A report (House Document No. 92) was prepared and submitted to the General Assembly with input provided by an ad hoc advisory group. As recommended by the advisory group, the proposed regulation will encompass the following six water reuse categories:

1. Land irrigation for agricultural, forest and landscape use;
2. Ground water recharge for certain purposes (e.g., saltwater intrusion control)
3. Industrial processes (e.g., cooling, boiler feed, stack scrubbing, and process water)
4. Nonpotable urban (e.g., fire protection, street washing, and vehicle washing)
5. Environmental (e.g., stream flow augmentation/fishery sustainability)
6. Miscellaneous (e.g., snowmaking, dust control, and construction)

Alternatives: The following alternatives have been considered by the department:

1. Promulgate a water reuse regulation that establishes technical standards for various potential reuse categories. The permitting mechanisms established in the VPA and VPDES Permit Regulations could be incorporated by reference.
2. Amend the VPA Permit Regulation by incorporating the technical standards for various potential reuse categories. These standards could then be used as criteria for a VPDES permit issued to facilities that may employ any reuse options in addition to the wet weather discharge.
3. Take no action to adopt the regulation. Instead, establish requirements by issuing a staff guidance. This option was not recommended because the result is not as predictable or certain as regulation.

The department has tentatively determined that alternative 1 is the most appropriate alternative available that will satisfy the statutory mandates. The requirements established by the proposed regulation would apply to either of the existing permitting programs, VPA or VPDES. It would also provide a predictable and certain process for the approval or denial of requests for the reuse of reclaimed wastewater in Virginia.

Public Participation: The board is seeking comments on the intended regulatory action, including (i) ideas to assist in the development of a proposal, (ii) the costs and benefits of the alternatives stated in this notice or other alternatives, and (iii) impacts of the regulation on farm or forest lands. A public meeting will be held on April 26, 2001, at 10 a.m. The notice of the meeting can be found in the Calendar of Events section

Notices of Intended Regulatory Action

of the Virginia Register of Regulations. In order to be considered comments must be received by May 4, 2001, and must contain the name, address and phone number of the person submitting comments. Comments may be submitted by mail, facsimile transmission, e-mail, or by personal appearance at the public meeting, but must be submitted to Ms. Lily Choi, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240 (e-mail: lchoi@deq.state.va.us) (fax: 804-698-4032).

In addition, a Technical Advisory Committee will be formed by the department to assist in the development of the regulation. Any person who desires to be on the committee should notify the agency contact in writing by the close of the public comment period and provide their name, address, phone number and the organization they represent.

The board is using the participatory approach in the development of the proposal.

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

Public comments may be submitted until May 4, 2001.

Contact: Lily Choi, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4054.

VA.R. Doc. No. R01-134; Filed March 7, 2001, 8:44 a.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Professional and Occupational Regulation intends to consider amending regulations entitled: **18 VAC 120-40-10 et seq. Virginia Professional Boxing and Wrestling Event Regulations.** The purpose of the proposed action is to incorporate changes to federal law, make clarifying changes and review fees for compliance with the Callahan Act. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 54.1-831 of the Code of Virginia.

Public comments may be submitted until April 11, 2001.

Contact: Karen O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552 or FAX (804) 367-2475.

VA.R. Doc. No. R01-119; Filed February 13, 2001, 3:22 p.m.

REAL ESTATE BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Real Estate Board intends to consider amending regulations entitled: **18 VAC 135-40-10 et seq. Time-Share Regulations.** The purpose of the proposed action is to incorporate changes into the regulations required after amendments to the Virginia Time-Share Act (§ 55-360 et seq. of the Code of Virginia) and to ensure compliance with Executive Order 25 (98). The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 55-396 of the Code of Virginia.

Public comments may be submitted until April 11, 2001.

Contact: Eric L. Olson, Regulatory Boards Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8510, FAX (804) 367-2475 or (804) 367-9753/TTY ☎

VA.R. Doc. No. R01-118; Filed February 14, 2001, 12:36 p.m.

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to consider amending regulations entitled: **22 VAC 40-41-10 et seq. Neighborhood Assistance Tax Credit Program.** The purpose of the proposed action is to reflect changes to the controlling statute. Changes include adding additional health professionals and building contractors to those able to donate services, and allowing individuals to make cash donations to approved projects. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 63.1-323 of the Code of Virginia.

Public comments may be submitted until April 11, 2001.

Contact: Phyl Parrish, Program Consultant, Department of Social Services, Office of Community Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1895 or FAX (804) 692-1869.

VA.R. Doc. No. R01-124; Filed February 21, 2001, 10:19 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 amending regulations entitled: **22 VAC 40-730-10 et seq. Investigation of Child Abuse and Neglect in Out of Family Complaints.** The purpose of the

Notices of Intended Regulatory Action

proposed action is to implement Chapter 854 of the 2000 Acts of Assembly providing that child protective services out of family investigations are to be conducted as joint investigations in cases involving an employee at a private or state-operated hospital, institution or other facility, or a school board employee. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 63.1-25, 63.1-248.6 and 63.1-248.7:1 of the Code of Virginia.

Public comments may be submitted until April 11, 2001.

Contact: Betty Jo Zarris, CPS Program Consultant, Department of Social Services, Office of Community Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1220 or FAX (804) 692-2215.

VA.R. Doc. No. R01-123; Filed February 21, 2001, 10:19 a.m.



PROPOSED REGULATIONS

For information concerning Proposed Regulations, see Information Page.

Symbol Key

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

TITLE 2. AGRICULTURE

STATE MILK COMMISSION

Withdrawal

Title of Regulation: 2 VAC 15-20-10 et seq. Regulations for the Control and Supervision of Virginia's Milk Industry.

The State Milk Commission has WITHDRAWN the proposed amendments to 2 VAC 15-20-10 et seq. Regulations for the Control and Supervision of Virginia's Milk Industry that were published in 17:11 VA.R. 1634-1637 February 12, 2001. The proposed amendments would have expanded the annual three-month producer base establishment period to a four-month period.

Agency Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, 202 N. Ninth Street, Suite 915, Richmond, VA 23219, telephone (804) 786-2013/TTY, FAX (804) 786-3779, or e-mail ewilson@smc.state.va.us.

VA.R. Doc. No. R01-85; Filed March 1, 2001, 10:54 a.m.

TITLE 4. CONSERVATION AND NATURAL RESOURCES

BOARD OF GAME AND INLAND FISHERIES

REGISTRAR'S NOTICE: The Board of Game and Inland Fisheries is exempt from the Administrative Process Act pursuant to subdivision A 3 of § 9-6.14:4.1 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

Title of Regulation: **4 VAC 15-90-10 et seq. Game: Deer (amending 4 VAC 15-90-20, 4 VAC 15-90-70, 4 VAC 15-90-80, 4 VAC 15-90-100, 4 VAC 15-90-110, 4 VAC 15-90-141, 4 VAC 15-90-160, 4 VAC 15-90-170, 4 VAC 15-90-190, 4 VAC 15-90-195, 4 VAC 15-90-200, 4 VAC 15-90-210, 4 VAC 15-90-220, and 4 VAC 15-90-240; adding 4 VAC 15-90-21 and 4 VAC 15-90-85).**

Statutory Authority: §§ 29.1-501 and 29.1-502 of the Code of Virginia.

Notice to the Public: The Board of Game and Inland Fisheries has ordered to be published, pursuant to §§ 29.1-501 and 29.1-502 of the Code of Virginia, the following proposed amendments to board regulations. A public comment period on the proposed regulations opened March 1, 2001, and remains open until May 3, 2001. Comments submitted must be in writing; must be accompanied by the name, address

and telephone number of the party offering the comments; should state the regulatory action desired; and should state the justification for the desired action. Comments should be sent to Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4010 W. Board Street, Richmond, VA 23230, and need to be received no later than April 26, 2001, in order to be assured that the board will have opportunity to review them before taking final action.

A public hearing on the advisability of adopting or amending and adopting the proposed regulations, or any parts thereof, will be held during a meeting of the board to take place at the Department of Game and Inland Fisheries, 4010 W. Broad Street, Richmond, VA 23230, beginning at 9 a.m. on Thursday, May 3, 2001, at which time any interested citizen present shall be heard. If the board is satisfied that the proposed regulations, or any parts thereof, are advisable in the form in which published or as amended after receipt of the public's comments, the board may adopt regulation amendments as final at the May 3 meeting. The regulations or regulation amendments adopted may be either more liberal or more restrictive than those proposed and being advertised under this notice.

Summary:

The proposed amendments (i) make changes to the deer hunting season in certain areas and localities; (ii) establish a special early bow-hunting season for antlerless deer; (iii) add the City of Chesapeake to the list of localities and areas that have a late special muzzleloading rifle deer hunting season; (iv) provide for the hunting of either-sex elk during any deer season; (v) make changes to the lists of counties and areas having a specified number of days in which antlerless deer or deer of either sex may be taken; (vi) add those persons who are issued a hunting license authorization number by a telephone or electronic media agent to the list of persons exempted from the requirement for tagging at the place of kill, and require these individuals to check the carcass at a deer checking station; and (vii) make certain technical and clarification changes.

4 VAC 15-90-20. Two-week open season; cities and counties west of Blue Ridge Mountains and certain cities and counties or parts thereof east of Blue Ridge Mountains.

It shall be lawful to hunt deer on the third Monday in November and for 11 consecutive hunting days following in the cities and counties west of the Blue Ridge Mountains (except Clarke County and on non-national forest lands in Frederick County, and on the Radford Army Ammunition Plant in Pulaski County), and in the counties (including cities within) of Amherst (west of U.S. Route 29), Bedford, Campbell (west of Norfolk Southern Railroad except in the City of Lynchburg), Franklin, Henry, Nelson (west of Route 151), ~~Patrick~~ and Pittsylvania (west of Norfolk Southern Railroad), and on the Chester F. Phelps Wildlife Management Area, *Fairystone*

Farms Wildlife Management Area, Fairystone State Park, and Philpott Reservoir.

4 VAC 15-90-21. Four-week open season in Patrick County.

It shall be lawful to hunt deer on the third Monday in November and for 23 consecutive hunting days following in Patrick County (except on Fairystone Farms Wildlife Management Area, Fairystone State Park, and Philpott Reservoir).

4 VAC 15-90-70. Bow and arrow hunting.

A. Early special archery. It shall be lawful to hunt deer with bow and arrow from the first Saturday in October through the Saturday prior to the third Monday in November, both dates inclusive, except where there is a closed general hunting season on deer.

B. Late special archery season west of Blue Ridge Mountains and certain cities and counties east of Blue Ridge Mountains. In addition to the season provided in subsection A of this section, it shall be lawful to hunt deer with bow and arrow from the Monday following the close of the general firearms season on deer west of the Blue Ridge Mountains through the first Saturday in January, both dates inclusive, in all cities and counties west of the Blue Ridge Mountains (except Clarke County and on non-national forest lands in Frederick County) and in the counties of (including cities within) Amherst (west of U.S. Route 29), Bedford, Campbell (west of Norfolk Southern Railroad), Franklin, Henry, Nelson (west of Route 151), Patrick and Pittsylvania (west of Norfolk Southern Railroad) and on national forest lands in Frederick County and from December 1 through the first Saturday in January, both dates inclusive, in the cities of Chesapeake, Suffolk (east of the Dismal Swamp line) and Virginia Beach.

C. Either-sex deer hunting days. Deer of either sex may be taken full season during the special archery seasons as provided in subsections A and B of this section (except in Buchanan County and on private lands in the counties of Dickenson and Wise where it shall be unlawful to take antlerless deer during the special archery seasons provided for in subsections A and B of this section).

D. Carrying firearms prohibited. It shall be unlawful to carry firearms while hunting with bow and arrow during the special archery seasons.

E. Requirements for bow and arrow. Arrows used for hunting big game must have a minimum width head of 7/8 of an inch and the bow used for such hunting must be capable of casting a broadhead arrow a minimum of 125 yards.

F. Use of dogs prohibited during bow season. It shall be unlawful to use dogs when hunting with bow and arrow from the first Saturday in October through the Saturday prior to the third Monday in November, both dates inclusive.

G. It shall be lawful for persons with permanent physical disabilities, who are in full compliance with the requirements of 4 VAC 15-40-20 B, to hunt deer subject to the provisions of subsections A through G of this section. For the purpose of the application of subsections A through G to this subsection, the phrase "bow and arrow" includes crossbow.

H. Early special urban archery season. It shall be lawful to hunt antlerless deer with bow and arrow from the third Saturday in September through the Friday prior to the first Saturday in October, both dates inclusive, within the incorporated limits of all cities and towns in the Commonwealth (except in the cities of Chesapeake, Suffolk, and Virginia Beach and in the cities and towns in Buchanan, Dickenson and Wise counties) and the counties of Fairfax and York unless their governing body submits by certified letter to the department prior to May 1, annually, their intent not to participate in the early special urban archery season. For the 2001-2002 hunting season, the May 1 deadline will be waived. The early special urban archery season will take effect in the 2001-2002 hunting season.

4 VAC 15-90-80. Muzzleloading gun hunting.

A. Early special muzzleloading season. It shall be lawful to hunt deer with muzzleloading guns from the first Monday in November through the Saturday prior to the third Monday in November, both dates inclusive, in all cities and counties where deer hunting with a rifle or muzzleloading gun is permitted east of the Blue Ridge Mountains, except on national forest lands in Amherst, Bedford and Nelson counties and in the cities of Chesapeake, Suffolk (east of the Dismal Swamp Line) and Virginia Beach. It shall be lawful to hunt deer with muzzleloading guns from the second Monday in November through the Saturday prior to the third Monday in November, both dates inclusive, in all cities and counties where deer hunting with a rifle or muzzleloading gun is permitted west of the Blue Ridge Mountains and on national forest lands in Amherst, Bedford, and Nelson counties.

B. Late special muzzleloading season west of Blue Ridge Mountains and in certain cities and counties east of Blue Ridge Mountains. It shall be lawful to hunt deer with muzzleloading guns from the third Monday in December through the first Saturday in January, both dates inclusive, in all cities and counties west of the Blue Ridge Mountains (except Clarke County and on non-national forest lands in Frederick County), and east of the Blue Ridge Mountains in the counties of (including the cities within) Amherst (west of U.S. Route 29), Bedford, Campbell (west of Norfolk Southern Railroad), Franklin, Henry, Nelson (west of Route 151), Patrick and Pittsylvania (west of Norfolk Southern Railroad) and on national forest lands in Frederick County *and in the City of Chesapeake.*

C. Either-sex deer hunting days east and west of the Blue Ridge Mountains during the early muzzleloading season. Deer of either sex may be taken during the entire early special muzzleloading season in all cities and counties east of the Blue Ridge Mountains (except on national forest lands, state forest lands, state park lands, department-owned lands and Philpott Reservoir) and on the first Saturday only east of the Blue Ridge Mountains on state forest lands, state park lands, department-owned lands and on Philpott Reservoir.

Deer of either sex may be taken during the early special muzzleloading season in all cities and counties west of the Blue Ridge Mountains (except Buchanan, Dickenson, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise and on national forest lands in Frederick, Page, Rockingham, Shenandoah, and Warren) and on national forest lands in

Proposed Regulations

Amherst, Bedford, and Nelson counties on the second Monday in November only.

D. Either-sex deer hunting days east and west of the Blue Ridge Mountains during the late special muzzleloading season. Deer of either sex may be taken during the entire late special muzzleloading season in the counties (including the cities within) of Amherst (west of U.S. Route 29 except on national forest lands), Bedford (except on national forest lands), Campbell (west of Norfolk Southern Railroad except in the City of Lynchburg), Franklin, Henry, Nelson (west of Route 151 except on national forest lands), Patrick, and Pittsylvania (west of Norfolk Southern Railroad) ~~and Warren~~. It shall be lawful to hunt deer of either sex during the last six days of the late special muzzleloading season in all cities and counties west of the Blue Ridge Mountains (except Buchanan, Dickenson, Grayson, Lee, Russell, Scott, Smyth, Tazewell, Washington and Wise) and on national forest lands in Amherst, Bedford, Frederick, and Nelson counties *and in the City of Chesapeake*. Provided further it shall be lawful to hunt deer of either sex during the last day only of the late special muzzleloading season in the counties (including the cities within) of Grayson, Lee, Russell, Scott, Smyth, Tazewell, and Washington.

E. Use of dogs prohibited. It shall be unlawful to hunt deer with dogs during any special season for hunting with muzzleloading guns.

F. Muzzleloading gun defined. A muzzleloading gun, for the purpose of this section, means a single shot flintlock or percussion weapon, excluding muzzleloading pistols, .45 caliber or larger, firing a single projectile or sabot (with a .38 caliber or larger projectile) of the same caliber loaded from the muzzle of the weapon and propelled by at least 50 grains of black powder (or black powder equivalent).

G. Unlawful to have other firearms in possession. It shall be unlawful to have in immediate possession any firearm other than a muzzleloading gun while hunting with a muzzleloading gun in a special muzzleloading season.

4 VAC 15-90-85. Hunting elk of either sex.

Elk of either sex may be taken during the general firearms deer season (as prescribed by 4 VAC 15-90-10, 4 VAC 15-90-20, 4 VAC 15-90-21, and 4 VAC 15-90-30), during the special archery seasons (as prescribed by 4 VAC 15-90-70), and during the special muzzleloading seasons (as prescribed by 4 VAC 15-90-80) with bag limits and checking requirements as prescribed in 4 VAC 15-90-90, 4 VAC 15-90-230, and 4 VAC 15-90-240.

4 VAC 15-90-100. General firearms season either-sex deer hunting days; Saturday following third Monday in November and last two hunting days.

During the general firearms season, deer of either sex may be taken on the Saturday immediately following the third Monday in November and the last two hunting days only, in the counties of (including cities within) Alleghany (except on national forest lands), Augusta (except on national forest and department-owned lands), Bath (except on national forest lands), Bland (except on national forest lands), Carroll (except on national forest and department-owned lands), Craig

(except on national forest lands), Giles (except on national forest lands), Highland (except on national forest and department-owned lands), ~~Montgomery (except on national forest lands)~~, Page (except on national forest lands), Pulaski (except on national forest lands and the Radford Army Ammunition Plant), Rockbridge (except on national forest and department-owned lands), ~~Rockingham (except on national forest lands)~~, ~~Shenandoah (except on national forest lands)~~, and Wythe (except on national forest lands), and on Fairystone Farms Wildlife Management Area, Fairystone State Park, Philpott Reservoir, and Turkeycock Mountain Wildlife Management Area.

4 VAC 15-90-110. General firearms season either-sex deer hunting days; Saturday following third Monday in November and last hunting day.

During the general firearms season, deer of either sex may be taken on the Saturday immediately following the third Monday in November and the last hunting day *in the counties of (including cities within) Lee (except on national forest lands), Russell (except on Clinch Mountain Wildlife Management Area and Hidden Valley Wildlife Management Area), Scott (except on national forest lands), Smyth (except on national forest lands and Clinch Mountain Wildlife Management Area and Hidden Valley Wildlife Management Area), Tazewell (except on national forest lands and Clinch Mountain Wildlife Management Area and Hidden Valley Wildlife Management Area), Washington (except on national forest lands and Clinch Mountain Wildlife Management Area and Hidden Valley Wildlife Management Area), and on the G. Richard Thompson Wildlife Management Area and White Oak Mountain Wildlife Management Area* and on national forest and department-owned lands in Alleghany, Augusta, Bath, Bland, Botetourt, Carroll, Giles, Highland, Montgomery, Pulaski, Roanoke, Rockbridge, and Wythe.

4 VAC 15-90-141. General firearms season either-sex deer hunting days; first two Saturdays following third Monday in November and last two hunting days.

During the general firearms season, deer of either sex may be taken on the first two Saturdays immediately following the third Monday in November and on the last two hunting days, in the counties (including cities within) of *Amelia*, Appomattox (except on Appomattox-Buckingham State Forest), Brunswick, Buckingham (except on Appomattox-Buckingham State Forest), Charlotte, Chesterfield (except on Pocahontas State Park and Presquile NWR), Cumberland (except on Cumberland State Forest), Dinwiddie, Fluvanna, Goochland (west of U.S. Route 522), Lunenburg, Mecklenburg, Nottoway, *Powhatan*, Prince Edward (except on Prince Edward State Forest), and Prince George (except on Fort Lee).

4 VAC 15-90-160. General firearms season either-sex deer hunting days; full season.

During the general firearms season, deer of either sex may be taken full season, in the counties of (including cities within) Accomack, Amherst (west of U.S. Route 29, except on national forest lands), Arlington, Bedford (except on national forest lands), ~~Botetourt (except on national forest lands)~~, Campbell (west of Norfolk Southern Railroad and in the City

of Lynchburg only on private lands for which a special permit has been issued by the chief of police), Fairfax (restricted to certain parcels of land by special permit), Floyd, Franklin (except Philpott Reservoir and Turkeycock Mountain Wildlife Management Area), Greensville, ~~Grayson (except on national forest lands and portions of Grayson Highland State Park open to hunting)~~, Henry (except on Fairystone Farms Wildlife Management Area, Fairystone State Park, Philpott Reservoir, and Turkeycock Mountain Wildlife Management Area), ~~Isle of Wight~~, Loudoun, Nelson (west of Route 151, except on national forest lands), Patrick (except on Fairystone Farms Wildlife Management Area, Fairystone State Park and Philpott Reservoir), Pittsylvania (west of Norfolk Southern Railroad), Prince William, Roanoke (except on national forest and department-owned lands), Southampton, Warren (except on national forest lands), York, and in the cities of Hampton and Newport News, the Town of Chincoteague, and on Back Bay National Wildlife Refuge, Fort A.P. Hill, Caledon Natural Area, Camp Peary, Cheatham Annex, Chincoteague National Wildlife Refuge, Chippokes State Park, Dahlgren Surface Warfare Center Base, Dam Neck Amphibious Training Base, Dismal Swamp National Wildlife Refuge, Eastern Shore of Virginia National Wildlife Refuge, False Cape State Park, Fentress Naval Auxiliary Landing Field, Fisherman's Island National Wildlife Refuge, Fort Belvoir, Fort Eustis, Fort Lee, Harry Diamond Laboratory, Langley Air Force Base, NASA Langley Research Center, Naval Air Station Oceana, Northwest Naval Security Group, Pocahontas State Park, Presquile National Wildlife Refuge, Quantico Marine Corps Reservation, Radford Army Ammunition Plant, Sky Meadows State Park, York River State Park, Yorktown Naval Weapons Station.

4 VAC 15-90-170. General firearms season either-sex deer hunting days; Saturday following third Monday in November.

During the general firearms season, deer of either sex may be taken the Saturday immediately following the third Monday in November ~~in the counties (including cities within) of Lee (except on national forest lands), Russell, Scott (except on national forest lands), Smyth, Tazewell, Washington, and on the Buckingham-Appomattox State Forest, Cumberland State Forest and Prince Edward State Forest and on national forest lands in Craig, Frederick, Grayson, Page, Shenandoah, Smyth, Rockingham, Tazewell, Washington, and Warren counties and on the Clinch Mountain Wildlife Management Area and Hidden Valley Wildlife Management Area and on portions of Grayson Highlands State Park open to hunting.~~

4 VAC 15-90-190. General firearms season either-sex deer hunting days; first Saturday immediately following third Monday in November and last six days.

During the general firearms season, deer of either sex may be taken on the first Saturday immediately following the third Monday in November and the last six hunting days, in the counties of (including cities within) ~~Botetourt (except on national forest lands), Grayson (except on national forest lands and portions of Grayson Highland State Park open to hunting), Middlesex, Mathews, Montgomery (except on national forest lands), Rockingham (except on national forest lands), Shenandoah (except on national forest lands), and on~~

the James River Wildlife Management Area, ~~White Oak Mountain Wildlife Management Area~~ and on national forest lands in Amherst, Bedford, and Nelson counties.

4 VAC 15-90-195. General firearms season either-sex deer hunting days; first two Saturdays immediately following third Monday in November and last six hunting days.

During the general firearms season, deer of either sex may be taken on the first two Saturdays immediately following the third Monday in November and on the last six hunting days, in the counties of (including the cities within) ~~Amelia Caroline (except Fort A.P. Hill), Charles City (except on Chickahominy Wildlife Management Area), Essex, King George (except Caledon Natural Area and Dahlgren Surface Warfare Center), King and Queen, King William, Louisa, New Kent, Powhatan, Richmond, and Westmoreland.~~

4 VAC 15-90-200. General firearms season either-sex deer hunting days; first three Saturdays following third Monday in November and last 24 hunting days.

During the general firearms season, deer of either sex may be taken on the first three Saturdays immediately following the third Monday in November and on the last 24 hunting days, in the counties of (including cities within) ~~Clarke, Frederick (except on national forest lands), Isle of Wight (except on Ragged Island Wildlife Management Area), Northampton (except on Eastern Shore of Virginia National Wildlife Refuge and Fisherman's Island National Wildlife Refuge), Surry (except on the Carlisle Tract of the Hog Island Wildlife Management Area), and Sussex.~~

4 VAC 15-90-210. General firearms season either-sex deer hunting days; first two Saturdays immediately following third Monday in November and last 12 hunting days.

During the general firearms season, deer of either sex may be taken on the first two Saturdays immediately following the third Monday in November and on the last 12 hunting days, in the counties of (including the cities within) ~~Albemarle, Amherst (east of U.S. Route 29), Campbell (east of Norfolk Southern Railroad except City of Lynchburg), Caroline (except Fort A.P. Hill), Clarke, Culpeper (except on Chester F. Phelps Wildlife Management Area), Fauquier (except on the G. Richard Thompson and Chester F. Phelps Wildlife Management Areas, Sky Meadows State Park and Quantico Marine Reservation), Frederick (except on national forest lands), Gloucester, Goochland (east of U.S. Route 522), Greene, Halifax, Hanover, Henrico (except Presquile National Wildlife Refuge), James City (except York River State Park), King George (except Caledon Natural Area and Dahlgren Surface Warfare Center), Lancaster, Madison, Nelson (east of Route 151 except James River Wildlife Management Area), Northumberland, Orange, Pittsylvania (east of Norfolk Southern Railroad except White Oak Mountain Wildlife Management Area), Rappahannock, Spotsylvania, Stafford (except on Quantico Marine Reservation), and York (except on Camp Peary, Cheatham Annex and Yorktown Naval Weapons Station), and in the City of Suffolk (west of the Dismal Swamp line).~~

Proposed Regulations

4 VAC 15-90-220. General firearms season; bucks only.

During the general firearms season, only deer with antlers visible above the hairline may be taken in the counties of (including the cities within) Buchanan, Dickenson, and Wise and on national forest lands in Lee and Scott and on the Chester F. Phelps Wildlife Management Area, Chickahominy Wildlife Management Area, *Ragged Island Wildlife Management Area*, and on the Carlisle Tract of Hog Island Wildlife Management Area.

4 VAC 15-90-240. Tagging deer and obtaining official game tag; by ~~person~~ persons exempt from license requirement or holding a license authorization number.

Upon killing a deer, any person exempt from license requirement as prescribed in § 29.1-301 of the Code of Virginia, or issued a complimentary license as prescribed in § 29.1-339, or the holder of a permanent license issued pursuant to § 29.1-301 E, *or the holder of a Virginia license authorization number issued by a telephone or electronic media agent pursuant to § 29.1-327 B* shall, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever occurs first, and without unnecessary delay, present the carcass to an authorized checking station or to any appropriate representative of the department in the county or adjoining county in which the deer was killed. At such time, the person shall be given an official game check card furnished by the department, which shall be securely attached to the carcass and remain attached until the carcass is processed.

VA.R. Doc. No. R01-140; Filed March 7, 2001, 11:38 a.m.

* * * * *

Title of Regulation: **4 VAC 15-110-10 et seq. Game: Fox (amending 4 VAC 15-110-75).**

Statutory Authority: §§ 29.1-501 and 29.1-502 of the Code of Virginia.

Notice to the Public: The Board of Game and Inland Fisheries has ordered to be published, pursuant to §§ 29.1-501 and 29.1-502 of the Code of Virginia, the following proposed amendments to board regulations. A public comment period on the proposed regulations opened March 1, 2001, and remains open until May 3, 2001. Comments submitted must be in writing; must be accompanied by the name, address and telephone number of the party offering the comments; should state the regulatory action desired; and should state the justification for the desired action. Comments should be sent to Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4010 W. Broad Street, Richmond, VA 23230, and need to be received no later than April 26, 2001, in order to be assured that the board will have opportunity to review them before taking final action.

A public hearing on the advisability of adopting or amending and adopting the proposed regulations, or any parts thereof, will be held during a meeting of the board to take place at the Department of Game and Inland Fisheries, 4010 W. Broad Street, Richmond, VA 23230, beginning at 9 a.m. on Thursday, May 3, 2001, at which time any interested citizen present shall be heard. If the board is satisfied that the

proposed regulations, or any parts thereof, are advisable, in the form in which published or as amended after receipt of the public's comments, the board may adopt regulation amendments as final at the May 3 meeting. The regulations or regulation amendments adopted may be either more liberal or more restrictive than those proposed and being advertised under this notice.

Summary:

The proposed amendments eliminate the restriction that foxes may be live-trapped only within 50 miles of the foxhound training preserve in which they will be placed, and authorize permitted foxhound training preserve operators or their designated trappers to live-trap and transport foxes within the Commonwealth for stocking foxhound training preserves in Virginia.

4 VAC 15-110-75. Foxhound training preserves; live-trapping for release.

It shall be lawful for any foxhound training preserve permittee or those licensed trappers designated in writing by the permittee to live-trap and transport red (*Vulpes vulpes*) and gray (*Urocyon cinereoargenteus*) foxes from September 1 through the last day of February, both dates inclusive, only for the purpose of stocking foxhound training preserves covered by permits authorized by the board and issued by the department. For the purpose of this section, foxes may be live-trapped on private land with landowner permission or on public lands designated by the department. *For the purpose of this section, foxes may be live-trapped only and transported within a 50-mile radius of the foxhound training preserve in which they will be released unless a specific exception is granted by the department for good cause the Commonwealth of Virginia.*

VA.R. Doc. No. R01-139; Filed March 7, 2001, 11:38 a.m.

* * * * *

Title of Regulation: **4 VAC 15-240-10 et seq. Game: Turkey (amending 4 VAC 15-240-20, 4 VAC 15-240-31, and 4 VAC 15-240-90).**

Statutory Authority: §§ 29.1-501 and 29.1-502 of the Code of Virginia.

Notice to the Public: The Board of Game and Inland Fisheries has ordered to be published, pursuant to §§ 29.1-501 and 29.1-502 of the Code of Virginia, the following proposed amendments to board regulations. A public comment period on the proposed regulations opened March 1, 2001, and remains open until May 3, 2001. Comments submitted must be in writing; must be accompanied by the name, address and telephone number of the party offering the comments; should state the regulatory action desired; and should state the justification for the desired action. Comments should be sent to Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4010 W. Broad Street, Richmond, VA 23230, and need to be received no later than April 26, 2001, in order to be assured that the board will have opportunity to review them before taking final action.

A public hearing on the advisability of adopting or amending and adopting the proposed regulations, or any parts thereof, will be held during a meeting of the board to take place at the Department of Game and Inland Fisheries, 4010 W. Broad Street, Richmond, VA 23230, beginning at 9 a.m. on Thursday, May 3, 2001, at which time any interested citizen present shall be heard. If the board is satisfied that the proposed regulations, or any parts thereof, are advisable, in the form in which published or as amended after receipt of the public's comments, the board may adopt regulation amendments as final at the May 3 meeting. The regulations or regulation amendments adopted may be either more liberal or more restrictive than those proposed and being advertised under this notice.

Summary:

The proposed amendments (i) increase the length of the fall turkey hunting season to six weeks in Chesterfield, Greensville and Henrico counties by removing these counties from the lists of counties having a two- and three-week season and (ii) provide that persons who are issued a hunting license authorization number by a telephone or electronic media agent to the list of persons exempted from the requirement for tagging at the place of kill. These persons are required, upon killing a turkey, to check the carcass at a checking station.

4 VAC 15-240-20. Open season; certain counties and areas; last Monday in October and for 11 hunting days following, and on Thanksgiving Day.

It shall be lawful to hunt turkeys on the last Monday in October and for 11 consecutive hunting days following, and on Thanksgiving Day in the counties of Buchanan, Chesterfield, ~~Greensville~~, Isle of Wight, Prince George, Southampton, Surry, and Sussex.

4 VAC 15-240-31. Open season; certain counties and areas; last Monday in October and for 11 hunting days following, on Thanksgiving Day, and on the Monday closest to December 9 and for five hunting days following.

It shall be lawful to hunt turkeys on the last Monday in October and for 11 consecutive hunting days following, on Thanksgiving Day, and on the Monday closest to December 9 and for five hunting days following in the counties of Charles City, Gloucester, ~~Henrico~~, James City, King George, Lancaster, Middlesex, New Kent, Northumberland, Richmond, Westmoreland, and York (except on Camp Peary).

4 VAC 15-240-90. Tagging turkey and obtaining official game tag; by ~~person~~ persons exempt from license requirement or holding a license authorization number.

Upon killing a turkey, any person exempt from the license requirement as described in § 29.1-301 of the Code of Virginia, or issued a complimentary license as prescribed in § 29.1-339, or the holder of a permanent license issued pursuant to § 29.1-301 E, or the holder of a Virginia license authorization number issued by a telephone or electronic media agent pursuant to § 29.1-327 B shall, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever occurs first, and without unnecessary delay,

present the carcass to an authorized checking station or to any appropriate representative of the department in the county or adjoining county in which the turkey was killed. At such time, the person shall be given an official game check card furnished by the department, which shall be securely attached to the carcass and remain ~~se~~ attached until the carcass is processed.

VA.R. Doc. No. R01-138; Filed March 7, 2001, 11:38 a.m.

TITLE 13. HOUSING

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

Withdrawal

Title of Regulation: 13 VAC 10-20-10 et seq. Rules and Regulations for Multi-Family Housing Developments.

The Virginia Housing Development Authority has WITHDRAWN the proposed amendments to 13 VAC 10-20-10 et seq. Rules and Regulations for Multi-Family Housing Developments that were published in 17:10 VA.R. 1513-1514, January 29, 2001.

Agency Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, VA 23220, telephone (804) 343-5540 or FAX (804) 783-6701.

VA.R. Doc. No. R01-81; Filed March 1, 2001, 11:52 a.m.

TITLE 14. INSURANCE

STATE CORPORATION COMMISSION

REGISTRAR'S NOTICE: The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency which by the Constitution is expressly granted any of the powers of a court of record.

Title of Regulation: 14 VAC 5-300-10 et seq. Rules Governing Credit for Reinsurance (amending 14 VAC 5-300-130).

Statutory Authority: §§ 12.1-13 and 38.2-223 of the Code of Virginia.

Agency Contact: Raquel Pino-Moreno, Bureau of Insurance, State Corporation Commission, 1300 E. Main Street, 6th Floor, Richmond, VA 23219, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9499 or e-mail rpino-moreno@scc.state.va.us.

Proposed Regulations

Summary:

The purpose of the proposed revisions to the rules is to update references to an outdated publication that has been revised since the commission promulgated its Rules Governing Credit for Reinsurance.

The technical revisions at 14 VAC 5-300-130 G and 14 VAC 5-300-130 H will update references to the Uniform Customs and Practice for Documentary Credits of the International Chamber of Commerce ("ICC"), which currently is identified in the rules as Publication 400. The proposed amendments replace the reference to ICC Publication 400 with the 1993 replacement version, designated as "Publication 500," and replace the reference to "Article 19" of Publication 400 with a reference to "Article 17" of Publication 500. The proposed revisions also add the language "or any successor publication," which will provide an updated reference to the current ICC Publication and allow for automatic reference to future updates to the ICC Publication.

AT RICHMOND, FEBRUARY 26, 2001

COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

CASE NO. INS010028

Ex Parte: In the matter of
Adopting Revisions to the Rules
Governing Credit for Reinsurance

ORDER TO TAKE NOTICE

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

Whereas, the rules and regulations issued by the Commission pursuant to § 38.2-223 of the Code of Virginia are set forth in Title 14 of the Virginia Administrative Code;

Whereas, the Bureau of Insurance has submitted to the Commission proposed revisions to Chapter 300 of Title 14 of the Virginia Administrative Code entitled "Rules Governing Credit for Reinsurance," which amend the rule at 14 VAC 5-300-130;

WHEREAS, the proposed revisions reflect revisions to provisions of the model Credit for Reinsurance regulation adopted by the National Association of Insurance Commissioners ("NAIC"); and

WHEREAS, the Commission is of the opinion that the proposed revisions should be considered for adoption with a proposed effective date of May 1, 2001.

THEREFORE, IT IS ORDERED THAT:

(1) The proposed revisions to the "Rules Governing Credit for Reinsurance" which amend the rule at 14 VAC 5-300-130, be attached hereto and made a part hereof;

(2) All interested persons who desire to comment in support of or in opposition to, or to request a hearing to oppose the adoption of, the proposed revisions shall file such comments or hearing request on or before March 29, 2001, in writing with the Clerk of the Commission, Document Control Center, Post Office Box 2118, Richmond, Virginia 23218 and shall refer to Case No. INS010028;

(3) If no written request for a hearing on the proposed revisions is filed on or before March 29, 2001, the Commission, upon consideration of any comments submitted in support of or in opposition to the proposed revisions, may adopt the revisions proposed by the Bureau of Insurance;

(4) AN ATTESTED COPY hereof, together with a copy of the proposed revisions, be sent by the Clerk of the Commission to the Bureau of Insurance in care of Deputy Commissioner Douglas C. Stolte, who forthwith shall give further notice of the proposed adoption of the revisions to the rules by mailing a copy of this Order, together with a draft of the proposed revisions, to all insurers, burial societies, home protection companies, joint underwriting associations, group self-insurance pools, and group self-insurance associations licensed by the Commission; and

(5) The Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (4) above.

14 VAC 5-300-130. Letters of credit qualifying for § 38.2-1316.4 credit under 14 VAC 5-300-110.

A. The letter of credit must be clean. It cannot be conditioned on the delivery of any other documents or materials. It shall contain an issue date and date of expiration and shall stipulate that the beneficiary need only draw a sight draft under the letter of credit and present it to obtain funds and that no other document need be presented.

B. The letter of credit must be irrevocable. It must provide that it cannot be modified, except for an increase in face amount, or revoked without the consent of the beneficiary, once the beneficiary is established.

C. The letter of credit must be unconditional. It shall indicate specifically that it is not subject to any condition or qualifications outside of the letter of credit. In addition, the letter of credit itself shall not contain preference to any other agreements, documents or entities, except as provided in subdivision K 1 ~~below~~ of this section.

D. The heading of the letter of credit may include a boxed section which contains the name of the applicant and other appropriate notations to provide a reference for such letter of credit. The boxed section shall be clearly marked to indicate that such information is for internal identification purposes only.

E. The letter of credit shall contain a statement to the effect that the obligation of the qualified United States financial institution under the letter of credit is in no way contingent upon reimbursement with respect thereto.

F. The term of the letter of credit shall be for at least one year and shall contain an "evergreen clause" which automatically renews the letter of credit for a time certain should the issuer

of the same fail to affirmatively signify its intention to non-renew upon expiry and which prevents the expiration of the letter of credit without due notice from the issuer. The "evergreen clause" shall provide for a period of no less than 30 days notice prior to expiry date for nonrenewal.

G. The letter of credit shall state whether it is subject to and governed by the laws of this Commonwealth, the ceding ~~insurers~~ insurer's state of domicile or the Uniform Customs and Practice for Documentary Credits of the International Chamber of Commerce (Publication ~~400~~ 500), or any successor publication, and all drafts drawn thereunder shall be presentable at an office in the United States of a qualified United States financial institution.

H. If the letter of credit is made subject to the Uniform Customs and Practice for Documentary Credits of the International Chamber of Commerce (Publication ~~400~~ 500), or any successor publication, then the letter of credit shall specifically address and make provision for an extension of time to draw against the letter of credit in the event that one or more of the occurrences specified in Article ~~49~~ 17 of Publication ~~400~~ 500, or any successor publication, occur.

I. The letter of credit shall be issued or confirmed by a qualified United States financial institution authorized to issue letters of credit, pursuant to the applicable definitions contained within § 38.2-1316.1 of the Act.

J. When a letter of credit, issued by a financial institution not recognized by the Act and this chapter as a qualified United States financial institution authorized to issue letters of credit, is subsequently confirmed by a qualified United States financial institution, as described in subsection I of this section, then the following additional requirements shall be met:

1. The issuing financial institution shall formally designate the confirming qualified United States financial institution as its agent for the receipt and payment of the drafts, and
2. The "evergreen clause" shall provide for a period of no less than 30 days' notice prior to expiry date for nonrenewal.

K. Reinsurance agreement provisions.

1. The reinsurance agreement in conjunction with which the letter of credit is obtained may contain provisions which:
 - a. Require the assuming insurer to provide letters of credit to the ceding insurer and specify what they are to cover.
 - b. Stipulate that the assuming insurer and ceding insurer agree that the letter of credit provided by the assuming insurer pursuant to the provisions of the reinsurance agreement may be drawn upon at any time, notwithstanding any other provision in such agreement, and shall be utilized by the ceding insurer or its successors in interest only for one or more of the following reasons:
 - (1) To reimburse the ceding insurer for the assuming insurer's share of premiums returned to the owners of

policies reinsured under the reinsurance agreement on account of cancellations of such policies;

(2) To reimburse the ceding insurer for the assuming insurer's share of surrenders and benefits or losses paid by the ceding insurer under the terms and provisions of the policies reinsured under the reinsurance agreement;

(3) To fund an account with the ceding insurer in an amount at least equal to the deduction, for reinsurance ceded, from the ceding insurer's liabilities for policies ceded under the agreement (such amount shall include, but not be limited to, amounts for policy reserves, claims and losses incurred and unearned premium reserves); and

(4) To pay any other amounts the ceding insurer claims are due under the reinsurance agreement.

c. All of the foregoing provisions of subdivision 1 of this subsection should be applied without diminution because of insolvency on the part of the ceding insurer or assuming insurer.

2. Nothing contained in subdivision 1 of this subsection shall preclude the ceding insurer and assuming insurer from providing for:

- a. An interest payment, at a rate not in excess of the prime rate of interest, on the amounts held pursuant to subdivision 1 b (3) of this subsection; and/or
- b. The return of any amounts drawn down on the letters of credit in excess of the actual amounts required for the above or, in the case of subdivision 1 b (4) of this subsection, any amounts that are subsequently determined not to be due.

3. When a letter of credit is obtained in conjunction with a reinsurance agreement covering risks other than life, annuities and health, where it is customary practice to provide a letter of credit for a specific purpose, then such reinsurance agreement may in lieu of subdivision 1 b of this subsection, require that the parties enter into a "Trust Agreement" which may be incorporated into the reinsurance agreement or be a separate document.

L. A letter of credit may not be used to reduce any liability for reinsurance ceded to an unauthorized assuming insurer in financial statements required to be filed with the Commission unless an acceptable letter of credit with the filing ceding insurer as beneficiary has been issued on or before the date of filing of the financial statement.

VA.R. Doc. No. R01-127; Filed February 28, 2001, 11:12 a.m.



Proposed Regulations

TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS

STATE CORPORATION COMMISSION

Title of Regulation: **20 VAC 5-312-10 et seq. Rules Governing Retail Access to Competitive Energy Services.**

Statutory Authority: §§ 12.1-13 and 56-35.8 of the Code of Virginia.

Agency Contact: Thomas E. Lamm, Division of Energy Regulation, 1300 E. Main Street, 4th Floor, Richmond, VA 23219, telephone (804) 371-9611 or e-mail tlamm@scc.state.va.us.

Summary:

The State Corporation Commission has initiated a proceeding to establish final rules to govern retail access to competitive energy services of the electricity and natural gas industries, Case No. PUE010013, Commonwealth of Virginia. At the relation of the State Corporation Commission, Ex Parte: In the matter of establishing rules for retail access. In its January 10, 2001, Order Establishing Procedural Schedule in this case, the commission directed the commission staff to invite representatives of interested parties to participate in a work group to assist the staff in developing proposed rules for the start of retail access in Virginia. The commission ordered staff to conduct an investigation and file its report proposing retail access rules, with input from the work group, on or before March 6, 2001. The State Corporation Commission granted staff a one-week extension to March 13, 2001, to complete and file its report discussing the proposed retail access rules.

The proposed rules for retail access consist of eleven sections in a new chapter, Chapter 312 (20 VAC 5-312-10 et seq.) of Title 20 of the Virginia Administrative Code. They pertain to various relationships between the local distribution companies, competitive service providers, aggregators, and retail customers. These proposed rules govern: (i) the relationships between local distribution companies and affiliated competitive service providers to prevent discriminatory or anti-competitive behavior; (ii) the competitive service provider and aggregator application process for licensure by the State Corporation Commission; (iii) the process for competitive service provider registration with the local distribution company; (iv) the development, maintenance, and distribution of mass lists and other customer information to competitive service providers and aggregators; (v) competitive service provider and aggregator dissemination of clear and accurate marketing materials to consumers, and minimum customer service contract provisions; (vi) the process, responsibilities, and rights of a customer, the local distribution company, and a competitive service provider in switching a customer's provider of electricity or natural gas supply service; (vii) the provision of competitive billing service options and the establishment of minimum bill information standards and consumer protections; (viii) the reasonableness and non-discriminatory application of local distribution company load

profiling activities; and (ix) the establishment of dispute resolution procedures between customers and competitive service providers or aggregators and between competitive service providers or aggregators and the local distribution company.

Copies of the proposed retail access rules are available on the State Corporation Commission's website at <http://www.state.va.us/scc/caseinfo/orders.htm> or may be obtained from the Clerk of the State Corporation Commission. Written comments and requests for hearing on the proposed retail access rules should be submitted to the State Corporation Commission, Document Control Center, P.O. Box 2118, Richmond, VA 23219-2118, on or before April 6, 2001. All written comments should reference Case No. PUE010013.

CHAPTER 312.

RULES GOVERNING RETAIL ACCESS TO COMPETITIVE ENERGY SERVICES.

20 VAC 5-312-10. Applicability; definitions.

A. These regulations are promulgated pursuant to the provisions of the Virginia Electric Utility Restructuring Act (§ 56-576 et seq. of the Code of Virginia) and to the provisions of retail supply choice for natural gas customers, § 56-235.8 of the Code of Virginia. The provisions in this chapter apply to suppliers of electric and natural gas services including local distribution companies, competitive service providers, and aggregators, and govern the implementation of retail access to competitive energy services in the electricity and natural gas markets, including the conduct of market participants. The provisions in this chapter shall be effective with the implementation of full or phased-in retail access to competitive energy services in the service territory of each local distribution company.

B. The following terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"Affiliated competitive service provider" means a competitive service provider that is a separate legal entity that controls, is controlled by, or is under common control of, a local distribution company or its parent. For the purpose of this chapter, any unit or division created by a local distribution company for the purpose of acting as a competitive service provider shall be treated as an affiliated competitive service provider and shall be subject to the same provisions and regulations.

"Aggregator" means a person that, as an agent or intermediary, (i) offers to purchase, or purchases, electricity or natural gas supply, or both, or (ii) offers to arrange for, or arranges for, the purchase of electricity or natural gas supply, or both, for sale to, or on behalf of, two or more retail customers not controlled by or under common control with such person. The following activities shall not, in and of themselves, make a person an aggregator under this chapter: (i) furnishing legal services to two or more retail customers, competitive service providers or aggregators; (ii) furnishing educational, informational, or analytical services to two or more retail customers, unless direct or indirect compensation for such services is paid by an aggregator or a competitive

service provider supplying electricity or natural gas, or both; (iii) furnishing educational, informational, or analytical services to two or more competitive service providers or aggregators; (iv) providing default service under § 56-585 of the Code of Virginia; (v) conducting business as a competitive service provider licensed under 20 VAC 5-312-40; and (vi) engaging in actions of a retail customer, acting in common with one or more other such retail customers, to issue a request for proposal or to negotiate a purchase of electricity or natural gas supply, or both, for consumption by such retail customers.

"Billing party" means a competitive service provider, an aggregator, or the local distribution company that transmits a consolidated or separate bill for competitive energy services, aggregation services, or distribution services, directly to a retail customer.

"Business day" means any calendar day or computer processing day in the Eastern United States time zone in which the general office of the applicable local distribution company is open for business with the public.

"Competitive energy service" means the retail sale of electricity supply service or natural gas supply service, or both, or any other competitive service as provided by legislation or approved by the State Corporation Commission as part of retail access by an entity other than the local distribution company as a regulated utility.

"Competitive service provider" means a person, licensed by the State Corporation Commission, that sells or offers to sell a competitive energy service within the Commonwealth. This term includes affiliated competitive service providers, as defined above, but does not include a party that supplies electricity or natural gas, or both, exclusively for its own consumption or the consumption of one or more of its affiliates.

"Competitive transition charge" means the wires charge, as provided by § 56-583 of the Code of Virginia, that is applicable to a retail customer that chooses to procure electricity supply service from a competitive service provider.

"Consolidated billing" means the provision of a single bill to a retail customer that includes the billing charges for services rendered by a competitive service provider or an aggregator, or both, and the local distribution company.

"Distribution service" means the delivery of electricity or natural gas, or both, through the distribution facilities of the local distribution company to a retail customer.

"Electricity supply service" means the generation and transmission of electricity to the distribution facilities of the local distribution company on behalf of a retail customer.

"Electronic Data Interchange" (EDI) means computer-to-computer exchange of business information using common standards for high volume electronic transactions.

"Local Distribution Company" means an entity regulated by the State Corporation Commission that owns or controls the distribution facilities required for the transportation and delivery of electricity or natural gas to the retail customer.

"Natural gas supply service" means the procurement and transportation of natural gas to the distribution facilities of a local distribution company on behalf of a retail customer.

"Non-billing party" means a party that provides customer billing information for competitive energy services or aggregation services to the local distribution company for the purpose of consolidated billing.

"Person" means any individual, corporation, partnership, association, company, business, trust, joint venture, or other private legal entity, and the Commonwealth or any city, county, town, authority or other political subdivision of the Commonwealth.

"Price-to-compare" means the portion of the local distribution company's regulated rate applicable to electricity supply service less the competitive transition charge rate.

"Residential customer" means any person taking retail distribution service under a residential tariff of the local distribution company.

"Retail access" means the opportunity for a retail customer in the Commonwealth to purchase a competitive energy service from a licensed competitive service provider seeking to sell such services to that customer.

"Separate billing" means the transmittal of separate bills for services rendered by a competitive service provider, an aggregator, and the local distribution company.

"Transmission provider" means an entity regulated by the Federal Energy Regulatory Commission that owns or operates, or both, the transmission facilities required for the delivery of electricity or natural gas to the local distribution company or retail customer.

"Virginia Electronic Data Transfer Working Group" (VAEDT) means the group of representatives from electric and natural gas local distribution companies, competitive service providers, the staff of the State Corporation Commission, and the Office of Attorney General whose objective is to formulate guidelines and practices for the electronic exchange of information necessitated by retail access.

20 VAC 5-312-20. General provisions.

A. A request for a waiver of any of the provisions in this chapter shall be considered by the State Corporation Commission on a case-by-case basis, and may be granted upon such terms and conditions as the State Corporation Commission may impose.

B. The provisions of this chapter may be enforced by the State Corporation Commission by any means authorized under applicable law or regulation. Enforcement actions may include, without limitation, the refusal to issue any license for which application has been made, and the revocation or suspension of any license previously granted. Any person aggrieved by a violation of these regulations may pursue any civil relief that may be available under state or federal law, including, without limitation, private actions for enforcement of these regulations, without regard to or first pursuing the remedies available from the State Corporation Commission hereunder.

Proposed Regulations

C. The provisions of this chapter shall not be deemed to prohibit the local distribution company, in emergency situations, from taking actions it is otherwise authorized to take that are necessary to ensure public safety and reliability of the distribution system. The State Corporation Commission, upon a claim of inappropriate action or its own motion, may investigate and take such corrective actions as may be appropriate.

D. The State Corporation Commission maintains the right to inspect the books, papers, records and documents, and to require special reports and statements, of a competitive service provider or an aggregator regarding qualifications to conduct business within the Commonwealth, in support of affiliate transactions, to investigate allegations of violations of this chapter, or to resolve a complaint filed against a competitive service provider or an aggregator.

E. The local distribution company shall provide, pursuant to the prices, terms, and conditions of its tariffs approved by the State Corporation Commission, service to all customers that do not select a competitive service provider and to customers that chose a competitive service provider but whose service is terminated at the request of the customer or by the competitive service provider for any reason.

F. The local distribution company and a competitive service provider shall not:

1. Suggest that the services provided by the local distribution company are of any different quality when competitive energy services are purchased from a particular competitive service provider; or

2. Suggest that the competitive energy services provided by a competitive service provider are being provided by the local distribution company rather than the competitive service provider.

G. The local distribution company and a competitive service provider or an aggregator shall establish and advise each other of internal points of contact to address business coordination and customer account issues.

H. The local distribution company, a competitive service provider, or an aggregator shall bear the responsibility for metering as provided by legislation and implemented by the State Corporation Commission.

I. The local distribution company, a competitive service provider, and an aggregator shall fully cooperate with the State Corporation Commission's statewide consumer education campaign.

J. The local distribution company and a competitive service provider or an aggregator shall adhere to standard practices for exchanging data and information in an electronic medium as specified by the VAEDT and filed with the State Corporation Commission. In the event the parties agree to initially use a means other than those specified by VAEDT, then the competitive service provider or the aggregator shall file a plan with the State Corporation Commission's Division of Economics and Finance to implement VAEDT approved standards within 180 days of the initial retail offering.

K. The local distribution company and a competitive service provider or an aggregator shall successfully complete EDI testing and receive certification for all EDI transactions, as outlined in the VAEDT EDI Test Plan, prior to actively enrolling customers, except as permitted by subsection J of this section.

L. A competitive service provider or aggregator offering billing service that requires the direct delivery of a bill to a customer shall furnish, prior to enrolling the customer, a sample bill produced from the data exchanged in the EDI certification process as described in subsection K above, or a sample bill produced similarly elsewhere, to the State Corporation Commission's Division of Energy Regulation and Division of Economics and Finance.

M. The local distribution company shall file with the State Corporation Commission's Division of Energy Regulation and Division of Economics and Finance a monthly report of all cancellation requests alleging a customer was enrolled without authorization. Such reports shall include: (i) the approximate date of the enrollment; (ii) the identity of the competitive service provider involved; (iii) the name and address of the customer that cancelled such enrollment; and (iv) a brief statement regarding the customer's explanation for the cancellation. Such reports shall be reviewed by commission staff and regarded as confidential unless and until the State Corporation Commission orders otherwise.

N. The local distribution company shall file with the State Corporation Commission's Division of Economics and Finance a quarterly report providing a detailed breakdown of residential and non-residential customer switching activity. Such reports shall include, for the local distribution company, the total number of customers and corresponding amount of load eligible to switch; and, for each competitive service provider, the total number of customers and corresponding amount of load served. Such reports shall be reviewed by commission staff and information specific to individual competitive service providers shall be regarded as confidential unless and until the State Corporation Commission orders otherwise.

O. By March 31 of each year, the local distribution company or a competitive service provider providing electricity supply service shall provide a report to its customers and file such report with the State Corporation Commission stating to the extent feasible, fuel mix and emissions data for the prior calendar year. If such data is unavailable, the local distribution company or a competitive service provider shall file a report with the State Corporation Commission stating why it is not feasible to submit any portion of such data.

P. A competitive service provider and an aggregator shall file a report with the State Corporation Commission by March 31 of each year to update all information required in the original application for licensure. A \$100 administrative fee payable to the State Corporation Commission shall accompany this report.

Q. A competitive service provider or an aggregator shall inform the State Corporation Commission within 30 days of the following: (i) any change in its name, address and telephone numbers; (ii) any change in information regarding

its affiliate status with the local distribution company; (iii) any changes to information provided pursuant to 20 VAC 5-312-40 A 13; and (iv) any changes to information provided pursuant to 20 VAC 5-312-40 A 15.

R. If a filing with the State Corporation Commission, made pursuant to this chapter, contains information that the local distribution company, a competitive service provider, or an aggregator claims to be confidential, the filing may be made under seal provided it is accompanied by both a motion for protective order or other confidential treatment and an additional five copies of a redacted version of the filing to be available for public disclosure. Unredacted filings containing the confidential information shall be maintained under seal unless the State Corporation Commission orders otherwise, except that such filings shall be immediately available to the commission staff for internal use at the commission. Filings containing confidential or redacted information shall be so stated on the cover of the filing, and the precise portions of the filing containing such confidential or redacted information, including supporting material, shall be clearly marked within the filing.

20 VAC 5-312-30. Codes of conduct.

A. An affiliated competitive service provider may use the name or logo of its affiliated local distribution company in advertising and solicitation materials. A disclaimer shall be used when an affiliated competitive service provider offers services in the certificated service territory of its affiliated local distribution company. Such disclaimer shall clearly and conspicuously disclose that the affiliated competitive service provider is not the same company as the local distribution company. Disclaimers shall not be required, however, on company vehicles, clothing, or trinkets, writing instruments, or similar promotional materials. Upon complaint of any interested person, the Attorney General, staff motion, or on its own motion, the State Corporation Commission may, after notice and an opportunity for hearing, make a determination whether any such usage is misleading, and if so, take appropriate corrective actions.

B. An affiliated competitive service provider shall operate independently of its affiliated local distribution company and shall abide by the following provisions with respect to any competitive energy service it offers in the certificated service territory of the affiliated local distribution company:

1. Each affiliated competitive service provider shall implement internal controls to ensure that it and its employees, contractors and agents that are engaged in the (i) merchant, operations, transmission, or reliability functions of the electric generation or natural gas supply systems, or (ii) customer service, sales, marketing, accounting or billing functions, do not receive information from an affiliated local distribution company or from entities that provide similar functions for or on behalf of its affiliated local distribution company or affiliated transmission provider as would give such affiliated competitive service provider an undue advantage over non-affiliated competitive service providers. For purposes of this subdivision, "undue advantage" means an advantage that is reasonably likely to adversely affect the development of effective competition within the Commonwealth.

2. An affiliated competitive service provider shall file with the State Corporation Commission a revised listing and description of all internal controls required in subdivision 1 of this subsection within 10 days of any modification to such controls as was originally provided under 20 VAC 5-312-40 A 8 as part of the requirements of the affiliated competitive service provider's application for license.

3. An affiliated competitive service provider shall document each occasion that an employee of its affiliated local distribution company, or of the transmission provider that serves its affiliated local distribution company, becomes one of its employees and each occasion that one of its employees becomes an employee of its affiliated local distribution company or the transmission provider that serves its affiliated local distribution company. Upon staff's request, such information shall be filed with the State Corporation Commission that identifies each such occasion. Such information shall include a listing of each employee transferred and a brief description of each associated position and responsibility.

C. Each affiliated competitive service provider shall maintain separate books of accounts and records.

D. The local distribution company shall not give undue preference to an affiliated competitive service provider over the interests of any other competitive service provider related to the provision of electric transmission, distribution, generation, or ancillary services, or natural gas supply or capacity. For purposes of this subsection, "undue preference" means a preference that is reasonably likely to adversely affect the development of effective competition within the Commonwealth.

E. The local distribution company shall provide information related to the transmission, distribution or provision of electricity, ancillary services, or natural gas supply or capacity to an affiliated competitive service provider only if it makes such information available simultaneously, through an electronic bulletin board or similar means of public dissemination, to all other competitive service providers licensed to conduct business in Virginia. This provision shall not apply to daily operational data, information provided in response to inquiries regarding the applicability of tariffs and terms and conditions of service, or similar data provided by the local distribution company to any competitive service provider in the ordinary course of conducting business. Nothing in this provision shall require the local distribution company to disseminate to all competitive service providers information requested and deemed competitively sensitive by a competitive service provider and supplied by the local distribution company.

F. Joint advertising and marketing shall be prohibited between the local distribution company and its affiliated competitive service provider unless made available to all competitive service providers upon the same price, terms, and conditions.

G. The local distribution company shall not condition the provision of any services on the purchase of any other service or product from its affiliated competitive service provider.

H. The local distribution company shall operate independently of any affiliated competitive service provider and shall

Proposed Regulations

observe the following requirements with respect to any competitive energy service offered by such affiliated competitive service provider in the local distribution company's certificated service territory:

1. Each local distribution company having an affiliated competitive service provider shall develop and implement internal controls to ensure that it and its employees, contractors, and agents that are engaged in the (i) merchant, operations, transmission, or reliability functions of the electric generation or natural gas supply systems, or (ii) customer service, sales, marketing, accounting or billing functions, do not provide information to an affiliated competitive service provider or to entities that provide similar functions for or on behalf of such an affiliated competitive service provider as would give such affiliated competitive service provider an undue advantage, as defined in subdivision B 1 of this section, over nonaffiliated competitive service providers.

2. An affiliated local distribution company shall file with the State Corporation Commission a listing and description of all internal controls required in subdivision 1 of this subsection not later than 30 days prior to implementation or within 10 days of any modification to such controls.

3. The local distribution company shall document each occasion that an employee of its affiliated competitive service provider becomes one of its employees and each occasion that one of its employees becomes an employee of its affiliated competitive service provider. Upon staff's request, such information shall be filed with the State Corporation Commission that identifies each such occasion. Such information shall include a listing of each employee transferred and a brief description of each associated position and responsibility.

I. With respect to affiliate transactions, the local distribution company shall abide by the following:

1. The local distribution company shall be compensated at the greater of fully distributed cost or market price for all non-tariffed services, facilities, and products provided to an affiliated competitive service provider. An affiliated competitive service provider shall be compensated at the lower of fully distributed cost or market price for all non-tariffed services, facilities, and products provided to the local distribution company. If market price data are unavailable, non-tariffed services, facilities and products shall be compensated at fully distributed cost and the local distribution company shall document its efforts to determine market price data and its basis for concluding that such price data are unavailable. Notification of a determination of the unavailability of market price data shall be included with the report required in subdivision 2 of this subsection.

2. The local distribution company shall file annually, with the State Corporation Commission, a report that shall, at a minimum, include: the amount and description of each type of non-tariffed service provided to or by an affiliated competitive service provider; accounts debited or credited; and the compensation basis used, i.e., market price or fully distributed cost. The local distribution company shall maintain the following documentation for each agreement

and arrangement where such services are provided to or by an affiliated competitive service provider and make such documentation available to staff upon request: (i) component costs (i.e., direct or indirect labor, fringe benefits, travel or housing, materials, supplies, indirect miscellaneous expenses, equipment or facilities charges, and overhead); (ii) profit component; and (iii) comparable market values, with supporting documentation.

20 VAC 5-312-40. Licensing.

A. Each person applying for a license to conduct business as a competitive service provider or an aggregator, including entities described in § 56-589 A 1 of the Code of Virginia, shall file an original and 15 copies of its application with the Clerk of the State Corporation Commission. If there are any material changes to the applicant's information while the application is pending, the applicant shall inform the State Corporation Commission within 10 calendar days. Each application shall include the following:

1. Legal name of the applicant as well as any trade name.

2. A description of the applicant's authorized business structure, identifying the state authorizing such structure and the date thereof; e.g., if incorporated, the state and date of incorporation; if a limited liability company, the state issuing the certificate of organization and the date thereof.

3. Name and business addresses of all principal corporate officers and directors, partners, and LLC members, as appropriate.

4. Physical business addresses and telephone numbers of the applicant's principal office and any Virginia office location or locations.

5. A list of states in which the applicant or an affiliate conducts business related to electricity supply service or natural gas supply service, the names under which such business is conducted, and a description of the businesses conducted.

6. Names of the applicant's affiliates and subsidiaries. If available, applicant shall satisfy this requirement by providing a copy of its most recent form 10K, Exhibit 21 filing with the Securities and Exchange Commission.

7. Disclosure of any affiliate relationships with local distribution companies or competitive service providers, or both, that conduct business in Virginia, and any agreements with the affiliated local distribution company that affect the provision of competitive energy services within the Commonwealth of Virginia.

8. If an affiliated competitive service provider, a description of internal controls the applicant has designed to ensure that it and its employees, contractors, and agents that are engaged in the (i) merchant, operations, transmission, or reliability functions of the electric generation or natural gas supply systems, or (ii) customer service, sales, marketing, accounting or billing functions, do not receive information from an affiliated local distribution company or from entities that provide similar functions for or on behalf of its affiliated local distribution company or affiliated transmission provider as would give such affiliated competitive service

provider an undue advantage over non-affiliated competitive service providers. For purposes of this subdivision, "undue advantage" means an advantage that is reasonably likely to adversely affect the development of effective competition in the Commonwealth.

9. Toll-free telephone number of the customer service department.

10. Name, title, address, telephone number, facsimile number, and e-mail address of the company liaison with the State Corporation Commission.

11. Name, title, and address of the applicant's registered agent in Virginia for service of process.

12. If a foreign corporation, a copy of the applicant's authorization to conduct business in Virginia from the State Corporation Commission or if a domestic corporation, a copy of the certificate of incorporation from the State Corporation Commission.

13. Sufficient information to demonstrate, for purposes of licensure with the State Corporation Commission, financial fitness commensurate with the service or services proposed to be provided. Applicant shall submit the following information related to general financial fitness:

a. If available, applicant's audited balance sheet and income statement for the most recent fiscal year and published financial information such as the most recent Securities and Exchange Commission forms 10K and 10Q. If not available, other financial information for the applicant or any other entity that provides financial resources to the applicant.

b. If available, proof of a minimum bond rating (or other senior debt) of "BBB-" or an equivalent rating by a major rating agency, or a guarantee with a guarantor possessing a credit rating of "BBB-" or higher from a major rating agency. If not available, other evidence that will demonstrate the applicant's financial responsibility.

14. The name of the local distribution company that is certificated to provide service in the area in which the applicant proposes to provide service, the type of service or services it proposes to provide, and the class of customers to which it proposes to provide such services.

15. a. Disclosure of any (i) civil, criminal, or regulatory sanctions or penalties imposed or in place within the previous five years against the company, any of its affiliates, or any officer, director, partner, or member of an LLC or any of its affiliates, pursuant to any state or federal consumer protection law or regulation; and (ii) felony convictions within the previous five years, which relate to the business of the company or to an affiliate thereof, of any officer, director, partner, or member of an LLC.

b. Disclosure of whether any application for license or authority to conduct the same type of business as it proposes to offer in Virginia has ever been denied, and whether any license or authority issued to it or an affiliate has ever been suspended or revoked and whether other sanctions have been imposed.

c. If applicant has engaged in the provision of electricity supply service or natural gas supply service, or both, in Virginia or any other state, a report of all instances of violations of reliability standards that were determined to be the fault of the applicant, including unplanned outages, failure to meet service obligations, and any other deviations from reliability standards during the previous three years. The report shall include, for each instance, the following information: (i) a description of the event; (ii) its duration; (iii) its cause; (iv) the number of customers affected; (v) any reports, findings or issuances by regulators or electric and natural gas system reliability organizations relating to the instance; (vi) any penalties imposed; and (vii) whether and how the problem has been remedied.

16. A \$250 registration fee payable to the State Corporation Commission.

17. Sufficient information to demonstrate technical fitness commensurate with the service or services to be provided, to include:

a. The applicant's experience.

b. Identity of applicant's officers directly responsible for the business operations conducted in Virginia and their experience in the generation of electricity, procurement of electricity or natural gas, or both, and the provision of energy services to retail customers.

c. If applying to sell electricity supply service at retail, documentation of any membership or participation in regional reliability councils or regional transmission organizations.

d. If applying to sell electricity supply service or natural gas supply service, or both, at retail, information concerning access to generation, supply, reserves, and transmission. If applying to sell electricity supply service, provide information specifying, to the extent possible, the expected sources of electricity or electricity procurement practices and transmission arrangements that will be used to support retail sales of electricity in Virginia. If applying to sell natural gas supply service, provide information regarding pipeline capacity and storage arrangements, including assurances that such suppliers will be able to meet the requirements of their essential human needs customers.

e. Billing service options the applicant intends to offer and a description of the applicant's billing capability including a description of any related experience.

18. A copy of the applicant's dispute resolution procedure.

B. An officer with appropriate authority, under penalty of perjury shall attest that all information supplied on the application for licensure form is true and correct, and that, if licensed, the applicant will abide by all applicable regulations of the State Corporation Commission.

C. Upon receipt of an application for a license to conduct business as a competitive service provider or an aggregator, the State Corporation Commission shall enter an order

Proposed Regulations

providing notice to appropriate persons and an opportunity for written comments on the application.

D. If any application fails to conform to the requirements herein, the application shall not be regarded as complete. No action shall be taken on any application until deemed complete and filed.

E. A license to conduct business as a competitive service provider or an aggregator granted under this section is valid until revoked or suspended by the State Corporation Commission after providing due notice and an opportunity for a hearing, or until the competitive service provider or aggregator abandons its license.

F. A competitive service provider or an aggregator shall comply with all initial and continuing requirements of the State Corporation Commission's licensure process and any reasonable registration processes required by the local distribution company and the transmission provider. Should the State Corporation Commission determine, upon complaint of any interested person, the Attorney General, upon staff motion, or its own motion, that a competitive service provider or an aggregator has failed to comply with any of the requirements of this chapter or a State Corporation Commission order related thereto, the State Corporation Commission may, after providing due notice and an opportunity for a hearing, suspend or revoke the competitive service provider's license or an aggregator's license or take any other actions permitted by law or regulations as it may deem necessary to protect the public interest.

20 VAC 5-312-50. Competitive service provider registration with the local distribution company.

A. A competitive service provider shall submit to the local distribution company the full name of the competitive service provider, the type of entity (e.g., partnership, corporation, etc.), physical street and mailing addresses, and the names, telephone numbers, and e-mail addresses of appropriate contact persons, including a 24-hour emergency telephone number, and the name, title, and address of its registered agent in Virginia.

B. A competitive service provider shall furnish the local distribution company and the transmission provider proof of licensure from the State Corporation Commission to provide competitive energy services in the Commonwealth.

C. A competitive service provider selling electricity supply service or natural gas supply service, or both, at retail shall:

1. Procure sufficient electric generation and transmission service or sufficient natural gas supply and delivery capability, or both, to serve the requirements of its firm customers.

2. Abide by any applicable regulation or procedure of any institution charged with ensuring the reliability of the electric or natural gas systems, including the State Corporation Commission, the North American Electric Reliability Council, and the Federal Energy Regulatory Commission, or any successor agencies thereto.

3. Comply with any obligations that the State Corporation Commission may impose to ensure access to sufficient availability of capacity.

4. Comply with generally accepted technical protocols applicable to particular competitive services.

D. The local distribution company may require reasonable financial security from the competitive service provider to safeguard the local distribution company and its customers from the reasonably expected net incremental costs due to the nonperformance of the competitive service provider. The amount of such financial security shall be commensurate with the level of risk assumed by the local distribution company, as determined by the local distribution company's applicable tariff approved by the State Corporation Commission. Such financial security may include a letter of credit, a deposit in an escrow account, a prepayment arrangement, or other arrangements that may be mutually agreed upon by the local distribution company and the competitive service provider. Disagreements with respect to financial security shall be subject to the dispute resolution procedures established pursuant to 20 VAC 5-312-110 G.

20 VAC 5-312-60. Customer information.

A. A competitive service provider or an aggregator shall adequately safeguard customer information, including payment history, unless the customer authorizes disclosure or unless the information to be disclosed is already in the public domain. This provision, however, shall not restrict the disclosure of credit and payment information as currently permitted by federal and state statutes.

B. The local distribution company shall provide, upon the request of a competitive service provider or an aggregator, a mass list of eligible customers.

1. The mass list shall include the following customer information: (i) customer name; (ii) service address; (iii) billing address; (iv) service delivery point, if applicable; (v) universal identifier, if applicable; (vi) utility account identifier; (vii) electricity or natural gas account; (viii) meter reading date or cycle; (ix) wholesale delivery point, if applicable; (x) rate class and subclass or rider, as applicable; (xi) load profile reference category, if not based on rate class; and (xii) up to twelve months of cumulative historic energy usage and annual peak demand information as available.

2. Prior to releasing any information on the mass list, the local distribution company shall provide each customer the opportunity to have the information itemized in subdivision 1 of this subsection withheld from the mass list.

3. The local distribution company shall make the mass list available two months prior to implementation of full or phased-in retail access and shall update or replace the list every six months thereafter. Prior to each update, each customer shall be provided an opportunity to reverse the prior decision regarding the release of the information included on the mass list.

4. The local distribution company shall prepare and make available the mass list by means specified by the VAEDT.

C. A competitive service provider or an aggregator shall use the most recent mass list made available by the local distribution company.

D. A competitive service provider or an aggregator shall obtain customer authorization prior to requesting any customer information not included on the mass list from the local distribution company.

20 VAC 5-312-70. Marketing.

A. A competitive service provider or an aggregator shall provide, in any advertisements, solicitations, marketing materials, or customer service contracts, accurate, understandable information, in a manner that is not misleading. Any such materials specifying a price shall include a statement that the local distribution company shall continue to provide and charge for distribution service.

B. A competitive service provider shall provide to a prospective residential customer, in writing or by electronic means, prior to, or contemporaneously with, the written contract, an estimated electricity supply service or natural gas supply service annual bill assuming average monthly usage of 1,000 kWh of electricity or 7.5 Mcf or 75 therms of natural gas, including all fees and minimum or fixed charges, exclusive of any non-recurring financial or non-financial incentives, and the total average price per kWh, Mcf, or therm based on the annual bill. If a competitive service provider's offer cannot be adequately described in such a manner or if the prospective customer is other than a residential customer, the competitive service provider shall furnish similar information that will allow prospective customers to reasonably compare the price of electricity supply service or natural gas supply service, if purchased from a competitive service provider, to the price of equivalent service provided by the local distribution company.

C. Customer service contracts shall include:

1. Price or, if the exact price cannot feasibly be specified, an explanation of how the price will be calculated;
2. Length of the service contract, including any provisions for automatic contract renewal;
3. Provisions for termination by the customer and by the competitive service provider;
4. A statement of any minimum contract terms, minimum or maximum usage requirements, minimum or fixed charges, and any required deposit;
5. Applicable fees including, but not limited to, start-up fees, cancellation fees, late payment fees, and fees for checks returned for insufficient funds;
6. A notice of billing terms and conditions;
7. A toll-free telephone number and an address for inquiries and complaints;
8. A clear and conspicuous caption: "CUSTOMER'S RIGHT TO CANCEL," that shall appear on the front side of the contract, or immediately above the customer's signature, in bold face type of a minimum size of 10 points, and a statement under such caption that a customer may cancel

the contract, without penalty, with the competitive service provider by notifying the local distribution company prior to midnight of the tenth day following the mailing of notice by the local distribution company of an enrollment request; and

9. In a conspicuous place, confirmation of the customer's request for enrollment and the approximate date the customer's service shall commence.

D. A competitive service provider and a non-residential customer that is subject to demand-based billing charges and with an annual peak demand of greater than 30 kilowatts may contractually agree to a shorter cancellation period than stated in subdivision C 8 of this section.

E. A competitive service provider that claims its offerings possess unusual or special attributes shall maintain documentation to substantiate any such claims. Such documentation may be made available through electronic means and a written explanation shall be provided promptly upon request of any customer, prospective customer, competitive service provider, aggregator, local distribution company, or State Corporation Commission.

F. Prior to the enrollment of a customer with a competitive service provider, an aggregator shall provide written notice to the customer identifying the name, toll-free telephone number, and address of the selected competitive service provider.

G. An aggregator that receives or expects to receive compensation from both a customer, or a prospective customer, and the customer's competitive service provider shall disclose in writing to the customer the existence or expectation of such an arrangement.

20 VAC 5-312-80. Enrollment and switching.

A. A competitive service provider shall be permitted to enroll a customer upon: (i) receiving a license by the State Corporation Commission; (ii) receiving EDI certification as required by the VAEDT, including the subsequent provision of a sample bill as required by 20 VAC 5-312-20 L; and (iii) completing registration with the local distribution company.

B. A competitive service provider shall enroll a customer only after the customer has affirmatively authorized such enrollment. A competitive service provider shall maintain adequate records allowing it to verify a customer's enrollment authorization. Examples of adequate records of enrollment authorization include: (i) a written contract signed by the customer; (ii) a written statement by an independent third party that witnessed or heard the customer's verbal commitments; (iii) a recording of the customer's verbal commitment; or (iv) electronic data exchange, provided that the competitive service provider can show that the electronic transmittal of a customer's authorization originated with the customer. Such authorization records shall contain the customer's name and address; the date the authorization was obtained; the name of the product, pricing plan, or service that is being subscribed; and acknowledgment of any switching fees, minimum contract terms or usage requirements, or cancellation fees. Such authorization records shall be retained for at least 12 months after enrollment and shall be

Proposed Regulations

provided within five business days upon request by the customer or the State Corporation Commission.

C. A competitive service provider shall send a written contract to a customer prior to, or contemporaneously with, sending the enrollment request to the local distribution company.

D. Upon a customer's request, a competitive service provider may re-enroll such customer at a new address under the existing contract, without acquiring new authorization records, if a competitive service provider is licensed to provide service to the customer's new address.

E. The local distribution company shall advise a customer initiating new service of the customer's right and opportunity to choose a competitive service provider.

F. In the event that multiple enrollment requests are submitted regarding the same customer within the same enrollment period, the local distribution company shall process the first one submitted and reject all others for the same enrollment period.

G. Upon receipt of an enrollment request from a competitive service provider, the local distribution company shall, normally within one business day of receipt of such notice, mail notification to the customer advising of the enrollment request, the approximate date that the competitive service provider's service commences, and the caption and statement as to cancellation required by 20 VAC 5-312-70 C 8. The customer shall have 10 calendar days from the mailing of such notification to advise the local distribution company to cancel such enrollment without penalty.

H. In the event a competitive service provider receives a cancellation request, it shall notify, by any means specified by the VAEDT, the local distribution company of the customer's cancellation in order to terminate the enrollment process.

I. In the event the local distribution company receives notice of a cancellation request from a competitive service provider or a customer, the local distribution company shall terminate the enrollment process by any means specified by the VAEDT.

J. A competitive service provider shall commence service to a customer as provided in the local distribution company's applicable tariff as approved by the State Corporation Commission. A competitive service provider may request, pursuant to the local distribution company's tariff, a special meter reading, in which case the enrollment may become effective on the date of the special meter reading. The local distribution company shall perform the requested special meter reading as promptly as working conditions permit.

K. In the event a customer terminates a contract with a competitive service provider beyond the 10-day cancellation period, the competitive service provider shall provide notice of termination to the local distribution company by any means specified by the VAEDT.

L. If a competitive service provider terminates an individual contract for any reason including expiration of the contract, the competitive service provider shall provide notice of termination to the local distribution company by any means specified by the VAEDT and also shall send written

notification of such termination to the customer at least 30 days prior to the date that service to the customer is scheduled to terminate.

M. If the local distribution company is notified by a competitive service provider that the competitive service provider will terminate service to a customer, the local distribution company shall respond to a competitive service provider by any means specified by the VAEDT that will acknowledge (i) receipt of a competitive service provider's notice, and (ii) the date that a competitive service provider's service to the customer is scheduled to terminate. Additionally, the local distribution company shall send written notification to the customer, normally within five business days, that it was so informed and describe the customer's opportunity to select a new supplier. The local distribution company shall inform the affected customer that if the customer does not select another competitive service provider, the local distribution company shall provide the customer's electricity supply service or natural gas supply service under its tariffed rates.

N. If a competitive service provider decides to terminate service to a customer class or to abandon service within the Commonwealth, the competitive service provider shall provide at least 60 days advanced written notice to the local distribution company, to the affected customers, and to the State Corporation Commission.

O. If the local distribution company issues a final bill to a customer, the local distribution company shall notify, by any means specified by the VAEDT, the customer's competitive service provider.

20 VAC 5-312-90. Billing and payment.

A. A competitive service provider or an aggregator shall offer separate billing service or consolidated billing service by the local distribution company, or both, to prospective customers pursuant to § 56-581.1 of the Code of Virginia.

B. A competitive service provider or an aggregator shall coordinate the provision of the customer-selected billing service with the local distribution company by any means specified by VAEDT.

C. Consolidated billing by the local distribution company, except as otherwise arranged through contractual agreement between the local distribution company and a competitive service provider or an aggregator, shall:

1. Be performed under a "bill-ready" protocol.
2. Not require the local distribution company to purchase the accounts receivable of the competitive service provider or aggregator.
3. Not require the electric local distribution company to include natural gas competitive energy service charges on a consolidated bill or the natural gas local distribution company to include electric competitive energy service charges on a consolidated bill.
4. Not require the local distribution company to receive the transmittal of billing information for one customer account from more than one competitive service provider or aggregator for the same billing period.

D. In the event a competitive service provider or an aggregator collects security deposits or prepayments, such funds shall be held in escrow by a third party in Virginia, and the competitive service provider or the aggregator shall provide to the State Corporation Commission the name and address of the entity holding such deposits or prepayments.

E. A competitive service provider or an aggregator requiring a deposit or prepayment from a customer shall limit the amount of the deposit or prepayment to the equivalent of a customer's estimated liability for no more than three months' usage of services from the competitive service provider by that customer.

F. Customer deposits held or collected by a local distribution company shall be for only those services provided by the local distribution company. Any deposit held in excess of this amount shall be promptly credited or refunded to the customer. The local distribution company may, upon a customer's return to regulated electricity supply service or natural gas supply service, collect that portion of a customer deposit as permitted by the local distribution company's tariffs and 20 VAC 5-10-20.

G. Terms and conditions concerning customer disconnection for non-payment of regulated service charges shall be set forth in each local distribution company's tariff approved by the State Corporation Commission. A customer may not be disconnected for non-payment of unregulated service charges.

H. The local distribution company shall apply a customer's partial payment of a consolidated bill to charges in the following order: (i) to regulated service arrearages owed the local distribution company; (ii) to competitive energy service and aggregation service arrearages owed the competitive service provider or the aggregator; (iii) to regulated service current charges of the local distribution company; (iv) to competitive energy service and aggregation service current charges of the competitive service provider or the aggregator; and (v) to other charges. Collections of state and local consumption taxes and local utility taxes shall be remitted as required by law.

I. The local distribution company, a competitive service provider, and an aggregator shall comply with the following minimum billing information standards applicable to all customer bills:

1. Sufficient information shall be provided or referenced on the bill so that a customer can understand and calculate the billing charges.
2. Charges for regulated services and unregulated services shall be clearly distinguished.
3. Standard terminology shall be employed and charges shall be categorized for the following key bill components, as applicable: (i) distribution service; (ii) competitive transition charge; (iii) electricity supply service or natural gas supply service; (iv) state and local consumption tax; and (v) local (or locality name) utility tax. The bill may provide further detail of each these key components as appropriate.

4. Nonroutine charges and fees shall be itemized including late payment charges and deposit collections.

5. The total bill amount due and date by which payment must be received to avoid late payment charges shall be clearly identified.

6. The 24-hour toll-free telephone number of the local distribution company for service emergencies shall be clearly identified.

7. In the event a disconnection notice for non-payment is included on a customer bill, the notice shall appear on the first page of the bill and be emphasized in a manner that draws immediate attention to such notice. The notice shall clearly identify the amount that must be paid and the date by which such amount must be paid to avoid disconnection.

8. The following additional information shall be provided on customer bills to the extent applicable:

- a. Customer name, service address, billing address, account number, rate schedule identifier, and meter identification number.
- b. Billing party name, payment address, and 24-hour toll-free telephone number for customer inquiries and complaints.
- c. For consolidated bills, non-billing party name and 24-hour toll-free telephone number for customer inquiries and complaints.
- d. Bill issue date and notice of change in rates.
- e. Previous and current meter readings and dates of such meter readings or metering period days, current period energy consumption, meter reading unit conversion factor, billing-demand information, and "estimated" indicator for nonactual meter reads.
- f. Previous bill amount, payments received since previous billing, balance forward, current charges, total amount due, and budget billing information.
- g. For consolidated bills, billing party, and nonbilling party elements as specified in subdivision 8 f of this subsection.

J. The local distribution company shall comply with the following additional billing information standards applicable to the bills of residential and other customers that are not subject to demand-based billing charges and that purchase regulated electricity supply service or regulated natural gas supply service from the local distribution company:

1. The local distribution company shall employ standard terminology and categorize charges for the following key billing components: (i) distribution service; (ii) electricity supply service or natural gas supply service; (iii) state and local consumption tax; and (iv) local (or locality name) utility tax. Brief explanations of distribution service and electricity supply service or natural gas supply service shall be presented on the bill. Such explanations shall convey that distribution service is a regulated service that must be purchased from the local distribution company and that electricity supply service or natural gas supply service may

Proposed Regulations

- be purchased from the competitive market but, if applicable, may result in a competitive transition charge.
2. The local distribution company shall provide on customer bills either (i) a customer's cumulative 12-month energy consumption, and total seasonal energy consumption if seasonal rates are applicable, for the 12-month period consistent with the calculation of "price-to-compare" values required in subdivision 3 of this subsection or for the most recent 12 months or (ii) a customer's monthly energy consumption, numerically or graphically, for the most recent 12 months; and
3. The investor-owned electric local distribution company shall also provide a customer-specific annual average "price-to-compare," stated in cents per kilowatt-hour, for regulated electricity supply service on each customer bill. In the event the local distribution company employs seasonal rates, "price-to-compare" values shall be specified for each season in addition to the annual average. The customer-specific "price-to-compare" values shall be based on the currently approved rates of the local distribution company and the customer's historical usage pattern over the most recent 12-month period, updated no less frequently than quarterly. If 12 months' energy consumption is not available for a customer, class average load profile data shall be employed to either (i) substitute for unavailable consumption information or (ii) provide a class average "price-to-compare." The bill shall be noted accordingly.
- K. The investor-owned electric local distribution company shall develop and file a plan, prior to the implementation of full or phased-in retail access, with the State Corporation Commission's Division of Energy Regulation to provide "price-to-compare" assistance and information, on bills or by other means, to customers that are subject to demand-based billing charges.
- L. The electric cooperative local distribution company and the natural gas local distribution company shall develop and file a plan, prior to the implementation of full or phased-in retail access, with the State Corporation Commission's Division of Energy Regulation to provide "price-to-compare" assistance and information, on bills or by other means, to all customers.
- M. The local distribution company shall provide sufficient space on a consolidated bill to accommodate a competitive service provider's or an aggregator's name and 24-hour toll-free telephone number, previous account balance, payments applied since the previous billing, total current charges, total amount due, six additional numeric fields to detail current charges, and 240 additional text characters.
- N. The local distribution company shall continue to track and bill customer account arrearages owed to former competitive service providers or aggregators for two billing cycles after service has terminated. The bill shall list, at a minimum, the name, 24-hour toll-free telephone number, and balance due for each former competitive service provider or aggregator.
- O. If the current charges of a competitive service provider or an aggregator are not included on the consolidated bill issued by the local distribution company, the bill shall note that such charges are not included.
- P. If the current charges of a competitive service provider or an aggregator are not included on the consolidated bill issued by the local distribution company due to causes attributable to the competitive service provider or aggregator, the charges shall be billed in the following month unless the two parties mutually agree to other arrangements.
- Q. If the current charges of a competitive service provider or an aggregator are not included on the consolidated bill issued by the local distribution company, the bill shall be cancelled and reissued to include such charges unless the two parties mutually agree to other arrangements.
- R. The local distribution company, a competitive service provider, or an aggregator shall report any significant deficiency regarding the timely issuance, accuracy, or completeness of customer bills to the State Corporation Commission's Division of Energy Regulation as soon as practicable. Such reports shall detail the circumstances surrounding the deficiency and the planned corrective actions.
- 20 VAC 5-312-100. Load profiling.**
- A. The local distribution company shall conduct its activities regarding load profiling and settlement in a nondiscriminatory manner.
- B. The local distribution company shall ensure that profile classes are easily identifiable, that load profiles used are representative of the customer class being profiled, and that customer loads are represented in a nondiscriminatory manner. Load profiles and load profiling methodologies shall be reviewable and verifiable by the State Corporation Commission.
- C. The local distribution company shall provide a competitive service provider, through the appropriate regulatory process, access to interval data, excluding any customer-specific identifier, that is necessary to verify the validity and reliability of load profiles and methodologies.
- D. The local distribution company shall use a load profiling method that balances ease of implementation with the need for the load profile to reasonably represent and predict the customer's actual use. The method used shall balance the need for accuracy, cost-effectiveness for the market, predictability, technical innovation, lead time to implement, demonstrated need for market data, and sample bias. The validity of the approach needs to be reconfirmed periodically or as markets evolve, and corresponding load profiles shall be updated accordingly and made available to competitive service providers.
- E. The local distribution company shall make available to a competitive service provider the validated and edited customer class or segment load profile via a website in a read-only, downloadable format or by other appropriate cost-effective electronic media. The information shall be date stamped with the date posted and the date created, and the website or other electronic media shall clearly indicate when updated information has become available.
- F. A customer's assigned load profile shall remain the same regardless of the provider of electricity supply service. Customer loads that are not metered, such as streetlights,

may be represented by load profiles deemed to closely reflect their known patterns of usage.

G. The load sample may include both bundled and unbundled customers, such that a customer is not automatically removed from the load sample when the customer begins to receive service from a competitive service provider.

H. Upon a customer's request, the local distribution company shall provide interval metering service to the customer at the net incremental cost above the basic metering service provided in accordance with the local distribution company's applicable tariff. If the local distribution company provides interval metering as the basic metering service for customer billing purposes in accordance with its applicable tariff, interval metering of a customer's load shall continue to be required if such customer purchases electricity supply service from a competitive service provider.

I. The local distribution company shall post its distribution and transmission loss factors via the appropriate electronic methodology.

20 VAC 5-312-110. Dispute resolution.

A. A competitive service provider or an aggregator shall establish an explicit dispute resolution procedure that clearly identifies the process that shall be followed when resolving customer disputes. A copy of such dispute resolution procedure shall be provided to a customer or the State Corporation Commission upon request.

B. A competitive service provider shall furnish to customers an address and 24-hour toll-free telephone number for customer inquiries and complaints regarding services provided by the competitive service provider. The 24-hour toll-free telephone number shall be stated on all customer-billing statements.

C. A competitive service provider shall immediately direct a customer to contact the appropriate local distribution company if the customer has a service emergency. Such direction may be given either by a customer service representative or by a recorded message on its 24-hour toll-free telephone number.

D. A competitive service provider shall retain customer billing and account records and complaint records for at least three years, and provide copies of such records to a customer or the State Corporation Commission upon request.

E. In the event that a customer has been referred to the local distribution company by a competitive service provider, or to a competitive service provider by the local distribution company, for response to an inquiry or a complaint, the party that is contacted second shall: (i) resolve the inquiry or complaint in a timely fashion or (ii) contact the other party to determine responsibility for resolving the inquiry or complaint.

F. In the event a competitive service provider and customer cannot resolve a dispute, the competitive service provider shall provide the customer with the toll-free telephone number and address of the State Corporation Commission.

G. The local distribution company shall establish and file with the State Corporation Commission prior to implementation of

full or phased-in retail access an explicit dispute resolution procedure to address complaints, disputes, or alleged violations of the provisions of this chapter that may arise between the local distribution company and a competitive service provider.

VA.R. Doc. No. R01-136; Filed March 6, 2001, 4:49 p.m.

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Title of Regulation: **22 VAC 40-295-10 et seq. Temporary Assistance for Needy Families.**

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

Public Hearing Date: April 17, 2001 - 9 a.m.

Public comments may be submitted until May 25, 2001.

(See Calendar of Events section for additional information)

Agency Contact: Mark L. Golden, Human Services Program Consultant, Department of Social Services, 730 E. Broad Street, Richmond, VA 23219, telephone (804) 692-1735, or FAX (804) 692-1704.

Basis: Pursuant to § 63.1-25 of the Code of Virginia, the State Board of Social Services has authority to promulgate rules and regulations necessary for operation of all assistance programs. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) transformed the welfare system from a mandated system into a block grant with state flexibility. These regulations are necessary for the state to regulate its state TANF program.

Purpose: The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 replaced the Aid to Families with Dependent Children (AFDC) Program with the TANF block grant. This block grant considerably reduces federal regulation of cash assistance and employment services programs, leaving much discretion to states. Under the old AFDC program, Virginia simply implemented federal rules with little discretion as to how Virginia could adapt the program to fit its particular client base. However, within certain guidelines, Virginia is now free to design a TANF program that is best suited to the needs of the population in this state.

This regulation will improve the efficient and economical performance of social service departments by considerably reducing extraneous work involved in determining eligibility for TANF. Processing procedures are being changed to mirror the Food Stamp Program in instances such as application processing time frames, effective date, eligibility redetermination cycles, and reporting requirements. Using the same administrative procedures will reduce the administrative burden by having one procedure rather than two when processing the same case. Other ineffective eligibility criteria have been removed to provide a more streamlined and efficient process. The regulation will also serve as a comprehensive program regulation, and other existing TANF

Proposed Regulations

regulations will be repealed and included in the proposed regulation, as necessary.

Substance: The TANF regulation will require minor parents to be included in the assistance unit of the minor parent's parent (22 VAC 40-295-30). Also, the regulation will set the number of days a child can be absent from a home and still retain eligibility for TANF. Also, good cause absences will be defined (22 VAC 40-295-40).

To streamline the eligibility determination without increasing the number of eligible clients, several changes are being made with regard to counting income (22 VAC 40-295-60). The eligibility determination process will consist of a net income screening rather than a gross income and net income screening. The income disregard will be standardized so that it does not fluctuate as is done presently. Income of students under 18 will be disregarded. The method of counting self-employment income will be simplified.

The area of resources will be streamlined (22 VAC 40-295-50). The resource limit will be increased to \$2,000, consistent with the food stamp program. In addition, the following items will be disregarded: real property, burial plots, bona fide funeral arrangements, and insurance policies. Property transfer restrictions will be removed. Finally, consistent with food stamp policy, lump sums will be considered a resource rather than income.

The TANF-Emergency Assistance (TANF-EA) program will be made a component of the Diversionary Assistance Program. This will make administration simpler by having one program rather than two, and will still retain the intent of TANF-EA (22 VAC 40-295-170).

PRWORA forbids a state from sanctioning a TANF recipient for refusal to work if that recipient has a child under the age six and the recipient has a demonstrated inability to obtain needed child care. To this end, federal regulations at 45 CFR 261.56 require states to define "appropriate child care," "reasonable distance," "unsuitability of informal care," and "affordable child care arrangements." This regulation contains these definitions (22 VAC 40-295-180).

There are also administrative areas that will be altered to make the processing of applications more efficient. Much of the streamlining will be gained by aligning requirements with the food stamp program. Since the same eligibility worker is processing the same information for the same client, administrative savings will occur by mirroring food stamps with respect to the application processing time frame (22 VAC 40-295-70), the effective date of an application (22 VAC 40-295-70), the eligibility redetermination cycle and expiration of benefits (22 VAC 40-295-80), reporting requirements and action on changes (22 VAC 40-295-90), repayment of overpayments (22 VAC 40-295-130), advance notice requirements (22 VAC 40-295-100), and intentional program violation policy (22 VAC 40-295-160).

Issues: These regulations are designed to make the TANF program more streamlined for ease of administration. As a federal program, TANF was a rule-based system designed primarily to ensure delivery of benefits to eligible families. The program is now focused on an outcome of self-sufficiency, and the eligibility rules are being changed to reflect this

change in goals. Many inefficient eligibility rules are being revised or deleted, and processes are being streamlined. The primary advantages to the public and the Commonwealth will be a program that is more focused on the goal of self-sufficiency for recipients, and that is more efficient. The public will have a streamlined and less bureaucratic process of accessing benefits. The public will benefit by a more efficient government department and a greater emphasis on employment, which will increase the number of families employed and decrease the families that receive public assistance.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 25 (98). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Department of Social Services is proposing to revise the regulations governing Temporary Assistance for Needy Families (TANF). The revised regulations change processing requirements to mirror the Food Stamp Program, remove ineffective eligibility criteria, and consolidate various other existing TANF regulations into one comprehensive program regulation.

Background. The federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) replaced the Aid to Families with Dependent Children (AFDC) program with the TANF block grant. The TANF block grant funding structure was designed to allow states discretion in administering cash assistance and employment services programs. The AFDC program was restrictive and left states little flexibility through extensive federal regulation.

A TANF Advisory Committee, comprising legislators, social services directors and workers, local government officials, and other citizens, was established in March 1997 for the purpose of developing Virginia's TANF program. The Committee addressed such issues as program options, program administration, work participation, and community involvement. In November 1997, the Committee issued the "Report of the Temporary Assistance to Needy Families Advisory Committee" containing program recommendations, some of which are contained in these proposed regulations.

Estimated economic impact.

Assistance Units. Sections 20-40 address assistance units, which are those persons who must participate together as a family unit when receiving TANF benefits. The proposed regulations require minor parents to be included in the assistance unit of the minor parent's parent. Currently, minor parents may have a separate assistance unit. The TANF

Advisory Committee recommended revising this policy in order to reinforce parental responsibility and to reduce costs. Due to the manner in which TANF benefits are calculated, two assistance units of two individuals each receive a higher monthly payment than one assistance unit of four individuals. DSS estimates that approximately 66 households per year would be affected by this change. Combining these assistance units can be expected to reduce their annual TANF benefits by \$2,917 per year. This would translate into a reduction of approximately \$192,500 in annual TANF expenditures.

The number of days a minor child can be absent from a home and still retain eligibility for TANF is reduced from 45 to 30 days. However, the proposed regulation also provides exemptions for good cause absences including hospitalization, education, or vacation. DSS estimates that a negligible number of households each year would be affected by this proposed change.

Resource Eligibility. The proposed regulation increases the amount of available resources allowed each assistance unit from \$1,000 to \$2,000, eliminates property transfer restrictions, and adds the following to the list of items excluded from the resource limit: real property, burial plots, bona fide funeral agreements, and insurance policies. In addition, lump sum payments will now be considered resources rather than income. These changes provide consistency between the TANF and Food Stamp program resource policies.

The changes are expected to extend TANF benefits of \$2,917 per year to approximately 351 additional households, although the net cost will not be this great because there will be administrative savings by aligning the requirements with the Food Stamp program.

Income Eligibility. The proposed regulation includes several changes regarding counting income intended to streamline the eligibility determination process without increasing the number of eligible clients. The determination process will consist solely of a net income screen rather than a gross income and net income screen, as is currently done. Analysis conducted by DSS showed that the gross income screen did not exclude any cases that were not excluded by the net income screen and therefore it was determined unnecessary to have both income tests. The proposed earned income disregard provisions are standardized and aligned with the food stamp program. According to DSS, this change will affect a negligible number of individuals and is not expected to have any significant economic impact.¹ The income of students under 18 will be disregarded in the proposed eligibility determination process. This change may be expected to extend benefits of \$2,917 per year to approximately 10 households.

Administrative Processing. Several changes are proposed to make the processing of applications more efficient. Processing procedures are changed to mirror the Food Stamp

program in areas such as application processing time frames and effective dates, eligibility redetermination cycles, and reporting requirements.

In most cases, the same eligibility worker is processing the same information for the same client who applies for both TANF and Food Stamp benefits. Consistent administrative procedures will reduce the administrative burden by having one procedure rather than two when processing the same case. TANF expenditures may increase as a result of an earlier application effective date. On the other hand, standardized eligibility redetermination cycles will reduce additional payments made because of overdue case reviews. The net economic impact of these changes is not measurable given the data available at this time.

Intentional Program Violations. The proposed regulation increases the time individuals found to have committed an Intentional Program Violation (IPV) are ineligible to participate in the TANF program from six to 12 months for the first offense, and from 12 to 24 months for the second offense. These time periods are consistent with the sanctions provided for in the Food Stamp program. DSS reports that there were 330 IPV disqualifications during FY 1999 in the TANF program. The average benefit per individual is \$60 per month; therefore, DSS could expect to save approximately \$118,800 per year by increasing the sanction time for intentional program violators.

Childcare. PRWORA forbids a state from sanctioning a TANF recipient for refusal to work if that recipient has a child under the age of six and the recipient has a demonstrated inability to obtain needed childcare. Federal regulations therefore require states to define "appropriate childcare," "reasonable distance," "unsuitability of informal care," and "affordable childcare arrangements." The proposed regulations contain these definitions, which were derived to closely reflect current policies used by local DSS agencies regarding arranging childcare.

TANF-Emergency Assistance Program. The TANF-Emergency Assistance program will be a component of the Virginia diversionary assistance program under the proposed regulations. Limitations on TANF-EA funding have been broadened and may increase expenditures, although a significant impact is not expected since the number of individuals served by this program is very small (only 68 during FY 1999).

Businesses and entities affected. The proposed changes will affect all TANF recipients. In FY 1999, there was an average of 37,798 TANF recipients per month.

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

Projected impact on employment. The proposed regulation is not anticipated to have a significant effect on employment.

Effects on the use and value of private property. The proposed regulation is not anticipated to have a significant effect on the use and value of private property.

Summary of analysis. The Department of Social Services proposes to revise the regulations governing Temporary Assistance for Needy Families (TANF). The revised

¹ Earned income disregards only apply to individuals who are exempt from the Virginia Initiative for Employment not Welfare (VIEW) program, but are working and receiving TANF benefits.

Proposed Regulations

regulations change processing requirements to mirror the Food Stamp Program, remove ineffective eligibility criteria, and consolidate various other existing TANF regulations into one comprehensive program regulation. Certain changes are expected to increase TANF expenditures, while other changes may reduce expenditures.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Department of Social Services concurs with the economic impact analysis prepared by the Department of Planning and Budget.

Summary:

This regulation provides the rules for qualifying for TANF assistance. The regulation explains what persons are required to participate together as an assistance unit, resource criteria, income eligibility criteria, processing time frames, advance notice requirements, procedures for intentional program violations, the collection of overpaid TANF assistance, emergency assistance, and criteria for determining the availability of child care.

CHAPTER 295.

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES.

22 VAC 40-295-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Administrative disqualification hearing" means an impartial review by a hearing officer of an individual's actions involving an alleged intentional program violation for the purpose of rendering a decision of guilty or not guilty of committing an intentional program violation.

"Adoption assistance" means a money payment or services provided to adoptive parents on behalf of a child with special needs.

"Affordable child care arrangements" means the cost of the child care is less than or equal to the payment amounts specified in the Virginia Department of Social Services Child Day Care Services policy (Volume VII, Section II, Chapter D, Revised February 2000).

"Application" means a written request for financial assistance received by the local social services agency.

"Appropriate child care" means child care arranged by the participant or, if the participant cannot arrange for the child's care, child care arranged by the local department of social services with a legally-operating provider.

"Assistance unit" means those persons who must participate together as a family unit.

"Beginning date of assistance" means the date assistance begins.

"Board" means the State Board of Social Services.

"Caretaker" means the natural or adoptive parent or other relative (e.g., aunt, uncle, grandparent, etc.) with whom the children reside who is responsible for supervision and care of

the needy children and is the individual to whom the assistance payment is made.

"Certification period" means the period of time within which an assistance unit is eligible to receive benefits.

"Child" means a child who is eligible for TANF and has not attained the age of eighteen years, or if eighteen and in school, is expected to graduate by his nineteenth birthday.

"Department" means the Virginia Department of Social Services.

"Dependent child" means a child living in the home of a parent or relative. This includes children who have been emancipated.

"Determination of eligibility" means the screening procedure to determine the need for assistance and the amount of the monthly assistance payment.

"Disregard" means income or resources which are not considered when determining eligibility for the TANF program.

"Earned income" means income from wages, salary, commissions, or profit from activities in which an individual is engaged as self-employed. On-the-job training, tryout employment, and work experience are types of programs from which earnings are received by Job Training Partnership Act (JTPA) participants.

"Emancipated child" means a minor who has been released from parental care and responsibility by court order.

"Exempted resource in the TANF Program" means a resource that is not counted in determining eligibility for the TANF program.

"Former recipient" means an individual whose case has been closed and is not presently receiving an assistance payment through TANF.

"Gross earned and unearned income" means total income before application of any applicable disregards.

"Hearing officer" means an impartial representative of the Department of Social Services to whom requests for administrative disqualification hearings are assigned and by whom they are heard. The hearing officer has the authority to conduct and control hearings and to render decisions.

"Income" means all income, both earned and unearned, which is available or expected to be available to the assistance unit.

"Intentional program violation" means any action by an individual for the purpose of establishing or maintaining the family's eligibility for TANF or for increasing or preventing a reduction in the amount of the grant which is intentionally a false or misleading statement or misrepresentation, concealment or withholding of facts or any act intended to mislead, misrepresent, conceal or withhold facts or propound a falsity.

"Local agency" means any one of the local departments of social services.

"Lump sum" means money received in the form of a nonrecurring lump-sum payment.

"Minor" means any person who is under the age of 18.

"Otherwise eligible" means that the individual is not precluded from eligibility by some provision of law or regulation.

"Overpayment" means an assistance payment made by a local department of social services which is greater than the amount to which the assistance unit is eligible to receive.

"Parent" means a mother or father, married or unmarried, natural or adoptive, following entry of an interlocutory order.

"Payee" means the person to whom the assistance payment is made payable. In most situations, the caretaker is the payee.

"Protective payee" means an appropriate individual to act for the caretaker in receiving and managing the assistance payment. The protective payee should be someone who is interested and concerned with the welfare of the caretaker and his children.

"Reasonable distance" means that the travel time from the child's home to the child care provider and the work site is generally no more than one hour, based on transportation available to the parent.

"Recipient" means a person whose application for TANF or TANF-UP has been approved and is currently a member of an eligible assistance unit.

"Recoupment" means withholding all or part of an assistance payment to a current assistance unit for the purpose of repaying a prior overpayment.

"Recovery" means a voluntary or court ordered arrangement with a current or former assistance unit for repayment of an overpayment.

"Resource" means real and personal property, both liquid and nonliquid, including cash, bank accounts, lump sums, the cash value of bank accounts, the cash value of life insurance, trust funds, stocks, bonds, mutual funds, or any other financial instruments, which the assistance unit has the right, authority, or power to liquidate.

"Sanctioned caretaker" means a caretaker whose needs are removed from the grant and who is ineligible for an assistance payment.

"SSN" means social security number.

"Standard of assistance" means the dollar amount, based on the family size, which has been established by the State Board of Social Services to cover predetermined monthly maintenance needs.

"Temporary Assistance for Needy Families" or "TANF" means the program administered by the Virginia Department of Social Services, through which a relative can receive monthly cash assistance for the support of his eligible children.

"Unearned income" means income that is not earned. Types of unearned income received by participants in Job Training Partnership Act (JTPA) programs include stipends paid to enrollees in classroom training and remedial education programs.

"Unsuitability of informal child care" means that the child care arrangement does not meet the requirements for relative care in the Virginia Department of Social Services Child Day Care Services policy.

22 VAC 40-295-20. Specified relatives.

The relative with whom the child is living who is designated as the caretaker must be a relative by blood, marriage, or adoption.

22 VAC 40-295-30. Assistance unit.

A. With respect to a child or minor parent, the assistance unit shall include, if living in the same household and otherwise eligible for assistance:

- 1. The natural or adoptive parent; and*
- 2. The blood-related or adoptive brother or sister, including those emancipated.*

B. The following child is not included in the assistance unit:

- 1. A child who is receiving Supplemental Security Income;*
- 2. A child who is ineligible due to failure to meet alienage requirements;*
- 3. A child whose social security number has not been provided or application has not been made for such social security number.*

- 4. A child receiving an adoption assistance payment or a foster care maintenance payment. However, if excluding a child who is receiving an adoption assistance payment reduces the TANF benefit to the remaining family members, the child must be included.*

C. Income and resources of a child who is not required to be in the assistance unit due to the application of 22 VAC 40-295-30 B are not considered available to the assistance unit.

D. A caretaker who meets all other eligibility requirements must be considered eligible to receive TANF benefits for his own needs even though the only child living in the relative's home is receiving foster care maintenance payments. The needs and income of the child who receives foster care maintenance payments must not be considered in determining the amount of the assistance payment.

22 VAC 40-295-40. Minor children who are absent from the home.

A child who is absent from the home for 30 consecutive days shall be ineligible for TANF, unless the absence is due to one of the following reasons:

- 1. Hospitalization;*
- 2. Education or training;*
- 3. Vacation; or*
- 4. A visit.*

22 VAC 40-295-50. Resource eligibility.

A. Assistance units shall have countable resources equal to or less than \$2,000 to be eligible for TANF.

Proposed Regulations

B. All resources shall be counted except for the following, which are exempt from consideration toward the resource limit:

- 1. The value of food coupons under the Food Stamp Program;*
- 2. The value of foods donated under the United States Department of Agriculture Commodity Distribution Program;*
- 3. Payments received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC §§ 4601 et seq.);*
- 4. Benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended (42 USC §§ 3001 et seq.);*
- 5. Grants or loans to undergraduate students for educational purposes, made or insured under any program administered by the United States Commissioner of Education;*
- 6. The value of supplemental food assistance received under the Child Nutrition Act of 1966 (42 USC §§ 1771-1789);*
- 7. Payments to VISTA volunteers under Title I, when the monetary value of such payments is less than minimum wage as determined by the director of the Action Office, and payments for services of reimbursement for out-of-pocket expenses made to individual volunteers serving as foster grandparents, senior health aides, or senior companions, and to persons serving in the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) and other programs pursuant to Titles II and III, of Public Law 93-113, the Domestic Volunteer Service Act of 1993 (42 USC §§ 4950 et seq.);*
- 8. Real property;*
- 9. The home in which the assistance unit lives and its contents;*
- 10. Income producing farm and business equipment;*
- 11. Burial plots;*
- 12. Burial funds or funeral agreements;*
- 13. The cash value of insurance policies;*
- 14. Interest-bearing savings accounts not to exceed \$5,000 for the purpose of paying for tuition, books, and incidental expenses at any elementary, secondary, or vocational school or any college or university, or for making a down payment on a primary residence, or for establishing a business. Any funds withdrawn from the savings account established for these purposes, and interest earned on the account, shall be disregarded in determining eligibility. Any amount withdrawn from the account for any purpose other than these purposes shall be treated as a countable resource;*
- 15. Funds distributed to, or held in trust for, members of any Indian tribe under Public Law 92-254, 93-134, 94-540, 97-458, 98-64, 98-123, or 98-124. Additionally, interest and investment income accrued on such funds while held in*

trust, and purchases made with such interest and investment income;

- 16. The following types of distributions received from a Native Corporation under the Alaska Native Claims Settlement Act (Public Law 100-241; (43 USC §§ 1601 et seq.):*
 - a. Cash (including stock issued or distributed by a Native Corporation) to the extent that it does not, in the aggregate, exceed \$2,000 per individual per year;*
 - b. Stock (including stock issued or distributed by a Native Corporation as a dividend or distribution on stock);*
 - c. A partnership interest;*
 - d. Land or an interest in land (including land or an interest in land received from a Native Corporation as a dividend or distribution on stock);*
 - e. An interest in a settlement trust;*
- 17. Income derived from certain submarginal land of the United States which is held in trust for certain Indian tribes (Public Law 94-114);*
- 18. Disregarded support payments which were sent to the recipient by the Virginia Department of Social Services or determined to be a disregard by the eligibility worker;*
- 19. Tools and equipment belonging to a member of the assistance unit when such tools and equipment have been and will continue to be used for employment;*
- 20. Federal major disaster and emergency assistance provided under the Disaster Relief and Emergency Assistance Amendments of 1988, and disaster assistance provided by state and local governments and disaster assistance organization (Public Law 100-707);*
- 21. Payments received by individuals of Japanese ancestry under the Civil Liberties Act of 1988, and by Aleuts under the Aleutian and Pribilof Island Restitution Act (Public Law 100-383; (50 USC Appx. §§ 1989 et seq.);*
- 22. Agent Orange payments;*
- 23. Payments received by individuals under the Radiation Exposure Compensation Act (Public Law 101-426);*
- 24. Funds received pursuant to the Maine Indians Claims Settlement Act of 1980 (Public Law 96-420; 25 USC §§ 1721 et seq.) and the Aroostook Band of Micmacs Settlement Act (Public Law 102-171; 25 USC § 1721 nt.);*
- 25. Student financial assistance received under the Carl D. Perkins Vocational and Applied Technology Education Act made available for attendance costs (Public Law 101-392; 20 USC § 2301 nt.);*
- 26. Student financial assistance received under the Bureau of Indian Affairs student assistance programs;*
- 27. All bona fide loans. The loan may be for any purpose and may be from a private individual as well as a commercial institution. The disregard is limited to the principal of a loan. A simple statement signed by both parties indicating that the payment is a loan and must be*

repaid is sufficient to verify that a loan is bona fide. Interest earned on the proceeds of a loan while held in a savings or checking account or other financial instrument shall be counted as income in the month received and as a resource thereafter. Purchases made with a loan are counted as resources;

28. Earned income tax credit payments and refunds for the month of receipt and the month following;

29. Lump sums for the month of receipt;

30. Any resource that is specifically disregarded by federal or state law or regulation.

22 VAC 40-295-60. Income eligibility.

A. Income eligibility for all cases is based on a prospective determination that anticipates the countable income of the assistance unit. The assistance unit is income eligible if the net income of the assistance unit is less than the standard of assistance.

B. The following income of members of the assistance unit, a parent not included in the assistance unit, or anyone whose income is used in determining eligibility or the amount of TANF assistance, shall be disregarded:

1. Home produce of the assistance unit utilized for their own consumption;

2. The value of food coupons under the Food Stamps program;

3. The value of foods donated under the United States Department of Agriculture Commodity Distribution Program, including those furnished through school meal programs;

4. Payments received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC §§ 4601 et seq.);

5. Benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended (42 USC §§ 3001 et seq.);

6. Grants or loans to any undergraduate students for educational purposes made or insured under any program administered by the United States Secretary of Education. Programs that are administered by the United States Secretary of Education include: Pell Grant, Supplemental Education Opportunity Grant, Perkins Loan, Guaranteed Student Loan (including the Virginia Education Loan), PLUS Loan, Congressional Teacher Scholarship Program, College Scholarship Assistance Program, and the Virginia Transfer Grant Program;

7. Funds derived from the College Work Study Program;

8. A scholarship or grant obtained and used under conditions which preclude its use for current living costs;

9. Training allowance (transportation, books, required training expenses, and motivational allowance) provided by the Department of Rehabilitative Services (DRS) for persons participating in Rehabilitative Services Programs. This disregard is not applicable to the allowance provided by DRS to the family of the participating individual;

10. Any portion of an SSI payment or Auxiliary Grant;

11. Payments to VISTA Volunteers under Title I, when the monetary value of such payments is less than minimum wage as determined by the Director of the Action Office, and payments for services of reimbursement for out-of-pocket expenses made to individual volunteers serving as foster grandparents, senior health aides, or senior companions, and to persons serving in the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) and other programs pursuant to Titles II and III, of Public Law 93-13, the Domestic Volunteer Service Act of 1993 (42 USC §§ 4950 et seq.);

12. The Veterans Administration educational amount for the caretaker 18 or older when used specifically for education purposes. Any additional money included in the benefit amount for dependents is to be counted as income to the assistance unit;

13. Foster care payments received by anyone in the assistance unit;

14. Unearned income received from Title IV, Part B (Job Corps) of the Job Training Partnership Act (JTPA) (29 USC §§ 1501 et seq.) by an eligible child is to be disregarded as an incentive payment. However, any payment received by any other Job Corps participant or any payment made on behalf of the participant's eligible child or children is to be counted as income to the assistance unit;

15. Income tax refunds including earned income tax credit advance payments and refunds;

16. Payments made under the Energy Assistance Program;

17. The value of supplemental food assistance received under the Child Nutrition Act of 1966 (42 USC §§ 1771-1789). This includes all school meals programs; the Women, Infants, and Children (WIC) program; and the Child Care Food program;

18. All federal, state, or local government rent and housing subsidies and utility payments;

19. Unearned income received by an eligible child under Title II, Parts A and B, and Title IV, Part A, of the Job Training Partnership Act (JTPA) (29 USC §§ 1501 et seq.);

20. Funds distributed to, or held in trust for, members of any Indian tribe under Public Laws 92-254, 93-134, 94-540, 97-458, 98-64, 98-123, or 98-124. Additionally, interest and investment income accrued on such funds while held in trust, and purchases made with such interest and investment income;

21. The following types of distributions received from a Native Corporation under the Alaska Native Claims Settlement Act (Public Law 100-241; 43 USC §§ 1601 et seq.):

a. Cash (including cash dividends on stock received from a Native Corporation) to the extent that it does not, in the aggregate, exceed \$2,000 per individual per year;

b. Stock (including stock issued or distributed by a Native Corporation as a dividend or distribution on stock);

Proposed Regulations

- c. A partnership interest;
 - d. Land or an interest in land (including land or an interest in land received from a Native Corporation as a dividend or distribution on stock); and
 - e. An interest in a settlement trust.
22. Income derived from certain submarginal land of the United States which is held in trust for certain Indian tribes (Public Law 92-114);
23. The first \$50 of total child or spousal support payments received each month by an assistance unit;
24. Federal major disaster and emergency assistance provided under the Disaster Relief and Emergency Assistance Amendments of 1988 (42 USC § 5121 nt.), and disaster assistance provided by state and local governments and disaster assistance organizations (Public Law 100-707);
25. Payments received by individuals of Japanese ancestry under the Civil Liberties Act of 1988, and by Aleuts under the Aleutian and Pribilof Islands Restitution Act (Public Law 100-383; 50 USC Appx. §§ 1989 et seq.);
26. Agent Orange payments;
27. Payments received by individuals under the Radiation Exposure Compensation Act (Public Law 101-426; 42 USC § 2210 nt.);
28. Funds received pursuant to the Maine Indians Claims Settlement Act of 1980 (Public Law 96-420) and the Aroostook Band of Micmacs Settlement Act (Public Law 102-171; 25 USC § 1721);
29. Student financial assistance received under Title IV of the Higher Education Amendments of 1992 (Public Law 102-325);
30. Student financial assistance received under the Carl D. Perkins Vocational and Applied Technology Education Act made available for attendance costs (Public Law 101-392; 20 USC § 2301 nt.);
31. Student financial assistance received under the Bureau of Indian Affairs student assistance programs;
32. All bona fide loans. The loan may be for any purpose and may be from a private individual as well as from a commercial institution. The disregard is limited to the principal of the loan. A simple statement signed by both parties indicating that the payment is a loan and must be repaid is sufficient to verify that a loan is bona fide. Interest earned on the proceeds of a loan while held in a savings or checking account or other financial instrument shall be counted as income in the month received and as a resource thereafter. Purchases made with a loan are counted as resources;
33. Up to \$2,000 per year of income received by individual Indians, which are derived from leases or other uses of individually-owned trust or restricted lands shall be disregarded as income, and shall not be used to reduce or deny assistance or benefits to which the individual, or household, would otherwise be entitled to receive;

34. Nonrecurring monetary gifts for special occasions, such as birthdays, Christmas, graduations;

35. All other unearned income that is specifically disregarded in the calculation of TANF benefits by federal or state law or regulation.

C. The following earned income is disregarded from the monthly earned income of each individual whose needs are included in the eligibility determination:

1. An amount equal to the standard deduction used in the Food Stamp program; and

2. Twenty percent of the remainder.

3. The earned income of students under 18 years of age shall be disregarded.

D. When a parent is excluded or removed from the assistance unit due to noncompliance with a TANF rule, the parent's gross unearned and earned income must be counted in determining eligibility for the assistance unit and the amount of payment.

E. For self-employment, the profit obtained through self-employment is gross income in determining TANF eligibility. Profit is the income minus expenses.

22 VAC 40-295-70. Beginning date of assistance and application processing.

Application processing time frames and the beginning date of assistance shall be determined according to the standards set out in 7 CFR 273.2 (g) and (h).

22 VAC 40-295-80. Certification periods.

A. The local agency shall establish a definite period of time within which an assistance unit shall be eligible to receive benefits. At the expiration of each certification period, eligibility for TANF cash assistance ends. Further eligibility shall be established only upon a determination based upon a newly completed application, an interview, and necessary verifications. Under no circumstances shall benefits be continued beyond the end of a certification period without a new determination of eligibility.

B. Certification periods shall be determined in accordance with the Virginia Food Stamp Manual (7 CFR 273.9, 7 CFR 273.10, 7 CFR 273.12 and 7 CFR 273.13), except with the following:

1. Assistance units with a nonparent caretaker not receiving TANF with very stable income or assistance units that meet Food Stamp specifications for certification periods shall be certified for up to 12 months provided other assistance unit circumstances are expected to remain stable.

2. All other assistance units shall be certified for six months.

C. If an application is approved, the local agency shall provide the assistance unit with written notice of the amount of the benefits and the beginning and end dates of the certification period. The assistance unit shall also be advised of variations in the benefit level based on changes anticipated at the time of certification.

D. The local agency shall provide assistance units that have filed an application by the 15th of the last month of their certification period with either a notice of eligibility or a notice of denial by the end of the current certification period if the assistance unit has complied with all recertification requirements.

E. The local agency shall provide assistance units that have received a notice of expiration at the time of certification, and have timely reapplied, with either a notice of eligibility or a notice of denial not later than thirty days after the date of the assistance unit's last TANF payment.

22 VAC 40-295-90. Reporting changes.

Recipient families are required to report changes in accordance with 7 CFR 273.12(a)(1)(i) through 7 CFR 273.12(a)(1)(iii), 7 CFR 273.12 (a)(1)(v), 7 CFR 273.12(a)(2) through 7 CFR 273.12(a)(3), 7 CFR 273.12(c), 7 CFR 273.12(c)(1)(i) through 7 CFR 273.12(c)(1)(iii), and 7 CFR 273.12(c)(2)(i).

22 VAC 40-295-100. Notice of adverse action.

Prior to any action to reduce or terminate an assistance unit's TANF assistance, the agency shall provide a notice which meets the requirements of 7 CFR 273.13 (a) and (b).

22 VAC 40-295-110. Mass changes.

Mass changes in federal benefits shall be processed by following procedures at 7 CFR 273.12(e)(3).

22 VAC 40-295-120. Hearing requests.

Every applicant or recipient shall have the right to request a hearing either orally or in writing.

22 VAC 40-295-130. Collection of overpayments.

A. A local department of social services shall promptly recoup or recover any overpayment from a current recipient of TANF including overpayments which are the result of assistance paid pending an appeal hearing decision in which the adverse action taken by the agency is upheld by the hearing authority. All overpayments which were made to former recipients which are less than \$35 shall be waived after the local agency has notified the former recipient in writing that an overpayment has occurred which must be repaid and the former recipient fails to respond to the initial request for repayment. No further action to collect the overpayment is to be taken. In cases where an overpayment to a former recipient is \$35 or more, the agency may elect to forego collection activity if, after reasonable efforts, it is determined that further action to collect the overpayment would not be cost-effective. To ensure reasonable efforts have been made to collect the overpayment, the agency must have documentary evidence that they cannot locate the former recipient, or determine that the former recipient has no means by which to repay the overpayment, or secure a written statement from the former recipient that they refuse to repay the overpayment. The agency must maintain information for three years concerning former recipients who received an overpayment, including overpayments which are less than \$35, and must initiate recoupment procedures should one or more of those individuals again be found eligible to receive assistance.

B. Repayment for overpayments based on intentional misrepresentation shall be twenty percent of the monthly TANF benefits, but no less than ten dollars monthly.

C. For all other overpayments, repayment shall be ten percent of the monthly TANF benefits.

22 VAC 40-295-140. Overpayments based on an intentional program violation.

In instances where the overpayment is based on an alleged intentional program violation, the case shall be referred to the attorney for the Commonwealth for review. In situations involving an intentional program violation, the agency may forego collection of an overpayment to a recipient or former recipient in cases where the overpayment is being referred for possible prosecution or for administrative disqualification, and the local agency determines that collection action will prejudice the case.

22 VAC 40-295-150. Protective payee.

When a caretaker is excluded or removed from the assistance unit due to noncompliance with a TANF rule, a protective payee must be appointed to receive and manage the financial assistance payment. At least every six months, the local agency must review the way in which the protective payee's responsibilities are being carried out. In situations where the local agency cannot, after reasonable efforts, locate an appropriate individual to act as a protective payee, the sanctioned caretaker may continue to receive the assistance payment on behalf of the remaining assistance unit members. The final authority for determining that reasonable efforts to locate a protective payee have been made rests with the superintendent or director of each locality or may be delegated as deemed appropriate.

22 VAC 40-295-160. Intentional program violation (IPV).

A. The agency shall ensure and document that a clear and full explanation is given to the applicant or recipient of the eligibility requirements for the type of assistance he is requesting or receiving; of his responsibility to give complete and accurate information related to his eligibility and to report promptly and fully any changes in his circumstances; and of the provisions of the law with respect to giving false information knowingly or deliberately withholding information that would affect his eligibility for assistance or the amount thereof. The worker shall explain fully what types of changes in his circumstances would have an effect on the grant.

B. The local agency shall conduct an investigation of an allegation that an individual has committed an IPV, regardless of the TANF payment status. A determination as to whether an IPV has occurred shall be based on careful consideration of the particular circumstances. A determination shall be made that there has been a deliberate misrepresentation on the part of the applicant or recipient. Consideration should be given to: (i) whether the correct or unreported information was, in fact, known to the applicant or recipient and (ii) whether the applicant or recipient understood the eligibility and reporting requirements.

C. An individual may be charged with an IPV even if the individual's application for assistance was denied. It is not

Proposed Regulations

required that an overpayment actually exist for there to be a determination of IPV.

D. The local agency is required to proceed against any individual alleged to have committed an IPV by referring the matter to the appropriate authorities for criminal action in a federal or state court or through an administrative disqualification hearing (ADH).

E. The local agency may refer a case for prosecution or initiate an ADH regardless of the current eligibility of the individual.

F. The local agency must coordinate its actions with any corresponding actions being taken against the individual under the Food Stamp Program if the factual issues involved arise out of the same or related circumstances.

G. The local agency shall confer with the appropriate legal authorities to determine the types of cases that will be accepted for prosecution and cases of alleged IPV will be referred for prosecution in accordance with the agreement established between the legal authority and the local agency. This agreement shall include information on how and under what circumstances cases will be accepted for possible prosecution and any other criteria set by the prosecutor for accepting cases for possible prosecution, such as minimum amount of overpayment which resulted from the IPV. The local agency is encouraged to refer for prosecution those individuals suspected of committing an IPV where large amounts of overpaid benefits are involved or more than one act of IPV is suspected.

H. An individual found to have committed an IPV by (i) a court of appropriate jurisdiction; (ii) pursuant to an administrative disqualification hearing; or (iii) waiving his right to an administrative disqualification hearing shall be ineligible to participate in the TANF program for the time periods specified in subsection I of this section.

I. The time periods are as follows:

1. Twelve months for the first offense;
2. Twenty-four months for the second offense; and
3. Permanently for the third offense.

J. The disqualification penalty imposed on an individual in one state or locality shall be used in determining the appropriate disqualification penalty.

K. Only the individual found guilty of committing an IPV shall be disqualified. The local agency shall not take the individual's needs into account when determining the assistance unit's need and the amount of assistance. However, any resources and income of the disqualified individual will be considered available to the assistance unit.

L. The period of disqualification shall begin no later than the first day of the second month which follows the court's decision of guilty or the date on the notice of ADH decision by the hearing officer. The disqualification period will be imposed without regard to eligibility or ineligibility of the individual and will run uninterrupted until it expires.

M. The disqualification penalty shall be in addition to, and cannot substitute for, any other sanctions or penalties which may be imposed by law for the same offense.

N. The disqualification penalty cannot substitute for other sanctions under the TANF program.

O. Any period for which a disqualification period is imposed shall remain in effect, without possibility of an administrative stay, unless and until the finding upon which the penalty was based is subsequently reversed by a court of appropriate jurisdiction. In no event shall the duration of the period for which such penalty is imposed be subject to review in a fair hearing.

P. The local agency shall provide all applicants with a written notice of the disqualification penalties for IPV at the time of application.

Q. In order to request an ADH, the local agency shall ensure that a prehearing investigation has occurred and that the evidence supports the charge of intentional program violation. There must be clear and convincing evidence which demonstrates the individual committed or intended to commit an IPV. Examples of evidence include:

1. Written verification of unreported income or resources received by the individual;
2. Verification that the individual understands his reporting responsibilities by signature on the application/redetermination form or some other form;
3. An application, monthly report or change report submitted during the period the IPV is alleged to have occurred that omits the information in question; and
4. Documented contacts with the individual during the period the IPV is alleged to have occurred in which the individual failed to report the information in question.

R. Prior to submitting the request for an ADH to the state hearing authority, the local agency shall provide written notification to the individual suspected of an intentional program violation that the individual can waive his right to an ADH by signing a waiver request and returning it to the local agency within 10 days from the date notification is sent to the individual in order to avoid submission of the request for an ADH.

S. If a signed waiver is received, no ADH is conducted and the disqualification period is imposed in accordance with federal regulations.

T. If a case is referred for an ADH, it shall not be simultaneously referred for prosecution. Cases dismissed in court or individuals acquitted by the court shall not be referred for an ADH.

U. The local agency shall request an ADH be scheduled by submitting a written request to the state hearing authority. The form must include the following information:

1. Identifying information;
2. Summary of the allegation or allegations;
3. Summary of the evidence; and

4. Copies of documents supporting the allegation or allegations.

The referral is to be signed and dated by the supervisor or local agency director.

V. The local agency may combine a fair hearing and an ADH into a single hearing if the factual issues arise out of the same or related circumstances provided that the individual receives prior notice of the consolidation.

W. Upon receipt of the request for an ADH from the local agency, the state hearing authority will forward the request to the appropriate regional hearing officer.

X. The hearing officer will schedule a date for the ADH and provide written notice to the individual suspected of committing an IPV at least 30 days in advance of the date the ADH has been scheduled.

Y. The time and place of the ADH shall be arranged so that the hearing is accessible to the individual suspected of committing an IPV. The individual may request a postponement of the ADH if the request for postponement is made at least 10 days in advance of the date of the scheduled hearing. The ADH shall not be postponed for more than a total of 30 days and the state hearing authority may limit the number of postponements.

Z. The ADH can be held even if the individual fails to appear. The individual has 10 days after the date of the scheduled ADH to present reasons indicating a good cause failure to appear.

AA. Even though the individual is not represented, the hearing officer shall carefully consider the evidence and determine if an IPV was committed, based on clear and convincing evidence.

BB. If the household member is found to have committed an IPV but a hearing officer later determines there was good cause for not appearing, the previous decision is no longer valid and a new ADH shall be conducted. The hearing officer who conducted the original hearing may conduct the new hearing. The good cause decision shall be entered into the hearing record by the hearing officer.

CC. A pending ADH shall not affect the individual's right to participate in the TANF program. The local agency may not disqualify an individual until the hearing officer finds that the individual has committed an IPV. This does not preclude, however, the local agency from reducing, suspending, or terminating assistance for other reasons.

DD. The ADH is attended by persons directly concerned with the issue at hand. This normally means a representative of the local agency and the individual alleged to have committed the IPV.

EE. The hearing officer shall:

1. Identify those present for the record;
2. Advise the individual that he may refuse to answer questions during the hearing and that anything said or signed by the individual concerning the charge or charges may be used against him in a court of law;

3. Explain the purpose of the ADH, the procedure, how and by whom a decision will be reached and communicated, and the option of either the individual or the local agency to request state board review of the hearing officer's decision;

4. Consider all relevant issues. Even if the individual is not present, the hearing officer is to carefully consider the evidence and determine if an IPV was committed, based on clear and convincing evidence;

5. Request, receive and make part of the record all evidence determined necessary to render a decision;

6. Regulate the conduct and course of the hearing consistent with due process to ensure an orderly hearing; and

7. Advise the local agency to obtain a medical assessment at local agency expense if the hearing officer considers it necessary.

FF. The individual alleged to have committed an IPV shall be given adequate opportunity to:

1. Examine all documents and records to be used at the ADH at a reasonable time prior to the ADH as well as during the ADH. The contents of the case file, including the application form and documents of verification used by the local agency to establish the alleged IPV, shall be made available;

2. Present his own case or with the aid of an authorized representative;

3. Bring witnesses;

4. Establish all pertinent facts and circumstances;

5. Question or refute any testimony or evidence, including the opportunity to confront and cross-examine witnesses; and

6. Advance arguments without any undue influence.

GG. The hearing officer is responsible for rendering a decision based on clear and convincing evidence from the facts as presented in the hearing. The hearing officer must substantiate his decision by identifying supporting evidence and applicable regulations.

HH. The hearing officer shall prepare a written report of the hearing which shall include findings, conclusions, decisions and appropriate recommendations. The decision shall specify the reasons for the decision, identify the supporting evidence, identify pertinent TANF regulations and respond to reasoned arguments made by the individual or representative.

II. The hearing officer shall notify the individual of the decision in writing and of the individual's right to request state board review of the decision.

JJ. If the individual is found guilty of committing an IPV, the written decision shall advise the individual that disqualification shall occur.

KK. The determination of IPV by the hearing officer cannot be reversed by a subsequent fair hearing.

Proposed Regulations

LL. Upon receipt of the notice of a decision from the hearing officer finding the individual guilty of an IPV, the local agency shall inform the individual of the reason for the disqualification and the date the disqualification will take effect.

22 VAC 40-295-170. TANF-Emergency Assistance (TANF-EA).

A. A family shall be eligible for TANF-EA if all of the following conditions are met:

1. The assistance meets TANF requirements specified in § 63.1-105 of the Code of Virginia.
2. The emergency assistance is necessary to avoid destitution of the child or to provide living arrangements for him in a home.
3. The child's need is the result of a natural disaster or a fire.
4. For current TANF recipients, disaster-related needs can be met through TANF-EA in addition to the regular TANF money payment. The TANF-EA payment does not affect the regular TANF money payment. A TANF-EA payment may not be issued, however, to replace money lost by the recipient or for the loss of earnings. The period of ineligibility specified below shall not apply to TANF recipients that receive TANF-EA.

B. The amount of assistance provided shall be up to the maximum TANF amount for four months that the family would otherwise be eligible to receive. The amount of the payment is based on immediate needs of the applicant.

C. If an assistance unit receives a TANF-EA and is not otherwise receiving TANF, all assistance unit members shall be ineligible for TANF for 1.33 times the number of days for which assistance is granted, beginning with the date that the TANF-EA is issued.

22 VAC 40-295-180. Availability of child care and sanctioning for failure to engage in work.

The local department of social services shall not sanction a single custodial parent caring for a child under age six for failure to engage in required work if he demonstrates an inability to obtain needed child care for one or more of the following reasons:

1. Appropriate child care within a reasonable distance from the home or under other arrangements is unavailable;
2. Informal child care by a relative or under other arrangements is unavailable or unsuitable; or
3. Appropriate and affordable formal child care arrangements are unavailable.

DOCUMENT INCORPORATED BY REFERENCE

Virginia Department of Social Services Child Day Care Services Policy, Volume VII, Section II, Chapter D, Revised February 2000.

VA.R. Doc. No. R99-85; Filed March 5, 2001, 12:48 p.m.



FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

Symbol Key

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

TITLE 2. AGRICULTURE

STATE MILK COMMISSION

REGISTRAR'S NOTICE: The Milk Commission is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 A 7 of the Code of Virginia, which exempts the Milk Commission in promulgating regulations regarding (i) producers' license and base; (ii) classification and allocation of milk, computation sales and shrinkage; and (iii) class prices for producers' milk, time and method of payment, butterfat testing and differential.

Title of Regulation: **2 VAC 15-20-10 et seq. Regulations for the Control and Supervision of Virginia's Milk Industry (amending 2 VAC 15-20-81).**

Statutory Authority: § 3.1-430 of the Code of Virginia.

Effective Date: March 1, 2001.

Summary:

The amendment changes the final payment date made to producers or cooperative associations of producers by processing general distributors for deliveries received during a delivery period, usually a month. The change in the payment date will resolve inequities in payment dates made by state regulated processing plants and licensed fully regulated processing plants. Each federal milk marketing order has different requirements for this final payment date ranging from the 15th of each month to the 17th of each month. To resolve this, the language of the regulation will be amended to require state regulated processing plants to make the final payment on the 16th of the month and fully federally regulated plants to make the final payment in accordance with the milk marketing order under which they are regulated. This amendment will resolve inequities in the payment dates required of licensed processors.

Agency Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, 202 N. Ninth Street, Suite 915, Richmond, VA 23219, telephone (804) 786-2013/TTY, FAX (804) 786-3779, or e-mail ewilson@smc.state.va.us.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 17:11 VA.R. 1637-1640 February 12, 2001 without change. Therefore, pursuant to § 9-6.14:22 A of the Code of Virginia, the text of the final regulation is not set out.

VA.R. Doc. No. R01-86; Filed March 1, 2001, 10:54 a.m.



TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

REGISTRAR'S NOTICE: The following regulations filed by the Marine Resources Commission are exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 F of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

Title of Regulation: **4 VAC 20-270-10 et seq. Pertaining to Crabbing (amending 4 VAC 20-270-40).**

Statutory Authority: § 28.2-201 of the Code of Virginia.

Effective Date: March 1, 2001.

Summary:

The amendments provide areas within the rivers wherein it shall be lawful to place, set or fish any fish pot from March 27 through March 31.

Agency Contact: Copies of the regulation may be obtained from Deborah R. Cawthon, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

4 VAC 20-270-40. Season limits.

A. It shall be unlawful for any person to knowingly place, set, fish or leave any hard crab pot or peeler crab pot in any tidal waters of Virginia from December 1 through March 31.

B. It shall be unlawful for any person to knowingly place, set, ~~or~~ fish or leave any fish pot in any tidal waters ~~during the period~~ from March 27 through March 31, except as provided in subdivisions 1 and 2 of this subsection.

1. It shall be lawful for any person to place, set, or fish any fish pot in those waters located ~~above~~ ~~upriver of the downriver~~ following boundary lines ~~which establish the various spawning reaches as described in 4 VAC 20-252-20.~~ :

a. In the James River the boundary shall be a line connecting Hog Point and the downstream point at the mouth of College Creek.

b. In the York River the boundary lines shall be the Route 33 bridges at West Point.

c. In the Rappahannock River the boundary line shall be the Route 360 bridge at Tappahannock.

2. This subsection shall not apply to lawful eel pots as described in 4 VAC 20-500-50.

VA.R. Doc. No. R01-128; Filed March 1, 2001, 5:01 p.m.

Final Regulations

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Title of Regulation: 4 VAC 20-620-10 et seq. **Pertaining to Summer Flounder (amending 4 VAC 20-620-30, 4 VAC 20-620-50 and 4 VAC 20-620-70).**

Statutory Authority: §§ 28.2-201 and 28.2-204 of the Code of Virginia.

Effective Date: March 1, 2001.

Summary:

The amendments (i) set aside 142,114 pounds of the Virginia tidal waters limit of 300,000 pounds of Summer Flounder for a Chesapeake Bay-wide harvest quota; (ii) establish the same minimum size limit (15-1/2 inches) for the harvest of Summer Flounder harvested recreationally in the Virginia tributaries to the Potomac River as is currently established for other tidal Virginia waters; and (iii) eliminate the year 2000 as it pertains to the recreational fishing season and establish the closed season as a framework measure with closed dates from January 1 through March 28 and July 24 through August 1, except for the Potomac River tributaries, which shall be closed from January 1 through June 5.

Agency Contact: Copies of the regulation may be obtained from Deborah R. Cawthon, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

4 VAC 20-620-30. Commercial harvest quotas.

A. During each calendar year, commercial landings of Summer Flounder shall be limited to the total pounds calculated pursuant to the joint Mid-Atlantic Fishery Management Council/Atlantic States Marine Fisheries Commission Summer Flounder Fishery Management Plan, as approved by the National Marine Fisheries Service on August 6, 1992 (50 CFR Part 625); and shall be distributed as described in subsections B through H of this section:

B. The commercial harvest of Summer Flounder from Virginia tidal waters for each calendar year shall be limited to 300,000 pounds. *Out of this amount, 142,114 pounds shall be set aside for a Chesapeake Bay-wide harvest quota.*

C. From the first Monday following January 1 through March 31 of each calendar year, landings of Summer Flounder harvested outside of Virginia shall be limited to an amount of pounds equal to 64.3% of the total specified in subsection A of this section after deducting the amount specified in subsection B of this section.

D. During the period of April 1 through June 30 of each calendar year, landings of Summer Flounder harvested outside of Virginia shall be limited to an amount of pounds equal to 6.4% of the total specified in subsection A of this section after deducting the amount specified in subsection B, except as modified by 4 VAC 20-620-40.

E. During the period of November 1 through December 31 of each calendar year, landings of Summer Flounder harvested outside of Virginia shall be limited to an amount of pounds equal to 29.3% of the total specified in subsection A of this section after deducting the amount specified in subsection B

of this section and as may be further modified by subsection F.

F. During the periods set forth in subsections C and D of this section, should landings exceed or fall short of the quota specified for that period any such excess shall be deducted from, and any such shortage shall be added to, the quota for the period set forth in subsection E of this section. During the period specified in subsection B of this section, should landings be projected to fall short of the quota specified for that period, any such shortage shall be added to the quota for the period set forth in subsection E of this section. A projection of harvest under this subsection will be made on or about November 1.

G. For each of the time periods and quotas set forth in subsections C, D, and E of this section, the Marine Resources Commission will give timely notice to the industry of the calculated poundages and any adjustments thereto. It shall be unlawful for any person to harvest or to land Summer Flounder for commercial purposes after the commercial harvest or landing quota as described in this section has been attained and announced as such. If a person lands Summer Flounder after the harvest or landing quota has been attained and announced as such, the entire amount of Summer Flounder in that person's possession shall be confiscated.

H. It shall be unlawful for any buyer of seafood to receive any Summer Flounder after any commercial harvest or landing quota as described in this section has been attained and announced as such.

4 VAC 20-620-50. Minimum size limits.

A. The minimum size for Summer Flounder harvested by commercial fishing gear shall be 14 inches, total length.

B. The minimum size of Summer Flounder harvested by recreational fishing gear, including but not limited to hook and line, rod and reel, spear and gig, shall be 15-1/2 inches, total length, ~~except that the minimum size of Summer Flounder harvested in the Potomac River tributaries shall be 15 inches total length.~~

C. Length shall be measured in a straight line from tip of nose to tip of tail.

D. It shall be unlawful for any person to possess any Summer Flounder smaller than the designated minimum size limit.

E. Nothing in this chapter shall prohibit the landing of Summer Flounder in Virginia which were legally harvested in the Potomac River.

4 VAC 20-620-70. Recreational fishing season.

A. The recreational fishing season shall be closed from January 1 through March 28, ~~2000~~, and from July 24 through August 1, ~~2000~~, except as described in subsection B of this section.

B. The recreational fishing season for the Potomac River tributaries shall be closed from January 1 through ~~May 14, 2000~~ June 5.

C. It shall be unlawful for any person fishing recreationally to take, catch, or possess any Summer Flounder during any closed recreational fishing season.

D. Nothing in this chapter shall prohibit the landing of Summer Flounder in Virginia which were legally harvested in the Potomac River.

VA.R. Doc. No. R01-129; Filed March 1, 2001, 5:04 p.m.

Title of Regulation: 4 VAC 20-910-10 et seq. Pertaining to Scup (Porgy) (amending 4 VAC 20-910-30).

Statutory Authority: §§ 28.2-201 and 28.2-204 of the Code of Virginia.

Effective Date: March 1, 2001.

Summary:

The amendments (i) raise the minimum size limit for scup harvested recreationally from seven to eight inches in total length and (ii) provide that the possession size limit applies to different commercial and recreational minimum size limits.

Agency Contact: Copies of the regulation may be obtained from Deborah R. Cawthon, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

4 VAC 20-910-30. Minimum size limits.

A. The minimum size of scup harvested by commercial fishing gear shall be nine inches total length.

B. The minimum size of scup harvested by recreational fishing gear including, but not limited to, hook and line, rod and reel, spear, and gig shall be ~~seven~~ eight inches, total length.

C. Length shall be measured in a straight line from tip of nose to tip of tail.

D. It shall be unlawful for any person to catch and retain possession of any scup smaller than the above designated minimum size sizes in subsections A and B of this section.

E. It shall be unlawful for any person to sell, trade, barter, or offer to sell, trade or barter any scup less than nine inches, total length.

VA.R. Doc. No. R01-130; Filed March 1, 2001, 5:10 p.m.

Title of Regulation: 4 VAC 20-950-10 et seq. Pertaining to Black Sea Bass (amending 4 VAC 20-950-30 and 4 VAC 20-950-45).

Statutory Authority: § 28.2-201 of the Code of Virginia.

Effective Date: March 1, 2001.

Summary:

The amendments (i) raise the minimum size limit from 10 to 11 inches in total length for black sea bass harvested

recreationally; (ii) establish a closed recreational bass season of March 1 through March 31; and lower the possession limit from 50 to 25 black sea bass for the recreational fishery.

Agency Contact: Copies of the regulation may be obtained from Deborah R. Cawthon, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

4 VAC 20-950-30. Minimum size limit.

A. The minimum size for black sea bass harvested by commercial fishing gear shall be 10 inches, total length.

B. The minimum size of black sea bass harvested by recreational gear, including but not limited to hook and line, rod and reel, spear and gig, shall be 40 11 inches, total length.

C. It shall be unlawful for any person to possess any black sea bass smaller than the minimum size limit, as designated respectively, in subsections A and B of this section.

D. It shall be unlawful for any person to sell, trade, or barter, or offer to sell, trade, or barter any black sea bass less than 10 inches, total length.

E. Total length shall be measured along the lateral midline from tip of nose to tip of tail excluding the caudal fin filament.

4 VAC 20-950-45. Possession limits and harvest quotas.

A. During the period January 1 through March 31 of each year, it shall be unlawful for any person to possess aboard any vessel or to land in Virginia more than 9,000 pounds of black sea bass, except when it is announced that 75% of the coastwide quota for this period has been taken; then, it shall be unlawful for any person to possess aboard any vessel or land in Virginia more than 4,500 pounds of black sea bass, until such time that the coastwide quota for this period has been reached.

B. During the period April 1 through June 30 of each year, it shall be unlawful for any person to possess aboard any vessel or to land in Virginia more than 1,500 pounds of black sea bass, except when it is announced that 50% of the coastwide quota for this period has been taken; then, it shall be unlawful for any person to possess aboard any vessel or land in Virginia more than 750 pounds of black sea bass, until such time that the coastwide quota for this period has been reached.

C. During the period July 1 through September 30 of each year, it shall be unlawful for any person to possess aboard any vessel or to land in Virginia more than 1,000 pounds of black sea bass, except when it is announced that 50% of the coastwide quota for this period has been taken; then, it shall be unlawful for any person to possess aboard any vessel or land in Virginia more than 500 pounds of black sea bass, until such time that the coastwide quota for this period has been reached.

D. During the period October 1 through December 31 of each year, it shall be unlawful for any person to possess aboard any vessel or to land in Virginia more than 2,000 pounds of black sea bass, except when it is announced that 50% of the

Final Regulations

coastwide quota for this period has been taken; *then*, it shall be unlawful for any person to possess aboard any vessel or land in Virginia more than 1,000 pounds of black sea bass, until such time that the coastwide quota for this period has been reached.

E. It shall be unlawful for any person to possess or to land any black sea bass for commercial purposes after the coastwide quota for the designated period as described in subsections A through D of this section has been attained and announced as such.

F. It shall be unlawful for any buyer of seafood to receive any black sea bass after any commercial harvest quota has been attained and announced as such.

G. *It shall be unlawful for any person to possess or to land any black sea bass for recreational purposes, from March 1 through March 31 of each year.*

~~G.~~ H. It shall be unlawful for any person fishing with hook and line, rod and reel, spear, gig or other recreational gear to possess more than ~~50~~ 25 black sea bass. When fishing is from a boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by ~~50~~ 25. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit. Any black sea bass taken after the possession limit has been reached shall be returned to the water immediately.

~~H.~~ I. Possession of any quantity of black sea bass that exceeds the possession limit described in subsection ~~G~~ H of this section shall be presumed to be for commercial purposes.

VA.R. Doc. No. R01-131; Filed March 1, 2001, 5:01 p.m.

* * * * *

Title of Regulation: 4 VAC 20-995-10 et seq. Pertaining to Commercial Hook-and-Line Fishing (amending 4 VAC 20-995-20).

Statutory Authority: §§ 28.2-201 and 28.2-204 of the Code of Virginia.

Effective Date: March 1, 2001.

Summary:

The amendment requires those persons participating in the annual random drawing for vacant commercial hook-and-line licenses to be registered commercial fishermen who have documented, through the Marine Resources Mandatory Harvest Reporting Program, the sale of a least 1,000 pounds of seafood during the course of the previous two years.

The purpose of the amendment is to apply the same restrictions required of current licensees to those persons applying for a license through the random drawing.

Agency Contact: Copies of the regulation may be obtained from Deborah R. Cawthon, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

4 VAC 20-995-20. Entry limitation; catch restrictions; transfers.

A. The sale of commercial hook-and-line licenses shall be limited to registered commercial fishermen meeting either of the following two requirements, except as provided by subsection B of this section:

1. The fisherman shall have held a 1996 commercial hook-and-line license or a 1997 commercial hook-and-line license that was purchased prior to August 26, 1997, provided the fisherman has reported sales of at least 1,000 pounds of seafood during the course of the previous two years as documented by the commission's mandatory harvest reporting program.

2. The fisherman shall hold a valid and current striped bass permit issued by the Marine Resources Commission.

B. The fisherman otherwise qualified under subdivision A 1 of this section shall have been granted an exemption from the requirement to report sales of at least 1,000 pounds of seafood during the course of the previous two years as documented by the commission's mandatory harvest reporting system.

1. Exemptions shall be based solely on documented medical hardships or active military leave that prevented the fisherman from fully satisfying the requirements described in subdivision A 1 of this section.

2. Exemptions may only be granted by the commissioner or his designee.

C. The maximum number of general hook-and-line licenses is established as 200 and includes those fishermen who either satisfy the provisions of subdivision A 1 of this section or are *registered commercial fishermen who have reported sales of at least 1,000 pounds of seafood during the course of the previous two years, as documented by the commission's mandatory harvest reporting program*, chosen by random drawing, to be held annually, should the number of licensees at the start of any year be less than 200.

D. Persons who are eligible to purchase a commercial hook-and-line license by meeting the provisions of subdivision A 2 of this section may take only striped bass by commercial hook and line.

E. Any person licensed for commercial hook and line under the provisions of subdivision A 1 of this section may transfer such license to any registered commercial fisherman, provided that the transferee shall have documented, through the commission's mandatory harvest reporting program, the sale of at least 1,000 pounds of seafood during the course of the previous two years. Transfer of licenses between family members shall be exempt from this requirement. All transfers shall be documented on the form provided by the Marine Resources Commission and approved by the Marine Resources Commissioner. Upon approval, the person entering the commercial hook-and-line fishery shall purchase a commercial hook-and-line license in his own name. No commercial hook-and-line license shall be transferred more than once per calendar year.

VA.R. Doc. No. R01-132; Filed March 1, 2001, 5:07 p.m.

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Notice of Change in Effective Date

Title of Regulation: Transportation as an Administrative Expense.

12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical and Remedial Care Services (amending 12 VAC 30-50-300 and 12 VAC 30-50-530).

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

NOTICE: This final regulatory action was published in 17:12 VA.R. 2026 February 26, 2001 to become effective April 2, 2001. The Department of Medical Assistance is changing the effective date from April 2, 2001, to June 1, 2001.

Agency Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-8850.

VA.R. Doc. No. R00-102; Filed March 9, 2001, 10:26 a.m.

TITLE 17. LIBRARIES AND CULTURAL RESOURCES

LIBRARY BOARD

Title of Regulation: 17 VAC 15-20-10 et seq. Standards for Microfilming Public Records (amending 17 VAC 15-20-20 through 17 VAC 15-20-50, 17 VAC 15-20-70 through 17 VAC 15-20-120, and 17 VAC 15-20-150 through 17 VAC 15-20-170).

Statutory Authority: §§ 42.1-8 and 42.1-82 of the Code of Virginia.

Effective Date: May 1, 2001.

Summary:

The amendments update the standards required for the transferal of public records to microfilm. These standards apply to all records with an administrative, legal, fiscal, or historical value and to the procedural microfilming process used in the circuit court clerks' offices. Reference standards approved by the American National Standards Institute (ANSI), the Association for Information and Image Management International (AIIM) and the International Standards Organization (ISO) are updated and a section on resolution requirements for procedural microfilm recording is added.

Summary of Public Comments and Agency's Response: No public comments were received by the promulgating agency.

Agency Contact: Nolan T. Yelich, Librarian of Virginia, Library of Virginia, 800 East Broad Street, Richmond, VA 23219, telephone (804) 692-3535.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 16:24 VA.R. 3074-3077 August 14, 2000, without change. Therefore, pursuant to § 9-6.14:22 A of the Code of Virginia, the text of the final regulation is not set out.

VA.R. Doc. No. R99-255; Filed March 7, 2001, 11:30 a.m.

Title of Regulation: 17 VAC 15-30-10 et seq. Archival Standards for Recording Deeds and Other Writings by a Procedural Microphotographic Process (REPEALED).

Statutory Authority: § 42.1-8 of the Code of Virginia.

Effective Date: May 1, 2001.

Summary:

This regulatory action repeals this chapter because its requirements are being incorporated into 17 VAC 15-20-10 et seq., Standards for Microfilming Public Records.

Summary of Public Comments and Agency's Response: No public comments were received by the promulgating agency.

Agency Contact: Nolan T. Yelich, Librarian of Virginia, Library of Virginia, 800 East Broad Street, Richmond, VA 23219, telephone (804) 692-3535.

VA.R. Doc. No. R99-256; Filed March 7, 2001, 11:30 a.m.

Title of Regulation: 17 VAC 15-40-10 et seq. Standards for the Microfilming of Ended Law Chancery and Criminal Cases of the Clerks of the Circuit Courts Prior to Disposition (REPEALED).

Statutory Authority: § 42.1-8 of the Code of Virginia.

Effective Date: May 1, 2001.

Summary:

This regulatory action repeals this chapter because its requirements are being incorporated into 17 VAC 15-20-10 et seq., Standards for Microfilming Public Records.

Summary of Public Comments and Agency's Response: No public comments were received by the promulgating agency.

Agency Contact: Nolan T. Yelich, Librarian of Virginia, Library of Virginia, 800 East Broad Street, Richmond, VA 23219, telephone (804) 692-3535.

VA.R. Doc. No. R99-257; Filed March 7, 2001, 11:30 a.m.

Final Regulations

Title of Regulation: 17 VAC 15-50-10 et seq. **Standards for Computer Output Microfilm (COM) for Public Records (amending 17 VAC 15-50-20 through 17 VAC 15-50-50, 17 VAC 15-50-70, 17 VAC 15-50-90 through 17 VAC 15-50-110, 17 VAC 15-50-130, 17 VAC 15-50-150, and 17 VAC 15-50-160; repealing 17 VAC 15-50-140).**

Statutory Authority: §§ 42.1-8 and 42.1-82 of the Code of Virginia.

Effective Date: May 1, 2001.

Summary:

The amendments update the standards required for the transferal of computer public records to microfilm.

Summary of Public Comments and Agency's Response: No public comments were received by the promulgating agency.

Agency Contact: Nolan T. Yelich, Librarian of Virginia, Library of Virginia, 800 East Broad Street, Richmond, VA 23219, telephone (804) 692-3535.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 16:24 VA.R. 3079-3081 August 14, 2000 without change. Therefore, pursuant to § 9-6.14:22 A of the Code of Virginia, the text of the final regulation is not set out.

VA.R. Doc. No. R99-258; Filed March 7, 2001, 11:31 a.m.

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TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF ACCOUNTANCY

Title of Regulation: 18 VAC 5-20-10 et seq. **Board for Accountancy Regulations (REPEALED).**

Title of Regulation: 18 VAC 5-21-10 et seq. **Board of Accountancy Regulations.**

Statutory Authority: §§ 54.1-201 and 54.1-202 of the Code of Virginia.

Effective Date: April 25, 2001.

Summary:

Because of the significant changes being proposed, the existing regulation, 18 VAC 5-20-10 et seq., is repealed and replaced by 18 VAC 5-21-10 et seq. Amendments include: (i) the elimination of the certificate of maintenance; (ii) a reduction in the amount of experience required to earn an original CPA certificate/license; (iii) the elimination of a continuing professional education requirement for an original CPA certificate/license; (iv) a less restrictive definition of what constitutes acceptable coursework for the continuing professional education requirement; (v) a provision allowing CPAs certified in certain other states to practice public accountancy in the Commonwealth without

a Virginia CPA certificate; (vi) a large increase in the maximum cost of the CPA examination; (vii) a provision allowing CPAs to charge commissions under certain circumstances; (viii) a requirement that firms based in the Commonwealth that practice public accounting or use the term "Certified Public Accountant(s)" or the designation "CPA" register with the board; and (ix) a requirement that all firms that practice public accounting undergo formal peer review.

Summary of Public Comments and Agency's Response: A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

Agency Contact: Copies of the regulation may be obtained from Adrienne Mayo, Board for Accountancy, 3600 West Broad Street, Richmond, VA 23230-4917, telephone (804) 367-8507.

CHAPTER 21. BOARD OF ACCOUNTANCY REGULATIONS.

PART I. DEFINITIONS AND FEES.

18 VAC 5-21-10. Definitions.

The following words and terms when used in this chapter have the following meanings, unless the context clearly indicates otherwise:

"Accredited institution" means any degree-granting college or university accredited at the time of the applicant's degree or attendance by any of the following: Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, North Central Association of Colleges and Schools, Northwest Association of Schools and Colleges, Southern Association of Colleges and Schools, and Western Association of Schools and Colleges.

"Assurance" means any act or action, whether written or oral, expressing an opinion or conclusion about the reliability of a financial statement or about its conformity with any financial accounting principles or standards.

"Audit" means expressing an opinion about the fairness of presentation of financial statements in accordance with prescribed criteria.

"Board" means the Board of Accountancy.

"Certify," "audit," "examine," "review," or "express or disclaim an opinion," when referenced to financial information or the practice of public accountancy, are terms which, when used in connection with the issuance of reports, state or imply assurance of conformity with generally accepted accounting principles, generally accepted auditing standards, and review standards. The terms include forms of language disclaiming an opinion concerning the reliability of the financial information referred to or relating to the expertise of the issuer.

"Client" means a person or entity that contracts with or retains a firm for performance of services by a CPA certificate holder or registration certificate holder subject to Chapter 20 (§ 54.1-

2000 et seq.) of Title 54.1 of the Code of Virginia and this chapter.

"Commission" means compensation generated from the purchase or sale of a product or service and which would not be generated but for the purchase or sale of the product or service.

"Contact hour" means 50 minutes of participation in a group program or 50 minutes of average completion time in a self-study program.

"Contingent fee" means a fee established for the performance of a service pursuant to an arrangement in which no fee will be charged unless a specified finding or result is obtained, or in which the amount of the fee is dependent upon the finding or result obtained. Fees shall not be considered contingent if fixed by courts or other public authorities, or in tax matters if determined based on the results of judicial proceedings or the findings of governmental agencies. A CPA certificate holder's fees may vary depending on the complexity of services rendered, and such variation shall not be considered a contingent fee.

"Continuing Professional Education (CPE)" means an integral part of the lifelong learning required to provide competent service to the public; the formal set of activities that enables accounting professionals to maintain and increase their professional competence.

["CPA certificate" means a certificate as a certified public accountant (CPA) issued by the board pursuant to Chapter 20 (§ 54.1-2000 et seq.) of Title 54.1 of the Code of Virginia and this chapter, which shall function as a license, or a corresponding certificate as a certified public accountant issued after meeting examination and other requirements under the laws of any other state.

"CPA wall certificate" means the symbolic document suitable for wall display that is issued by the board to an individual meeting the requirements for a CPA certificate set forth in 18 VAC 5-21-30.]

"CPE reporting year" means [for] the [~~period beginning on July 1 of purposes of this chapter~~] a calendar year [~~and ending on June 30 of the following calendar year~~].

"CPE reporting cycle" means the three CPE reporting years immediately preceding the year the CPA certificate is renewed pursuant to [~~48 VAC 5-21-170~~ 18 VAC 5-21-80].

[~~"CPA certificate" means a certificate as a certified public accountant ("CPA") issued by the board pursuant to Chapter 20 (§ 54.1-2000 et seq.) of Title 54.1 of the Code of Virginia and this chapter, which shall function as a license, or a corresponding certificate as a certified public accountant issued after meeting examination and other requirements under the laws of any other state.~~]

"Credit hour" means successful completion of a course of study measured in a contact hour.

"Examination" means, when used in the context of services provided by CPAs, expressing an opinion about the fairness of presentation of financial information in accordance with prescribed criteria.

"Financial statement" means writing or other presentation, including accompanying notes, which presents, in whole or in part, historical or prospective financial position, results of operations or changes in financial position of any person, corporation, partnership or other entity.

"Firm" means a sole proprietorship, partnership, corporation, limited liability company, limited liability partnership, or any other form of organization permitted by law.

"Good character" means a lack of a history of dishonest or felonious acts.

"Group program" means an educational process designed to permit a participant to learn a given subject through interaction with an instructor and other participants.

"Interactive self-study program" means a program [~~designed to use~~ using] interactive learning methodologies [~~that simulate~~ simulating] a classroom learning process by employing software, other courseware, or administrative systems [~~that provide~~ and providing] significant ongoing, interactive feedback to the learner regarding his learning process. [Substantial written or electronic] evidence of satisfactory completion of each program segment by the learner is [~~often built into such programs~~ required]. [~~These Interactive self-study~~] programs [~~must~~] clearly define lesson objectives and manage [~~the student~~ students] through the learning process by requiring frequent student response to questions that test for understanding of the material presented, providing evaluative feedback to incorrectly answered questions, and providing reinforcement feedback to correctly answered questions. Capabilities [~~are used that~~ must], based on student response, provide appropriate ongoing [written or electronic format] feedback to the student regarding his learning progress through the program.

"Noninteractive self-study program" means any self-study program that does not meet the criteria for interactive self-study programs.

"Original CPA certificate" means a CPA certificate issued by the board other than a CPA certificate by endorsement.

"Peer review" means a study, appraisal, or review, by a CPA certificate holder who is not affiliated with the firm being reviewed, of one or more aspects of the professional work of a firm that engages in the practice of public accounting or compiles financial statements in accordance with the American Institute of Certified Public Accountants' Statements on Standards for Accounting and Review Services (SSARS).

"Practice of public accountancy" or "public accounting" means the giving of an assurance, in a report or otherwise, whether expressly or implicitly, unless this assurance is given by an employee to his employer.

"Practice of taxation" means the providing of tax compliance and tax advice services.

"Registration" means the process through which a firm obtains a registration certificate from the board.

"Registration certificate" means a certificate issued to a firm that has met all of the requirements for registration under this chapter.

Final Regulations

"Regulant" means any CPA certificate holder or registration certificate holder who is subject to Chapter 20 (§ 54.1-2000 et seq.) of Title 54.1 of the Code of Virginia and this chapter.

"Renewal month" means the month of the calendar year in which a firm is required to renew its registration certificate.

"Report" or "reports," when used with reference to financial statements, means an opinion or disclaimer of opinion or other form of language or representation that states or implies any form of assurance or denial of assurance.

"Self-study program" means an educational process designed to permit a participant to learn a given subject without major involvement of an instructor. Self-study programs do not include informal learning.

"SSARS" means Statements on Standards for Accounting and Review Services established by the American Institute of Certified Public Accountants.

"Standards of conduct" means the standards set forth in 18 VAC 5-21-120.

"Standards of practice for CPA certificate holders" means the standards set forth in 18 VAC 5-21-130, 18 VAC 5-21-140 and 18 VAC 5-21-150.

"State" means any state of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands and Guam.

"Substantial equivalency" means a determination by the board or its designee that the education, examination and experience requirements contained in the statutes and administrative rules of another jurisdiction are comparable to, or exceed, the education, examination and experience requirements contained in this chapter, or that an individual CPA from another jurisdiction has met education, examination and experience requirements that are comparable to, or exceed, the education, examination, and experience requirements contained in Chapter 20 (§ 54.1-2000 et seq.) of Title 54.1 of the Code of Virginia and this chapter.

~~["Wall certificate" means the symbolic document suitable for wall display that is issued by the board to an individual meeting the requirements for a CPA certificate set forth in 18 VAC 5-21-130.]~~

18 VAC 5-21-20. Fees.

A. All fees are nonrefundable and the date of receipt by the board or its agent is the date that will be used to determine whether it is on time.

B. The following fees ~~[are effective October 4, 1999 shall apply]:~~

Original CPA certificate application	\$24
CPA certificate by endorsement application	\$24
Registration certificate application	\$24
CPA certificate renewal	\$24
Registration certificate renewal	\$24
CPA certificate late renewal	\$25
Registration certificate late renewal [and,	

~~effective [insert the effective date of this chapter], late application]~~ \$25

CPA certificate reinstatement \$60

Registration certificate reinstatement \$60

If the renewal fee is not received by the board within 30 days after the expiration date printed on the CPA certificate or the registration certificate, the regulant shall pay the renewal and the late renewal fees. Regulants applying for reinstatement shall pay all unpaid renewal fees in addition to the late renewal and the reinstatement fees.

~~[C. In order to implement a staggered billing program, the renewal fee for CPA certificate holders whose CPA certificates expire on September 30, 2000, shall be as follows depending upon the new expiration date assigned to the regulant:~~

March 31, 2001	\$12
April 30, 2001	\$14
May 31, 2001	\$16
June 30, 2001	\$18
July 31, 2001	\$20
August 31, 2001	\$22
September 30, 2001	\$24
October 31, 2001	\$26
November 30, 2001	\$28
December 31, 2001	\$30
January 31, 2002	\$32
February 28, 2002	\$34]

~~[D. C.] The late filing fee for CPA certificate holders who fail to complete or report their CPE as required by this chapter shall be:~~

- ~~1. If received by the board up to four months late, \$25.~~
- ~~2. If received by the board more than four months late but not more than six months late, \$50.~~
- ~~3. If received by the board more than six months late, \$75.~~

~~[E. D.] The fee for a replacement wall certificate shall be \$25.~~

~~[F. E.] A fee of \$25 will be charged in addition to the fees established in this section for submitting a check to the board which is dishonored by the institution upon which it is drawn.~~

~~[G. F.] The fee for the examination provided for in 18 VAC 5-21-30 C shall consist of the contract charges. Examination service contracts shall be established through competitive negotiation in compliance with the Virginia Public Procurement Act (§ 11-35 et seq. of the Code of Virginia). The examination fee shall not exceed \$1,000.~~

PART II. ENTRY REQUIREMENTS FOR CPA CERTIFICATE, REGISTRATION CERTIFICATE AND CPA SUPERVISING SERVICES INVOLVING THE PRACTICE OF PUBLIC ACCOUNTING.

18 VAC 5-21-30. Qualifications for CPA certificate.

A. Each applicant must be a person of good character as defined in 18 VAC 5-21-10.

B. Education prior to taking the examination.

1. Each applicant whose application to sit for [~~the an~~] examination [~~is received by the board before~~ administered prior to] July 1, 2006, shall have received a baccalaureate degree or its equivalent conferred by an accredited college or university as required by § 54.1-2003 B 1 of the Code of Virginia and shall at the time the application is received have completed the following courses at the undergraduate or graduate level to meet the accounting concentration requirement of § 54.1-2003 B 1 of the Code of Virginia:

- a. At least 24 semester hours of accounting including courses covering the subjects of financial accounting, auditing, taxation, and management accounting; and
- b. At least 18 semester hours in business courses (other than the courses described in subdivision 1 a of this subsection).

An applicant whose application is received under the requirements of this subdivision may take the examination so long as the requirements of [~~subdivision subsection~~] C [2] of this section are met.

2. Each applicant whose application to sit for [~~the an~~] examination [~~is received by the board~~ administered] on or after July 1, 2006, shall meet the requirements of § 54.1-2003 B 2 of the Code of Virginia and shall at the time the application is received have completed the following courses at the undergraduate or graduate level to meet the accounting concentration requirement of § 54.1-2003 B 2 of the Code of Virginia:

- a. At least 30 semester hours of accounting, including courses covering the subjects of financial accounting, auditing, taxation, and management accounting; and
- b. At least 24 semester hours in business courses (other than the courses described in subdivision 2 a of this subsection).

3. A quarter hour of coursework shall be considered the equivalent of two-thirds of a semester hour of coursework.

4. Each applicant with a degree or coursework earned at a nonaccredited college or university shall, if credit for such degree or coursework is to be considered by the board, (i) have his educational credentials evaluated by an academic credentials service approved by the board or an accredited institution, as defined in 18 VAC 5-21-10, to determine the extent to which such credentials are equivalent to the education requirements set forth in subdivisions 1 and 2 of this subsection and (ii) submit such evaluations to the board, which may accept or reject the evaluator's recommendations in whole or in part.

5. Evidence of having obtained the required education shall be submitted in the form of official transcripts transmitted in a manner determined by the board. In unusual circumstances, the board may accept other evidence it deems to be substantially equivalent.

C. Examination.

1. Each applicant shall pass (i) a national uniform examination, as approved by the board, in auditing,

business law and professional responsibilities, accounting and reporting (taxation, managerial, governmental and not-for-profit organizations), financial accounting and reporting, and other such related subject areas as deemed appropriate by the board and (ii) an ethics examination approved by the board. Each part of the examination must be passed with a minimum grade established by the board based upon the recommendation of a psychometrician who has determined the valid passing grade by conducting a scientific analysis of the examination.

2. If at a given sitting of the examination an applicant passes two or more but not all sections, then the applicant shall be given credit for those sections that the applicant has passed and need not sit for reexamination in those sections provided the following conditions are met:

- a. At that sitting, the applicant wrote all sections of the examination for which the applicant did not have credit;
- b. The applicant attained a minimum grade of 50 on each section taken at that sitting when the first two sections were passed and in each subsequent sitting attains a minimum grade of 50 on all sections taken at that sitting;
- c. The applicant passes the remaining sections of the examination within six consecutive examinations (irrespective of the date on which the examination credit was earned) given after the one at which the first sections were passed; and
- d. At each subsequent sitting at which the applicant seeks to pass any additional sections, the applicant writes all sections for which the applicant does not have credit.

3. The board may, at its discretion, waive any of the above requirements for carryover examination credits, if such waiver is in the public interest.

4. Each applicant shall follow all rules and regulations established by the board with regard to conduct at the examination. Such rules shall include instructions communicated prior to the examination date and instructions communicated at the examination site on the date of the examination.

5. Failure to comply with the rules and regulations governing conduct in the examination may result in the loss of established eligibility to sit for the examination or credit for examination parts passed.

6. An applicant to sit for the examination shall obtain an application form from the board or its designee, complete the application in accordance with the instructions on the application, and submit the application together with all required documents to the board or its designee by the date determined by the board or its designee.

7. An applicant who fails to appear for the examination or reexamination shall forfeit the fees charged for that examination or reexamination unless excused by the board.

Final Regulations

8. The fee to sit for the examination is established in 18 VAC 5-21-20 [G F], whether paid directly to the board or to a designee under contract to the board.

D. Experience.

1. Each applicant for initial issuance of a CPA certificate under this section shall provide documentation of having met the experience requirements established by § 54.1-2003 C of the Code of Virginia, which requires at least one year of acceptable experience in accounting or a related field. The experience may include providing any type of service or advice involving the use of accounting, management, financial, tax, or consulting advisory skills or services. Acceptable experience shall include employment in government, industry, academia or public accounting or related services. The applicant's experience may be supervised by a non-CPA certificate holder, although, when completing the application for the CPA certificate, the experience must be verified by a CPA certificate holder.

2. One year of experience shall consist of full- or part-time employment that extends over a period of no less than a year and no more than three years and includes no fewer than 2,000 hours of performance of services described in subdivision 1 of this subsection.

18 VAC 5-21-40. Issuance of original CPA certificate; CPA certificate by endorsement; and substantial equivalency.

A. Practicing as a CPA in the Commonwealth of Virginia. Only an individual who (i) holds a valid CPA certificate or (ii) meets the substantial equivalency requirements in this section may practice as a CPA in the Commonwealth of Virginia.

B. Original CPA certificate.

1. Each individual who desires to use the CPA designation shall first obtain a CPA certificate.

2. Each applicant for an original CPA certificate shall submit an application, on a form provided by the board, which shall document that the requirements of 18 VAC 5-21-30 have been met. If the application is received by the board three or more years after the successful completion of the CPA examination by the applicant, the applicant shall, in addition, submit evidence of having met the [~~continuing professional education (CPE) requirements established by 18 VAC 5-21-160 A 1 or A 2, whichever is applicable~~ CPE requirements set forth in 18 VAC 5-21-170 A 3 or B 3]. Each applicant shall agree to comply with the statutes and regulations of any other state in which he is authorized to practice.

3. Each application for an original CPA certificate shall be accompanied by the fee established in 18 VAC 5-21-20.

C. CPA certificate by endorsement.

1. Each individual who holds a CPA certificate in a state other than Virginia and either (i) has moved his principal place of business to Virginia or (ii) does not meet the substantial equivalency provision outlined in subsection G of this section must obtain a CPA certificate by endorsement prior to practicing as a CPA in Virginia.

2. Each applicant for a CPA certificate by endorsement shall submit an application, on a form provided by the board, which shall document that the applicant holds a corresponding CPA certificate as a certified public accountant issued after meeting examination and other requirements under laws of the state(s) from which the applicant is seeking a CPA certificate by endorsement. The application shall include the following:

a. From each state from which the applicant has received a CPA certificate (or from the applicant directly if the state is unable to provide the information), a written statement from the board of each state confirming that the applicant (i) is in good standing in that state; (ii) has not been found guilty of violating that state's standards of conduct or practice; (iii) has no pending actions alleging violations of that state's standards of conduct or practice; (iv) has met the education requirements in effect in that state when the applicant passed the [national uniform] examination described in 18 VAC 5-21-30 C; and (v) has met the experience requirement for a CPA certificate in effect in Virginia when the CPA certificate by endorsement application is received by the board. An applicant who holds a CPA certificate from a state that the board has determined meets the substantial equivalency provision set forth in § 54.1-2004.1 of the Code of Virginia shall be considered to have met the requirements of clauses (iv) and (v) of this paragraph.

b. A written statement from the applicant affirming that the applicant has (i) not violated the board's standards of conduct or standards of practice and (ii) met the board's continuing education requirements.

The board may deny the application for a CPA certificate by endorsement if the applicant is not in good standing in the other states which have issued CPA certificates to the applicant or if any information from the applicant indicates a failure to comply with the aforementioned standards.

3. Each application for a CPA certificate by endorsement shall be accompanied by the fee established in 18 VAC 5-21-20.

D. Each CPA certificate holder shall have the privilege of using the CPA designation provided the CPA certificate holder complies with the (i) standards of conduct, (ii) standards of practice, and (iii) the renewal requirements established by the board. Upon expiration of the CPA certificate, the CPA certificate holder shall cease displaying the CPA certificate and the wall certificate, and shall cease affixing and using the CPA designation in any manner.

[~~E. CPA certificate holders shall have met the experience requirements established in 18 VAC 5-21-50 before supervising services involving the practice of public accounting, or signing or authorizing another person to sign the accountant's report on the financial statements on behalf of the firm. All CPA certificate holders who supervise services involving the practice of public accountancy and who sign or authorize another to sign the report on the financial statements on behalf of the firm shall meet the experience requirement established in 18 VAC 5-21-50.]~~

F. CPA certificates [issued under the provisions of this chapter shall expire one year from the last day of the month wherein the initial CPA certificate was issued and] shall be renewed in compliance with 18 VAC 5-21-80.

G. Privilege to practice without a CPA certificate by endorsement, substantial equivalency.

1. A holder of a CPA certificate from a state other than Virginia and with a principal place of business in a state other than Virginia shall either obtain a CPA certificate by endorsement as outlined in subsection C of this section or meet the substantial equivalency requirements of this subsection before beginning CPA practice in Virginia] .

2. To implement the provisions of § 54.1-2004.1 A of the Code of Virginia, the privilege to practice under substantial equivalency shall be evidenced by the following:

a. If the individual's CPA certificate is issued by a state that the board has determined is substantially equivalent, the CPA certificate issued by that state shall constitute evidence of the privilege to practice.

b. If the individual's CPA certificate is issued by a state that the board has determined is not substantially equivalent, the CPA certificate holder shall notify the board in writing that he intends to practice in the Commonwealth and shall provide documentation acceptable to the board that he has personally satisfied the requirements for substantial equivalency. An approval letter from the board shall constitute evidence of the privilege to practice.

c. A CPA certificate by endorsement shall be obtained if the CPA exercising the privilege to practice under substantial equivalency moves his principal place of business to Virginia or ceases to have an office in any other state.

3. For the purposes of implementing § 54.1-2004.1 B 2 of the Code of Virginia relating to the privilege of practicing public accounting extended to nonresident CPA certificate holders, the board shall determine the state to be served based on whose statutes and regulations most closely correspond to those of the Commonwealth of Virginia.

4. The board shall determine whether a state meets the substantial equivalency provisions for nonresident CPA certificate holders by periodically obtaining, reviewing and approving a list of states, which in the opinion of the board, meet the substantial equivalency provisions for nonresident CPA certificate holders.

18 VAC 5-21-50. Additional requirements for CPAs [supervising who supervise] services involving the practice of public accountancy [and who sign or authorize another to sign reports on financial statements.

A. To implement the provisions of § 54.1-2005 C 7 of the Code of Virginia, any individual CPA certificate holder who is responsible for supervising services involving the practice of public accounting, [~~or and who~~] signs or authorizes another person to sign on behalf of the firm [~~the accountant's report or~~] the financial statement resulting from the practice of

public accounting, shall meet the requirements set forth in subsection B of this section.

Nothing in this section is intended to proscribe an individual who does not have a CPA certificate from affixing his signature to any statement or report for his employer's internal or management use and designating his position, title or office.

B. Requirements.

1. CPA certificate. Any individual desiring to supervise public accountancy services [as described in subsection A of this section] shall hold a currently valid CPA certificate [~~or CPA certificate by endorsement~~] issued by this board or shall be in compliance with the substantial equivalency requirements in 18 VAC 5-21-40 [F G] .

2. Experience. In addition to the one year of experience required to receive a CPA certificate, such individual shall have completed one year of additional experience in the practice of public accounting, as defined in 18 VAC 5-21-10, with not less than 600 of these hours in the performance of audits if the services involve an audit or not less than 600 of these hours in the performance of reviews or audits if the services involve a review but not an audit. One year of experience shall consist of no fewer than 2,000 hours of full or part-time employment that extends over a period of no less than one year and no more than three years. The experience must have been gained under the direct supervision of a CPA licensed in any state. Persons who held a license, as defined in the board's regulations effective on April 1, 1997, issued by the board and in effect on October 4, 1999, shall be deemed to have met this experience requirement.

18 VAC 5-21-60. Registration of firms.

A. To implement the provisions of § 54.1-2005 B of the Code of Virginia, any firm with one or more offices in the Commonwealth that practices, directly or indirectly, public accounting or that uses the term "Certified Public Accountant(s)" or the designation "CPA" in the name of the firm shall register with the board.

~~[B. A firm in existence prior to October 4, 1999, that is subject to the peer review requirement established in 18 VAC 5-21-70 but has not undergone such a review shall comply with this requirement no later than October 3, 2002. A firm organized after October 3, 1999, shall comply with the peer review requirement established in 18 VAC 5-21-70 no later than the third anniversary of the issuance of its initial registration.~~

~~C. B.]~~ To implement the provisions of § 54.1-2005 C of the Code of Virginia, any firm with an office in the Commonwealth providing or offering to provide services involving the practice of public accounting shall be issued a registration certificate by the board upon its application and payment of the required fee provided the firm is in compliance with § 54.1-2005 C of the Code of Virginia.

1. Each firm shall submit an application on forms provided by the board, which shall contain the following:

Final Regulations

a. A statement that the applicant is registering pursuant to § 54.1-2005 B of the Code of Virginia and has complied with each of the requirements of § 54.1-2005 C of the Code of Virginia.

b. ~~[A copy of the peer review documents~~ An affirmation of the peer review] as required by 18 VAC 5-21-70.

c. The designation of a CPA certificate holder that will be the primary contact for the firm, including a firm with multiple offices.

2. To implement § 54.1-2005 C 3 of the Code of Virginia, all non-CPA owners shall work in the firm. "Work in the firm" means that the non-CPA owner works full time for the firm (at least 1,000 hours a year), and that retirees and owners no longer working full time shall have ~~[one year~~ 12 months] from the last day of their full-time involvement with the firm to dispose of their interest. Heirs shall have ~~[two years~~ 24 months from the time they receive their bequest or inheritance] in which to dispose of the ownership interest.

~~[D. C.]~~ To implement § 54.1-2005 D of the Code of Virginia, any firm with an office in the Commonwealth that is not engaged in the practice of public accounting but uses the term "Certified Public Accountant" or the "CPA" designation in its name shall be issued a registration certificate by the board upon its application and payment of the required fee provided the firm is in compliance with § 54.1-2005 C 1, 2, 3, and 8 of the Code of Virginia. ~~[Any such firm in existence prior to October 4, 1999, that had not previously registered with the board shall register by November 30, 1999.]~~

1. Such firm shall submit an application provided by the board ~~[, which application that]~~ shall contain the following:

a. A statement that the applicant is registering pursuant to § 54.1-2005 D of the Code of Virginia and has complied with each of the requirements set forth in § 54.1-2005 D of the Code of Virginia.

b. A statement that the firm has or has not compiled financial statements [, which, as required by SSARS and § 54.1-2006 of the Code of Virginia, shall be prepared] in compliance with SSARS.

c. If the firm has compiled financial statements in accordance with SSARS, ~~[a copy of the peer review documents~~ an affirmation of the peer review] as required by 18 VAC 5-21-70.

d. The designation of a CPA certificate holder that will be the primary contact for the firm, including a firm with multiple offices.

2. To implement § 54.1-2005 C 3 of the Code of Virginia, [all non-CPA owners shall work in the firm.] "Work in the firm" means [that] the non-CPA owner works full time [for the firm] (at least 1,000 hours a year) [, and that] retirees and owners no longer working full time shall have ~~[one calendar year~~ 12 months] from the last day of their full-time involvement with the firm to dispose of their interest. Heirs shall have ~~[two years~~ 24 months from the time they receive their bequest or inheritance] in which to dispose of [their the] ownership interest.

~~[E. D.]~~ The fee for a registration certificate is set forth in 18 VAC 5-21-20.

~~[F. E.]~~ Pursuant to § 54.1-2005 C 6 of the Code of Virginia, all firms required to obtain registration certificates shall meet the standards set forth in 18 VAC 5-21-160.

~~[G. F.]~~ Each registration certificate [shall expire two years from the last day of the month wherein issued and] shall be renewed in compliance with 18 VAC 5-21-80.

18 VAC 5-21-70. Peer review.

A. To implement the provisions of § 54.1-2005 C 5 and D 2 of the Code of Virginia, ~~[registered]~~ firms meeting the requirements set forth in this section shall provide the board with evidence, as described in subsection E of this section, that the firm has undergone, no less frequently than every three years, a peer review. ~~[Each peer review shall be performed and reported in accordance with standards that are no less stringent than the peer review program of the American Institute of Certified Public Accounts. Prior to its use by a registrant's reviewer, the board must approve a peer review program other than the peer review program of the American Institute of Certified Public Accountants.]~~ Firms not required to register with the board are not required to comply with the peer review requirement.

B. If a firm performs the services described in subsection D of this section, a peer review is required and the firm shall provide ~~[evidence~~ an affirmation] of such peer review to the board in accordance with the dates set forth in subsection C of this section. ~~[The nature of the review will be determined based on the peer review selection criteria, which criteria shall consider the highest level of service provided and shall be no less stringent than the criteria of the peer review program of the American Institute of Certified Public Accountants (Standards for Performing and Reporting on Peer Reviews, effective January 1999, American Institute of Certified Public Accountants). The date of the year-end used for the peer review shall not be more than 48 months prior to the month of the initial registration or the renewal month for a renewal registration.]~~

C. Applicable dates.

1. ~~[Evidence~~ An affirmation] of a peer review is not required for an initial or renewal application for a registration certificate filed prior to ~~[January~~ July] 1, 2002.

2. Initial or renewal applications due after ~~[December 31, 2001~~ June 30, 2002], are required to include ~~[evidence~~ an affirmation] of a peer review ~~[subject to the following exceptions:~~ except that a firm first initiating services requiring a peer review after July 1, 1999, shall comply with the peer review requirement within three years after first initiating services requiring a peer review. Affirmation of a timely peer review shall be provided with the initial or first renewal application immediately following the aforementioned three-year period.]

~~[a. A firm first initiating services requiring a peer review shall comply with the peer review requirement within three years of first initiating services requiring a peer review. If such firm had not previously registered with the board, then registration is required prior to initiating~~

~~services requiring registration and evidence of a timely peer review shall be provided with the first application for renewal immediately following the aforementioned three-year period. If such firm had previously registered with the board, evidence of a timely peer review shall be provided with the renewal application immediately following the end of the aforementioned three-year period.~~

~~b. A firm first initiating services that require a level of review, as described in subsection D of this section, that is higher than previously required, shall comply with the higher peer review requirement within three years of the date of first initiating the higher level of services requiring a higher level of peer review. If such firm had not previously registered with the board, then registration is required prior to initiating the higher level of services requiring registration and evidence of a timely peer review applicable to the higher level service shall be provided with the first application for renewal immediately following the aforementioned three-year period. If such firm had previously registered with the board, evidence of a timely peer review applicable to the higher level services shall be provided with the renewal application immediately following the end of the aforementioned three-year period.~~

~~c. If the firm submits with its application, either initial or renewal, evidence of a peer review that was not performed pursuant to standards that the board deems are no less stringent than the peer review program of the American Institute of Certified Public Accountants, then such firm shall submit evidence of a peer review performed in accordance with standards that are no less stringent than those of the American Institute of Certified Public Accountants by the due date of its next application for renewal. No further extensions will be permitted. Those who fail to comply by this date are subject to disciplinary action.]~~

D. The nature of the services requiring a peer review and the nature of such reviews are set forth in this subsection.

1. System review. This review applies to firms that perform engagements [under governed by] the Statements on Auditing Standards (SASs) or examinations of prospective financial information under the Statements on Standards for Attestation Engagements (SSAEs), as established by the American Institute of Certified Public Accountants, or the Government Auditing Standards (the Yellow Book) issued by the U.S. General Accounting Office (GAO).

~~[This review shall result in a report that (i) expresses an unmodified opinion on the firm's system of quality control for the practice involving the services described in subdivision 1 of this subsection or (ii) expresses a modified opinion, which modifications are satisfactorily resolved as evidenced by a final acceptance letter from the administering entity. Such reviews shall be performed and reported in accordance with standards that are no less stringent than the peer review program of the American Institute of Certified Public Accountants.]~~

2. Engagement review. This review is required for firms that are not required to have a system review and who are not eligible to have a report review as described in subdivision 3 of this subsection. It applies to registered firms that do not perform engagements in accordance with SASs or examinations of prospective financial statements under the SSAEs but do perform engagements in accordance with the Statements on Standards for Accounting and Review Services (SSARs) or review engagements in accordance with the SSAEs, both as established by the American Institute of Certified Public Accountants.

~~[This review shall result in a report that indicates whether anything came to the reviewer's attention that caused the reviewer to believe that the reports submitted did not comply with the requirements of professional standards in all material respects or, if applicable, describe the general nature of significant departures from those standards, or, if adverse, a statement that the firm did not comply with the requirements of professional standards in all material respects. Such reviews shall be performed and reported in accordance with standards that are no less stringent than the peer review program of the American Institute of Certified Public Accountants.]~~

3. Report review. This review applies to firms that only perform compilations, as described in the SSARs, that omit substantially all disclosures.

~~[This review shall result in a report that lists comments and recommendations based on whether the financial statements and the related accountant's report appear to conform with the requirements of the aforementioned standards in all material respects. Such reviews shall be performed and reported in accordance with standards that are no less stringent than the peer review program of the American Institute of Certified Public Accountants.]~~

E. Required [~~evidence~~ affirmation] of peer review. The applicant for an initial or a renewal registration certificate shall [~~attach a copy of the final acceptance letter from the entity administering the peer review program as evidence that the firm has obtained the required peer review. A copy of this letter shall generally be considered evidence, however, the~~ include an affirmation with the application that the firm (i) has complied with the peer review provisions in § 54.1-2005 C of the Code of Virginia and with the provisions of this section; (ii) has received a final acceptance letter from the entity administering the peer review program; and (iii) will maintain its peer review documents until the later of the date of the final acceptance letter for its next peer review or four years. The] board reserves the right to request a copy of the peer review report or any other document relating to the peer review program.

[F. Final acceptance letter not available. If an applicant for registration cannot provide a final letter of acceptance indicating that the peer review is complete, then the applicant shall file the application with (i) a copy of the "subject to" acceptance letter and other relevant documents that explain the reasons why a final acceptance letter was not issued and (ii) a statement setting forth the registrant's plan of action that will enable the registrant to receive a final acceptance letter.

Final Regulations

This submission will extend the due date of the application for six months from the original due date of the application.]

PART III.

RENEWAL/REINSTATEMENT OF CPA CERTIFICATE AND REGISTRATION CERTIFICATE AND OTHER GENERAL REQUIREMENTS.

18 VAC 5-21-80. Requirement for renewal.

A. Each CPA certificate issued under the provisions of this chapter shall [expire one year from the last day of the month wherein the initial CPA certificate was issued and shall be renewable for periods of one year thereafter, except for CPA certificates with a September 30, 2000, expiration date. Each CPA certificate that expires on September 30, 2000, shall be renewed in a manner to implement a staggered renewal system, whereby all CPA certificates expiring on September 30, 2000, shall be renewed so as to cause an approximately equal number of CPA certificates to expire each month during the 12-month cycle beginning in March 2001 and ending in February 2002. The fee during this initial implementation period will include a pro rata charge or credit for the period between March 31, 2001, and February 28, 2002 be renewable for a period of one year].

B. Each registration certificate shall [expire two years from the last day of the month wherein issued and shall] be renewable for periods of two years [thereafter].

C. Registration certificates issued to professional corporations and professional limited liability companies in accordance with the regulations of the board in effect beginning on April 1, 1997, [shall become became] void on November 30, 1999. [Those firms shall register with the board in compliance with the requirements of 18 VAC 5-21-60 no later than November 30, 1999. A pro rata credit for the unexpired term of any existing registration certificate will be credited against the fee for the registration required by this subsection.]

D. Renewal notices will be mailed to the regulant at the last known address of record. Failure to receive written notice does not relieve the regulant of the requirement to renew and pay the required fee. The date the board receives the renewal notice and fee shall determine whether other fees established by 18 VAC 5-21-20 are payable. Fees shall not be refunded or prorated.

E. Fees for renewal of a CPA certificate and a registration certificate are established in 18 VAC 5-21-20.

F. Representations. An individual holding a CPA certificate issued by the board shall submit a renewal application provided by the board, which application shall contain a statement that the applicant has (i) complied with the board's standards of conduct and applicable standards of practice; (ii) met the applicable [continuing professional education (CPE) CPE] requirements set forth in [§ 54.1-2004-B of the Code of Virginia, § 54.1-2004-C of the Code of Virginia and 18 VAC 5-21-160 18 VAC 5-21-170] for the three years prior to the year the renewal application is submitted; and (iii) met the requirements set forth in 18 VAC 5-21-50 B if the CPA certificate holder is responsible for supervising services involving the practice of public accounting, [or and] signs or

authorizes another person to sign the accountant's report on the financial statement on behalf of the firm.

A firm [practicing public accounting and] holding a registration certificate issued by the board shall submit (i) a renewal application provided by the board [that shall contain a statement that the registrant has complied with the board's standards of conduct and applicable standards of practice, and the requirements of § 54.1-2005-C of the Code of Virginia relating to firm ownership affirming that it continues to meet the standards set forth in 18 VAC 5-21-60] and (ii) [a copy of the peer review report and the letter from the supervising entity accepting the report as evidence , in the case of firms subject to the peer review requirement set forth in 18 VAC 5-21-70, an affirmation] that it has undergone, no less frequently than once every three years, a peer review [that expresses an opinion on the firm's system of quality control if the firm performed auditing, accounting or attestation engagements providing some level of assurance, or a report review if the firm compiled financial statements but did not perform auditing, accounting or attestation engagements providing some level of assurance during the three years preceding the calendar year in which the application is received. Such reviews shall be performed and reported in accordance with standards that are at least comparable to the peer review program of the American Institute of Certified Public Accountants. If the peer review report describes material deficiencies, the firm must provide evidence from the reviewer or supervising entity that the firm has corrected any material deficiencies within the time period set forth in the aforementioned standards or one year from the date of the peer review report, whichever is shorter. A firm in existence prior to October 4, 1999, that is subject to the aforementioned requirement but has not undergone such a review must comply with this requirement by June 30, 2002].

[G. The board shall deny the renewal application if the regulant fails to meet the renewal requirements.]

[H. G.] If the required renewal fee is received more than 30 days after the expiration date but within one year after the expiration date, a late fee will be charged in addition to the renewal fee as provided for in 18 VAC 5-21-20.

18 VAC 5-21-90. Requirement for reinstatement.

A. In addition to meeting the requirements for renewal set forth in 18 VAC 5-21-80, a regulant shall comply with the following requirements if the regulant fails to renew within 12 months after the expiration of the applicable certificate:

1. If the regulant fails to renew his CPA certificate or registration certificate within 12 months following its expiration or voluntary termination by the holder of a CPA certificate or registration certificate, he will be required to present reasons for reinstatement.

2. No application for reinstatement shall be considered while the petitioner is under sentence for criminal offense related to the practice of accountancy, including any period during which the petitioner is on probation or parole for such offense.

3. Reinstatement fees, which are nonrefundable and shall not be prorated, are established in 18 VAC 5-21-20.

4. Applicants for reinstatement of the CPA certificate shall affirm on a form provided by the board that they continue to meet the standards for entry as set forth in 18 VAC 5-21-30, and for renewal as set forth in 18 VAC 5-21-80. Applicants for reinstatement of the registration certificate shall affirm on a form provided by the board that they continue to meet the standards of conduct and applicable standards of practice, and the renewal requirements set forth in 18 VAC 5-21-80.

5. If the regulant has failed to renew his CPA certificate or registration certificate for a period of 12 months or longer, a reinstatement fee as set forth in 18 VAC 5-21-20 shall be due in addition to the renewal fee and late renewal fee established in 18 VAC 5-21-20.

6. The renewal fee and late [renewal] fee for each renewal period in which the regulant failed to renew his CPA certificate or registration certificate shall be paid as set forth in 18 VAC 5-21-20.

B. If the requirements set forth in subsection A are not met, the board shall advise the applicant that reinstatement has been denied and the reasons for the denial. The reinstatement request may be resubmitted when the applicant believes the matters affecting the reinstatement application have been satisfactorily resolved. The reinstatement applicant may request a proceeding in accordance with the provisions of the Administrative Process Act (§ 9-6.14:4.1 et seq. of the Code of Virginia).

18 VAC 5-21-100. Status of certificate holder during the period prior to reinstatement.

A regulant who is reinstated shall be regarded as having been a regulant continuously without interruption. Therefore, the regulant shall remain under the disciplinary authority of the board during this entire period and may be held accountable for his activities during this period. A regulant who is not reinstated shall be regarded as unlicensed from the expiration date of the CPA certificate or registration certificate forward. Nothing in this chapter shall divest the board of its authority to discipline a regulant for a violation of the law or regulations during the period of time for which the regulant held a CPA certificate or registration certificate.

18 VAC 5-21-110. Notification of change of address or name, response to board communication.

A. Each regulant shall notify the board in writing within 30 days of any change of address or name.

B. Each regulant shall respond within 30 days to any request for information made by the board.

PART IV.
STANDARDS OF CONDUCT.

18 VAC 5-21-120. Standards of conduct for all regulants.

A. Responsibilities. A regulant shall exercise sensitive professional and moral judgment in all activities.

B. Public interest. A regulant shall act in a way that serves the public interest, honors the public trust, and demonstrates commitment to professionalism.

C. Integrity and objectivity. A regulant shall perform all professional responsibilities with the highest sense of integrity, maintain objectivity and freedom from conflicts of interest in discharging professional responsibilities, and avoid knowingly misrepresenting facts or inappropriately subordinating his judgment to others.

D. Independence. A CPA certificate holder and registration certificate holder shall be independent in fact and appearance when offering to provide or providing services pursuant to the standards listed in the definition of "standards of practice for CPA certificate holders."

E. Professional competence. A regulant shall undertake only those professional services that can reasonably be expected to be completed with professional competence.

F. Due professional care. A regulant shall exercise due professional care in the performance of professional services.

G. Planning and supervision. A regulant shall adequately plan and supervise the performance of professional services.

H. Sufficient relevant data. A regulant shall obtain sufficient relevant data to afford a reasonable basis for conclusions or recommendations in relation to any professional services performed.

I. Accounting principles. A CPA certificate holder shall not express an opinion or state affirmatively that financial statements or other financial data of any entity are presented in conformity with generally accepted accounting principles or state that the CPA certificate holder is not aware of any material modifications that should be made to such statements or data in order for them to be in conformity with generally accepted accounting principles, if such statements or data contain any departure from any of the standards described in the definition of the "standards of practice for CPA certificate holders" that has a material effect on the statements or data taken as a whole with the following exception: the CPA certificate holder can demonstrate that, due to unusual circumstances, the financial statements or data would otherwise have been misleading without the departure, and the approximate effects of the departure, if practicable, and the reasons why compliance with the principle would result in a misleading statement are provided in the statements or data.

J. Confidential client information. A regulant shall not disclose any confidential client information without the specific consent of the client. This rule shall not be construed to (i) affect in any way the regulant's obligation to comply with a validly issued and enforceable subpoena or summons, or to prohibit a regulant's compliance with applicable laws and government regulations, (ii) prohibit review of a regulant's professional practice by this board, (iii) prohibit a review in conjunction with a prospective purchase, sale or merger of all or part of a regulant's practice so long as the regulant takes appropriate precautions (e.g., through a written confidentiality agreement) so that the prospective purchaser does not disclose any information obtained in the course of the review, or (iv) prohibit a review in conjunction with a peer review of a firm as provided in 18 VAC 5-21-70. The reviewers of such information shall not use to their advantage nor disclose any

Final Regulations

regulant's confidential client information that comes to their attention.

K. **Contingent fees.** As provided in § 54.1-2007 D 2 and 3 of the Code of Virginia, a CPA certificate holder shall not perform for a contingent fee: (i) any services for, or receive such a fee from, a client for whom the CPA certificate holder or the CPA certificate holder's firm performs services which involve the practice of public accounting, during the period when such services are being provided and during the period covered by the financial statements; or (ii) prepare an original tax return or claim for a tax refund for a contingent fee for any client.

[1. Preparation of an original tax return or claim for a tax refund includes giving advice on events that have occurred at the time the advice is given if such advice is directly relevant to determining the existence, character, or amount of a schedule, entry, or other portion of a return or claim for refund.

2. A fee is considered determined based on the findings of governmental agencies if the regulant can demonstrate a reasonable expectation, at the time of a fee arrangement, of substantive consideration by an agency with respect to the regulant's client. Such an expectation is deemed not reasonable in the case of preparation of original tax returns.]

L. **Commissions and referral fees.**

1. **Prohibited commissions.** As provided in § 54.1-2007 D 1 of the Code of Virginia, a CPA certificate holder shall not recommend to a client any product or services for a commission, or, for a commission, recommend or refer any product or service to be supplied by a client, or receive a commission when the CPA certificate holder also performs for that client any service which involves the practice of public accounting. This prohibition applies during the period in which the CPA certificate holder is providing services which involve the giving of an assurance or during the period covered by any financial statements that were prepared by the CPA certificate holder as a part of such services.

2. **Disclosure of permitted commissions.** As provided in § 54.1-2007 E of the Code of Virginia, a CPA certificate holder who is not prohibited from accepting a commission and who is paid or expects to be paid a commission shall disclose that fact to any person or entity to whom the CPA certificate holder recommends or refers a product or service to which the commission applies.

3. **Disclosure of referral fees.** As provided in § 54.1-2007 F of the Code of Virginia, a CPA certificate holder who accepts a referral fee for recommending or referring any service of a CPA certificate holder shall disclose such payment to the client.

M. **Acts discreditable.** A regulant shall not commit acts discreditable to the profession, as listed in § 54.1-2006 of the Code of Virginia and this chapter.

N. **Advertising and other forms of solicitation.** A regulant shall not seek to obtain clients by advertising or other forms of

solicitation in a manner that is false, misleading, or deceptive, or by coercion, overreaching or harassing conduct.

O. **Form of organization and name.** A regulant shall not practice under a firm name that is false, misleading or deceptive.

PART V.
STANDARDS OF PRACTICE FOR CPA CERTIFICATE
HOLDERS.

18 VAC 5-21-130. Standards of practice for CPA certificate holders involved in the practice of public accounting or compiling financial statements.

CPA certificate holders shall follow the standards, as applicable under the circumstances, set forth in this section in providing services involving the practice of public accounting or compiling financial statements:

1. Statements of Financial Accounting Standards [(Volumes I and II, June 1, 2000)] issued by the Financial Accounting Standards Board;

2. Accounting Principles [(Volume III, June 1, 2000)] promulgated by the Accounting Principles Board of the American Institute of Certified Public Accountants;

3. Accounting Principles [(Volume III, June 1, 2000)] promulgated by the Committee on Accounting Procedure of the American Institute of Certified Public Accountants;

4. Statements on Auditing Standards [(2000 Edition)] issued by the Auditing Standards Board of the American Institute of Certified Public Accountants;

5. Statements on Standards for Accounting and Review Services [(January 1, 1999)] issued by the American Institute of Certified Public Accountants;

6. Statements of Governmental Accounting and Financial Reporting Standards [(June 30, 1999)] issued by the Governmental Accounting Standards Board;

7. Statements on Governmental Auditing Standards issued by the Comptroller General of the United States;

8. Statements on Standards for Attestation Engagements [(January 1, 2000)] issued by the Accounting and Review Services Committee of the American Institute of Certified Public Accountants; and

9. Standards issued by various governmental bodies with which the auditor is required to comply.

18 VAC 5-21-140. Standards of practice for CPA certificate holders providing tax compliance and advice.

In addition to the standards of conduct established in 18 VAC 5-21-120, CPA certificate holders who provide tax compliance and tax advisory services shall comply with the [following] standards [~~of practice~~ as appropriate under the circumstances, set forth in the Statements on Responsibilities in Tax Practice promulgated by the Responsibilities in Tax Practice Committee and the Tax Executive Committee of the American Institute of Certified Public Accountants.]

~~1. Due diligence. A CPA certificate holder shall exercise due diligence as to accuracy in preparing, approving and filing, tax returns, documents, affidavits, and other papers relating to income tax matters.~~

~~2. Tax return positions.~~

~~a. A CPA certificate holder shall not recommend to a client that a position be taken with respect to the tax treatment of any item on a return unless the CPA certificate holder has a good faith belief that the position has a realistic possibility of being sustained administratively or judicially on its merits if challenged, or prepare or sign a return as an income tax return preparer if the CPA certificate holder knows that the return takes a position that the CPA certificate holder could not recommend under the aforementioned standard, except that a CPA certificate holder may recommend a position that the CPA certificate holder concludes is not frivolous so long as the position is adequately disclosed on the return or claim for refund.~~

~~b. In recommending certain tax return positions and in signing a return on which a tax return position is taken, a CPA certificate holder shall advise the client, where relevant, as to the potential penalty consequences of the recommended tax return position and the opportunity, if any, to avoid such penalties through disclosure.~~

~~c. A CPA certificate holder shall not recommend a tax return position that exploits the tax authority's tax election process, or serves as a mere "arguing" position advanced solely to obtain leverage in the bargaining process of settlement negotiation with the tax authority.~~

~~3. Answers to questions on returns. A CPA certificate holder shall make a reasonable effort to obtain from the client, and provide, appropriate answers to all questions on a tax return before signing as preparer.~~

~~4. Certain procedural aspects of preparing returns.~~

~~a. In preparing or signing a return, the CPA certificate holder may in good faith rely without verification upon information furnished by the client or by third parties; however, the CPA certificate holder shall not ignore the implications of information furnished and shall make reasonable inquiries if the information furnished appears to be incorrect, incomplete, or inconsistent either on its face or on the basis of other facts known to the CPA certificate holder.~~

~~b. Where the tax authority imposes a condition to deductibility or other tax treatment of an item (such as taxpayer maintenance of books and records or substantiating documentation to support the reported deduction or tax treatment), the CPA certificate holder shall make appropriate inquiries to determine to the CPA certificate holder's satisfaction whether conditions for deductibility or other tax treatment of an item (such as taxpayer maintenance of books and records or substantiating documentation to support the reported deduction or tax treatment) has been met.~~

~~c. The CPA certificate holder who is required to sign the return shall consider information actually known to the~~

~~CPA certificate holder from the tax return of another client when preparing a tax return if the information is relevant to that tax return, its consideration is necessary to properly prepare that tax return, and use of such information does not violate any law or rule relating to confidentiality.~~

~~5. Use of estimates. A CPA certificate holder may prepare tax returns involving the use of the taxpayer's estimates if it is impracticable to obtain exact data and the estimated amounts are reasonable under the facts and circumstances known to the CPA certificate holder and so long as the presentation does not imply greater accuracy than exists.~~

~~6. Departure from a position previously concluded in an administrative proceeding or court decision. A CPA certificate holder shall base a recommendation of a position to be taken concerning the tax treatment of an item in the preparation or signing of a tax return upon the facts and the law as they are evaluated at the time the return is prepared or signed by the CPA certificate holder.~~

~~7. Knowledge of error: return preparation.~~

~~a. A CPA certificate holder shall inform the client promptly upon becoming aware of an error in a previously filed return or upon becoming aware of a client's failure to file a required return and recommend the measures to be taken.~~

~~b. If the CPA certificate holder is requested to prepare the current year's return and the client has not taken appropriate action to correct an error in a prior year's return, the CPA certificate holder shall consider whether to withdraw from preparing a return and whether to continue a professional relationship with a client.~~

~~8. Knowledge of error: administrative proceedings. When the CPA certificate holder is representing a client in an administrative proceeding with respect to a return which contains an error of which the CPA certificate holder is aware, the CPA certificate holder shall inform the client promptly upon becoming aware of the error, recommend the measures to be taken, and request the client's agreement to disclose the error to the tax authority. Lacking such agreement, the CPA certificate holder shall consider whether to withdraw from representing the client in the administrative proceeding and whether to continue in a professional relationship with the client.~~

~~9. Form and content of advice to clients.~~

~~a. In providing tax advice, the CPA certificate holder shall use judgment to ensure that the tax advice given to a client reflects professional competence and appropriately serves the client's needs.~~

~~b. In advising or consulting with a client on tax matters, the CPA certificate holder shall assume that the advice or consultation provided a client on tax matters will affect the manner in which the matters or transactions considered ultimately will be reported on the client's tax returns.]~~

Final Regulations

18 VAC 5-21-150. Standards of practice for CPA certificate holders providing consulting services.

A CPA certificate holder providing management consulting advisory services shall comply with the following standards of practice:

1. *Client interest.* Serve the client interest by seeking to accomplish the objectives established by the understanding with the client while maintaining integrity and objectivity.
2. *Understanding with client.* Establish with the client a written or oral understanding about the responsibilities of the parties and the nature, scope, and limitations of services to be performed, and modify the understanding if circumstances require a significant change during the engagement.
3. *Communication with client.* Inform the client of (i) conflicts of interest that may occur pursuant to interpretations of the standards of conduct established in 18 VAC 5-21-120; (ii) significant reservations concerning the scope of benefits of the engagement; and (iii) significant engagement findings or events.

PART VI.

STANDARDS OF PRACTICE FOR FIRMS HOLDING REGISTRATION CERTIFICATES.

18 VAC 5-21-160. Standards of practice for firms holding registration certificates.

A. *Use of terms by firms.* No firm having an office in Virginia shall use or assume the title or designation "certified public accountant," "public accountant," "CPA," or any other title, designation, phrase, acronym, abbreviation, sign, card, or device tending to indicate that it is offering to practice or is practicing public accountancy unless at least 51% of the owners currently hold a valid CPA certificate or CPA certificate by endorsement.

B. *Management of offices.* Each firm's office or offices located in Virginia that is offering services involving the practice of public accountancy shall be managed by a certified public accountant holding a valid CPA certificate.

C. *Client's records.* Upon request, a firm shall furnish to the firm's client or former client, within a reasonable time, any accounting or other record prepared by and belonging to the client, or obtained from or on behalf of the client, which the regulant or another member of his firm removed from the client or the client's premises, or had received for the client's account.

D. *Ownership of regulant's working papers and records.* All working papers, including but not limited to statements, programs, records, schedules, and memoranda, prepared by the regulant incident to rendering services to a client are the property of the regulant's firm absent an express agreement between the firm and the client to the contrary. Such working papers shall not be sold, transferred, or bequeathed, to anyone other than a regulant without the consent of the client, except this rule shall not be construed to (i) affect in any way the regulant's obligation to comply with a validly issued and enforceable subpoena or summons, or to prohibit a regulant's compliance with applicable laws and government regulations

or (ii) prohibit a transfer to another firm licensed in Virginia in conjunction with a sale or merger of all or part of a member's practice so long as the regulant takes appropriate precautions (e.g., through a written confidentiality agreement) so that the purchaser or merging entity does not disclose any information obtained in the transaction. The purchaser or party to a merger shall not use to their advantage nor disclose any member's confidential client information that comes to their attention.

E. *Peer review.* If required, a firm shall comply with the peer review requirements of 18 VAC 5-21-70.

F. *Power of inspection.* The board and its duly authorized agents shall have the power to inspect the work product and all supporting working papers and records of all regulants in connection with an investigation or relating to compliance with statutes and regulations.

PART VII.

CONTINUING PROFESSIONAL EDUCATION.

18 VAC 5-21-170. Continuing professional education requirements [for CPA certificate applicants and] for CPA certificate holders.

A. [~~CPE requirements for CPA certificate renewal~~ Use of CPA designation and performing services for the public].

1. As provided in § 54.1-2004 B of the Code of Virginia, any person referring to himself as a Certified Public Accountant or "CPA," including the use of the "CPA" title on individual business cards, letterhead and all other documents and devices except the CPA [wall] certificate, and who is performing or offering to perform any services involving accounting skills or auditing skills, issuing reports on financial advisory or consulting services, preparing tax returns, or furnishing advice on tax matters, for the public, shall obtain 120 hours of [~~continuing professional education (CPE)~~ CPE] during each CPE reporting cycle with a minimum of 20 hours per CPE reporting year. The CPA certificate holder may choose the areas of study and courses.

2. Any person covered by this provision who, prior to implementation of § 54.1-2004 B of the Code of Virginia on October 4, 1999, provided one or more of the services described in subdivision 1 of this subsection, but was not required to obtain CPE, shall obtain at least 20 hours of CPE in each of the CPE reporting years 2000, 2001 and 2002 and meet the [~~420-hour~~ 120-hour] requirement for the [CPE] reporting cycle ending [~~June 30~~ December 31], 2002.

[3. Any person applying for a CPA certificate pursuant to 18 VAC 5-21-40 three or more years after his successful completion of the CPA examination who intends to provide the services described in subdivision 1 of this subsection shall, in addition, submit evidence of having met the 120-hour CPE requirement in subdivision 1 of this subsection as though subdivision 1 of this subsection had been applicable to the applicant during the three calendar years prior to the date of his application.]

[~~3. 4.~~] [~~Any person commencing~~ Any CPA certificate holder whose original CPA certification application was

received by the board fewer than three years after his successful completion of the CPA examination who commences] the services described in subdivision 1 of this subsection after December 31, 2000, shall have obtained 40 hours of CPE within the [year 12 months] preceding the date such services are first offered to the public and obtain the remaining 80 hours of CPE by the end of the second CPE reporting year following the date of commencing such services with no less than 20 hours in each of these two CPE reporting years.

[~~4. The June 30 CPE reporting year commenced on July 1, 1999, for purposes of CPE certificate renewals on or after September 30, 2000. For purposes of initial adoption of a June 30 CPE reporting year, CPE credits obtained during the six-month period ended June 30, 1999, may be included in the CPE reporting year ending June 30, 2000.~~]

[~~B. Use of CPA designation and performing services other than for the public.~~]

[~~5. 1.] As provided in § 54.1-2004 C of the Code of Virginia, effective July 1, 2002, any person referring to himself as a Certified Public Accountant or "CPA," including the use of the "CPA" title on individual business cards, letterhead and all other documents and devices except the CPA [wall] certificate, [~~and~~] who is performing or offering to perform any services involving accounting skills or auditing skills, issuing reports on financial advisory or consulting services, preparing tax returns, or furnishing advice on tax matters, for an employer or other organization and not for the public, or who is employed as an educator in the field of accounting, shall meet the following CPE requirements as a condition of renewal of the person's CPA certificate: (i) for the three-year reporting period beginning July 1, 2002, a minimum of 45 credit hours with a minimum of 10 hours per year, (ii) for the three-year reporting period beginning July 1, 2005, a minimum of 90 credit hours with a minimum of 15 hours per year, and (iii) for the three-year reporting periods beginning on or after July 1, 2008, a minimum of 120 credit hours with a minimum of 20 hours per year. The CPA certificate holder may choose the areas of study and courses.~~

[~~6. 2.] Individuals failing to meet the CPE requirements may be subject to requalification, including possible re-examination and submission of experience qualifications. The board may, at its discretion, waive or defer CPE requirements so long as such waiver or deferral is in the public interest.~~

[3. Any person applying for a CPA certificate pursuant to 18 VAC 5-21-40 three or more years after his successful completion of the CPA examination who intends to provide the services described in subdivision 1 of this subsection shall, in addition, submit evidence of having met the CPE requirement of subdivision 1 of this subsection as though subdivision 1 of this subsection had been applicable to the applicant during the three calendar years prior to the date of his application. Furthermore, if such person obtained his CPA certificate at a time when he did not intend to provide services for the public and subsequently decides to provide for the public the services described in subdivision A 1 of this section, then such regulant shall, prior to performing

such services, meet the 120-hour requirement of subdivision A 1 of this section.

C. Use of CPA designation and not performing services

1. Any CPA certificate holder who is not performing or offering to perform any of the services described in subdivision A 1 or B 1 of this section is not required to meet CPE requirements.

2. Any CPA certificate holder who ceases to perform services for the public shall meet the CPE requirements described in subdivision A 1 of this section for any reporting year in which he performed those services. Any CPA certificate holder who performs services for the public for less than a complete reporting cycle shall complete at least 20 hours in each reporting year that he did perform services for the public during the reporting cycle.]

[~~B. D.] Requirements for retaining records.~~

1. It is the responsibility of the CPA certificate holder to retain evidence of satisfactory completion of CPE credit hours for a period of three years from the anniversary date of renewal. Such documentation shall be in the form of the certificate of completion provided by the sponsor [~~or~~ ,] verification from the institution offering the course [,] written statement from the course provider verifying the regulant's attendance, or any other documentation deemed agreeable by the board].

2. The CPA certificate holder shall provide such documentation to the board or its authorized agent upon request.

[~~C. E.] Continuing professional education credit.~~

1. One credit hour shall be given for each 50-minute period of instruction. One semester hour of college credit is 15 CPE credit hours and one quarter hour of college credit is 10 CPE credit hours.

2. A CPA certificate holder who instructs courses that qualify for CPE credit for participants will be awarded two additional hours of CPE for each credit hour of instruction. The instructor shall retain evidence to support the request for credit. The instructor shall be given no credit for subsequent sessions involving substantially identical subject matter. The credit given for instructing shall not exceed 30 credit hours per CPE [~~three-year period~~ reporting cycle].

3. CPE credit hours for successful completion of a self-study course shall be established by the sponsor according to the type of CPE self-study program and pre-tests to determine average completion time. Interactive self-study programs shall receive CPE credit equal to the average completion time. Noninteractive self-study programs shall receive CPE credit equal to one-half of the average completion time. For example, an interactive self-study program that takes an average of two contact hours to complete shall receive two CPE credit hours, and a noninteractive self-study program that takes an average of two contact hours to complete shall receive one CPE credit hour.

Final Regulations

[DOCUMENTS INCORPORATED BY REFERENCE

Standards for Performing and Report Peer Reviews (including interpretations issued through October 5, 1998), effective January 1, 1999, American Institute of Certified Public Accountants.

Codification of Governmental Accounting and Financial Reporting Standards, June 30, 1999, Governmental Accounting Standards Board.

Codification of Statements on Standards for Attestation Engagements, Numbers 1 to 9, January 1, 2000, American Institute of Certified Public Accountants.

Codification of Statements on Auditing Standards (including Statements on Standards for Attestation Engagements), Numbers 1 to 90, 2000 Edition, American Institute of Certified Public Accountants.

Codification of Statements on Standards for Accounting and Review Services, Number 1 to 7, January 1, 1999, American Institute of Certified Public Accountants.

Original Pronouncements, Accounting Standards, Volumes I, II and III, June 1, 2000, Financial Accounting Standards Board.

Statements on Responsibilities in Tax Practice, American Institute of Certified Public Accountants.]

NOTICE: The forms used in administering 18 VAC 5-21-10 et seq., Board of Accountancy Regulations, are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Board of Accountancy, 3600 W. Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

Original CPA Certificate Application, 03CERT [~~(10/4/99)~~ (11/27/00)]

CPA Certificate by Endorsement Application, 03END [~~(10/4/99)~~ (11/27/00)]

~~Verification of Experience, 03EXP (10/4/99)]~~

Firm Registration Certificate Application, 03FIRM (10/4/99)

CPA Certificate Reinstatement Application, 03CRTREI (10/4/99)

VA.R. Doc. Nos. R00-21 and R00-22; Filed February 27, 2001, 3:44 p.m.

BOARD OF SOCIAL WORK

Title of Regulation: 18 VAC 140-20-10 et seq. Regulations Governing the Practice of Social Work (amending 18 VAC 140-20-100, 18 VAC 140-20-110, and 18 VAC 140-20-160; adding 18 VAC 140-20-105 and 18 VAC 140-20-106).

Statutory Authority: §§ 54.1-2400 and 54.1-3705 of the Code of Virginia.

Effective Date: April 25, 2001.

Summary:

In compliance with a statutory mandate, the board is promulgating continuing education requirements for the renewal of social work and clinical social work licensure. The board has adopted a requirement of 30 contact hours per biennium, with two-thirds of the hours coming from formally organized activities, and the remaining one-third of the hours coming from independent professional activities. The amendments include a provision for an inactive licensure status to accommodate individuals who are not actively practicing social work, and who may be unable to meet the continuing education requirements.

In the adoption of final regulations, the board amended 18 VAC 140-20-105 B 1 to provide that a maximum of 15 hours in continuing education credit will be accepted for each academic course offered at an accredited college or university.

Summary of Public Comments and Agency's Response: A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

Agency Contact: Copies of the regulation may be obtained from Rai Minor, Board of Social Work, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9914.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 17:4 VA.R. 572-578 November 6, 2000 with the additional changes shown below. Therefore, pursuant to § 9-6.14:22 A of the Code of Virginia, the text of the final regulation is not set out at length; however, the changes from the proposed regulation are printed below.

18 VAC 140-20-100. [No change from proposed.]

18 VAC 140-20-105. Continued competency requirements for renewal of an active license.

A. After [~~(establish date to allow one full renewal cycle for licensees to obtain CE)~~ April 25, 2003], licensed social workers and licensed clinical social workers shall be required to have completed a minimum of 30 contact hours of continuing education for each biennial licensure renewal. A minimum of two of those hours must pertain to the standards of practice and laws governing the profession of social work in Virginia, or the Code of Ethics of one of the social work professional associations listed under subdivision B 1 d.

1. The board may grant an extension for good cause of up to one year for the completion of continuing education requirements upon written request from the licensee prior to the renewal date. Such extension shall not relieve the licensee of the continuing education requirement.

2. The board may grant an exemption for all or part of the continuing education requirements due to circumstances beyond the control of the licensee such as temporary disability, mandatory military service, or officially declared disasters.

B. Hours may be obtained from a combination of board-approved activities in the following three categories:

1. *Category I. Formally Organized Learning Activities.* A minimum of 20 hours shall be documented in this category, which shall include one or more of the following:

a. Regionally accredited university or college academic courses in a behavioral health discipline. [~~One semester credit hour is equivalent to 15 contact hours~~ A maximum of 15 hours will be accepted for each academic course].

b. Continuing education programs offered by universities or colleges accredited by the Council on Social Work Education.

c. Workshops, seminars, conferences, or courses in the behavioral health field offered by federal, state or local social service agencies, public school systems or licensed health facilities and licensed hospitals.

d. Workshops, seminars, conferences or courses in the behavioral health field offered by an individual or organization that has been certified or approved by one of the following:

(1) *The Child Welfare League of America and its state and local affiliates.*

(2) *The National Association of Social Workers and its state and local affiliates.*

(3) *The Association of Black Social Workers and its state and local affiliates.*

(4) *The Family Service Association of America and its state and local affiliates.*

(5) *The National Federation of Societies for Clinical Social Work, Inc. and its state and local affiliates.*

(6) *Individuals or organizations who have been approved as continuing education sponsors by the Association of Social Work Boards or any state social work board.*

2. *Category II. Individual Professional Activities.* A maximum of 10 of the required 30 hours may be earned in this category, which shall include one or more of the following:

a. *Participation in an Association of Social Work Boards item writing workshop. (Activity will count for a maximum of two hours.)*

b. *Publication of a professional social work-related book or initial preparation/presentation of a social work-related course. (Activity will count for a maximum of 10 hours.)*

c. *Publication of a professional social work-related article or chapter of a book, or initial preparation/presentation of a social work-related in-service training, seminar or workshop. (Activity will count for a maximum of five hours.)*

d. *Provision of a continuing education program sponsored or approved by an organization listed under Category I. (Activity will count for a maximum of two hours and will only be accepted one time for any specific program.)*

e. *Field instruction of graduate students in a Council on Social Work Education-accredited school. (Activity will count for a maximum of two hours.)*

f. *Serving as an officer or committee member of one of the national professional social work associations listed under subdivision B 1 d of this section. (Activity will count for a maximum of two hours.)*

g. *Attendance at formal staffings at federal, state or local social service agencies, public school systems or licensed health facilities and licensed hospitals. (Activity will count for a maximum of five hours.)*

h. *Independent or group study including listening to audio tapes, viewing video tapes, reading, professional books or articles. (Activity will count for a maximum of five hours.)*

18 VAC 140-20-106. [No change from proposed.]

18 VAC 140-20-110. [No change from proposed.]

18 VAC 140-20-160. [No changed from proposed.]

NOTICE: The forms used in administering 18 VAC 140-20-10 et seq., Regulations Governing the Practice of Social Work, are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Board of Social Work, Southern States Building, 6606 W. Broad Street, 4th Floor, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

~~Social Worker Licensure Application (rev. 10/98).~~

~~Clinical Social Worker Licensure Application (rev. 10/98).~~

~~Registration of Supervision; Post-Graduate Degree Supervised Experience (rev. 12/97).~~

~~Verification of Clinical Supervision (rev. 12/97).~~

~~Verification of Casework Management and Supportive Services (rev. 12/97).~~

~~Licensure Verification of Out-of-State Supervisor (rev. 10/98).~~

~~Out-of-State Licensure Verification (rev. 1995).~~

~~Renewal Notice and Application (rev. 7/97).~~

~~Registration of Supervision, rev. 11/2000.~~

~~Social Worker Licensure Application, rev. 11/2000.~~

~~Clinical Social Worker Licensure Application, rev 11/2000.~~

~~Verification of Clinical Supervision, rev. 11/2000.~~

~~Verification of Casework Management and Supportive Services, rev. 11/2000.~~

~~Renewal Notice and Application, rev. 11/2000.~~

~~Out of State Licensure Verification, rev. 11/2000.~~

Final Regulations

Licensure Verification of Out-of-State Supervisor, rev. 11/2000.

Form for Reporting Social Work Attendance at Formal Staffing, eff. 11/2000.

Form for Reporting Social Work Independent Study, eff. 11/2000.

General Information for Licensure by Examination as a Licensed Social Worker, with Application Instructions, rev. 11/2000.

General Information for Licensure by Endorsement as a Licensed Social Worker, with Application Instructions, rev. 11/2000.

General Information for Licensure by Examination as a Clinical Social Worker, with Application Instructions, rev. 11/2000.

[*General Information for Licensure by Endorsement as a Clinical Social Worker, with Application Instructions, eff. 11/2000.*]

Registration of Supervision [Instructions], rev. 11/2000.

VA.R. Doc. No. R00-31; Filed March 7, 2001, 11:26 a.m.

◆ ————— ◆

TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

COMMONWEALTH TRANSPORTATION BOARD

REGISTRAR'S NOTICE: The Commonwealth Transportation Board is claiming an exemption from the Administrative Process Act in accordance with § 9-6.14:4.1 B 4 of the Code of Virginia, which exempts regulations relating to grants of state or federal funds or property.

Title of Regulation: **24 VAC 30-440-10 et seq. Recreational Access Funding (REPEALED).**

Statutory Authority: §§ 33.1-12 and 33.1-223 of the Code of Virginia.

Effective Date: March 6, 2001.

Summary:

This regulation appears in VDOT's Department Policy Memoranda Manual. It contains a brief listing of policy, funding criteria, and limitations of the Recreational Access Fund Program, as administered by the Commonwealth Transportation Board.

VDOT has repealed this regulation in recognition of the existence of another, more detailed regulation on the subject entitled, "Recreational Access Guide" (24 VAC 30-300-10).

Agency Contact: Copies of the regulation may be obtained from David L. Roberts, Management Services Division,

Virginia Department of Transportation, 1401 East Broad Street, Richmond, VA 23219, telephone (804) 786-3620.

VA.R. Doc. No. R01-141; Filed March 6, 2001, 3:17 p.m.

Title of Regulation: **24 VAC 30-450-10 et seq. Airport Access Program.**

Statutory Authority: §§ 33.1-12 and 33.1-221 of the Code of Virginia.

Effective Date: March 6, 2001.

Summary:

This regulation appears in VDOT's Department Policy Memoranda Manual. It outlines policies and funding provisions that VDOT will follow in providing funding under the Airport Access Fund Program as administered by the Commonwealth Transportation Board. This regulation, previously filed by description, is not set out in full.

The amendments increase the maximum annual funding allocation from \$250,000 to \$300,000 and provide that additional funding may be approved on a dollar-by-dollar matching basis if the funding is supplemented by money other than from highway funds. This additional funding may not exceed \$150,000 and only applies if the total estimated cost of eligible items for the improvements exceeds \$300,000.

Agency Contact: Copies of the regulation may be obtained from David L. Roberts, Management Services Division, Virginia Department of Transportation, 1401 East Broad Street, Richmond, VA 23219, telephone (804) 786-3620.

CHAPTER 450. AIRPORT ACCESS FUNDING PROGRAM.

24 VAC 30-450-10. Introduction.

The airport access road ~~fund~~ *program* is used to provide access to ~~publicly owned licensed, public-use~~ airports.

24 VAC 30-450-20. Policy.

The Commonwealth Transportation Board, in cooperation with the Department of Aviation, shall administer the funds for the construction of access routes to ~~publicly owned licensed, public-use~~ airports.

24 VAC 30-450-30. Limitations.

Airport access funding shall not be used for the acquisition of rights of way or adjustment of utilities.

24 VAC 30-450-40. Funding criteria and exceptions.

A. Not more than ~~\$250,000~~ \$300,000 annually shall be allocated to serve any one airport. Prior to the allocation, the governing body of the county, city, or town must, by resolution, request the access funds. The governing body must commit for the right-of-way and utility adjustment as needed.

B. *If funding is supplemented by money other than from highway funds, additional funding may be approved on a*

dollar-by-dollar matching basis. This provision applies only if the total estimated cost of eligible items for the improvements exceeds \$300,000. This additional funding shall not exceed \$150,000.

VA.R. Doc. No. R01-142; Filed March 6, 2001, 3:17 p.m.

* * * * *

Title of Regulation: 24 VAC 30-460-10. Industrial Access Funding (REPEALED).

Statutory Authority: §§ 33.1-12 and 33.1-221 of the Code of Virginia.

Effective Date: March 6, 2001.

Summary:

This regulation appears in VDOT's Department Policy Memoranda Manual. This regulation establishes guidelines, policies, and procedures that VDOT will follow in providing funding under the Industrial Access Fund Program as administered by the Commonwealth Transportation Board.

VDOT has repealed this regulation in recognition of the existence of another, more detailed regulation on the subject entitled, "Guide to the Industrial Access Funding Program" (24 VAC 30-270-10).

Agency Contact: David L. Roberts, Management Services Division, Virginia Department of Transportation, 1401 East Broad Street, Richmond, VA 23219, telephone (804) 786-3620.

VA.R. Doc. No. R01-143; Filed March 6, 2001, 3:17 p.m.



EMERGENCY REGULATIONS

TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

Title of Regulation: **8 VAC 20-650-10 et seq. Regulations Governing the Determination of Critical Teacher Shortage Areas for Awarding the Virginia Teaching Scholarship Loan Program.**

Statutory Authority: § 22.1-212.2.1 of the Code of Virginia.

Effective Dates: March 7, 2001, through March 6, 2002.

Preamble:

House Bill 1404 of the 2000 General Assembly requires the Board of Education to promulgate emergency regulations governing the determination of critical teacher shortage areas for awarding the Virginia teaching scholarship loan program.

The Board of Education is required to determine critical shortage areas of teachers. Due to the fact that information must be obtained from each of the school divisions in Virginia, school divisions will need to provide the information. A survey conducted biennially will meet this need. The Department of Education will review the information requested on the survey carefully to ensure that duplicate information from other department surveys is not being requested.

Due to the fact that the information needed is not collected by any other agency and it is needed to determine teacher shortage areas, a survey would be the most feasible means of collecting the data.

Agency Contact: Dr. Margaret N. Roberts, Executive Assistant to the Board of Education, James Monroe Building, 101 N. 14th Street, 25th Floor, Richmond, VA 23219, telephone (804) 225-2540.

CHAPTER 650.

REGULATIONS GOVERNING THE DETERMINATION OF CRITICAL TEACHER SHORTAGE AREAS FOR AWARDED THE VIRGINIA TEACHING SCHOLARSHIP LOAN PROGRAM.

8 VAC 20-650-10. Biennial survey.

Beginning in school year 2001-2002, to obtain the data necessary for establishing critical teacher shortage areas a biennial survey of instructional personnel shall be conducted as follows:

1. The Department of Education shall be responsible for the administration of the biennial survey and shall:

a. Distribute to each local school division a biennial survey of instructional personnel for the purpose of determining critical teacher shortages for awarding scholarships. The department may distribute the survey through electronic means; and

b. Post the results of the survey in a manner that will permit access to the public through an electronic process.

2. Each local school division shall be required to submit a completed survey within the timeframe established by the department. If the survey is distributed through electronic means then the survey shall be completed and submitted to the department through electronic means as identified by the department.

3. To obtain information about the differences in the supply and demand among Virginia school divisions the survey will require, but not limited to, the following data:

(1) Number of teaching positions by subject area;

(2) Number of teacher shortages by endorsement (teaching) area existing when the number of available teachers with the appropriate endorsement is fewer than is needed to fill classrooms;

(3) Number of teachers employed without the appropriate teaching endorsement; and

(4) Number of teachers employed without a full license for their teaching assignment.

8 VAC 20-650-20. Establishing critical shortage areas.

For the purpose of administering the Virginia Teaching Scholarship Loan Program, the Board of Education shall:

Utilize the data collected through the biennial survey to establish critical teacher shortage areas as follows:

a. Teacher shortages reported by school divisions are defined as existing when the number of available teachers with the appropriate endorsement is fewer than is needed to fill public school classrooms.

b. To determine statewide shortages, the number of teacher shortages by endorsement (teaching) area shall be reported by school divisions in the survey instrument. The number of teacher shortages reported by school divisions will be tabulated by endorsement area. The top ten teaching areas with the largest number of positions that could not be filled with teachers with the appropriate endorsement will be identified as statewide teacher shortages.

c. An individual may be eligible for a scholarship, regardless of teaching discipline, by agreeing to teach in a school with a high concentration (50 or more percent) of students eligible for free or reduced lunch or in a rural or urban school division of the state based on the current Metropolitan Statistics Area (MSA) data for Virginia where 10 percent of the teachers are not fully licensed for their teaching assignment.

/s/ James S. Gilmore III
Governor

Date: March 5, 2001

VA.R. Doc. No. R01-137; Filed March 7, 2001, 9:56 a.m.



GOVERNOR

EXECUTIVE ORDER SEVENTY-FOUR (01)

BALANCED BUDGET IMPLEMENTATION PLAN 2000-02 BIENNIUM

Preamble

Pursuant to the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, and in accordance with Article X, Section 7 of the Constitution of Virginia and Chapter 1073 of the 2000 Acts of Assembly, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby direct the Director of the Department of Planning and Budget to implement the following plan to ensure a balanced budget.

The General Assembly has adjourned the 2001 regular session without enacting an appropriation bill amending the 2000 Appropriation Act to bring appropriations and estimated revenues into balance. Therefore, the 2000 Appropriations Act remains the appropriations law of Virginia for the 2000-02 biennium and the Constitutional and statutory responsibility falls to me, as Governor, to reduce expenditures and balance the state budget.

The 2000 Appropriation Act (Chapter 1073 of the 2000 Acts of Assembly) is based on estimates of revenue growth totaling 5.5 percent in fiscal year 2001 and 6.9 percent in fiscal year 2002. Due to slower than expected economic growth over the past year, however, actual revenue growth has slowed to an estimated 3.8 percent in fiscal year 2001 and 7 percent in fiscal year 2002. While general fund revenues are still growing, the slower than expected rate of revenue growth and spending increases approved in the 2000 Appropriation Act mean that general fund expenditures are expected to exceed estimated revenues by approximately \$421 million.

Legal Authority

Article V, Section 7 of the Constitution of Virginia provides: "The Governor shall take care that the laws be faithfully executed."

Article X, Section 7 of the Constitution of Virginia provides: "[T]he Governor, subject to such criteria as may be established by the General Assembly, shall ensure that no expenses of the Commonwealth be incurred which exceed total revenues on hand and anticipated during a period not to exceed the two years and six months period established by this section of the Constitution."

Chapter 1073 of the 2000 Acts of Assembly, § 4-1.04 a.2., provides: "All appropriations are hereby declared to be maximum and conditional appropriations. The general fund appropriations shall be payable in full in the amounts named only in the event the general fund revenues are estimated by the Governor to be sufficient to pay in full all appropriations payable from the general fund revenues."

Chapter 1073 of the 2000 Acts of Assembly, § 4-1.04 a.4., provides: "During the period in which the General Assembly is not in regular or special session and in the event the estimated general fund revenues are exceeded by the total of general fund appropriations, including the currently estimated expenditures from sum sufficient appropriations, the Governor

shall, subject to the qualifications herein contained, reduce the general fund allotments of appropriations to the extent necessary to prevent any expenditures in excess of the estimated general fund revenues. Provided, however, the Governor shall take no action to reduce general fund allotments of appropriations on account of reduced revenues until such time as a formal written reestimate of general fund revenues for the current and next biennia prepared in accordance with the process specified in § 2.1-393, Code of Virginia, has been reported to the Chairmen of the Senate Finance, House Finance, and House Appropriations Committees. The Governor shall take no action to withhold allotments or reduce appropriations until a written plan for the allocation of appropriation reductions to each agency has been reported to the Chairmen of the Senate Finance and House Appropriations Committees."

Chapter 1073 of the 2000 Acts of Assembly, § 4-1.04 a.6., provides: "[I]n effecting the reduction of expenditures the Governor is authorized to withhold specific allotments of appropriations by a uniform percentage, a graduated reduction or on an individual basis, or apply a combination of these actions."

Chapter 1073 of the 2000 Acts of Assembly, § 4-8.01 b.4., provides: "A report of actual appropriations withheld by the Governor under the provisions of § 4-1.02 of this act shall be provided to the Chairmen of the House Appropriations and Senate Finance Committees by the tenth day of the month following that in which such action occurs." Additionally, "[t]he information must include amounts withheld and the agencies affected."

Balanced Budget Plan

Pursuant to this legal authority, and subject to my continuing oversight and approval, I hereby direct the following:

1. The Director of the Department of Planning and Budget forthwith shall withhold general fund allotments of appropriations in the 2000 Appropriation Act to the extent necessary to prevent any expenditures in excess of the estimated general fund revenue, and in an amount not to exceed 15 percent of the annual total general fund appropriation of each state agency, department and institution and other nonstate agencies and institutions listed in the Act for each year of the 2000-02 biennium. The Director subsequently may rescind a decision to withhold an allotment to the extent a withheld allotment is no longer necessary to prevent expenditures in excess of the estimated general fund revenue.
2. The Director of the Department of Planning and Budget shall report all actual appropriations withheld, or subsequently released from withholding, to the Chairmen of the House Appropriations and Senate Finance Committees no later than the tenth day of the month following that in which the action occurs.
3. In effecting the reduction of expenditures, the Director of the Department of Planning and Budget shall not withhold allotments of appropriations for those exceptions specified in § 4-1.04 a.5. of Chapter 1073, or for other exceptions I may prescribe. No appropriations shall be withheld from

Governor

direct aid to public K-12 schools or essential social services.

4. In addition to the actions taken pursuant to the directives above, and irrespective of the specific authority granted in § 4-1.04 a.4., beginning the effective date of this Executive Order, no state agency, department or institution shall enter, renew or extend any contract for work on any aspect of a capital project funded by the general fund. Any such contract shall be submitted to the Director of the Department of Planning and Budget for prior written approval. Any amounts to be paid on existing contracts for general fund capital projects may be made only upon presentation of proper documentation to the Director of actual obligations and expenses which are due and owing under a contract entered prior to the effective date of this Executive Order.

Procedures and Implementation

A copy of the foregoing balanced budget plan previously has been reported to the Chairmen of the Senate Finance and House Appropriation Committees.

The Director of the Department of Planning and Budget is authorized to issue procedures to implement the foregoing balanced budget plan and to obtain from state agencies, departments and institutions and other sources such information as the Department of Planning and Budget may require for this purpose. All state agencies, departments and institutions shall assist the Department of Planning and Budget in implementing this Executive Order.

This Executive Order shall be effective upon its signing and shall remain in full force and effect until June 30, 2002, unless amended, rescinded or superseded by law or by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 24th day of February, 2001.

James S. Gilmore, III, Governor

GUIDANCE DOCUMENTS

Chapter 11 of the 1997 Acts of Assembly requires annual publication in the *Virginia Register* of guidance document lists from state agencies covered by the Administrative Process Act (§ 9-6.14:1 et seq.) and the Virginia Register Act (§ 9-6.15 et seq.). A guidance document is defined as "...any document developed by a state agency or staff that provides information or guidance of general applicability to the staff or public to interpret or implement statutes or the agency's rules or regulations..." Agencies are required to maintain a complete, current list of all guidance documents and make the full text of such documents available to the public.

Generally, the format for the guidance document list is: document number (if any), title of document, date issued or last revised, and citation of Virginia Administrative Code regulatory authority or Code of Virginia statutory authority. Questions concerning documents or requests for copies of documents should be directed to the contact person listed by the agency.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 5 p.m. in the office of the State Council of Higher Education for Virginia, 101 North Fourteenth Street, Richmond, VA 23219. Copies may be obtained free of charge by contacting Fran Bradford, Regulatory Coordinator, at the same address, telephone (804) 225-2636, FAX (804) 225-2638 or e-mail Bradford@schev.edu. Many of the documents are available on the council's website at <http://www.schev.edu>. Questions regarding interpretation or implementation of these documents may be directed to Fran Bradford, Regulatory Coordinator.

Guidance Documents:

Policies and Procedures for Program Approval, revised July 1999, § 23-9.6:1(5)

Policies and Procedures Relating to Institutional Organizational Change, effective July 1, 1997, § 23-9.6:1(7)

Policies and Procedures Relating to Off-Campus Sites and Campuses, § 23-9.6:1(7)

Approval of Institutional Policy Dealing with Research and Development Contracts (Conflict of Interest Guidelines), adopted 1991, § 2.1-639.6

Guidelines for the Development of Patent and Copyright Policies and Procedures by State-Supported Institutions of Higher Education (Intellectual Property Guidelines), adopted June 3, 1987, §§ 23-4.3, 23-4.4 and 23-9.10:4

Guidelines for Higher Education Fixed Assets for Educational and General Programs, March 3, 1997, § 23-9.6:1

Equipment Trust Fund Policies and Procedures, 1988

GENERAL NOTICES/ERRATA

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS (APELSCIDLA BOARD)

Notice of Periodic Review

The APELSCIDLA Board invites public comment on 18 VAC 10-10-10 et seq., Public Participation Guidelines. This review is being conducted under Executive Order 25 (98). The board welcomes written comments on the performance and effectiveness of this regulation to meet the notification requirements contained in the Administrative Process Act and to increase input into the regulatory process in the most cost efficient manner possible.

Copies of the regulation may be obtained from the board. Written comments will be received until 5 p.m. on Friday, April 20, 2001. Comments or questions should be sent to Mark N. Courtney, Assistant Director, APELSCIDLA Board, Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, Virginia 23230, telephone (804) 367-8514.

BOARD FOR BRANCH PILOTS

Notice of Periodic Review

The Board for Branch Pilots invites public comment on 18 VAC 45-10-10 et seq., Public Participation Guidelines. This review is being conducted under Executive Order 25 (98). The board welcomes written comments on the performance and effectiveness of this regulation to meet the notification requirements contained in the Administrative Process Act and to increase input into the regulatory process in the most cost efficient manner possible.

Copies of the regulation may be obtained from the board. Written comments will be received until 5 p.m. on Friday, April 20, 2001. Comments or questions should be sent to Mark N. Courtney, Assistant Director, Board for Branch Pilots, Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, Virginia 23230, telephone (804) 367-8514.

BOARD FOR CONTRACTORS

Notice of Periodic Review and Retention

The Board for Contractors invited public comment on 18 VAC 50-10-10 et seq., Public Participation Guidelines, in 17:6 VA.R. 929 December 4, 2000. This review was conducted under Executive Order 25 (98). With no public comment being received, the Board for Contractors, at their meeting on February 21, 2001, unanimously adopted the recommendation that the "Board for Contractors Public Participation Guidelines" (18 VAC 50-10-10 et seq.) remain in effect without changes.

Copies of the regulation may be obtained from the board. Comments or questions should be sent to Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-2785.

* * * * *

The Board for Contractors invited public comment on 18 VAC 50-30-10 et seq., Tradesman Regulations, in 17:6 VA.R. 929 December 4, 2000. This review was conducted under Executive Order 25 (98). With no public comment being received, the Tradesman Committee, at their meeting on February 7, 2001, unanimously adopted the recommendation that the "Board for Contractors Tradesman Regulations" (18 VAC 50-30-10 et seq.) remain in effect without changes and be forwarded to the Board for Contractors for approval. The Board for Contractors, at their meeting on February 21, 2001, unanimously adopted the recommendation that the "Board for Contractors Tradesman Regulations" (18 VAC 50-30-10 et seq.) remain in effect without changes.

Copies of the regulation may be obtained from the board. Comments or questions should be sent to Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-2785.

DEPARTMENT OF ENVIRONMENTAL QUALITY

TMDLs for Cooks Creek and Blacks Run

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of Total Maximum Daily Loads (TMDLs) for Cooks Creek and Blacks Run: they are listed on the 1998 303(d) TMDL Priority List and Report as impaired due to violations of the State's water quality standards for Fecal Coliform and Violation of the General Standard (Benthics). The Cooks Creek stream segment begins at the headwaters and continues to the confluence with the North River. The segment is 13.32 miles in length and is listed for Fecal Coliform and violation of the General Standard (Benthics). TMDLs will be developed for both impairments (Fecal Coliform and Benthics). The Blacks Run segment is 10.74 miles in length: it begins at the headwaters and ends at the confluence with Cooks Creek. This segment is listed for violation of the General Standard and for Fecal Coliform. This group of TMDLs only covers the Benthic portion of the impairments in Blacks Run.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7.C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report.

The first public meeting on the development of these TMDLs has been rescheduled to be held on Thursday, April 12, 2001, 7 p.m. at the Pence Middle School Auditorium on Bowman Road in Dayton, Virginia.

The public comment period will end on April 20, 2001. Fact sheets on the development of the TMDLs on Cooks Creek and Blacks Run are available upon request. Questions or information requests should be addressed to Rod Bodkin. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Rod Bodkin, Department of Environmental Quality, 4411 Early Road, Harrisonburg, Virginia 22801, telephone (540) 574-7800, FAX (540) 574-7878, or e-mail rvbodkin@deq.state.va.us.

DEPARTMENT OF HEALTH

Drinking Water Funding

As described below, funding is made possible by the Drinking Water State Revolving Fund (DWSRF) Program. A description of the Water Supply Assistance Grant Fund Program is available from the department. The FY 2002 DWSRF Intended Use Plan will be developed using your input on these issues.

1. **1452(k) Source Water Protection Initiatives** - (a) Land or Conservation Easement Loans or (b) Voluntary Incentive-based Protection Measures Loans – (Yellow application) Must be postmarked by **April 26, 2001**. This provision allows VDH to loan money for activities to protect important drinking water resources. Loan funds are available to: (1) community and non-profit noncommunity waterworks to acquire land/conservation easements and (2) to community waterworks, only, to establish local, voluntary incentive-based protection measures.
2. **Planning & Design Grants** – (Gray application) Must be postmarked by **April 26, 2001**. Private and public owners of community waterworks are eligible to apply for these grant funds. Grants can be up to \$25,000 per project for small, rural, financially stressed, community waterworks serving fewer than 3,300 persons. Eligible projects may include preliminary engineering planning, design of plans and specifications, performance of source water quality and quantity studies, drilling test wells to determine source feasibility, or other similar technical assistance projects. These funds could assist the waterworks owner in future submittals for construction funds.
3. **Construction Funds** – (Cream application) Must be postmarked by **May 11, 2001**. Private and public owners of community waterworks and nonprofit noncommunity waterworks are eligible to apply for construction funds. VDH makes selections based on criteria described in the Program Design Manual, such as existing public health problems, noncompliance, affordability, regionalization, the availability of matching funds, etc. Readiness to proceed with construction is a key element. An instruction packet and Construction Project Schedule are included.
4. **Set-Aside Suggestion Forms** – (White form) Must be postmarked by **May 11, 2001**. Anyone has the opportunity to suggest new or continuing set-aside (nonconstruction) activities such as items 1 and 2 above, small system technical assistance, viability enhancements, operator

programs and general technical assistance. Set-aside funds help VDH assist waterworks owners to prepare for future drinking water challenges and assure the sustainability of safe drinking water.

The VDH's Program Design Manual describes the features of the above opportunities for funding. After receiving the aforementioned public input, VDH will develop a draft Intended Use Plan for public review and comment. When developed in August 2001, the draft Intended Use Plan will describe specific details for use of the FY 2002 funds. A public meeting is planned for the fall of 2001 and written comments will be accepted before we submit a final version to the USEPA for approval.

You may request the applications, set-aside suggestion form, Program Design Manual and information from and forward any comments to Thomas B. Gray, Department of Health, 1500 East Main Street, Richmond, VA 23219, ATTN: Room 109, telephone (804) 786-1768, FAX (804) 786-5567 or tgray@vdh.state.va.us. The materials are also accessible on our web site www.vdh.state.va.us/owp.

DEPARTMENT OF HEALTH PROFESSIONS

Notice of Periodic Review

Request for Comment

Review Announcement: Pursuant to Executive Order 25(98) and the Public Participation Guidelines, the following boards are requesting comment on existing regulations:

Board of Dentistry

18 VAC 30-20-10 et seq. Regulations Governing the Practice of Dentistry.

Goals of the Regulations:

- 1) Achieve a reduction in the number of cases of unprofessional conduct for advertising by guidelines on permissible practices.
- 2) Achieve positive ratings on Customer Service Satisfaction Survey for application process and renewal of licenses.

Board of Funeral Directors and Embalmers

18 VAC 65-20-10 et seq. Regulations Governing the Practice of Funeral Services.

Goals of the Regulations:

- 1) Achieve a reduction in the number of facility violations.
- 2) Achieve positive ratings on Customer Service Satisfaction Survey for application process and renewal of licenses.

18 VAC 65-30-10 et seq. Regulations Governing Preneed for Funeral Services.

Goal of the Regulations:

General Notices/Errata

Achieve a reduction in the number of violations related to preneed requirements.

18 VAC 65-40-10 et seq. Regulations Governing Resident Trainees in Funeral Services.

Goals of the Regulations:

- 1) Achieve a reduction in the number of late reports from supervisors and trainees.
- 2) Achieve positive results in the number of trainees passing the licensure examination.

Board of Nursing Home Administrators

18 VAC 95-20-10 et seq. Regulations Governing the Practice of Nursing Home Administrators.

Goals of the Regulations:

- 1) Achieve high ratings on Customer Service Satisfaction Survey for application process and licensure renewal.
- 2) Review training and licensure requirements to ensure safety to practice.

Board of Pharmacy

18 VAC 110-20-10 et seq. Regulations Governing the Practice of Pharmacy.

Goals of the Regulations:

- 1) Achieve high ratings on Customer Service Satisfaction Survey for application process and renewal of licensure.
- 2) Reduce the number of deficiencies noted on facility inspections.
- 3) Review regulations for unnecessary barriers to new technology or reduction in pharmacist workloads which might improve error rates and consumer safety.

The boards will consider whether the existing regulations are essential to protect the health, safety and welfare of the public in providing assurance that licensed practitioners are competent to practice. Alternatives to the current regulations or suggestions for clarification of the regulation will also be received and considered.

The public comment period ends April 25, 2001.

If any member of the public would like to comment on these regulations, please send comments by the close of the comment period to Elaine J. Yeatts, Senior Policy Analyst, Department of Health Professions, 6606 West Broad Street, Richmond, VA 23230, or e-mail to: eyeatts@dhp.state.va.us, or fax to: (804) 662-9114.

STATE MILK COMMISSION

Order Number 21 -- Moratorium on Regulations

Effective March 1, 2001 and continuing until August 31, 2001, unless amended or terminated by a majority vote of the Commission a temporary moratorium is being placed on 2 VAC 15-20-100 § 6 (b)(c)(e) and § 7 (b). This action is

being taken to ascertain the actual consequences of less restrictive retail trade practices in the selling of fluid milk products on market stability and the public interest.

This action is the result of a request made during the regulatory review process and two public hearings on a moratorium being placed on the Commission's regulatory prohibition against selling at less than cost at retail. As there was no definitive evidence, testimony, or relevant studies provided during this process of the actual effects of eliminating the prohibition, the Commission will use this moratorium to study the effects on market stability and its effect on the public interest.

Pursuant to § 3.1-443 of the Code of Virginia the Commission may require reports and information from licensed processors, distributors, retail distributors, and cooperative associations of producers during this period. This information will be utilized by the Commission to ascertain the effects of the moratorium on market stability and whether the specified regulations should be permanently repealed.

This action is taken by the Commission pursuant to the authority granted to it under § 3.1-430 (g) of the Code of Virginia. Accordingly, this notice will be posted in accordance with its provisions and mailed to all parties on the agency's mailing list.

The Commission by a majority vote on February 28, 2001 after a public hearing held on February 28, 2001, implements this order.

Please refer any questions regarding this order to Edward C. Wilson, Deputy Administrator, State Milk Commission, 200 North Ninth Street, Suite 915, Richmond, Virginia 23219, telephone (804) 786-2013, FAX (804) 786-3779, E-mail: ewilson@smc.state.va.us.

STATE WATER CONTROL BOARD

Notices of Periodic Review

Pursuant to Executive Order Number Twenty-five (1998), the Department of Environmental Quality, on behalf of the State Water Control Board, will review several regulations. The purpose of the review is to determine whether the regulations should be terminated, amended or retained in their current form. The review of the regulations will be guided by the principles listed in Executive Order Number Twenty-five (1998).

1. Fees for Permits and Certificates regulation (9 VAC 25-20-10 et seq.): The purpose of these regulations is to protect public health and welfare with the least possible costs and intrusiveness to the citizens and businesses of the Commonwealth and to recover a portion of the costs associated with processing applications for permits in order to expedite permit application processing. Comments on this regulation should be sent to Richard W. Ayers at the address below or email rwayers@deq.state.va.us.

2. Policy for Nutrient Enriched Waters (9 VAC 25-40-10 et seq.): The purpose of these regulations is to protect public

health and welfare with the least possible costs and intrusiveness to the citizens and businesses of the Commonwealth and to decrease or have no significant increase in the quantity of nuisance algae or aquatic plants found in waters designated nutrient enriched. Comments on this regulation should be sent to Jean W. Gregory at the address below or email jwgregory@deq.state.va.us.

3. Water Withdrawal Reporting regulation (9 VAC 25-200-10 et seq.): The purpose of these regulations is to protect public health and welfare with the least possible costs and intrusiveness to the citizens and businesses of the Commonwealth; to document the amount of water withdrawn from surface and ground water resources by requiring withdrawers to annually report their withdrawals; to provide data necessary to efficiently plan for water supply needs of the citizens by identifying areas where water withdrawals can cause significant impact on the local water supply sources; and to serve the water supply information needs of other state, local and federal agencies. Comments on this regulation should be sent to Erlinda Patron at the address below or email elpatron@deq.state.va.us.

4. Procedural Rule No. 1 (9 VAC 25-230-10 et seq.): The purpose of these regulations is to protect public health and welfare with the least possible costs and intrusiveness to the citizens and businesses of the Commonwealth and to establish consistent procedures for the review of requests for and the conduct of public and formal hearings. Comments on this regulation should be sent to Cindy M. Berndt at the address below or email cberndt@deq.state.va.us.

5. Procedural Rule No. 4 (9 VAC 25-250-10 et seq.). The purpose of these regulations is to protect public health and welfare with the least possible costs and intrusiveness to the citizens and businesses of the Commonwealth and to establish clear and consistent procedures for voting by proxy. Comments on this regulation should be sent to Cindy M. Berndt at the address below or email cberndt@deq.state.va.us.

6. Underground Storage Tanks: Technical Standards and Corrective Action Requirements regulation (9 VAC 25-580-10 et seq.). The purpose of these regulations is to protect public health and welfare with the least possible costs and intrusiveness to the citizens and businesses of the Commonwealth; to establish procedures and requirements for design, construction, installation and general operation to ensure a minimum number of future tank leaks will affect human health and the environment; and to establish procedures and requirements for release reporting, investigation and response and corrective action to provide for efficient cleanups when leaks occur. Comments on this regulation should be sent to Fred Cunningham at the address below or email fkunningh@deq.state.va.us.

The department and the board are seeking public comment on the review of any issue relating to these regulations including whether (i) the regulations are effective in achieving their goals; (ii) the regulations are essential to protect the health, safety or welfare of citizens or for the economical performance of important governmental functions; (iii) there

are less burdensome and less intrusive alternatives for achieving the purpose of the regulations; and (iv) the regulations are clearly written and easily understandable by the affected persons.

Comments on the above are welcome and will be accepted until April 16, 2001. Comments should be sent to the contact person listed above at the Department of Environmental Quality, Post Office Box 10009, 629 East Main Street, Richmond, Virginia 23240-0009. (Note: Please include your full name and mailing address in the email.)

VIRGINIA CODE COMMISSION

Notice to State Agencies

Mailing Address: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, FAX (804) 692-0625.

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

All agencies are required to use the appropriate forms when furnishing material for publication in *The Virginia Register of Regulations*. The forms may be obtained from: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.



Internet: Forms and other *Virginia Register* resources may be printed or downloaded from the *Virginia Register* web page: <http://legis.state.va.us/codecomm/register/regindex.htm>

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

-  Location accessible to persons with disabilities
 Teletype (TTY)/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. If you are unable to find a meeting notice for an organization in which you are interested, please check the Commonwealth Calendar at www.vipnet.org or contact the organization directly.

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) 698-1500 or Senate Information and Constituent Services at (804) 698-7410 or (804) 698-7419/TTY , or visit the General Assembly web site's Legislative Information System (<http://leg1.state.va.us/lis.htm>) and select "Meetings."

VIRGINIA CODE COMMISSION

EXECUTIVE


BOARD OF ACCOUNTANCY

April 24, 2001 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Conference Room 5W, Richmond,
Virginia. 


A meeting to conduct routine business. A public comment period will be held at the beginning of the meeting.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2648, FAX (804) 367-6128, (804) 367-9753/TTY , e-mail accountancy@dpor.state.va.us.

VIRGINIA AGRICULTURAL COUNCIL


March 26, 2001 - 9 a.m. -- Open Meeting
March 27, 2001 - 9 a.m. -- Open Meeting
Holiday Inn Monticello, 1200 Fifth Street, Charlottesville,
Virginia.  (Interpreter for the deaf provided upon request)

A two-day meeting to hear and act upon agricultural project proposals for financial assistance through the Virginia Agricultural Council. The council will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Thomas Yates at least five days before the meeting date so that suitable arrangements can be made.

Contact: Thomas R. Yates, Assistant Secretary, Department of Agriculture and Consumer Services, 1100 Bank Street, 5th Floor, Room 509, Richmond, VA, telephone (804) 786-6060, FAX (804) 371-8372, (800) 828-1120/TTY 

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES


Virginia Charity Food Assistance Advisory Board

April 12, 2001 - 10:30 a.m. -- Open Meeting
Department of Agriculture and Consumer Services,
Washington Building, 1100 Bank Street, Richmond, 2nd
Floor, Board Room, Richmond, Virginia. 

A routine meeting to discuss issues related to food insecurity. The board will hear public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Steven W. Thomas at least five days before the meeting date so that suitable arrangements can be made.

Contact: Steven W. Thomas, Executive Director, Department of Agriculture and Consumer Services, 1100 Bank Street, Room 809, Richmond, VA, telephone (804) 786-3936, FAX (804) 371-7788, homepage <http://www.vdacs.state.va.us>.


Virginia Dark-Fired Tobacco Board

† **April 4, 2001 - 10 a.m.** -- Open Meeting
Sheldon's Restaurant, Business Route 15 and 360, Keysville,
Virginia. 

A meeting to consider funding proposals for research, promotion, and education projects pertaining to Virginia dark-fired tobacco and other business that may come before the board. 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 accommodation in order to participate at the meeting should contact the person identified in this notice at least five days before the meeting date so that suitable arrangements can be made.

Contact: D. Stanley Duffer, Secretary, Department of Agriculture and Consumer Services, P.O. Box 129, Halifax, VA 24558, telephone (804) 572-4568, FAX (804) 572-8234.


Virginia Horse Industry Board

† **April 11, 2001 - 8:30 a.m.** -- Open Meeting
Virginia Cooperative Extension, 168 Spotnap Road,
Charlottesville, Virginia. 


A meeting to review grant proposals submitted for the 2001-2002 fiscal year. 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 accommodation in order to participate at the meeting should contact the person identified in this notice at least five days before the meeting date so that suitable arrangements can be made.

Contact: Andrea S. Heid, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank Street, Suite 1004, Richmond, VA 23219, telephone (804) 786-5842, FAX (804) 371-7786.

STATE AIR POLLUTION CONTROL BOARD

March 29, 2001 - 9 a.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street,
1st Floor, Richmond, Virginia. 

A public meeting to receive comments and discuss the notice of intended regulatory action to develop a regulation that controls emissions from commercial/industrial solid waste incinerators and small municipal waste combustors as required by §§ 111(d) and 129 of the federal Clean Air Act.

Contact: Karen G. Sabasteanski, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510, (804) 698-4021/TTY , e-mail kgsabastea@deq.state.va.us.

May 3, 2001 - 10 a.m. -- Public Hearing
Main Street Centre, 600 East Main Street, Lower Level,
Conference Room, Richmond, Virginia.

June 12, 2001 - 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 Air Pollution Control Board intends to amend regulations entitled: **9 VAC 5-40-10 et seq. Existing Stationary Sources (Rev. A99)**. Article 4 provides a legal mechanism whereby the board is required to make source specific Reasonable Available Control Technology (RACT) determinations for all currently known major sources subject to source specific NO_x RACT requirements under the federal Clean Air Act. Amendments are being proposed to delete the provisions that address seasonal applicability, certain exemptions and the emission allocation system.

Article 8 establishes emission limits along with compliance testing, monitoring, recordkeeping and reporting requirements for fuel burning equipment. Amendments are being proposed to establish an emissions rate limit for nitrogen oxides for electric generating units and nonelectric


generating units and create a compliance averaging plan to provide flexibility for the sources subject to the regulation.

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


Public comments may be submitted until June 12, 2001, to Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240.

Contact: Mary E. Major, Environmental Program Manager, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4423, FAX (804) 698-4510, toll-free 1-800-592-5482 or (804) 698-4021/TTY 


BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS

† **April 11, 2001 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A meeting to conduct board business. 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. 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 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail apelsla@dpor.state.va.us.

ART AND ARCHITECTURAL REVIEW BOARD

April 6, 2001 - 10 a.m. -- Open Meeting
May 4, 2001 - 10 a.m. -- Open Meeting
June 1, 2001 - 10 a.m. - Open Meeting
Science Museum of Virginia, 2500 West Broad Street, Forum Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A monthly meeting to review projects submitted by state agencies.

Contact: Richard L. Ford, AIA, Chairman, Art and Architectural Review Board, 1011 E. Main St., Room 221, Richmond, VA 23219, telephone (804) 643-1977, FAX (804) 643-1981, (804) 786-6152/TTY 

VIRGINIA COMMISSION FOR THE ARTS

† **April 18, 2001 - 10 a.m.** -- Open Meeting
Emory and Henry College, VanDyke Center, Board of Visitors Room, Lexington, Virginia.

Calendar of Events

† **April 19, 2001 - 10 a.m.** -- Open Meeting
Court Square Theatre, Harrisonburg, Virginia.

† **April 24, 2001 - 10 a.m.** -- Open Meeting
George Mason University, Johnson Center, Assembly Room F, Fairfax, Virginia.

† **April 26, 2001 - 10 a.m.** -- Open Meeting
Mary Washington College Galleries, Fredericksburg, Virginia.

† **May 1, 2001 - 10 a.m.** -- Open Meeting
Virginia Commission for the Arts, Conference Room, 223 Governor Street, Richmond, Virginia.

† **May 3, 2001 - 10 a.m.** -- Open Meeting
Harrison Opera House, Norfolk, Virginia.

† **May 3, 2001 - 10 a.m.** -- Open Meeting
Virginia Commission for the Arts, Conference Room, 223 Governor Street, Richmond, Virginia.

† **May 9, 2001 - 10 a.m.** -- Open Meeting
Virginia Commission for the Arts, Conference Room, 223 Governor Street, Richmond, Virginia.

A meeting of advisory panels.

Contact: Jacqui Gresham, Administrative Assistant, Virginia Commission for the Arts, 223 Governor St., Lewis House, 2nd Floor, Richmond, VA 23219, telephone (804) 225-3132, FAX (804) 225-4327, (804) 225-3132/TTY ☎, e-mail arts@state.va.us.

VIRGINIA BOARD FOR ASBESTOS AND LEAD

May 17, 2001 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5W, Richmond, Virginia. ♿

A meeting to conduct routine business. A public comment period will be held at the beginning of the meeting.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, Virginia 23230, telephone (804) 367-2648, FAX (804) 367-6128, (804) 367-9753/TTY ☎, e-mail asbestos@dpor.state.va.us.

COMPREHENSIVE SERVICES FOR AT-RISK YOUTH AND FAMILIES

State Executive Council

March 28, 2001 - 9 a.m. -- Open Meeting
April 25, 2001 - 9 a.m. -- Open Meeting
Department of Social Services, 730 East Broad Street, Lower Level, Training Room 1, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

An agenda will be posted on the web (<http://www.csa.state.va.us>) a week prior to the meeting.

Contact: Alan G. Saunders, Director, Comprehensive Services for At-Risk Youth and Families, 1604 Santa Rosa

Rd., Suite 137, Richmond, VA 23229, telephone (804) 662-9815, FAX (804) 62-9831, e-mail AGS992@central.dss.state.va.us.

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

April 27, 2001 - 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 Audiology and Speech-Language Pathology intends to amend regulations entitled: **18 VAC 30-10-10 et seq. Public Participation Guidelines**. The purpose of the proposed amendments is to update the guidelines for public participation in the regulatory process of the board, specifically to be consistent with electronic notifications and submissions.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

Contact: Elizabeth Young Tisdale, Executive Director, Board of Audiology and Speech-Language Pathology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111.

BOARD FOR THE BLIND AND VISION IMPAIRED

April 17, 2001 - 1 p.m. -- Open Meeting
Department for the Blind and Vision Impaired, 397 Azalea Avenue, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to review information regarding department activities and operations, review expenditures from the board's endowment fund, and discuss other issues raised for board members.

Contact: Katherine C. Proffitt, Administrative Staff Assistant, Department for the Blind and Vision Impaired, 397 Azalea Ave., Richmond VA 23227-3600, telephone (804) 371-3145, FAX (804) 371-3157, toll-free (800) 622-2155, (804) 371-3140/TTY ☎, e-mail proffikc@dbvi.state.va.us.

COMPENSATION BOARD

† **April 24, 2001 - 11 a.m.** -- Open Meeting
Compensation Board, 202 North 9th Street, 10th Floor, Richmond, Virginia. ♿

A monthly board meeting.

Contact: Cindy Waddell, Administrative Staff Assistant, Compensation Board, P.O. Box 710, Richmond, VA 23218, telephone (804) 786-0786, FAX (804) 371-0235, e-mail cwaddell@scb.state.va.us.

DEPARTMENT OF CONSERVATION AND RECREATION

† **April 4, 2001 - 7 p.m.** -- Open Meeting
North Anna Nuclear Information Center, 1022 Haley Drive, Mineral, Virginia. (Interpreter for the deaf provided upon request)

A presentation of the draft master plan for Lake Anna State Park.

Contact: Derral Jones, Planning Bureau Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-9042, FAX (804) 371-7899, e-mail djones@dcr.state.va.us.

Falls of the James Scenic River Advisory Board

† **April 5, 2001 - Noon** -- Open Meeting
† **May 3, 2001 - Noon** -- Open Meeting
City Hall, 900 East Broad Street, 5th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting to discuss river issues.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899, e-mail rgibbons@dcr.state.va.us.

BOARD FOR CONTRACTORS

† **April 4, 2001 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regularly scheduled meeting of the board to address policy and procedural issues; review and render case decisions on matured complaints against licensees, and address other matters which may require board action. The meeting is open to the public, however, a portion of the board's business may be discussed in closed meeting. The department fully complies with the Americans with Disabilities Act. Persons desiring to participate in the meeting and who require special accommodations or interpreter services should contact Nancy Taylor Feldman.

Contact: Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY, e-mail contractors@dpor.state.va.us.

BOARD OF CORRECTIONAL EDUCATION

† **April 20, 2001 - 10 a.m.** -- Open Meeting
Department of Correctional Education, James Monroe Building, 101 North 14th Street, 7th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss general business.

Contact: Patricia Ennis, Board Clerk, Board of Correctional Education, 101 N. 14th Street, Richmond, VA 23219, telephone (804) 225-3314, FAX (804) 786-7642, (804) 371-8647/TTY, e-mail paennis@dce.state.va.us.

BOARD OF COUNSELING

† **April 10, 2001 - 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 informal conference held pursuant to Section 9-6.14:11 of the Code of Virginia. Public comment will not be heard.

Contact: Joyce D. Williams, Administrative Assistant, Board of Counseling, 6606 West Broad Street, 4th Floor, Richmond, VA 23230, telephone (804) 662-9912, FAX (804) 662-7250, (804) 662-7197/TTY, e-mail coun@dhp.state.va.us.

April 27, 2001 - 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 Counseling intends to amend regulations entitled: **18 VAC 115-10-10 et seq. Public Participation Guidelines**. The purpose of the proposed amendments is to update the guidelines for public participation in the regulatory process of the board, specifically to be consistent with electronic notifications and submissions.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

Contact: Evelyn B. Brown, Executive Director, Board of Counseling, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9912.

March 30, 2001 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 that the Board of Counseling intends to amend regulations entitled: **18 VAC 115-60-10 et seq. Regulations Governing the Licensure of Substance Abuse Treatment Practitioners**. The purpose of the proposed action is to amend fees in accordance with statutory requirements for the board to collect sufficient revenue to cover the expenditures of administering the regulatory program.

Statutory Authority: § 54.1-2400 and Chapter 35 (§ 54.1-3500 et seq.) of Title 54.1 of the Code of Virginia.

Contact: Evelyn Brown, Executive Director, Board of Counseling, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9967, FAX (804) 662-9943, or (804) 662-7197/TTY

Calendar of Events

BOARD OF DENTISTRY

April 27, 2001 - 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 Dentistry intends to amend regulations entitled: **18 VAC 60-10-10 et seq. Public Participation Guidelines**. The purpose of the proposed amendments is to update the guidelines for public participation in the regulatory process of the board, specifically to be consistent with electronic notifications and submissions.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

Contact: Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906.

DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD

April 16, 2001 - 11 a.m. -- Open Meeting

May 21, 2001 - 11 a.m. -- Open Meeting

† June 18, 2001 - 11 a.m. -- Open Meeting

Virginia War Memorial, 621 Belvidere Street, Auditorium, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A monthly meeting to review requests submitted by localities to use design-build or construction management type contracts. Please contact the Division of Engineering and Buildings to confirm meeting.

Contact: Freddie M. Adcock, Administrative Assistant, Department of General Services, 805 E. Broad St., Room 101, Richmond, VA 23219, telephone (804) 786-3263, FAX (804) 371-7934, (804) 786-6152/TTY, e-mail fadcock@dgs.state.va.us.

DISABILITY SERVICES COUNCIL

March 26, 2001 - 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 review the FY 2002 Rehabilitative Services Incentive Fund (RSIF) proposals.

Contact: LaDonna Rogers, Administrative Staff Assistant, Disability Services Council, 8004 Franklin Farms Dr., Richmond, VA 23288, telephone (804) 662-7154, toll-free (800) 552-5019, (804) 464-9950/TTY

BOARD OF EDUCATION

March 30, 2001 - 9:30 a.m. -- Open Meeting

† June 20, 2001 - 9:30 a.m. -- Open Meeting

Henrico School Board Office, 3820 Nine Mile Road, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting of the Accountability Advisory Committee. Unless otherwise notified in advance, sessions will be working sessions and public comment will not be received. Persons requesting the services of an interpreter for the deaf should do so in advance.

Contact: Ms. Cam Harris, Department of Education, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2102, FAX (804) 225-2524.

† April 3, 2001 - 7 p.m. -- Open Meeting

James Monroe High School, 2300 Washington Avenue, Fredericksburg and Lafayette High School, 4460 Longhill Road, Williamsburg, Virginia. (Interpreter for the deaf provided upon request)

The State Board of Education will hold two hearings on April 3, 2001, to solicit public comment about the proposed revised Standards of Learning for Health, Physical Education, and Driver Education. The standards identify the essential content, processes, and skills for each grade level and/or courses in these areas. The proposed Standards of Learning are available on the Internet at: <http://www.pen.k12.va.us/VDOE/Instruction/healthprop.pdf> <http://www.pen.k12.va.us/VDOE/Instruction/peprop.pdf> <http://www.pen.k12.va.us/VDOE/Instruction/deprop.pdf>

Registration of speakers starts at 6:30 p.m. Speakers will have three minutes to speak and should bring copies of their comments for the Board of Education. Comments may also be mailed by April 3, 2001, to the content specialists at the Virginia Department of Education, P.O. Box 2120, Richmond, VA 23218-2120. These specialists are Sandra Dofflemeyer and Vanessa Wigand. Persons requesting the services of an interpreter for the deaf should do so in advance.

Contact: Dr. Sandy Dofflemeyer, Department of Education, P.O. Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2898, FAX (804) 225-2524.

April 23, 2001 - 9 a.m. -- Open Meeting

Location to be announced. (Interpreter for the deaf provided upon request)

A meeting of the Advisory Board on Teacher Education and Licensure. Persons requesting services of an interpreter for the deaf should do so in advance. This is a working session, and public comment will not be received.

Contact: Dr. Margaret N. Roberts, Office of Policy, Board of Education, P. O. Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

April 4, 2001 - 9:30 a.m. -- Open Meeting


Location to be announced. (Interpreter for the deaf provided upon request)

A meeting of the Joint Task Force on the K-12 Teaching Profession in Virginia. Persons requesting services of an interpreter for the deaf should do so in advance. This is a working session, and public comment will not be received.

Contact: Dr. Margaret N. Roberts, Office of Policy, Board of Education, P. O. Box 2120, 101 N. 14th St., 25th Floor,

Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.


April 26, 2001 - 9 a.m. -- Open Meeting

Location to be announced.  (Interpreter for the deaf provided upon request)

A regular monthly meeting. Persons may register to speak at the meeting by calling Margaret Roberts. Persons requesting services of an interpreter for the deaf should do so in advance.

Contact: Dr. Margaret N. Roberts, Office of Policy, Department of Education, P.O. Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23218, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

April 18, 2001 - 9:30 a.m. -- Open Meeting

Crowne Plaza Hotel, Richmond  (Interpreter for the deaf provided upon request)

A meeting of the Uniform Performance Standards Evaluation Committee. Persons requesting services of an interpreter for the deaf should do so in advance. This is a working session, and public comment will not be received.

Contact: Dr. Margaret N. Roberts, Office of Policy, Board of Education, P. O. Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.


April 25, 2001 - 9:30 a.m. -- Open Meeting

April 26, 2001 - 9 a.m. -- Open Meeting

April 27, 2001 - 9 a.m. -- Open Meeting

† June 21, 2001 - 8:30 a.m.

† June 22, 2001 - 8:30 a.m.

TBA  (Interpreter for the deaf provided upon request)

An annual planning session. Persons requesting services of an interpreter for the deaf should do so in advance. This is a working session, and public comment will not be received.

Contact: Dr. Margaret N. Roberts, Office of Policy, Board of Education, P.O. Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

† June 20, 2001 - 1 p.m. -- Open Meeting


Location to be announced.  (Interpreter for the deaf provided upon request)

A regular meeting. Public comment will be received at this meeting.


Contact: Dr. Margaret N. Roberts, Office of Policy, Board of Education, Post Office Box 2120, 101 N. 14th St., 25th Floor Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

DEPARTMENT OF ENVIRONMENTAL QUALITY

† March 29, 2001 - 9 a.m. -- Open Meeting

Department of Environmental Quality, 629 East Main Street, 1st Floor, Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A public meeting to receive comments on and to discuss the notices of intended regulatory action to develop a state regulation that controls emissions from commercial/industrial solid waste incinerators (CISWIs), and a regulation that controls emissions from small municipal waste combustors (SMWICs) as required by §§ 111 (d) and 129 of the federal Clean Air Act. Unlike a public hearing, which is intended to receive testimony, this meeting is being held to discuss and exchange ideas and information relative to regulation development.

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

VIRGINIA FIRE SERVICES BOARD

† April 19, 2001 - 9:30 a.m. -- Open Meeting

Chincoteague Fire Station  (Interpreter for the deaf provided upon request)

Committees of the board will meet as follows:

Administration and Policy: 9:30 a.m.


Fire Education and Training: 10 minutes after Administration and Policy

Fire Prevention and Control: 10 minutes after Fire Education and Training

Finance Committee: 10 minutes after Fire Prevention and Control

Contact: Christy L. King, Clerk to the Virginia Fire Services Board, Virginia Fire Services Board, 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220, FAX (804) 371-0219, e-mail cking@vdfp.state.va.us.

† April 20, 2001 - 9 a.m. -- Open Meeting

Fire Station in Chincoteague, Virginia  (Interpreter for the deaf provided upon request)

For additional information, please contact Christy King at 804/371-0220.

Contact: Christy L. King, Clerk to the Virginia Fire Services Board, Virginia Fire Services Board, 101 N. 14th St., 18th Floor, telephone (804) 371-0220, FAX (804) 371-0219, e-mail cking@vdfp.state.va.us.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

April 27, 2001 - 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 Funeral Directors and Embalmers intends to amend regulations entitled: **18 VAC 30-65-10 et seq. Public Participation Guidelines**. The purpose of the proposed amendments is to update the guidelines for public participation in the regulatory process


Calendar of Events



of the board, specifically to be consistent with electronic notifications and submissions.


Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.


Contact: Elizabeth Young Tisdale, Executive Director, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907.


BOARD OF GAME AND INLAND FISHERIES


† **April 2, 2001 - 6 p.m.** -- Open Meeting
Rappahannock Community College, 52 Campus Drive, Warsaw, Virginia.  (Interpreter for the deaf provided upon request)


† **April 2, 2001 - 6 p.m.** -- Open Meeting  (Interpreter for the deaf provided upon request)
Peter Muhlenburg Middle School, 1251 Susan Avenue, Woodstock, Virginia.  (Interpreter for the deaf provided upon request)


† **April 3, 2001 - 6 p.m.** -- Open Meeting
Deep Creek High School, 2900 Margaret Booker, Chesapeake, Virginia.  (Interpreter for the deaf provided upon request)


† **April 3, 2001 - 6 p.m.** -- Open Meeting
Prince Edward County High School, Route 628, Farmville, Virginia.  (Interpreter for the deaf provided upon request)


† **April 3, 2001 - 6 p.m.** -- Open Meeting
Buffalo Gap High School, Route 42, Buffalo Gap, Virginia.  (Interpreter for the deaf provided upon request)


† **April 3, 2001 - 6 p.m.** -- Open Meeting
Blacksburg Community Center, 725 Patrick Henry Drive, Blacksburg, Virginia.  (Interpreter for the deaf provided upon request)

† **April 3, 2001 - 6 p.m.** -- Open Meeting
Board of Supervisors Auditorium, 414 North Main Street, Madison, Virginia.  (Interpreter for the deaf provided upon request)

† **April 4, 2001 - 6 p.m.** -- Open Meeting
Abingdon High School, 705 Thompson Drive, Abingdon, Virginia.  (Interpreter for the deaf provided upon request)

† **April 4, 2001 - 6 p.m.** -- Open Meeting
National Rifle Association, 11250 Waples Mill Road, Fairfax, Virginia.  (Interpreter for the deaf provided upon request)

† **April 5, 2001 - 6 p.m.** -- Open Meeting
Game and Inland Fisheries, 4000 West Broad Street, Board Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

† **April 10, 2001 - 6 p.m.** -- Open Meeting
Northside High School, 6758 Northside High School Road, Roanoke, Virginia.  (Interpreter for the deaf provided upon request)


The department is holding a series of eleven open meetings for the purpose of receiving the public's

comments regarding proposed changes to regulations governing game, wildlife, hunting, and trapping. The proposals addressed at the meeting series are those regulations or regulation amendments that the Board of Game and Inland Fisheries proposed at its March 1, 2001, meeting. The meeting format will be informal questions and answers and discussion from 6 p.m. to 7 p.m., with staff presentation of the proposed regulations beginning at 7 p.m.

A public comment period opened on the proposed regulation amendments March 1 and will close May 3, 2001. The proposals are available at the public meetings, on the department's web site, www.dgif.state.va.us, at the department's central and regional offices, and will be published in the *Virginia Register of Regulations*, and will be available at the public meetings.

The public input meeting series is being held prior to the board meeting of May 3, 2001, at which the board intends to adopt final regulations or regulation amendments. The eleven public input meetings are supplemental public hearings to the two hearings which occur at March 1 and May 3 board meetings. Comments received on the proposals at the public input meetings will be summarized and reported to the board for their consideration at the May 3, 2001 meeting prior to their adopting final regulations.

Contact: Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond, VA, telephone (804) 367-1000 or FAX (804) 367-0488.

† **May 3, 2001 - 9 a.m.** -- Open Meeting
Department of Game and Inland Fisheries, 4000 West Broad Street, Board Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The board will meet and intends to consider for final adoption game, hunting, and trapping regulations to be effective from July 2001 through June 2003. Under board procedures, regulatory actions occur over two sequential board meetings. At the May 3, 2001 meeting, the board will determine whether the amendments to regulations for game, hunting, and trapping that were proposed at its March 1, 2001, meeting will be adopted as final regulations. The board will solicit comments from the public during the public hearing portion of the meeting on May 3, at which time any interested citizen present shall be heard. The board reserves the right to adopt final amendments which may be more liberal, or more stringent, than the regulations currently in effect or the regulation amendments proposed at the March 1, 2001, meeting, as necessary for the proper management of wildlife resources.

The Board of Game and Inland Fisheries is exempted from the Administrative Process Act (§ 9-6.14:4.1 of the Code of Virginia) in promulgating wildlife management regulations, including the length of seasons, bag limits and methods of take set on the wildlife resources within the Commonwealth of Virginia. It is required by § 9-6.14:22 to publish all proposed and final regulations. Additional information on this review of regulations, including a list of the specific regulations subject to review and additional details on opportunities for public involvement, was published in a


separate announcement in the "General Notices" section of the January 29, 2001 *Virginia Register of Regulations*, and is also available online at www.dgif.state.va.us.

At the May 3 meeting the board may discuss general and administrative issues; it may hold an executive session before the public session begins. The board may elect to hold a dinner Wednesday evening, May 2, at a location and time to be determined.

Contact: Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond, VA, telephone (804) 367-1000 or FAX (804) 367-0488.

STATE HAZARDOUS MATERIALS EMERGENCY RESPONSE ADVISORY COUNCIL

Training Subcommittee

† **April 10, 2001 - 10 a.m.** -- Open Meeting
Virginia Department of Emergency Management Office,
10501 Trade Court, Richmond, Virginia. 

Advisory and recommendation on Hazardous Materials Training related topics.

Contact: R.R. Hargrave, Training Manager, 10501 Trade Court, Richmond, VA 23230-1717, telephone (804) 897-6500, extension 6573 or FAX (804) 897-6576.

BOARD OF HEALTH PROFESSIONS

April 17, 2001 - 9 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia.

April 27, 2001 - 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 Health Professions intends to amend regulations entitled: **18 VAC 75-10-10 et seq. Public Participation Guidelines**. The purpose of the proposed amendments is to update the guidelines for public participation in the regulatory process of the board, specifically to be consistent with electronic notifications and submissions.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.


Contact: Elizabeth A. Carter, Executive Director, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910.


VIRGINIA HOUSING DEVELOPMENT AUTHORITY


March 28, 2001 - 9 a.m. -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. 

A regular meeting of the Board of Commissioners to review and, if appropriate, (i) approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification

mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month; and (iv) consider such other matters and take such other actions as they may deem appropriate. Various committees of the Board of Commissioners may also meet during the day preceding the regular meeting and before and after the regular meeting and may 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) 343-5540, FAX (804) 783-6701, toll-free (800) 968-7837, (804) 783-6705/TTY 


March 28, 2001 - 1 p.m. -- Open Meeting
Crown Plaza Hotel, 555 East Canal Street, Richmond, Virginia. 

March 29, 2001 - 1 p.m. -- Open Meeting
Best Western Battlefield Inn, 10820 Balls Ford Road, I-66 and Sudley Road, Manassas, Virginia. 

April 3, 2001 - 1 p.m. -- Open Meeting
Marriott Waterside Hotel, 235 East Main Street, Norfolk, Virginia.


April 4, 2001 - 1 p.m. -- Open Meeting
ESO Center, 15293 King Street, Belle Haven, Virginia.

The Board of Commissioners and staff of the Virginia Housing Development Authority (VHDA) and the Virginia Department of Housing and Community Development (DHCD) will hold a series of nine regional forums in locations across the state. These forums will provide opportunities for broad public input into an assessment of housing needs in the Commonwealth and the variation in those needs in different regions. Public comments will be received throughout the scheduled times of the forums. The needs assessment is being undertaken by VHDA and DHCD at the direction of Virginia Secretary of Commerce and Trade. A needs assessment report is to be completed in late spring 2001.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 South Belvidere St., Richmond, VA 23220, telephone (804) 343-5540, FAX (804) 783-6701, toll-free (800) 968-7837, (804) 783-6705/TTY 

JAMESTOWN-YORKTOWN FOUNDATION

† **May 24, 2001 - 10 a.m.** -- Open Meeting

† **May 25, 2001 - 8 a.m.** -- Open Meeting
Williamsburg, Virginia.  (Interpreter for the deaf provided upon request)

A semi-annual meeting of the Board of Trustees. Specific meeting schedule to be confirmed. Public comment will not be heard.

Contact: Laura W. Bailey, Executive Assistant to the Board, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (757) 253-4840, FAX

Calendar of Events

(757) 253-5299, (757) 253-7236/TTY ☎, e-mail lwbailey@jyf.state.va.us.

2020, toll-free (800) 541-4646, (757) 247-2292/TTY ☎, e-mail llewis@mrc.state.va.us.

DEPARTMENT OF LABOR AND INDUSTRY

Virginia Migrant and Seasonal Farmworkers Board

† **April 25, 2001 - 10 a.m.** -- Open Meeting

State Capitol, Richmond, Capitol Square, House Room 1, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular quarterly meeting.

Contact: Patti C. Bell, Board Staff Director, Department of Labor and Industry, 13 S. 13th St., Richmond, VA 23219, telephone (804) 225-3083, FAX (804) 371-6524, (804) 786-2376/TTY ☎, e-mail pcb@doli.state.va.us.

Safety and Health Codes Board

† **April 23, 2001 - 10 a.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting.

Contact: Regina P. Cobb, Agency Management Analyst Senior, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-0610, FAX (804) 786-8418, (804) 786-2376/TTY ☎, e-mail rpc@doli.state.va.us.

STATE LIBRARY BOARD

† **April 3, 2001 - 10 a.m.** -- Open Meeting

The Library of Virginia, 800 East Broad Street, Conference Room C, Richmond, Virginia. ♿

A meeting of the Library Services and Technology Act Advisory Council to review competitive grant programs and other issues regarding the council.

Contact: Jean H. Taylor, Executive Secretary Senior, State Library Board, Library of Virginia, 800 E. Broad, St., Richmond, Virginia 23219-8000, telephone (804) 692-3535, FAX (804) 692-3594, e-mail jtaylor@lva.lib.va.us.

MARINE RESOURCES COMMISSION

† **April 24, 2001 - 9:30 a.m.** -- Open Meeting

† **May 22, 2001 - 9:30 a.m.** -- Open Meeting

† **June 19, 2001 - 9:30 a.m.** -- Open Meeting

† **June 26, 2001 - 9:30 a.m.** -- Open Meeting

Marine Resources Commission, 2600 Washington Avenue, 4th Floor, Newport News, Virginia. ♿

A monthly meeting.

Contact: LaVerne Lewis, Commission Secretary, Marine Resources Commission, 2600 Washington Ave., Newport News, VA 23607, telephone (757) 247-2261, FAX (757) 247-

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

March 30, 2001 - 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 amend regulations entitled: **12 VAC 30-50-10 et seq., Amount, Duration and Scope of Medical and Remedial Care Services, 12 VAC 30-80-10 et seq., Methods and Standards for Establishing Payment Rates--Other Types of Care, and 12 VAC 30-120-10 et seq. Waivered Services (Individual and Family Developmental Disability Support Waiver)**. The purpose of the proposed amendments is to establish the program and provider requirements, service limitations and coverage, and recipient eligibility standards for the new DMAS program entitled Individual and Family Developmental Disability Support Waiver.

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

Public comments may be submitted until March 30, 2001, to Karen Lawson, Analyst, Division of Long-Term Care, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959 or FAX (804) 786-1680.

March 30, 2001 - 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 amend regulations entitled: **12 VAC 30-90-10 et seq. Methods and Standards for Establishing Payment Rates--Long-Term Care (2000 Nursing Home Payment System)**. The purpose of the proposed amendments is to implement increased payments for operating costs and implement a new capital payment methodology (Fair Rental Value), both of which are authorized by the 2000 Appropriation Act.

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

Public comments may be submitted until March 30, 2001, to Stan Fields, Director, Cost Settlement and Audit Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959 or FAX (804) 786-1680.

April 27, 2001 -- 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 and amend regulations entitled:

12 VAC 30-10-10 et seq. State Plan Under Title XIX of the Social Security Act Medical Assistance Program; General Provisions.

12 VAC 30-20-10 et seq. Administration of Medical Assistance Services.

12 VAC 30-70-10 et seq. Methods and Standards for Establishing Payment Rates; Inpatient Hospital Care.

12 VAC 30-90-10 et seq. Methods and Standards for Establishing Payment Rates for Long-Term Care.

These proposed amendments establish the time frames necessary for the implementation of the statutory deadlines for the completion of both informal and formal appeals as required by HB 892 (2000).

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

Public comments may be submitted until April 27, 2001, to Martha Smith, Director, Appeals Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8854 or FAX (804) 371-4981.

BOARD OF MEDICINE


April 6, 2001 - 8 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

April 27, 2001 - 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 Medicine intends to amend regulations entitled: **18 VAC 85-10-10 et seq. Public Participation Guidelines.** The purpose of the proposed amendments is to update the guidelines for public participation in the regulatory process of the board, specifically to be consistent with electronic notifications and submissions.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908.

April 6, 2001 - 8 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia 

The Executive Committee will adopt proposed and final regulations and consider other business as may be presented on the agenda.


Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail wharp@dhp.state.va.us.

Informal Conference Committee

April 5, 2001 - 9 a.m. -- Open Meeting
Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia.


April 6, 2001 - 1 p.m. -- Open Meeting
April 11, 2001 - 9 a.m. -- Open Meeting
† May 16, 2001 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, Richmond, Virginia.

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 of the Code of Virginia. Public comment will not be received.


Contact: Peggy Sadler or Renee Dixson, Board of Medicine, 6606 West Broad Street, 4th Floor, Richmond, VA 23230, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY 

April 25, 2001 - 10 a.m. -- Open Meeting
Martha Washington Inn, 150 West Main Street, Abingdon, Virginia.


A formal administrative hearing will be held pursuant to §§ 9-6.14:12 and 54.1-2400 of the Code of the Virginia to inquire into allegations that a practitioner may have violated laws governing the practice of medicine. The panel 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: Peggy Sadler/Renee Dixson, Staff, Board of Medicine, 6606 West Broad Street, Richmond, VA, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY , e-mail PSadler@dhp.state.va.us.

VIRGINIA MUSEUM OF FINE ARTS

April 3, 2001 - 8 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Main Lobby Conference Room, Richmond, Virginia. 

A monthly meeting for staff to brief Executive Committee. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove 7Ave., Richmond, Virginia, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.

Calendar of Events

† **June 19, 2001 - Noon** -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue,
Auditorium, Richmond, Virginia. ☎

The annual meeting for the trustees to approve the annual budget. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY ☎, e-mail sbroyles@vmfa.state.va.us.

VIRGINIA MUSEUM OF NATURAL HISTORY

† **April 21, 2001 - 10 a.m.** -- Open Meeting
Virginia Museum of Natural History, 1001 Douglasdale Avenue, Martinsville, Virginia.

A meeting of the Board of Trustees to include reports from the development, executive, finance, legislative, marketing, nominating, outreach, personnel, planning and facilities, and research and collections committees.

Contact: Cindy Rorrer, Administrative Staff Assistant, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (540) 666-8616, (540) 666-8638/TTY ☎

BOARD OF NURSING

May 21, 2001 - 8:30 a.m. -- Open Meeting
May 23, 2001 - 8:30 a.m. -- Open Meeting
May 24, 2001 - 8:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ☎

A panel of the board will conduct formal hearings with licensees and/or certificate holders. Public comment will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad Street, 4th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail nursebd@dhp.state.va.us.

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April 27, 2001 - 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 Nursing intends to amend regulations entitled: **18 VAC 90-10-10 et seq. Public Participation Guidelines**. The purpose of the proposed amendments is to update the guidelines for public participation in the regulatory process of the board, specifically to be consistent with electronic notifications and submissions.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909.

Special Conference Committee

April 5, 2001 - 8:30 a.m. -- Open Meeting
April 17, 2001 - 8:30 a.m. -- Open Meeting
April 18, 2001 - 8:30 a.m. -- Open Meeting
April 19, 2001 - 8:30 a.m. -- Open Meeting
April 23, 2001 - 8:30 a.m. -- Open Meeting
April 24, 2001 - 8:30 a.m. -- Open Meeting
June 5, 2001 - 8:30 a.m. -- Open Meeting
June 12, 2001 - 8:30 a.m. -- Open Meeting
† **June 18, 2001 - 8:30 a.m.** -- Open Meeting
† **June 19, 2001 - 8:30 a.m.** -- Open Meeting
† **June 20, 2001 - 8:30 a.m.** -- Open Meeting
† **June 28, 2001 - 8:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Rooms 3 and 4, Richmond, Virginia. ☎

A Special Conference Committee, comprised of two or three members of the Virginia Board of Nursing, will conduct informal conferences with licensees or certificate holders. Public comment will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad Street, 4th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail nursebd@dhp.state.va.us.

BOARD OF NURSING HOME ADMINISTRATORS

April 11, 2001 - 10:30 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia.

April 27, 2001 - 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 Nursing Home Administrators intends to amend regulations entitled: **18 VAC 95-10-10 et seq. Public Participation Guidelines**. The purpose of the proposed amendments is to update the guidelines for public participation in the regulatory process of the board, specifically to be consistent with electronic notifications and submissions.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.


Contact: Marcia J. Miller, Executive Director, Board of Nursing Home Administrators, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7457.

April 20, 2001 - 10:40 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ☎

The board will conduct a general business meeting and will consider such items as may be presented on the agenda.


Contact: Marcia J. Miller, Executive Director, Board of Nursing Home Administrators, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7457, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail mjmillier@dhp.state.va.us.

OLD DOMINION UNIVERSITY

April 12, 2001 - 2:30 p.m. -- Open Meeting
Old Dominion University, Webb University Center, Norfolk, Virginia.  (Interpreter for the deaf provided upon request)


A quarterly meeting of the governing board of the institution to discuss business of the board and the institution as determined by the rector and the president.

Contact: Donna Meeks, Assistant to the Vice President for Administration and Finance, Old Dominion University, 225 Koch Hall, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, e-mail dmeeks@odu.edu.

May 14, 2001 - 3 p.m. -- Open Meeting
Old Dominion University, Webb University Center, Norfolk, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting of the executive committee of the governing board of the institution to discuss business of the board and the institution as determined by the rector and the president.


Contact: Donna Meeks, Assistant to the Vice President for Administration and Finance, Old Dominion University, 225 Koch Hall, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, e-mail dmeeks@odu.edu.

† June 14, 2001 - 2:30 p.m. -- Open Meeting
Webb University Center, Old Dominion University, Norfolk, Virginia.  (Interpreter for the deaf provided upon request)


The annual meeting of the governing board of the institution to discuss business of the board and the institution as determined by the Rector and the President.


Contact: Donna Meeks, Assistant to the Vice President for Administration and Finance, Old Dominion University, 225 Koch Hall, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, e-mail dmeeks@odu.edu.

BOARD OF OPTOMETRY

† April 4, 2001 - 8:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


An informal conference. This is a public meeting; however, public comment will not be received.

Contact: Carol Stamey, Administrative Assistant, Board of Optometry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9910, FAX (804) 662-7098, (804) 662-7197/TTY , e-mail cstamey@dhp.state.va.us.

† April 4, 2001 - 10 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A formal hearing. This is a public meeting; however, public comment will not be received.

Contact: Carol Stamey, Administrative Assistant, Board of Optometry, 6606 W. Broad St., 4th Floor, Richmond, VA

23230, telephone (804) 662-9910, FAX (804) 662-7098, (804) 662-7197/TTY , e-mail cstamey@dhp.state.va.us, homepage <http://www.dhp.state.va.us>.

* * * * *


April 27, 2001 - 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 Optometry intends to amend regulations entitled: **18 VAC 105-10-10 et seq. Public Participation Guidelines**. The purpose of the proposed amendments is to update the guidelines for public participation in the regulatory process of the board, specifically to be consistent with electronic notifications and submissions.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

Contact: Elizabeth A. Carter, Executive Director, Board of Optometry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910.

BOARD OF PHARMACY

† April 4, 2001 - 9 a.m. -- Open Meeting
† April 26, 2001 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, Fifth Floor, Conference Rooms 1 and 4, Richmond, Virginia. 

A special conference committee will discuss disciplinary matters. Public comments will not be received.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 West Broad Street, 4th Floor, Richmond, Virginia 23230, telephone (804) 662-9911, FAX (804) 662-9313.

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April 27, 2001 - 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 Pharmacy intends to amend regulations entitled: **18 VAC 110-10-10 et seq. Public Participation Guidelines**. The purpose of the proposed amendments is to update the guidelines for public participation in the regulatory process of the board, specifically to be consistent with electronic notifications and submissions.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911.

BOARD OF PSYCHOLOGY

March 30, 2001 - Public comments may be submitted until this date.

Calendar of Events

Notice is hereby given in accordance with § 9-6.14:7.1 that the Board of Psychology intends to amend regulations entitled: **18 VAC 125-20-10 et seq. Regulations Governing the Practice of Psychology.** The purpose of the proposed action is to establish continuing education requirements for licensure renewal and an inactive status for licensed individuals who are not actively practicing psychology in Virginia.

Statutory Authority: §§ 54.1-2400 and 54.1-3606.1 of the Code of Virginia.

Contact: Evelyn Brown, Executive Director, Board of Psychology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9967, FAX (804) 662-9943, or (804) 662-7197/TTY ☎

NOTE: CHANGE IN MEETING DATE

April 24, 2001 - 10 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia ♿

The board will conduct a general business meeting including items related to the regulation and discipline of psychologists.

Contact: Evelyn B. Brown, Executive Director, Board of Psychology, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9913, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail ebrown@dhp.state.va.us.

VIRGINIA PUBLIC GUARDIAN AND CONSERVATOR ADVISORY BOARD

† **April 10, 2001 - 10 a.m.** -- Open Meeting
Virginia Department for the Aging, 1600 Forest Avenue, Suite 102, Richmond, Virginia 23229 ♿ (Interpreter for the deaf provided upon request)

A regular business meeting of the Virginia Public Guardian and Conservator Advisory Board. Public comments are welcomed.

Contact: Terry Raney, Public Guardianship Program Coordinator, Virginia Public Guardian and Conservator Advisory Board, Virginia Department for the Aging, 1600 Forest Ave., Suite 102, Richmond, Virginia 23229, telephone (804) 662-7049.

SEWAGE HANDLING AND DISPOSAL APPEAL REVIEW BOARD

April 11, 2001 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia. ♿

A meeting to hear appeals of health department denials of applications for permits to construct a septic system.

Contact: Susan Sherertz, Board Secretary, Department of Health, P.O. Box 2448, Room 115, Richmond, VA 23185, telephone (804) 371-4236, FAX (804) 225-4003, e-mail ssherertz@vdh.state.va.us.

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

March 27, 2001 - 10 a.m. -- Open Meeting
Department of Business Assistance, 707 E. Main Street, 3rd Floor, Board Room, Richmond, Virginia. ♿

A meeting of the Board of Directors to review applications for loans submitted to the authority for approval and general business of the board. Meeting time is subject to change depending upon the agenda of the board.

Contact: Cathleen M. Surface, Executive Director, Department of Business Assistance, P.O. Box 446, Richmond, VA 23218-0446, telephone (804) 371-8254, FAX (804) 225-3384, e-mail csurface@dba.state.va.us.

STATE BOARD OF SOCIAL SERVICES

† **April 17, 2001 - 9 a.m.** -- Public Hearing
Department of Social Services, 730 East Broad Street, Lower Level 2, Richmond, Virginia.

† **May 25, 2001** - 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 Social Services intends to adopt regulations entitled: **22 VAC 40-295-10 et seq. Temporary Assistance for Need Families (TANF).** This regulation provides the rules for qualifying for TANF assistance. The regulation explains what persons are required to participate together as an assistance unit, resource criteria, income eligibility criteria, and provides streamlined processing procedures.

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

Contact: Mark L. Golden, Human Services Program Consultant, State Board of Social Services, 730 E. Broad St., 7th Floor, Richmond, VA 23219, telephone (804) 692-1731 or FAX (804) 692-1704.

BOARD OF SOCIAL WORK

April 27, 2001 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Social Work intends to amend regulations entitled: **18 VAC 140-10-10 et seq. Public Participation Guidelines.** The purpose of the proposed amendments is to update the guidelines for public participation in the regulatory process of the board, specifically to be consistent with electronic notifications and submissions.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

Contact: Evelyn B. Brown, Executive Director, Board of Social Work, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9914.


COUNCIL ON TECHNOLOGY SERVICES

May 17, 2001 - 9 a.m. -- Open Meeting
Mary Washington College, Fredericksburg, Virginia.

A regular meeting.


Contact: Janice Akers, Department of Technology Planning, 1100 Bank St., Room 901, Richmond, VA 23219, telephone (804) 786-1434, FAX (804) 371-7952, e-mail jakers@egov.state.va.us.

COMMONWEALTH TRANSPORTATION BOARD

† April 18, 2001 - 2 p.m. -- Open Meeting
Virginia Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. 

A work session of the Commonwealth Transportation Board and the Department of Transportation staff.

Contact: Cathy M. Ghidotti, Assistant Secretary to the Board, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-6675, FAX (804) 786-6683, e-mail ghidotti_cm@vdot.state.va.us.

† April 19, 2001 - 10 a.m. -- Open Meeting
Virginia Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. 

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 VDOT Public Affairs at (804) 786-2715 for schedule.

Contact: Cathy M. Ghidotti, Assistant Secretary to the Board, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-6675, FAX (804) 786-6683, e-mail ghidotti_cm@vdot.state.va.us.

BOARD OF VETERINARY MEDICINE


April 27, 2001 - 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 Veterinary Medicine intends to amend regulations entitled: **18 VAC 150-10-10 et seq. Public Participation Guidelines**. The purpose of the proposed amendments is to update the guidelines for public participation in the regulatory process of the board, specifically to be consistent with electronic notifications and submissions.


Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

Contact: Elizabeth A. Carter, Executive Director, Board of Veterinary Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9915.

VIRGINIA WAR MEMORIAL FOUNDATION

April 3, 2001 - Noon -- Open Meeting
Virginia War Memorial, 621 South Belvidere Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular quarterly meeting of the Board of Trustees. Comments from general public will be accepted at the conclusion of the meeting.


Contact: Sandra H. Williams, Associate Director, Department of General Services, 621 S. Belvidere St., Richmond, VA 23220, telephone (804) 786-2060, FAX (804) 786-6652, (804) 786-6152/TTY , e-mail swilliams@vawarmemorial.state.va.us.

STATE WATER CONTROL BOARD

April 13, 2001 - 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 Water Control Board intends to amend regulations entitled: **9 VAC 25-430-10 et seq. Roanoke River Basin Water Quality Management Plan**. The proposed amendments increase the BOD₅ allocations in the plan for the Chase City Municipal Sewage Treatment Plant.

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

Contact: Kyle Winter, Department of Environmental Quality, 4949-A Cox Rd., Glen Allen, VA 23060, telephone (804) 527-5048, FAX (804) 527-5106 or (804) 698-4021/TTY 

March 29, 2001 - 4 p.m. -- Public Hearing
Staunton City Council Chambers, 116 West Beverley Street, Staunton, Virginia.

April 2, 2001 - 6 p.m. -- Public Hearing
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.

April 3, 2001 - 6 p.m. -- Public Hearing
Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, Virginia.

April 5, 2001 - 6 p.m. -- Public Hearing
Chesapeake City Council Chambers, 306 Cedar Road, Chesapeake, Virginia.

April 27, 2001 -- 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 Water Control Board intends to amend regulations entitled: **9 VAC 25-210-10 et seq. Virginia Water Protection Permit Program**

Calendar of Events

Regulation. The proposed amendments incorporate changes to the Code of Virginia passed by the 2000 General Assembly relating to wetlands.

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: **9 VAC 25-660-10 et seq. Virginia Water Protection General Permit for Impacts of Less than One-Half Acre of an Acre.** The proposed regulation establishes general permit requirements for activities resulting in impacts to wetlands of less than one-half of an acre.

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: **9 VAC 25-670-10 et seq. Virginia Water Protection General Permit for Facilities and Activities of Utilities and Public Service Companies Regulated by the Federal Energy Regulatory Commission or the State Corporation Commission and Other Utility Line Activities.** The proposed regulation establishes general permit requirements for impact to wetlands resulting from the activities of utility projects.

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: **9 VAC 25-680-10 et seq. Virginia Water Protection General Permit for Linear Transportation Projects.** The proposed regulation establishes general permit requirements for impact to wetlands resulting from the construction and operation of linear transportation projects.

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: **9 VAC 25-690-10 et seq. Virginia Water Protection General Permit for Impacts from Development Activities.** The proposed regulation establishes general permit requirements for impacts to wetlands from development activities.

Statutory Authority: §§ 62.1-44.15 and 62.1-44.15:5 of the Code of Virginia.

Contact: Ellen Gilinsky, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4375, FAX (804) 698-4032 or (804) 698-4021/TTY ☎

INDEPENDENT

VIRGINIA RETIREMENT SYSTEM

May 16, 2001 - 3 p.m. -- Open Meeting
Virginia Retirement System Headquarters, 1200 East Main Street, Richmond, Virginia. ♿

A regular meeting of the following committees:
Audit and Compliance Committee - 3 p.m.
Benefits and Actuarial Committee - 3 p.m.
Investment Advisory Committee - 3 p.m.

Contact: Darla K. Glazier, Office Manager, Virginia Retirement System, P.O. Box 2500, Richmond, VA 23218, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail dglazier@vrs.state.va.us.

May 17, 2001 - 8 a.m. -- Open Meeting
Virginia Retirement System Headquarters, 1200 East Main Street, Richmond, Virginia. ♿

The regular meeting of the Virginia Retirement System's Administration and Personnel Committee.

Contact: Darla K. Glazier, Office Manager, Virginia Retirement System, P.O. Box 2500, Richmond, VA 23218, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail dkestner@vrs.state.va.us.

May 17, 2001 - 9 a.m. -- Open Meeting
Virginia Retirement System Headquarters, 1200 East Main Street, Richmond, Virginia. ♿

A regular meeting of the Board of Trustees.

Contact: Darla K. Glazier, Office Manager, Virginia Retirement System, P.O. Box 2500, Richmond, VA 23218, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail dglazier@vrs.state.va.us.

LEGISLATIVE

VIRGINIA CODE COMMISSION

March 26, 2001 - 12:30 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Richmond, Virginia. ♿

A meeting to discuss publication of the Code of Virginia. Portions of the meeting may be held in executive session pursuant to § 9-77.8 B of the Code of Virginia. A period for public comment will not be scheduled at this meeting.

Contact: Jane Chaffin, Registrar of Regulations, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625, e-mail jchaffin@leg.state.va.us.

CHRONOLOGICAL LIST

OPEN MEETINGS

March 26
Agricultural Council, Virginia
Code Commission, Virginia
Disability Services Council

March 27
Agricultural Council, Virginia
Small Business Financing Authority, Virginia
- Board of Directors

March 28

At-Risk Youth and Families, Comprehensive Services for
- State Executive Council
Housing Development Authority, Virginia

March 29

Air Pollution Control Board, State
Department of Environmental Quality
Housing Development Authority, Virginia

March 30

Education, Board of
- Accountability Advisory Committee

April 2

† Game and Inland Fisheries, Board of

April 3

† Education, Board of
† Game and Inland Fisheries, Board of
Housing Development Authority, Virginia
† Library Board, State
Museum of Fine Arts, Virginia
- Executive Committee
War Memorial Foundation, Virginia
- Board of Trustees

April 4

† Agriculture and Consumer Services, Department of
- Virginia Dark-Fired Tobacco Board
† Conservation and Recreation, Department of
† Contractors, Board for
Education, Board of
- Joint Task Force on the K-12 Teaching Profession in
Virginia
† Game and Inland Fisheries, Board of
Housing Development Authority, Virginia
† Optometry, Board of
† Pharmacy, Board of
- Special Conference Committee

April 5

† Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board
† Game and Inland Fisheries, Board of
Medicine, Board of
- Informal Conference Committee
Nursing, Board of
- Special Conference Committee

April 6

Art and Architectural Review Board
Medicine, Board of
- Executive Committee
- Informal Conference Committee

April 10

† Counseling, Board of
† Game and Inland Fisheries, Board of
† Hazardous Materials Emergency Response Advisory
Council, State
- Training Subcommittee
† Public Guardian and Conservator Advisory Board,
Virginia

April 11

† Agriculture and Consumer, Department of
- Virginia Horse Industry Board
† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board of

Medicine, Board of
- Informal Conference Committee
Sewage Handling and Disposal Appeal Review Board

April 12

Agriculture and Consumer Services, Department of
- Virginia Charity Food Assistance Advisory Board
Old Dominion University

April 16

Design-Build/Construction Management Review Board

April 17

Blind and Vision Impaired, Department for the
Nursing, Board of
- Special Conference Committee

April 18

† Arts, Virginia Commission for the
Education, Board of
- Uniform Performance Standards Evaluation Committee
Nursing, Board of
- Special Conference Committee
† Transportation Board, Commonwealth

April 19

† Arts, Virginia Commission for the
† Fire Services Board, Virginia
- Administration and Policy Committee
- Finance Committee
- Fire Education and Training Committee
- Fire Prevention and Control Committee
Nursing, Board of
- Special Conference Committee
† Transportation Board, Commonwealth

April 20

† Correctional Education, Board of
† Fire Services Board, Virginia
Nursing Home Administrators, Board of

April 21

† Museum of Natural History, Virginia

April 23

Education, Board of
- Advisory Board on Teacher Education and Licensure
Labor and Industry, Department of
- Safety and Health Codes Board
Nursing, Board of
- Special Conference Committee

April 24

Accountancy, Board of
† Arts, Virginia Commission for the
† Compensation Board
Marine Resources Commission
Nursing, Board of
- Special Conference Committee
Psychology, Board of

April 25

At-Risk Youth and Families, Comprehensive Services for
- State Executive Council
Education, Board of
† Labor and Industry, Department of
- Virginia Migrant and Seasonal Farmworkers Board
Medicine, Board of
- Informal Conference Committee

April 26

† Arts, Virginia Commission for the
Education, Board of

Calendar of Events

† Pharmacy, Board of
- Special Conference Committee

April 27
Education, Board of

May 1
† Arts, Virginia Commission for the

May 3
† Arts, Virginia Commission for the
† Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board
† Game and Inland Fisheries, Board of

May 4
Art and Architectural Review Board

May 9
† Arts, Virginia Commission for the

May 14
Old Dominion University
- Executive Committee

May 16
† Medicine, Board of
- Informal Conference Committee
Retirement System, Virginia
- Audit and Compliance Committee
- Benefits and Actuarial Committee
- Investment Advisory Committee

May 17
Asbestos and Lead, Virginia Board for
Retirement System, Virginia
Technology Services, Council on

May 21
† Design-Build/Construction Management Review Board
Nursing, Board of

May 22
† Marine Resources Commission

May 23
Nursing, Board of

May 24
† Jamestown-Yorktown Foundation
- Board of Trustees
Nursing, Board of

May 25
† Jamestown-Yorktown Foundation
- Board of Trustees

June 1
Art and Architectural Review Board

June 5
† Nursing, Board of
- Special Conference Committee

June 12
† Nursing, Board of
- Special Conference Committee

June 14
† Old Dominion University
- Board of Visitors

June 18
† Design-Build/Construction Management Review Board
† Nursing, Board of
- Special Conference Committee

June 19
† Marine Resources Commission
† Museum of Fine Arts, Virginia

† Nursing, Board of
- Special Conference Committee

June 20
† Education, Board of
† Nursing, Board of
- Special Conference Committee

June 21
† Education, Board of

June 22
† Education, Board of

June 26
† Marine Resources Commission

June 28
† Nursing, Board of
- Special Conference Committee

PUBLIC HEARINGS

March 29
Water Control Board, State

April 2
Water Control Board, State

April 3
† Education, Board of
Water Control Board, State

April 5
Water Control Board, State

April 6
Medicine, Board of

April 11
Nursing Home Administrators, Board of

April 17
Health Professions, Board of
† Social Services, State Board of

May 3
Air Pollution Control Board, State