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# CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED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printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Fall 2002 VAC Supplement includes final regulations published through *Virginia Register* Volume 18, Issue 24, dated August 12, 2002). 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
<b>Title 4. Conservation and Natural Resources</b>			
4 VAC 5-30-200	Amended	19:9 VA.R. 1338	2/12/03
4 VAC 5-36-90	Amended	19:12 VA.R. 1881	3/27/03
4 VAC 5-36-100	Amended	19:12 VA.R. 1883	3/27/03
4 VAC 15-20-160	Amended	19:1 VA.R. 102	10/23/02
4 VAC 15-30-40	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-30-40	Amended	19:7 VA.R. 1074	11/25/02
4 VAC 15-320-20	Repealed	19:5 VA.R. 805	1/1/03
4 VAC 15-320-25	Added	19:5 VA.R. 805	1/1/03
4 VAC 15-320-30	Repealed	19:5 VA.R. 805	1/1/03
4 VAC 15-320-40	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-320-50	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-330-10	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-330-100	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-330-120	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-330-160	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-330-190	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-340-60	Amended	19:5 VA.R. 806	1/1/03
4 VAC 15-350-30	Amended	19:5 VA.R. 806	1/1/03
4 VAC 15-360-10	Amended	19:5 VA.R. 806	1/1/03
4 VAC 15-370-10	Repealed	19:5 VA.R. 807	1/1/03
4 VAC 15-370-30	Repealed	19:5 VA.R. 807	1/1/03
4 VAC 15-370-50	Amended	19:5 VA.R. 807	1/1/03
4 VAC 15-370-51	Added	19:5 VA.R. 807	1/1/03
4 VAC 15-370-70	Added	19:5 VA.R. 807	1/1/03
4 VAC 15-370-80	Added	19:5 VA.R. 807	1/1/03
4 VAC 15-380-10	Repealed	19:5 VA.R. 807	1/1/03
4 VAC 15-380-20	Repealed	19:5 VA.R. 807	1/1/03
4 VAC 15-380-30	Amended	19:5 VA.R. 807	1/1/03
4 VAC 15-380-40	Amended	19:5 VA.R. 807	1/1/03
4 VAC 15-380-50	Amended	19:5 VA.R. 807	1/1/03
4 VAC 15-380-60	Repealed	19:5 VA.R. 807	1/1/03
4 VAC 15-380-70	Amended	19:5 VA.R. 807	1/1/03
4 VAC 15-380-80 through 4 VAC 15-380-130	Added	19:5 VA.R. 807	1/1/03
4 VAC 15-390-10	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-11	Added	19:5 VA.R. 808	1/1/03
4 VAC 15-390-20	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-30	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-50	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-70	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-90	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-100	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-110	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-130	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-140	Added	19:5 VA.R. 808	1/1/03

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

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4 VAC 15-390-150	Added	19:5 VA.R. 808	1/1/03
4 VAC 15-390-160	Added	19:5 VA.R. 808	1/1/03
4 VAC 15-400-20	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-400-30	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-400-50	Added	19:5 VA.R. 808	1/1/03
4 VAC 15-420-10 through 4 VAC 15-420-120	Added	19:5 VA.R. 808	1/1/03
4 VAC 15-430-10 through 4 VAC 15-430-220	Added	19:5 VA.R. 809	1/1/03
4 VAC 15-430-40	Erratum	19:14 VA.R. 2176	--
4 VAC 15-430-210	Erratum	19:14 VA.R. 2177	--
4 VAC 15-440-10 through 4 VAC 15-440-60	Added	19:5 VA.R. 809	1/1/03
4 VAC 20-252-20	Amended	19:10 VA.R. 1485	1/1/03
4 VAC 20-252-130	Amended	19:10 VA.R. 1485	1/1/03
4 VAC 20-252-130 emer	Amended	19:12 VA.R. 1905	1/31/03-2/28/03
4 VAC 20-252-130	Amended	19:14 VA.R. 2086	3/1/03
4 VAC 20-252-140	Amended	19:10 VA.R. 1486	1/1/03
4 VAC 20-252-150	Amended	19:10 VA.R. 1486	1/1/03
4 VAC 20-252-150 emer	Amended	19:12 VA.R. 1906	1/31/03-2/28/03
4 VAC 20-252-150	Amended	19:14 VA.R. 2087	3/1/03
4 VAC 20-252-160	Amended	19:10 VA.R. 1487	1/1/03
4 VAC 20-280-30	Amended	19:10 VA.R. 1487	1/1/03
4 VAC 20-280-40	Amended	19:10 VA.R. 1488	1/1/03
4 VAC 20-380-10	Amended	19:14 VA.R. 2087	3/1/03
4 VAC 20-380-30	Amended	19:14 VA.R. 2087	3/1/03
4 VAC 20-380-50	Amended	19:14 VA.R. 2087	3/1/03
4 VAC 20-380-60	Amended	19:14 VA.R. 2088	3/1/03
4 VAC 20-430-20	Amended	19:3 VA.R. 432	10/1/02
4 VAC 20-530-10	Amended	19:10 VA.R. 1488	1/1/03
4 VAC 20-530-20	Amended	19:10 VA.R. 1488	1/1/03
4 VAC 20-530-23	Added	19:10 VA.R. 1488	1/1/03
4 VAC 20-530-26	Added	19:10 VA.R. 1488	1/1/03
4 VAC 20-530-29	Added	19:10 VA.R. 1488	1/1/03
4 VAC 20-562-10 through 4 VAC 20-562-50 emer	Added	18:25 VA.R. 3570	8/16/02-8/30/02
4 VAC 20-610-60	Amended	18:25 VA.R. 3548	8/1/02
4 VAC 20-620-50	Amended	19:14 VA.R. 2088	3/1/03
4 VAC 20-620-70	Amended	19:14 VA.R. 2089	3/1/03
4 VAC 20-670-30	Amended	18:25 VA.R. 3550	8/1/02
4 VAC 20-720-10 emer	Amended	19:8 VA.R. 1256	11/27/02-12/26/02
4 VAC 20-720-20	Amended	19:3 VA.R. 432	10/1/02
4 VAC 20-720-20 emer	Amended	19:8 VA.R. 1256	11/27/02-12/26/02
4 VAC 20-720-20	Amended	19:9 VA.R. 1339	12/27/02
4 VAC 20-720-20 emer	Amended	19:12 VA.R. 1906	2/1/03-3/3/03
4 VAC 20-720-40	Amended	19:3 VA.R. 433	10/1/02
4 VAC 20-720-40 emer	Amended	19:8 VA.R. 1257	11/27/02-12/26/02
4 VAC 20-720-40 through 4 VAC 20-720-80	Amended	19:9 VA.R. 1339-1342	12/27/02
4 VAC 20-720-40 emer	Amended	19:12 VA.R. 1907	2/1/03-3/3/03
4 VAC 20-720-50 through 4 VAC 20-720-80	Amended	19:3 VA.R. 434-436	10/1/02
4 VAC 20-720-50 emer	Amended	19:8 VA.R. 1257	11/27/02-12/26/02
4 VAC 20-720-50 emer	Amended	19:12 VA.R. 1907	2/1/03-3/3/03
4 VAC 20-720-70 emer	Amended	19:8 VA.R. 1258	11/27/02-12/26/02
4 VAC 20-720-70 emer	Amended	19:12 VA.R. 1908	2/1/03-3/3/03
4 VAC 20-720-80	Amended	19:5 VA.R. 809	11/1/02
4 VAC 20-720-80	Erratum	19:12 VA.R. 1915	--
4 VAC 20-720-80 emer	Amended	19:12 VA.R. 1909	2/1/03-3/3/03
4 VAC 20-720-110 emer	Amended	19:8 VA.R. 1258	11/27/02-12/26/02
4 VAC 20-752-20	Amended	19:1 VA.R. 102	9/1/02
4 VAC 20-754-10 emer	Amended	19:5 VA.R. 811	10/27/02-11/25/02

# Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 20-754-20 emer	Amended	19:5 VA.R. 811	10/27/02-11/25/02
4 VAC 20-754-30 emer	Amended	19:1 VA.R. 137	8/28/02-9/27/02
4 VAC 20-754-30 emer	Amended	19:5 VA.R. 811	10/27/02-11/25/02
4 VAC 20-754-30	Amended	19:3 VA.R. 440	9/26/02
4 VAC 20-754-30	Amended	19:8 VA.R. 1193	11/27/02
4 VAC 20-910-45 emer	Amended	19:12 VA.R. 1911	1/31/03-2/28/03
4 VAC 20-910-45	Amended	19:14 VA.R. 2089	3/1/03
4 VAC 20-950-10	Amended	19:10 VA.R. 1489	1/1/03
4 VAC 20-950-30	Amended	19:14 VA.R. 2090	3/1/03
4 VAC 20-950-40	Amended	19:10 VA.R. 1489	1/1/03
4 VAC 20-950-45	Amended	19:10 VA.R. 1489	1/1/03
4 VAC 20-950-45	Amended	19:14 VA.R. 2090	3/1/03
4 VAC 20-950-46	Added	19:10 VA.R. 1490	1/1/03
4 VAC 20-950-47	Added	19:10 VA.R. 1491	1/1/03
4 VAC 20-950-48	Added	19:10 VA.R. 1491	1/1/03
4 VAC 20-950-49	Added	19:10 VA.R. 1491	1/1/03
<b>Title 6. Criminal Justice and Corrections</b>			
6 VAC 20-210-10 through 6 VAC 20-210-110 emer	Added	19:10 VA.R. 1511-1512	1/7/03-1/6/04
6 VAC 35-60-10	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-20	Repealed	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-30	Repealed	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-40	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-170	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-215	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-225	Added	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-236	Added	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-237	Added	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-280	Repealed	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-290	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-320	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-330	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-390	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-400	Repealed	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-410	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-415	Added	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-440	Repealed	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-450	Amended	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-460	Repealed	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-480	Repealed	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-490	Repealed	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-495	Repealed	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-500	Amended	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-575	Added	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-580	Amended	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-600	Amended	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-605	Repealed	18:25 VA.R. 3552	11/1/02
<b>Title 8. Education</b>			
8 VAC 20-440-10	Amended	19:12 VA.R. 1886	3/28/03
8 VAC 20-440-90	Amended	19:12 VA.R. 1886	3/28/03
8 VAC 20-440-110	Amended	19:12 VA.R. 1886	3/28/03
8 VAC 20-440-120	Amended	19:12 VA.R. 1886	3/28/03
8 VAC 20-440-140	Amended	19:12 VA.R. 1886	3/28/03
8 VAC 20-440-150	Amended	19:12 VA.R. 1886	3/28/03
8 VAC 20-440-160	Amended	19:12 VA.R. 1886	3/28/03
8 VAC 20-440 Appendix A	Amended	19:12 VA.R. 1887	3/28/03
8 VAC 20-440 Appendix B	Amended	19:12 VA.R. 1890	3/28/03

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
8 VAC 20-650-10	Added	19:10 VA.R. 1492	3/1/03
8 VAC 20-650-20	Added	19:10 VA.R. 1492	3/1/03
8 VAC 20-650-30	Added	19:10 VA.R. 1492	3/1/03
<b>Title 9. Environment</b>			
9 VAC 5-40-90	Amended	19:6 VA.R. 996	2/1/03
9 VAC 5-40-120	Amended	19:6 VA.R. 996	2/1/03
9 VAC 5-50-90	Amended	19:6 VA.R. 997	2/1/03
9 VAC 5-50-120	Amended	19:6 VA.R. 997	2/1/03
9 VAC 5-50-400	Amended	19:6 VA.R. 998	2/1/03
9 VAC 5-50-410	Amended	19:6 VA.R. 998	2/1/03
9 VAC 5-50-420	Amended	19:6 VA.R. 1003	2/1/03
9 VAC 5-60-60	Amended	19:6 VA.R. 1003	2/1/03
9 VAC 5-60-90	Amended	19:6 VA.R. 1003	2/1/03
9 VAC 5-60-100	Amended	19:6 VA.R. 1003	2/1/03
9 VAC 5-60-120 through 9 VAC 5-60-180	Amended	19:3 VA.R. 441-454	12/1/02
9 VAC 5-91-380	Amended	19:3 VA.R. 455	12/1/02
9 VAC 5-220-10 through 9 VAC 5-220-60	Added	19:3 VA.R. 456	12/1/02
9 VAC 5-221-10 through 9 VAC 5-221-60	Added	19:3 VA.R. 456	12/1/02
9 VAC 5-510-10 through 9 VAC 5-510-250	Added	19:3 VA.R. 457-466	12/1/02
9 VAC 5-510-170	Erratum	19:7 VA.R. 1119	--
9 VAC 10-10-10	Amended	19:8 VA.R. 1194	1/29/03
9 VAC 10-10-20	Amended	19:8 VA.R. 1195	1/29/03
9 VAC 10-10-30	Amended	19:8 VA.R. 1195	1/29/03
9 VAC 10-10-40	Repealed	19:8 VA.R. 1197	1/29/03
9 VAC 20-60-18	Amended	19:12 VA.R. 1891	3/26/03
9 VAC 20-60-1285	Erratum	18:25 VA.R. 3607	--
9 VAC 20-130 (Forms)	Amended	19:12 VA.R. 1912	--
9 VAC 20-150-30	Amended	19:6 VA.R. 1008	11/13/02
9 VAC 20-150-40	Amended	19:6 VA.R. 1008	11/13/02
9 VAC 20-150-80	Amended	19:6 VA.R. 1008	11/13/02
9 VAC 20-150-100	Amended	19:6 VA.R. 1008	11/13/02
9 VAC 20-150-110	Amended	19:6 VA.R. 1008	11/13/02
9 VAC 20-150-130	Amended	19:6 VA.R. 1008	11/13/02
9 VAC 25-31-50	Amended	18:25 VA.R. 3552	9/25/02
9 VAC 25-31-100	Amended	18:25 VA.R. 3553	9/25/02
9 VAC 25-70	Repealed	19:14 VA.R. 2090	4/23/03
9 VAC 25-71-10 through 9 VAC 25-71-70	Added	19:14 VA.R. 2090	4/23/03
9 VAC 25-120-10	Amended	19:10 VA.R. 1493	2/26/03
9 VAC 25-120-20	Amended	19:10 VA.R. 1493	2/26/03
9 VAC 25-120-31	Repealed	19:10 VA.R. 1493	2/26/03
9 VAC 25-120-50 through 9 VAC 25-120-80	Amended	19:10 VA.R. 1493	2/26/03
9 VAC 25-180-10	Amended	19:4 VA.R. 629	12/4/02
9 VAC 25-180-20	Amended	19:4 VA.R. 629	12/4/02
9 VAC 25-180-40	Amended	19:4 VA.R. 629	12/4/02
9 VAC 25-180-50	Amended	19:4 VA.R. 629	12/4/02
9 VAC 25-180-55	Added	19:4 VA.R. 629	12/4/02
9 VAC 25-180-60	Amended	19:4 VA.R. 629	12/4/02
9 VAC 25-180-70	Amended	19:4 VA.R. 630	12/4/02
9 VAC 25-195	Repealed	19:10 VA.R. 1494	3/4/03
9 VAC 25-196-40 through 9 VAC 25-196-70	Amended	19:10 VA.R. 1495	3/2/03
9 VAC 25-196-80	Repealed	19:10 VA.R. 1495	3/2/03
9 VAC 25-210 (Forms)	Amended	19:12 VA.R. 1912	--

# Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-260-5	Amended	18:20 VA.R. 2658	1/15/03 <sup>1</sup>
9 VAC 25-260-140	Amended	18:24 VA.R. 3289	<sup>2</sup>
9 VAC 25-260-140	Erratum	18:25 VA.R. 3607	--
9 VAC 25-260-155	Amended	18:24 VA.R. 3289	<sup>2</sup>
9 VAC 25-260-160	Amended	18:20 VA.R. 2658	1/15/03 <sup>1</sup>
9 VAC 25-260-170	Amended	18:20 VA.R. 2658	1/15/03 <sup>1</sup>
9 VAC 25-260-310	Amended	18:20 VA.R. 2659	<sup>2</sup>
9 VAC 25-260-390	Amended	18:20 VA.R. 2661	<sup>2</sup>
9 VAC 25-420	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-430	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-440	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-450	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-452	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-460	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-470	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-480	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-490	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-500	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-510	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-520	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-530	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-540	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-550	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-560	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-570	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-572	Repealed	19:14 VA.R. 2091	4/24/03
9 VAC 25-660 (Forms)	Amended	19:12 VA.R. 1912	--
9 VAC 25-670 (Forms)	Amended	19:12 VA.R. 1912	--
9 VAC 25-680 (Forms)	Amended	19:12 VA.R. 1912	--
9 VAC 25-690 (Forms)	Amended	19:12 VA.R. 1912	--
9 VAC 25-720-10 through 9 VAC 25-720-140	Added	19:14 VA.R. 2091-2138	4/24/03
9 VAC 25-730	Repealed	19:14 VA.R. 2090	4/23/03
9 VAC 25-750-10 through 9 VAC 25-750-50	Added	19:4 VA.R. 645-658	12/9/02
9 VAC 25-770-10 through 9 VAC 25-770-190 emer	Added	19:8 VA.R. 1260-1267	12/5/02-12/4/03
<b>Title 10. Finance and Financial Institutions</b>			
10 VAC 5-200-75	Added	19:9 VA.R. 1344	1/1/03
<b>Title 11. Gaming</b>			
11 VAC 5-10-10 through 11 VAC 5-10-70	Amended	19:15 VA.R. 2264	5/7/03
11 VAC 5-10-80	Added	19:15 VA.R. 2264	5/7/03
11 VAC 5-20-10	Amended	19:15 VA.R. 2265	5/7/03
11 VAC 5-20-60	Amended	19:15 VA.R. 2265	5/7/03
11 VAC 5-20-70	Amended	19:15 VA.R. 2265	5/7/03
11 VAC 5-20-80	Amended	19:15 VA.R. 2265	5/7/03
11 VAC 5-20-90	Repealed	19:15 VA.R. 2265	5/7/03
11 VAC 5-20-100	Repealed	19:15 VA.R. 2265	5/7/03
11 VAC 5-20-110	Repealed	19:15 VA.R. 2265	5/7/03
11 VAC 5-20-120 through 11 VAC 5-20-180	Amended	19:15 VA.R. 2265	5/7/03
11 VAC 5-20-420	Amended	19:15 VA.R. 2265	5/7/03
11 VAC 5-30	Repealed	19:15 VA.R. 2265	5/7/03
11 VAC 5-31-10 through 11 VAC 5-31-200	Added	19:15 VA.R. 2266	5/7/03
11 VAC 5-40	Repealed	19:15 VA.R. 2266	5/7/03
11 VAC 5-41-10 through 11 VAC 5-41-340	Added	19:15 VA.R. 2266-2269	5/7/03
11 VAC 10-130-80	Amended	19:3 VA.R. 478	9/27/02

<sup>1</sup> Notice of effective date published in 19:7 VA.R. 1074.

<sup>2</sup> Effective 30 days after notice in the *Virginia Register of EPA approval*.



## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
<b>Title 12. Health</b>			
12 VAC 5-30	Repealed	19:3 VA.R. 478	1/15/03 <sup>3</sup>
12 VAC 5-31-10 through 12 VAC 5-31-600	Added	19:3 VA.R. 479-493	1/15/03 <sup>3</sup>
12 VAC 5-31-610	Added	19:3 VA.R. 493	<sup>4</sup>
12 VAC 5-31-620	Added	19:3 VA.R. 494	<sup>4</sup>
12 VAC 5-31-630 through 12 VAC 5-31-720	Added	19:3 VA.R. 494-503	1/15/03 <sup>3</sup>
12 VAC 5-31-730	Added	19:3 VA.R. 516	<sup>4</sup>
12 VAC 5-31-740 through 12 VAC 5-31-930	Added	19:3 VA.R. 494-503	1/15/03 <sup>3</sup>
12 VAC 5-31-940	Added	19:3 VA.R. 503	<sup>4</sup>
12 VAC 5-31-950	Added	19:3 VA.R. 503	1/15/03 <sup>3</sup>
12 VAC 5-31-960	Added	19:3 VA.R. 503	1/15/03 <sup>3</sup>
12 VAC 5-31-970	Withdrawn	19:10 VA.R. 1495	--
12 VAC 5-31-980 through 12 VAC 5-31-1020	Added	19:3 VA.R. 503-504	1/15/03 <sup>3</sup>
12 VAC 5-31-1030	Added	19:3 VA.R. 504	<sup>4</sup>
12 VAC 5-31-1040	Added	19:3 VA.R. 504	1/15/03 <sup>3</sup>
12 VAC 5-31-1050	Withdrawn	19:8 VA.R. 1197	--
12 VAC 5-31-1060 through 12 VAC 5-31-1130	Added	19:3 VA.R. 504	1/15/03 <sup>3</sup>
12 VAC 5-31-1140	Added	19:3 VA.R. 505	<sup>4</sup>
12 VAC 5-31-1150 through 12 VAC 5-31-2260	Added	19:3 VA.R. 516-529	1/15/03 <sup>3</sup>
12 VAC 5-31-2090	Erratum	19:7 VA.R. 1119	--
12 VAC 5-90-80 emer	Amended	19:13 VA.R. 1971	2/11/03-2/10/04
12 VAC 5-220-10	Amended	19:8 VA.R. 1198	2/3/03
12 VAC 5-220-90	Amended	19:8 VA.R. 1202	2/3/03
12 VAC 5-220-105	Amended	19:8 VA.R. 1202	2/3/03
12 VAC 5-220-150	Repealed	19:8 VA.R. 1202	2/3/03
12 VAC 5-220-160	Amended	19:8 VA.R. 1202	2/3/03
12 VAC 5-220-180	Amended	19:8 VA.R. 1202	2/3/03
12 VAC 5-220-200	Amended	19:8 VA.R. 1202	2/3/03
12 VAC 5-220-230	Amended	19:8 VA.R. 1205	2/3/03
12 VAC 5-220-270	Amended	19:8 VA.R. 1206	2/3/03
12 VAC 5-220-280	Amended	19:8 VA.R. 1207	2/3/03
12 VAC 5-220-355	Amended	19:8 VA.R. 1207	2/3/03
12 VAC 5-220-385	Amended	19:8 VA.R. 1207	2/3/03
12 VAC 5-220-420	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-220-470	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-230-10	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-230-20	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-240-10	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-240-20	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-240-30	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-250-30	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-260-30	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-260-40	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-260-80	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-260-100	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-270-30	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-270-40	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-280-10	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-280-30	Amended	19:8 VA.R. 1210	2/3/03
12 VAC 5-280-70	Amended	19:8 VA.R. 1210	2/3/03
12 VAC 5-290-10	Amended	19:8 VA.R. 1210	2/3/03
12 VAC 5-290-30	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-300-30	Amended	19:8 VA.R. 1211	2/3/03

<sup>3</sup> Notice of change of effective date published in 19:9 VA.R. 1345.

<sup>4</sup> Effective date suspended in 19:10 VA.R. 1495.

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 5-310-30	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-320-50	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-320-150	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-320-430	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-340-30	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-360-30	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-360-40	Amended	19:8 VA.R. 1212	2/3/03
12 VAC 5-410-230	Amended	19:1 VA.R. 103	11/1/02
12 VAC 5-410-230	Erratum	19:3 VA.R. 549	--
12 VAC 5-410-390	Amended	19:1 VA.R. 103	11/1/02
12 VAC 5-410-1170	Amended	19:1 VA.R. 104	11/1/02
12 VAC 5-410-1180	Amended	19:1 VA.R. 104	11/1/02
12 VAC 5-585-10	Amended	19:14 VA.R. 2138	4/23/03
12 VAC 5-585-40	Amended	19:14 VA.R. 2140	4/23/03
12 VAC 5-585-50	Amended	19:14 VA.R. 2141	4/23/03
12 VAC 5-585-270	Amended	19:14 VA.R. 2141	4/23/03
12 VAC 5-585-660 through 12 VAC 5-585-750	Added	19:14 VA.R. 2141-2145	4/23/03
12 VAC 30-70-201 emer	Amended	18:26 VA.R. 3906	9/1/02-8/31/03
12 VAC 30-70-425 emer	Added	18:25 VA.R. 3571	8/1/02-7/31/03
12 VAC 30-70-426 emer	Added	18:25 VA.R. 3571	8/1/02-7/31/03
12 VAC 30-80-20 emer	Amended	18:25 VA.R. 3571	8/1/02-7/31/03
12 VAC 30-80-30 emer	Amended	18:25 VA.R. 3573	8/1/02-7/31/03
12 VAC 30-80-30 emer	Amended	18:25 VA.R. 3576	8/1/02-7/31/03
12 VAC 30-90-18 emer	Added	18:25 VA.R. 3575	8/1/02-7/31/03
12 VAC 30-90-19 emer	Amended	18:25 VA.R. 3575	8/1/02-7/31/03
12 VAC 30-120-10 through 12 VAC 30-120-50	Amended	19:8 VA.R. 1212-1223	2/1/03
12 VAC 30-120-55	Added	19:8 VA.R. 1223	2/1/03
12 VAC 30-120-60	Amended	19:8 VA.R. 1224	2/1/03
12 VAC 30-120-140 emer	Amended	19:15 VA.R. 2270	3/17/03-3/16/04
12 VAC 30-120-150 emer	Amended	19:15 VA.R. 2273	3/17/03-3/16/04
12 VAC 30-120-160 emer	Amended	19:15 VA.R. 2274	3/17/03-3/16/04
12 VAC 30-120-165 emer	Added	19:15 VA.R. 2276	3/17/03-3/16/04
12 VAC 30-120-170 emer	Amended	19:15 VA.R. 2281	3/17/03-3/16/04
12 VAC 30-120-180 emer	Amended	19:15 VA.R. 2282	3/17/03-3/16/04
12 VAC 30-120-190 emer	Amended	19:15 VA.R. 2284	3/17/03-3/16/04
12 VAC 30-120-210	Repealed	18:26 VA.R. 3853	10/16/02
12 VAC 30-120-211 through 12 VAC 30-120-219	Added	18:26 VA.R. 3855-3865	10/16/02
12 VAC 30-120-220	Repealed	18:26 VA.R. 3865	10/16/02
12 VAC 30-120-221 through 12 VAC 30-120-229	Added	18:26 VA.R. 3867-3875	10/16/02
12 VAC 30-120-230	Repealed	18:26 VA.R. 3875	10/16/02
12 VAC 30-120-231 through 12 VAC 30-120-237	Added	18:26 VA.R. 3878-3883	10/16/02
12 VAC 30-120-240	Repealed	18:26 VA.R. 3883	10/16/02
12 VAC 30-120-241 through 12 VAC 30-120-249	Added	18:26 VA.R. 3885-3893	10/16/02
12 VAC 30-120-249	Erratum	19:3 VA.R. 549	--
12 VAC 30-120-250	Repealed	18:26 VA.R. 3893	10/16/02
12 VAC 30-120-360	Amended	19:3 VA.R. 530	12/1/02
12 VAC 30-120-370	Amended	19:3 VA.R. 531	12/1/02
12 VAC 30-120-380	Amended	19:3 VA.R. 531	12/1/02
12 VAC 30-120-385	Repealed	19:3 VA.R. 531	12/1/02
12 VAC 30-120-390 through 12 VAC 30-120-420	Amended	19:3 VA.R. 531	12/1/02
12 VAC 30-120-700 emer	Amended	19:3 VA.R. 536	10/1/02-9/30/03
12 VAC 30-120-710 emer	Amended	19:3 VA.R. 539	10/1/02-9/30/03
12 VAC 30-120-720 emer	Amended	19:3 VA.R. 539	10/1/02-9/30/03
12 VAC 30-135-10 through 12 VAC 30-135-80 emer	Added	18:25 VA.R. 3579-3580	10/1/02-9/30/03
12 VAC 30-135-10 through 12 VAC 30-135-80 emer	Added	19:8 VA.R. 1268-1269	12/4/02-9/30/03
12 VAC 30-141-10 through 12 VAC 30-141-650 emer	Adding	19:1 VA.R. 138-150	9/1/02-8/31/02

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-141-10 through 12 VAC 30-141-650 emer	Added	18:25 VA.R. 3580-3590	8/1/02-7/31/03
12 VAC 35-105-20 emer	Amended	18:25 VA.R. 3591	9/19/02-9/18/03
12 VAC 35-105-30 emer	Amended	18:25 VA.R. 3597	9/19/02-9/18/03
12 VAC 35-105-280 emer	Amended	18:25 VA.R. 3598	9/19/02-9/18/03
12 VAC 35-105-590 emer	Amended	18:25 VA.R. 3598	9/19/02-9/18/03
12 VAC 35-105-660 emer	Amended	18:25 VA.R. 3598	9/19/02-9/18/03
12 VAC 35-105-800 emer	Amended	18:25 VA.R. 3599	9/19/02-9/18/03
12 VAC 35-190-10	Amended	19:7 VA.R. 1075	1/15/03
12 VAC 35-190-20	Repealed	19:7 VA.R. 1076	1/15/03
12 VAC 35-190-21	Added	19:7 VA.R. 1076	1/15/03
12 VAC 35-190-30	Amended	19:7 VA.R. 1076	1/15/03
12 VAC 35-190-40	Repealed	19:7 VA.R. 1076	1/15/03
12 VAC 35-190-41	Added	19:7 VA.R. 1076	1/15/03
12 VAC 35-190-50	Repealed	19:7 VA.R. 1076	1/15/03
12 VAC 35-190-51	Added	19:7 VA.R. 1076	1/15/03
<b>Title 13. Housing</b>			
13 VAC 10-20-20	Amended	19:2 VA.R. 349	9/20/02
13 VAC 10-20-40	Amended	19:2 VA.R. 349	9/20/02
13 VAC 10-20-90	Amended	19:2 VA.R. 349	9/20/02
13 VAC 10-40-20	Amended	19:2 VA.R. 349	9/20/02
13 VAC 10-40-110	Amended	19:12 VA.R. 1892	1/24/03
13 VAC 10-40-220	Amended	19:12 VA.R. 1892	1/24/03
13 VAC 10-40-230	Amended	19:12 VA.R. 1892	1/24/03
13 VAC 10-50-90	Amended	19:2 VA.R. 349	9/20/02
<b>Title 14. Insurance</b>			
14 VAC 5-71-10 through 14 VAC 5-71-100	Amended	19:1 VA.R. 104	9/4/02
14 VAC 5-170-20	Amended	19:4 VA.R. 660	10/24/02
14 VAC 5-170-30	Amended	19:4 VA.R. 660	10/24/02
14 VAC 5-170-60	Amended	19:4 VA.R. 661	10/24/02
14 VAC 5-170-70	Amended	19:4 VA.R. 662	10/24/02
14 VAC 5-170-105	Amended	19:4 VA.R. 665	10/24/02
14 VAC 5-170-150	Amended	19:4 VA.R. 670	10/24/02
14 VAC 5-170-180	Amended	19:4 VA.R. 688	10/24/02
14 VAC 5-200-20	Amended	19:12 VA.R. 1893	4/1/03
14 VAC 5-200-30	Amended	19:12 VA.R. 1893	4/1/03
14 VAC 5-200-40	Amended	19:12 VA.R. 1893	4/1/03
14 VAC 5-200-60	Amended	19:12 VA.R. 1893	4/1/03
14 VAC 5-200-75	Amended	19:12 VA.R. 1893	4/1/03
14 VAC 5-200-77	Added	19:12 VA.R. 1894	4/1/03
14 VAC 5-200-150	Amended	19:12 VA.R. 1894	4/1/03
14 VAC 5-200-153	Added	19:12 VA.R. 1894	4/1/03
14 VAC 5-200-200	Amended	19:12 VA.R. 1894	4/1/03
14 VAC 5-210-70	Amended	18:26 VA.R. 3896	9/1/02
14 VAC 5-210-90	Amended	18:26 VA.R. 3896	9/1/02
14 VAC 5-260 (Forms)	Amended	19:14 VA.R. 2169	--
14 VAC 5-350-20	Amended	19:1 VA.R. 107	9/1/02
14 VAC 5-350-30	Amended	19:1 VA.R. 107	9/1/02
14 VAC 5-350-40 through 14 VAC 5-350-80	Repealed	19:1 VA.R. 108	9/1/02
14 VAC 5-350-85	Added	19:1 VA.R. 108	9/1/02
14 VAC 5-350-95	Added	19:1 VA.R. 108	9/1/02
14 VAC 5-350-110 through 14 VAC 5-350-140	Repealed	19:1 VA.R. 108	9/1/02
14 VAC 5-350-150	Amended	19:1 VA.R. 108	9/1/02
14 VAC 5-350-155	Added	19:1 VA.R. 108	9/1/02
14 VAC 5-350-160	Amended	19:1 VA.R. 108	9/1/02
14 VAC 5-350-165	Added	19:1 VA.R. 108	9/1/02
14 VAC 5-350-170	Repealed	19:1 VA.R. 108	9/1/02

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
14 VAC 5-350-180	Repealed	19:1 VA.R. 108	9/1/02
14 VAC 5-350-210	Amended	19:1 VA.R. 108	9/1/02
14 VAC 5-350 (Forms)	Amended	19:5 VA.R. 814	--
14 VAC 5-385-10 through 14 VAC 5-385-150	Added	19:2 VA.R. 351	10/1/02
<b>Title 16. Labor and Employment</b>			
16 VAC 5-10-10	Amended	18:26 VA.R. 3897	11/3/02
16 VAC 5-10-20	Amended	18:26 VA.R. 3897	11/3/02
16 VAC 5-10-21	Added	18:26 VA.R. 3898	11/3/02
16 VAC 5-10-22	Added	18:26 VA.R. 3898	11/3/02
16 VAC 5-10-30	Amended	18:26 VA.R. 3898	11/3/02
16 VAC 5-20-10	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-20-20	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-32-10	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-32-20	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-60-10	Amended	18:26 VA.R. 3898	11/3/02
16 VAC 5-60-20	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-60-40	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-70-10	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-70-20	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-80-10	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-80-20	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-80-30	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-80-40	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 20-10-10	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 20-10-20	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 20-10-40	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 20-10-50	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 20-10-80	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 20-10-90	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 20-10-100	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 25-10-10	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-10-20	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-10-40	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-10-50	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-10-80	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-10-90	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-10-100	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-10-120	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-60-190	Amended	19:9 VA.R. 1346	3/1/03
16 VAC 25-60-290	Amended	19:9 VA.R. 1348	3/1/03
16 VAC 25-60-320	Amended	19:9 VA.R. 1348	3/1/03
16 VAC 25-85-1904.10	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.33	Added	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.34	Added	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.35 through 16 VAC 25-90-1910.38	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.39	Added	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.119	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.120	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.157	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.268	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.272	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.1047	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.1050	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.1051	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-100-1915.4	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.5	Amended	19:9 VA.R. 1350	3/1/03

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
16 VAC 25-100-1915.14	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.15	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.35	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.51	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.53	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.71 through 16 VAC 25-100-1915.75	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.77	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.92	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.97	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.112	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.115	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.116	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.118	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.131	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.134	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.152	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.158	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.159	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.160	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.163	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.165	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.172	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.181	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.1001	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-175-1926.200 through 16 VAC 25-175-1926.203	Amended	19:9 VA.R. 1351	3/1/03
<b>Title 18. Professional and Occupational Licensing</b>			
18 VAC 5-21-20	Amended	19:10 VA.R. 1496	2/28/03
18 VAC 5-21-20	Amended	19:12 VA.R. 1895	3/26/03
18 VAC 10-10-10 through 18 VAC 10-10-90	Amended	19:10 VA.R. 1497	3/1/03
18 VAC 41-10-10 through 18 VAC 41-10-90	Added	19:10 VA.R. 1497	3/1/03
18 VAC 50-22-100	Amended	19:6 VA.R. 1011	1/1/03
18 VAC 50-22-140	Amended	19:6 VA.R. 1011	1/1/03
18 VAC 50-22-170	Amended	19:6 VA.R. 1011	1/1/03
18 VAC 50-22-250	Amended	19:6 VA.R. 1011	1/1/03
18 VAC 50-30-90 through 18 VAC 50-30-130	Amended	19:6 VA.R. 1011	1/1/03
18 VAC 50-30-150	Amended	19:6 VA.R. 1011	1/1/03
18 VAC 60-20-10	Amended	19:10 VA.R. 1498	2/26/03
18 VAC 60-20-250 through 18 VAC 60-20-331	Added	19:10 VA.R. 1498	2/26/03
18 VAC 60-20-20	Amended	19:10 VA.R. 1499	2/26/03
18 VAC 60-20-30	Amended	19:10 VA.R. 1499	2/26/03
18 VAC 65-30-10	Amended	19:10 VA.R. 1500	2/26/03
18 VAC 65-30-80	Amended	19:10 VA.R. 1500	2/26/03
18 VAC 65-40-340	Amended	19:10 VA.R. 1501	2/26/03
18 VAC 85-20-310 through 18 VAC 85-20-390 emer	Added	19:7 VA.R. 1114-1117	11/18/02-11/17/03
18 VAC 85-80-10	Amended	19:1 VA.R. 108	10/23/02
18 VAC 85-80-26	Added	19:1 VA.R. 108	10/23/02
18 VAC 85-80-35	Amended	19:1 VA.R. 108	10/23/02
18 VAC 85-80-40	Amended	19:1 VA.R. 108	10/23/02
18 VAC 85-80-45	Added	19:1 VA.R. 108	10/23/02
18 VAC 85-80-60 through 18 VAC 85-80-110	Amended	19:1 VA.R. 108	10/23/02
18 VAC 85-80-120	Repealed	19:1 VA.R. 109	10/23/02
18 VAC 85-101-10	Amended	19:1 VA.R. 109	10/23/02
18 VAC 85-101-60	Amended	19:1 VA.R. 109	10/23/02
18 VAC 85-101-70	Amended	19:1 VA.R. 110	10/23/02
18 VAC 85-101-150	Amended	19:1 VA.R. 110	10/23/02
18 VAC 85-110-10	Amended	19:10 VA.R. 1501	2/26/03

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 85-110-30	Repealed	19:10 VA.R. 1501	2/26/03
18 VAC 85-110-50	Amended	19:10 VA.R. 1501	2/26/03
18 VAC 85-110-60	Amended	19:10 VA.R. 1501	2/26/03
18 VAC 85-110-70	Repealed	19:10 VA.R. 1502	2/26/03
18 VAC 85-110-80	Amended	19:10 VA.R. 1502	2/26/03
18 VAC 85-110-150	Amended	19:10 VA.R. 1502	2/26/03
18 VAC 85-110-155	Amended	19:10 VA.R. 1502	2/26/03
18 VAC 85-110-160	Amended	19:10 VA.R. 1502	2/26/03
18 VAC 90-20-360	Amended	19:13 VA.R. 1967	4/9/03
18 VAC 90-20-361	Added	19:13 VA.R. 1967	4/9/03
18 VAC 90-20-362	Added	19:13 VA.R. 1967	4/9/03
18 VAC 90-20-363	Added	19:13 VA.R. 1968	4/9/03
18 VAC 90-20-364	Added	19:13 VA.R. 1968	4/9/03
18 VAC 90-40-100	Amended	19:7 VA.R. 1076	1/15/03
18 VAC 90-40-110	Amended	19:7 VA.R. 1076	1/15/03
18 VAC 90-40-120	Amended	19:7 VA.R. 1076	1/15/03
18 VAC 90-50	Erratum	19:8 VA.R. 1273	--
18 VAC 90-50-10	Amended	19:7 VA.R. 1084	1/15/03
18 VAC 90-50-40	Amended	19:7 VA.R. 1084	1/15/03
18 VAC 90-50-50	Amended	19:7 VA.R. 1085	1/15/03
18 VAC 90-50-60	Amended	19:7 VA.R. 1085	1/15/03
18 VAC 90-50-70	Amended	19:7 VA.R. 1085	1/15/03
18 VAC 90-50-75	Added	19:7 VA.R. 1085	1/15/03
18 VAC 90-50-80	Amended	19:7 VA.R. 1086	1/15/03
18 VAC 90-50-90	Amended	19:7 VA.R. 1086	1/15/03
18 VAC 95-20-80	Amended	19:7 VA.R. 1094	1/15/03
18 VAC 105-20-10	Amended	19:7 VA.R. 1106	1/15/03
18 VAC 105-20-15	Amended	19:7 VA.R. 1106	1/15/03
18 VAC 105-20-20	Amended	19:7 VA.R. 1106	1/15/03
18 VAC 105-20-40 through 18 VAC 105-20-70	Amended	19:7 VA.R. 1106	1/15/03
18 VAC 105-30-90	Amended	19:7 VA.R. 1108	1/15/03
18 VAC 105-30-100	Amended	19:7 VA.R. 1108	1/15/03
18 VAC 105-30-120	Amended	19:7 VA.R. 1108	1/15/03
18 VAC 110-20-20	Amended	19:4 VA.R. 689	12/4/02
18 VAC 110-20-20	Amended	19:10 VA.R. 1502	2/26/03
18 VAC 110-20-101 through 18 VAC 110-20-106	Added	19:10 VA.R. 1504	2/26/03
18 VAC 110-20-111	Added	19:10 VA.R. 1504	2/26/03
18 VAC 110-20-270	Amended	19:10 VA.R. 1504	2/26/03
18 VAC 110-20-270	Erratum	19:11 VA.R. 1790	--
18 VAC 110-30-15	Amended	19:4 VA.R. 691	12/4/02
18 VAC 112-20-10	Amended	19:1 VA.R. 110	10/23/02
18 VAC 112-20-130	Amended	19:1 VA.R. 110	10/23/02
18 VAC 112-20-131	Added	19:1 VA.R. 110	10/23/02
18 VAC 112-20-135	Amended	19:1 VA.R. 110	10/23/02
18 VAC 112-20-136	Added	19:1 VA.R. 110	10/23/02
18 VAC 112-20-140	Amended	19:1 VA.R. 110	10/23/02
18 VAC 115-30-140	Amended	19:1 VA.R. 110	10/23/02
18 VAC 115-60-55	Added	19:10 VA.R. 1505	2/26/03
18 VAC 115-60-130	Amended	19:1 VA.R. 111	10/23/02
18 VAC 125-20-30	Amended	19:10 VA.R. 1506	2/26/03
18 VAC 125-20-120	Amended	19:10 VA.R. 1506	2/26/03
18 VAC 125-20-121	Amended	19:10 VA.R. 1506	2/26/03
18 VAC 125-20-130	Amended	19:10 VA.R. 1506	2/26/03
18 VAC 135-20-10 through 18 VAC 135-20-80	Amended	19:12 VA.R. 1899-1901	4/1/03
18 VAC 135-20-30	Erratum	19:14 VA.R. 2177	--
18 VAC 135-20-60	Erratum	19:14 VA.R. 2177	--

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 135-20-100	Amended	19:12 VA.R. 1901	4/1/03
18 VAC 135-20-105	Added	19:12 VA.R. 1901	4/1/03
18 VAC 135-20-110 through 18 VAC 135-20-150	Amended	19:12 VA.R. 1901	4/1/03
18 VAC 135-20-155	Added	19:12 VA.R. 1901	4/1/03
18 VAC 135-20-160 through 18 VAC 135-20-180	Amended	19:12 VA.R. 1901	4/1/03
18 VAC 135-20-185	Added	19:12 VA.R. 1901	4/1/03
18 VAC 135-20-190	Amended	19:12 VA.R. 1901	4/1/03
18 VAC 135-20-200	Repealed	19:12 VA.R. 1903	4/1/03
18 VAC 135-20-220	Amended	19:12 VA.R. 1903	4/1/03
18 VAC 135-20-230	Repealed	19:12 VA.R. 1903	4/1/03
18 VAC 135-20-240 through 18 VAC 135-20-300	Amended	19:12 VA.R. 1903-1904	4/1/03
18 VAC 135-20-260	Erratum	19:14 VA.R. 2177	--
18 VAC 135-20-320	Repealed	19:12 VA.R. 1904	4/1/03
18 VAC 135-20-330	Amended	19:12 VA.R. 1904	4/1/03
18 VAC 135-20-340	Amended	19:12 VA.R. 1904	4/1/03
18 VAC 135-20-360	Amended	19:12 VA.R. 1904	4/1/03
18 VAC 135-20-370	Amended	19:12 VA.R. 1904	4/1/03
18 VAC 135-20-410	Amended	19:12 VA.R. 1904	4/1/03
18 VAC 140-20-30	Amended	19:14 VA.R. 2145	4/23/03
18 VAC 150-20-10	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-30	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-70	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-75	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-100	Amended	19:7 VA.R. 1113	1/15/03
18 VAC 150-20-100	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-110	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-120 through 18 VAC 150-20-140	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-171	Added	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-172	Added	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-180 through 18 VAC 150-20-200	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-181	Added	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-205	Repealed	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-210	Amended	19:9 VA.R. 1351	3/1/03
<b>Title 19. Public Safety</b>			
19 VAC 30-20-10	Amended	19:10 VA.R. 1508	3/1/03
19 VAC 30-20-50	Amended	19:10 VA.R. 1508	3/1/03
19 VAC 30-20-80	Amended	19:10 VA.R. 1508	3/1/03
<b>Title 20. Public Utilities and Telecommunications</b>			
20 VAC 5-302-20	Amended	19:1 VA.R. 115	8/21/02
20 VAC 5-302-25	Added	19:1 VA.R. 117	8/21/02
20 VAC 5-302-35	Added	19:1 VA.R. 118	8/21/02
20 VAC 5-312-90	Amended	19:1 VA.R. 121	1/1/03
20 VAC 5-312-90	Erratum	19:5 VA.R. 819	--
20 VAC 5-312-100	Amended	18:26 VA.R. 3904	1/1/03
20 VAC 5-312-120	Added	18:26 VA.R. 3905	1/1/03
<b>Title 22. Social Services</b>			
22 VAC 5-10-10	Amended	19:1 VA.R. 124	10/23/02
22 VAC 5-10-20	Amended	19:1 VA.R. 124	10/23/02
22 VAC 5-10-100	Amended	19:1 VA.R. 124	10/23/02
22 VAC 5-20-20 through 22 VAC 5-20-100	Amended	19:1 VA.R. 124-132	10/23/02
22 VAC 5-20-110	Repealed	19:1 VA.R. 132	10/23/02
22 VAC 5-20-120	Amended	19:1 VA.R. 132	10/23/02
22 VAC 5-20-140	Amended	19:1 VA.R. 133	10/23/02
22 VAC 5-20-150	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-170	Amended	19:1 VA.R. 134	10/23/02

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
22 VAC 5-20-180	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-190	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-210	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-230	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-250	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-300	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-310	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-330	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-450	Amended	19:1 VA.R. 135	10/23/02
22 VAC 5-20-460	Amended	19:1 VA.R. 135	10/23/02
22 VAC 5-20-580	Amended	19:1 VA.R. 135	10/23/02
22 VAC 5-20-600	Amended	19:1 VA.R. 136	10/23/02
22 VAC 15-30 (Forms)	Amended	19:4 VA.R. 695	--
22 VAC 15-60-10 through 22 VAC 15-60-180	Repealed	19:2 VA.R. 351	11/6/02
22 VAC 20-20-10 through 22 VAC 20-20-110	Amended	19:4 VA.R. 694	1/1/03
22 VAC 30-20-10 through 22 VAC 30-20-40	Amended	19:14 VA.R. 2147-2154	4/24/03
22 VAC 30-20-60	Amended	19:14 VA.R. 2154	4/24/03
22 VAC 30-20-80	Amended	19:14 VA.R. 2154	4/24/03
22 VAC 30-20-90	Amended	19:14 VA.R. 2155	4/24/03
22 VAC 30-20-95	Added	19:14 VA.R. 2155	4/24/03
22 VAC 30-20-100 through 22 VAC 30-20-130	Amended	19:14 VA.R. 2155-2164	4/24/03
22 VAC 30-20-150	Amended	19:14 VA.R. 2164	4/24/03
22 VAC 30-20-160	Amended	19:14 VA.R. 2164	4/24/03
22 VAC 30-20-170	Amended	19:14 VA.R. 2165	4/24/03
22 VAC 30-20-181	Amended	19:14 VA.R. 2166	4/24/03
22 VAC 30-20-200	Amended	19:14 VA.R. 2167	4/24/03
22 VAC 30-50-10 through 22 VAC 30-50-110	Added	19:9 VA.R. 1352-1354	2/13/03
22 VAC 40-60 (Forms)	Amended	19:4 VA.R. 695	--
22 VAC 40-71-10	Amended	19:8 VA.R. 1240	3/28/03
22 VAC 40-71-20	Amended	19:8 VA.R. 1244	3/28/03
22 VAC 40-71-20	Erratum	19:11 VA.R. 1790	--
22 VAC 40-71-30	Amended	19:8 VA.R. 1244	3/28/03
22 VAC 40-71-45	Added	19:8 VA.R. 1244	3/28/03
22 VAC 40-71-50	Amended	19:8 VA.R. 1244	3/28/03
22 VAC 40-71-60	Amended	19:8 VA.R. 1245	3/28/03
22 VAC 40-71-80	Amended	19:8 VA.R. 1245	3/28/03
22 VAC 40-71-90	Amended	19:8 VA.R. 1245	3/28/03
22 VAC 40-71-110	Amended	19:8 VA.R. 1245	3/28/03
22 VAC 40-71-130	Amended	19:8 VA.R. 1245	3/28/03
22 VAC 40-71-150	Amended	19:8 VA.R. 1245	3/28/03
22 VAC 40-71-160	Amended	19:8 VA.R. 1248	3/28/03
22 VAC 40-71-170	Amended	19:8 VA.R. 1248	3/28/03
22 VAC 40-71-180	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-210	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-270	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-275	Added	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-280	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-290	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-310	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-330	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-360	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-410	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-440	Amended	19:8 VA.R. 1250	3/28/03
22 VAC 40-71-450	Amended	19:8 VA.R. 1250	3/28/03
22 VAC 40-71-460	Amended	19:8 VA.R. 1250	3/28/03
22 VAC 40-71-480	Amended	19:8 VA.R. 1250	3/28/03



## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
22 VAC 40-71-490	Amended	19:8 VA.R. 1250	3/28/03
22 VAC 40-71-530	Amended	19:8 VA.R. 1250	3/28/03
22 VAC 40-71-540	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-550	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-560	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-570	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-580	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-590	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-600	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-630	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-640	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-650	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-660	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-670	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-680	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-690	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71 Part VI, Article 3	Erratum	19:11 VA.R. 1790	--
22 VAC 40-71-700	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-700	Erratum	19:11 VA.R. 1790	--
22 VAC 40-90-10	Amended	19:2 VA.R. 352	11/6/02
22 VAC 40-90-20	Amended	19:2 VA.R. 353	11/6/02
22 VAC 40-90-60	Amended	19:2 VA.R. 353	11/6/02
22 VAC 40-92-10 through 22 VAC 40-92-180	Repealed	19:3 VA.R. 531	11/20/02
22 VAC 40-680-20	Amended	19:10 VA.R. 1509	2/26/03
22 VAC 40-680-63	Added	19:10 VA.R. 1509	2/26/03
22 VAC 40-680-67	Added	19:10 VA.R. 1509	2/26/03
22 VAC 40-700-10	Amended	19:10 VA.R. 1509	2/26/03
22 VAC 40-700-30	Amended	19:10 VA.R. 1510	2/26/03
22 VAC 40-705-10	Amended	19:6 VA.R. 1011	1/1/03
22 VAC 40-705-30 through 22 VAC 40-705-160	Amended	19:6 VA.R. 1014-1023	1/1/03
22 VAC 40-705-180	Amended	19:6 VA.R. 1023	1/1/03
22 VAC 40-705-190	Amended	19:6 VA.R. 1023	1/1/03
22 VAC 40-720-10	Amended	19:3 VA.R. 531	11/20/02
22 VAC 40-730-10	Amended	19:3 VA.R. 532	11/20/02
22 VAC 40-730-20	Amended	19:3 VA.R. 533	11/20/02
22 VAC 40-730-40 through 22 VAC 40-730-90	Amended	19:3 VA.R. 533	11/20/02
<b>Title 24. Transportation and Motor Vehicles</b>			
24 VAC 30-270	Repealed	19:3 VA.R. 533	9/18/02
24 VAC 30-271-10	Added	19:3 VA.R. 533	9/18/02
24 VAC 30-271-20	Added	19:3 VA.R. 533	9/18/02

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# PETITIONS FOR RULEMAKING

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## TITLE 2. AGRICULTURE

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Agency Decision

**Title of Regulation:** 2 VAC 5-140. Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds into Virginia.

**Statutory Authority:** §§ 2.2-4007 A and 3.1-726 A of the Code of Virginia.

**Name of Petitioner:** Christine Solem, President, Virginia State Dairy Goat Association, Inc.

**Nature of Request:** Under § 3.1-726 A of the Code of Virginia, the board has the authority to adopt regulations as may be necessary to eradicate and prevent the spread of contagious and infectious diseases such as tuberculosis and Bangs abortion disease (brucellosis). Cattle for dairy or breeding purposes, under 2 VAC 5-140-50 A 1 and B 3 a, may enter the Commonwealth without tuberculosis and brucellosis testing if they originate from a certified tuberculosis-free area and a brucellosis-free state. However, 2 VAC 5-140-100 B and C states that goats for dairy or breeding purposes may enter the Commonwealth only if they are individually tested for tuberculosis and brucellosis within 30 days of entry or originate from a herd in which all animals tested negative for tuberculosis and brucellosis within 12 months prior to entry.

Yet goats are not nearly as susceptible to tuberculosis and brucellosis as are cattle. In fact, many states no longer require the testing of goats for these two diseases before entry. Certainly the testing of goats entering Virginia from areas and states free of tuberculosis and brucellosis is not necessary as it has been determined already that it is not necessary even for cattle. Such nonessential testing creates an unreasonable economic burden that adversely impacts the dairy goat industry here in Virginia, especially with respect to exhibition animals that enter the state for a day or two and then return home.

Petitioner therefore asks the agency to amend 2 VAC 5-140-100 B and C so that the regulations pertaining to goats conform to the same requirements as cattle entering the state from an area or state free of tuberculosis and brucellosis.

**Agency Decision:** Request Denied.

**Statement of reasons for decision:** The Board of Agriculture and Consumer Services has received a petition dated September 18, 2002, from Christine Solem, President, Virginia State Dairy Goat Association, Inc. The petition seeks to have the board amend certain provisions of 2 VAC 5-140, Health Requirements Governing the Admission of Livestock, Poultry,

Companion Animals, and Other Animals or Birds into Virginia.<sup>1</sup> The board denies the petition for the reasons stated below:

-The regulation that the petitioner seeks to have amended is already in the process of being amended, and the petitioner's proposal would amend the regulation differently than the agency has proposed.

-The law (at § 2.2-4007(A) of the Code of Virginia) establishes strict requirements as to how a petition must be treated. The agency must either grant or deny the petitioner's request and (with one exception that does apply in the present case) must do so within 90 days following the close of the public-comment period on the petition. As much as the board would like matters to be different (for the convenience of the petitioner), the law governing petitions:

-Does not countenance an agency's holding a petition until the comments it contains can be considered as a part of a yet-to-be-held public-comment period on an already-proposed regulation<sup>2</sup>; and

-Does not countenance an agency's reserving its decision on a petition until such time as the agency settles upon the terms of a final regulation, which might otherwise serve as the agency's response to the petition.

-The board wishes to emphasize that the suggestions contained in the petition are worthy of the board's further consideration once notice of the proposed regulation and opportunity for public comment thereon are published in The Virginia Register of Regulations. The board thus encourages the petitioner to submit to the agency the suggestions for regulatory amendment contained in the petition during the public-comment period on the proposed regulation.

**Agency Contact:** David E. Cardin, D.V.M., Program Manager, Office of Veterinary Services, Department of Agriculture and Consumer Services, P.O. Box 1163, Division of Animal, Plant and Food Industry Services, 6th Floor, Richmond, VA 23218, telephone (804) 786-4560, FAX (804) 371-2380 or e-mail dcardin@vdacs.state.va.us.

VA.R. Doc. No. R03-46; Filed March 20, 2003, 10:16 a.m.



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<sup>1</sup> The agency also received one comment during the public-comment period on this petition. The comment was from Mary C. Fines, of Bealton, Virginia, who supports the petition.

<sup>2</sup> The board wants to be certain that the petitioner's comments are received during the public-comment period on the proposed regulation, so that it is certain that they must be considered in the development of the final regulation. In this regard, the Regulatory Town Hall (a computer-accessible site where information about agencies' regulations is posted) requires agencies to establish and post on that site a formal beginning date for the receipt of public comment on a proposed regulation. That beginning date has not yet been set.

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# Petitions for Rulemaking

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## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Agency contact: Sandra Reen, Executive Director, Board of Nursing Home Administrators, 6603 West Broad Street, Richmond, VA 23230, telephone (804) 662-9906, FAX (804) 662-7246, or e-mail sandra.reen@dhp.state.va.us.

VA.R. Doc. No. R03-167; Filed April 2, 2003, 9:31 a.m.

#### Initial Agency Notice

Title of Regulation: **18 VAC 65-20. Regulations of the Board of Funeral Directors and Embalmers.**

Statutory Authority: §§ 54.1-2400 and 54.1-2810 of the Code of Virginia.

Names of Petitioner: Vanessa Harris.

Nature of Petitioner's Request: The petitioner is requesting the board to amend regulations to allow a funeral service licensee who is the manager of a funeral establishment to also hold a full-time job elsewhere.

Agency's Plan for Disposition of Request: The board has referred the petitioner's request to the Legislative/Regulatory Committee, which will meet at 9 a.m. on April 22, 2003, in Conference Room 1 at 6603 West Broad Street, Richmond, Virginia to consider whether to recommend amendments to the statutory and regulatory requirements for a full-time manager.

Written comments may be submitted until May 13, 2003.

Agency contact: Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, 6603 West Broad Street, Richmond, VA 23230-1712, telephone (804) 662-9907, FAX (804) 662-9523, or e-mail elizabeth.young@dhp.state.va.us.

VA.R. Doc. No. R03-168; Filed April 2, 2003, 9:31 a.m.

### BOARD OF NURSING HOME ADMINISTRATORS

#### Initial Agency Notice

Title of Regulation: **18 VAC 95-20. Regulations Governing the Practice of Nursing Home Administrators.**

Statutory Authority: §§ 54.1-2400 and 54.1-3102.1 of the Code of Virginia.

Names of Petitioner: Georgia Wenzel.

Nature of Petitioner's Request: The petitioner is requesting the board to amend 18 VAC 95-20-310 on requirements for hours in an administrator-in-training program to accept certain education and experience in lieu of hours of training as a nursing home administrator.

Agency's Plan for Disposition of Request: The board received the petition at its April 9, 2003, meeting. Following the comment period, the board will place the issue on the agenda of its next meeting to decide whether to initiate a regulatory action.

Written comments may be submitted until May 13, 2003.

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# NOTICES OF INTENDED REGULATORY ACTION

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## Symbol Key

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

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## TITLE 9. ENVIRONMENT

### STATE WATER CONTROL BOARD

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled: **9 VAC 25-191. Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Concentrated Animal Feeding Operations.** The purpose of the proposed action is to develop and adopt a general permit regulation to comply with the requirements set forth in 40 CFR Parts 9, 122, 123, and 412, as published in the Federal Register (Volume 68, No. 29, dated February 12, 2003). This general permit regulation will govern the authorization to manage pollutants from concentrated animal feeding operations, including storage and land application of animal waste. (See 19:14 VA.R. 2024 March 24, 2003, for more detailed information.)

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

Statutory Authority: §§ 62.1-44.17:1 and 62.1-44.15 of the Code of Virginia and 40 CFR Parts 9, 122, 123 and 412.

Public comments may be submitted until 5 p.m. on April 23, 2003.

**Contact:** Thomas S. Haley, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4443, FAX (804) 698-4032, or e-mail [tshaley@deq.state.va.us](mailto:tshaley@deq.state.va.us).

VA.R. Doc. No. R03-138; Filed March 5, 2003, 8:55 a.m.

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled: **9 VAC 25-192. Virginia Pollution Abatement General Permit for Confined Animal Feeding Operations.** The purpose of the proposed action is to reissue the existing Virginia Pollution Abatement General Permit for Confined Animal Feeding Operations, which expires November 16, 2004. This action may also amend the regulation, where applicable, to reflect changes to 40 CFR Parts 9, 122, 123 and 412, as published in the Federal Register (Volume 68, No. 29, dated February 12, 2003). This general permit governs the authorization to manage pollutants from confined animal feeding operations, including storage and land application of animal waste. This action is not related to implementation of the Federal CAFO Rule. (See 19:14 VA.R. 2024-2025 March 24, 2003, for more detailed information.)

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

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

Public comments may be submitted until 5 p.m. on April 23, 2003.

**Contact:** Scott Haley, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4432, FAX (804) 698-4032, or e-mail [tshaley@deq.state.va.us](mailto:tshaley@deq.state.va.us).

VA.R. Doc. No. R03-139; Filed March 5, 2003, 8:54 a.m.

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled: **9 VAC 25-400. Policy for Waste Treatment and Water Quality Management for the Dulles Area Watershed.** The purpose of the proposed action is to reformat the policy and revise as necessary to bring the policy up to date with current regulatory programs. (See 19:14 VA.R. 2025-2020 March 24, 2003, for more detailed information.)

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

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

Public comments may be submitted until 5 p.m. on April 30, 2003.

**Contact:** Thomas A. Faha, Department of Environmental Quality, Northern Virginia Regional Office, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3846 or e-mail [tafaha@deq.state.va.us](mailto:tafaha@deq.state.va.us).

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## TITLE 12. HEALTH

### STATE BOARD OF HEALTH

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to consider amending regulations entitled: **12 VAC 5-31. Virginia Emergency Medical Services** and repealing **12 VAC 5-40. Regulation Governing Financial Assistance for Emergency Medical Services.** The purpose of the proposed action is to adopt regulations for designation of regional EMS council and revise regulations regarding the Rescue Squad Assistance Fund (RSAF), combining them with

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# Notices of Intended Regulatory Action

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all regulations governing EMS in Virginia, i.e., the intended provisions would be inserted into two new parts, Parts VII and VIII, in the newly adopted chapter on EMS (12 VAC 5-31), while repealing the current chapter regarding the RSAF (12 VAC 5-40).

The agency does not intend to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: § 32.1-111.3 of the Code of Virginia

Public comments may be submitted until 5 p.m., May 9, 2003.

**Contact:** Dave Cullen, Regulatory and Compliance Manager, Department of Health, 1538 E. Parham Rd., Richmond, VA 23228, telephone (804) 371-3500, ext. 3512, FAX (804) 371-3543, or e-mail [dcullen@vdh.state.va.us](mailto:dcullen@vdh.state.va.us).

VA.R. Doc. No. R03-158; Filed March 18, 2003, 10:17 a.m.

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled: **12 VAC 30-120. Waiver Services (HIV/AIDS Waiver Program)**. The purpose of the proposed action is to modify the existing HIV/AIDS waiver program to cover consumer-directed services.

The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

Public comments may be submitted until May 8, 2003, to Vivian Horn, Policy Analyst, Division of LTC, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Policy Division, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959, FAX (804) 786-1680 or e-mail [vsimmons@dmas.state.va.us](mailto:vsimmons@dmas.state.va.us).

VA.R. Doc. No. R03-157; Filed March 17, 2003, 4:59 p.m.

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## TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

### COMMONWEALTH TRANSPORTATION BOARD

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Commonwealth Transportation Board

intends to consider amending regulations entitled: **24 VAC 30-90. Subdivision Street Requirements**. The purpose of the proposed action is to clarify text to improve clarity and usefulness; update obsolete titles and work unit names; separate geometric standards from regulatory requirements; update the list of documents incorporated by reference; and address impact of identified issues (including definition of roles, review and acceptance processes, sidewalks, flexibility of standards, traffic calming, surety and maintenance fees, utilities, etc.) on the regulation.

New subdivision streets are developed under authority granted the local governing bodies by the General Assembly of Virginia. VDOT's Subdivision Street Requirements establish the minimum criteria that new streets must meet in order for VDOT to consider accepting the street for maintenance from the local governments at their request.

VDOT is accepting comments regarding the regulation that governs its acceptance of new subdivision streets for state maintenance, the Subdivision Street Requirements. Comments will be accepted between April 7 and May 7, 2003.

Comments targeting a specific provision in the current regulation that you would like to see changed, should be identified by referencing the Virginia Administrative Code designation. If you are uncertain of the provision, indicate "Section Unknown."

The current Subdivision Street Requirements and its Pavement Design Guide companion reference may be downloaded from <http://virginiadot.org/projects/ssr-rev.asp>.

Comments may be submitted in writing to: Virginia Department of Transportation, Local Assistance Division (SSR Rev.), 1401 East Broad Street, Suite 403, Richmond, Virginia 23219.

Comments may also be submitted via the Internet to: <http://virginiadot.org/projects/ssr-rev.asp> or by email addressed to [SR2004@virginiadot.org](mailto:SR2004@virginiadot.org).

Comments may be given at one of the following stakeholder meetings:

Richmond: April 22, 2003, 10 a.m. to noon, Richmond District Office, 2430 Pine Forest Drive, Colonial Heights Virginia.

Salem: April 24, 2003, 1 p.m. to 3 p.m., Salem Convention Center, Salem, Virginia.

Staunton: April 25, 2003, 10 a.m. to noon, Augusta County Government Center, Verona, Virginia.

Hampton Roads: April 29, 2003, 10 a.m. to noon, Hampton Roads District Office, 1700 N. Main Street, Suffolk, Virginia.

Northern Virginia: May 1, 2003, Noon to 3 p.m., Northern Virginia District Office, 14685 Avion Parkway, Chantilly, Virginia.

Notice: VDOT will only consider comments that include the sender's name and U.S. Mail or email address. Comments will be compiled and published on the Internet on approximately July 1, 2003.

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## Notices of Intended Regulatory Action

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The purpose of these meetings is to collect public input concerning potential revisions to the Subdivision Street Requirements at the Notice of Intended Regulatory Action stage. After the Commonwealth Transportation Board has reviewed the proposed changes, the proposed amendments to the regulation will be published in the Virginia Register and public comment will be solicited regarding those changes later this year.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: §§ 33.1-12(3), 33.1-69, 33.1-198, and 33.1-229 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on May 7, 2003.

**Contact:** James S. Givens, attn: Kenneth M. Smith, Transportation Engineering Program Supervisor, Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-2576, FAX (804) 786-2603 or e-mail [SSR2004@virginiadot.org](mailto:SSR2004@virginiadot.org).

VA.R. Doc. No. R03-156; Filed March 18, 2003, 1:29 p.m.



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# PROPOSED REGULATIONS

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For information concerning Proposed Regulations, see Information Page.

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## 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.

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## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

#### Notice of Withdrawal

Title of Regulation: 18 VAC 120-30. Regulations Governing Polygraph Examiners (amending 18 VAC 120-30-10, 18 VAC 120-30-30, 18 VAC 120-30-40, 18 VAC 120-30-50, 18 VAC 120-30-70, 18 VAC 120-30-90, 18 VAC 120-30-100, 18 VAC 120-30-110, 18 VAC 120-30-130, 18 VAC 120-30-150, 18 VAC 120-30-160, 18 VAC 120-30-180, 18 VAC 120-30-190, 18 VAC 120-30-200, 18 VAC 120-30-220, 18 VAC 120-30-230, 18 VAC 120-30-240, 18 VAC 120-30-250, 18 VAC 120-30-270, and 18 VAC 120-30-280; adding 18 VAC 120-30-55, 18 VAC 120-30-290, 18 VAC 120-30-300, and 18 VAC 120-30-310).

Statutory Authority: §§ 54.1-201 and 54.1-1802 of the Code of Virginia.

Notice is hereby given that the Department of Professional and Occupational Regulation has **WITHDRAWN** the proposed regulatory action for 18 VAC 120-30, **Regulations Governing Polygraph Examiners**, which was published in 18:24 VA.R. 3248-3255 August 12, 2002.

**Contact:** Eric Olson, Executive Director, Polygraph Advisory Board, Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, VA 23230, telephone (804) 367-9183, FAX (804) 367-2475, or e-mail polygraph@dpor.state.va.us.

VA.R. Doc. No. R01-178; Filed March 21, 2003, 2:13 p.m.

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## TITLE 21. SECURITIES AND RETAIL FRANCHISING

### STATE CORPORATION COMMISSION

#### Division of Securities and Retail Franchising

**REGISTRAR'S NOTICE:** The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 2.2-4002 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.

Title of Regulation: 21 VAC 5-10. General Administration--Securities Act (amending 21 VAC 5-10-10).

Title of Regulation: 21 VAC 5-20. Broker-Dealers, Broker-Dealer Agents and Agents of the Issuer: Registration, Expiration, Renewal, Updates and Amendments, Termination, Changing Connection, Merger or Consolidation, Examinations/Qualification, Financial Statements and Reports (amending 21 VAC 5-20-70, 21 VAC 5-20-85, 21 VAC 5-20-155, 21 VAC 5-20-220, 21 VAC 5-20-240, 21 VAC 5-20-260, and 21 VAC 5-20-280; adding 21 VAC 5-20-225; repealing 21 VAC 5-20-250 and 21 VAC 5-20-270).

Title of Regulation: 21 VAC 5-30. Securities Registration (amending 21 VAC 5-30-10, 21 VAC 5-30-40, and 21 VAC 5-30-80; repealing 21 VAC 5-30-70 and 21 VAC 5-30-90).

Title of Regulation: 21 VAC 5-40. Exempt Securities (amending 21 VAC 5-40-30, 21 VAC 5-40-100, 21 VAC 5-40-140, and 21 VAC 5-40-150; adding 21 VAC 5-40-160; repealing 21 VAC 5-40-120).

Title of Regulation: 21 VAC 5-45. Federal Covered Securities (adding 21 VAC 5-45-10 and 21 VAC 5-45-20).

Title of Regulation: 21 VAC 5-80. Investment Advisors (amending 21 VAC 5-80-40, 21 VAC 5-80-190, 21 VAC 5-80-200, and 21 VAC 5-80-210).

Title of Regulation: 21 VAC 5-100. Disclosure of Information or Documents by Commission (amending 21 VAC 5-100-10).

Statutory Authority: §§ 12.1-13 and 13.1-523.1 of the Code of Virginia.

Public Hearing Date: Hearing will be scheduled if requested.  
Public comments may be submitted until May 21, 2003.

Agency Contact: Thomas M. Gouldin, Deputy Director, State Corporation Commission, P.O. Box 1197, Richmond, VA 23218, telephone (804) 371-9755, FAX (804) 371-9911, toll free (800) 552-7945 or e-mail dgouldin@scc.state.va.us.

#### NOTICE TO INTERESTED PERSONS

The VIRGINIA STATE CORPORATION COMMISSION is considering amendments to its SECURITIES ACT regulations. The purpose of the proposed amendments is to implement books and records requirements for broker-dealers and agents, to adopt versions of certain rules proposed by the North American Securities Administrators Association, to segment and emphasize filings for federal covered securities, to update the exemptions for Canadian securities, to add a provision to the rules regarding dishonest and unethical practices and to make minor and technical changes to the regulations.

Areas of proposed changes include:

1. Amendments to the rules governing Canadian securities and Canadian broker-dealers and their agents.
2. The addition of the Series 26 as an accepted examination.
3. Minor changes to the Small Company Offering Registration (SCOR).
4. Changes to adopt the federal Securities and Exchange Commission books and records requirements and delete prior rule requirements.
5. Changes covering prohibited business conduct and dishonest and unethical practices rules when handling customer account transfers.
6. Changes in prohibited business conduct and dishonest and unethical practices rules with regard to disclosures involving SIPC coverage.
7. Creating a new chapter to transfer rules dealing with federal covered securities filings.
8. Changes to disclosure requirements for investment advisors and investment advisor representatives.

Copies of the proposed amendment are available from the Commission's Division of Securities and Retail Franchising, P.O. Box 1197, Richmond, Virginia 23218-1197, (804) 371-9187, FAX (804) 371-9911 and can be downloaded from the Commission's website at <http://www.state.va.us/scc/division/srf/>.

Comments and requests for a hearing must be sent in writing to State Corporation Commission, Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118, FAX (804) 371-9654, should contain conspicuous reference to Case No. SEC-2003-00010, and must be received by May 21, 2003. Interested persons who file comments and request a hearing, or who ask to be informed of any hearing, will be notified of the date, time and place of the hearing.

#### Summary:

*The major proposed revisions include:*

1. Revisions were made to 21 VAC 5-20-85, 21 VAC 5-20-155, and 21 VAC 5-40-160 dealing with Canadian securities and Canadian broker-dealer and agent registration requirements. The division had received numerous requests for clarification of these provisions.
2. The inspection of records of issuer agents are in proposed 21 VAC 5-20-225 to mirror similar requirements for inspections of registered broker-dealer agents' records.
3. Part IV (21 VAC 5-20-230 et seq.) of 21 VAC 5-20 was substantially revised to adopt the new federal Securities and Exchange Commission books and records requirements. By federal law, states may not have books and records requirements that are in addition to those required by the federal SEC.
4. Subsections of 21 VAC 5-20-280 were revised to add disclosure requirements as prohibited practices for broker-dealers. Failures to make appropriate disclosures with regard to SIPC are also found in this section and the

*dishonest and unethical practices regulation, 21 VAC 5-80-200.*

5. 21 VAC 5-30-70, Investment company notice filing requirements, and 21 VAC 5-40-120, regarding Rule 506 of federal Regulation D notice filings, were repealed and substantially the same provisions were moved into a newly created chapter, 21 VAC 5-45, in order to highlight the sections as federal covered securities and make it easier for filers to find.

6. 21 VAC 5-80-190 was revised to add substantive disclosure requirements for investment advisors and investment advisor representatives who assist in the recommendation and engagement of other investment advisors.

7. Revisions to 21 VAC 5-80-210 clarify when an exempt investment advisor would be required to register with the division.

8. The Virginia General Assembly was added to the list of entities which are approved for disclosures with regard to investigations made pursuant to § 13.1-518 of the Code of Virginia.

*Minor proposed changes include:*

1. A new qualification examination was added in 21 VAC 5-20-70 for supervisors who only work to sell investment company securities.

2. Minor changes were made to 21 VAC 5-20-220, 21 VAC 5-30-40, and 21 VAC 5-30-80, for Small Company Offering Registrations. 21 VAC 5-30-90 was repealed to make the regulations consistent.

3. A minor change was made to 21 VAC 5-30-10 to address changes in certified financial statements.

4. Minor amendments were made to 21 VAC 5-40-30, Uniform limited offering exemption, and 21 VAC 5-40-100, Domestic issuer limited transactional exemption, to note that the filing fee is made payable to the Treasurer of Virginia.

5. Formatting changes and payment of fee changes were made to 21 VAC 5-40-140, Accredited investor exemption.

#### **21 VAC 5-10-10. Authority.**

Pursuant to the authority granted by §§ 13.1-523 and 13.1-523.1 of the Virginia Securities Act (§ 13.1-501 et seq. of the Code of Virginia) the following regulations and forms regarding the administration and implementation of the Virginia Securities Act have been adopted.

The intent of these regulations and forms is to supplant written and unwritten administrative policies and to better reflect the realities of current financial, commercial and regulatory principles and practices.

Should any provision or application of these regulations be held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions or applications of these regulations and forms are declared to be severable.



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# Proposed Regulations

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## 21 VAC 5-20-70. Examinations/qualifications.

A. Broker-dealers registered with the commission that are registered pursuant to § 15 of the Securities Exchange Act of 1934 (15 USC § 78o).

1. All principals of an applicant for registration as a broker-dealer must provide the commission with evidence of passing: (i) the Uniform Securities Agent State Law Examination, Series 63; (ii) the Uniform Combined State Law Examination, Series 66, and the General Securities Representative Examination, Series 7; or (iii) a similar examination in general use by securities administrators which, after reasonable notice and subject to review by the commission, the Director of the Division of Securities and Retail Franchising designates.

2. In lieu of meeting the examination requirement described in subdivision 1 of this subsection A, at least two principals of an applicant may provide evidence of having passed the General Securities Principal Qualification Exam (Series 24) or, *in the case of a broker-dealer selling investment company securities only, at least two principals of an applicant may provide evidence of having passed the Investment Company and Variable Contracts Products Principal Exam (Series 26) or a similar examination in general use by securities administrators which, after reasonable notice and subject to review by the commission, the Director of the Division of Securities and Retail Franchising designates.*

For the purposes of this subsection A, the term "principal" means any person associated with a broker-dealer who is engaged directly (i) in the management, direction or supervision on a regular or continuous basis on behalf of such broker-dealer of the following activities: sales, training, research, investment advice, underwriting, private placements, advertising, public relations, trading, maintenance of books or records, financial operations; or (ii) in the training of persons associated with such broker-dealer for the management, direction, or supervision on a regular or continuous basis of any such activities.

3. Subsection A of this section is applicable only to principals of broker-dealers that are, or intend to forthwith become, registered pursuant to § 15 of the federal Securities Exchange Act of 1934.

B. Broker-dealers registered with the commission that are not registered pursuant to § 15 of the federal Securities Exchange Act of 1934.

1. All principals of an applicant for registration as a broker-dealer must provide the commission with evidence of passing:

a. The Uniform Securities Agent State Law Examination, Series 63; the Uniform Combined State Law Examination, Series 66, and the General Securities Representative Examination, Series 7; or a similar examination in general use by securities administrators which, after reasonable notice and subject to review by the commission, the Director of the Division of Securities and Retail Franchising designates; and

b. Any additional securities-related examination that the commission deems appropriate in light of the business in which the applicant proposes to engage.

2. This subsection is applicable only to principals of broker-dealers that are not, or do not intend to forthwith become, registered pursuant to § 15 of the federal Securities Exchange Act of 1934.

## 21 VAC 5-20-85. Limited Canadian broker-dealer registration.

A. A broker-dealer that is resident in Canada and has no office or other physical presence in the Commonwealth of Virginia may, provided the broker-dealer is registered under this section, effect transactions in securities ~~on behalf of a person:~~

~~1. Who is a Canadian, resident in the Commonwealth of Virginia, with whom the broker-dealer had a bona fide broker-dealer-client relationship prior to the person entering the United States; and~~

~~2. Whose transactions are in a self-directed tax advantaged retirement plan in Canada of which the person is the holder or contributor.~~

1. *With or for a person from Canada who is temporarily residing in or visiting the Commonwealth with whom the Canadian broker-dealer had a bona fide business-client relationship before the person entered this Commonwealth; or*

2. *With or for a person present in this Commonwealth whose transactions are in a Canadian self-directed tax advantaged retirement account of which the person is the holder or contributor.*

B. Application for registration as a broker-dealer under this section shall be filed with the commission at its Division of Securities and Retail Franchising or such other entity designated by the commission on and in full compliance with forms prescribed by the commission and shall include all information required by such forms.

C. An application for registration as a broker-dealer under this section shall be deemed incomplete for purposes of applying for registration unless the following executed forms, fee and information are submitted to the commission:

1. An application in the form required by the jurisdiction in which the broker-dealer maintains its principal place of business.

2. Statutory fee payable to the Treasurer of Virginia in the amount of \$200 United States currency pursuant to § 13.1-505 F of the Act.

3. Evidence that the applicant is registered as a broker-dealer ~~in good standing~~ in the jurisdiction from which it is effecting the transactions.

4. Evidence that the applicant is a member of a self-regulatory organization or stock exchange in Canada.

5. Any other information the commission may require.

D. A broker-dealer registered under this section shall:

1. Maintain its provincial or territorial registration and its membership in a self-regulatory organization or stock exchange in good standing;

2. Provide the commission upon request with its books and records relating to its business in the Commonwealth of Virginia as a broker-dealer;

3. Immediately notify the commission of any criminal action taken against it, or of any finding or sanction imposed on the broker-dealer as a result of any self-regulatory or regulatory action involving fraud, theft, deceit, misrepresentation or similar conduct;

4. Disclose to its clients in the Commonwealth of Virginia that the broker-dealer and its agents are not subject to the full regulatory requirements of the Act.

E. A broker-dealer's registration under this section, and any renewal thereof, shall expire annually at midnight on the 31st day of December unless renewed in accordance with subsection F of this section.

F. To renew its registration, a broker-dealer registered under this section shall file with the commission at its Division of Securities and Retail Franchising the most recent renewal application, if any, filed in the jurisdiction in which the broker-dealer maintains its principle place of business, or if no such renewal application is required, the most recent application filed pursuant to subdivision C 1 of this section along with the statutory fee in the amount of \$200 United States currency pursuant to § 13.1-505 F of the Act.

G. A Canadian broker-dealer registered under this section is exempt from all other rules applicable to broker-dealers except 21 VAC 5-20-280.

**21 VAC 5-20-155. Limited Canadian broker-dealer agent registration.**

A. An agent of a Canadian broker-dealer who has no office or other physical presence in the Commonwealth of Virginia may, provided the broker-dealer agent is registered under this section, effect transactions in securities as permitted for a broker-dealer registered under ~~21 VAC 5-20-81~~ on behalf of a ~~person~~; 21 VAC 5-20-85.

~~1. Who is a Canadian, resident in the Commonwealth of Virginia, with whom the broker-dealer had a bona fide broker-dealer client relationship prior to the person entering the United States; and~~

~~2. Whose transactions are in a self-directed tax advantaged retirement plan in Canada of which the person is the holder or contributor.~~

B. Application for registration as a broker-dealer agent under this section shall be filed with the commission at its Division of Securities and Retail Franchising or such other entity designated by the commission on and in full compliance with forms prescribed by the commission and shall include all information required by such forms.

C. An application for registration as a broker-dealer agent under this section shall be deemed incomplete for purposes of applying for registration unless the following executed forms, fee and information are submitted to the commission:

1. An application in the form required by the jurisdiction in which the broker-dealer maintains its principal place of business.

2. Statutory fee payable to the Treasurer of Virginia in the amount of \$30 United States currency pursuant to § 13.1-505 G of the Act.

3. Evidence that the applicant is registered as a broker-dealer agent ~~in good standing~~ in the jurisdiction from which it is effecting the transactions.

4. Any other information the commission may require.

D. A broker-dealer agent registered under this section shall:

1. Maintain his provincial or territorial registration in good standing;

2. Immediately notify the commission of any criminal action taken against him, or of any finding or sanction imposed on him as a result of any self-regulatory or regulatory action involving fraud, theft, deceit, misrepresentation or similar conduct.

E. A broker-dealer agent's registration under this section, and any renewal thereof, shall expire annually at midnight on the 31st day of December unless renewed in accordance with subsection F of this section.

F. To renew the registrations of its agents, a broker-dealer registered under this section shall file with the commission at its Division of Securities and Retail Franchising the most recent renewal application, if any, filed in the jurisdiction in which the broker-dealer maintains its principal place of business, or if no such renewal application is required, the most recent application filed pursuant to subdivision C 1 of this section along with the statutory fee in the amount of \$30 United States currency pursuant to § 13.1-505 G of the Act.

G. A Canadian broker-dealer agent registered under this section is exempt from all other rules applicable to a broker-dealer agent except 21 VAC 5-20-280.

**21 VAC 5-20-220. Examination/qualification; waiver of examination requirement.**

A. Except as described in subsection B of this section, an individual applying for registration as an agent of the issuer shall be required to provide evidence in the form of a NASD exam report of passing: (i) the Uniform Securities Agent State Law Examination, Series 63; (ii) the Uniform Combined State Law Examination, Series 66, and the General Securities Representative Examination, Series 7; or (iii) a similar examination in general use by securities administrators which, after reasonable notice and subject to review by the commission, the Director of the Division of Securities and Retail Franchising designates.

B. The commission may, in a registered offering that is not being made to the general public or in a Small Company Offering Registration, waive the examination requirement for an officer or director of an issuer that is a corporation, or a general partner of an issuer that is a limited partnership or a manager of an issuer that is a limited liability company who:

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1. Will receive no commission or similar remuneration directly or indirectly in connection with the offer or sale of the issuer's securities; and
2. In the case of a small company offering registration, agrees to deliver to each prospective purchaser of a security to be issued by such issuer, at or before the time the offering document is required to be delivered, a copy of "A Consumer's Guide to Small Business Investments" prepared by NASAA (see CCH NASAA Reports ¶3676); and ~~3. An~~ the application to register the agent is accompanied by an executed Affidavit Regarding Offer Offers of Small Company Offering Registration (SCOR) Securities by Issuer Agent Agents.

## 21 VAC 5-20-225. Inspection of records.

Every registered agent of the issuer as a condition of its registration as an agent under the Act hereby agrees and represents that:

1. All of the agent's records, immediately upon the request of the commission, will be made available for inspection by the commission and reproduction for the commission staff in the office where such records are maintained;
2. All of the agent's records (or legible copies, or printouts, if automated) pertaining to a securities transaction any part of which occurred or is to occur within the Commonwealth of Virginia will be made available for inspection by the commission in the office of the commission's Division of Securities and Retail Franchising within 48 hours after request of the commission;
3. The term "records" shall include all books, papers, documents, tapes, films, photographs, electronic readable format of other materials, regardless of physical form or characteristics, that are maintained for the recordation or storage of information prepared, used or to be used in connection with a securities transaction or that were used in connection with securities transactions;
4. Failure to comply with this section may be considered grounds for a proceeding to revoke an agent's registration or other penalty prescribed by the Act; and
5. Any issuer or agent subject to a commission investigation may be required to pay the actual cost of the investigation.

## 21 VAC 5-20-240. Books and records of broker-dealers.

A. Every registered broker-dealer registered or required to be registered under the Act shall make and keep true, accurate and current, and preserve the following books and records relating to his its business, provided that any broker-dealer subject to the Securities Exchange Act of 1934 shall not be required to comply with any of the following provisions which are different from or in addition to the requirements pertaining to such books and records established under the Securities Exchange Act of 1934 as are described in SEC Rules 17a-3 (17 CFR 240.17a-3) and 17a-4 (17 CFR 240.17a-4), or Municipal Securities Rule Making Board (MSRB) Rules G6 and G7.

1. ~~Blotters (or other records of original entry) containing an itemized daily record of all purchases and sales of~~

~~securities, all receipts and deliveries of securities (including certificate numbers), all receipts and disbursements of cash and all debits and credits. Such records shall show the account for which each such transaction was effected, the name and amount of securities, the unit and aggregate purchase or sale price (if any), the trade date, and the name or other designation of the person from whom purchased or received or to whom sold or delivered.~~

2. ~~Ledgers (or other records) reflecting all assets and liabilities, income, expense and capital accounts.~~

3. ~~Ledger accounts (or other records) itemizing separately as to each cash and margin account of every customer, and of such broker-dealer and partners thereof, all purchases, sales, receipts and deliveries of securities for such account and all other debits and credits to such account.~~

4. ~~Ledgers (or other records) reflecting the following:~~

- a. ~~Securities in transfers;~~

- b. ~~Dividends and interest received;~~

- c. ~~Securities borrowed and securities loaned;~~

- d. ~~Moneys borrowed and moneys loaned (together with a record of the collateral therefore and any substitutions in such collateral);~~

- e. ~~Securities failed to receive and failed to deliver;~~

- f. ~~All long and all short stock record differences arising from the examination, count, verification and comparison, pursuant to Rule 17a-13 and Rule 17a-5 under the Securities Exchange Act of 1934 (17 CFR 240.17a-13 and 17 CFR 240.17a-5) as amended (by date of examination, count, verification and comparison showing for each security the number of shares long or short count differences); and~~

- g. ~~Repurchase and reverse repurchase agreements.~~

5. ~~A securities record or ledger reflecting separately for each security as of the clearance dates all "long" or "short" positions (including securities in safekeeping and securities that are subjects of repurchase or reverse repurchase agreements) carried by such broker-dealer for its account or for the account of its customers or partners or others and showing the location of all securities long and the offsetting positions to all securities short, including long security count differences and short security count differences classified by the date of the physical count and verification in which they were discovered, and in all cases the name or designation of the account in which each position is carried.~~

6. ~~A memorandum of each brokerage order, and of any other instruction, given or received for the purchase or sale of securities, whether executed or unexecuted. Such memorandum shall show the terms and conditions of the order or instructions and of any modification or cancellation thereof, the account for which entered, the time of entry, the price at which executed and, to the extent feasible, the time of execution or cancellation. Orders entered pursuant to the exercise of a discretionary power by such broker-dealer, or any agent or employee thereof, shall be so designated. For~~

~~the purpose of this subsection, the following definitions apply:~~

~~a. "Instruction" includes instructions between partners, agents and employees of a broker-dealer.~~

~~b. "Time of entry" means the time when such broker-dealer transmits the order of instruction for execution or, if it is not so transmitted, the time when it is received.~~

~~7. A memorandum of each purchase and sale of securities for the account of such broker-dealer showing the price and, to the extent feasible, the time of execution; and, in addition, where such purchase or sale is with a customer other than a broker-dealer, a memorandum of each order received, showing the time of receipt, the terms and conditions of the order, and the account in which it was entered.~~

~~8. Copies of confirmations of all purchases and sales of securities including all repurchase and reverse repurchase agreements and copies of notices of all other debits and credits for securities, cash and other items for the account of customers and partners of such broker-dealer.~~

~~9. A record in respect of each cash and margin account with such broker-dealer indicating (i) the name and address of the beneficial owner of such account; (ii) except with respect to exempt employee benefit plan securities as defined in Rule 14a-1(d) under the Securities Exchange Act of 1934 (17 CFR 240.14a-1(d)) but only to the extent such securities are held by employee benefit plans established by the issuer of the securities, whether or not the beneficial owner of securities registered in the name of such broker-dealers, or a registered clearing agency or its nominee objects to disclosure of his identity, address and securities positions to issuers; and (iii) in the case of a margin account, the signature of such owner, provided that in the case of a joint account or an account of a corporation, such records are required only in respect of the person or persons authorized to transact business for such account.~~

~~10. A record of all puts, calls, spreads, straddles and other options in which such broker-dealer has any direct or indirect interest or which such broker-dealer has granted or guaranteed, containing at least, an identification of the security and the number of units involved.~~

~~11. A record of the proof of money balances of all ledger accounts in the form of trial balances and a record of the computation of aggregate indebtedness and net capital as of the trial balance date pursuant to 21 VAC 5-20-290.~~

~~12. Questionnaire or application for employment:~~

~~a. A questionnaire or application for employment executed by each agent of such broker-dealer, which questionnaire or application shall be approved in writing by an authorized representative of such broker-dealer and shall contain at least the following information with respect to each such person:~~

~~(1) The agent's name, address, social security number, and the starting date of his employment or other association with the broker-dealer.~~

~~(2) The agent's date of birth.~~

~~(3) The educational institutions attended by the agent and whether or not the agent graduated therefrom.~~

~~(4) A complete, consecutive statement of all the agent's business connections for at least the preceding 10 years, including the agent's reason for leaving each prior employment, and whether the employment was part-time or full-time.~~

~~(5) A record of any denial of a certificate, membership, or registration, and of any disciplinary action taken, or sanction imposed upon the agent, by any federal or state agency, or by any national securities exchange or national securities association, including a record of any finding that the agent was a cause of any disciplinary action or had violated any law.~~

~~(6) A record of any denial, suspension, expulsion or revocation of a certificate, membership or registration of any broker-dealer with which the agent was associated in any capacity when such action was taken.~~

~~(7) A record of any permanent or temporary injunction entered against the agent or any broker-dealer with which the agent was associated in any capacity at the time such injunction was entered.~~

~~(8) A record of any arrest or indictment for any felony; any misdemeanor pertaining to securities, commodities, banking, insurance, real estate (including, but not limited to, acting as or being associated with a broker-dealer, investment company, investment advisor, futures sponsor, bank, or savings and loan association), fraud, false statements or omission, wrongful taking of property, bribery, forgery, counterfeiting or extortion; and the disposition of the foregoing.~~

~~(9) A record of any other name or names by which the agent has been known or which the agent has used.~~

~~b. If such agent has been registered as a representative of such broker-dealer with, or his employment has been approved by the National Association of Securities Dealers, Inc., or the American Stock Exchange, the Boston Stock Exchange, the Midwest Stock Exchange, the New York Stock Exchange, the Pacific Coast Stock Exchange, or the Philadelphia-Baltimore Stock Exchange, then the retention of a full, correct, and complete copy of any and all applications for such registration or approval shall be deemed to satisfy the requirements of this subdivision.~~

~~13. Records required to be maintained pursuant to paragraph (d) of Rule 17f-2 under the Securities Exchange Act of 1934 (17 CFR 240.17f-2) as added in Release No. 34-12214, under the Securities Exchange Act of 1934.~~

~~14. Copies of all Forms X-17F-1A filed pursuant to Rule 17f-1 under the Securities Exchange Act of 1934 (17 CFR 240.17f-1), all agreements between reporting institutions regarding registration or other aspects of Rule 17f-1 under the Securities Exchange Act of 1934 (17 CFR 240.17f-1)~~

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and all confirmations or other information received from the SEC or its designee as a result of inquiry, as added in Release No. 34-11615 and amended in Release No. 34-15867 under the Securities Exchange Act of 1934.

15. Records required to be maintained pursuant to paragraph (c) of Rule 17f-2 under the Securities Exchange Act of 1934 (17 CFR 240.17f-2) as added in Release No. 34-19268 under the Securities Exchange Act of 1934.

16. All such other books and records as may be required, kept, maintained and retained by broker-dealers under the Securities Exchange Act of 1934.

## B. Exemptions from the requirements of subsection A of this section:

1. This section does not require a registered broker-dealer who transacts a business in securities through the medium of any other registered broker-dealer to make or keep such records of transactions cleared for such broker-dealer as are customarily made and kept by a clearing broker-dealer pursuant to the requirement of subsection A of this section and of 21 VAC 5-20-250 provided that the clearing broker-dealer has and maintains net capital of not less than \$25,000 and is otherwise in compliance with 21 VAC 5-20-290.

2. This section shall not be deemed to require a registered broker-dealer who transacts a business in securities through the medium of any other registered broker-dealer, to make or keep such records of transactions cleared for such broker-dealer by a bank as are customarily made and kept by a clearing broker-dealer pursuant to the requirements of this section and 21 VAC 5-20-250. Provided that such broker-dealer obtains from such bank an agreement, in writing, to the effect that the records made and kept by such bank are the property of the broker-dealer, and that such books and records are available for examination by representatives of the commission as specified in § 13.1-518 of the Act, and that it will furnish to the commission, upon demand, at such place designated in such demand, true, correct, complete and current copies of any or all of such records. Nothing herein contained shall be deemed to relieve such broker-dealer from the responsibility that such books and records be accurate and maintained and preserved as specified in this section and 21 VAC 5-20-250.

G. This section does not require a broker-dealer to make or keep such records as are required by subsection A of this section reflecting the sale of United States Tax Savings Notes, United States Defense Savings Stamps, or United States Defense Savings Bonds, Series E, F and G.

D. The records specified in subsection A of this section shall not be required with respect to any cash transaction of \$100 or less involving only subscription rights or warrants which by their terms expire within 90 days after the issuance thereof.

E. For purposes of transactions in municipal securities by municipal securities broker-dealers, compliance with Rule G-8 of the Municipal Securities rulemaking board will be deemed to be in compliance with this section.

F. Every registered broker-dealer as a condition of its registration as a broker-dealer under the Act hereby agrees and represents that:

1. All of the broker-dealer's records, immediately upon the request of the commission, will be made available for inspection by the commission and reproduction for the commission in the office where such records are maintained;

2. All of the broker-dealer's records (or legible copies of the same, or print-outs of same, if automated) pertaining to a securities transaction any part of which occurred or is to occur within the Commonwealth of Virginia will be made available for inspection of the commission in the office of the commission's Division of Securities and Retail Franchising within 48 hours after request of the commission for same;

3. The term "records" shall mean and include all books, papers, documents, tapes, films, photographs, electronic readable format or other materials, regardless of physical form or characteristics, (i) that are maintained for the recordation or storage of information prepared, used or to be used in connection with a securities transaction or (ii) that were used or are to be used in connection with securities transactions;

4. Failure to comply with this subsection may be considered grounds for the institution of a proceeding to revoke a broker-dealer's registration or other penalty prescribed by the Act;

5. Any broker-dealer subject to an investigation made by the commission may be required to pay the actual cost of the investigation.

## 21 VAC 5-20-250. Preservation of records. (Repealed.)

A. The records required in 21 VAC 5-20-240 shall be preserved according to the following requirements, provided that any broker-dealer subject to the Securities Exchange Act of 1934 shall not be required to comply with any of the following provisions which are different from or in addition to the requirements pertaining to such records established under the Securities Exchange Act of 1934.

1. Every broker-dealer shall preserve for a period of not less than six years, the most recent two years of which shall be in an easily accessible place, all records required to be made pursuant to subdivisions A 1, 2, 3 and 5 of 21 VAC 5-20-240.

2. Every broker-dealer shall preserve for a period of not less than three years, the most recent two years of which shall be in an easily accessible place:

a. All records required to be made pursuant to subdivisions A 4, 6, 7, 8, 9 and 10 of 21 VAC 5-20-240.

b. All checkbooks, bank statements, cancelled checks and cash reconciliations.

c. All bills receivable or payable (or copies thereof), paid or unpaid, relating to the business of the broker-dealer, as such.

d. Originals of all communications received and copies of all communications sent by the broker-dealer (including inter-office memoranda and communications) relating to its business, as such.

e. All trial balances, computations of aggregate indebtedness and net capital (and working papers in connection therewith), financial statements, branch office reconciliations and internal audit working papers, relating to the business of the broker-dealer, as such.

f. All guarantees of accounts and all powers of attorney and other evidence of the granting of any discretionary authority given in respect of any account, and copies of resolutions empowering an agent to act on behalf of a corporation.

g. All written agreements (or copies thereof) entered into by the broker-dealer relating to its business as such, including agreements with respect to any account.

h. Records which contain the following information in support of amounts included in the report prepared as of the audit date on Form X-17A-5 Part II or Part IIA and in annual audited financial statements required by Rule 17a-5(i)(XV) under the Securities Exchange Act of 1934 (17 CFR 240.17a-5(i)(XV)).

(1) Money balance position, long or short, including description, quantity, price and valuation of each security, including contractual commitments in customers' accounts, in cash and fully secured accounts, partly secured accounts, unsecured accounts and in securities accounts payable to customers;

(2) Money balance and position, long or short, including description, quantity, price and valuation of each security, including contractual commitments in noncustomers' accounts, in cash and fully secured accounts, partly secured and unsecured accounts and in securities accounts payable to noncustomers;

(3) Position, long or short, including description, quantity, price and valuation of each security including contractual commitments, included in the computation of net capital as commitments, securities owned, securities owned not readily marketable, and other investments owned not readily marketable;

(4) Amount of secured demand note, description of collateral securing such secured demand note including quantity, price and valuation of each security and cash balance securing such secured demand note;

(5) Description of futures commodity contracts, contract value on trade date, market value, gain or loss, and liquidating equity or deficit in customers' and noncustomers' accounts;

(6) Description of futures commodity contracts, contract value on trade date, market value, gain or loss, and liquidating equity or deficit in trading and investment accounts;

(7) Description, money balance, quantity, price and valuation of each spot commodity position or

commitments in customers' and noncustomers' accounts;

(8) Description, money balance, quantity, price and valuation of each spot commodity position or commitments in trading and investment accounts;

(9) Number of shares, description of security, exercise price, cost and market value of put and call options including short out of money options having no market or exercise value, showing listed and unlisted put and call options separately;

(10) Quantity, price and valuation of each security underlying the haircut for undue concentration made in the Computation for Net Capital;

(11) Description, quantity, price and valuation of each security and commodity position or contractual commitment, long or short, in each joint account in which the broker-dealer has an interest, including each participant's interest and margin deposit;

(12) Description, settlement date, contract amount, quantity, market price, and valuation for each aged fail to deliver requiring a charge in the Computation of Net Capital pursuant to 21 VAC 5-20-290.

(13) Details relating to information for possession and control requirements under 21 VAC 5-20-310.

(14) Detail of all items, not otherwise substantiated, which are charged or credited in the Computation of Net Capital pursuant to 21 VAC 5-20-290 such as cash margin deficiencies, deductions related to securities values and undue concentrations, aged securities differences and insurance claims receivable; and,

(15) Other schedules which are specifically prescribed by the SEC as necessary to support information reported as required by its Rule 17a-5 under the Securities Exchange Act of 1934 (17 CFR 240.17a-5).

i. The records required to be made pursuant to 21 VAC 5-20-310, as described under Securities Exchange Act Rule 15c3-3(d)(4) (17 CFR 240.15c3-3(d)(4)).

3. Every broker-dealer shall preserve for a period of not less than six years after the closing of any customer's account, any account cards or records which relate to the terms and conditions with respect to the opening and maintenance of such account.

4. Every broker-dealer shall preserve during the life of the enterprise and of any successor enterprise all partnership articles or, in the case of a corporation, all charter documents, minute books and stock certificate books.

5. Every broker-dealer shall maintain and preserve in an easily accessible place:

a. All records required under subdivision A 12 of 21 VAC 5-20-240 until at least three years after the agent has terminated his employment and any other connection with the broker-dealer;

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~~b. All records required under subdivision A 13 of 21 VAC 5-20-240 until at least three years after the termination of employment or association of those persons required by Rule 17f-2 under the Securities Exchange Act of 1934 (17 CFR 240.17f-2) to be fingerprinted;~~

~~c. All records required pursuant to subdivision A 15 of 21 VAC 5-20-240 for the life of the enterprise;~~

~~d. All records required pursuant to subdivision A 14 of VAC 5-20-240 for three years; and~~

~~e. All such other books and records as may be required to be preserved under the Securities Exchange Act of 1934.~~

~~6. After a record or other document has been preserved for two years, a photograph thereof on film may be substituted therefore for the balance of the required time; provided, the records required to be maintained and preserved pursuant to 21 VAC 5-20-240 and this section may be immediately produced or reproduced on microfilm and be maintained and preserved for the required time in that form. If such microfilm substitution for hard copy is made by a broker-dealer, it shall (i) at all times have available for the commission's examination of its records, pursuant to § 13.1-518 of the Act, facilities for immediate, easily readable projection of the microfilm and for producing easily readable facsimile enlargements, (ii) arrange the records and index and file the films in such a manner as to permit the immediate location of any particular record, (iii) be ready at all times to provide any facsimile enlargement which the commission by its examiners or other representatives may request, and (iv) store separately from the original, one other copy of the microfilm for the time required.~~

~~7. If the records required to be maintained and preserved pursuant to the provision of 21 VAC 5-20-240 and this section are prepared or maintained by an outside service bureau, depository or bank which does not operate pursuant to 21 VAC 5-20-240 B 2 or other record-keeping service on behalf of the broker-dealer required to maintain and preserve such records, such broker-dealer shall obtain from such outside entity an agreement, in writing, to the effect that such records are the property of the broker-dealer required to maintain and preserve such records and that such books and records are available for examination by representatives of the commission as specified in § 13.1-518 of the Act and will be surrendered promptly on request by the broker-dealer or the commission. Agreement with an outside entity shall not relieve such broker-dealer from the responsibility to prepare and maintain records as specified in this section or in 21 VAC 5-20-240.~~

~~B. Wherever it is required that there be retained either the original or a microfilm or other copy or reproduction of a check, draft, monetary instrument, investment security, or other similar instrument, there shall be retained a copy of both front and back of each such instrument or document, except that no copy need be retained of the back of any instrument or document which is entirely blank or which contains only standardized printed information, a copy of which is on file.~~

## **21 VAC 5-20-260. Supervision of agents.**

A. A broker-dealer shall be responsible for the acts, practices, and conduct of its agents in connection with the sale of securities until such time as the agents have been properly terminated as provided by 21 VAC 5-20-60.

B. Every broker-dealer shall exercise diligent supervision over the securities activities of all of its agents.

C. Every agent employed by a broker-dealer shall be subject to the supervision of a supervisor designated by such broker-dealer. The supervisor may be the broker-dealer in the case of a sole proprietor, or a partner, officer, office manager or any qualified agent in the case of entities other than sole proprietorships. All designated supervisors shall exercise reasonable supervision over the securities activities of all of the agents under their responsibility.

D. As part of its responsibility under this section, every broker-dealer shall establish, maintain and enforce written procedures, a copy of which shall be kept in each business office, which shall set forth the procedures adopted by the broker-dealer to comply with the following duties imposed by this section, and shall state at which business office or offices the broker-dealer keeps and maintains the records required by ~~21 VAC 5-20-270~~ 21 VAC 5-20-240:

1. The review and written approval by the designated supervisor of the opening of each new customer account;
2. The frequent examination of all customer accounts to detect and prevent irregularities or abuses;
3. The prompt review and written approval by a designated supervisor of all securities transactions by agents and all correspondence pertaining to the solicitation or execution of all securities transactions by agents;
4. The review and written approval by the designated supervisor of the delegation by any customer of discretionary authority with respect to the customer's account to the broker-dealer or to a stated agent or agents of the broker-dealer and the prompt written approval of each discretionary order entered on behalf of that account; and
5. The prompt review and written approval of the handling of all customer complaints.

E. Every broker-dealer who has designated more than one supervisor pursuant to the subsection C of this section shall designate from among its partners, officers, or other qualified agents, a person or group of persons who shall:

1. Supervise and periodically review the activities of these supervisors designated pursuant to subsection C of this section; and
2. No less often than annually inspect each business office of the broker-dealer to insure that the written procedures are enforced.

All supervisors designated pursuant to this subsection E shall exercise reasonable supervision over the supervisors under their responsibility to ensure compliance with this subsection.

**21 VAC 5-20-270. Record-keeping. (Repealed.)**

~~A. Every broker-dealer shall make and keep current a record for each person who becomes a customer after July 1, 1981, which record shall state:~~

~~1. The customer's name, date of birth, address, nationality or citizenship, tax identification or social security number, and signatures of the customer, the agent regularly handling the account and a supervisor designated pursuant to subsection C of 21 VAC 5-20-260.~~

~~2. If the broker-dealer, or any of its agents, has made any recommendations to the customer to purchase, sell or exchange any security, the record of such customer shall also state the customer's occupation, marital status, investment objectives, other information concerning the customer's financial situation and needs which the broker-dealer or the agent considered in making the recommendation, and the signature of the broker-dealer or agent who made the recommendation to the customer.~~

~~B. If, after July 1, 1981, a broker-dealer or any agent of such broker-dealer, has made any recommendation to a person who became a customer prior to July 1, 1981, the broker-dealer shall make and keep current a record for such customer which shall state the information required by subdivisions A 1 or A 2 of this section.~~

~~C. Any item of information required by subdivision A 1 or A 2 of this section need not be contained in the customer's records if, after reasonable inquiry, the customer declines to furnish such items of information and a statement to that effect is placed in such records; provided, however, that the customer's records must state the customer's name, address and social security or tax identification number.~~

~~D. Every broker-dealer shall make and keep current:~~

~~1. A record or records with respect to each discretionary account which shall include:~~

~~a. The customer's written authorization to exercise discretionary power or authority in the customer's account.~~

~~b. The reason given by the customer for granting discretionary power or authority in the customer's account.~~

~~c. The written approval of a supervisor designated pursuant to subsection C of 21 VAC 5-20-260 and, if appropriate, the written approval of the person or persons designated pursuant to subsection E of 21 VAC 5-20-260 of the delegation of discretionary authority.~~

~~d. The written approval of a supervisor designated pursuant to subsection C of 21 VAC 5-20-260 of each transaction in such account indicating the exact time and date of such approval.~~

~~2. A separate file for all complaints by customers and persons acting on behalf of customers. Such complaints shall be filed alphabetically by customer's name and shall include copies of all material relating to the complaint, and record of what action, if any, has been taken by the broker-dealer. Copies of such material and record of action~~

~~taken shall be kept in the office through which the customer account is handled.~~

~~E. Every broker-dealer shall preserve all records required by this section for a period of not less than six years, the most recent two years of which shall be in an easily accessible place; a photograph on film may be substituted for the records for the balance of the required time.~~

**21 VAC 5-20-280. Prohibited business conduct.**

A. No broker-dealer shall:

1. Engage in a pattern of unreasonable and unjustifiable delays in the delivery of securities purchased by any of its customers and/or in the payment upon request of free credit balances reflecting completed transactions of any of its customers, or take any action that directly or indirectly interferes with a customer's ability to transfer his account; provided that the account is not subject to any lien for moneys owed by the customer or other bona fide claim, including, but not limited to, seeking a judicial order or decree that would bar or restrict the submission, delivery or acceptance of a written request from a customer to transfer his account;

2. Induce trading in a customer's account which is excessive in size or frequency in view of the financial resources and character of the account;

3. Recommend to a customer the purchase, sale or exchange of any security without reasonable grounds to believe that the recommendation is suitable for the customer based upon reasonable inquiry concerning the customer's investment objectives, financial situation and needs, and any other relevant information known by the broker-dealer;

4. Execute a transaction on behalf of a customer without authority to do so or, when securities are held in a customer's account, fail to execute a sell transaction involving those securities as instructed by a customer, without reasonable cause;

5. Exercise any discretionary power in effecting a transaction for a customer's account without first obtaining written discretionary authority from the customer, unless the discretionary power relates solely to the time and/or price for the execution of orders;

6. Execute any transaction in a margin account without securing from the customer a properly executed written margin agreement promptly after the initial transaction in the account, or fail, prior to or at the opening of a margin account, to disclose to a noninstitutional customer the operation of a margin account and the risks associated with trading on margin at least as comprehensively as required by NASD Rule 2341;

7. Fail to segregate customers' free securities or securities held in safekeeping;

8. Hypothecate a customer's securities without having a lien thereon unless the broker-dealer secures from the customer a properly executed written consent promptly after the initial transaction, except as permitted by Rules of the SEC;



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9. Enter into a transaction with or for a customer at a price not reasonably related to the current market price of a security or receiving an unreasonable commission or profit;
10. Fail to furnish to a customer purchasing securities in an offering, no later than the date of confirmation of the transaction, either a final prospectus or a preliminary prospectus and an additional document, which together include all information set forth in the final prospectus;
11. Introduce customer transactions on a "fully disclosed" basis to another broker-dealer that is not exempt under § 13.1-514 B 6 of the Act;
12. a. Charge unreasonable and inequitable fees for services performed, including miscellaneous services such as collection of moneys due for principal, dividends or interest, exchange or transfer of securities, appraisals, safekeeping, or custody of securities and other services related to its securities business;
- b. Charge a fee based on the activity, value or contents (or lack thereof) of a customer account unless written disclosure pertaining to the fee, which shall include information about the amount of the fee, how imposition of the fee can be avoided and any consequence of late payment or nonpayment of the fee, was provided no later than the date the account was established or, with respect to an existing account, at least 60 days prior to the effective date of the fee;
13. Offer to buy from or sell to any person any security at a stated price unless such broker-dealer is prepared to purchase or sell, as the case may be, at such price and under such conditions as are stated at the time of such offer to buy or sell;
14. Represent that a security is being offered to a customer "at a market" or a price relevant to the market price unless such broker-dealer knows or has reasonable grounds to believe that a market for such security exists other than that made, created or controlled by such broker-dealer, or by any person for whom he is acting or with whom he is associated in such distribution, or any person controlled by, controlling or under common control with such broker-dealer;
15. Effect any transaction in, or induce the purchase or sale of, any security by means of any manipulative, deceptive or fraudulent device, practice, plan, program, design or contrivance, which may include but not be limited to:
- a. Effecting any transaction in a security which involves no change in the beneficial ownership thereof;
- b. Entering an order or orders for the purchase or sale of any security with the knowledge that an order or orders of substantially the same size, at substantially the same time and substantially the same price, for the sale of any security, has been or will be entered by or for the same or different parties for the purpose of creating a false or misleading appearance of active trading in the security or a false or misleading appearance with respect to the market for the security; provided, however, nothing in this subsection shall prohibit a broker-dealer from entering bona fide agency cross transactions for its customers;
- c. Effecting, alone or with one or more other persons, a series of transactions in any security creating actual or apparent active trading in such security or raising or depressing the price of such security, for the purpose of inducing the purchase or sale of such security by others;
16. Guarantee a customer against loss in any securities account of such customer carried by the broker-dealer or in any securities transaction effected by the broker-dealer with or for such customer;
17. Publish or circulate, or cause to be published or circulated, any notice, circular, advertisement, newspaper article, investment service, or communication of any kind which purports to report any transaction as a purchase or sale of any security unless such broker-dealer believes that such transaction was a bona fide purchase or sale of such security; or which purports to quote the bid price or asked price for any security, unless such broker-dealer believes that such quotation represents a bona fide bid for, or offer of, such security;
18. Use any advertising or sales presentation in such a fashion as to be deceptive or misleading. An example of such practice would be a distribution of any nonfactual data, material or presentation based on conjecture, unfounded or unrealistic claims or assertions in any brochure, flyer, or display by words, pictures, graphs or otherwise designed to supplement, detract from, supersede or defeat the purpose or effect of any prospectus or disclosure;
19. Fail to make reasonably available upon request to any person expressing an interest in a solicited transaction in a security, not listed on a registered securities exchange or quoted on an automated quotation system operated by a national securities association approved by regulation of the commission, a balance sheet of the issuer as of a date within 18 months of the offer and/or sale of the issuer's securities and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, the names of the issuer's proprietor, partners or officers, the nature of the enterprises of the issuer and any available information reasonably necessary for evaluating the desirability or lack of desirability of investing in the securities of an issuer. All transactions in securities described in this subsection shall comply with the provisions of § 13.1-507 of the Act;
20. Fail to disclose that the broker-dealer is controlled by, controlling, affiliated with or under common control with the issuer of any security before entering into any contract with or for a customer for the purchase or sale of such security, the existence of such control to such customer, and if such disclosure is not made in writing, it shall be supplemented by the giving or sending of written disclosure at or before the completion of the transaction;
21. Fail to make a bona fide public offering of all of the securities allotted to a broker-dealer for distribution, whether acquired as an underwriter, a selling group member, or from a member participating in the distribution as an underwriter or selling group member; or

22. Fail or refuse to furnish a customer, upon reasonable request, information to which such customer is entitled, or to respond to a formal written request or complaint; or

23. *Fail to clearly and separately disclose to its customer, prior to any security or investment advisory transaction, or promptly after any material related transaction, that the customer's funds will be invested, or in custody, in a manner that does not provide Securities Investor Protection Corporation protection, or equivalent third party coverage over the customer's assets.*

B. No agent shall:

1. Engage in the practice of lending or borrowing money or securities from a customer, or acting as a custodian for money, securities or an executed stock power of a customer;

2. Effect any securities transaction not recorded on the regular books or records of the broker-dealer which the agent represents, unless the transaction is authorized in writing by the broker-dealer prior to execution of the transaction;

3. Establish or maintain an account containing fictitious information in order to execute a transaction which would otherwise be unlawful or prohibited;

4. Share directly or indirectly in profits or losses in the account of any customer without the written authorization of the customer and the broker-dealer which the agent represents;

5. Divide or otherwise split the agent's commissions, profits or other compensation from the purchase or sale of securities in this state with any person not also registered as an agent for the same broker-dealer, or for a broker-dealer under direct or indirect common control; or

6. Engage in conduct specified in subdivisions A 2, 3, 4, 5, 6, 10, 15, 16, 17, or 18, or 23 of this section.

C. Failure to comply with any of the applicable continuing education requirements set forth in any of the following, if such failure has resulted in an agent's denial, suspension or revocation of a license, registration or membership with a self regulatory organization, shall be deemed a demonstration of a lack of business knowledge by an agent insofar as such business knowledge is required for registration by § 13.1-505 A 3 of the Act.

1. Schedule C to the National Association of Securities Dealers By-Laws, Part XII of the National Association of Securities Dealers, as such provisions existed on July 1, 1995;

2. Rule 345 A of the New York Stock Exchange, as such provisions existed on July 1, 1995;

3. Rule G-3(h) of the Municipal Securities Rulemaking Board, as such provisions existed on July 1, 1995;

4. Rule 341 A of the American Stock Exchange, as such provisions existed on July 1, 1995;

5. Rule 9.3A of the Chicago Board of Options Exchange, as such provisions existed on July 1, 1995;

6. Article VI, Rule 9 of the Chicago Stock Exchange, as such provisions existed on July 1, 1995;

7. Rule 9.27(C) of the Pacific Stock Exchange, as such provisions existed on July 1, 1995; or

8. Rule 640 of the Philadelphia Stock Exchange, as such provisions existed on July 1, 1995.

Each or all of the education requirements standards listed above may be changed by each respective entity and if so changed will become a requirement if such change does not materially reduce the educational requirements expressed above or reduce the investor protection provided by such requirements.

D. No person shall publish, give publicity to, or circulate any notice, circular, advertisement, newspaper article, letter, investment service or communication which, though not purporting to offer a security for sale, describes such security, for a consideration received or to be received, directly or indirectly, from an issuer, underwriter, or dealer, without fully disclosing the receipt, whether past or prospective, of such consideration and the amount thereof.

E. The purpose of this subsection is to identify practices in the securities business which are generally associated with schemes to manipulate and to identify prohibited business conduct of broker-dealers and/or sales agents.

1. Entering into a transaction with a customer in any security at an unreasonable price or at a price not reasonably related to the current market price of the security or receiving an unreasonable commission or profit.

2. Contradicting or negating the importance of any information contained in a prospectus or other offering materials with intent to deceive or mislead or using any advertising or sales presentation in a deceptive or misleading manner.

3. In connection with the offer, sale, or purchase of a security, falsely leading a customer to believe that the broker-dealer or agent is in possession of material, non-public information which would affect the value of the security.

4. In connection with the solicitation of a sale or purchase of a security, engaging in a pattern or practice of making contradictory recommendations to different investors of similar investment objective for some to sell and others to purchase the same security, at or about the same time, when not justified by the particular circumstances of each investor.

5. Failing to make a bona fide public offering of all the securities allotted to a broker-dealer for distribution by, among other things, (i) transferring securities to a customer, another broker-dealer or a fictitious account with the understanding that those securities will be returned to the broker-dealer or its nominees or (ii) parking or withholding securities.

6. Although nothing in this subsection precludes application of the general anti-fraud provisions against anyone for practices similar in nature to the practices discussed below,

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the following subdivisions a through f specifically apply only in connection with the solicitation of a purchase or sale of OTC (over the counter) unlisted non-NASDAQ equity securities:

- a. Failing to advise the customer, both at the time of solicitation and on the confirmation, of any and all compensation related to a specific securities transaction to be paid to the agent including commissions, sales charges, or concessions.
  - b. In connection with a principal transaction, failing to disclose, both at the time of solicitation and on the confirmation, a short inventory position in the firm's account of more than 3.0% of the issued and outstanding shares of that class of securities of the issuer; however, subdivision 6 of this subsection shall apply only if the firm is a market maker at the time of the solicitation.
  - c. Conducting sales contests in a particular security.
  - d. After a solicited purchase by a customer, failing or refusing, in connection with a principal transaction, to promptly execute sell orders.
  - e. Soliciting a secondary market transaction when there has not been a bona fide distribution in the primary market.
  - f. Engaging in a pattern of compensating an agent in different amounts for effecting sales and purchases in the same security.
7. Effecting any transaction in, or inducing the purchase or sale of any security by means of any manipulative, deceptive or other fraudulent device or contrivance including but not limited to the use of boiler room tactics or use of fictitious or nominee accounts.
8. Failing to comply with any prospectus delivery requirements promulgated under federal law or the Act.
9. In connection with the solicitation of a sale or purchase of an OTC unlisted non-NASDAQ security, failing to promptly provide the most current prospectus or the most recently filed periodic report filed under § 13 of the Securities Exchange Act when requested to do so by a customer.
10. Marking any order tickets or confirmations as unsolicited when in fact the transaction was solicited.
11. For any month in which activity has occurred in a customer's account, but in no event less than every three months, failing to provide each customer with a statement of account with respect to all OTC non-NASDAQ equity securities in the account, containing a value for each such security based on the closing market bid on a date certain; however, this subdivision shall apply only if the firm has been a market maker in such security at any time during the month in which the monthly or quarterly statement is issued.
12. Failing to comply with any applicable provision of the Rules of Fair Practice of the NASD or any applicable fair practice or ethical standard promulgated by the SEC or by a self-regulatory organization approved by the SEC.

13. In connection with the solicitation of a purchase or sale of a designated security:

- a. Failing to disclose to the customer the bid and ask price, at which the broker-dealer effects transactions with individual, retail customers, of the designated security as well as its spread in both percentage and dollar amounts at the time of solicitation and on the trade confirmation documents; or
- b. Failing to include with the confirmation, the notice disclosure contained in subsection F of this section, except the following shall be exempt from this requirement:
  - (1) Transactions in which the price of the designated security is \$5.00 or more, exclusive of costs or charges; however, if the designated security is a unit composed of one or more securities, the unit price divided by the number of components of the unit other than warrants, options, rights, or similar securities must be \$5.00 or more, and any component of the unit that is a warrant, option, right, or similar securities, or a convertible security must have an exercise price or conversion price of \$5.00 or more.
  - (2) Transactions that are not recommended by the broker-dealer or agent.
  - (3) Transactions by a broker-dealer: (i) whose commissions, commission equivalents, and mark-ups from transactions in designated securities during each of the immediately preceding three months, and during 11 or more of the preceding 12 months, did not exceed 5.0% of its total commissions, commission-equivalents, and mark-ups from transactions in securities during those months; and (ii) who has not executed principal transactions in connection with the solicitation to purchase the designated security that is the subject of the transaction in the immediately preceding 12 months.
  - (4) Any transaction or transactions that, upon prior written request or upon its own motion, the commission conditionally or unconditionally exempts as not encompassed within the purposes of this section.
- c. For purposes of this section, the term "designated security" means any equity security other than a security:
  - (1) Registered, or approved for registration upon notice of issuance, on a national securities exchange and makes transaction reports available pursuant to 17 CFR 11Aa3-1 under the Securities Exchange Act of 1934;
  - (2) Authorized, or approved for authorization upon notice of issuance, for quotation in the NASDAQ system;
  - (3) Issued by an investment company registered under the Investment Company Act of 1940;
  - (4) That is a put option or call option issued by The Options Clearing Corporation; or

(5) Whose issuer has net tangible assets in excess of \$4,000,000 as demonstrated by financial statements dated less than 15 months previously that the broker or dealer has reviewed and has a reasonable basis to believe are true and complete in relation to the date of the transaction with the person, and

(a) In the event the issuer is other than a foreign private issuer, are the most recent financial statements for the issuer that have been audited and reported on by an independent public accountant in accordance with the provisions of 17 CFR 210.2.02 under the Securities Exchange Act of 1934; or

(b) In the event the issuer is a foreign private issuer, are the most recent financial statements for the issuer that have been filed with the SEC; furnished to the SEC pursuant to 17 CFR 241.12g3-2(b) under the Securities Exchange Act of 1934; or prepared in accordance with generally accepted accounting principles in the country of incorporation, audited in compliance with the requirements of that jurisdiction, and reported on by an accountant duly registered and in good standing in accordance with the regulations of that jurisdiction.

F. Customer notice requirements follow:

#### IMPORTANT CUSTOMER NOTICE--READ CAREFULLY

You have just entered into a solicited transaction involving a security which may not trade on an active national market. The following should help you understand this transaction and be better able to follow and protect your investment.

Q. What is meant by the BID and ASK price and the spread?

A. The BID is the price at which you could sell your securities at this time. The ASK is the price at which you bought. Both are noted on your confirmation. The difference between these prices is the "spread," which is also noted on the confirmation, in both a dollar amount and a percentage relative to the ASK price.

Q. How can I follow the price of my security?

A. For the most part, you are dependent on broker-dealers that trade in your security for all price information. You may be able to find a quote in the newspaper, but you should keep in mind that the quote you see will be for dealer-to-dealer transactions (essentially wholesale prices and will not necessarily be the prices at which you could buy or sell).

Q. How does the spread relate to my investments?

A. The spread represents the profit made by your broker-dealer and is the amount by which your investment must increase (the BID must rise) for you to break even. Generally, a greater spread indicates a higher risk.

Q. How do I compute the spread?

A. If you bought 100 shares at an ASK price of \$1.00, you would pay \$100 (100 shares X \$1.00 = \$100). If the BID price at the time you purchased your stock was \$.50, you

could sell the stock back to the broker-dealer for \$50 (100 shares X \$.50 = \$50). In this example, if you sold at the BID price, you would suffer a loss of 50%.

Q. Can I sell at any time?

A. Maybe. Some securities are not easy to sell because there are few buyers, or because there are no broker-dealers who buy or sell them on a regular basis.

Q. Why did I receive this notice?

A. The laws of some states require your broker-dealer or sales agent to disclose the BID and ASK price on your confirmation and include this notice in some instances. If the BID and ASK were not explained to you at the time you discussed this investment with your broker, you may have further rights and remedies under both state and federal law.

Q. Where do I go if I have a problem?

A. If you cannot work the problem out with your broker-dealer, you may contact the Virginia State Corporation Commission or the securities commissioner in the state in which you reside, the United States Securities and Exchange Commission, or the National Association of Securities Dealers, Inc.

G. Engaging in or having engaged in conduct specified in subsection A, B, C, D, or E of this section, or other conduct such as forgery, embezzlement, nondisclosure, incomplete disclosure or misstatement of material facts, or manipulative or deceptive practices shall be grounds under the Act for imposition of a penalty, denial of a pending application or refusal to renew or revocation of an effective registration.

#### 21 VAC 5-30-10. Definitions.

As used in these regulations, forms instructions and orders relating to the securities registration, the following meanings shall apply:

"*Certified financial statements*" shall be defined as those financial statements prepared in accordance with generally accepted accounting standards, that are examined and reported upon with an opinion expressed by an independent accountant and shall include at least the following information:

1. Date of report, manual signature, city and state where issued and identification without detailed enumeration of the financial statements and schedules covered by the report;

2. Representations as to whether the audit was made in accordance with generally accepted auditing standards and designation of any auditing standards and designation of any auditing procedures deemed necessary by the accountant under the circumstances of the particular case which may have been omitted, and the reason for their omission; nothing in this regulation however shall be construed to imply authority for the omission of any procedure which independent accountants would ordinarily employ in the course of an audit for the purpose of expressing the opinions required under the regulation;

3. Statement of the opinion of the accountant in respect to the financial statements and schedules covered by the

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report and the accounting principles and practices reflected therein and as to the consistency of the application of the accounting principles, or as to any changes in such principles which would have a material effect on the financial statements;

4. Any matters to which the accountant takes exception shall be clearly identified, the exception thereto specifically and clearly stated, and, to the extent practicable, the effect of such exception on the related financial statements given.

"Financial statements" shall be defined as those reports, schedules and statements, prepared in accordance with generally accepted accounting principles, which contain at least the following information unless the context otherwise dictates:

1. ~~Statement of Financial Condition or Balance Sheet;~~
2. ~~Statement of Income or Operations; and~~
3. ~~Statement of Changes in Financial Position, Shareholders' Equity or Members' Equity; and~~
4. ~~Statement of Cash Flows.~~

"Independent accountant" shall be defined as any certified public accountant in good standing and entitled to practice as such under the laws of his principal place of business or residence, and who is, in fact, not controlled by or under common control with the entity or person being audited; for the purposes of this definition an accountant will be considered not independent with respect to any person or any of its parents, its subsidiaries, or other affiliates (i) in which, during the period of the accountant's professional engagement to examine the financial statements being reported on or at the date of the accountant's report, the accountant or the accountant's firm or a member thereof, had, or was committed to acquire, any direct financial interest or any material indirect financial interest; (ii) with which, during the period of the accountant's professional engagement to examine the financial statements being reported on, at the date of the accountant's report during the period covered by the financial statements, the accountant or the accountant's firm or a member thereof was connected as a promoter, underwriter, voting trustee, director, officer, or employee, except that a firm will not be deemed not independent in regard to a particular person if a former officer or employee of such person is employed by the firm and such individual has completely disassociated himself/herself from the person and its affiliates covering any period of his/her employment by the person. For the purposes of this regulation, the term "member" means all partners in the firm and all professional employees participating in the audit or located in an office of the firm participating in a significant portion of the audit; and in determining whether an accountant may in fact be not independent with respect to a particular person, the Commission will give appropriate consideration to all relevant circumstances, including evidence bearing on all relationships between the accountant and that person or any affiliates thereof and will not confine itself to the relationships existing in connection with the filing of reports with the Commission.

"Unaudited financial statements" shall be defined as those financial statements prepared in accordance with generally

accepted accounting principles, not accompanied by the statements and representations as set forth in subdivisions 2, 3, and 4 of the first definition of this section.

## **21 VAC 5-30-40. Requirements for registrations filed pursuant to §§ 13.1-508 and 13.1-510 of the Code of Virginia.**

A. Except as provided in ~~subsection B subdivision 9 of 21 VAC 5-30-90~~ 21 VAC 5-30-80, the balance sheet required by §§ 13.1-508 and 13.1-510 of the Act must be examined and reported upon with an opinion expressed by an independent accountant and shall include the information described in 21 VAC 5-30-10 in the definition of "certified financial statements." (See subsections B and C of this section.)

B. In lieu of the financial information required by §§ 13.1-508 and 13.1-510 of the Act, the registration statement may contain certified financial statements for the issuer's and/or any predecessor's three most recent fiscal or calendar years preceding the date of filing the registration statement. If the issuer's or any predecessor's existence is less than three years, then the registration statement may contain certified financial statements for the issuer's or any predecessor's most recent fiscal year preceding the date of filing the registration statement.

C. If the certified financial statements described in subsection B of this section are as of a date in excess of four months prior to the filing of the registration statement, then an unaudited balance sheet (as of a date within four months prior to the filing of the registration statement together with a profit and loss statement and analysis of surplus for the period between the close of the latest fiscal year and the date of the balance sheet) must be filed in addition to the certified financial statements.

## **21 VAC 5-30-70. Investment company notice filing requirements. (Repealed.)**

~~A. An investment company that is registered or that has filed a registration statement under the Investment Company Act of 1940 (the 1940 Act) shall make a notice filing with the commission prior to the initial offer in this Commonwealth of a security which is a federal covered security under § 18(b)(2) of the Securities Act of 1933 (15 USC § 77r(b)(2)) (the 1933 Act). Notice filings shall be effective upon receipt or concurrent with SEC effectiveness, if requested by the issuer. A notice filing for a unit investment trust is effective for an indefinite period of time from the date of its effectiveness. With respect to an open end management company, as that term is defined in the 1940 Act, the effectiveness of a notice filing, and any renewal thereof, shall expire at midnight on the annual date of its effectiveness in Virginia. The effectiveness of such notice may be renewed for an additional one-year period by filing a renewal notice prior to the expiration date. Notice filings, notice renewal filings, amendment filings, and termination filings may be filed with the commission, the Securities Registration Depository, Inc. (SRD), when that facility is available, or any other entity approved by rule or order of the commission. Requirements for investment company notice filings are set forth below:~~

1. An initial notice filing shall contain the following:

~~a. A copy of each document which is part of a current federal registration statement as filed with the SEC or a Form NF.~~

~~b. An executed consent to service of process (Form U-2) appointing the Clerk of the State Corporation Commission, unless a currently effective consent to service of process is on file with the commission.~~

~~c. A fee (payable to the Treasurer of Virginia) in the amount of 1/20 of 1.0% of the maximum aggregate offering price of the securities to be offered in this Commonwealth; provided that the fee shall not be less than \$200 nor more than \$700, except that in the case of a unit investment trust, as that term is defined in the 1940 Act, the fee shall not be less than \$400 nor more than \$1,000.~~

~~2. A renewal notice filing of an open end management company shall contain the following:~~

~~a. A copy of each document which is part of a current federal registration statement as filed with the SEC or a Form NF.~~

~~b. An executed consent to service of process (Form U-2) appointing the Clerk of the State Corporation Commission, unless a currently effective consent to service of process is on file with the commission.~~

~~c. A fee of \$300 (payable to the Treasurer of Virginia).~~

~~3. An amendment filing of an open end investment company shall contain a copy of the amended documents filed with the SEC or a revised Form NF. No fee is required for an amendment.~~

~~4. A notice filing may be terminated by providing notice to the commission of such termination. The termination is effective upon receipt by the commission of the notice of termination or at a later date specified in the notice.~~

~~B. Any notice, amendment, termination or renewal, as the case may be, filed with the SRD or any other entity approved by rule or order of the commission shall contain the information specified in subdivisions 1 through 4 of subsection A of this section, and the proper fee, if applicable, shall be payable to the SRD or other such entity approved by rule or order of the commission, or the fee may be payable to the Treasurer of Virginia and filed directly with the commission.~~

~~C. An investment company that is registered under the 1940 Act or that has filed a registration statement under the 1933 Act shall file, upon written request of the commission and within the time period set forth in the request, a copy of any document identified in the request that is part of the federal registration statement filed with the SEC or part of an amendment to such federal registration statement.~~

**21 VAC 5-30-80. Adoption of NASAA statements of policy.**

The commission adopts the following NASAA statements of policy that shall apply to the registration of securities in the Commonwealth. It will be considered a basis for denial of an application if an offering fails to comply with an applicable statement of policy. While applications not conforming to a statement of policy shall be looked upon with disfavor, where

good cause is shown, certain provisions may be modified or waived by the commission.

1. Options and Warrants, as amended September 28, 1999.
2. Underwriting Expenses, Underwriter's Warrants, Selling Expenses and Selling Security Holders, as amended September 28, 1999.
3. Real Estate Programs, as amended September 29, 1993.
4. Oil and Gas Programs, as amended October 24, 1991.
5. Cattle-Feeding Programs, as adopted September 17, 1980.
6. Unsound Financial Condition, as amended September 28, 1999.
7. Real Estate Investment Trusts, as adopted September 29, 1993.
8. Church Bonds, as adopted April 29, 1981.
9. Small Company Offering Registrations, as adopted April 28, 1996.
10. *NASAA Guidelines Regarding Viatical Investment, as adopted October 1, 2002.*

**21 VAC 5-30-90. Small company offering registration. (Repealed.)**

~~A. A registration statement on Form U-7 (Small Company Offering Registration Form), as amended by NASAA on September 28, 1999, may be used to register securities by qualification under § 13.1-510 of the Act, provided the conditions set forth in subsection B of this section, and the instructions to Form U-7, are satisfied.~~

~~B. The financial statements included in the application for registration shall be those required under the instructions to the Form U-7. Financial statements shall be prepared in accordance with either U.S. or Canadian generally accepted accounting principles. Interim financial statements may be unaudited. All other financial statements shall be audited by independent certified public accountants; however, if each of the following four conditions are met, such financial statements in lieu of being audited may be reviewed by independent certified public accountants in accordance with the Accounting and Review Service Standards promulgated by the American Institute of Certified Public Accountants or the Canadian equivalent:~~

1. The issuer shall not have previously sold securities through an offering involving the general solicitation of prospective investors by means of advertising, mass mailing, public meetings, "cold call" telephone solicitation, or any other method directed toward the public;
2. The issuer has not been previously required under federal, state, provincial or territorial securities laws to provide audited financial statements in connection with any sale of its securities;
3. The aggregate amount of all previous sales of securities by the issuer (exclusive of debt financing with banks and

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~~similar commercial lenders) shall not exceed \$1,000,000; and~~

~~4. The amount of the present offering does not exceed \$1,000,000.~~

## 21 VAC 5-40-30. Uniform limited offering exemption.

A. Nothing in this exemption is intended to relieve, or should be construed as in any way relieving, issuers or persons acting on their behalf from providing disclosure to prospective investors adequate to satisfy the anti-fraud provisions of the Act.

In view of the objective of this section and the purpose and policies underlying the Act, this exemption is not available to an issuer with respect to a transaction which, although in technical compliance with this section, is part of a plan or scheme to evade registration or the conditions or limitations explicitly stated in this section.

Nothing in this section is intended to exempt registered broker-dealers or agents from the due diligence standards otherwise applicable to such registered persons.

Nothing in this section is intended to exempt a person from the broker-dealer or agent registration requirements of Article 3 (§ 13.1-504 et seq.) of Chapter 5 of Title 13.1 of the Code of Virginia, except in the case of an agent of the issuer who receives no sales commission directly or indirectly for offering or selling the securities and who is not subject to subdivision B 2 of this section.

B. For the purpose of the limited offering exemption referred to in § 13.1-514 B 13 of the Act, the following securities are determined to be exempt from the securities registration requirements of Article 4 (§ 13.1-507 et seq.) of Chapter 5 of Title 13.1 of the Code of Virginia.

Any securities offered or sold in compliance with the Securities Act of 1933, Regulation D (Reg. D), Rules 230.501-230.503 and 230.505 as made effective in Release No. 33-6389 (47 FR 11251), and as amended in Release Nos. 33-6437 (47 FR 54764), 33-6663 (51 FR 36385), 33-6758 (53 FR 7866) and 33-6825 (54 FR 11369) and which satisfy the following further conditions and limitations:

1. The issuer and persons acting on its behalf shall have reasonable grounds to believe, and after making reasonable inquiry shall believe, that all persons who offer or sell securities subject to this section are registered in accordance with § 13.1-505 of the Act except in the case of an agent of the issuer who receives no sales commission directly or indirectly for offering or selling the securities and who is not subject to subdivision 2 of this subsection.

2. No exemption under this section shall be available for the securities of any issuer if any of the persons described in the Securities Act of 1933, Regulation A, Rule 230.262(a), (b), or (c) (17 CFR 230.262):

a. Has filed a registration statement which is subject of a currently effective stop order entered pursuant to any state's securities law within five years prior to the beginning of the offering.

b. Has been convicted within five years prior to the beginning of the offering of a felony or misdemeanor in connection with the purchase or sale of a security or a felony involving fraud or deceit, including but not limited to forgery, embezzlement, obtaining money under false pretenses, larceny or conspiracy to defraud.

c. Is currently subject to a state's administrative order or judgment entered by that state's securities administrator within five years prior to the beginning of the offering or is subject to a state's administrative order or judgment in which fraud or deceit, including but not limited to making untrue statements of material facts or omitting to state material facts, was found and the order or judgment was entered within five years prior to the beginning of the offering.

d. Is currently subject to a state's administrative order or judgment which prohibits the use of any exemption from registration in connection with the purchase or sale of securities.

e. Is currently subject to an order, judgment, or decree of a court of competent jurisdiction temporarily or preliminarily restraining or enjoining, or is subject to an order, judgment or decree of any court of competent jurisdiction, entered within five years prior to the beginning of the offering, permanently restraining or enjoining such person from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security or involving the making of a false filing with a state.

f. The prohibitions of subdivisions a, b, c and e of this subdivision shall not apply if the party subject to the disqualifying order, judgment or decree is duly licensed or registered to conduct securities related business in the state in which the administrative order, judgment or decree was entered against such party.

g. A disqualification caused by this subsection is automatically waived if the state securities administrator or agency of the state which created the basis for disqualification, or the State Corporation Commission, determines upon a showing of good cause that it is not necessary under the circumstances that the exemption under this section be denied.

3. The issuer shall file with the commission no later than 15 days after the first sale in this state from an offering being made in reliance upon this exemption:

a. A notice on Form D (17 CFR 239.500).

b. An undertaking by the issuer to promptly provide, upon written request, the information furnished by the issuer to offerees.

c. An executed consent to service of process (*Form U2*) appointing the Clerk of the ~~State Corporation~~ commission as its agent for purpose of service of process, unless a currently effective consent to service of process is on file with the commission.

d. A filing fee of \$250 payable to the Treasurer of Virginia.

4. In sales to nonaccredited investors, the issuer and persons acting on its behalf shall have reasonable grounds to believe, and after making reasonable inquiry shall believe, that the investment is suitable for the purchaser as to the purchaser's other security holdings and financial situation and needs.

5. Offers and sales of securities which are exempted by this section shall not be combined with offers and sales of securities exempted by another regulation or section of the Act; however, nothing in this limitation shall act as an election. The issuer may claim the availability of another applicable exemption should, for any reason, the securities or persons fail to comply with the conditions and limitations of this exemption.

6. In any proceeding involving this section, the burden of proving the exemption or an exception from a definition or condition is upon the person claiming it.

C. The exemption authorized by this section shall be known and may be cited as the "Uniform Limited Offering Exemption."

**21 VAC 5-40-100. Domestic issuer limited transactional exemption.**

A. In accordance with § 13.1-514 B 7 b of the Act, an offer or sale by the issuer of any of the following securities issued by a corporation, partnership, limited liability company, or real estate investment trust, as the case may be: note, stock, bond, debenture, evidence of indebtedness, partnership interest, share of beneficial interest in a real estate investment trust, a warrant or right to purchase or subscribe to any of the foregoing or a security convertible into any of the foregoing, shall be exempt from the securities, broker-dealer and agent registration requirements of the Act, provided the following conditions are met:

1. In connection with an offering pursuant to this section, there shall be no more than 35 purchasers in this Commonwealth during any period of 12 consecutive months;

2. In connection with an offering pursuant to this section, the issuer shall:

a. Deliver Form VA-1 and in certain prescribed circumstances, Part 2 of Form VA-1 or a disclosure document containing the information required by Form VA-1 and Part 2, if required, to each prospective purchaser prior to a sale to a purchaser; and

b. Sell securities only to purchasers, each of which the issuer shall, after reasonable inquiry, believe either:

(1) Has sufficient knowledge and experience in financial and business matters to be capable of evaluating the merits and risks of the prospective investment, and is able to bear the economic risks of the prospective investment; and

(2) Together with a purchaser representative or representatives, has sufficient knowledge and experience in financial and business matters to be capable of evaluating the merits and risks of the

prospective investment, and that the purchaser is able to bear the economic risks of the prospective investment; and

3. No commission or similar remuneration is paid or given, directly or indirectly, for soliciting a prospective purchaser, or in connection with sales of securities in reliance on this section, unless paid to a broker-dealer and its agent who are registered under the Act and the securities are offered only to persons whose investing history demonstrates an ability to evaluate the merits and risks of the investment and who are capable of bearing the economic risks of the investment.

B. This exemption is not available with respect to an offering:

1. Pursuant to a registration statement or Regulation A (17 CFR 230.251-230.263) notification which has been filed under the Securities Act of 1933;

2. Pursuant to an exemption under Regulation D (17 CFR 230.505 ~~or 17 CFR 230.506~~), which offering may be exempted in Virginia only by 21 VAC 5-40-30, Uniform Limited Offering Exemption;

3. If the amount of money to be raised from the offering exceeds \$2,000,000;

4. If the issuer has offered for sale or sold its securities which are of the same or a similar class as that to be offered for sale or sold under this section within 180 days prior to this offering or if the issuer offers for sale or sells its securities that are of the same or a similar class as those offered and sold under this section within 180 days after this offering; or

5. If the issuer does not have its principal place of business in this Commonwealth.

C. An exemption under this section is not available if the issuer, its directors, officers, partners, members, trustees or beneficial owners of 10% or more of a class of its voting securities, or its promoters or agents connected with it or a person offering or selling the securities for or on behalf of the issuer:

1. Has been convicted (or has pleaded nolo contendere) within five years prior to reliance on this section of a felony or a misdemeanor in connection with the purchase or sale of a security, or in connection with making a false filing with the SEC or a state securities administrator or of a felony involving fraud or deceit, including but not limited to, forgery, embezzlement, obtaining money under false pretenses, larceny, conspiracy to defraud, or theft;

2. Is subject to an order, judgment or decree of a court of competent jurisdiction that temporarily or preliminarily restrains or enjoins, or is subject to an order, judgment or decree of a court of competent jurisdiction, entered within five years prior to reliance on this section, which permanently restrains or enjoins a person from engaging in or continuing a practice or conduct in connection with the purchase or sale of a security, or involving the making of a false filing with the SEC or a state securities administrator;



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3. Is subject to a United States Postal Service false representation order entered within five years prior to reliance on this section; or

4. Is subject to a state administrative order entered within five years prior to reliance on this section by a state securities administrator in which fraud or deceit was found.

D. The issuer shall file with the commission 15 days prior to the first sale in this Commonwealth in reliance on this section:

1. A copy of Form VA-1, including Part 2, if applicable or a disclosure document containing the information required by the Form;

2. An executed Consent to Service of Process ~~on~~ (Form U2) appointing the Clerk of the ~~State Corporation~~ commission as its agent for service of process;

3. An undertaking to promptly provide to the commission, upon request, additional information as the commission may require; and

4. A nonrefundable filing fee of \$250 *payable to the Treasurer of Virginia*.

E. The issuer shall, within 30 days after the completion of the offering, file with the commission a report of sales indicating the number of purchasers in this Commonwealth, a description of the securities sold to such purchasers, and the total dollar amount raised.

F. This section does not exempt persons or transactions from the anti-fraud provisions of the Act.

G. The commission may deny the exemption if it determines that a particular transaction or offering is not in the public interest.

H. For purposes of this section and § 13.1-514 B 7 b of the Act, the following shall apply:

1. Neither the issuer nor persons acting on its behalf shall offer or sell the securities by form of general solicitation or advertising, including but not limited to, the following:

a. "Cold calls" by telephone or other means, advertising, article, notice, or other communication published in a newspaper, newsletter, magazine, mass mailing, electronic media, or similar media or broadcast over television or radio; or

b. Seminars or meetings whose attendees have been invited by general solicitation or general advertising.

2. Securities acquired in a transaction under this section shall not be resold without registration under or exemption from the Act. The issuer or a person acting on its behalf shall exercise reasonable care to assure that the purchasers of the securities in an offering under this section are purchasing for investment and not with a view to distribution of the securities. Reasonable care shall include, but not be limited to, the following:

a. Reasonable inquiry to determine whether the purchaser is acquiring the securities for himself or for other persons;

b. Placement of a restrictive legend on the certificate or other document evidencing the securities. The legend shall be in the following form: THE SECURITIES REPRESENTED BY THIS CERTIFICATE (OR OTHER DOCUMENT) HAVE BEEN ISSUED PURSUANT TO A CLAIM OF EXEMPTION FROM THE REGISTRATION OR QUALIFICATION PROVISIONS OF FEDERAL AND STATE SECURITIES LAWS AND SHALL NOT BE SOLD OR TRANSFERRED WITHOUT COMPLIANCE WITH THE REGISTRATION OR QUALIFICATION PROVISIONS OF APPLICABLE FEDERAL AND STATE SECURITIES LAWS OR APPLICABLE EXEMPTIONS THEREFROM;

c. Issuance of stop-transfer instructions to the issuer's transfer agent with respect to the securities, or, if the issuer transfers its own securities, notation in the appropriate records of the issuer; and

d. Obtaining from the purchaser a signed agreement that the securities will not be sold unless they are registered under the Act or exempted from registration.

3. All sales that are part of the same offering under this section shall meet all the conditions of this section. Offers and sales that are made more than six months before the commencement of an offering under this section or are made more than six months after completion of an offering under this section will not be considered part of that offering, so long as during those six-month periods there are no offers or sales of securities by or on behalf of the issuer that are of the same or a similar class as those offered or sold under this section. If securities of the same or a similar class as those offered pursuant to this section are offered or sold less than six months before or after an offer or sale pursuant to this section, those offers to sell or sales, will be deemed to be "integrated" with the offering.

I. In proceedings involving this section, the burden of proving the exemption or an exception from a definition or condition is upon the person claiming it.

J. The exemption authorized by this section shall be known and may be cited as the "Domestic Issuer Limited Transactional Exemption."

**~~21 VAC 5-40-120. Offerings conducted pursuant to Rule 506 of federal Regulation D (17 CFR 230.506): Filing requirements and issuer agent exemption. (Repealed.)~~**

~~A. An issuer offering a security that is a covered security under § 18 (b)(4)(D) of the Securities Act of 1933 (15 USC § 77r(b)(4)(D)) shall file with the commission no later than 15 days after the first sale of such federal covered security in this Commonwealth:~~

~~1. A notice on SEC Form D (17 CFR 239.500).~~

~~2. An executed consent to service of process (Form U-2) appointing the Clerk of the State Corporation Commission as its agent for service of process.~~

~~3. A filing fee of \$250 (payable to the Treasurer of Virginia).~~

~~B. For the purpose of this chapter, SEC "Form D" is the document, as adopted by the SEC and in effect on September~~

~~1, 1996, as may be amended by the SEC from time to time, entitled "Form D; Notice of Sale of Securities pursuant to Regulation D, Section 4(6), and/or Uniform Limited Offering Exemption," including Part E and the Appendix.~~

~~C. Pursuant to § 13.1-514 B 13 of the Act, an agent of an issuer who effects transactions in a security exempt from registration under the Securities Act of 1933 pursuant to rules and regulations promulgated under § 4(2) thereof (15 USC § 77d(2)) is exempt from the agent registration requirements of the Act.~~

## **21 VAC 5-40-140. Accredited investor exemption.**

A. In accordance with § 13.1-514 B 19 of the Act, any offer or sale of a security by an issuer in a transaction that meets the requirements of this section is exempt from the securities, broker-dealer and agent registration requirements of the Act.

B. Sales of securities shall be made only to persons who are or the issuer reasonably believes are "accredited investors," as that term is defined in 17 CFR 230.501(a), and

1. Have sufficient knowledge and experience in financial and business matters to be capable of evaluating the merits and risks of the prospective investment, and are able to bear the economic risks of the prospective investment; or

2. Together with a purchaser representative or representatives, have sufficient knowledge and experience in financial and business matters to be capable of evaluating the merits and risks of the prospective investment, and are able to bear the economic risks of the prospective investment.

C. The exemption is not available to an issuer that is in the development stage that either has no specific business plan or purpose or has indicated that its business plan is to engage in a merger or acquisition with an unidentified company or companies, or other entity or person.

D. The issuer reasonably believes that all purchasers are purchasing for investment and not with the view to or for sale in connection with a distribution of the security. Any resale of a security sold in reliance on this exemption within 12 months of sale shall be presumed to be with a view to distribution and not for investment, except a resale pursuant to a registration statement effective under §§ 13.1-508 through 13.1-510 of the Act or to an accredited investor pursuant to an exemption available under the Act.

E. 1. The exemption is not available to an issuer if the issuer, any of the issuer's predecessors, any affiliated issuer, any of the issuer's directors, officers, general partners, beneficial owners of 10% or more of any class of its equity securities, any of the issuer's promoters presently connected with the issuer in any capacity, any underwriter of the securities to be offered, or any partner, director or officer of such underwriter:

a. Within the last five years, has filed a registration statement which is the subject of a currently effective registration stop order entered by any state securities administrator or the SEC;

b. Within the last five years, has been convicted of any criminal offense in connection with the offer, purchase or sale of any security, or involving fraud or deceit;

c. Is currently subject to any state or federal administrative enforcement order or judgment, entered within the last five years, finding fraud or deceit in connection with the purchase or sale of any security; or

d. Is currently subject to any order, judgment or decree of any court of competent jurisdiction, entered within the last five years, temporarily, preliminarily or permanently restraining or enjoining such party from engaging in or continuing to engage in any conduct or practice involving fraud or deceit in connection with the purchase or sale of any security.

2. Subdivision 1 of this subsection shall not apply if:

a. The party subject to the disqualification is licensed or registered to conduct securities related business in the state in which the order, judgment or decree creating the disqualification was entered against such party;

b. Before the first offer under this exemption, the state securities administrator, or the court or regulatory authority that entered the order, judgment, or decree, waives the disqualification; or

c. The issuer establishes that it did not know and in the exercise of reasonable care, based on a factual inquiry, could not have known that a disqualification existed under this section.

F. ~~4.~~ A general announcement of the proposed offering may be made by any means. ~~2.~~ The general announcement shall include only the following information, unless additional information is specifically permitted by the commission:

~~a.~~ 1. The name, address and telephone number of the issuer of the securities;

~~b.~~ 2. The name, a brief description and price (if known) of any security to be issued;

~~c.~~ 3. A description of the business of the issuer in 25 words or less;

~~d.~~ 4. The type, number and aggregate amount of securities being offered;

~~e.~~ 5. The name, address and telephone number of the person to contact for additional information; and

~~f.~~ 6. A statement that:

~~(1)~~ a. Sales will only be made to accredited investors;

~~(2)~~ b. No money or other consideration is being solicited or will be accepted by way of this general announcement; and

~~(3)~~ c. The securities have not been registered with or approved by any state securities agency or the SEC and are being offered and sold pursuant to an exemption from registration.

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G. The issuer, in connection with an offer, may provide information in addition to the general announcement under subsection F of this section, if such information:

1. Is delivered through an electronic database that is restricted to persons who have been pre-qualified as accredited investors; or
2. Is delivered if the issuer reasonably believes that the prospective purchaser is an accredited investor.

H. No telephone solicitation shall be permitted unless prior to placing the call, the issuer reasonably believes that the prospective purchaser to be solicited is an accredited investor.

I. Dissemination of the general announcement of the proposed offering to persons who are not accredited investors shall not disqualify the issuer from claiming the exemption under this section.

J. The issuer shall file with the commission no later than 15 days after the first sale in this Commonwealth from an offering being made in reliance upon this exemption:

1. A notice on the Model Accredited Investor Exemption Uniform Notice of Transaction form (~~see CCH NASAA Reports ¶1362~~).
2. An executed consent of service of process (*Form U-2*) appointing the Clerk of the commission as its agent for purpose of service of process, unless a currently effective consent to service of process is on file with the commission.
3. A copy of the general announcement.
4. A nonrefundable filing fee of \$250 payable to the Treasurer of Virginia.

## **21 VAC 5-40-150. Employee benefit plans; eligible participants.**

The term "employee" as referred to in § 13.1-514 A 10 of the Act shall include all directors of the issuer regardless of whether the director is employed by the issuer. *The term "employee" shall also include all consultants and advisors under compensatory arrangements as defined by SEC Rule 701 under the Securities Exchange Act (17 CFR 230.701).* This exemption shall not apply to transfers of securities to individuals who are appointed directors, consultants, or advisors for the purpose of avoiding registration under the Act.

## **21 VAC 5-40-160. Canadian securities.**

*In accordance with § 13.1-514 A 13 of the Act, an offer or sale of a security issued by an issuer organized under the laws of Canada or any Canadian province or territory and effected by a Canadian broker-dealer registered pursuant to 21 VAC 5-20-85 and its agent registered pursuant to 21 VAC 5-20-155 are exempted from the securities registration requirements of the Act.*

## CHAPTER 45. FEDERAL COVERED SECURITIES.

### **21 VAC 5-45-10. Investment company notice filing requirements.**

*A. An investment company that is registered or that has filed a registration statement under the Investment Company Act of 1940 (the 1940 Act) shall make a notice filing with the commission prior to the initial offer in this Commonwealth of a security which is a federal covered security under § 18(b)(2) of the Securities Act of 1933 (15 USC § 77 r(b)(2)). Notice filings shall be effective upon receipt or, if requested by the issuer, concurrent with SEC effectiveness. A notice filing for a unit investment trust or a closed-end management company is effective for an indefinite period of time from the date of its effectiveness. With respect to an open-end management company or a face-amount certificate company, as those terms are defined in the 1940 Act, the effectiveness of a notice filing, and any renewal thereof, shall expire at midnight on the annual date of its effectiveness in Virginia. The effectiveness of such notice may be renewed annually for an additional one-year period by filing a renewal notice prior to the expiration date. Requirements for investment company filings are set forth below:*

*1. An initial notice filing shall contain the following:*

- a. A copy of each document which is part of a current federal registration statement as filed with the SEC or a Form NF.*
- b. An executed consent to service of process (Form U-2) appointing the Clerk of the Commission, unless a currently effective consent to service of process is on file with the commission.*
- c. A fee payable to the Treasurer of Virginia in the amount of 1/20 of 1.0% of the maximum aggregate offering price of the securities to be offered in this Commonwealth; provided that the fee shall not be less than \$200 nor more than \$700, except that in the case of a unit investment trust, as that term is defined in the 1940 Act, the fee shall not be less than \$400 nor more than \$1000.*

*2. A renewal notice filing of an open-end management company or face-amount certificate company shall contain the following:*

- a. A copy of each document which is part of a current federal registration statement as filed with the SEC or a Form NF.*
- b. An executed consent to service of process (Form U-2) appointing the Clerk of the Commission, unless a currently effective consent to service of process is on file with the Commission.*
- c. A fee of \$300 payable to the Treasurer of Virginia.*

*3. An amendment filing of an investment company shall contain a copy of the amended documents filed with the SEC or a revised Form NF. No fee is required for an amendment. "Amendment filing" means an administrative change, an amendment to a portfolio name, termination of*

portfolio effectiveness, or a change to a share class. The addition of a portfolio requires an initial notice filing.

4. A notice filing may be terminated by providing notice to the commission of such termination. The termination is effective upon receipt by the commission of the notice of termination or at a later date specified in the notice.

B. An investment company that is registered under the 1940 Act or that has filed a registration statement under the 1933 Act shall file, upon written request of the commission and within the time period set forth in the request, a copy of any document identified in the request that is part of the federal registration statement filed with the SEC or part of an amendment to such federal registration statement.

**21 VAC 5-45-20. Offerings conducted pursuant to Rule 506 of federal Regulation D (17 CFR § 230.506): Filing requirements and issuer-agent exemption.**

A. An issuer offering a security that is a covered security under § 18 (b)(4)(D) of the Securities Act of 1933 (15 USC § 77r(b)(4)(D)) shall file with the commission no later than 15 days after the first sale of such federal covered security in this Commonwealth:

1. A notice on SEC Form D (17 CFR 239.500).
2. An executed consent to service of process (Form U-2) appointing the Clerk of the commission as its agent for service of process.
3. A filing fee of \$250 payable to the Treasurer of Virginia.

B. An amendment filing shall contain a copy of the amended SEC Form D. No fee is required for an amendment.

C. For the purpose of this chapter, SEC "Form D" is the document, as adopted by the SEC and in effect on September 1, 1996, entitled "Form D; Notice of Sale of Securities pursuant to Regulation D, Section 4(6), and/or Uniform Limited Offering Exemption," including Part E and the Appendix.

D. Pursuant to § 13.1-514 B 13 of the Act, an agent of an issuer who effects transactions in a security exempt from registration under the Securities Act of 1933 pursuant to rules and regulations promulgated under § 4(2) thereof (15 USC § 77d(2)) is exempt from the agent registration requirements of the Act.

**21 VAC 5-80-40. Updates and amendments.**

A. An investment advisor or federal covered advisor shall update its Form ADV as required by item 3 4, "When am I required to update my Form ADV?" of Form ADV: General Instructions and shall file all such information with the IARD system.

B. An investment advisor shall file the balance sheet as prescribed by Part II of Form ADV, unless excluded from such requirement, with the commission at its Division of Securities and Retail Franchising within 90 days of the investment advisor's fiscal year end. Any investment advisor who is registered in the state in which it maintains its principal place of business shall file with the commission at its Division of Securities and Retail Franchising any financial documents

required to be filed by the state within 10 days of the time it must file these documents in such state.

C. A federal covered advisor shall maintain Part II of Form ADV at its principal place of business and shall make a copy available to the commission at its Division of Securities and Retail Franchising within five days of its request.

**21 VAC 5-80-190. Disclosure requirements.**

A. For purposes of compliance with § 13.1-505.1 of the Act, a copy of Part II of Form ADV must be given to clients of investment advisors, or a brochure containing such information may be utilized.

B. The investment advisor or its registered representatives shall deliver the disclosure information required by this section to an advisory client or prospective advisory client:

1. Not less than 48 hours prior to entering into any investment advisory contract with such client or prospective client, or
2. At the time of entering into any such contract, if the advisory client has a right to terminate the contract without penalty within five calendar days after entering into the contract.

C. The investment advisor, or its registered representatives, shall offer to deliver the disclosure information required by this section to an advisory client or prospective advisory client annually, within 90 days of any investment advisor's fiscal year end.

D. A copy of Part II of Form ADV or the brochure to be given to clients must be filed by investment advisors with the commission at its Division of Securities and Retail Franchising not later than the time of its use.

E. If an investment advisor renders substantially different types of investment advisory services to different advisory clients, any information required by Part II of Form ADV may be omitted from the statement furnished to an advisory client or prospective advisory client if such information is applicable only to a type of investment advisory service or fee which is not rendered or charged, or proposed to be rendered or charged to that client or prospective client.

F. An investment advisor and its representative may only assist clients in the selection of other investment advisors pursuant to a written agreement between the assisting investment advisor and the other investment advisor. The written agreement must describe the assisting activities and compensation, contain the assisting investment advisor's undertaking to perform consistent with the other investment advisor's instructions, and require that the assisting investment advisor representative provide the prospective clients with written disclosure documents of the assisting investment advisor and the other investment advisor. The disclosure document of an investment advisor who assist clients in the selection of another investment advisor shall always contain the following information in addition to other information required by subsection A of 21 VAC 5-80-190:

1. The name of the assisting investment advisor representative;

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2. *The name of the other investment advisor;*
3. *The nature of the relationship, including any affiliation between the assisting investment advisor representative and the other investment advisor;*
4. *A statement that the assisting investment advisor representative will be compensated for his services by the other investment advisor;*
5. *The terms of such compensation arrangement, including a description of the compensation paid to the assisting investment advisor representative;*
6. *Compensation differentials charged to clients above the normal other investment advisor's fee, as a result of the cost of obtaining clients by compensating the assisting investment advisor representative.*

## **21 VAC 5-80-200. Dishonest or unethical practices.**

A. An investment advisor or federal covered advisor is a fiduciary and has a duty to act primarily for the benefit of his clients. While the extent and nature of this duty varies according to the nature of the relationship between an investment advisor or federal covered advisor and his clients and the circumstances of each case, an investment advisor or federal covered advisor shall not engage in unethical practices, including the following:

1. Recommending to a client to whom investment supervisory, management or consulting services are provided the purchase, sale or exchange of any security without reasonable grounds to believe that the recommendation is suitable for the client on the basis of information furnished by the client after reasonable inquiry concerning the client's investment objectives, financial situation and needs, and any other information known or acquired by the investment advisor or federal covered advisor after reasonable examination of the client's financial records.
2. Placing an order to purchase or sell a security for the account of a client without written authority to do so.
3. Placing an order to purchase or sell a security for the account of a client upon instruction of a third party without first having obtained a written third-party authorization from the client.
4. Exercising any discretionary power in placing an order for the purchase or sale of securities for a client without obtaining written discretionary authority from the client within 10 business days after the date of the first transaction placed pursuant to oral discretionary authority, unless the discretionary power relates solely to the price at which, or the time when, an order involving a definite amount of a specified security shall be executed, or both.
5. Inducing trading in a client's account that is excessive in size or frequency in view of the financial resources, investment objectives and character of the account.
6. Borrowing money or securities from a client unless the client is a broker-dealer, an affiliate of the investment advisor or federal covered advisor, or a financial institution engaged in the business of loaning funds or securities.
7. Loaning money to a client unless the investment advisor or federal covered advisor is a financial institution engaged in the business of loaning funds or the client is an affiliate of the investment advisor or federal covered advisor.
8. Misrepresenting to any advisory client, or prospective advisory client, the qualifications of the investment advisor or federal covered advisor, or misrepresenting the nature of the advisory services being offered or fees to be charged for such service, or omission to state a material fact necessary to make the statements made regarding qualifications services or fees, in light of the circumstances under which they are made, not misleading.
9. Providing a report or recommendation to any advisory client prepared by someone other than the investment advisor or federal covered advisor without disclosing that fact. This prohibition does not apply to a situation where the advisor uses published research reports or statistical analyses to render advice or where an advisor orders such a report in the normal course of providing service.
10. Charging a client an unreasonable advisory fee in light of the fees charged by other investment advisors or federal covered advisors providing essentially the same services.
11. Failing to disclose to clients in writing before any advice is rendered any material conflict of interest relating to the investment advisor or federal covered advisor or any of his employees which could reasonably be expected to impair the rendering of unbiased and objective advice including:
  - a. Compensation arrangements connected with advisory services to clients which are in addition to compensation from such clients for such services; or
  - b. Charging a client an advisory fee for rendering advice when a commission for executing securities transactions pursuant to such advice will be received by the advisor or his employees.
12. Guaranteeing a client that a specific result will be achieved as a result of the advice which will be rendered.
13. Publishing, circulating or distributing any advertisement that would not be permitted under Rule 206(4)-1 under the Investment Advisers Act of 1940 (17 CFR 275.206(4)-1).
14. Disclosing the identity, affairs, or investments of any client to any third party unless required by law or an order of a court or a regulatory agency to do so, or unless consented to by the client.
15. Taking any action, directly or indirectly, with respect to those securities or funds in which any client has any beneficial interest, where the investment advisor has custody or possession of such securities or funds, when the investment advisor's action is subject to and does not comply with the safekeeping requirements of 21 VAC 5-80-140.
16. Entering into, extending or renewing any investment advisory contract unless such contract is in writing and discloses, in substance, the services to be provided, the term of the contract, the advisory fee, the formula for computing the fee, the amount of prepaid fee to be returned

in the event of contract termination or nonperformance, whether the contract grants discretionary power to the investment advisor or federal covered advisor and that no assignment of such contract shall be made by the investment advisor or federal covered advisor without the consent of the other party to the contract.

*17. Failing to clearly and separately disclose to its customer, prior to any security or investment advisory transaction, or promptly after any material related transaction, that the customer's funds will be invested or in custody in a manner that does not provide Securities Investor Protection Corporation protection, or equivalent third party coverage over the customer's assets.*

B. An investment advisor representative is a fiduciary and has a duty to act primarily for the benefit of his clients. While the extent and nature of this duty varies according to the nature of the relationship between an investment advisor representative and his clients and the circumstances of each case, an investment advisor representative shall not engage in unethical practices, including the following:

1. Recommending to a client to whom investment supervisory, management or consulting services are provided the purchase, sale or exchange of any security without reasonable grounds to believe that the recommendation is suitable for the client on the basis of information furnished by the client after reasonable inquiry concerning the client's investment objectives, financial situation and needs, and any other information known or acquired by the investment advisor representative after reasonable examination of the client's financial records.
2. Placing an order to purchase or sell a security for the account of a client without written authority to do so.
3. Placing an order to purchase or sell a security for the account of a client upon instruction of a third party without first having obtained a written third-party authorization from the client.
4. Exercising any discretionary power in placing an order for the purchase or sale of securities for a client without obtaining written discretionary authority from the client within 10 business days after the date of the first transaction placed pursuant to oral discretionary authority, unless the discretionary power relates solely to the price at which, or the time when, an order involving a definite amount of a specified security shall be executed, or both.
5. Inducing trading in a client's account that is excessive in size or frequency in view of the financial resources, investment objectives and character of the account.
6. Borrowing money or securities from a client unless the client is a broker-dealer, an affiliate of the investment advisor representative, or a financial institution engaged in the business of loaning funds or securities.
7. Loaning money to a client unless the investment advisor representative is engaged in the business of loaning funds or the client is an affiliate of the investment advisor representative.

8. Misrepresenting to any advisory client, or prospective advisory client, the qualifications of the investment advisor representative, or misrepresenting the nature of the advisory services being offered or fees to be charged for such service, or omission to state a material fact necessary to make the statements made regarding qualifications services or fees, in light of the circumstances under which they are made, not misleading.

9. Providing a report or recommendation to any advisory client prepared by someone other than the investment advisor or federal covered advisor who the investment advisor representative is employed by or associated with without disclosing that fact. This prohibition does not apply to a situation where the investment advisor or federal covered advisor uses published research reports or statistical analyses to render advice or where an investment advisor or federal covered advisor orders such a report in the normal course of providing service.

10. Charging a client an unreasonable advisory fee in light of the fees charged by other investment advisor representatives providing essentially the same services.

11. Failing to disclose to clients in writing before any advice is rendered any material conflict of interest relating to the investment advisor representative which could reasonably be expected to impair the rendering of unbiased and objective advice including:

- a. Compensation arrangements connected with advisory services to clients which are in addition to compensation from such clients for such services; or
- b. Charging a client an advisory fee for rendering advice when a commission for executing securities transactions pursuant to such advice will be received by the investment advisor representative.

12. Guaranteeing a client that a specific result will be achieved as a result of the advice which will be rendered.

13. Publishing, circulating or distributing any advertisement that would not be permitted under Rule 206(4)-1 under the Investment Advisers Act of 1940.

14. Disclosing the identity, affairs, or investments of any client to any third party unless required by law or an order of a court or a regulatory agency to do so, or unless consented to by the client.

15. Taking any action, directly or indirectly, with respect to those securities or funds in which any client has any beneficial interest, where the investment advisor representative other than a person associated with a federal covered advisor has custody or possession of such securities or funds, when the investment advisor representative's action is subject to and does not comply with the safekeeping requirements of 21 VAC 5-80-140.

16. Entering into, extending or renewing any investment advisory or federal covered advisory contract unless such contract is in writing and discloses, in substance, the services to be provided, the term of the contract, the advisory fee, the formula for computing the fee, the amount of prepaid fee to be returned in the event of contract

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termination or nonperformance, whether the contract grants discretionary power to the investment advisor representative and that no assignment of such contract shall be made by the investment advisor representative without the consent of the other party to the contract.

*17. Failing to clearly and separately disclose to their customer, prior to any security or investment advisory transaction, or promptly after any material related transaction, that the customer's funds will be invested or in custody in a manner that does not provide Securities Investor Protection Corporation protection, or equivalent third party coverage over the customer's assets.*

C. The conduct set forth in subsections A and B of this section is not all inclusive. Engaging in other conduct such as nondisclosure, incomplete disclosure, or deceptive practices may be deemed an unethical business practice except to the extent not permitted by the National Securities Markets Improvement Act of 1996 (Pub. L. No. 104-290).

D. The provisions of this section shall apply to federal covered advisors to the extent that fraud or deceit is involved, or as otherwise permitted by the National Securities Markets Improvement Act of 1996 (Pub. L. No. 104-290).

## **21 VAC 5-80-210. Exclusions from definition of "investment advisor" and "federal covered advisor."**

A. The terms "investment advisor" and "federal covered advisor" do not include any person engaged in the investment advisory business whose only client in this Commonwealth is one (or more) of the following:

1. An investment company as defined in the Investment Company Act of 1940.
2. An insurance company licensed to transact insurance business in this Commonwealth.
3. A bank, a bank holding company as defined in the Bank Holding Company Act of 1956, a trust subsidiary organized under Article 3.1 (§ 6.1-32.1 et seq.) of Chapter 2 of Title 6.1 of the Code of Virginia, a savings institution, a credit union, or a trust company if the entity is either (i) authorized or licensed to transact such business in this Commonwealth or (ii) organized under the laws of the United States.
4. A broker-dealer so registered under the Act and under the Securities Exchange Act of 1934.
5. An employee benefit plan with assets of not less than \$5,000,000.
6. A governmental agency or instrumentality.
7. A corporation, general partnership, limited partnership, limited liability company, trust or other legal organization that (i) has assets of not less than \$5,000,000 and (ii) receives investment advice based on its investment objectives rather than the individual investment objectives of its shareholders, partners, limited partners, members or beneficiaries, provided the investment advisor or federal covered advisor is exempt from registration pursuant to § 203(b)(3) of the Investment Advisors Act of 1940 or by any rule or regulation promulgated by the SEC under that section. *If the entity's assets fall below \$5,000,000 for a*

*period not to exceed 90 days, the investment advisor shall file an application to register with the division within 30 days.*

B. Any investment advisor or federal covered advisor who (i) does not have a place of business located within this Commonwealth and (ii) during the preceding 12-month period has had fewer than six clients who are residents of this Commonwealth other than those listed in subsection A of this section is excluded from the registration and notice filing requirements of the Act.

C. The term "investment advisor" does not include any certified public accountant who holds a valid CPA certificate as defined by § 54.1-2000 of Title 54.1 of the Code of Virginia and who during the ordinary course of business:

1. Issues publications, writings, reports, or testimony in a court of law or in an arbitration as to the value of privately held securities in a transaction involving the purchase, sale or valuation of a business;
2. Issues publications, writings, reports or testimony in a court of law or in an arbitration as to the advisability of investing in, purchasing, or selling privately held securities in a transaction involving the purchase, sale or valuation of a business; or
3. Advises clients about the disposition or value of assets, of which ownership is evidenced by privately held securities and such assets are the subject of (i) bankruptcy, (ii) estate or gift tax planning or settlement, (iii) divorce, (iv) sale of a business, whether whole or in part, (v) employee stock option plan, or (vi) an insurance settlement.

## **21 VAC 5-100-10. Rule governing disclosure of confidential information.**

A. This section governs the disclosure by the commission of information or documents obtained or prepared by any member, subordinate or employee of the commission in the course of any examination or investigation conducted pursuant to the provisions of the Securities Act (§ 13.1-501 et seq. of the Code of Virginia). It is designed to implement the provisions of §§ 13.1-518 and 13.1-567 that permit disclosure of information to governmental and quasi-governmental entities approved by rule of the commission.

B. The Director of the Division of Securities and Retail Franchising or his designee is hereby authorized to disclose information to the entities enumerated in subsections D, E and F of this section. Disclosure shall be made only for the purpose of aiding in the detection or prevention of possible violations of law or to further administrative, legislative or judicial action resulting from possible violations of law. As a condition precedent to disclosure a writing shall be obtained from the receiving entity undertaking that it will exercise reasonable measures to preserve the confidential nature of the information.

C. Disclosure may be made only under the following circumstances:

1. In response to an entity's request for information relating to a specific subject or person.

2. By disseminating to an entity information which may indicate a possible violation of law within the administrative, regulatory or enforcement responsibility of that entity.

3. To participate in a centralized program or system designed to collect and maintain information pertaining to possible violations of securities, investment advisory, retail franchising or related laws.

4. To the extent necessary for participation in coordinated examinations or investigations.

D. The following are approved governmental entities (including any agencies, bureaus, commissions, divisions or successors thereof) of the United States:

1. Board of Governors of the Federal Reserve System or any Federal Reserve Bank.

2. Commodity Futures Trading Commission.

3. Congress of the United States, including either House, or any committee or subcommittee thereof.

4. Department of Defense.

5. Department of Housing & Urban Development.

6. Department of Justice.

7. Department of Treasury.

8. Federal Deposit Insurance Corporation.

9. Office of Thrift Supervision.

10. Federal Trade Commission.

11. Postal Service.

12. Securities & Exchange Commission.

13. Comptroller of the Currency.

14. Federal Bureau of Investigation.

15. Any other federal agency or instrumentality which demonstrates a need for access to confidential information.

16. *Virginia General Assembly, including the House or the Senate, or any committee or subcommittee thereof.*

E. The following are approved nonfederal governmental entities:

1. The securities or retail franchising regulatory entity of any state, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, state legislative bodies and state and local law-enforcement entities involved in the detection, investigation or prosecution of violations of law.

2. The securities or retail franchising regulatory entity of any foreign country, whether such entity is on a national, provincial, regional, state or local level, and law-enforcement entities within such countries.

F. The following are approved quasi-governmental entities:

1. American Stock Exchange.

2. Chicago Board Options Exchange.

3. Midwest Stock Exchange.

4. Municipal Securities Rulemaking Board.

5. National Association of Attorneys General.

6. National Association of Securities Dealers, Inc.

7. New York Stock Exchange.

8. North American Securities Administrators Association, Inc.

9. Pacific Stock Exchange.

10. Philadelphia Stock Exchange.

11. Securities Investor Protection Corporation.

12. National White Collar Crime Center.

13. National Association of Securities Dealers Regulation, Inc.

14. Any other quasi-governmental entity which demonstrates a need for access to confidential information.

VA.R. Doc. No. R03-165; Filed March 2, 2003, 10:26 a.m.





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# FINAL REGULATIONS

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For information concerning Final Regulations, see Information Page.

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## 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.

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## TITLE 4. CONSERVATION AND NATURAL RESOURCES

### DEPARTMENT OF CONSERVATION AND RECREATION

**REGISTRAR'S NOTICE:** The following regulation filed by the Department of Conservation and Recreation is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 1 of the Code of Virginia, which excludes agency orders or regulations fixing rates or prices. The Department of Conservation and Recreation will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Title of Regulation:** 4 VAC 5-36. Standard Fees for Use of Department of Conservation and Recreation Facilities,

**Programs, and Services (amending 4 VAC 5-36-50, 4 VAC 5-36-60, 4 VAC 5-36-70, 4 VAC 5-36-110 through 4 VAC 5-36-140, and 4 VAC 5-36-170 through 4 VAC 5-36-210).**

Statutory Authority: § 10.1-104 of the Code of Virginia.

Effective Date: May 21, 2003.

Summary:

*The amendments increase various fees charged by the Department of Conservation and Recreation for facilities, programs, and services.*

Agency Contact: Leon E. App, Acting Deputy Director, Department of Conservation and Recreation, 203 Governor Street, Suite 302, Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141, or e-mail leonapp@dcr.state.va.us.

#### 4 VAC 5-36-50. Parking and launch fees.

#### PARKING FEES (NONTAXABLE)

	WEEKDAYS	WEEKENDS
Main Season Daily Parking for Passenger Vehicles: Applies to cars, trucks, vans (up to 15 passenger), motorcycles. All parks unless listed below.	\$2.00	\$3.00
Parks under construction and having only limited facilities and services.	\$2.00	\$2.00
First Landing, Fairy Stone, Raymond R. "Andy" Guest Jr. Shenandoah River, Smith Mountain Lake, Claytor Lake, Lake Anna, Leesylvania, Pocahontas, Kiptopeke, Westmoreland, Mason Neck, Sky Meadows	\$3.00	\$4.00
<del>Horse Trailer Parking Fee: Applies to horse trailers when carrying horses in or out of a state park. Required in addition to applicable vehicle parking fee.</del>	<del>\$3.00</del>	<del>\$3.00</del>
Other Trailer Parking Fee: Applies to <i>horse trailers and</i> other than horse trailers and those not covered by camping and boat launch fee. (Add to daily parking fee.)	\$2.00 per trailer	\$2.00 per trailer
Off Season Daily Parking for Passenger Vehicles: Applies to cars, trucks, vans (up to 15 passenger), motorcycles at all parks.	\$2.00	\$2.00
Daily Bus Parking: All Seasons. Applies to vehicles with 16 or more passenger capacity. All parks unless listed below.	\$10	\$10
Claytor Lake, Hungry Mother, Leesylvania, Mason Neck, New River Trail	\$12	\$12
First Landing, Kiptopeke, Lake Anna, Pocahontas, Westmoreland	\$15	\$15
Natural Area Preserve Parking Fees for any Vehicle: The department may charge these fees at any Natural Area Preserve.	\$2.00	\$2.00
Boat Launch Fees: Required to use park boat ramps on bodies of water where motorboats are permitted. May not apply to small "car-top" launch facilities (facilities at which boats may only be launched by hand carrying them to the water). The fee is normally added to the parking fee to create a combined park/launch payment.		
Daily Park/Launch Fees: All Seasons All parks unless listed below.	\$3.00	\$3.00

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First Landing, Kiptopeke (with Marine Fishing License), Lake Anna	\$4.00	\$4.00
Leesylvania, Kiptopeke (without Marine Fishing License)	\$8.00	\$8.00
Surcharge for second boat on same trailer: jet ski	\$2.00	\$2.00
Overnight parking at boat launch: where available	\$5.00	\$5.00
Camper's Boat Launch Fee Kiptopeke: Does not apply if camper parks trailer at campsite.	\$3.00	\$3.00
Annual and Lifetime Parking Fees:		FEE
Lifetime Naturally Yours Passport Plus: Lifetime admission and parking pass to all state parks, plus 10% discount on camping, all state park merchandise, equipment rentals, and shelter rentals.		\$275
Naturally Yours Passport Plus: 12-month from date of purchase admission and parking pass to all state parks, plus 10% discount on camping, all state park merchandise, equipment rentals, and shelter rentals.		\$55
Naturally Yours Parking Passport: 12-month from date of purchase admission and parking pass to park of purchase.		\$33
Senior Lifetime Naturally Yours Passport Plus: See Lifetime Naturally Yours Passport Plus above.		\$100
Senior Naturally Yours Passport Plus: See Naturally Yours Passport Plus above.		\$30
Senior Naturally Yours Parking Passport: See Naturally Yours Parking Passport above.		\$20
Golden Disability Pass: Available to persons with disabilities as verified by U.S. Social Security Administration's (SSA) "Benefit Verification Letter." Pass remains in effect unless SSA withdraws eligibility.		No Charge
<i>Annual Horse Trailer-Vehicle Pass: 12-months from date of purchase admission and park pass, including horse trailer, good at all parks.</i>		\$72
Replacement fee for annual pass: No replacement fee required for Golden Disability Pass.		\$10
Handicapped Motorized Vehicle Annual Pass Processing Fee: New River Trail. Applies to specially permitted handicapped vehicles and transportation devices allowed within the park. Fifteen dollars of the processing fee is refundable if permit is denied.		\$25
Annual and Lifetime Park/Launch Fees:		FEE
Lifetime Naturally Yours Passport Plus for Boaters: Lifetime admission, parking, and launch pass to all state parks, plus 10% discount on camping, all state park merchandise, equipment rentals, and shelter rentals.		\$385
Naturally Yours Passport Plus for Boaters: 12-month from date of purchase admission, parking, and launch pass to all state parks, plus 10% discount on camping, all state park merchandise, equipment rentals, and shelter rentals.		\$138
Park/Launch Passport:		
12-month from date of purchase admission, parking, and launch pass to all state parks including Leesylvania.		\$116
12-month from date of purchase admission, parking, and launch pass to First Landing, Kiptopeke, or Lake Anna. Good only at park of purchase.		\$88
12-month from date of purchase admission, parking, and launch pass to park of purchase other than Leesylvania, First Landing, Kiptopeke, or Lake Anna.		\$72
Senior Lifetime Naturally Yours Passport Plus for Boaters: Good at all parks.		\$285
Senior Naturally Yours Passport Plus for Boaters: Annual permit for all parks including Leesylvania.		\$110
Senior Park/Launch Passport:		
12-month from date of purchase admission, parking, and launch pass to all state parks including Leesylvania.		\$99
12-month from date of purchase admission, parking, and launch pass to First Landing, Kiptopeke, or Lake Anna. Good only at park of purchase.		\$72
12-month from date of purchase admission, parking, and launch pass to park of purchase other than Leesylvania, First Landing, Kiptopeke, or Lake Anna.		\$60
Buggs Island Lake Special Annual Pass: Good only at Occoneechee and Staunton River State Parks.		\$33
Leesylvania Annual Overnight Boating/Parking Program Fee:		\$61

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# Final Regulations

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Special Event Fees:	EVENT FEE
Special Use Application Fee: Special Use Permits, issued by the park, are required for special events and the fee is nonrefundable.	\$10
Standard Special Event Parking Fee: Applies to all parks and events that utilize parking fees unless noted below.	\$10 per vehicle
Community Event Fee: May be used by any park as a condition of a Special Use Permit for a community event provided by a nonprofit group or organization or government agency or entity.	\$1.00 per vehicle
Sky Meadows: Strawberry Festival.	\$10 per vehicle, one day \$15 per vehicle, two days
New River Trail: Wythe County Heritage Day. Grayson Highlands Fall Festival. Hungry Mother Arts and Crafts Festival.	\$6.00 per vehicle
Claytor Lake Arts and Crafts Festival: Free parking with canned food donation on designated day.	\$6.00 per vehicle
Kiptopeke: Eastern Shore Birding Festival.	Parking Fee waived to registered festival guests; otherwise standard fees apply
Chippokes Plantation Pork, Peanut, and Pine Festival.	\$5.00 per vehicle, 2002 event \$6.00 per vehicle, 2003 and beyond
<i>Smith Mountain Lake: special park/launch rate for boaters participating in fishing tournaments if the tournament sponsor has also rented the Tournament Headquarters Building.</i>	<i>\$4.00 per vehicle/boat combination</i>
Standard Special Event Per Person Entrance Fee: Applies to all parks and events that utilize per person admission fees unless noted below.	\$4.00 per adult \$3.00 per child, 6 through 12 years Children under 6 free
Sailor's Creek Battlefield: Battle of Sailor's Creek Reenactment.	\$5.00 per person Children under 6 free \$10 maximum per vehicle \$50 per bus (16 passenger +)
Chippokes Plantation Steam and Gas Engine Show.	\$6.00 per person Children under 12 free
Chippokes Plantation Christmas.	\$5.00 per person
Oconneechee Native American Heritage Festival and Powwow: Youth Day.	\$1.00 per child
Grayson Highlands Wayne C. Henderson Music Festival.	\$8.00 per person Children under 12 free
York River Estuaries Day.	\$2.00 (Age 3 through 12) \$3.00 (Age 13 and over)
Natural Tunnel Special Event Parking Fee.	\$2.00 per person \$6.00 per vehicle
Pocahontas Amphitheater Events.	\$4.00 per person
Leesylvania Early Opening Fee.	\$20 per first hour \$35 per additional hour

## Notes on Parking Fees:

1. Weekend rates apply on Memorial Day, Fourth of July, and Labor Day holidays.
2. Off-season rates apply from November 1 through March 31 of each year. Main season rates apply at all other times.
3. No parking fee is required for up to two vehicles per campsite and per cabin. Vehicles in excess of two shall pay the prevailing daily parking fee for each day that the vehicle is parked in the park.
4. Except as otherwise noted, boat launching shall be free for up to one boat per vehicle per campsite.

5. Parking fees are waived for any vehicle displaying handicapped license plates or temporary handicapped parking identification issued by any state or the federal government.
6. Parking fees are waived for any vehicle occupied solely by students and/or teachers and/or assisting personnel participating in an official activity of a bona fide school or institution of higher learning. Parks may require that individuals in vehicles other than those marked as a school bus verify their official activity by letter from the school or approved field trip form.
7. Parking fees are waived for official vehicles of federal, state, and local governments while on official business; vehicles making deliveries to the park; contractor and business vehicles performing work in the park; and emergency vehicles while conducting official business, including training.
8. Parking fees are waived for park employees during time of employment, including family and household members of staff occupying staff residences; visitors to staff residences, and park volunteers entering the park to perform volunteer duties.
9. Parking fees may be waived for vehicles conducting research or collecting activities provided such waiver is included in the language of the Research and Collection Permit.
10. The period covered by a daily parking fee shall be midnight to midnight. Park guests utilizing overnight parking when and where available (e.g., backpackers, overnight fisherman, etc.) will be required to pay the applicable daily parking fee for each calendar day that their vehicle is in the parking lot (partial days included).
11. Annual permits shall be valid for 12 months from the date of purchase, unless otherwise noted.
12. Parking fees are waived for visitors entering the park for the sole purpose of dining at the park restaurant at Douthat and Hungry Mother State Parks.
13. Parking fees are waived at state parks for participants in Walk for Parks, Fall River Renaissance, March for Parks, Operation Spruce-Up Day, and National Trails Day and other park-sanctioned public service events as approved by the Director.
14. Daily parking fees are reduced to \$1.00 for vehicles occupied by participants in fund-raising events sponsored by nonprofit organizations (Walk-A-Thons, etc.) provided the sponsor has obtained a special use permit from the park that contains provisions for the identification of participants in the event.
15. Parking fees shall be waived for persons using park roads to gain legal access to their private residence and guests to such residences; and for vehicles passing through, but not stopping in, a park on a public roadway.
16. Revenue collected from special event parking and/or admission fees may be divided between the park and the event sponsor if so designated and approved in the special event permit following a determination made by the director that the revenue split is in the benefit of the Commonwealth.
17. Annual Park/Launch pass also covers the park entrance or parking fee for horse trailers or other allowable trailers. *Annual and Lifetime parking-only passes do not include trailers.*
18. Parking fees are waived for service vehicles such as tow trucks when entering the park to service a visitor vehicle.
19. Parking fees are waived for visitors entering the park to attend a performance by a U.S. military band if this is a required condition for the band's performance.
20. Parking fees are included in the rental fees for meeting facilities, up to the capacity of the facility and provided that this waiver of fee is included in the rental agreement for the facility.
21. *Parking fees are waived for a period of up to 15 minutes for persons entering the park to deposit materials in community recycling collection containers.*
22. *Parking fees are waived for vehicles occupied entirely by persons attending fee interpretive programs.*

#### 4 VAC 5-36-60. Admission fees.

##### ADMISSION FEES (NONTAXABLE)

	DAILY ADMISSION PER PERSON (Weekdays and Weekends unless otherwise noted.)	ANNUAL PASS (Good for 12 months from date of purchase.)
Shot Tower	Free	<del>Free</del> NA

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Southwest VA Museum	\$1.50 (Ages 6 through 12, or groups of 10 or more any age) \$2.00 (Ages 6 through 12) \$3.00 (Age 13 and up)	\$10 (adult) per year \$4.00 (child) per year (age 6 through 12) per year \$10 (age 13 and over) per year \$20 (family: up to 2 adults and 2 children) per year
Chippokes Plantation: Chippokes Mansion	\$2.00 (Age 6 through 12) \$4.00 (Age 13 and over) \$2.00 group rate (10 or more)	NA
Chippokes Plantation: Farm and Forestry Museum	\$3.00 (Age 13 and over) \$2.00 (Age 6 through 12) \$2.00 group rate (10 or more)	NA
Chippokes Plantation: Combination Pass	\$6.00 (Age 13 and over) \$3.00 (Age 6 through 12)	NA
Kiptopeke Fishing Pier Fishing Fee	\$1.00 (Age 6 through 12) \$3.00 (Age 13 and over)	NA
Kiptopeke Fishing Pier Fishing Fee: Coupon book good for 10 visits	\$20 per 10 Passes	NA

## ADMISSION

### ~~False Cape Transportation: Round Trip Beach Vehicle Transportation~~

<del>Group Rate by reservation (10 person minimum)</del>	<del>\$160</del>
<del>School Rate by reservation (10 person minimum)</del>	<del>\$100</del>
<del>Per Person on dates of published operation (10 person minimum)</del>	<del>\$8.00</del>

### Natural Tunnel Chairlift:

Children under age 6	Free
Round trip per person	\$3.00
One-way per person	\$2.00
Group Rate Round Trip per person (10 or more)	\$2.00
Season Pass	\$20

Archery Range: All parks where available; per person user fee	\$2.00 per day (over 15) \$1.00 per day (under 15) \$15 per year (any age)
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### New River Challenge Registration Fees

Early Registration Fee:	\$30 per person \$60 per team
Late Registration Fee:	\$40 per person \$70 per team

### Notes on Admission/Entrance Fees:

1. Fees are waived at Natural Tunnel for use of the chairlift on one designated "Customer Appreciation Day" per year.
2. Museum entrance fees are waived at the Southwest Virginia Museum during the "Festival of Trees" event for members of groups who submitted trees for the display.
3. For park museums and historic features that charge an entrance fee, visitors participating in the Time Travelers program of the Virginia Association of Museums shall be charged the existing per person group rate for that facility.

## 4 VAC 5-36-70. Swimming fees.

	SWIMMING (NONTAXABLE)	
	WEEKDAYS	WEEKENDS
Daily Swimming Fees		
All parks with fee swimming areas unless noted below.	Under age 3 Free \$2.00 (Age 3 through 12) \$3.00 (Age 13 and over)	Under age 3 Free \$2.00 (Age 3 through 12) \$3.00 (Age 13 and over)
Staunton River, Lake Anna, Westmoreland, <i>Pocahontas</i>	Under age 3 Free \$2.00 (Age 3 through 12) \$3.00 (Age 13 and over)	Under age 3 Free \$3.00 (Age 3 through 12) \$4.00 (Age 13 and over)
Claytor Lake	Under age 3 Free \$2.00 (Age 3 through 12) \$2.00 (Age 13 and over)	Under age 3 Free \$3.00 (Age 3 through 12) \$3.00 (Age 13 and over)
Hungry Mother	Under age 3 Free \$3.00 (Age 3 through 12) \$3.00 (Age 13 and over)	Under age 3 Free \$3.00 (Age 3 through 12) \$3.00 (Age 13 and over)
<i>Pocahontas</i>	<i>Under age 3 Free</i> \$5.00 (Age 3 through 12) \$6.00 (Age 13 and over)	<i>Under age 3 Free</i> \$7.00 (Age 3 through 12) \$8.00 (Age 13 and over)
Group campers utilizing unimproved group camps. <i>All parks where available unless otherwise noted.</i>	\$1.00 (all ages)	\$1.00 (all ages)
<i>Pocahontas</i>	\$2.00 (all ages)	\$2.00 (all ages)
Chippokes Plantation: Recreation/Education Fun Package: Swimming, Mansion, and Farm & Forestry Museum (Memorial Day – Labor Day: Wed. – Sun.)	\$3.50 (Age 3 through 12) \$6.00 (Age 13 and over)	\$3.50 (Age 3 through 12) \$6.00 (Age 13 and over)
Deposit on all locker keys: Refunded when key is returned.	\$2.00 each	
Swimming Coupon Book: <del>Adult or child (Age 3 and over).</del> <i>All parks where available unless otherwise noted.</i>	<del>\$35 per 20 coupons</del> \$18 per 10 coupons  \$35 per 20 coupons	
<i>Pocahontas</i>	<i>\$35 per 10 coupons</i> <i>\$60 per 20 coupons</i>	
Group Swimming: per person (10 persons or more). <i>All parks where available unless otherwise noted.</i>	\$1.50 (Age 3 through 12) \$2.50 (Age 13 and over)	
<i>Pocahontas</i>	<i>\$2.50 (Age 3 through 12)</i> <i>\$3.50 (Age 13 and over)</i>	
Season Swimming Permit: All parks where available unless otherwise noted.	\$40 (Age 3 through 12) \$50 (Age 13 and over)	
<i>Pocahontas</i>	<i>\$60 (Age 3 through 12)</i> <i>\$70 (Age 13 and over)</i>	
After-Hours Exclusive Use of Pool or Swimming Area: All parks where available. Requires prior reservation. Rental period of approximately 1-2 hours, depending upon operating schedule and amount of available daylight. Cancellation fee charged if reservation is cancelled less than 3 days before the date of event unless cancellation is for inclement weather or cancelled by the park.	\$100 (up to 25 persons) \$125 (26 to 50 persons) \$175 (51 to 75 persons) \$200 (76 to 100 persons) \$35 to open food concessions with rental \$50 cancellation fee	

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Lifeguard Certification Course: Fee may be waived or reimbursed for DCR employees who fulfill seasonal employment commitment.	\$102
Head Lifeguard Training Module: Fee may be waived or reimbursed for DCR employees who fulfill seasonal employment commitment.	\$37
Waterfront Lifeguard Training Module: Fee may be waived or reimbursed for DCR employees who fulfill seasonal employment commitment.	\$26
CPR for the Professional Rescuer: Certification and recertification: Fee may be waived or reimbursed for DCR employees who fulfill seasonal employment commitment.	\$46

## Notes on swimming fees:

1. Nonswimming adults in street clothes admitted to swimming areas free when supervising children.
2. Raincheck Policy for Swimming: All state parks will issue a raincheck, good for a period of 12 months from the date of issue, to any paying customer (does not apply to free swimming vouchers) if the swimming area is forced to close for 40 minutes or more due to inclement weather. Rainchecks may be issued only to patrons present at the swimming area at the time of closure.
3. A full refund is available for a group reservation only if the park or swimming area contractor is notified three days in advance of the time of the reservation. In the event that the group is unable to complete their reservation due to inclement weather, rainchecks will be issued to the individual members of the group in the same manner as other park patrons.
4. All Season Swimming Permits include parking during the swimming season only.

## 4 VAC 5-36-110. Picnic shelters fees.

### PICNIC SHELTERS (TAXABLE)

Two reservation periods are available per day, per shelter.	HALF-DAY	FULL-DAY
Standard Small Picnic Shelter Rental Fee: Bear Creek Lake, Belle Isle, Caledon, Chippokes Plantation, Claytor Lake (including gazebo), Douthat, Holliday Lake, Hungry Mother (half shelter), Lake Anna, Natural Tunnel, New River Trail, Occoneechee, Pocahontas, Smith Mountain Lake, Twin Lakes, Westmoreland, York River, and all other small park picnic shelters.	\$30	\$50
Standard Large Picnic Shelter Rental Fee: Belle Isle, Chippokes Plantation, Claytor Lake, Douthat Fairy Stone, First Landing, Grayson Highlands, Hungry Mother (full shelter), James River, Kiptopeke, Lake Anna, Natural Tunnel, Occoneechee, Pocahontas, Shenandoah, Smith Mountain Lake (Pavilion), Staunton River, Staunton River Battlefield, Twin Lakes, Mason Neck (tent shelter), York River, and all other large park picnic shelters.	\$45	\$80
Shenandoah Large Group Shelter	\$50	\$90
York River: Plus Package: Fee for use of concession rental equipment when a picnic shelter is additionally rented. Add this fee to the standard shelter rental fees for York River noted above.		
<i>Small Shelter: Up to 25 people</i>	\$40 60	\$40 55
<i>Large Shelter: <del>26</del> Up to 40 people</i>	\$65 90	\$65 80
<i>Each additional person over <del>40 people</del> 25 people for the small shelter and over 40 people for the large shelter.</i>	\$3.00 3.25	\$3.00 3.25
Leesylvania Shelter Rental	\$50	\$95
Leesylvania: Lee's Landing Picnic Area Rental	\$30	\$55
Mason Neck Picnic Area Reservation (Includes one double grill, one single grill, and 10 picnic tables seating 6 people each)	\$45	\$85
Chippokes Plantation Conference Shelter (with kitchen)	\$100 per function	\$100 per function

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Chippokes Plantation Conference Shelter (without kitchen)	\$60 per function	\$60 per function
<del>Event Tent Standard Fee: Tents approximately 800-1,000 sq. ft. (Includes set-up and take-down)</del>	<del>NA</del>	<del>\$300</del>
<i>Event Tent Rental: Full day in-park rental only. Price includes set up and take down.</i>		
<i>Standard fee: All parks where available unless otherwise noted.</i>	NA	\$0.38 per square foot
<i>Chippokes Plantation, Douthat, Kiptopeke, Lake Anna, Pocahontas, Shenandoah River, Sky Meadows, Smith Mountain Lake, York River.</i>	NA	\$0.45 per square foot
<i>False Cape, First Landing, Leesylvania, Mason Neck.</i>	NA	\$0.50 per square foot
Standard Shelter Cancellation Fee: Cancellation fee deducted from refund if refund is made more than 14 days prior to the reservation date. No refunds if cancellation made within 14 days prior to date. Shelter reservation may be transferred without penalty if the change is made through the reservations center prior to scheduled use.	\$10	\$10

Notes on shelters:

1. Full-day shelter rental period shall be from park opening until park closing, for day use, unless otherwise specified.
2. Morning half-day shelter rental period shall be from park opening until 2 p.m., unless otherwise specified.
3. Afternoon half-day shelter rental period shall be from 3 p.m. until park closing unless otherwise specified.
4. Half-day shelter rentals may not be made more than 30 days prior to the date of reservation.

**4 VAC 5-36-120. Amphitheater and gazebo fees.**

AMPHITHEATERS AND GAZEBOS (TAXABLE, Price here does not include tax)

Amphitheater or Gazebo Rental Fee:	HALF-DAY	FULL-DAY
Leesylvania, Fairy Stone, Staunton River, and all other amphitheaters and gazebos unless noted below.	\$15	\$30
Claytor Lake (gazebo), Hungry Mother, Occoneechee, Westmoreland, New River Trail, Shenandoah River (overlook), York River.	\$30	\$50
Smith Mountain Lake, Natural Tunnel (gazebo at Cove Ridge), James River, First Landing (gazebo at Chesapeake Bay Center), Douthat.	\$40	\$70
Natural Tunnel and First Landing Amphitheaters: Private group or company rate:	\$150	\$300
Natural Tunnel and First Landing Amphitheaters: Educational group.	\$75	\$150
First Landing: Courtyard at Chesapeake Bay Center; includes amphitheater and gazebo.	\$400	\$750
First Landing: Additional hourly charge for hours beyond 10 p.m. for gazebo.	\$10 per hour	\$10 per hour
First Landing: Additional hourly charge for hours beyond 10 p.m. for Courtyard.	\$50 per hour	\$50 per hour
Smith Mountain Lake: Fishing Tournament Headquarters.	\$25	\$25
Pocahontas Amphitheater Area: Does not include Heritage Center.		
Amphitheater, Exhibit Area, Restrooms (full area).	NA	\$900
Exhibit Area only.	NA	\$200
Use of Sound System: (4 hour minimum).	NA	\$30 per hour
Parking Attendant (per attendant).	NA	\$10 per hour
Law Enforcement Officer (per officer).	NA	\$25 per hour
Standard Amphitheater/Gazebo Cancellation Fee: Cancellation fee deducted from refund if refund is made more than 14 days prior to the reservation date. No refunds if cancellation made within fourteen days prior to date.	\$10	\$10
All parks unless listed below.	\$10	\$10
Pocahontas Amphitheater or First Landing Courtyard	\$100	\$100



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## 4 VAC 5-36-130. Boat storage fees.

### BOAT STORAGE (TAXABLE, Price here does not include tax)

Boat Storage Fees	FEE	
Standard Annual Boat Storage Fee: Bear Creek Lake, Douthat, Hungry Mother, and all other parks where available unless noted below.	\$35	
Leesylvania Boat Storage Fees: Annual Fee (Dec. 1 – Nov. 30). Fee prorated for partial year on a months-remaining basis. <i>Fee includes one park/launch pass per storage rental space to coincide with the rental period.</i>		
Boat Length Up To 16'	\$685	
Boat Length Up To 17'	\$728	
Boat Length Up To 18'	\$771	
Boat Length Up To 19'	\$814	
Boat Length Up To 20'	\$857	
Boat Length Up To 21'	\$900	
Boat Length Up To 22'	\$942	
Boat Length Up To 23'	\$985	
Leesylvania Canoe/Kayak Storage: Renter must possess an annual park admission pass	\$10 per month	
Staunton River Boat Shed Fees: Does not include parking or launching fee, if applicable		
Nightly Storage	\$4.00	
Monthly Storage	\$15	
Six-Month Storage	\$70	
One-year boat storage	\$120 without annual park/launch pass \$150 with Buggs Island Special pass	
Claytor Lake: Boat Dock Slips:	FEE PER	FEE PER
	RENTAL	RENTAL
	SEASON	NIGHT
7' wide and under	\$294 325	\$8.00
9' wide and under	<del>\$460</del> 506	\$8.00
14' wide and under	<del>\$588</del> 650	\$8.00

## 4 VAC 5-36-140. Interpretive canoe, boat, and paddleboat fees.

### INTERPRETIVE CANOE, BOAT, AND PADDLEBOAT PROGRAMS (NONTAXABLE)

Interpretive Canoe, Boat, and Paddleboat Tours:	FEE	
Environmental Education Group Canoe Tour: Available only to bona fide educational groups. Requires previous reservation and arrangements. Minimum 4 persons. Mason Neck and all other parks where available unless otherwise noted.	\$3.00 per person	
Standard Canoe Interpretive Tour Fee for Individuals: Applies to canoe, rowboat, or paddleboat tours. Child riding as third passenger, where allowed, is free.		
Individuals at all parks unless noted below.	\$5.00 per person	
Individuals at Mason Neck, Leesylvania, York River.	\$9.00 per person	
Individuals at False Cape: Back Bay Interpretive Tour.	\$16 per person	
Family Groups at all parks unless noted below. Minimum 4 paying customers.	\$4.00 per person	
Family Groups at Mason Neck, Leesylvania, and York River. Minimum 4 paying customers.	\$6.00 per person	
Sunset, Moonlight, Dawn, or Extended Canoe Interpretive Tour Fee for Individuals: Applies to canoe, rowboat, or paddleboat tours.		
All parks where offered unless noted below.	\$6.00 per person	

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Sunset, Dawn, Extended Canoe Interpretive Tour Fee for Individuals: Mason Neck, Leesylvania, York River. \$11 per person

Moonlight/Night Canoe Interpretive Tour Fee for Individuals: Mason Neck, Leesylvania, York River. \$13 per person

Sunset, Moonlight, Dawn, or Extended Canoe Interpretive Tour Fee for Family Groups: Applies to canoe, rowboat, or paddleboat tours. Minimum 4 paying customers.

All parks where offered unless otherwise noted. \$5.00 per person

Sunset, Dawn, or Extended Canoe Interpretive Tour Fee for Family Groups: Mason Neck, Leesylvania, and York River. Requires 4 or more paying customers. \$7.00 per person

Moonlight/Night Canoe Interpretive Tour Fee for Family Groups: Mason Neck, Leesylvania, and York River. Requires 4 or more paying customers. \$8.00 per person

**Bear Creek Lake: Willis River Interpretive Canoe Tour**

Short Trip. \$8.00 per person  
 Long Trip. \$10 per person

**Natural Tunnel Clinch River:**

Half-Day Trip Group Rate. Requires 8 or more paying customers. \$10 per person  
 Full-Day Trip. Group Rate. Requires 8 or more paying customers. \$17 per person  
 Half-Day Trip. Individuals. \$12 per person  
 Full-Day Trip. Individuals. \$24 per person  
 Overnight Trip. Individuals. \$45 per person

Interpretive Kayak Tour, Solo Kayak: Westmoreland and other parks where available. \$16 per person

Interpretive Kayak Tour, Tandem Kayak: Westmoreland and other parks where available *unless otherwise noted.* \$22 per kayak

*Interpretive Kayak Tour, Tandem Kayak, 2-hour tour: First Landing* \$40 per person

*Interpretive Pontoon Boat Tour: All parks where available.* \$2.00 (Age 3 through 12)  
 \$3.00 (Age 13 and over)

**Note on Cancellation Policy for Group Reservations Interpretive Canoe, Boat, and Paddleboat Programs:**

1. Cancellation Policy for group reservations: Guest must cancel four days prior to the tour date in order to receive a refund. Any guest canceling less than four days before the start of the reservation will not be eligible for a refund. A one-time \$10 cancellation fee will apply per reservation regardless of number of boats reserved. In the event of inclement weather where the park must cancel, the guest will be offered either a complete refund or reservation transfer to another date.

**4 VAC 5-36-170. Hunting fees.**

HUNTING (NONTAXABLE)

Hunting	FEE
All parks where available unless otherwise noted	Standard Daily Hunting Fee for Managed Hunts (Does not apply to open hunting areas at Fairy Stone, Hungry Mother, Grayson Highlands, Occoneechee, and Pocahontas) \$15
Chippokes Plantation	Southern Heritage Deer Hunt \$250 per adult, or youth 16 and older with a separate stand \$150 per child ages 12 through 17 if stand is shared with a paying adult \$50 per nonhunting companion
<i>Hunting: All parks where available unless otherwise noted. (Does not apply to open hunting areas at Fairy Stone, Hungry Mother, Grayson Highlands, Occoneechee, and Pocahontas)</i>	<i>FEE</i>

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<i>Standard Daily Hunting Fee for reservation-type managed hunts (No separate application fee required).</i>	\$15 per hunter per day
<i>Standard Daily Hunting Fee for lottery-type managed hunts (Paid in addition to any applicable application fee).</i>	\$15 per hunter per day
<i>False Cape Daily Hunting Fee for lottery-type managed hunts (Paid in addition to any applicable application fee).</i>	\$10 per hunter per day
<i>Lottery Hunt Application Fee</i>	\$5.00 per application
<i>Chippokes Plantation: Southern Heritage Deer Hunt</i>	\$325 per adult, or youth 16 through 17 with a separate stand \$200 per youth ages 12 through 17, requires shared stand with a paying adult \$50 per nonhunting companion  <i>Discounted rate (for reservations made prior to May 15, 2003, or April 1 all later years)</i>  \$300 per adult, or youth 16 through 17 with a separate stand \$175 per youth ages 12 through 17, requires shared stand with a paying adult \$45 per nonhunting companion

#### 4 VAC 5-36-180. State park performing arts events fees.

##### STATE PARK PERFORMING ARTS EVENTS (NONTAXABLE)

State Parks Performing Arts Events:	FEE
Natural Tunnel Gospel Singing Festival	\$5.00 per vehicle
Douthat Shakespeare in the Park	<i>Under age 3 is free</i> \$3.00 (Age 4 and under 3 through 12) \$5.00 (Age 13 and over)
First Landing Arts in the Park Series (4 concerts): <i>Price per concert</i> Does not include parking	<i>Under age 3 is free</i> <del>\$5.00 per adult 3.00 (Age 3 through 12)</del> <del>\$3.00 per child 5.00 (Age 13 and over)</del> <del>Under age 3 is free</del>
First Landing: Arts in the Park Series: <i>Season Pass</i> Does not include parking Season Passes	<i>Under age 3 is free</i> <del>\$16 per adult 10 (Age 3 through 12)</del> <del>\$10 per child 16 (Age 13 and over)</del>
First Landing: Music in the Park (9 concerts): <i>Price per concert</i> Does not include parking	<i>Under age 3 is free</i> \$3.00 per person <del>adults and children (Age 3 and over)</del> <del>Under age 3 is free</del>
First Landing: Music in the Park: <i>Season Pass</i> Does not include parking Season Passes	<i>Under age 3 is free</i> \$22.50 <del>season pass (Age 3 and over)</del>

#### Note on Cancellation Policy for Performing Arts Programs Event Fees:

1. Cancellation Policy for Performing Arts Programs: In the event that inclement weather forces the cancellation of a performing arts program, a full refund will be provided to ticket holders. Since rescheduling may not be an option, if and when the program is rescheduled, those interested in attending must repurchase their tickets to the performance.

## 4 VAC 5-36-190. Environmental education center fees.

### ENVIRONMENTAL EDUCATION SERVICES AND FACILITIES FEES (TAXABLE unless otherwise noted)

PARK	SERVICE OR FACILITY	FEE
First Landing, Caledon, Mason Neck	Rental of Environmental Education Center	\$60 per day \$40 per half-day
	Chesapeake Bay Center Exhibit Area. Fee required after 5 p.m. or after regular operating hours	\$25 per hour
False Cape State Park	Wash Woods Environmental Education Center - Use by educational group	\$200 per night \$60 day use
	Wash Woods Environmental Education Center Use by noneducational Group	\$300 per night \$100 day use
	Deposit to accompany reservation application	\$40
	Environmental Education Programs (Nontaxable)	\$75
	<i>Bus transportation for educational group (Nontaxable)</i>	\$36 round trip \$18 one way
	<i>Bus transportation for noneducational group (Nontaxable)</i>	\$48 round trip \$24 one way
	<i>Bus transportation within the park (Nontaxable)</i>	\$18 per hour
	<i>Beach vehicle transportation for educational group (10 person minimum)</i>	\$100 round trip
	<i>Beach vehicle transportation for noneducational group (10 person minimum)</i>	\$160 round trip
	<i>Beach vehicle transportation, individual rate on regularly scheduled dates</i>	\$8.00 round trip per person
	<i>Transportation, Additional Park Vehicle-Round trip (Nontaxable)</i>	\$36 round trip
	<i>Per Hour within the park (Nontaxable)</i>	\$18
	Equipment Rental	\$20
	Mason Neck	Hartwell Environmental Education Center (Includes wet lab and equipment)
Environmental Education Equipment only: Excludes center and wet lab – outdoor activity only		\$25 per half-day \$40 per full-day
Leesylvania	Discovery Room	
	Teacher Led Programs Up to 4 hours (Nontaxable)	\$50
	Ranger Led Programs Up to 4 hours (Nontaxable)	\$85
	Menu Programs: Picked by instructor – led by ranger; 1-hour 15-minute minimum (Nontaxable)	\$30
	Equipment Rental: For use outside of Visitor Center; 4-hour maximum	\$20

#### Note on Environmental Education Center ~~Cancellation Policy~~ Fees:

1. Environmental Education Center Cancellation Policy: For day-use E.E.C. cancellation policy, Picnic Shelter cancellation policy shall apply. For overnight-use E.E.C. cancellation policy, cabin cancellation policy shall apply.

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## 4 VAC 5-36-200. Miscellaneous Rental Fees.

RENTALS (TAXABLE; Price here does not include tax)

Bike Rentals	FEE
All parks <i>where available</i> unless <i>otherwise</i> noted <del>below</del>	\$3.00 per hour \$8.00 per half-day \$15 per full-day
Fairy Stone	\$5.00 per hour \$30 per full-day
Occonechee: Includes Helmet	\$6.00 for one hour \$10 for two hours \$15 for half-day \$25 for full-day \$30 for 24-hours \$50 for 48-hours
Claytor Lake	\$4.00 per hour \$25 per day
New River Trail	\$5.00 per hour \$12 per half-day \$18 per day
Staunton River: Family Bicycle Package. Includes 4 bicycles.	\$9.00 per hour \$25 per half-day \$38 per full-day
<i>First Landing</i>	<i>\$5.00 per hour</i> <i>\$16 per day</i>
Boat Rentals	FEE
Standard Paddle Boat Rental:	
All parks <i>where available</i> unless <i>otherwise</i> noted <del>below</del>	<i>\$4.00 per half-hour</i> <i>\$6.00 per hour</i>
Occonechee: Paddleboat	\$12 for one hour \$18 for two hours \$24 for half-day \$39 for full-day \$44 for 24 hours \$75 for 48 hours
Smith Mountain Lake: Paddleboat	\$10 per half-hour \$15 per one hour \$60 for 24 hours \$90 for 2 days \$120 for 3 days \$150 for 4 days \$170 for 5 days
Standard Canoe Rental:	
All parks where available unless <i>otherwise</i> noted <del>below</del> .	\$6.00 per hour \$12 per half-day \$22 per full-day
Occonechee: Includes orange Personal Flotation Devices, paddles, and car-top carrier	\$8.00 per hour \$12 for two hours \$15 for half-day \$25 for full-day \$30 for 24 hours \$50 for 48 hours

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Smith Mountain Lake	\$8.00 per half-hour \$12 per one hour \$60 for 24 hours \$90 for 2 days \$120 for 3 days \$150 for 4 days \$170 for 5 days
Claytor Lake	\$12 per hour \$35 per half-day \$50 per day
<i>New River Trail</i>	<i>\$7.00 per hour</i> <i>\$20 per half-day</i> <i>\$30 per day</i> <i>\$35 per half-day, includes canoe rental plus shuttle</i> <i>\$50 per full day, includes canoe rental plus shuttle</i>
<i>Standard Rowboat Rental, without motor:</i>	
<del>Standard Rowboat Rental, without motor:</del> All parks where available unless otherwise noted	\$6.00 per hour \$12 per half-day \$22 per full-day \$80 per week
Claytor Lake: Rowboat/Jon Boat rental without motor:	\$4.00 per hour
<i>Hungry Mother: Rowboats</i>	<i>\$4.00 per hour</i> <i>\$15 per day</i> <i>\$40 per week</i>
<i>New River Trail: Rafts and flat-bottom boats</i>	<i>\$7.00 per hour</i> <i>\$20 per half-day</i> <i>\$30 per day</i>
Standard Rowboat Rental with electric motor and battery: All parks where available unless otherwise noted	\$10 per hour \$20 per 4 hours \$36 per day \$100 per 4 days \$150 per week
<i>Standard Motorboat Rental, 16-foot console steering, 25-45 horsepower outboard. All parks where available.</i>	<i>\$18 per hour</i> <i>\$90 per day</i>
Standard Fishing Boat Rental with gasoline motor and one tank of fuel: All parks where available <del>unless otherwise noted.</del>	\$10 per hour (2-hour minimum) \$50 per day
Pedal Craft Rental: (Hydro-Bike, Surf-Bike, etc.) All parks where available unless otherwise noted.	
One person.	\$5.00 per hour
Two person.	\$8.00 per hour
Smith Mountain Lake: Hydro Bike	\$8.00 per half hour \$12 per hour \$60 per 24 hours \$90 two days with 1 night \$120 three days with 2 nights \$150 four days with 3 nights \$170 five days with 4 nights \$190 six days with 5 nights \$210 seven days with 6 nights
<i>Barracuda Boat. All parks where available</i>	<i>\$10 per hour</i>

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# Final Regulations

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## Solo Kayak Rental:

All parks *where available* unless *otherwise* noted ~~below~~

\$8.00 per hour

Occoneechee: Includes orange PFD's, paddles, and car-top carrier.

\$10 per hour  
\$15 for two hours  
\$20 for half-day  
\$35 for full-day  
\$40 for 24 hours  
\$70 for 48 hours

Smith Mountain Lake

\$8.00 per half hour  
\$12 per hour  
\$60 per 24 hours  
\$90 two days with 1 night  
\$120 three days with 2 nights  
\$150 four days with 3 nights  
\$170 five days with 4 nights

Claytor Lake

\$10 per hour  
\$35 per half-day  
\$50 per day

*New River Trail*

*\$7.00 per hour*  
*\$20 per half-day*  
*\$30 per day*

*First Landing*

*\$20 per half-day*  
*\$35 per day*

## Tandem Kayak Rental:

~~\$10 per hour~~

All parks where available unless otherwise noted.

*\$10 per hour*

Occoneechee: Includes PFD's, paddles, and car-top carrier.

\$12 per hour  
\$18 for two hours  
\$24 for half-day  
\$39 for full-day  
\$44 for 24-hours  
\$75 for 48-hours

Claytor Lake

\$15 per hour  
\$45 per half-day  
\$60 per day

*First Landing*

*\$25 per half-day*  
*\$40 per day*

Smith Mountain Lake: 14-foot fishing boat with 5 hp (3 person capacity). Rental does not include fuel and oil. Damage deposit of \$200 required.

\$50 for 3-hours  
\$75 for 6-hours  
\$110 for 24-hours  
\$160 for 2 days with 1 night  
\$210 for 3 days with 2 nights  
\$250 for 4 days with 3 nights  
\$290 for 5 days with 4 nights  
\$330 for 6 days with 5 nights  
\$360 for 7 days with 6 nights

Claytor Lake: 14-foot ~~jean~~ boat with 6 hp motor

\$12 per hour  
\$30 per half-day  
\$55 per day

Claytor Lake: 14-foot ~~jean~~ fishing boat with 8 hp motor

\$14 per hour  
\$38 per half-day  
\$60 per day

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## Final Regulations

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Claytor Lake: 14-foot v-hull boat with 15 hp motor	\$17 per hour \$50 per half-day \$85 per day
Claytor Lake: 16-foot v-hull with 15 hp motor	\$18 per hour \$55 per half-day \$90 per day
Lake Anna: 16-foot v-hull with 15 hp motor: Price excludes fuel costs. Five percent discount with Virginia Basic Boating Certificate, 10% weekday discount. \$200 damage deposit required.	\$69 per half-day \$99 per day
Lake Anna: Runabout with 50 hp motor (6-person): Price excludes fuel costs. Five percent discount with Virginia Basic Boating Certificate, 10% weekday discount. \$200 damage deposit required.	\$149 per half-day \$199 per day
Occoneechee: Powerboats, 3-person	\$38 per hour \$12 each extra hour \$70 per half-day \$115 per day \$135 per 24 hours \$250 per 48 hours
<i>Occoneechee: Pontoon boat</i>	<i>\$75 per hour \$87 per two hours \$100 per half-day \$135 per full day \$175 per 24 hours \$300 per 48 hours</i>
<i>Occoneechee: Ski Boat</i>	<i>\$85 per hour \$100 per two hours \$120 per half-day \$150 per full day \$200 per 24 hours \$350 per 48 hours</i>
Smith Mountain Lake: 17-foot runabout with 75 hp. (6-person capacity) Rental does not include fuel and oil. Damage deposit of \$200 required.	\$90 for 3 hours \$130 for 6 hours \$200 for 24 hours \$280 for 2 days with 1 night \$360 for 3 days with 2 nights \$510 for 5 days with 4 nights \$580 for 6 days with 5 nights \$650 for 7 days with 6 nights
Smith Mountain Lake: 20-foot Sea Ray with 133 hp (8 person capacity). Rental does not include fuel and oil. Damage deposit of \$200 required.	\$110 for 3 hours \$170 for 6 hours \$250 for 24 hours \$350 for 2 days with 1 night \$440 for 3 days with 2 nights \$530 for 4 days with 3 nights \$620 for 5 days with 4 nights \$710 for 6 days with 5 nights \$795 for 7 days with 6 nights
Claytor Lake: 18-foot pontoon boat	\$75 per half-day \$140 per day
Claytor Lake: 22-foot pontoon boat	\$150 per half-day \$250 per day
Lake Anna: Pontoon boat, 6-person: Price excludes fuel costs. Five percent discount with Virginia Basic Boating Certificate, 10% weekday discount. \$300 damage deposit required.	\$149 per half-day \$199 per day



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# Final Regulations

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Lake Anna: Pontoon boat, 15 person: Price excludes fuel costs. Five percent discount with Virginia Basic Boating Certificate, 10% weekday discount. \$300 damage deposit required.	\$189 per half-day \$249 per day
Smith Mountain Lake: 24-foot pontoon boat with 40 hp (10-12 person capacity).	\$80 for 3 hours \$120 for 6 hours \$165 for 24 hours \$235 for 2 days with 1 night \$315 for 3 days with 2 nights \$395 for 4 days with 3 nights \$465 for 5 days with 4 nights \$535 for 6 days with 5 nights \$595 for 7 days with 6 nights
Smith Mountain Lake: Personal Watercraft (Waverunner 700). Rental does not include fuel and oil. Damage deposit of \$500 required.	\$110 for 3 hours \$170 for 6 hours \$250 for 24 hours \$350 for 2 days with 1 night \$440 for 3 days with 2 nights \$530 for 4 days with 3 nights \$620 for 5 days with 4 nights \$710 for 6 days with 5 nights \$795 for 7 days with 6 nights
Standard Damage/Replacement Fees: All parks where available unless otherwise noted. Not required for damage due to normal wear and tear.	
Paddle	\$20
Anchor/Rope	\$40
Fuel Tank/Hose	\$60
Fire Extinguisher	\$25
Throw Cushion	\$10
Propeller	\$60
Other Rentals:	
Personal Flotation Device (PFD): When separate from boat rental.	\$1.00 per day
Smith Mountain Lake: Personal Flotation Device, type II.	\$5.00 for first day \$1.00 <del>add.</del> additional days
Smith Mountain Lake: Personal Flotation Device, type III	\$7.00 for first day \$2.00 <del>add.</del> additional days
Occoneechee: Ski Tubes; Wake-boards; Combo Skis	\$8.00 per hour \$12 for two hours \$15 for half-day \$25 for full-day \$30 for 24 hours \$50 for 48 hours
Occoneechee: Additional Ski Vest	\$2.00 each
Occoneechee: Ski Rope	\$5.00 per day
New River Trail: Float Tubes	\$10 per day
Smith Mountain Lake: Tow tube; Water Skis; Knee Board	\$15 per day with boat rental \$25 per day without boat rental
Smith Mountain Lake: Wake Board	\$25 per day with boat rental \$30 per day without boat rental
Mobile Pig Cooker: All parks where available unless otherwise noted.	\$40 per day
Volleyball Net and Ball Rental: All parks where available.	\$10

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Binocular Rentals (2 hours): All parks where available.	\$2.00
Beach Floats: All parks where available.	\$1.00 per hour \$3.00 for 4-hours \$5.00 for full-day
<i>Surf Lounge Floating Chair Rental. All parks where available.</i>	<i>\$2.00 per hour, single chair \$5.00 per half-day, single chair \$7.00 per full day, single chair \$3.00 per hour, double chair \$7.00 per half-day, double chair \$10 per full day, double chair</i>
<i>Body Board: First Landing</i>	<i>\$5.00 per day</i>
Beach Umbrella: All parks where available <i>unless otherwise noted.</i>	\$3.00 per hour \$8.00 for 4 hours \$15 for full-day
<i>First Landing</i>	<i>\$5.00 per day</i>
<del>Beach Umbrella:</del> Kiptopeke	\$5.00 per 4 hours \$8.00 per 8 hours
<i>Beach Chair: All parks where available</i>	<i>\$5.00 per day</i>
Fishing Rods: All parks where available <i>unless otherwise noted.</i>	\$5.00 per half-day
<i>First Landing</i>	<i>\$6.00 per day</i>
<i>2-Person Tent: All parks where available.</i>	<i>\$12 per day</i>
Coin-Operated Washing Machine: All parks where available <i>unless otherwise noted.</i>	\$1.00 per load, tax included
<i>First Landing</i>	<i>\$1.25 per load, tax included</i>
Coin Operated Dryer: All parks where available <i>unless otherwise noted.</i>	\$0.75 per load, tax included
<i>First Landing</i>	<i>\$0.25 per 15 minutes (large), tax included \$1.25 per 45 minutes (small), tax included</i>
6-Foot Table (Includes 6 chairs)	\$10 per rental period
Additional chairs:	\$2.50 each per <i>rental</i> period
<i>Horse Rentals:</i>	
<i>New River Trail</i>	<i>\$20 per one-hour ride \$100 per full day ride</i>
<i>Shenandoah, Sky Meadows</i>	<i>\$16 per half-hour ride, weekdays \$20 per half-hour ride, weekends \$25 per one-hour ride, weekdays \$30 per one-hour ride, weekends \$42 per two-hour ride, weekdays \$56 per two-hour ride, weekends</i>
<i>Horseshoe Rental for Campers. All parks where available.</i>	<i>\$1.00 per hour \$5.00 per day</i>

## 4 VAC 5-36-210. Conference Center Fees.

### CONFERENCE CENTERS (TAXABLE)

Prices may be discounted and/or waived by the director when necessary to create competitive bids for group sales.	FEE
Hemlock Haven Conference Center at Hungry Mother	

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# Final Regulations

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Main Hall (Capacity: 375)	\$250 per day
Upper Level (Capacity: 50)	\$150 per day
Redbud Room: (Capacity 35)	\$50 per day
Laurel Room (Capacity: 20)	\$35 per day
Entire Meeting Room Complex	\$400 per day
Exclusive Use (includes all cabins and meeting rooms) The Friday prior to Memorial Day through Labor Day of each year. Fridays and Saturdays	\$1,200 per 12 hours
Sundays through Thursdays	\$600 per 12 hours
Exclusive Use (includes all cabins and meeting rooms) The Tuesday following Labor Day through the Thursday prior to Memorial Day of each year. Fridays and Saturdays	\$850 per 12 hours
Sundays through Thursdays	\$425 per 12 hours
<del>Lodging: Conference Cabins</del>	<del>\$90 per night per cabin</del>
<del>Lodging: Individual Cabins: ("Pines" cabins)</del>	<del>\$90 per night per cabin</del>
Day Use Recreational Package (Includes all outside recreational facilities)	
0 – 250 Persons	\$250 per half-day \$500 per full-day
250 – 500 Persons	\$375 per half-day \$750 per full-day
500 + persons	\$500 per half-day \$1,000 per full-day
Exclusive Use Recreational Package: Includes all recreational facilities, pool, and main floor of Ferrell Hall; does not include cabins.	\$1,150 per full-day
Pool Use: Full-Day rental only	\$150 per full-day
Cedar Crest Conference Center at Twin Lakes	
Complex: Doswell Hall with deck, grounds, volleyball, horseshoes; Kitchen, Latham and Hurt Rooms NOT included.	\$175 per 4 hours \$350 per day \$50 each extra hour
Doswell Meeting Room: Meeting Room Only; no kitchen or dining room.	\$125 per room per 4 hours \$250 per room per day \$35 each extra hour
Small break-out rooms with main room: Latham and Hurt.	\$50 per room per 4 hours \$100 per room per day \$20 each extra hour
Small break-out rooms without main room.	\$75 per room per 4 hours \$150 per room per day \$35 each extra hour
Picnic Shelter or Gazebo at Cedar Crest.	\$65 per 4 hours \$125 per day \$10 each extra hour
Kitchen rental Only available with complex rental.	\$100 per event
Kitchen Cleaning Fee: Deposit.	\$150 per event
Boat Package: 4 paddle boats and 2 row boats: Only available with facility rentals	\$55 per 4 hours \$110 per day
<del>Hill Lodge: 8 persons maximum — 2 night minimum</del>	<del>\$200 per night</del>
<del>Cabins: 6 person maximum per 2 cabins — 2 night minimum</del>	<del>\$80 per night</del>

Package Plans: Includes overnight rental for 24 hour period and complex rental for an 8-hour period between 8 a.m. and 11 p.m.

6 Cabins and Complex: one-night minimum.	\$670
6 Cottages and Lodge: one-night minimum.	\$840
6 Cottages, Martin Cottage, and Lodge: one-night minimum.	\$901
30' x 42' Frame Tent: For use on pavilion deck or lawn.	\$250 per event

Chippokes Plantation Meeting, Conference, and Special Use Facilities

Mansion Conference Room.	\$25 per hour
Mansion or Historic Area Grounds (Includes parking for party rental).	\$300 per <del>event</del> 4 hours
<i>Mansion Board Room</i>	\$100 per 4 hours
Program Options: Wagon Tour (24 Maximum).	\$48
Program Options: Canoe Tour: Approx. 2 hours (12-person minimum; 22-person maximum).	\$48
Chippokes Plantation Conference Shelter (Available on reservation basis only).	
<del>With kitchen</del>	<del>\$100 per function 4 hours</del>
<del>Without kitchen</del>	<del>\$60 per function</del>
<i>Wedding Package (includes historic area grounds, gardens, tent set up and take down, Wedding Coordinator, changing room for bride and groom, Mansion kitchen area, boardroom, no fee for wedding rehearsal).</i>	<i>\$720 per 4 hours</i>
	<i>\$1,170 per 8 hours</i>
	<i>\$50 nonrefundable reservation fee</i>

Southwest Virginia Museum – Victorian Parlor Room Rental (Based on 4-hour rental)

	DAY	EVENING
Option #1: Victorian Parlor – Basic Room Package (Includes tables with linen and chairs)		
Up to 22 People (6 tables – 22 chairs)	\$30	\$55
23 to 30 People (8 tables – 30 chairs)	\$40	\$65
OR		
Up to 50 people (50 chairs & <i>and</i> head table)		
Option #2: Victorian Parlor – Executive Room Package (Includes tables with linen and chairs, water pitcher with glasses, coffeepot with cups (coffee not included), AV equipment, and presentation aids)		
Up to 22 People (6 tables – 22 chairs)	\$50	\$75
23 to 30 People (8 tables – 30 chairs)	\$65	\$90
OR		
Up to 50 people (50 chairs & <i>and</i> head table)		
Option #3: Additional meeting rooms: Victorian Parlor must be rented in order to rent additional rooms.		
Hallway (downstairs) (Includes two existing tables with linens)	\$10	\$10
Each Additional Table with Linens	\$10	\$10
Small Parlor: AV room or Big Stone Gap Photo room (Includes 1 table with linens and 6-8 chairs)	\$30	\$30
Big Stone Gap Development Room (Includes 1 table with linens and 6-8 chairs)	\$40	\$40
Wedding Portraits	\$50 per 2 hours	\$75 per 2 hours
Additional hours	\$10	\$10

# Final Regulations

Surcharge for exceeding Approved Hours	\$20	\$20
Sky Meadows		
“The Meeting House” at Sky Meadows: Accommodates 15 people maximum	\$25 per half-day (Less than 4 hours) \$40 per full-day (Greater than 4 hours)	
Karlan/Wilderness Road (Mansion and Ground Rental)		
Mansion or Lawn: separately	\$60 for 4 hours	
Mansion and Lawn: combined	\$100 for 4 hours	
Additional hours beyond scheduled operating hours	\$10 per hour	
Exceeding Approved Hours	\$20 per hour	
Cove Ridge Center at Natural Tunnel: A deposit of 30% is required within 10 days of making the reservation. Deposit is refundable up to 14 days in advance of the reservation date.	PRIVATE FEE	EDUCATIONAL FEE
Exclusive Overnight Use of one dorm: Entire center auditorium, classrooms, catering kitchen, resource library, deck, great room with stone fireplace, dorm, swimming (in-season), use of conference AV equipment, guest information and hospitality packet, parking passes.	\$600 per night	\$400 per night
Exclusive Overnight Use of both dorms: Entire center auditorium, classrooms, catering kitchen, resource library, deck, great room with stone fireplace, dorms, swimming (in-season), use of conference AV equipment, guest information and hospitality packet, parking passes.	\$800 per night	\$600 per night
Exclusive Day Use: Same as above excluding dorm(s)	\$400 300 per day	\$200 per day
Auditorium (half-day)	\$110	\$80
Classroom – Library (half-day)	\$60	\$30
Dorm (Only) nightly	\$400	\$300
Both Dorms (Only) Nightly	\$500	\$400
Per Person Student Rate for Overnight Dorm Use	\$12.50 per person	\$12.50 per person
Rental of Observation Deck at mouth of tunnel for dinner parties. Includes use of chairlift for transportation of guests and supplies and set-up/take-down of tables and chairs.	\$300 per 4 hours	
Heritage Center at Pocahontas All reservations require 50% down at time of reservation (Nonrefundable within 14 days of event)	PRIVATE FEE	EDUCATIONAL FEE
Exclusive Use Package – Entire Complex (Capacity: 224; includes tables, chairs, deck area, and warming kitchen)	\$200 per 4 hours \$350 per full-day \$40 each extra hour	\$120 per 4 hours \$210 per full-day \$30 each extra hour
Large Room (Capacity: 150; includes tables and chairs)	\$125 per 4 hours \$225 per full-day \$25 each extra hour	\$75 per 4 hours \$135 per full-day \$15 each extra hour
Small Room (Capacity: 75; includes tables and chairs)	\$75 per 4 hours \$100 per full-day \$25 each extra hour	\$40 per 4 hours \$80 per full-day \$15 each extra hour
Board Room (Capacity: 30)	\$50 per 4 hours \$100 per full-day \$20 each extra hour	\$30 per 4 hours \$55 per full-day \$15 each extra hour

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## Final Regulations

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Refundable damage deposit in the form of a check made out to: Treasurer of Virginia prior to occupancy.	\$100	\$100
<b>Westmoreland</b>		
Meeting and Events Facility		FEE
		\$125 (Up to 6 hours)
		\$225 (8 a.m. to 10 p.m.)
Wedding Package - Includes half-day rental for wedding rehearsal, and a full-day rental for wedding/reception		\$300
Potomac River Retreat: Table and Chair Set-up		\$40
<b>Fairy Stone</b>		
Fayerdale Hall Meeting Facility		\$125 (Up to 6 hours)
		\$225 (8 a.m. to 10 p.m.)
Wedding Package - Includes half-day rental for wedding rehearsal, and a full-day rental for wedding/reception.		\$300
<b>Douthat</b>		
Allegheny Room: Up to 60 persons.		\$150 per day
Blue Ridge Room: Up to 20 persons.		\$50 per day
Both Rooms: Same day.		\$175 per day
Wedding Package: Both conference rooms and amphitheater (see "amphitheater section") on day of wedding, plus an extra half-day amphitheater for rehearsal.		\$300
<b>First Landing</b>		
Trail Center Conference Room (Capacity: 45)		\$40 per half-day
		\$60 per full-day
<b>Lake Anna</b>		
Visitor Center		\$30 per half-day
		\$50 per full day
<b>Mason Neck</b>		
Wedding Package: 20 foot by 40 foot tent, 250 chairs, parking for up to 50 cars		\$750 per event
<b>Smith Mountain Lake</b>		
Meeting room at Visitor Center		\$150 per day
<b>Equipment and Services Associated with Meetings and Rentals:</b>		
Microphone/Podium Rental		\$15 per day
Linen Rentals:		
Table cloth and napkins per table		\$5 per table
Place settings		\$2 each
Fax		First 2 pages free
		\$2 each extra page
Copies		Single copy free
		\$0.15 each extra copy
Easels		\$5 per day
Overhead Projector		\$10 per day
TV with VCR		\$10
Second TV		\$10
Overhead Projector with Screen		\$10

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# Final Regulations

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Slide Projector with Screen	\$10
Flip Chart	\$10

Notes on ~~standard cancellation policy~~ for conference and meeting facilities fees:

1. Conference and meeting facilities require a 25% prepayment due 10 days prior to the first date of the reservation, and payment of the full balance prior to or on the first day of the reservation. Cancellations made 14 or more days prior to the first day of the reservation shall be charged the lesser of 10% of the total fee or \$100. Cancellations made less than 14 days prior to the first date of the reservation shall be charged 30% of the total fee.

VA.R. Doc. No. R03-161; Filed March 27, 2003, 1:41 p.m.

## 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 § 2.2-4006 A 12 of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

**Title of Regulation:** 4 VAC 20-1050. Pertaining to Establishment of Restricted Area-Northrop Grumman/Newport News Shipbuilding Company (adding 4 VAC 20-1050-10, 4 VAC 20-1050-20, and 4 VAC 20-1050-30).

**Statutory Authority:** §§ 28.2-103 and 28.2-106 of the Code of Virginia.

**Effective Date:** March 26, 2003.

**Summary:**

The regulation establishes a restricted area at Northrop Grumman/Newport News Shipbuilding Company.

**Agency Contact:** Deborah R. Cawthon, Agency Regulatory Coordinator, Marine Resources Commission, 2600 Washington Ave., 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002, or e-mail dcawthon@mrc.state.va.us.

**4 VAC 20-1050-10. Purpose:**

The purpose of this regulation is to enhance the physical security of the Northrop Grumman/Newport News Shipbuilding Company and is part of a comprehensive plan to protect the public, environment, and economic interests from sabotage and other subversive acts, accidents, or incidents of a similar nature.

The regulation delineates the identical areas already restricted by current federal regulation. The adoption of this regulation simply affords the Virginia Marine Police the authority to enforce Virginia law that prohibits entrance into the restricted areas.

**4 VAC 20-1050-20. Definitions.**

A. Pursuant to subdivision 2 of § 28.2-106 of the Code of Virginia, the following restricted area is established adjacent to the Northrop Grumman/Newport News Shipbuilding Company:

1. Location. The following is a security zone: The waters of the James River encompassed by a line beginning at the

intersection of the shoreline with the northernmost property line of the Northrop Grumman/ Newport News Shipbuilding and Dry Dock Co. at latitude 37°00'38.1"N, longitude 76°27'05.7"W, thence southerly to latitude 36°59'58.4"N, longitude 76°27'16.7"W, thence southeasterly to latitude 36°59'23.0"N, longitude 76° 26'54.6"W, thence westerly to latitude 36°59'21.5"N, longitude 76° 26'58.4"W, thence southeasterly to latitude 36°59'12.9"N, longitude 76° 26'52.4"W, thence easterly to latitude 36°59'14.2"N, longitude 76° 26'49.1"W, thence southeasterly to latitude 36°58'37.8"N, longitude 76° 26'26.3"W, thence easterly to latitude 36°58'43.5"N, longitude 76°26'13.7"W, thence northerly to the intersection of the shoreline with the southernmost property line of the Northrop Grumman/Newport News Shipbuilding and Dry Dock Co. at latitude 36°58'48.0"N, longitude 76°26'11.2"W, thence northwesterly along the shoreline to the point of the beginning.

2. Security zone anchorage. The following is a security zone anchorage: The waters of the James River encompassed by a line beginning at the intersection of the shoreline with the northernmost property line of the Northrop Grumman/Newport News Shipbuilding and Dry Dock Company Shipyard at latitude 37°00'38.1"N, longitude 76°27'05.7"W, thence southerly to latitude 36°59'58.4"N, longitude 76°27'16.7"W, thence easterly to the shoreline at latitude 36°59'58.5"N, longitude 76°27'11.6"W, thence along the shoreline to the point of beginning.

B. No vessel or person shall enter the restricted area without the permission of the Virginia Marine Police or Northrop Grumman/Newport News Shipbuilding Company. Law-enforcement vessels, United States military vessels and vessels of the Northrop Grumman/Newport News Shipbuilding Company are exempt from the provisions of this regulation.

**4VAC 20-1050-30. Penalty.**

A violation of this regulation is a Class 1 misdemeanor.

VA.R. Doc. No. R03-164; Filed March 26, 2003, 4:02 p.m.

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**Title of Regulation:** 4 VAC 20-1060. Pertaining to Establishment of Restricted Area-Dominion Power/Nuclear Power Station (adding 4 VAC 20-1060-10, 4 VAC 20-1060-20 and 4 VAC 20-1060-30).

**Statutory Authority:** §§ 28.2-103 and 28.2-106 of the Code of Virginia.

**Effective Date:** March 26, 2003.

**Summary:**

*The regulation establishes a restricted area at Dominion Power/Nuclear Power Station.*

**Agency Contact:** Deborah R. Cawthon, Agency Regulatory Coordinator, Marine Resources Commission, 2600 Washington Ave., 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002, or e-mail dcawthon@mrc.state.va.us.

**4 VAC 20-1060-10. Purpose.**

*The purpose of this regulation is to enhance the physical security of the facility and is part of a comprehensive plan to protect the public, environment, and economic interests from sabotage and other subversive acts, accidents, or incidents of a similar nature. (See Hog Island Quad Map outlining the location of the restricted area.)*

*The regulation delineates the identical areas already restricted by current federal regulation. The adoption of this regulation simply affords the Virginia Marine Police the authority to enforce Virginia law that prohibits entrance into the restricted areas.*

**4 VAC 20-1060-20. Definitions.**

A. Pursuant to subdivision 2 of § 28.2-106 of the Code of Virginia, the following restricted area is established adjacent to the James River, Surry Nuclear Power Plant:

*The Area. (1) The waters within an area beginning at Mean High Water on the shore at latitude 37°08'59.4" N, longitude 76°40'15.5" W; thence to the following points creating a 500 yard arc: latitude 37°08'58.8" N, longitude 76°40'06" W; latitude 37°09'03.1" N, longitude 76°39'59.4" W; latitude 37°09'06.9" N, longitude 76°39'54.1" W; latitude 37°09'12.8" N, longitude 76°39'48" W; latitude 37°09'18.6" N, longitude 76°39'48" W; latitude 37°09'25.1" N, longitude 76°39'48.3" W; latitude 37°09'32.3" N, longitude 76°39'50.1" W; latitude 37°09'37.2" N, longitude 76°39'53.1" W; latitude 37°09'40" N, longitude 76°39'56.6" W; latitude 37°09'37.2" N, longitude 76°39'53.1" W; latitude 37°09'43.4" N, longitude 76°40'03.4" W; thence to a point on shore at Mean High Water in position; latitude 37°09'42.7" N, longitude 76°40'27.1" W.*

B. No vessel or persons shall enter the restricted area without the permission of the Virginia Marine Police. Law-enforcement vessels, United States military vessels and vessels of the Dominion Power/Surry Nuclear Power Plant are exempt from the provisions of this regulation.

**4 VAC 20-1060-30. Penalty.**

A violation of this regulation is a Class 1 misdemeanor.

## TITLE 12. HEALTH

### STATE BOARD OF HEALTH

#### Notice of Withdrawal

**Title of Regulation:** 12 VAC 5-31. Virginia Emergency Medical Services Regulations (withdrawing 12 VAC 5-31-610, 12 VAC 5-31-620, 12 VAC 5-31-730, and 12 VAC 5-31-940).

The Department of Health has withdrawn the following sections, which were published as final regulations in 19:3 VA.R. 478-529 October 21, 2002, and subsequently suspended in 19:10 VA.R. 1495 January 27, 2003:

1. 12 VAC 5-31-610, Designated emergency response agency standards;
2. 12 VAC 5-31-620, Designated emergency response agency staffing capability;
3. 12 VAC 5-31-730, EMS vehicle operational readiness; and
4. 12 VAC 5-31-940, Drugs and substance use.

The Department of Health intends to reinstate the promulgation process to adopt provisions addressing the subjects of the withdrawn sections.

**Agency Contact:** Dave Cullen, Compliance Manager, Office of Emergency Medical Services, Department of Health, 1538 E. Parham Rd., Richmond, VA 23228, telephone (804) 371-3500, ext. 3512, toll-free 1-800-523-6019, FAX (804) 371-3543 or e-mail dcullen@vdh.state.va.us

VA.R. Doc. No. R01-71; Filed March 31, 2003, 10:52 a.m.

#### Notice of Readoption and Effective Date

**Title of Regulation:** 12 VAC 5-31. Virginia Emergency Medical Services Regulations (readopting 12 VAC 5-31-1030 and 12 VAC 5-31-1140).

**Effective Date:** May 6, 2003.

Pursuant to § 2.2-4015 B of the Code of Virginia, the State Board of Health has readopted the following sections of 12 VAC 5-31, which were published in 19:3 VA.R. 478-529 October 21, 2002, and subsequently suspended in 19:10 VA.R. 1495 January 27, 2003:

1. 12 VAC 5-31-1030, Sexual harassment; and
2. 12 VAC 5-31-1140, Provision of patient care documentation.

The above sections were readopted as published in 19:3 VA.R. 478-529 October 21, 2002, without change and are scheduled to become effective on May 6, 2003.



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Agency Contact: Dave Cullen, Compliance Manager, Office of Emergency Medical Services, Department of Health, 1538 E. Parham Rd., Richmond, VA 23228, telephone (804) 371-3500, ext. 3512, toll-free 1-800-523-6019, FAX (804) 371-3543 or e-mail [dcullen@vdh.state.va.us](mailto:dcullen@vdh.state.va.us)

VA.R. Doc. No. R01-71; Filed March 31, 2003, 10:52 a.m.

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## TITLE 13. HOUSING

### VIRGINIA HOUSING DEVELOPMENT AUTHORITY

**REGISTRAR'S NOTICE:** The Virginia Housing Development Authority is exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) pursuant to § 2.2-4002 A 4; however, under the provisions of § 2.2-4031 A, it is required to publish all proposed and final regulations.

Title of Regulation: **13 VAC 10-180. Rules and Regulations for Allocation of Low-Income Housing Tax Credits (amending 13 VAC 10-180-10, 13 VAC 10-180-50 and 13 VAC 10-180-60).**

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

Effective Date: April 2, 2003.

Agency Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere Street, Richmond, VA 23220, telephone (804) 343-5540, FAX (804) 783-6701 or e-mail [judson.mckellar@vhda.com](mailto:judson.mckellar@vhda.com).

#### Summary:

*The amendments (i) include a definition of "principal"; (ii) revise the definition of "revitalization area"; (iii) require market studies for developments intended for persons age 55 and older to be submitted prior to the application date; (iv) reject any application from an applicant with a principal that has or had an ownership or participation interest in a development at the time the authority reported such development to the IRS as no longer in compliance and no longer participating in the federal low-income housing tax credit program; (v) reduce the number of readiness points; (vi) prohibit applicants receiving points for granting preference to Section 8 tenants from requiring annual minimum income that exceeds the greater of \$3,600 or 2.5 times the portion of rent to be paid by a tenant; (vii) change the points awarded to developments subject to an existing Rural Development 515 loan; (viii) award points to any development receiving a real estate tax abatement for 10 or more years or receiving a new project-based subsidy from HUD or Rural Development for the greater of 5 or 10% of the units of the proposed development; (ix) award points to projects serving populations with mobility impairments; (x) change points awarded to developer experience; (xi) increase the credit cap for related principals to 15% of Virginia's per capita dollar amount of credits for such credit year; (xii) reduce the threshold score to receive credits to 375 points; and (xiii) make other miscellaneous administrative clarification changes.*

*Since the proposed amendments, the authority has decided to amend 13 VAC 10-180-60 by setting it out twice, the first section to be effective through December 31, 2003, and the second section to become effective on January 1, 2004. The amendments effective January 1, 2004, (i) provide points for proposed developments competing in a new community development pool and (ii) permit the authority to create tiers within allocation pools and tax credit set-asides for nonprofits and local housing authorities.*

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.

**REGISTRAR'S NOTICE:** The proposed regulation was adopted as published in 19:2 VA.R. 329-341 October 7, 2002, with the changes identified below. Pursuant to § 2.2-4031 of the Code of Virginia, the adopted regulation is not published at length; however, the sections that have changed since publication of the proposed are set out.

**13 VAC 10-180-10. [ No change from proposed. ]**

**13 VAC 10-180-50. [ No change from proposed. ]**

**13 VAC 10-180-60. Review and selection of applications; reservation of credits.**

[ *The following text for this section is effective through December 31, 2003.* ]

The executive director may divide the amount of credits into separate pools [ ~~and each separate pool may be further divided into separate tiers~~ ]. The division of such pools [ ~~and tiers~~ ] may be based upon one or more of the following factors: geographical areas of the state; types or characteristics of housing, construction, financing, owners, occupants, or source of credits; or any other factors deemed appropriate by him to best meet the housing needs of the Commonwealth.

An amount, as determined by the executive director, not less than 10% of the Commonwealth's annual state housing credit ceiling for credits, shall be available for reservation and allocation to buildings or developments with respect to which the following requirements are met:

1. A "qualified nonprofit organization" (as described in § 42(h)(5)(C) of the IRC) which is authorized to do business in Virginia and is determined by the executive director, on the basis of such relevant factors as he shall consider appropriate, to be substantially based or active in the community of the development and is to materially participate (regular, continuous and substantial involvement as determined by the executive director) in the development and operation of the development throughout the "compliance period" (as defined in § 42(i)(1) of the IRC); and
2. (i) The "qualified nonprofit organization" described in the preceding subdivision 1 is to own (directly or through a partnership), prior to the reservation of credits to the buildings or development, all of the general partnership interests of the ownership entity thereof; (ii) the executive

director of the authority shall have determined that such qualified nonprofit organization is not affiliated with or controlled by a for-profit organization; (iii) the executive director of the authority shall have determined that the qualified nonprofit organization was not formed by one or more individuals or for-profit entities for the principal purpose of being included in any nonprofit pools (as defined below) established by the executive director, and (iv) the executive director of the authority shall have determined that no staff member, officer or member of the board of directors of such qualified nonprofit organization will materially participate, directly or indirectly, in the proposed development as a for-profit entity.

In making the determinations required by the preceding subdivision 1 and clauses (ii), (iii) and (iv) of subdivision 2 of this section, the executive director may apply such factors as he deems relevant, including, without limitation, the past experience and anticipated future activities of the qualified nonprofit organization, the sources and manner of funding of the qualified nonprofit organization, the date of formation and expected life of the qualified nonprofit organization, the number of paid staff members and volunteers of the qualified nonprofit organization, the nature and extent of the qualified nonprofit organization's proposed involvement in the construction or rehabilitation and the operation of the proposed development, the relationship of the staff, directors or other principals involved in the formation or operation of the qualified nonprofit organization with any persons or entities to be involved in the proposed development on a for-profit basis, and the proposed involvement in the construction or rehabilitation and operation of the proposed development by any persons or entities involved in the proposed development on a for-profit basis. The executive director may include in the application of the foregoing factors any other nonprofit organizations which, in his determination, are related (by shared directors, staff or otherwise) to the qualified nonprofit organization for which such determination is to be made.

For purposes of the foregoing requirements, a qualified nonprofit organization shall be treated as satisfying such requirements if any qualified corporation (as defined in § 42(h)(5)(D)(ii) of the IRC) in which such organization (by itself or in combination with one or more qualified nonprofit organizations) holds 100% of the stock satisfies such requirements.

The applications shall include such representations and warranties and such information as the executive director may require in order to determine that the foregoing requirements have been satisfied. In no event shall more than 90% of the Commonwealth's annual state housing credit ceiling for credits be available for developments other than those satisfying the preceding requirements. The executive director may establish [ such pools ("nonprofit pools") ] [ ~~a set-aside~~ ] of credits as he may deem appropriate to satisfy the foregoing requirement [ (~~nonprofit set-aside~~) ]. If any such nonprofit [ pools are ] [ ~~set-aside is~~ ] so established, the executive director may rank the applications [ therein ] and reserve credits to [ such ] applications [ ~~meeting the requirements of the nonprofit set-aside~~ ] before [ ranking applications and ] reserving credits [ in ] [ ~~to any~~ ] other [ pools, and any such applications in such nonprofit pools not receiving any

reservations of credits or receiving such reservations in amounts less than the full amount permissible hereunder (because there are not enough credits then available in such nonprofit pools to make such reservations) shall be assigned to such other pool as shall be appropriate hereunder; provided, however, that if credits are later made available (pursuant to the IRC or as a result of either a termination or reduction of a reservation of credits made from any nonprofit pools or a rescission in whole or in part of an allocation of credits made from such nonprofit pools or otherwise) for reservation and allocation by the authority during the same calendar year as that in which applications in the nonprofit pools have been so assigned to other pools as described above, the executive director may, in such situations, designate all or any portion of such additional credits for the nonprofit pools (or for any other pools as he shall determine) and may, if additional credits have been so designated for the nonprofit pools, reassign such applications to such nonprofit pools, rank the applications therein and reserve credits to such applications in accordance with the IRC and this chapter ] [ ~~application~~ ]. In the event that during any round (as authorized hereinbelow) of application review and ranking the amount of credits reserved within such nonprofit [ pools ] [ ~~set-aside~~ ] is less than the total amount of credits made available therein, the executive director may either (i) leave such unreserved credits in such nonprofit [ pools ] [ ~~set-aside~~ ] for reservation and allocation in any subsequent round or rounds or (ii) redistribute, to the extent permissible under the IRC, such unreserved credits to such other [ pool or pools ] [ ~~applications~~ ] as the executive director shall designate reservations therefor in the full amount permissible hereunder [ (which applications shall hereinafter be referred to as "excess qualified applications") ] or (iii) carry over such unreserved credits to the next succeeding calendar year for inclusion in the state housing credit ceiling (as defined in § 42(h)(3)(C) of the IRC) for such year. Notwithstanding anything to the contrary herein, no reservation of credits shall be made from any nonprofit [ pools ] [ ~~set-aside~~ ] to any application with respect to which the qualified nonprofit organization has not yet been legally formed in accordance with the requirements of the IRC. [ In addition, no application for credits from any nonprofit pools or any combination of pools may receive a reservation or allocation of annual credits in an amount greater than ] [ ~~\$500,000~~ \$650,000 ] unless credits remain available in such nonprofit pools after all eligible applications for credits from such nonprofit pools receive a reservation of credits. ]

~~[ The executive director may establish a set-aside of credits as he may deem appropriate to applicants either relying on the experience of a local housing authority for developer experience points described hereinbelow or using Hope VI funds from HUD in connection with the proposed development ("LHA set-aside"), or both. If any such LHA set-aside is so established, the executive director may rank the applications and reserve credits to applications meeting the requirements of the LHA set-aside before reserving credits to any other application (except any applications needed to meet the nonprofit set-aside). In the event that during any round (as authorized hereinbelow) of application review and ranking the amount of credits reserved within such LHA set-aside is less than the total amount of credits made available therein, the~~

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~~executive director may either (i) leave such unreserved credits in such LHA set aside for reservation and allocation in any subsequent round or rounds; (ii) redistribute such unreserved credits to such other applications as the executive director shall designate reservations therefor in the full amount permissible hereunder; or (iii) carry over such unreserved credits to the next succeeding calendar year for inclusion in the state housing credit ceiling (as defined in § 42(h)(3)(C) of the IRC) for such year, ] Notwithstanding anything to the contrary herein, applicants relying on the experience of a local housing authority for developer experience points described hereinbelow and/or using Hope VI funds from the U.S. Department of Housing and Urban Development (HUD) in connection with the proposed development shall not be eligible to receive a reservation of credits from any nonprofit [ pools ][ set aside ].~~

The authority shall review each application, and, based on the application and other information available to the authority, shall assign points to each application as follows:

## 1. Readiness.

~~a. Written evidence satisfactory to the authority of (i) conditional approval by local authorities of the plan of development or site plan for the proposed development (30 points) or (ii) [ unconditional ] approval by local authorities of the plan of development or site plan for the proposed development or that such approval is not required. (40 points; applicants receiving points under this subdivision 1 a are not eligible for points under subdivision 5 a below)~~

b. Written evidence satisfactory to the authority (i) of approval by local authorities of proper zoning or special use permit for such site or (ii) that no zoning requirements or special use permits are applicable. (40 points)

~~c. Valid building permit(s) or letter dated within three months prior to the application deadline stating that all approvals are in place and building permits will be issued upon receipt of all fees. (20 points)~~

~~d. c. Submission of plans and specifications or, in the case of rehabilitation for which plans will not be used, a unit-by-unit work write-up for such rehabilitation with certification in such form and from such person satisfactory to the executive director as to the completion of such plans or specifications or work write-up. (20 points multiplied by the quotient calculated by dividing the percentage of completion of such plans and specifications or such work write-up by 75% not to exceed 20 points.)~~

## 2. Housing needs characteristics.

a. Submission of the letter in the form prescribed by the authority with the necessary any required attachments, providing such information necessary for the authority to send a letter addressed to the current chief executive officer (or the equivalent) of the locality in which the proposed development is located, soliciting input on the proposed development from the locality within the deadlines established by the executive director. (10 points; failure to make timely submission, minus 50 points

for any proposed development other than a rehabilitation of existing apartments)

b. (1) A letter dated within three months prior to the application deadline addressed to the authority and signed by the chief executive officer of the locality in which the proposed development is to be located stating, without qualification or limitation, the following:

"The construction or rehabilitation of (name of development) and the allocation of federal housing tax credits available under IRC Section 42 for that development will help meet the housing needs and priorities of (name of locality). Accordingly, (name of locality) supports the allocation of federal housing tax credits requested by (name of applicant) for that development." (50 points; ~~or 60 points if the proposed development is a rehabilitation of existing apartments that did not receive points in subdivision 2(a) above)~~

(2) No letter from the chief executive officer of the locality in which the proposed development is to be located, or a letter addressed to the authority and signed by such chief executive officer stating neither support (as described in subdivision b (1) above) nor opposition (as described in subdivision b (3) below) as to the allocation of credits to the applicant for the development. (25 points)

(3) A letter in response to its notification to the chief executive officer of the locality in which the proposed development is to be located opposing the allocation of credits to the applicant for the development. In any such letter, the chief executive officer must certify that the proposed development is not consistent with current zoning or other applicable land use regulations. (0 points)

~~[ c. Proposed developments competing in any pool established specifically for community revitalization plans may receive points from one of the following categories while competing in such pool: ]~~

[ c. Documentation ] [ ~~(1) Applications with documentation in a form approved by the authority~~ ] from the local [ authorities ] [ ~~government officials~~ ] that the proposed development is located in a Revitalization Area [ , or such other revitalization area created by local government authorities with established boundaries beyond the boundaries of the proposed development ] [ , or determination by the authority that ] [ ~~and the proposed development is an integral part of the planned revitalization. (50 points)~~ ]

[ ~~(2) Applications with documentation in a form approved by the authority from local government officials that (i) the proposed development is located in a revitalization area with established boundaries (beyond the boundaries of the proposed development), (ii) local or state funds have been spent or budgeted in furtherance of the revitalization objectives, and (iii) the proposed development will further the goals of the planned revitalization. (25 points)~~ ]

~~(3) The proposed development involves either (i) substantial rehabilitation (contractor's cost of at least \$50,000 per unit) or adaptive reuse of vacant or derelict structures (15 points) or (ii) the rehabilitation of properties deemed troubled by a local government based on the physical condition of the property, documented crime/drug problems or similar factors. (10 points)~~

~~# ] the proposed development [ (i) includes the rehabilitation of existing housing (add 5 points) or (ii) ] is located in a Difficult Development Area as defined by HUD or [ in an Enterprise Zone or Housing Revitalization Zone designated by the state (20 points) if the proposed development ] is in a qualified census tract within either a Revitalization Area, Enterprise Zone or Housing Revitalization Zone. [ (25 points) ] [ add 5 points ] )~~

d. Commitment by the applicant to give leasing preference to individuals and families (i) on public housing waiting lists maintained by the local housing authority operating in the locality in which the proposed development is to be located and notification of the availability of such units to the local housing authority by the applicant or (ii) on section 8 (as defined in 13 VAC 10-180-90) waiting lists maintained by the local or nearest section 8 administrator for the locality in which the proposed development is to be located and notification of the availability of such units to the local section 8 administrator by the applicant. (10 points ~~for either (i) or (ii) above; Applicants receiving points under this subdivision may not require an annual minimum income requirement for prospective tenants that exceeds the greater of \$3,600 or 2.5 times the portion of rent to be paid by such tenants.~~)

e. Any of the following: (i) firm financing commitment(s) from the local government, local housing authority, Federal Home Loan Bank affordable housing funds, or the Rural Development of the U.S. Department of Agriculture, ~~for a below-market rate loan or grant [ or ; ]~~ (ii) a resolution passed by the locality in which the proposed development is to be located committing such financial support to the development in a form approved by the authority [ ; or (iii) a commitment to donate land, buildings or tap fee waivers from the government ] ~~or (iii) evidence from Rural Development that the development will remain subject to existing financing from Rural Development. In the case of (iii) above, if the applicant is, or has any common interests with, the current owner, directly or indirectly, the application will only qualify for these points if the applicant waives all rights to any developer's fee and any other fees associated with the acquisition and rehabilitation (or rehabilitation only) of the development unless permitted by the executive director for good cause. (The amount of such financing or value of local support [ or dollar value of local support ] will be divided by the total development sources of funds and the proposed development receives two points for each percentage point up to a maximum of 40 points.)~~

f. Any development subject to (i) HUD's Section 8 or Section 236 programs or (ii) Rural Development's 515 program, at the time of application. (20 points)

g. Any development receiving (i) a real estate tax abatement [ ~~for 10 or more years on the increase in value of the development~~ ] or (ii) new project-based subsidy from HUD or Rural Development for the greater of 5 or 10% of the units of the proposed development. (10 points)

### 3. Development characteristics.

a. The average unit size. (100 points multiplied by the sum of the products calculated by multiplying, for each unit type as defined by the number of bedrooms per unit, (i) the quotient of the number of units of a given unit type divided by the total number of units in the proposed development, times (ii) the quotient of the average actual gross square footage per unit for a given unit type minus the lowest gross square footage per unit for a given unit type established by the executive director divided by the highest gross square footage per unit for a given unit type established by the executive director minus the lowest gross square footage per unit for a given unit type established by the executive director. If the average actual gross square footage per unit for a given unit type is less than the lowest gross square footage per unit for a given unit type established by the executive director or greater than the highest gross square footage per unit for a given unit type established by the executive director, the lowest or highest, as the case may be, gross square footage per unit for a given unit type established by the executive director shall be used in the above calculation rather than the actual gross square footage per unit for a given unit type.)

b. Lower amount of credit request. (50 points multiplied by the percentage by which the total amount of the annual tax credits requested is less than \$1,000,000, including negative points using the percentage in which the total amount of annual credits requested is greater than \$1,000,000. Developments financed with tax-exempt bonds will receive an automatic 25 points under this scoring category.)

c. Evidence satisfactory to the authority documenting the quality of the proposed development's amenities as determined by the following:

(1) The following points are available for any application:

(a) If 2-bedroom units have 1.5 bathrooms and 3-bedroom units have 2 bathrooms. (15 points multiplied by the percentage of units meeting these requirements)

(b) If all units have a washer and dryer. (7 points)

(c) If all units have a balcony or patio. (5 points)

(d) If all units have a washer and dryer hook-up only. (3 points, no points if points awarded in subdivision [ ( ) 1 ( ) ] (b) above)

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- (e) If all units have a dishwasher. (2 points)
- (f) If all units have a garbage disposal. (1 point)
- (g) If the development has a laundry room. (1 point, no points if points awarded in subdivision [ ( ) 1 [ ] ] (b) above)
- (h) If a community/meeting room with a minimum of 800 square feet is provided. (5 points)
- (i) If all units have a range hood above the stove. (1 point)
- (j) If all metal windows have thermal breaks, and if insulating glass for metal or vinyl windows and sliding glass doors have a 10-year warranty against breakage of the seal from date of delivery. (1 point)
- (k) If all insulation complies with Virginia Power Energy Efficient Home Requirements, with a minimum R=30 insulation for roofs. (2 points)
- (l) If all refrigerators are frost free, a minimum size of 14 cubic feet, and provide separate doors for freezer and refrigerator compartments. (1 point)
- (m) If all exterior doors exposed to weather are metal. (1 point)
- (n) Brick exterior walls. (15 points times the percentage of exterior walls covered by brick)
- [ ~~(o)~~ Durable ~~fiber cement lap siding other than brick that complies with ASTM 1186 standard specifications and is warranted to last for 50 or more years.~~ (5 points) ]
- [ ~~(p)~~ (o) ] If the development has a minimum STC (sound transmission class) rating of 52 for the floor construction between units. (3 points)
- [ ~~(q)~~ (p) ] All kitchen cabinets comply with authority minimum guidelines. (1 point)
- [ ~~(r)~~ (q) ] All closet doors are side hinged (no bi-fold or sliding doors). (1 point)
- [ ~~(s)~~ (r) ] All exterior wood, including trim, fascia and rake boards are clad in aluminum. (1 point)

(2) The following points are available to applications electing to serve elderly and/or physically disabled tenants as elected in subdivision 4 a of this section:

- (a) If all cooking ranges have front controls. (1 point)
- (b) If all units are adaptable for the handicapped in buildings with elevators. (2 points)
- (c) If all units have an emergency call system. (3 points)
- (d) If all bathrooms have grab bars and slip-resistant bottoms for bathtubs. (1 point)
- (e) If all bathrooms have an independent or supplemental heat source. (1 point)
- (f) If all corridors have a handrail on one side. (1 point)

(g) If all entrance doors to each unit have two eye viewers, one at 48 inches and the other at standard height. (1 point)

(3) The following points are available to proposed developments which rehabilitate or adaptively reuse an existing structure:

- (a) If all bathrooms, including ones with windows, have exhaust fans ducted out. (1 point)
- (b) If all existing, single-glazed windows in good condition have storm windows, and all windows in poor condition are replaced with new windows with integral storm sash or insulating glass. The insulating glass metal windows must have a thermal break. The insulated glass must have a 10-year warranty against breakage of the seal. (3 points)
- (c) If all apartments have a minimum of one electric smoke detector with battery backup. (1 point)
- (d) If all bathrooms have ground fault interrupter electrical receptacles. (1 point)
- (e) If the structure is historic, by virtue of being listed individually in the National Register of Historic Places, or due to its location in a registered historic district and certified by the Secretary of the Interior as being of historical significance to the district, and the rehabilitation will be completed in such a manner as to be eligible for historic rehabilitation tax credits. (5 points)
- (f) All buildings have a minimum insulation of R=30 for attics and R=19 for crawl spaces. (3 points)
- (g) All public areas, such as community rooms, laundry rooms, and rental office are accessible to persons in wheelchairs. (1 point)
- (h) If replacing the roof, removing the old roof and felt. (1 point)

The maximum number of points that may be awarded under any combination of the scoring categories under subdivision 3 c of this section is 50 points.

d. Any proposed 50 unit or less development that meets at least three of the following criteria: (i) sets maximum rents on all units at or below 25% of the gross income of households at or below 50% of the area median income (without vouchers or rental assistance); (ii) restricts at least 20% of the units for occupancy by households with incomes at or below 40% of the area median income; (iii) requires at least 60% of the developer's fee to pay development costs; and (iv) has below market rate financial assistance from local, state or federal government. (20 points)

e. Any nonelderly development in which the greater of 5 [ units ] or 10% of the units [ ~~not to exceed 14~~ ] (i) provide federal project-based rent subsidies or equivalent assistance in order to ensure occupancy by extremely low-income persons; (ii) conform to Americans with Disabilities Act Architectural Guidelines (ADAAG) requirements as set forth in the Virginia building code as

BOCA Chapter 11 (13 VAC 5-61) [ or any successor provisions ]; and (iii) are actively marketed to people with special needs in accordance with a plan submitted as part of the application for credits (if special needs includes mobility impairments, the units described above must include roll-in showers and roll-under sinks and ranges). (50 points)

f. Any nonelderly development in which the greater of 5 [ units ] or 10% of the units [ ~~not to exceed 14~~ ] (i) have rents within HUD's Housing Choice Voucher (HCV) payment standard; (ii) conform to ADAAG requirements as set forth in the Virginia building code as BOCA Chapter 11 (13 VAC 5-61) [ or any successor provisions ]; and (iii) are actively marketed to people with mobility impairments including HCV holders in accordance with a plan submitted as part of the application for credits. (30 points)

g. Any nonelderly development in which 4.0% of the units (i) conform to ADAAG requirements as set forth in the Virginia building code as BOCA Chapter 11 (13 VAC 5-61) [ or any successor provisions ]; and (ii) are actively marketed to people with mobility impairments in accordance with a plan submitted as part of the application for credits. (15 points)

4. Tenant population characteristics.

[ a. Commitment by the applicant to lease low-income housing units in the proposed development to either: (i) 55 or over housing as defined by the United States Fair Housing Act or (ii) physically or mentally disabled persons. Applicants committing to serve physically disabled persons must meet the requirements of the federal Americans with Disabilities Act (42 USC § 12101 et seq.). Applicants receiving points under this subdivision a may not receive points under subdivision b below. (30 points)

[ b. ~~a~~ ] Commitment by the applicant to give a leasing preference to individuals and families with children in developments that will have no more than 20% of its units with one bedroom or less. [ Applicants receiving points under this subdivision b may not receive points under subdivision a above. ] (15 points; plus 0.75 points for each percent of the low-income units in the development with three or more bedrooms up to an additional 15 points for a total of no more than 30 points under this subdivision [ b ~~a~~ ] )

[ c. ~~b~~ ] Commitment by the applicant to provide relocation assistance to displaced households at such level required by the authority. (30 points times the number of certified occupied units divided by the greater of (i) the number of certified occupied units or (ii) the number of units of the proposed development)

5. Sponsor characteristics.

a. Evidence that the ~~development team~~ principal or principals [ , as a group or individually, ] for the proposed development ~~has~~ have developed at least three tax credit developments that contain at least three times the ~~demonstrated experience, qualifications and ability to~~

~~perform~~ number of housing units in the proposed development. (50 points; applicants receiving points under this subdivision 5 a are not eligible for points under subdivision 1 a above)

b. Evidence that the principal or principals [ , as a group or individually, ] for the proposed development have developed at least one tax credit development that contains at least the number of housing units in the proposed development. (10 points)

c. Any applicant that includes a principal that was a principal in a development at the time the authority reported such development to the IRS for an uncorrected major violation of health, safety and building codes. (minus 50 points for a period of three years after the violation has been corrected)

d. [ Beginning January 1, 2003, ] any applicant that includes a principal that was a principal in a development at the time the authority reported such development to the IRS for noncompliance that has not been corrected by the time a Form 8823 is filed by the authority. (minus 15 points for a period of three years after the time the authority filed Form 8823 [ , unless the executive director determines that such principal's attempts to correct such noncompliance were prohibited by a court, local government or governmental agency, in which case, no negative points will be assessed to the applicant ])

e. Beginning January 1, 2003, any applicant that includes a principal that is or was a principal in a development that (i) did not build a development as represented in the application for credit. (minus 20 points for a period of three years after the development is placed in service, in addition to any other penalties the authority may seek under its agreements with the applicant), or (ii) has a reservation of credits terminated by the authority (minus 10 points a period of three years after the credits are returned to the authority)

6. Efficient use of resources.

a. The percentage by which the total of the amount of credits per low-income housing unit (the "per unit credit amount") of the proposed development is less than the standard per unit credit amounts established by the executive director for a given unit type, based upon the number of such unit types in the proposed development. (180 points multiplied by the percentage by which the total amount of the per unit credit amount of the proposed development is less than the applicable standard per unit credit amount established by the executive director, negative points will be assessed using the percentage by which the total amount of the per unit credit amount of the proposed development exceeds the applicable standard per unit credit amount established by the executive director.)

b. The percentage by which the cost per low-income housing unit (the "per unit cost"), adjusted by the authority for location, of the proposed development is less than the standard per unit cost amounts established by the executive director for a given unit type, based upon the number of such unit types in the proposed development.

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(75 points multiplied by the percentage by which the total amount of the per unit cost of the proposed development is less than the applicable standard per unit cost amount established by the executive director ~~director~~.)

The executive director may use a standard per square foot credit amount and a standard per square foot cost amount in establishing the per unit credit amount and the per unit cost amount in subdivision 6 above. For the purpose of calculating the points to be assigned pursuant to such subdivisions 3 c and 6 above, all credit amounts shall include any credits previously allocated to the development, and the per unit credit amount for any building documented by the applicant to be located in a qualified census tract or difficult development area (such tract or area being as defined in the IRC) shall be determined based upon 100% of the eligible basis of such building, in the case of new construction, or 100% of the rehabilitation expenditures, in the case of rehabilitation of an existing building, notwithstanding any use by the applicant of 130% of such eligible basis or rehabilitation expenditures in determining the amount of credits as provided in the IRC.

## 7. Bonus points.

a. Commitment by the applicant to impose income limits on the low-income housing units throughout the extended use period (as defined in the IRC) below those required by the IRC in order for the development to be a qualified low-income development. Applicants receiving points under this subdivision a may not receive points under subdivision b below. (The product of (i) 50 points multiplied by (ii) the percentage of housing units in the proposed development both rent restricted to and occupied by households at or below 50% of the area median gross income; plus 1 point for each percentage point of such housing units in the proposed development which are further restricted to rents at or below 30% of 40% of the area median gross income up to an additional 10 points.)

b. Commitment by the applicant to impose rent limits on the low-income housing units throughout the extended use period (as defined in the IRC) below those required by the IRC in order for the development to be a qualified low-income development. Applicants receiving points under this subdivision b may not receive points under subdivision a above. (The product of (i) 25 points (50 points for proposed developments in low-income jurisdictions) multiplied by (ii) the percentage of housing units in the proposed development rent restricted to households at or below 50% of the area median gross income; plus 1 point for each percentage point of such housing units in the proposed development which are further restricted to rents at or below 30% of 40% of the area median gross income up to an additional 10 points.)

c. Commitment by the applicant to maintain the low-income housing units in the development as a qualified low-income housing development beyond the 30-year extended use period (as defined in the IRC). Applicants receiving points under this subdivision c may not receive bonus points under subdivision d below. (40

points for a 10-year commitment beyond the 30-year extended use period or 50 points for a 20-year commitment beyond the 30-year extended use period.)

d. Participation by a local housing authority or qualified nonprofit organization (substantially based or active in the community with at least a 10% ownership interest in the general partnership interest of the partnership) and a commitment by the applicant to sell the proposed development pursuant to an executed, recordable option or right of first refusal to such local housing authority or qualified nonprofit organization or to a wholly owned subsidiary of such organization or authority, at the end of the 15-year compliance period, as defined by IRC, for a price not to exceed the outstanding debt and exit taxes of the for-profit entity. The applicant must record such option or right of first refusal immediately after the low-income housing commitment described in 13 VAC 10-180-70 and give the qualified nonprofit veto power over any ~~refinancings~~ *refinancing* of the development. Applicants receiving points under this subdivision d may not receive bonus points under subdivision c above. (60 points; plus 5 points if the local housing authority or qualified nonprofit organization submits a homeownership plan satisfactory to the authority in which the local housing authority or qualified nonprofit organization commits to sell the units in the development to tenants ~~whose incomes shall not exceed the applicable income limit at the time of their initial occupancy of such units.~~)

In calculating the points for subdivisions 7 a and b above, any units in the proposed development required by the locality to exceed 60% of the area median gross income will not be considered when calculating the percentage of low-income units of the proposed development with incomes below those required by the IRC in order for the development to be a qualified low-income development, provided that the locality submits evidence satisfactory to the authority of such requirement.

After points have been assigned to each application in the manner described above, the executive director shall compute the total number of points assigned to each such application. Notwithstanding any other provisions herein, any application that is assigned a total number of points less than a threshold amount of ~~450 (375 points for developments financed with tax-exempt bonds)~~ points shall be rejected from further consideration hereunder and shall not be eligible for any reservation or allocation of credits.

The executive director may exclude and disregard any application which he determines is not submitted in good faith or which he determines would not be financially feasible.

Upon assignment of points to all of the applications, the executive director shall rank the applications based on the number of points so assigned. If any pools shall have been established, each application shall be assigned to a pool and ~~[ , if any, to the appropriate tier within such pool and ]~~ shall be ranked within such pool ~~[ or tier, if any. The amount of credits made available to each pool will be determined by the executive director. Available credits will include unreserved per capita dollar amount credits from the current calendar year under § 42(h)(3)(C)(i) of the IRC, any unreserved per capita~~

~~credits from previous calendar years, and credits returned to the authority prior to the final ranking of the applications and may include up to 15% of next calendar year's per capita credits as shall be determined by the executive director ]. Those applications assigned more points shall be ranked higher than those applications assigned fewer points. [ However, if any set-asides established by the executive director cannot be satisfied after ranking the applications based on the number of points, the executive director may rank as many applications as necessary to meet the requirements of such set-aside (selecting the highest ranked application, or applications, meeting the requirements of the set-aside) over applications with more points. ]~~

In the event of a tie in the number of points assigned to two or more applications within the same pool, or, if none, within the state Commonwealth, and in the event that the amount of credits available for reservation to such applications is determined by the executive director to be insufficient for the financial feasibility of all of the developments described therein, the authority shall, to the extent necessary to fully utilize the amount of credits available for reservation within such pool or, if none, within the Commonwealth, select one or more of the applications with the highest combination of points from subdivision 2(c)(ii) and subdivision 7 above, and each application so selected shall receive (in order based upon the number of such points, beginning with the application with the highest number of such points) a reservation of credits in the lesser of the full amount determined by the executive director to be permissible hereunder or the amount of credits remaining therefor in such pool or, if none, in the Commonwealth. If two or more of the tied applications receive the same number of points from subdivision 2(c)(ii) and subdivision 7 above and if the amount of credits available for reservation to such tied applications is determined by the executive director to be insufficient for the financial feasibility of all the developments described therein, the executive director shall select one or more of such applications by lot, and each application so selected by lot shall receive (in order of such selection by lot) the lesser of the full amount determined by the executive director to be permissible hereunder or the amount a reservation of credits remaining therefor in such pool or, if none, in the Commonwealth.

For each application which may receive a reservation of credits, the executive director shall determine the amount, as of the date of the deadline for submission of applications for reservation of credits, to be necessary for the financial feasibility of the development and its viability as a qualified low-income development throughout the credit period under the IRC. In making this determination, the executive director shall consider the sources and uses of the funds, the available federal, state and local subsidies committed to the development, the total financing planned for the development as well as the investment proceeds or receipts expected by the authority to be generated with respect to the development, and the percentage of the credit dollar amount used for development costs other than the costs of intermediaries. He shall also examine the development's costs, including developer's fees and other amounts in the application, for reasonableness and, if he determines that such costs or other amounts are unreasonably high, he shall reduce them to amounts that he determines to be reasonable. The executive

director shall review the applicant's projected rental income, operating expenses and debt service for the credit period. The executive director may establish such criteria and assumptions as he shall deem reasonable for the purpose of making such determination, including, without limitation, criteria as to the reasonableness of fees and profits and assumptions as to the amount of net syndication proceeds to be received (based upon such percentage of the credit dollar amount used for development costs, other than the costs of intermediaries, as the executive director shall determine to be reasonable for the proposed development), increases in the market value of the development, and increases in operating expenses, rental income and, in the case of applications without firm financing commitments (as defined hereinabove) at fixed interest rates, debt service on the proposed mortgage loan. The executive director may, if he deems it appropriate, consider the development to be a part of a larger development. In such a case, the executive director may consider, examine, review and establish any or all of the foregoing items as to the larger development in making such determination for the development.

At such time or times during each calendar year as the executive director shall designate, the executive director shall reserve credits to applications in descending order of ranking within each pool and tier, if applicable, until either substantially all credits therein are reserved or all qualified applications therein have received reservations. (For the purpose of the preceding sentence, if there is not more than a de minimis amount, as determined by the executive director, of credits remaining in a pool after reservations have been made, "substantially all" of the credits in such pool shall be deemed to have been reserved.) The executive director may rank the applications within pools at different times for different pools and may reserve credits, based on such rankings, one or more times with respect to each pool. The executive director may also establish more than one round of review and ranking of applications and reservation of credits based on such rankings, and he shall designate the amount of credits to be made available for reservation within each pool during each such round. The amount reserved to each such application shall be equal to the lesser of (i) the amount requested in the application or (ii) an amount determined by the executive director, as of the date of application, to be necessary for the financial feasibility of the development and its viability as a qualified low-income development throughout the credit period under the IRC; provided, however, that in no event shall the amount of credits so reserved exceed the maximum amount permissible under the IRC.

If the amount of credits available in any pool is determined by the executive director to be insufficient for the financial feasibility of the proposed development to which such available credits are to be reserved, the executive director may (i) permit the applicant to modify such proposed development and his application so as to achieve financial feasibility based upon the amount of such available credits, provided that the available credits represent at least 70% of the feasible credit amount established by the executive director and the applicant's development, as modified, will produce at least 75% of the units and bedrooms described in the application for the proposed development, or (ii) move the proposed development and the credits available to another



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pool. Any modifications shall be subject to the approval of the executive director; however, in no event shall such modifications result in a material reduction in the number of points assigned to the application pursuant to this section. If any credits remain in any pool after accepting any modifications to an applicant's proposed development or moving proposed developments and credits to another pool, the executive director may for developments that meet the requirements of § 42(h)(1)(E) of the IRC only, reserve the remaining credits to any proposed development(s) scoring at or above the minimum point threshold established by this chapter without regard to the ranking of such application and any development modified pursuant to the provisions of this paragraph. If necessary, the executive director may, for developments which meet the requirements of § 42(h)(1)(E) of the IRC only, reserve with additional credits from the Commonwealth's annual state housing credit ceiling for the following year in such an amount necessary for the financial feasibility of the proposed development, or developments. However, the reservation of credits from the Commonwealth's annual state housing credit ceiling for the following year shall be in the reasonable discretion of the executive director if he determines it to be in the best interest of the plan. In the event a reservation or an allocation of credits from the current year or a prior year is reduced, terminated or cancelled, the executive director may substitute such credits for any credits reserved from the following year's annual state housing credit ceiling.

In the event that during any round of application review and ranking the amount of credits reserved within any pools is less than the total amount of credits made available therein during such round, the executive director may either (i) leave such unreserved credits in such pools for reservation and allocation in any subsequent round or rounds or (ii) redistribute such unreserved credits to such other pool or pools as the executive director may designate or (iii) carry over such unreserved credits to the next succeeding calendar year for inclusion in the state housing credit ceiling (as defined in § 42(h)(3)(C) of the IRC) for such year.

Notwithstanding anything contained herein, the total amount of credits that may be awarded in any credit year after credit year 2001 to any applicant or to any related applicants for one or more developments shall not exceed 40 15% of Virginia's per capita dollar amount of credits for such credit year (the "credit cap"). However, if the amount of credits to be reserved in any such credit year to all applications assigned a total number of points at or above the threshold amount set forth above shall be less than Virginia's dollar amount of credits available for such credit year, then the authority's board of commissioners may waive the credit cap to the extent it deems necessary to reserve credits in an amount at least equal to such dollar amount of credits. Applicants shall be deemed to be related if any principal in an applicant a proposed development or any person or entity related to the applicant or principal is will be a principal in any other applicant proposed development or applicants developments. A principal is For purposes of this paragraph, a general partner or other principal shall also include any person or entity who, in the determination of the executive director, has exercised or will exercise, directly or indirectly, substantial control over the applicant or has performed or will perform (or

has assisted or will assist the applicant in the performance of), directly or indirectly, substantial responsibilities or functions customarily performed by an applicant applicants with respect to an application applications or a development developments. For the purpose of determining whether any person or entity is related to the applicant or principal, persons or entities shall be deemed to be related if the executive director determines that any substantial relationship existed, either directly between them or indirectly through a series of one or more substantial relationships (e.g., if party A has a substantial relationship with party B and if party B has a substantial relationship with party C, then A has a substantial relationship with both party B and party C), at any time within three years of the filing of the application for the credits. In determining in any credit year whether an applicant has a substantial relationship with another applicant with respect to any application for which credits were awarded in any prior credit year, the executive director shall determine whether the applicants were related as of the date of the filing of such prior credit year's application or within three years prior thereto and shall not consider any relationships or any changes in relationships subsequent to such date. Substantial relationships shall include, but not be limited to, the following relationships (in each of the following relationships, the persons or entities involved in the relationship are deemed to be related to each other): (i) the persons are in the same immediate family (including, without limitation, a spouse, children, parents, grandparents, grandchildren, brothers, sisters, uncles, aunts, nieces, and nephews) and are living in the same household; (ii) the entities have one or more common general partners or members (including related persons and entities), or the entities have one or more common owners that (by themselves or together with any other related persons and entities) have, in the aggregate, 5.0% or more ownership interest in each entity; (iii) the entities are under the common control (e.g., the same person or persons and any related persons serve as a majority of the voting members of the boards of such entities or as chief executive officers of such entities) of one or more persons or entities (including related persons and entities); (iv) the person is a general partner, member or employee in the entity or is an owner (by himself or together with any other related persons and entities) of 5.0% or more ownership interest in the entity; (v) the entity is a general partner or member in the other entity or is an owner (by itself or together with any other related persons and entities) of 5.0% or more ownership interest in the other entity; or (vi) the person or entity is otherwise controlled, in whole or in part, by the other person or entity. In determining compliance with the credit cap with respect to any application, the executive director may exclude any person or entity related to the applicant or to any principal in such applicant if the executive director determines that (i) such person or entity will not participate, directly or indirectly, in matters relating to the applicant or the ownership of the development to be assisted by the credits for which the application is submitted, (ii) such person or entity has no agreement or understanding relating to such application or the tax credits requested therein, and (iii) such person or entity will not receive a financial benefit from the tax credits requested in the application. A limited partner or other similar investor shall not be determined to be a principal and shall be excluded from the determination of related persons or entities

unless the executive director shall determine that such limited partner or investor will, directly or indirectly, exercise control over the applicant or participate in matters relating to the ownership of the development substantially beyond the degree of control or participation that is usual and customary for limited partners or other similar investors with respect to developments assisted by the credits. If the award of multiple applications of any applicant or related applicants in any credit year shall cause the credit cap to be exceeded, such applicant or applicants shall, upon notice from the authority, jointly designate those applications for which credits are not to be reserved ~~or are to be reserved in an amount less than the amount requested in the application (if the amount of credits to be reserved for any application is to be so reduced, the applicant may modify the proposed development and the application to achieve financial feasibility based upon the amount of the credits as so reduced; provided, however, that the credits may not be reduced to less than 70% of the amount of credits requested in the application and may not be reduced so as to produce fewer than 75% of the number of units or bedrooms proposed in the application)~~ so that such limitation shall not be exceeded. Such notice shall specify the date by which such designation shall be made. In the absence of any such designation by the date specified in such notice, the executive director shall make such designation as he shall determine to best serve the interests of the program. Each applicant and each principal therein shall make such certifications, shall disclose such facts and shall submit such documents to the authority as the executive director may require to determine compliance with credit cap. If an applicant or any principal therein makes any misrepresentation to the authority concerning such applicant's or principal's relationship with any other person or entity, the executive director may reject any or all of such applicant's pending applications for reservation or allocation of credits, may terminate any or all reservations of credits to the applicant, and may prohibit such applicant, the principals therein and any persons and entities then or thereafter having a substantial relationship (in the determination of the executive director as described above) with the applicant or any principal therein from submitting applications for credits for such period of time as the executive director shall determine.

~~[ Notwithstanding anything above, the authority will treat local housing authorities or qualified nonprofit organizations as the only principal in an application in which such local housing authority or qualified nonprofit organization owns, directly or indirectly, at least 50% of the general partnership interest in the ownership entity of the proposed development and such local housing authority or qualified nonprofit organization, or wholly-owned subsidiary thereof, will purchase the proposed development at the end of the compliance period. ]~~

Within a reasonable time after credits are reserved to any applicants' applications, the executive director shall notify each applicant for such reservations of credits either of the amount of credits reserved to such applicant's application (by issuing to such applicant a written binding commitment to allocate such reserved credits subject to such terms and conditions as may be imposed by the executive director therein, by the IRC and by this chapter) or, as applicable, that the applicant's application has been rejected or excluded or

has otherwise not been reserved credits in accordance herewith. The written binding commitment shall prohibit any transfer, direct or indirect, of partnership interests (except those involving the admission of limited partners) prior to the placed-in-service date of the proposed development unless the transfer is consented to by the executive director. The written binding commitment shall further limit the developers' fees to the amounts established during the review of the applications for reservation of credits and such amounts shall not be increased unless consented to by the executive director. The executive director shall, as a condition to the binding commitment, require each applicant to obtain a market study, in form and substance satisfactory to the authority, that shows adequate demand for the housing units to be produced by each applicant's proposed development.

If credits are reserved to any applicants for developments which have also received an allocation of credits from prior years, the executive director may reserve additional credits from the current year equal to the amount of credits allocated to such developments from prior years, provided such previously allocated credits are returned to the authority. Any previously allocated credits returned to the authority under such circumstances shall be placed into the credit pools from which the current year's credits are reserved to such applicants.

The executive director shall make a written explanation available to the general public for any allocation of housing credit dollar amount which is not made in accordance with established priorities and selection criteria of the authority.

The authority's board shall review and consider the analysis and recommendation of the executive director for the reservation of credits to an applicant, and, if it concurs with such recommendation, it shall by resolution ratify the reservation by the executive director of the credits to the applicant, subject to such terms and conditions as it shall deem necessary or appropriate to assure compliance with the aforementioned binding commitment issued or to be issued to the applicant, the IRC and this chapter. If the board determines not to ratify a reservation of credits or to establish any such terms and conditions, the executive director shall so notify the applicant.

Subsequent to such ratification of the reservation of credits, the executive director may, in his discretion and without ratification or approval by the board, increase the amount of such reservation by an amount not to exceed 10% of the initial reservation amount. The executive director may require the applicant to make a good faith deposit or to execute such contractual agreements providing for monetary or other remedies as it may require, or both, to assure that the applicant will comply with all requirements under the IRC, this chapter and the binding commitment (including, without limitation, any requirement to conform to all of the representations, commitments and information contained in the application for which points were assigned pursuant to this section). Upon satisfaction of all such aforementioned requirements (including any post-allocation requirements), such deposit shall be refunded to the applicant or such contractual agreements shall terminate, or both, as applicable.

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If, as of the date the application is approved by the executive director, the applicant is entitled to an allocation of the credits under the IRC, this chapter and the terms of any binding commitment that the authority would have otherwise issued to such applicant, the executive director may at that time allocate the credits to such qualified low-income buildings or development without first providing a reservation of such credits. This provision in no way limits the authority of the executive director to require a good faith deposit or contractual agreement, or both, as described in the preceding paragraph, nor to relieve the applicant from any other requirements hereunder for eligibility for an allocation of credits. Any such allocation shall be subject to ratification by the board in the same manner as provided above with respect to reservations.

The executive director may require that applicants to whom credits have been reserved shall submit from time to time or at such specified times as he shall require, written confirmation and documentation as to the status of the proposed development and its compliance with the application, the binding commitment and any contractual agreements between the applicant and the authority. If on the basis of such written confirmation and documentation as the executive director shall have received in response to such a request, or on the basis of such other available information, or both, the executive director determines any or all of the buildings in the development which were to become qualified low-income buildings will not do so within the time period required by the IRC or will not otherwise qualify for such credits under the IRC, this chapter or the binding commitment, then the executive director may terminate the reservation of such credits and draw on any good faith deposit. If, in lieu of or in addition to the foregoing determination, the executive director determines that any contractual agreements between the applicant and the authority have been breached by the applicant, whether before or after allocation of the credits, he may seek to enforce any and all remedies to which the authority may then be entitled under such contractual agreements.

The executive director may establish such deadlines for determining the ability of the applicant to qualify for an allocation of credits as he shall deem necessary or desirable to allow the authority sufficient time, in the event of a reduction or termination of the applicant's reservation, to reserve such credits to other eligible applications and to allocate such credits pursuant thereto.

Any material changes to the development, as proposed in the application, occurring subsequent to the submission of the application for the credits therefor shall be subject to the prior written approval of the executive director. As a condition to any such approval, the executive director may, as necessary to comply with this chapter, the IRC, the binding commitment and any other contractual agreement between the authority and the applicant, reduce the amount of credits applied for or reserved or impose additional terms and conditions with respect thereto. If such changes are made without the prior written approval of the executive director, he may terminate or reduce the reservation of such credits, impose additional terms and conditions with respect thereto, seek to enforce any contractual remedies to which the authority may then be

entitled, draw on any good faith deposit, or any combination of the foregoing.

In the event that any reservation of credits is terminated or reduced by the executive director under this section, he may reserve, allocate or carry over, as applicable, such credits in such manner as he shall determine consistent with the requirements of the IRC and this chapter.

### **13 VAC 10-180-60. Review and selection of applications; reservation of credits.**

[ *The following text for this section becomes effective January 1, 2004.* ]

The executive director may divide the amount of credits into separate pools *and each separate pool may be further divided into separate tiers*. The division of such pools *and tiers* may be based upon one or more of the following factors: geographical areas of the state; types or characteristics of housing, construction, financing, owners, occupants, or source of credits; or any other factors deemed appropriate by him to best meet the housing needs of the Commonwealth.

An amount, as determined by the executive director, not less than 10% of the Commonwealth's annual state housing credit ceiling for credits, shall be available for reservation and allocation to buildings or developments with respect to which the following requirements are met:

1. A "qualified nonprofit organization" (as described in § 42(h)(5)(C) of the IRC) which is authorized to do business in Virginia and is determined by the executive director, on the basis of such relevant factors as he shall consider appropriate, to be substantially based or active in the community of the development and is to materially participate (regular, continuous and substantial involvement as determined by the executive director) in the development and operation of the development throughout the "compliance period" (as defined in § 42(i)(1) of the IRC); and
2. (i) The "qualified nonprofit organization" described in the preceding subdivision 1 is to own (directly or through a partnership), prior to the reservation of credits to the buildings or development, all of the general partnership interests of the ownership entity thereof; (ii) the executive director of the authority shall have determined that such qualified nonprofit organization is not affiliated with or controlled by a for-profit organization; (iii) the executive director of the authority shall have determined that the qualified nonprofit organization was not formed by one or more individuals or for-profit entities for the principal purpose of being included in any nonprofit pools (as defined below) established by the executive director, and (iv) the executive director of the authority shall have determined that no staff member, officer or member of the board of directors of such qualified nonprofit organization will materially participate, directly or indirectly, in the proposed development as a for-profit entity.

In making the determinations required by the preceding subdivision 1 and clauses (ii), (iii) and (iv) of subdivision 2 of this section, the executive director may apply such factors as he deems relevant, including, without limitation, the past

experience and anticipated future activities of the qualified nonprofit organization, the sources and manner of funding of the qualified nonprofit organization, the date of formation and expected life of the qualified nonprofit organization, the number of paid staff members and volunteers of the qualified nonprofit organization, the nature and extent of the qualified nonprofit organization's proposed involvement in the construction or rehabilitation and the operation of the proposed development, the relationship of the staff, directors or other principals involved in the formation or operation of the qualified nonprofit organization with any persons or entities to be involved in the proposed development on a for-profit basis, and the proposed involvement in the construction or rehabilitation and operation of the proposed development by any persons or entities involved in the proposed development on a for-profit basis. The executive director may include in the application of the foregoing factors any other nonprofit organizations which, in his determination, are related (by shared directors, staff or otherwise) to the qualified nonprofit organization for which such determination is to be made.

For purposes of the foregoing requirements, a qualified nonprofit organization shall be treated as satisfying such requirements if any qualified corporation (as defined in § 42(h)(5)(D)(ii) of the IRC) in which such organization (by itself or in combination with one or more qualified nonprofit organizations) holds 100% of the stock satisfies such requirements.

The applications shall include such representations and warranties and such information as the executive director may require in order to determine that the foregoing requirements have been satisfied. In no event shall more than 90% of the Commonwealth's annual state housing credit ceiling for credits be available for developments other than those satisfying the preceding requirements. The executive director may establish such pools ("nonprofit pools") a set-aside of credits as he may deem appropriate to satisfy the foregoing requirement ("nonprofit set-aside"). If any such nonprofit pools are set-aside is so established, the executive director may rank the applications therein and reserve credits to such applications meeting the requirements of the nonprofit set-aside before ranking applications and reserving credits in to any other pools, and any such applications in such nonprofit pools not receiving any reservations of credits or receiving such reservations in amounts less than the full amount permissible hereunder (because there are not enough credits then available in such nonprofit pools to make such reservations) shall be assigned to such other pool as shall be appropriate hereunder; provided, however, that if credits are later made available (pursuant to the IRC or as a result of either a termination or reduction of a reservation of credits made from any nonprofit pools or a rescission in whole or in part of an allocation of credits made from such nonprofit pools or otherwise) for reservation and allocation by the authority during the same calendar year as that in which applications in the nonprofit pools have been so assigned to other pools as described above, the executive director may, in such situations, designate all or any portion of such additional credits for the nonprofit pools (or for any other pools as he shall determine) and may, if additional credits have been so designated for the nonprofit pools, reassign such applications to such nonprofit pools, rank the applications therein and

~~reserve credits to such applications in accordance with the IRC and this chapter application.~~ In the event that during any round (as authorized hereinbelow) of application review and ranking the amount of credits reserved within such nonprofit pools set-aside is less than the total amount of credits made available therein, the executive director may either (i) leave such unreserved credits in such nonprofit pools set-aside for reservation and allocation in any subsequent round or rounds [ or ; ] (ii) [ redistribute reserve ], to the extent permissible under the IRC, such unreserved credits to such other pool or pools applications as the executive director shall designate [ reservations therefor ] in the full amount permissible hereunder (which applications shall hereinafter be referred to as "excess-qualified applications") [ ; ] or (iii) carry over such unreserved credits to the next succeeding calendar year for inclusion in the state housing credit ceiling (as defined in § 42(h)(3)(C) of the IRC) for such year. Notwithstanding anything to the contrary herein, no reservation of credits shall be made from any nonprofit pools set-aside to any application with respect to which the qualified nonprofit organization has not yet been legally formed in accordance with the requirements of the IRC. [ In addition, no application for credits from any nonprofit ] pools or any combination of pools [ set aside ] [ may receive a reservation or allocation of annual credits in an amount greater than ] \$500,000 unless credits remain available in such nonprofit pools after all eligible applications for credits from such nonprofit pools receive a reservation of credits [ \$650,000 ].

*The executive director may establish a set-aside of credits as he may deem appropriate to applicants either relying on the experience of a local housing authority for developer experience points described hereinbelow or using Hope VI funds from HUD in connection with the proposed development ("LHA set-aside"), or both. If any such LHA set-aside is so established, the executive director may rank the applications and reserve credits to applications meeting the requirements of the LHA set-aside before reserving credits to any other application (except any applications needed to meet the nonprofit set-aside). In the event that during any round (as authorized hereinbelow) of application review and ranking the amount of credits reserved within such LHA set-aside is less than the total amount of credits made available therein, the executive director may either (i) leave such unreserved credits in such LHA set-aside for reservation and allocation in any subsequent round or rounds; (ii) [ redistribute reserve ] such unreserved credits to such other applications as the executive director shall designate [ reservations therefor ] in the full amount permissible hereunder; or (iii) carry over such unreserved credits to the next succeeding calendar year for inclusion in the state housing credit ceiling (as defined in § 42(h)(3)(C) of the IRC) for such year. Notwithstanding anything to the contrary herein, applicants relying on the experience of a local housing authority for developer experience points described hereinbelow and/or using Hope VI funds from the U.S. Department of Housing and Urban Development (HUD) in connection with the proposed development shall not be eligible to receive a reservation of credits from any nonprofit pools set-aside. [ In addition, no application for credits from any LHA set-aside may receive a reservation or allocation of annual credits in an amount greater than \$650,000. ]*

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# Final Regulations

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The authority shall review each application, and, based on the application and other information available to the authority, shall assign points to each application as follows:

1. Readiness.

a. ~~Written evidence satisfactory to the authority of (i) conditional approval by local authorities of the plan of development or site plan for the proposed development (30 points) or (ii) [ unconditional ] approval by local authorities of the plan of development or site plan for the proposed development or that such approval is not required. (40 points; applicants receiving points under this subdivision 1 a are not eligible for points under subdivision 5 a below)~~

b. Written evidence satisfactory to the authority (i) of approval by local authorities of proper zoning or special use permit for such site or (ii) that no zoning requirements or special use permits are applicable. (40 points)

~~c. Valid building permit(s) or letter dated within three months prior to the application deadline stating that all approvals are in place and building permits will be issued upon receipt of all fees. (20 points)~~

~~d. c. Submission of plans and specifications or, in the case of rehabilitation for which plans will not be used, a unit-by-unit work write-up for such rehabilitation with certification in such form and from such person satisfactory to the executive director as to the completion of such plans or specifications or work write-up. (20 points multiplied by the quotient calculated by dividing the percentage of completion of such plans and specifications or such work write-up by 75% not to exceed 20 points.)~~

2. Housing needs characteristics.

a. Submission of the ~~letter in the~~ form prescribed by the authority with ~~the necessary any required~~ attachments, ~~providing such information necessary for the authority to send a letter~~ addressed to the current chief executive officer (or the equivalent) of the locality in which the proposed development is located, soliciting input on the proposed development from the locality within the deadlines established by the executive director. (10 points; failure to make timely submission, minus 50 points ~~for any proposed development other than a rehabilitation of existing apartments~~)

b. (1) A letter dated within three months prior to the application deadline addressed to the authority and signed by the chief executive officer of the locality in which the proposed development is to be located stating, without qualification or limitation, the following:

"The construction or rehabilitation of (name of development) and the allocation of federal housing tax credits available under IRC Section 42 for that development will help meet the housing needs and priorities of (name of locality). Accordingly, (name of locality) supports the allocation of federal housing tax credits requested by (name of applicant) for that development." (50 points; ~~or 60 points if the proposed development is a rehabilitation of existing~~

~~apartments that did not receive points in subdivision 2(a) above)~~

(2) No letter from the chief executive officer of the locality in which the proposed development is to be located, or a letter addressed to the authority and signed by such chief executive officer stating neither support (as described in subdivision b (1) above) nor opposition (as described in subdivision b (3) below) as to the allocation of credits to the applicant for the development. (25 points)

(3) A letter in response to its notification to the chief executive officer of the locality in which the proposed development is to be located opposing the allocation of credits to the applicant for the development. In any such letter, the chief executive officer must certify that the proposed development is not consistent with current zoning or other applicable land use regulations. (0 points)

c. *Proposed developments competing in any pool established specifically for community revitalization plans may receive points from one of the following categories while competing in such pool:*

~~c. Documentation (1) Applications with documentation in a form approved by the authority from the local authorities government officials that the proposed development is located in a Revitalization Area, or determination by the authority that and the proposed development is an integral part of the planned revitalization. (50 points)~~

(2) *Applications with documentation in a form approved by the authority from local government officials that (i) the proposed development is located in a revitalization area with established boundaries (beyond the boundaries of the proposed development), (ii) local or state funds have been spent or budgeted in furtherance of the revitalization objectives, and (iii) the proposed development will further the goals of the planned revitalization. (25 points)*

(3) *The proposed development involves either (i) substantial rehabilitation (contractor's cost of at least \$50,000 per unit) or adaptive reuse of vacant or derelict structures (15 points) or (ii) the rehabilitation of properties deemed troubled by a local government based on the physical condition of the property, documented crime/drug problems or similar factors. (10 points)*

*If the proposed development (i) includes the rehabilitation of existing housing (add 5 points) or (ii) is located in a Difficult Development Area as defined by HUD or in an Enterprise Zone or Housing Revitalization Zone designated by the state (20 points) if the proposed development is in a qualified census tract within either a Revitalization Area, Enterprise Zone or Housing Revitalization Zone. (25 add 5 points)*

d. Commitment by the applicant to give leasing preference to individuals and families (i) on public housing waiting lists maintained by the local housing

authority operating in the locality in which the proposed development is to be located and notification of the availability of such units to the local housing authority by the applicant or (ii) on section 8 (as defined in 13 VAC 10-180-90) waiting lists maintained by the local or nearest section 8 administrator for the locality in which the proposed development is to be located and notification of the availability of such units to the local section 8 administrator by the applicant. (10 points ~~for either (i) or (ii) above; Applicants receiving points under this subdivision may not require an annual minimum income requirement for prospective tenants that exceeds the greater of \$3,600 or 2.5 times the portion of rent to be paid by such tenants.~~)

e. Any of the following: (i) firm financing commitment(s) from the local government, local housing authority, Federal Home Loan Bank affordable housing funds, or the Rural Development of the U.S. Department of Agriculture, *for a below-market rate loan or grant* [ ~~or ;~~ ] (ii) a resolution passed by the locality in which the proposed development is to be located committing *such* financial support to the development in a form approved by the authority ~~or (iii) evidence from Rural Development that the development will remain subject to existing financing from Rural Development. In the case of (iii) above, if the applicant is, or has any common interests with, the current owner, directly or indirectly, the application will only qualify for these points if the applicant waives all rights to any developer's fee and any other fees associated with the acquisition and rehabilitation (or rehabilitation only) of the development unless permitted by the executive director for good cause [ ; or (iii) a commitment to donate land, buildings or waive tap fee waivers from the local government ]~~. (The amount of such financing [ *or dollar value of local support* ] will be divided by the total development sources of funds and the proposed development receives two points for each percentage point up to a maximum of 40 points.)

f. Any development subject to (i) HUD's Section 8 or Section 236 programs or (ii) Rural Development's 515 program, at the time of application. (20 points)

g. Any development receiving (i) a real estate tax abatement [ ~~for 10 or more years on the increase in the value of the development~~ ] or (ii) new project-based subsidy from HUD or Rural Development for the greater of 5 [ *units* ] or 10% of the units of the proposed development. (10 points)

### 3. Development characteristics.

a. The average unit size. (100 points multiplied by the sum of the products calculated by multiplying, for each unit type as defined by the number of bedrooms per unit, (i) the quotient of the number of units of a given unit type divided by the total number of units in the proposed development, times (ii) the quotient of the average actual gross square footage per unit for a given unit type minus the lowest gross square footage per unit for a given unit type established by the executive director divided by the highest gross square footage per unit for a given unit type established by the executive director minus the lowest

gross square footage per unit for a given unit type established by the executive director. If the average actual gross square footage per unit for a given unit type is less than the lowest gross square footage per unit for a given unit type established by the executive director or greater than the highest gross square footage per unit for a given unit type established by the executive director, the lowest or highest, as the case may be, gross square footage per unit for a given unit type established by the executive director shall be used in the above calculation rather than the actual gross square footage per unit for a given unit type.)

b. Lower amount of credit request. (50 points multiplied by the percentage by which the total amount of the annual tax credits requested is less than \$1,000,000, including negative points using the percentage in which the total amount of annual credits requested is greater than \$1,000,000. Developments financed with tax-exempt bonds will receive an automatic 25 points under this scoring category.)

c. Evidence satisfactory to the authority documenting the quality of the proposed development's amenities as determined by the following:

(1) The following points are available for any application:

(a) If 2-bedroom units have 1.5 bathrooms and 3-bedroom units have 2 bathrooms. (15 points multiplied by the percentage of units meeting these requirements)

(b) If all units have a washer and dryer. (7 points)

(c) If all units have a balcony or patio. (5 points)

(d) If all units have a washer and dryer hook-up only. (3 points, no points if points awarded in subdivision (1)(b) above)

(e) If all units have a dishwasher. (2 points)

(f) If all units have a garbage disposal. (1 point)

(g) If the development has a laundry room. (1 point, no points if points awarded in subdivision (1)(b) above)

(h) If a community/meeting room with a minimum of 800 square feet is provided. (5 points)

(i) If all units have a range hood above the stove. (1 point)

(j) If all metal windows have thermal breaks, and if insulating glass for metal or vinyl windows and sliding glass doors have a 10-year warranty against breakage of the seal from date of delivery. (1 point)

(k) If all insulation complies with Virginia Power Energy Efficient Home Requirements, with a minimum R=30 insulation for roofs. (2 points)

(l) If all refrigerators are frost free, a minimum size of 14 cubic feet, and provide separate doors for freezer and refrigerator compartments. (1 point)

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(m) If all exterior doors exposed to weather are metal. (1 point)

(n) Brick exterior walls. (15 points times the percentage of exterior walls covered by brick)

[ ~~(o)~~ Durable fiber cement lap siding other than brick that complies with ASTM 1186 standard specifications and is warranted to last for 50 or more years. (5 points) ]

[ ~~(p)~~ (o) ] If the development has a minimum STC (sound transmission class) rating of 52 for the floor construction between units. (3 points)

[ ~~(q)~~ (p) ] All kitchen cabinets comply with authority minimum guidelines. (1 point)

[ ~~(r)~~ (q) ] All closet doors are side hinged (no bi-fold or sliding doors). (1 point)

[ ~~(s)~~ (r) ] All exterior wood, including trim, fascia and rake boards are clad in aluminum. (1 point)

(2) The following points are available to applications electing to serve elderly and/or physically disabled tenants as elected in subdivision 4 a of this section:

(a) If all cooking ranges have front controls. (1 point)

(b) If all units are adaptable for the handicapped in buildings with elevators. (2 points)

(c) If all units have an emergency call system. (3 points)

(d) If all bathrooms have grab bars and slip-resistant bottoms for bathtubs. (1 point)

(e) If all bathrooms have an independent or supplemental heat source. (1 point)

(f) If all corridors have a handrail on one side. (1 point)

(g) If all entrance doors to each unit have two eye viewers, one at 48 inches and the other at standard height. (1 point)

(3) The following points are available to proposed developments which rehabilitate or adaptively reuse an existing structure:

(a) If all bathrooms, including ones with windows, have exhaust fans ducted out. (1 point)

(b) If all existing, single-glazed windows in good condition have storm windows, and all windows in poor condition are replaced with new windows with integral storm sash or insulating glass. The insulating glass metal windows must have a thermal break. The insulated glass must have a 10-year warranty against breakage of the seal. (3 points)

(c) If all apartments have a minimum of one electric smoke detector with battery backup. (1 point)

(d) If all bathrooms have ground fault interrupter electrical receptacles. (1 point)

(e) If the structure is historic, by virtue of being listed individually in the National Register of Historic Places, or due to its location in a registered historic district and certified by the Secretary of the Interior as being of historical significance to the district, and the rehabilitation will be completed in such a manner as to be eligible for historic rehabilitation tax credits. (5 points)

(f) All buildings have a minimum insulation of R=30 for attics and R=19 for crawl spaces. (3 points)

(g) All public areas, such as community rooms, laundry rooms, and rental office are accessible to persons in wheelchairs. (1 point)

(h) If replacing the roof, removing the old roof and felt. (1 point)

The maximum number of points that may be awarded under any combination of the scoring categories under subdivision 3 c of this section is 50 points.

d. Any proposed 50 unit or less development that meets at least three of the following criteria: (i) sets maximum rents on all units at or below 25% of the gross income of households at or below 50% of the area median income (without vouchers or rental assistance); (ii) restricts at least 20% of the units for occupancy by households with incomes at or below 40% of the area median income; (iii) requires at least 60% of the developer's fee to pay development costs; and (iv) has below market rate financial assistance from local, state or federal government. (20 points)

e. Any nonelderly development in which the greater of 5 [ units ] or 10% of the units [ ~~not to exceed 14~~ ] (i) provide federal project-based rent subsidies or equivalent assistance in order to ensure occupancy by extremely low-income persons; (ii) conform to Americans with Disabilities Act Architectural Guidelines (ADAAG) requirements as set forth in the Virginia building code as BOCA Chapter 11 (13 VAC 5-61) [ or any successor provisions ]; and (iii) are actively marketed to people with special needs in accordance with a plan submitted as part of the application for credits (if special needs includes mobility impairments, the units described above must include roll-in showers and roll-under sinks and ranges). (50 points)

f. Any nonelderly development in which the greater of 5 [ units ] or 10% of the units [ ~~not to exceed 14~~ ] (i) have rents within HUD's Housing Choice Voucher (HCV) payment standard; (ii) conform to ADAAG requirements as set forth in the Virginia building code as BOCA Chapter 11 (13 VAC 5-61) [ or any successor provisions ]; and (iii) are actively marketed to people with mobility impairments including HCV holders in accordance with a plan submitted as part of the application for credits. (30 points)

g. Any nonelderly development in which 4.0% of the units (i) conform to ADAAG requirements as set forth in the Virginia building code as BOCA Chapter 11 (13 VAC 5-61) [ ; or any successor provisions ] and (ii) are actively

marketed to people with mobility impairments in accordance with a plan submitted as part of the application for credits. (15 points)

#### 4. Tenant population characteristics.

~~a. Commitment by the applicant to lease low-income housing units in the proposed development to either: (i) 55 or over housing as defined by the United States Fair Housing Act or (ii) physically or mentally disabled persons. Applicants committing to serve physically disabled persons must meet the requirements of the federal Americans with Disabilities Act (42 USC § 12101 et seq.). Applicants receiving points under this subdivision a may not receive points under subdivision b below. (30 points)~~

~~b. a. Commitment by the applicant to give a leasing preference to individuals and families with children in developments that will have no more than 20% of its units with one bedroom or less. Applicants receiving points under this subdivision b may not receive points under subdivision a above. (15 points; plus 0.75 points for each percent of the low-income units in the development with three or more bedrooms up to an additional 15 points for a total of no more than 30 points under this subdivision b a)~~

~~c. b. Commitment by the applicant to provide relocation assistance to displaced households at such level required by the authority. (30 points times the number of certified occupied units divided by the greater of (i) the number of certified occupied units or (ii) the number of units of the proposed development)~~

#### 5. Sponsor characteristics.

~~a. Evidence that the development team principal or principals [ , as a group or individually, ] for the proposed development has have developed at least three tax credit developments that contain at least three times the demonstrated experience, qualifications and ability to perform number of housing units in the proposed development. (50 points; applicants receiving points under this subdivision 5 [ { } a [ } ] are not eligible for points under subdivision 1 a above)~~

~~b. Evidence that the principal or principals for the proposed development have developed at least one tax credit development that contains at least the number of housing units in the proposed development. (10 points)~~

~~c. Any applicant that includes a principal that was a principal in a development at the time the authority reported such development to the IRS for an uncorrected major violation of health, safety and building codes. (minus 50 points for a period of three years after the violation has been corrected)~~

~~d. [ Beginning January 1, 2003, ] any applicant that includes a principal that was a principal in a development at the time the authority reported such development to the IRS for noncompliance that has not been corrected by the time a Form 8823 is filed by the authority. (minus 15 points for a period of three years after the time the authority filed Form 8823 [ , unless the executive director~~

~~determines that such principal's attempts to correct such noncompliance was prohibited by a court, local government or governmental agency, in which case, no negative points will be assessed to the applicant ] )~~

~~e. Beginning January 1, 2003, any applicant that includes a principal that is or was a principal in a development that (i) did not build a development as represented in the application for credit (minus 20 points for a period of three years after the development is placed in service, in addition to any other penalties the authority may seek under its agreements with the applicant), or (ii) has a reservation of credits terminated by the authority (minus 10 points a period of three years after the credits are returned to the authority).~~

#### 6. Efficient use of resources.

a. The percentage by which the total of the amount of credits per low-income housing unit (the "per unit credit amount") of the proposed development is less than the standard per unit credit amounts established by the executive director for a given unit type, based upon the number of such unit types in the proposed development. (180 points multiplied by the percentage by which the total amount of the per unit credit amount of the proposed development is less than the applicable standard per unit credit amount established by the executive director, negative points will be assessed using the percentage by which the total amount of the per unit credit amount of the proposed development exceeds the applicable standard per unit credit amount established by the executive director.)

b. The percentage by which the cost per low-income housing unit (the "per unit cost"), adjusted by the authority for location, of the proposed development is less than the standard per unit cost amounts established by the executive director for a given unit type, based upon the number of such unit types in the proposed development. (75 points multiplied by the percentage by which the total amount of the per unit cost of the proposed development is less than the applicable standard per unit cost amount established by the executive director director.)

The executive director may use a standard per square foot credit amount and a standard per square foot cost amount in establishing the per unit credit amount and the per unit cost amount in subdivision 6 above. For the purpose of calculating the points to be assigned pursuant to such subdivisions 3 c and 6 above, all credit amounts shall include any credits previously allocated to the development, and the per unit credit amount for any building documented by the applicant to be located in a qualified census tract or difficult development area (such tract or area being as defined in the IRC) shall be determined based upon 100% of the eligible basis of such building, in the case of new construction, or 100% of the rehabilitation expenditures, in the case of rehabilitation of an existing building, notwithstanding any use by the applicant of 130% of such eligible basis or rehabilitation expenditures in determining the amount of credits as provided in the IRC.



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## 7. Bonus points.

a. Commitment by the applicant to impose income limits on the low-income housing units throughout the extended use period (as defined in the IRC) below those required by the IRC in order for the development to be a qualified low-income development. Applicants receiving points under this subdivision a may not receive points under subdivision b below. (The product of (i) 50 points multiplied by (ii) the percentage of housing units in the proposed development both rent restricted to and occupied by households at or below 50% of the area median gross income; plus 1 point for each percentage point of such housing units in the proposed development which are further restricted to rents at or below 30% of 40% of the area median gross income up to an additional 10 points.)

b. Commitment by the applicant to impose rent limits on the low-income housing units throughout the extended use period (as defined in the IRC) below those required by the IRC in order for the development to be a qualified low-income development. Applicants receiving points under this subdivision b may not receive points under subdivision a above. (The product of (i) 25 points (50 points for proposed developments in low-income jurisdictions) multiplied by (ii) the percentage of housing units in the proposed development rent restricted to households at or below 50% of the area median gross income; plus 1 point for each percentage point of such housing units in the proposed development which are further restricted to rents at or below 30% of 40% of the area median gross income up to an additional 10 points.)

c. Commitment by the applicant to maintain the low-income housing units in the development as a qualified low-income housing development beyond the 30-year extended use period (as defined in the IRC). Applicants receiving points under this subdivision c may not receive bonus points under subdivision d below. (40 points for a 10-year commitment beyond the 30-year extended use period or 50 points for a 20-year commitment beyond the 30-year extended use period.)

d. Participation by a local housing authority or qualified nonprofit organization (substantially based or active in the community with at least a 10% ownership interest in the general partnership interest of the partnership) and a commitment by the applicant to sell the proposed development pursuant to an executed, recordable option or right of first refusal to such local housing authority or qualified nonprofit organization or to a wholly owned subsidiary of such organization or authority, at the end of the 15-year compliance period, as defined by IRC, for a price not to exceed the outstanding debt and exit taxes of the for-profit entity. The applicant must record such option or right of first refusal immediately after the low-income housing commitment described in 13 VAC 10-180-70 and give the qualified nonprofit veto power over any ~~refinancings~~ *refinancing* of the development. Applicants receiving points under this subdivision d may not receive bonus points under subdivision c above. (60 points; plus 5 points if the local housing authority or qualified nonprofit

organization submits a homeownership plan satisfactory to the authority in which the local housing authority or qualified nonprofit organization commits to sell the units in the development to tenants ~~whose incomes shall not exceed the applicable income limit at the time of their initial occupancy of such units.~~)

In calculating the points for subdivisions 7 a and b above, any units in the proposed development required by the locality to exceed 60% of the area median gross income will not be considered when calculating the percentage of low-income units of the proposed development with incomes below those required by the IRC in order for the development to be a qualified low-income development, provided that the locality submits evidence satisfactory to the authority of such requirement.

After points have been assigned to each application in the manner described above, the executive director shall compute the total number of points assigned to each such application. Notwithstanding any other provisions herein, any application that is assigned a total number of points less than a threshold amount of ~~450 (375 points for developments financed with tax-exempt bonds)~~ points shall be rejected from further consideration hereunder and shall not be eligible for any reservation or allocation of credits.

The executive director may exclude and disregard any application which he determines is not submitted in good faith or which he determines would not be financially feasible.

Upon assignment of points to all of the applications, the executive director shall rank the applications based on the number of points so assigned. If any pools shall have been established, each application shall be assigned to a pool and, *if any, to the appropriate tier within such pool and shall be ranked within such pool or tier, if any. The amount of credits made available to each pool will be determined by the executive director. Available credits will include unreserved per capita dollar amount credits from the current calendar year under § 42(h)(3)(C)(i) of the IRC, any unreserved per capita credits from previous calendar years, and credits returned to the authority prior to the final ranking of the applications and may include up to 15% of next calendar year's per capita credits as shall be determined by the executive director.* Those applications assigned more points shall be ranked higher than those applications assigned fewer points. *However, if any set-asides established by the executive director cannot be satisfied after ranking the applications based on the number of points, the executive director may rank as many applications as necessary to meet the requirements of such set-aside (selecting the highest ranked application, or applications, meeting the requirements of the set-aside) over applications with more points.*

In the event of a tie in the number of points assigned to two or more applications within the same pool, or, if none, within the ~~state~~ *Commonwealth*, and in the event that the amount of credits available for reservation to such applications is determined by the executive director to be insufficient for the financial feasibility of all of the developments described therein, the authority shall, to the extent necessary to fully utilize the amount of credits available for reservation within such pool or, if none, within the Commonwealth, select one or

more of the applications with the highest combination of points from subdivision 2(c)(ii) and subdivision 7 above, and each application so selected shall receive (in order based upon the number of such points, beginning with the application with the highest number of such points) a reservation of credits in the lesser of the full amount determined by the executive director to be permissible hereunder or the amount of credits remaining therefor in such pool or, if none, in the Commonwealth. If two or more of the tied applications receive the same number of points from subdivision 2(c)(ii) and subdivision 7 above and if the amount of credits available for reservation to such tied applications is determined by the executive director to be insufficient for the financial feasibility of all the developments described therein, the executive director shall select one or more of such applications by lot, and each application so selected by lot shall receive (in order of such selection by lot) the lesser of the full amount determined by the executive director to be permissible hereunder or the amount a reservation of credits remaining therefor in such pool or, if none, in the Commonwealth.

For each application which may receive a reservation of credits, the executive director shall determine the amount, as of the date of the deadline for submission of applications for reservation of credits, to be necessary for the financial feasibility of the development and its viability as a qualified low-income development throughout the credit period under the IRC. In making this determination, the executive director shall consider the sources and uses of the funds, the available federal, state and local subsidies committed to the development, the total financing planned for the development as well as the investment proceeds or receipts expected by the authority to be generated with respect to the development, and the percentage of the credit dollar amount used for development costs other than the costs of intermediaries. He shall also examine the development's costs, including developer's fees and other amounts in the application, for reasonableness and, if he determines that such costs or other amounts are unreasonably high, he shall reduce them to amounts that he determines to be reasonable. The executive director shall review the applicant's projected rental income, operating expenses and debt service for the credit period. The executive director may establish such criteria and assumptions as he shall deem reasonable for the purpose of making such determination, including, without limitation, criteria as to the reasonableness of fees and profits and assumptions as to the amount of net syndication proceeds to be received (based upon such percentage of the credit dollar amount used for development costs, other than the costs of intermediaries, as the executive director shall determine to be reasonable for the proposed development), increases in the market value of the development, and increases in operating expenses, rental income and, in the case of applications without firm financing commitments (as defined hereinabove) at fixed interest rates, debt service on the proposed mortgage loan. The executive director may, if he deems it appropriate, consider the development to be a part of a larger development. In such a case, the executive director may consider, examine, review and establish any or all of the foregoing items as to the larger development in making such determination for the development.

At such time or times during each calendar year as the executive director shall designate, the executive director shall reserve credits to applications in descending order of ranking within each pool *and tier*, if applicable, until either substantially all credits therein are reserved or all qualified applications therein have received reservations. (For the purpose of the preceding sentence, if there is not more than a de minimis amount, as determined by the executive director, of credits remaining in a pool after reservations have been made, "substantially all" of the credits in such pool shall be deemed to have been reserved.) The executive director may rank the applications within pools at different times for different pools and may reserve credits, based on such rankings, one or more times with respect to each pool. The executive director may also establish more than one round of review and ranking of applications and reservation of credits based on such rankings, and he shall designate the amount of credits to be made available for reservation within each pool during each such round. The amount reserved to each such application shall be equal to the lesser of (i) the amount requested in the application or (ii) an amount determined by the executive director, as of the date of application, to be necessary for the financial feasibility of the development and its viability as a qualified low-income development throughout the credit period under the IRC; provided, however, that in no event shall the amount of credits so reserved exceed the maximum amount permissible under the IRC.

If the amount of credits available in any pool is determined by the executive director to be insufficient for the financial feasibility of the proposed development to which such available credits are to be reserved, the executive director may (i) permit the applicant to modify such proposed development and his application so as to achieve financial feasibility based upon the amount of such available credits, provided that the available credits represent at least 70% of the feasible credit amount established by the executive director and the applicant's development, as modified, will produce at least 75% of the units and bedrooms described in the application for the proposed development, or (ii) move the proposed development and the credits available to another pool. Any modifications shall be subject to the approval of the executive director; however, in no event shall such modifications result in a material reduction in the number of points assigned to the application pursuant to this section. If any credits remain in any pool after accepting any modifications to an applicant's proposed development or moving proposed developments and credits to another pool, the executive director may for developments that meet the requirements of § 42(h)(1)(E) of the IRC only, reserve the remaining credits to any proposed development(s) scoring at or above the minimum point threshold established by this chapter without regard to the ranking of such application and any development modified pursuant to the provisions of this paragraph. If necessary, the executive director may, for developments which meet the requirements of § 42(h)(1)(E) of the IRC only, reserve with additional credits from the Commonwealth's annual state housing credit ceiling for the following year in such an amount necessary for the financial feasibility of the proposed development, or developments. However, the reservation of credits from the Commonwealth's annual state housing credit ceiling for the following year shall

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be in the reasonable discretion of the executive director if he determines it to be in the best interest of the plan. In the event a reservation or an allocation of credits from the current year or a prior year is reduced, terminated or cancelled, the executive director may substitute such credits for any credits reserved from the following year's annual state housing credit ceiling.

In the event that during any round of application review and ranking the amount of credits reserved within any pools is less than the total amount of credits made available therein during such round, the executive director may either (i) leave such unreserved credits in such pools for reservation and allocation in any subsequent round or rounds or (ii) redistribute such unreserved credits to such other pool or pools as the executive director may designate or (iii) carry over such unreserved credits to the next succeeding calendar year for inclusion in the state housing credit ceiling (as defined in § 42(h)(3)(C) of the IRC) for such year.

Notwithstanding anything contained herein, the total amount of credits that may be awarded in any credit year after credit year 2001 to any applicant or to any related applicants for one or more developments shall not exceed ~~40~~ 15% of Virginia's per capita dollar amount of credits for such credit year (the "credit cap"). However, if the amount of credits to be reserved in any such credit year to all applications assigned a total number of points at or above the threshold amount set forth above shall be less than Virginia's dollar amount of credits available for such credit year, then the authority's board of commissioners may waive the credit cap to the extent it deems necessary to reserve credits in an amount at least equal to such dollar amount of credits. Applicants shall be deemed to be related if any principal in ~~an applicant a proposed development~~ or any person or entity related to the applicant or principal ~~is will be~~ a principal in any other ~~applicant proposed development or applicants developments~~. ~~A principal is~~ For purposes of this paragraph, a ~~general partner or other principal shall also include any person or entity who, in the determination of the executive director, has exercised or will exercise, directly or indirectly, substantial control over the applicant or has performed or will perform (or has assisted or will assist the applicant in the performance of), directly or indirectly, substantial responsibilities or functions customarily performed by an applicant applicants with respect to an application applications or a development developments~~. For the purpose of determining whether any person or entity is related to the applicant or principal, persons or entities shall be deemed to be related if the executive director determines that any substantial relationship existed, either directly between them or indirectly through a series of one or more substantial relationships (e.g., if party A has a substantial relationship with party B and if party B has a substantial relationship with party C, then A has a substantial relationship with both party B and party C), at any time within three years of the filing of the application for the credits. In determining in any credit year whether an applicant has a substantial relationship with another applicant with respect to any application for which credits were awarded in any prior credit year, the executive director shall determine whether the applicants were related as of the date of the filing of such prior credit year's application or within three years prior thereto and shall not consider any relationships or any changes in

relationships subsequent to such date. Substantial relationships shall include, but not be limited to, the following relationships (in each of the following relationships, the persons or entities involved in the relationship are deemed to be related to each other): (i) the persons are in the same immediate family (including, without limitation, a spouse, children, parents, grandparents, grandchildren, brothers, sisters, uncles, aunts, nieces, and nephews) and are living in the same household; (ii) the entities have one or more common general partners or members (including related persons and entities), or the entities have one or more common owners that (by themselves or together with any other related persons and entities) have, in the aggregate, 5.0% or more ownership interest in each entity; (iii) the entities are under the common control (e.g., the same person or persons and any related persons serve as a majority of the voting members of the boards of such entities or as chief executive officers of such entities) of one or more persons or entities (including related persons and entities); (iv) the person is a general partner, member or employee in the entity or is an owner (by himself or together with any other related persons and entities) of 5.0% or more ownership interest in the entity; (v) the entity is a general partner or member in the other entity or is an owner (by itself or together with any other related persons and entities) of 5.0% or more ownership interest in the other entity; or (vi) the person or entity is otherwise controlled, in whole or in part, by the other person or entity. In determining compliance with the credit cap with respect to any application, the executive director may exclude any person or entity related to the applicant or to any principal in such applicant if the executive director determines that (i) such person or entity will not participate, directly or indirectly, in matters relating to the applicant or the ownership of the development to be assisted by the credits for which the application is submitted, (ii) such person or entity has no agreement or understanding relating to such application or the tax credits requested therein, and (iii) such person or entity will not receive a financial benefit from the tax credits requested in the application. A limited partner or other similar investor shall not be determined to be a principal and shall be excluded from the determination of related persons or entities unless the executive director shall determine that such limited partner or investor will, directly or indirectly, exercise control over the applicant or participate in matters relating to the ownership of the development substantially beyond the degree of control or participation that is usual and customary for limited partners or other similar investors with respect to developments assisted by the credits. If the award of multiple applications of any applicant or related applicants in any credit year shall cause the credit cap to be exceeded, such applicant or applicants shall, upon notice from the authority, jointly designate those applications for which credits are not to be reserved ~~or are to be reserved in an amount less than the amount requested in the application (if the amount of credits to be reserved for any application is to be so reduced, the applicant may modify the proposed development and the application to achieve financial feasibility based upon the amount of the credits as so reduced; provided, however, that the credits may not be reduced to less than 70% of the amount of credits requested in the application and may not be reduced so as to produce fewer than 75% of the number of units or bedrooms proposed in the application)~~ so that such

limitation shall not be exceeded. Such notice shall specify the date by which such designation shall be made. In the absence of any such designation by the date specified in such notice, the executive director shall make such designation as he shall determine to best serve the interests of the program. Each applicant and each principal therein shall make such certifications, shall disclose such facts and shall submit such documents to the authority as the executive director may require to determine compliance with credit cap. If an applicant or any principal therein makes any misrepresentation to the authority concerning such applicant's or principal's relationship with any other person or entity, the executive director may reject any or all of such applicant's pending applications for reservation or allocation of credits, may terminate any or all reservations of credits to the applicant, and may prohibit such applicant, the principals therein and any persons and entities then or thereafter having a substantial relationship (in the determination of the executive director as described above) with the applicant or any principal therein from submitting applications for credits for such period of time as the executive director shall determine.

~~[ Notwithstanding anything above, the authority will treat local housing authorities or qualified nonprofit organizations as the only principal in an application in which such local housing authority or qualified nonprofit organization owns, directly or indirectly, at least 50% of the general partnership interest in the ownership entity of the proposed development and such local housing authority or qualified nonprofit organization, or wholly-owned subsidiary thereof, will purchase the proposed development at the end of the compliance period. ]~~

Within a reasonable time after credits are reserved to any applicants' applications, the executive director shall notify each applicant for such reservations of credits either of the amount of credits reserved to such applicant's application (by issuing to such applicant a written binding commitment to allocate such reserved credits subject to such terms and conditions as may be imposed by the executive director therein, by the IRC and by this chapter) or, as applicable, that the applicant's application has been rejected or excluded or has otherwise not been reserved credits in accordance herewith. The written binding commitment shall prohibit any transfer, direct or indirect, of partnership interests (except those involving the admission of limited partners) prior to the placed-in-service date of the proposed development unless the transfer is consented to by the executive director. The written binding commitment shall further limit the developers' fees to the amounts established during the review of the applications for reservation of credits and such amounts shall not be increased unless consented to by the executive director. The executive director shall, as a condition to the binding commitment, require each applicant to obtain a market study, in form and substance satisfactory to the authority, that shows adequate demand for the housing units to be produced by each applicant's proposed development.

If credits are reserved to any applicants for developments which have also received an allocation of credits from prior years, the executive director may reserve additional credits from the current year equal to the amount of credits allocated to such developments from prior years, provided such

previously allocated credits are returned to the authority. Any previously allocated credits returned to the authority under such circumstances shall be placed into the credit pools from which the current year's credits are reserved to such applicants.

The executive director shall make a written explanation available to the general public for any allocation of housing credit dollar amount which is not made in accordance with established priorities and selection criteria of the authority.

The authority's board shall review and consider the analysis and recommendation of the executive director for the reservation of credits to an applicant, and, if it concurs with such recommendation, it shall by resolution ratify the reservation by the executive director of the credits to the applicant, subject to such terms and conditions as it shall deem necessary or appropriate to assure compliance with the aforementioned binding commitment issued or to be issued to the applicant, the IRC and this chapter. If the board determines not to ratify a reservation of credits or to establish any such terms and conditions, the executive director shall so notify the applicant.

Subsequent to such ratification of the reservation of credits, the executive director may, in his discretion and without ratification or approval by the board, increase the amount of such reservation by an amount not to exceed 10% of the initial reservation amount.

The executive director may require the applicant to make a good faith deposit or to execute such contractual agreements providing for monetary or other remedies as it may require, or both, to assure that the applicant will comply with all requirements under the IRC, this chapter and the binding commitment (including, without limitation, any requirement to conform to all of the representations, commitments and information contained in the application for which points were assigned pursuant to this section). Upon satisfaction of all such aforementioned requirements (including any post-allocation requirements), such deposit shall be refunded to the applicant or such contractual agreements shall terminate, or both, as applicable.

If, as of the date the application is approved by the executive director, the applicant is entitled to an allocation of the credits under the IRC, this chapter and the terms of any binding commitment that the authority would have otherwise issued to such applicant, the executive director may at that time allocate the credits to such qualified low-income buildings or development without first providing a reservation of such credits. This provision in no way limits the authority of the executive director to require a good faith deposit or contractual agreement, or both, as described in the preceding paragraph, nor to relieve the applicant from any other requirements hereunder for eligibility for an allocation of credits. Any such allocation shall be subject to ratification by the board in the same manner as provided above with respect to reservations.

The executive director may require that applicants to whom credits have been reserved shall submit from time to time or at such specified times as he shall require, written confirmation and documentation as to the status of the proposed

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development and its compliance with the application, the binding commitment and any contractual agreements between the applicant and the authority. If on the basis of such written confirmation and documentation as the executive director shall have received in response to such a request, or on the basis of such other available information, or both, the executive director determines any or all of the buildings in the development which were to become qualified low-income buildings will not do so within the time period required by the IRC or will not otherwise qualify for such credits under the IRC, this chapter or the binding commitment, then the executive director may terminate the reservation of such credits and draw on any good faith deposit. If, in lieu of or in addition to the foregoing determination, the executive director determines that any contractual agreements between the applicant and the authority have been breached by the applicant, whether before or after allocation of the credits, he may seek to enforce any and all remedies to which the authority may then be entitled under such contractual agreements.

The executive director may establish such deadlines for determining the ability of the applicant to qualify for an allocation of credits as he shall deem necessary or desirable to allow the authority sufficient time, in the event of a reduction or termination of the applicant's reservation, to reserve such credits to other eligible applications and to allocate such credits pursuant thereto.

Any material changes to the development, as proposed in the application, occurring subsequent to the submission of the application for the credits therefor shall be subject to the prior written approval of the executive director. As a condition to any such approval, the executive director may, as necessary to comply with this chapter, the IRC, the binding commitment and any other contractual agreement between the authority and the applicant, reduce the amount of credits applied for or reserved or impose additional terms and conditions with respect thereto. If such changes are made without the prior written approval of the executive director, he may terminate or reduce the reservation of such credits, impose additional terms and conditions with respect thereto, seek to enforce any contractual remedies to which the authority may then be entitled, draw on any good faith deposit, or any combination of the foregoing.

In the event that any reservation of credits is terminated or reduced by the executive director under this section, he may reserve, allocate or carry over, as applicable, such credits in such manner as he shall determine consistent with the requirements of the IRC and this chapter.

VA.R. Doc. No. R03-166; Filed March 2, 2003, 11:03 a.m.



## TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

### COMMONWEALTH TRANSPORTATION BOARD

<p><b>REGISTRAR'S NOTICE:</b> The Department of Transportation is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4002 B 4 of the Code of Virginia, which exempts regulations relating to grants of state or federal funds or property.</p>
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Title of Regulation: **24 VAC 30-280. Guide to the Revenue Sharing Program (amending 24 VAC 30-280-20, 24 VAC 30-280-40, 24 VAC 30-280-50 and 24 VAC 30-280-60).**

Statutory Authority: §§ 33.1-12 and 33.1-75.1 of the Code of Virginia.

Effective Date: March 24, 2003.

Summary:

*The amendments make technical and organizational revisions to the regulation VDOT uses to assist the Commonwealth Transportation Board in determining the allocation of funds for the maintenance or improvement of the primary and secondary highway systems and eligible additions in the counties of the Commonwealth.*

Agency Contact: Sherry R. Eagle, Transportation Engineer Senior, Department of Transportation, Local Assistance Division, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-1519, FAX (804) 786-2603, or e-mail Sherry.Eagle@VirginiaDOT.org.

#### **24 VAC 30-280-20. Definitions.**

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

*"Budget item number"* means a multi-digit code that identifies work to be completed; it is used for minor activities that are usually done in one year. (See term "incidental improvements"). The usual format for a budget item number is ~~rrr-ccc-BI-yy~~ *rrrr-ccc-RS,yy*, where *rrrr* is the four-digit route code, *ccc* is the three-digit locality code, and *yy* represents the last two digits of the fiscal year in which an allocation to the improvement is made.

*"Construction improvements"* means operations which usually require more than one fiscal year to complete, and which change or add to the characteristics of a road, facility, or structure.

*"County Primary and Secondary Road Fund"* means the designation given to the fund used to finance the specially funded program developed by the county government and the Department of Transportation subject to approval by the Commonwealth Transportation Board. This is more commonly referred to as the Revenue Sharing Program.

*"Incidental improvements"* means any operation, usually constructed within one year, which changes the type, width, length, location, or gradient of a road, facility, or structure; or

the addition of features not originally provided for such road, facility, or structure.

"*Maintenance*" means activities involved in preserving or restoring the roadway, facility, or structure to its original condition, as nearly as possible.

"*Matching funds*" means funds provided by the Commonwealth which are allocated to eligible items of work in participating counties and the City of Suffolk to supplement, on a dollar-for-dollar basis, the locality's contribution for eligible projects.

"*New hardsurfacing (paving)*" means the first-time paving of a previously unpaved roadway; usually composed of a multiple course asphalt surface treatment. In order for a road to be eligible for paving, it must meet the minimum traffic volume criteria of 50 vehicles per day (VPD).

"*New roadway*" means the establishment of a new facility to be a part of the primary or secondary system of state highways. In order for a new roadway to be eligible for Revenue Sharing funding, it must be a part of a locally adopted plan such as the County Comprehensive Plan or must be expected to divert sufficient traffic from existing public roads so that those roads will not need to be improved in the foreseeable future.

"*Plant mix*" means an asphalt-based compound used in highway construction and maintenance. For a road to be eligible for plant mix, it should:

1. Have an Average Daily Traffic (ADT) of 500 or greater;
2. Be a major secondary and serve as a major transportation facility in the locality; and
3. Be classified as "tolerable" in accordance with established standards for such determination.

"*Project (eligible)*" means work including construction, improvement, maintenance, and additions costs.

"*Project number*" means a multi-digit alphanumeric code which identifies work to be completed; it is used in conjunction with construction. The usual format for a project number is rrrr-ccc-sss, Jnnn, where rrrr is the four-digit route code, ccc is the three-digit locality code, sss is a three-digit section code, J is a phase identifier, and nnn is the job number.

"*Six-Year Plan*" means either the Secondary Six-Year Plan, the official listing of improvements to be constructed, which is developed jointly by the Virginia Department of Transportation (VDOT) and the county governments (§ 33.1-70.01 of the Code of Virginia), or the ~~Virginia Transportation Development Plan Six-Year Program~~, formerly known as the Six-Year Improvement Program for Interstate, Primary, Urban, and Secondary Highway Systems, developed by VDOT and the Commonwealth Transportation Board.

#### **24 VAC 30-280-40. Application process.**

Application for revenue sharing funding may be made only by the governing body of the county or the City of Suffolk in which the road is located. The following process describes

the steps which occur in determining the funding available for each participating locality to finance eligible projects.

1. VDOT's ~~state secondary roads engineer~~ *director of local assistance* sends a letter inviting all county governments to participate in the Revenue Sharing Program for the coming fiscal year.

2. The county government determines its intent to participate in the program, and the amount of county funds to be provided. The county government and appropriate resident engineer or local preliminary engineering manager jointly prepare a prioritized plan to recommend assignment of requested funds to eligible projects. This prioritized plan should:

- a. List what is to be included for each project (example: length of road, width of road, estimated cost, etc.);
- b. Identify who will administer each phase of each project (see § 33.1-75.1 B of the Code of Virginia, regarding when a project may be administered by a county).

While there is no limit on the amount of funds the county may contribute, the amount of funds eligible for state matching funds may not exceed the statutory limitation.

3. The appropriate resident engineer or local preliminary engineering manager submits the detailed prioritized plan developed in Step 2 of the process with recommendations to the ~~Secondary Roads Division~~ *Local Assistance Division*, with a copy to the appropriate District Administrator. This prioritized plan must be received by the date specified in the invitation letter.

4. VDOT's ~~Secondary Roads Division~~ *Local Assistance Division* reviews the submitted prioritized plans and notifies the appropriate resident engineer or local preliminary engineering manager of the amount of state matching funds available for use in their counties, subject to the approval of the Commonwealth Transportation Board. If the total requests exceed the amount available according to statute, each participating county will receive state matching funds on a pro rata basis, and the prioritized plan will be adjusted accordingly.

#### **24 VAC 30-280-50. Approval process.**

The following process describes the steps that occur in securing approval of the Statewide Revenue Sharing Program from the Commonwealth Transportation Board.

1. VDOT's ~~Secondary Roads Division~~ *Local Assistance Division* reviews the individual plans, and if found to be acceptable, develops the statewide plan and recommends it be submitted to the Commonwealth Transportation Board for approval. ~~The Maintenance and Programming and Scheduling Divisions will also review the plans as appropriate for their areas of responsibility. The Local Assistance Division will review with other divisions as necessary and appropriate.~~

2. The Commonwealth Transportation Board approves the statewide program, including allocations to specific projects in each county's plan. Upon approval of the plan, it constitutes the "county primary and secondary road fund."

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Any modification of the approved program must be agreed upon by the county government and VDOT and approved by the Commonwealth Transportation Board.

## 24 VAC 30-280-60. Implementation process.

A. VDOT administered work. The following process describes the steps which occur in the implementation of the Revenue Sharing Program, beginning with the approval by the Commonwealth Transportation Board and ending with the payment by the county and subsequent state match.

1. VDOT's ~~Secondary Roads Division~~ *Local Assistance Division* authorizes the Fiscal Division to reserve the State Matching funds for the approved specific projects. These monies are placed in a special VDOT account for this purpose.
2. If applicable, ~~the Secondary Roads Division~~ *Local Assistance Division* prepares county/state agreements that govern the performance of work administered by VDOT. The agreement must be executed prior to incurring any cost to be financed from the Revenue Sharing Program.
3. Either the Fiscal Division bills the county or the appropriate resident engineer or local preliminary engineering manager requests payment from the county for its share of the estimated cost of work to be performed; the money is collected prior to the beginning of work in accordance with current billing procedures.
4. After the project is completed, the Fiscal Division makes final billing to the county for its share of the actual costs incurred, in excess of those provided in Step 3. If the county's share of the actual cost is less than the estimated cost, the difference may, if desired by the county, be refunded to the county or reassigned to another Revenue Sharing project.

If a county government wishes to cancel a project begun under the Revenue Sharing Program during Preliminary Engineering (PE) or Right of Way (R/W) phases but prior to the Construction phase, it may do so by Board of Supervisors' resolution. The department retains the sole option to require reimbursement by the county of all state matching funds spent from the time the project was begun until it is canceled.

If construction does not begin before the end of the fiscal year involved, the county must pay the department its share, or certify that the money is held in a special fund account specifically earmarked for the project or projects. This must occur by June 30 of the fiscal year or it may result in loss of state matching funds.

B. County administered work. The following process describes the steps which occur in the implementation of the Revenue Sharing Program, beginning with the approval by the Commonwealth Transportation Board and ending with the payment by the county and subsequent state match.

1. VDOT's ~~Secondary Roads Division~~ *Local Assistance Division* authorizes the Fiscal Division to reserve the state matching funds for the approved specific projects. These monies are placed in a special VDOT account for this purpose.

2. The ~~Secondary Roads Division~~ *Local Assistance Division* prepares county/state agreements that govern the performance of work administered by the county. The agreement must be executed prior to incurring any cost to be financed from the Revenue Sharing Program.

3. After all work is completed the county makes a final billing to VDOT for its share of the actual costs incurred. If actual cost is less than that provided by the agreement, the difference may be reassigned to another Revenue Sharing project in the county, or, if the county desires, refunded to the VDOT Revenue Sharing account.

If a county government wishes to cancel a project begun under the Revenue Sharing Program before it is completed, it may do so by Board of Supervisors' resolution. The department retains the sole option to require reimbursement by the county of all state matching funds spent from the time the project was begun until it is canceled.

VA.R. Doc. No. R03-160; Filed March 24, 2003, 12:53 p.m.



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# EMERGENCY REGULATIONS

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## TITLE 4. CONSERVATION AND NATURAL RESOURCES

### MARINE RESOURCES COMMISSION

**Title of Regulation:** 4 VAC 20-563. **Pertaining to the Newport News Shellfish Management Area (adding 4 VAC 20-563-10 through 4 VAC 20-563-50).**

**Statutory Authority:** §§ 28.2-201 and 28.2-210 of the Code of Virginia.

**Effective Dates:** March 26, 2003, through April 24, 2003.

**Agency Contact:** Deborah R. Cawthon, Agency Regulatory Coordinator, Marine Resources Commission, 2600 Washington Ave., 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002, or e-mail dcawthon@mrc.state.va.us.

**Summary:**

*This emergency regulation establishes a clam harvest season in the Newport News Shellfish Management Area.*

**4 VAC 20-563-10. Purpose.**

*The purpose of this emergency regulation is to offset a loss of clamming days within the Newport News Shellfish Management Area, in response to a Virginia Health Department, Division of Shellfish Sanitation, closure of a portion of the James River that encompasses the Newport News Shellfish Management Area.*

**4 VAC 20-563-20. Newport News Shellfish Management Area.**

*A. The Newport News Shellfish Management Area shall consist of all current public clamming grounds bounded by a line beginning at the intersection of the James River Bridge and Public Ground No. 1, Warwick County, downstream side; thence east southeasterly along the boundary to corner #5, Public Ground No. 1, Warwick County; thence southeast along the boundary to a corner (249,066.55/2,595,681.74); thence northeast along the boundary to the intersection of a line between the James River Bridge and the northwest corner of Newport News Shipbuilding and Drydock Company shipyard near station "HELO," said line being perpendicular to the James River Bridge; thence southeast along the defined line to the northwest corner of the shipyard; thence downstream to the offshore end of the floating drydock; thence to the offshore end of shipyard pier #6 just south of "Stack"; thence to the offshore end of pier #2 (F R Priv); thence to FI Y "A" off the end of the pier just south of 23rd Street; thence to the offshore end of pier #9 (2 F Y siren); thence to the offshore end of the old coal pier downstream of pier #9; thence to navigational aid FI G "13"; thence to the northeast corner of the Fan Building on the south island of the Monitor Merrimac Bridge Tunnel; thence southerly along the downstream side of the Monitor Merrimac Bridge Tunnel to the first overhead light structure on the bridge tunnel north of the small boat channel hump; thence northwesterly to corner #3, lease #10091 (Hazelwood); thence northwesterly along the boundary to corner #2, lease #10091 (Hazelwood); thence*

*southwesterly to corner #1, Public Ground No. 2, Nansemond County; thence northwesterly along the boundary to corner #6, at the intersection of Public Ground No. 2, Nansemond County, and Public Ground No. 6, Isle of Wight County; thence north northwesterly along the boundary to corner #614, Public Ground No. 6, Isle of Wight County; thence north northwesterly along the boundary to corner #2, Public Ground No. 6, Isle of Wight County; thence northwesterly along the boundary to the intersection of the James River Bridge and Public Ground No. 6, Isle of Wight County; thence northeasterly along the downstream side of the James River Bridge to the intersection with Public Ground No. 1, Warwick County, at the point of beginning.*

**4 VAC 20-563-30. Harvest season.**

*A. The open harvest season for the Newport News Shellfish Management Area shall be from March 26, 2003, through April 11, 2003. Harvest of hard clams in the Newport News Shellfish Management Area shall occur only on Mondays through Fridays during the open harvest season. Thereafter, the Newport News Shellfish Management Area shall be managed by the authority promulgated in Virginia regulation 4 VAC 20-560.*

*B. It shall be unlawful to harvest hard clams from the Newport News Shellfish Management Area, except as provided in subsection A of this section.*

**4 VAC 20-563-40. Harvest restrictions.**

*A. It shall be unlawful for any person to possess any hard clam that cannot be passed through a 2-7/8-inch inside diameter culling ring.*

*B. For the possession limit described in subsection A of this section, there shall be a 10% tolerance of hard clams, by number, in each bag or container.*

*C. It shall be unlawful for any person to harvest clams with patent tongs from the Newport News Shellfish Management Area before sunrise or after 2 p.m.*

**4 VAC 20-563-50. Penalty.**

*As set forth in § 28.2-903 of the Code of Virginia, any person violating any provision of this regulation shall be guilty of a Class 3 misdemeanor, and a second, or subsequent violation of any provision of this regulation committed by the same person, within 12 months of a prior violation, is a Class 1 misdemeanor.*

VA.R. Doc. No. R03-162; Filed March 26, 2003, 4:01 p.m.





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# FORMS

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## TITLE 9. ENVIRONMENT

### STATE WATER CONTROL BOARD

**EDITOR'S NOTICE:** The following forms have been filed by the State Water Control Board. The forms are available for public inspection at the State Water Control Board, 629 East Main Street, Richmond, Virginia 23219, or the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia. Copies of the forms may be obtained from Steven E. Begg, Virginia Water Protection Permit Program, State Water Control Board, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4170, FAX (804) 698-4347.

**Title of Regulation: 9 VAC 25-210. Virginia Water Protection Permit Program Regulation.**

#### FORMS

Department of Environmental Quality Water Division Permit Application Fee.

Joint Permit Application for Activities in Waters and Wetlands of the Commonwealth of Virginia.

*Quarterly Reporting of Impacts Less than One-Tenth Acre (insert reporting period) Statewide (eff. 4/03).*

**Title of Regulation: 9 VAC 25-660. Virginia Water Protection General Permit for Impacts Less than One-Half of an Acre.**

#### FORMS

Department of Environmental Quality Water Division Permit Application Fee (eff. 8/01).

Joint Permit Application for Activities in Waters and Wetlands of the Commonwealth of Virginia (eff. 8/01).

Virginia Water Protection General Permit Registration Statement (eff. 8/01).

*Quarterly Reporting of Impacts Less than One-Tenth Acre (insert reporting period) Statewide (eff. 4/03).*

**Title of Regulation: 9 VAC 25-680. Virginia Water Protection General Permit for Linear Transportation Projects.**

#### FORMS

Department of Environmental Quality Water Division Permit Application Fee (eff. 8/01).

Joint Permit Application for Activities in Waters and Wetlands of the Commonwealth of Virginia (eff. 8/01).

Virginia Water Protection General Permit Registration Statement (eff. 8/01).

*Quarterly Reporting of Impacts Less than One-Tenth Acre (insert reporting period) Statewide (eff. 4/03).*

**Title of Regulation: 9 VAC 25-690. Virginia Water Protection General Permit for Impacts from Development Activities.**

## FORMS

Department of Environmental Quality Water Division Permit Application Fee (eff. 10/01).

Joint Permit Application for Activities in Waters and Wetlands of the Commonwealth of Virginia (eff. 10/01).

Virginia Water Protection General Permit Registration Statement (eff. 10/01).

*Quarterly Reporting of Impacts Less than One-Tenth Acre (insert reporting period) Statewide (eff. 4/03).*

Quality Reporting of Pesticides from Other Than Aqueous  
(issue reporting period)  
Schedule

Permit #	Project Number	Residency	WFO State Website	Project Description	Name of Worker(s)	MOE	Chemical	Treat Dates	Latitude	Longitude	Approximate Insects (sq ft): PER1   PSS1   PFO1   WODS1	Temporary Insects (sq ft): PER2   PSS2   PFO2   WODS2	Special Insect (ft): SPECIAL	Treat Time Amount	Worker's Compensation Date, Name & Number of Credits

State Water Control Board  
1-Apr-03

9 VAC 25-210  
9 VAC 25-600  
9 VAC 25-600  
9 VAC 25-600

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# GOVERNOR

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EXECUTIVE ORDER NUMBER 43 (2003)

**DECLARATION OF A STATE OF EMERGENCY  
THROUGHOUT THE COMMONWEALTH DUE TO A  
SEVERE WINTER STORM AND DECLARATION OF A  
POSTPONEMENT OF AN ELECTION IN GREENE  
COUNTY**

During a period of several days beginning February 15, 2003, the Commonwealth of Virginia suffered the impact of a severe winter storm that caused flooding, ice conditions, impassable roads. The storm also isolated communities throughout the Commonwealth. Significant snow fell on parts of northwest Virginia. Freezing rain caused icy conditions on roads and power lines in central and southern Virginia. More than four inches of rain brought rivers in southwest Virginia above flood stage, damaging homes and businesses and driving residents from their homes.

The health and general welfare of the citizens of the localities that are affected required that state action be taken to help alleviate the conditions resulting from this storm. I feel that the effects of the impact of these significant storm systems and subsequent flooding constitute a natural disaster wherein human life and public and private property are imperiled, as described in § 44-75.1.A.4 of the Code of Virginia.

Therefore, by virtue of the authority vested in me by § 44-146.17 of the Code of Virginia, as Governor and as Director of Emergency Management, and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by § 44-75.1 of the Code of Virginia, as Governor and Commander-in-Chief of the armed forces of the Commonwealth, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby proclaimed on February 16, 2003, that a state of emergency exists and I directed that appropriate assistance be rendered by agencies of both state and local governments to alleviate any conditions resulting from the storm's impact, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions insofar as possible. Pursuant to § 44-75.1.A.3 and A.4 of the Code of Virginia, I also directed that the Virginia National Guard and the Virginia Defense Force be called forth to state duty to assist in providing such aid. This shall include Virginia National Guard assistance to the Virginia State Police to provide law enforcement functions as the Superintendent of State Police, in consultation with the State Coordinator of Emergency Management, the Adjutant General, and the Secretary of Public Safety, may find necessary.

In order to marshal all public resources and appropriate preparedness, response and recovery measures to meet this potential threat and recover from its effects, and in accordance with my authority contained in § 44-146.17 of the Emergency Services and Disaster Laws, I hereby order the following protective and restoration measures:

A. The implementation by agencies of the state and local governments of Volumes 1 (Basic Plan) and Volume 2 (Disaster Recovery Plan) of the Virginia Emergency

Operations Plan, as amended, along with other appropriate state agency plans.

B. Activation of the Virginia Emergency Operations Center (VEOC) and State Emergency Response Team (SERT). Furthermore, I am directing that the VEOC and SERT coordinate state operations in support of affected localities and the Commonwealth, to include issuing mission assignments to agencies designated in the Commonwealth of Virginia Emergency Operations Plan (COVEOP) and others that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety, which are needed to provide for the preservation of life, protection of property, and implementation of recovery activities.

C. The authorization to assume control over the Commonwealth's state-operated telecommunications systems, as required by the State Coordinator of Emergency Management, in coordination with the Department of Information Technology, and with the prior consent of the Secretary of Public Safety, making all systems assets available for use in providing adequate communications, intelligence and warning capabilities for the event, pursuant to § 44-146.18 of the Code of Virginia.

D. The evacuation of areas threatened or stricken by this flooding. Following a declaration of a local emergency pursuant to § 44-146.21 of the Code of Virginia, if a local governing body determines that evacuation is deemed necessary for the preservation of life or other emergency mitigation, response or recovery, pursuant to § 44-146.17 (1) of the Code of Virginia, I direct the evacuation of all or part of the populace therein from such areas and upon such timetable as the local governing body, in coordination with the Virginia Emergency Operations Center (VEOC), acting on behalf of the State Coordinator of Emergency Management, shall determine. Notwithstanding the foregoing, I reserve the right to direct and compel evacuation from the same and different areas and determine a different timetable both where local governing bodies have made such a determination and where local governing bodies have not made such a determination. Violations of any order to citizens to evacuate shall constitute a violation of this Executive Order and are punishable as a Class 1 misdemeanor.

E. The activation, implementation and coordination of appropriate mutual aid agreements and compacts, including the Emergency Management Assistance Compact, and the authorization of the State Coordinator of Emergency Management to enter into any other supplemental agreements, pursuant to §§ 44-146.17(5) and 44-146.28:1 of the Code of Virginia, to provide for the evacuation and reception of injured and other persons and the exchange of medical, fire, police, National Guard personnel and equipment, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies. The State Coordinator of Emergency Management is hereby designated as Virginia's authorized representative within the meaning of the Emergency Management Assistance Compact, § 44-146.28:1 of the Code of Virginia.

F. The authorization of the Departments of State Police, Transportation and Motor Vehicles to grant temporary overweight, overwidth, registration, or license exemptions to carriers transporting essential emergency relief supplies into and through the Commonwealth in order to support the disaster response and recovery.

The axle and gross weights shown below are the maximum allowed, unless otherwise posted.

Any One Axle	24,000 Pounds
Tandem Axles (more than 40 inches but not more than 96 inches spacing between axle centers)	44,000 Pounds
Single Unit (2 Axles)	44,000 Pounds
Single Unit (3 Axles)	54,500 Pounds
Tractor-Semitrailer (4 Axles)	64,500 Pounds
Tractor-Semitrailer (5 or more Axles)	90,000 Pounds
Tractor-Twin Trailers (5 or more Axles)	90,000 Pounds
Other Combinations (5 or more Axles)	90,000 Pounds
Per Inch of Tire Width in Contact with Road Surface	850 Pounds

All overwidth loads, up to a maximum of 16 feet, must follow Virginia Department of Transportation (VDOT) hauling permit and safety guidelines.

In addition to described overweight/overwidth transportation privileges, carriers are also exempt from registration with the Department of Motor Vehicles. This includes the vehicles en-route and returning to their home base. The above-cited agencies shall communicate this information to all staff responsible for permit issuance and truck legalization enforcement.

This authorization shall apply to hours worked by any carrier when transporting passengers, property, equipment, food, fuel, construction materials and other critical supplies to or from any portion of the Commonwealth for purpose of providing relief or assistance as a result of this disaster, pursuant to § 52-8.4 of the Code of Virginia.

The foregoing overweight/overwidth transportation privileges as well as the regulatory exemption provided by § 52-8.4.A of the Code of Virginia, and implemented in § 19 VAC 30-20-40 B of the "Motor Carrier Safety Regulations," shall remain in effect for 30 days from the onset of the disaster, or until emergency relief is no longer necessary, as determined by the Secretary of Public Safety in consultation with the Secretary of Transportation, whichever is earlier.

G. The discontinuance of provisions authorized in paragraph F above may be implemented and disseminated by publication of administrative notice to all affected and interested parties by the authority I hereby delegate to the Secretary of Public Safety, after consultation with other affected Cabinet-level Secretaries.

H. The authorization of appropriate oversight boards, commissions and agencies to ease building code restrictions, and to permit emergency demolition, hazardous waste disposal, debris removal, emergency landfill siting and operations and other activities necessary to address immediate health and safety needs without regard to time-

consuming procedures or formalities and without regard to application or permit fees or royalties. This state of emergency constitutes a major medical emergency under the Rules and Regulations of the Board of Health Governing Emergency Medical Services, pursuant to Article 3.01 (§ 32.1-111.1 et seq.) of Chapter 4 of Title 32.1, of the Code of Virginia, Statewide Emergency Medical Services System and Services, and exemptions specified in the Rules and Regulations regarding patient transport and provider certification in disasters apply.

I. The implementation by public agencies under my supervision and control of their emergency assignments as directed in the COVEOP without regard to normal procedures pertaining to performance of public work, entering into contracts, incurring of obligations, or other logistical and support measures of the Emergency Services and Disaster Laws, as provided in § 44-146.28 (b) of the Code of Virginia. Section 44-146.24 of the Code of Virginia also applies to the disaster activities of state agencies.

J. Designation of members and personnel of volunteer, auxiliary and reserve groups including search and rescue (SAR), Virginia Associations of Volunteer Rescue Squads (VAVRS), Civil Air Patrol (CAP), member organizations of the Voluntary Organizations Active in Disaster (VOAD), Radio Amateur Civil Emergency Services (RACES), volunteer fire fighters, and others identified and tasked by the State Coordinator of Emergency Management for specific disaster-related mission assignments as representatives of the Commonwealth engaged in emergency services activities within the meaning of the immunity provisions of § 44-146.23 (a) of the Code of Virginia, in the performance of their specific disaster-related mission assignments.

The following conditions apply to the deployment of the Virginia National Guard and the Virginia Defense Force:

1. The Adjutant General of Virginia, after consultation with the State Coordinator of Emergency Management, shall make available on state active duty such units and members of the Virginia National Guard and Virginia Defense Force and such equipment as may be necessary or desirable to assist in preparations and in alleviating the human suffering and damage to property.
2. Pursuant to § 52-6 of the Code of Virginia, I authorize and direct the Superintendent of State Police to appoint any and all such Virginia Army and Air National Guard personnel called to state active duty as additional police officers. These police officers shall have the same powers and perform the same duties as the regular State Police officers appointed by the Superintendent. However, they shall nevertheless remain members of the Virginia National Guard, subject to military command as members of the State Militia. Any bonds and/or insurance required by § 52-7 of the Code of Virginia shall be provided for them at the expense of the Commonwealth.
3. In all instances, members of the Virginia National Guard and Virginia Defense Force shall remain subject to military command as prescribed by § 44-78.1 of the Code of Virginia and not subject to the civilian authorities of

county or municipal governments. This shall not be deemed to prohibit working in close cooperation with members of the Virginia Departments of State Police or Emergency Management or local law enforcement or emergency management authorities or receiving guidance from them in the performance of their duties.

4. Should service under this Executive Order result in the injury or death of any member of the Virginia National Guard, the following will be provided to the member and the member's dependents or survivors:

(a) Workers Compensation benefits provided to members of the National Guard by the Virginia Workers Compensation Act, subject to the requirements and limitations thereof; and, in addition,

(b) The same benefits, or their equivalent, for injury, disability and/or death, as would be provided by the federal government if the member were serving on federal active duty at the time of the injury or death. Any such federal-type benefits due to a member and his or her dependents or survivors during any calendar month shall be reduced by any payments due under the Virginia Workers Compensation Act during the same month. If and when the time period for payment of Workers Compensation benefits has elapsed, the member and his or her dependents or survivors shall thereafter receive full federal-type benefits for as long as they would have received such benefits if the member had been serving on federal active duty at the time of injury or death. Any federal-type benefits due shall be computed on the basis of military pay grade E-5 or the member's military grade at the time of injury or death, whichever produces the greater benefit amount. Pursuant to § 44-14 of the Code of Virginia, and subject to the availability of future appropriations which may be lawfully applied to this purpose, I now approve of future expenditures out of appropriations to the Department of Military Affairs for such federal-type benefits as being manifestly for the benefit of the military service.

5. The costs incurred by the Department of Military Affairs and the Virginia Defense Force in performing these missions shall be paid out of the sum sufficient appropriation for Disaster Planning and Operations contained in Item 454 of Chapter 899, 2002 Virginia Acts of Assembly.

The following conditions apply to service by the Virginia Defense Force:

1. Compensation shall be at a daily rate that is equivalent of base pay only for a National Guard Unit Training Assembly, commensurate with the grade and years of service of the member, not to exceed 20 years of service;
2. Lodging and meals shall be provided by the Adjutant General or reimbursed at standard state per diem rates;
3. All privately owned equipment, including, but not limited to, vehicles, boats, and aircraft, will be reimbursed for expense of fuel. Damage or loss of said equipment will be reimbursed, minus reimbursement from personal insurance, if said equipment was authorized for use by

the Adjutant General in accordance with § 44-54.12 of the Code of Virginia; and

4. In the event of death or injury, benefits shall be provided in accordance with the Virginia Workers Compensation Act, subject to the requirements and limitations thereof.

Upon my approval, the costs incurred by state agencies and other agents in performing mission assignments through the VEOC of the Commonwealth as defined herein and in § 44-146.28 of the Code of Virginia, other than costs defined in Item 5 of the paragraphs above pertaining to the Virginia National Guard and the Virginia Defense Force, in performing these missions shall be paid out of the sum sufficient appropriation for Disaster Planning and Operations contained in Item 47 of Chapter 899, 2002 Virginia Acts of Assembly.

In view of the emergency existing throughout the state and upon the request of the Greene County electoral board and by virtue of the authority granted to me in § 24.2-603.1 of the Code of Virginia, I hereby postpone the special election planned for Greene County for February 18, 2003, until March 4, 2003. This election had been scheduled for purposes of considering a school bond referendum. I hereby direct that all absentee ballots cast prior to February 18, 2003, shall be counted when results are tallied on March 4, 2003. Any person who was duly registered to vote as of February 18, 2003, and who has not voted absentee, may vote by absentee ballot in accordance with the provisions of § 24.2-700 et seq. of the Code of Virginia. The ballots prepared for use on February 18, 2003, may be used on the March 4, 2003, election and do not need to be reprinted. However, no results shall be tallied or votes counted in this election before the closing of the polls on March 4, 2003, at 7:00 p.m.

This Executive Order shall be effective retroactive to February 15, 2003, and shall remain in full force and effect until June 30, 2003, unless sooner amended or rescinded by further executive order. Termination of the Executive Order is not intended to terminate any federal benefits granted or to be granted due to injury or death as a result of service under this Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 17th day of February 2003.

/s/ Mark R. Warner  
Governor

VA.R. Doc. No. R03-170; Filed March 31, 2003, 12:04 p.m.

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# GENERAL NOTICES/ERRATA

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## STATE CORPORATION COMMISSION

### Bureau of Insurance

March 19, 2003

Administrative Letter 2003-03

**TO: All Insurers Licensed to Write Title Insurance in Virginia**

**RE: Practices that Constitute Unfair Discrimination by Title Insurance Companies**

Title insurance companies are exempt from the rate filing requirements in Chapter 19 of Title 38.2 of the Code of Virginia. However, § 38.2-4608 states that title insurance risk rates "shall not be unfairly discriminatory between risks involving essentially the same hazards and expense elements." In the context of ratemaking, "unfair discrimination" occurs when an insurer charges a different rate for the same coverage, and the rate differential is not based on sound actuarial principles or related to actual or reasonably anticipated experience. The Bureau has found that some companies are issuing new rates for use by certain appointed agents, while other appointed agents are continuing to sell policies using the old rates. This practice is unfairly discriminatory on its face since it is not based on sound actuarial principles or related to actual or reasonably anticipated experience.

Questions regarding this letter should be directed to Rebecca Nichols, CPCU, CIC, AIE, Principal Insurance Market Examiner, Property & Casualty Division - Personal Lines Forms & Rates Section, at (804) 371-9965 or by email at nichols@scc.state.va.us.

/s/ Alfred W. Gross  
Commissioner of Insurance

## STATE LOTTERY DEPARTMENT

The following Director's Orders of the State Lottery Department were filed with the Virginia Registrar of Regulations on March 28, 2003. The orders may be viewed at the State Lottery Department, 900 E. Main Street, Richmond, Virginia or at the office of the Registrar of Regulations, 910 Capitol Street, 2nd Floor, Richmond, Virginia.

### DIRECTOR'S ORDER NUMBER ONE (03)

"The Big One" Virginia Lottery Retailer Incentive Program Rules (effective 1/16/03).

### DIRECTOR'S ORDER NUMBER THREE (03)

Virginia's Instant Game Lottery 244; "Double Your Luck," Final Rules for Game Operation (effective 1/21/03).

### DIRECTOR'S ORDER NUMBER FOUR (03)

Virginia's Instant Game Lottery 246; "Cash Tripler," Final Rules for Game Operation (effective 1/21/03).

### DIRECTOR'S ORDER NUMBER FIVE (03)

Virginia's Instant Game Lottery 546; "Super Bucks," Final Rules for Game Operation (effective 1/21/03).

### DIRECTOR'S ORDER NUMBER SIX (03)

Virginia's Instant Game Lottery 548; "Poker Royale," Final Rules for Game Operation (effective 1/21/03).

### DIRECTOR'S ORDER NUMBER SEVEN (03)

Virginia's Instant Game Lottery 321; "\$100,000 Bingo," Final Rules for Game Operation (effective 2/21/03).

### DIRECTOR'S ORDER NUMBER EIGHT (03)

Virginia's Instant Game Lottery 547; "Vegas," Final Rules for Game Operation (effective 2/21/03).

### DIRECTOR'S ORDER NUMBER NINE (03)

Virginia's Instant Game Lottery 560; "Rainbow Riches," Final Rules for Game Operation (effective 3/4/03).

### DIRECTOR'S ORDER NUMBER TEN (03)

Virginia's Instant Game Lottery 551; "\$25,000 Diamonds," Final Rules for Game Operation (effective 3/11/03).

### DIRECTOR'S ORDER NUMBER ELEVEN (03)

Virginia's Instant Game Lottery 561; "Mega Bucks," Final Rules for Game Operation (effective 3/11/03).

### DIRECTOR'S ORDER NUMBER TWELVE (03)

Virginia's Instant Game Lottery 562; "Magic Numbers," Final Rules for Game Operation (effective 3/11/03).

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### DIRECTOR'S ORDER NUMBER TWO (03)

Certain Virginia Instant Game Lotteries; End Of Games.

In accordance with the authority granted by §§ 2.2-4002 B (15) and 58.1-4006 A of the Code of Virginia, I hereby give notice that the following Virginia Lottery instant games will officially end at midnight on February 7, 2003:

Game 205 – Crazy 8's	Game 234 – Red Hot \$100's
Game 212 – ChaChing	Game 485 – Super Lucky 7's
Game 223 – Cut the Deck	Game 507 – Go for the Green
Game 227 – Aces & 8's	Game 518 – Solitaire
Game 228 – Heads or Tails	Game 529 – Beetle Bailey
Game 230 – Nifty Fifties	Game 533 – Monster Money

The last day for lottery retailers to return for credit unsold tickets from any of these games will be March 14, 2003. The last day to redeem winning tickets for any of these games will be August 6, 2003, 180 days from the declared official end of the game. Claims for winning tickets from any of these games will not be accepted after that date. Claims that are mailed and received in an envelope bearing a United States Postal Service postmark of August 6, 2003, will be deemed to have been received on time. This notice amplifies and conforms to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

This order is available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia; and at any State Lottery Department regional office. A copy may be requested by mail by writing to: Public Affairs Office, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

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## General Notices/Errata

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This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Richard G. Wilkinson  
Director, Lottery Operations  
Date: January 21, 2003

AGENCY RESPONSE TO LEGISLATIVE OBJECTIONS -  
RR08  
PETITION FOR RULEMAKING - RR13

### STATE WATER CONTROL BOARD

#### Consent Special Order Town of Vinton

The State Water Control Board (SWCB) proposes to issue a Consent Special Order to the Town of Vinton in settlement of a civil enforcement action under the Permit Regulation. The SWCB will consider written comments relating to this settlement, until 5 p.m. on May 21, 2002. Comments must include the commenter's name, address, and telephone number and can be e-mailed to [rpsteele@deq.state.va.us](mailto:rpsteele@deq.state.va.us) or mailed to:

Robert Steele  
DEQ - West Central Regional Office  
3019 Peters Creek Road  
Roanoke, VA 24019

The order is available at [www.deq.state.va.us/enforcement/notices.html](http://www.deq.state.va.us/enforcement/notices.html) and at the above office during regular business hours. You may also request copies from Mr. Steele at the address above or by calling him at (540) 562-6777.

### 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://register.state.va.us>

#### 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

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# CALENDAR OF EVENTS

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## Symbol Key

- † Indicates entries since last publication of the *Virginia Register*  
♿ 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](http://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

† **May 6, 2003 - 10 a.m.** -- Open Meeting  
Holiday Inn-Richmond, 6531 West Broad Street, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A meeting to discuss general business matters requiring board action. A public comment period will be held at the beginning of the meeting. The meeting is subject to cancellation and the time of the meeting is subject to change. Any person desiring to attend the meeting and requiring special accommodations or interpretative services should contact the board office at (804) 367-8505 or TTY (804) 367-9753 at least 10 days prior to the meeting so suitable arrangements can be made. The board fully complies with the American with Disabilities Act.

**Contact:** Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 W. Broad St., Suite 696, Richmond, VA 23230-4916, telephone (804) 367-8505, FAX (804) 367-2174, (804) 367-9753/TTY☎, e-mail [boa@boa.state.va.us](mailto:boa@boa.state.va.us).

### COMMONWEALTH COUNCIL ON AGING

† **April 17, 2003 - 2 p.m.** -- Open Meeting  
Conference Call

The Commonwealth Council on Aging's Health Care System Subcommittee discussing the council's Strategic Plan for Aging in Virginia will hold its first meeting by conference call. Public comments are welcomed.

**Contact:** Marsha Mucha, Virginia Department for the Aging, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9312.

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

**May 13, 2003 - 10 a.m.** -- Public Hearing

Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia.

NOTE: EXTENSION OF PUBLIC COMMENT PERIOD  
**September 2, 2003** - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to amend regulations entitled: **2 VAC 5-20. Standards for Classification of Real Estate as Devoted to Agricultural Use and to Horticultural Use under the Virginia Land Use Assessment Law.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, including amending the regulation to satisfy the statutory amendment made by Chapter 705 of the 2001 Acts of Assembly. Under that provision, localities are authorized to waive, with respect to real estate devoted to the production of crops that require more than two years from initial planting until commercially feasible harvesting, any requirement contained in the regulation that requires the real estate to have been used for a particular purpose for a minimum length of time before qualifying as real estate devoted to agricultural or horticultural use. The Commissioner of Agriculture and Consumer Services is to promulgate regulations to carry out the provisions of the act.

Statutory Authority: § 58.1-3230 of the Code of Virginia; Chapter 705 of the 2001 Acts of Assembly.

**Contact:** Lawrence H. Redford, Regulatory Coordinator, Department of Agriculture and Consumer Services, 1100 Bank St., Room 211, Richmond, VA 23219, telephone (804) 371-8067, FAX (804) 371-2945, or e-mail [redford@vdacs.state.va.us](mailto:redford@vdacs.state.va.us).

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NOTE: EXTENSION OF PUBLIC COMMENT PERIOD  
† **August 1, 2003** - Public comments may be submitted until 5 p.m. on this date.



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# Calendar of Events

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Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to amend regulations entitled: **2 VAC 5-360. Regulations for the Enforcement of the Virginia Commercial Feed Act.** The purpose of the proposed action is to amend the current regulation to incorporate the changes made to the commercial feed industry standards by the Association of American Feed Control Officials in the last decade and statutory changes made to Virginia's Commercial Feed Law in 1994.

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

**Contact:** J. Alan Rogers, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 402, Richmond, VA 23219, telephone (804) 786-2476, FAX (804) 371-1571 or e-mail jrogers@vdacs.state.va.us.

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NOTE: EXTENSION OF PUBLIC COMMENT PERIOD


† **August 1, 2003** - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Agriculture and Consumer Services intends to amend regulations entitled: **2 VAC 5-440. Rules and Regulations for Enforcement of the Virginia Pest Law - Cotton Boll Weevil Quarantine.** The purpose of the proposed regulatory action is to amend the regulation to (i) establish the fixed date of July 1 as the official reporting and payment date for acreage assessment, (ii) reduce penalties assessed on farm operators for the late payment or nonpayment of fees from \$10 to \$5.00 per acre, and (iii) eliminate the mandate for destruction of the cotton crop for nonpayment of fees and assessments by farm operators.

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

**Contact:** Frank M. Fulgham, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 703, Richmond, VA 23219, telephone (804) 786-3515, FAX (804) 371-7793 or e-mail ffulgham@vdacs.state.va.us.

## Virginia State Apple Board

† **April 16, 2003 - 1 p.m.** -- Open Meeting  
Rowe's Restaurant, 74 Rowe Road (intersection of I-81/Route 250), Staunton, Virginia. 

The board will meet to approve the minutes of the last meeting held on February 26, 2003. In addition, the board will review its financial statement. The board is expected to discuss old business arising from the last meeting and any new business to 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 Dave Robishaw at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Dave Robishaw, Secretary, Virginia State Apple Board, 900 Natural Resources Dr., Suite 300, Charlottesville, VA 22903, telephone (434) 984-0573, FAX (434) 984-4156.


## Pesticide Control Board

† **April 17, 2003 - 9 a.m.** -- Open Meeting  
Washington Building, 1100 Bank Street, 2nd Floor, Boardroom, Richmond, Virginia. 

A general business meeting. Portions of the meeting may be held in closed session pursuant to § 2.2-3711 of the Code of Virginia. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Dr. Marvin A. Lawson at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Dr. Marvin A. Lawson, Program Manager/Office of Pesticide Services, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., 4th Floor, Richmond, VA 23219, telephone (804) 371-6558, FAX (804) 371-8598, toll-free (800) 552-9963, e-mail mlawson@vdacs.state.va.us.


## Virginia Winegrowers Advisory Board - Marketing Committee

† **April 15, 2003 - 10 a.m.** -- Open Meeting  
Washington Building, 1100 Bank Street, Ninth Floor Conference Room, Richmond, Virginia. 

The Committee of the board will meet to review and judge the Retail and Restaurant Award Nominations and select the Retailer of the Year, Restaurant of the Year, and Wine Industry Person of the Year. The committee 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 Mary Davis-Barton at least two days before the meeting date so that suitable arrangements can be made.

**Contact:** Mary Davis-Barton, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., 9th Floor, Richmond, VA 23219, telephone (804) 371-7685, FAX (804) 786-3122, e-mail mdavis-barton@vdacs.state.va.us.

## STATE AIR POLLUTION CONTROL BOARD

† **April 7, 2003 - 9:30 a.m.** -- Open Meeting  
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

A quarterly board meeting. Also includes agenda from February 28, 2003, canceled meeting.

**Contact:** Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4346, e-mail cmb Berndt@deq.state.va.us.

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**April 9, 2003 - 9 a.m.** -- Public Hearing  
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia.

**April 25, 2003** -- Public comment may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **9 VAC 5-40. Existing Stationary Sources**. The purpose of the proposed action is to amend the regulations for the control and abatement of air pollution relative to controlling emissions from municipal solid waste landfills.

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

Public comments may be submitted until 5 p.m. on April 25, 2003.

**Contact:** Karen G. Sabasteanski, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510 or e-mail kgsabastea@deq.state.va.us.

## ALCOHOLIC BEVERAGE CONTROL BOARD

**April 14, 2003 - 9 a.m.** -- Open Meeting


**April 28, 2003 - 9 a.m.** -- Open Meeting

**May 12, 2003 - 9 a.m.** -- Open Meeting

**May 28, 2003 - 9 a.m.** -- Open Meeting

**June 9, 2003 - 9 a.m.** -- Open Meeting

**June 23, 2003 - 9 a.m.** -- Open Meeting


Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. 

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


**Contact:** W. Curtis Coleburn, III, Secretary to the Board, Alcoholic Beverage Control Board, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4409, FAX (804) 213-4442, e-mail wccolen@abc.state.va.us.

## ALZHEIMER'S DISEASE AND RELATED DISORDERS COMMISSION

**May 5, 2003 - 10 a.m.** -- Open Meeting


Department for the Aging, 1600 Forest Avenue, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting.

**Contact:** Janet L. Honeycutt, Director of Grant Operations, Alzheimer's Disease and Related Disorders Commission, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9333, FAX (804) 662-9354, toll-free (800) 552-3402, (804) 662-9333/TTY  e-mail jlhoneycutt@vdh.state.va.us.

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


† **April 29, 2003 - 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 of the Professional Engineers Section to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY  e-mail APELSCIDLA@dpor.state.va.us.


† **April 30, 2003 - 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 of the Architects Section to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY  e-mail APELSCIDLA@dpor.state.va.us.

† **May 1, 2003 - 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 of the Landscape Architect Section to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

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## Calendar of Events

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**Contact:** Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail APELSCIDLA@dpor.state.va.us.

**† May 6, 2003 - 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 of the Land Surveyors Section to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail APELSCIDLA@dpor.state.va.us.

**† May 8, 2003 - 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 of the Certified Interior Designers Section to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail APELSCIDLA@dpor.state.va.us.

**† June 5, 2003 - 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 of the board to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail APELSCIDLA@dpor.state.va.us.

**June 5, 2003 - 2:30 p.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

An informal fact-finding conference of the Land Surveyor Section. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Ilona LaPaglia, Legal Assistant, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2394, FAX (804) 367-0194, (804) 367-9753/TTY ☎, e-mail LaPaglia@dpor.state.va.us.

### ART AND ARCHITECTURAL REVIEW BOARD

**May 2, 2003 - 10 a.m.** -- Open Meeting

**June 6, 2003 - 10 a.m.** -- Open Meeting

Science Museum of Virginia, 2500 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A monthly meeting to review projects submitted by state agencies. AARB submittal forms and submittal instructions can be downloaded by visiting the DGS forms center at [www.dgs.state.va.us](http://www.dgs.state.va.us). Request Submittal Form # DGS-30-905 or Submittal Instructions form # DGS-30-906.

**Contact:** Richard L. Ford, AIA, Chairman, Art and Architectural Review Board, 1011 E. Main Street, #221, Richmond, VA 23219, telephone (804) 643-1977, FAX (804) 643-1981, (804) 786-6152/TTY ☎, e-mail rlfia@aol.com.

### COMPREHENSIVE SERVICES FOR AT-RISK YOUTH AND FAMILIES

#### State Executive Council

**April 30, 2003 - 9 a.m.** -- Open Meeting

**May 28, 2003 - 9 a.m.** -- Open Meeting

**† June 25, 2003 - 9 a.m.** -- Open Meeting

Department of Social Services, 730 East Broad Street, Lower Level Room 3, Richmond, Virginia. ♿

The meeting is generally held the last Wednesday of each month at the Department of Social Services, Lower Level Room 3. For traveling directions, please call (804) 692-1100.

**Contact:** Alan G. Saunders, Director, Office of Comprehensive Services for At-Risk Youth and Families, 1604 Santa Rosa Rd., Richmond, VA 23229, telephone (804) 662-9815, FAX (804) 662-9831, e-mail ags992@central.dss.state.va.us.

## AUCTIONEERS BOARD

† **April 10, 2003 - 10 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. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY, e-mail courtney@dpor.state.va.us.

## VIRGINIA AVIATION BOARD

† **April 22, 2003 - 3 p.m.** -- Open Meeting  
† **April 23, 2003 - 9 a.m.** -- Open Meeting  
Ivor Massey Building, Richmond International Airport, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular bimonthly meeting. Applications for state funding will be presented to the board and other matters of interest to the Virginia aviation community will be discussed. Individuals with disabilities should contact Carolyn Toth 10 days prior to the meeting if assistance is needed.

**Contact:** Carolyn Toth, Administrative Assistant, Virginia Aviation Board, 5702 Gulfstream Rd., Richmond, VA 23250, telephone (804) 236-3637, FAX (804) 236-3635, toll-free (800) 292-1034, (804) 236-3624/TTY, e-mail toth@doav.state.va.us.

## BOARD FOR THE BLIND AND VISION IMPAIRED

**April 8, 2003 - 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 endowment fund, and discuss other issues raised for the board members.

**Contact:** Katherine C. Proffitt, Administrative Staff Assistant, Department for the Blind and Vision Impaired, 397 Azalea Avenue, Richmond VA 23227, telephone (804) 371-3145,

FAX (804) 371-3157, toll-free (800) 622-2155, (804) 371-3140/TTY, or e-mail proffikc@dbvi.state.va.us.

## BOARD FOR BRANCH PILOTS

† **May 5, 2003 - 8:30 a.m.** -- Open Meeting  
Virginia Port Authority, 600 World Trade Center, Board Room, Norfolk, Virginia. (Interpreter for the deaf provided upon request)

A meeting of the Examination Administrators. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY, e-mail courtney@dpor.state.va.us.

† **May 5, 2003 - 10 a.m.** -- Open Meeting  
Virginia Port Authority, 600 World Trade Center, Board Room, Norfolk, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY, e-mail courtney@dpor.state.va.us.

## CEMETERY BOARD

† **April 8, 2003 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulations, 3600 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

An informal fact-finding conference. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.


**Contact:** Ilona LaPaglia, Legal Assistant, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2394, FAX (804) 367-0194, e-mail LaPaglia@dpor.state.va.us.

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# Calendar of Events

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## May 21, 2003 - 10 a.m. -- Open Meeting

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

A meeting to conduct board business.

**Contact:** Christine Martine, Executive Director, Cemetery Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail cemetery@dpwr.state.va.us.

## STATE CHILD FATALITY REVIEW TEAM

### May 9, 2003 - 10 a.m. -- Open Meeting


Office of the Chief Medical Examiner, 400 East Jackson Street, Richmond, Virginia. 

The business portion of the meeting, from 10 to 10:30 a.m., is open to the public. At the conclusion of the open meeting, the team will go into closed session for confidential case review.


**Contact:** Virginia Powell, Coordinator, State Child Fatality Review Team, 400 E. Jackson St., Richmond, VA 23219, telephone (804) 786-6047, FAX (804) 371-8595, toll-free (800) 447-1708, e-mail vpowell@vdh.state.va.us.

## STATE BOARD FOR COMMUNITY COLLEGES

### † April 29, 2003 - 10 a.m. -- Open Meeting


James Monroe Building, 101 North 14th Street, Godwin-Hamel Board Room, 15th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The board will hold a training session on facilities planning. No official business actions will be taken.

**Contact:** D. Susan Hayden, Public Relations Manager, Virginia Community College System, 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY 

## COMPENSATION BOARD


### † April 14, 2003 - 11 a.m. -- Public Hearing

Augusta County Government Center, Dick Huff Lane off of Lee Highway Route 11, Verona, Virginia. 

A FY-2004 budget hearing.

**Contact:** Cindy P. Waddell, Administrative Staff Assistant, Compensation Board, P.O. Box 710, Richmond, VA 23219, telephone (804) 786-0786, FAX (804) 371-0235, e-mail cwaddell@scb.state.va.us.

### † April 23, 2003 - 11 a.m. -- Open Meeting


Compensation Board, 202 North 9th Street, 10th Floor, Richmond, Virginia. 

A monthly board meeting.

**Contact:** Cindy P. 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.

## COMMONWEALTH COMPETITION COUNCIL

### † April 29, 2003 - 10 a.m. -- Open Meeting


General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting.

**Contact:** Peggy Robertson, Executive Assistant, Commonwealth Competition Council, 1500 E. Franklin St., Richmond 23219, telephone (804) 786-0240, FAX (804) 786-1594, e-mail probertson@ccc.state.va.us.

## DEPARTMENT OF CONSERVATION AND RECREATION

### † April 10, 2003 - 10:30 a.m. -- Open Meeting

James Monroe Tower, 101 North 14th Street, 11th Floor Conference Room, Richmond, Virginia. 

The annual meeting of the Virginia Recreational Trails Grant Advisory Committee to evaluate and rank applications for the Virginia Recreational Trails Grant round that closed on January 31, 2003.

**Contact:** Jerry Cassidy, Grant Administrator, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-3218, FAX (804) 371-7899, e-mail jcassidy@dcr.state.va.us.


### † April 21, 2003 - 6:30 p.m. -- Open Meeting

Rugby Rescue Squad Building, 53 Rugby Road, Mouth of Wilson, Virginia.

The first meeting of the Grayson Highlands State Park Master Plan Advisory Committee on preparation of a new Grayson Highlands State Park Master Plan.

**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.


### † April 22, 2003 - 6:30 p.m. -- Open Meeting

Jackson Elementary School, 4424 Fort Chiswell Road (U.S. Route 52), Cafeteria, Austinville, Virginia.  (Interpreter for the deaf provided upon request)

The first meeting of the New River Trail State Park Master Plan Advisory Committee on preparation of a new New River Trail State Park Master Plan.


**Contact:** Bob Munson, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-6140, FAX (804) 371-7899, e-mail rmunson@dcr.state.va.us.

### † April 23, 2003 - 6:30 p.m. -- Open Meeting

Fairy Stone State Park, 967 Fairystone Lake Drive, Fayerdale Hall, Stuart, Virginia.  (Interpreter for the deaf provided upon request)

The first meeting of the Fairy Stone State Park Master Plan Advisory Committee on preparation of a new Fairy Stone State Park Master Plan.


**Contact:** Robert S. Munson, Planning Bureau Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-6140, FAX (804) 371-7899, e-mail [rmunson@dcr.state.va.us](mailto:rmunson@dcr.state.va.us).

**† April 28, 2003 - 7 p.m.** -- Open Meeting  
Leesylvania State Park, Visitor Center, 2001 Daniel K. Ludwig Drive, Woodbridge, Virginia.  (Interpreter for the deaf provided upon request)

The first meeting of the Leesylvania State Park Master Plan Advisory Committee on preparation of a new Leesylvania State Park Master Plan.

**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](mailto:djones@dcr.state.va.us).


## Virginia Cave Board

**† May 31, 2003 - 1 p.m.** -- Open Meeting  
Department of Conservation and Recreation, Division of Natural Heritage, Conference Room, 203 Governor Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Committee meetings begin at 11 a.m. A general business meeting will begin at 1 p.m.

**Contact:** Larry Smith, N.A. Protection Manager, Department of Conservation and Recreation, 203 Governor St., Richmond, VA 23219, telephone (804) 371-6205, FAX (804) 371-2674, e-mail [lsmith@dcr.state.va.us](mailto:lsmith@dcr.state.va.us).


## Falls of the James Scenic River Advisory Board

**April 10, 2003 - Noon** -- Open Meeting  
City Hall, 900 East Broad Street, 5th Floor, Planning Commission Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss river issues.


**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](mailto:djones@dcr.state.va.us).


## BOARD FOR CONTRACTORS

**April 8, 2003 - 9 a.m.** -- Open Meeting  
**April 29, 2003 - 9 a.m.** -- Open Meeting  
**May 6, 2003 - 9 a.m.** -- Open Meeting  
**May 7, 2003 - 1:30 p.m.** -- Open Meeting  
**May 13, 2003 - 9 a.m.** -- Open Meeting  
**June 10, 2003 - 9 a.m.** -- Open Meeting  
**June 17, 2003 - 9 a.m.** -- Open Meeting  
**June 24, 2003 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Informal fact-finding conferences. Persons desiring to participate in the meeting and requiring special


accommodations or interpretive services should contact the department at 804-367-0946 at least 10 days prior to the meeting so that suitable arrangements can be made for appropriate accommodations. The department fully complies with the Americans with Disabilities Act.

**Contact:** Earlyne Perkins, Legal Assistant, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0946, FAX (804) 367-0194, (804) 367-9753/TTY , e-mail [perkins@dpor.state.va.us](mailto:perkins@dpor.state.va.us).

**April 16, 2003 - 9 a.m.** -- Open Meeting  
**May 28, 2003 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 


A regular meeting to address policy and procedural issues, review and render decisions on applications for contractors' licenses, and review and render case decisions on matured complaints against licensees. The meeting is open to the public; however, a portion of the board's business may be conducted in closed session.

**Contact:** Eric L. Olson, 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](mailto:contractors@dpor.state.va.us).

**April 22, 2003 - 9 a.m.** -- Open Meeting  
**May 7, 2003 - 1:30 p.m.** -- Open Meeting  
**June 3, 2003 - 9 a.m.** -- Open Meeting  
**† July 1, 2003 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Informal fact-finding conferences for the Contractor Recovery Fund. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at 804-367-0946 at least 10 days prior to this meeting so that suitable arrangements can be made for appropriate accommodations. The department fully complies with the Americans with Disabilities Act.

**Contact:** Victoria S. Traylor, Legal Assistant, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8561, FAX (804) 367-0194, (804) 367-9753/TTY , e-mail [perkins@dpor.state.va.us](mailto:perkins@dpor.state.va.us).

**May 7, 2003 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting of the Tradesman and Education Committee to consider items of interest relating to tradesmen, backflow workers, education and other appropriate matters relating to tradesmen and the Board for Contractors.

**Contact:** Eric L. Olson, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804)

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# Calendar of Events

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367-2474, (804) 367-9753/TTY ☎, e-mail  
contractors@dpor.state.va.us.

## BOARD OF CORRECTIONAL EDUCATION

† **April 18, 2003 - 10 a.m.** -- Open Meeting  
Haynesville Correctional Center, Route 650, Haynesville,  
Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to discuss general business.

**Contact:** Patty Ennis, Board Clerk, Board of Correctional  
Education, James Monroe Bldg., 101 N. 14th St., 7th Floor,  
Richmond, VA 23219, telephone (804) 225-3314, FAX (804)  
786-7642, (804) 371-8647/TTY ☎, e-mail  
paennis@dce.state.va.us.

## BOARD OF CORRECTIONS

**May 20, 2003 - 10 a.m.** -- Open Meeting  
Department of Corrections, 6900 Atmore Drive, 3rd Floor  
Board Room, Richmond, Virginia. ♿

Meetings of the following committees to discuss correctional  
matters to be brought before the full board:

10 a.m. - Liaison Committee  
1 p.m. - Correctional Services Committee

**Contact:** Barbara Woodhouse, Administrative Staff Assistant,  
Department of Corrections, 6900 Atmore Dr., Richmond, VA  
23225, telephone (804) 674-3124, FAX (804) 674-3605, e-  
mail woodhousebl@vadoc.state.va.us.

**May 21, 2003 - 8:30 a.m.** -- Open Meeting  
Department of Corrections, 6900 Atmore Drive, 3rd Floor  
Board Room, Richmond, Virginia. ♿

A meeting of the Administration Committee.

**Contact:** Barbara Woodhouse, Administrative Staff Assistant,  
Department of Corrections, 6900 Atmore Dr., Richmond, VA  
23225, telephone (804) 674-3124, FAX (804) 674-3605, e-  
mail woodhousebl@vadoc.state.va.us.

**May 21, 2003 - 10 a.m.** -- Open Meeting  
Department of Corrections, 6900 Atmore Drive, 3rd Floor  
Board Room, Richmond, Virginia. ♿

A meeting of the full board.

**Contact:** Barbara Woodhouse, Administrative Staff Assistant,  
Department of Corrections, 6900 Atmore Dr., Richmond, VA  
23225, telephone (804) 674-3124, FAX (804) 674-3605, e-  
mail woodhousebl@vadoc.state.va.us.

## CRIMINAL JUSTICE SERVICES BOARD

**June 12, 2003 - 9 a.m.** -- Public Hearing  
General Assembly Building, 9th and Broad Streets, House  
Room D, Richmond, Virginia. ♿

**May 23, 2003** - Public comments may be submitted until this  
date.

Notice is hereby given in accordance with § 2.2-4007 of the  
Code of Virginia that the Criminal Justice Services Board  
intends to amend regulations entitled: **6 VAC 20-171.  
Regulations Relating to Private Security Services.** The  
purpose of the proposed action is to update minimum  
training standards and improve licensing, registration,  
certification, training requirements, fees and procedures.

Statutory Authority: § 9.1-141 of the Code of Virginia.

**Contact:** Lisa R. Hahn, Private Security Services Chief,  
Department of Criminal Justice Services, 805 E. Broad St.,  
Richmond, VA 23219, telephone (804) 225-2356, FAX (804)  
786-6344 or e-mail lhahn@dcs.state.va.us.

## DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

† **April 15, 2003 - 10 a.m.** -- Open Meeting  
Department for the Deaf and Hard-of-Hearing, 1602 Rolling  
Hills Drive, 2nd Floor Conference Room, Richmond,  
Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Virginia Relay Advisory Council to update  
the council on the progress of the Relay Education  
Campaign and to look ahead to the process to establish a  
new relay services contract.

**Contact:** Clayton E. Bowen, Relay and Outreach Manager,  
Department for the Deaf and Hard-of-Hearing, 1602 Rolling  
Hills Dr., Suite 203, Richmond, VA 23229, telephone (804)  
662-9502, FAX (804) 662-9718, toll-free (800) 552-7917,  
(804) 662-9502/TTY ☎, e-mail bowence@ddhh.state.va.us.

† **May 7, 2003 - 9:30 a.m.** -- Open Meeting  
Department for the Deaf and Hard-of-Hearing, 1602 Rolling  
Hills Drive, 2nd Floor Conference Room, Richmond,  
Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting of the board. Interpreter services, CART  
services and assistive listening system will be available.  
Public comment will be accepted.

**Contact:** Leslie Hutcheson Prince, Policy and Planning  
Manager, Department for the Deaf and Hard-of-Hearing, 1602  
Rolling Hills Dr., Suite 203, Richmond, VA 23229, telephone  
(804) 662-9703, FAX (804) 662-9718, toll-free (800) 552-  
7917, (804) 662-9502/TTY ☎, e-mail  
princehl@ddhh.state.va.us.

## BOARD OF DENTISTRY

**April 25, 2003** -- Public comments may be submitted until this  
date.

Notice is hereby given in accordance with § 2.2-4007 of the  
Code of Virginia that the Board of Dentistry intends to  
amend regulations entitled: **18 VAC 60-20. Virginia Board  
of Dentistry Regulations.** The purpose of the proposed  
action is to replace emergency regulations for general  
supervision of the practice of dental hygienists by dentists.

Statutory Authority: §§ 54.1-2400 and 54.1-2722 of the Code  
of Virginia.

Public comments may be submitted until April 25, 2003, to Sandra K. Reen, Executive Director, Board of Dentistry, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230-1712.


**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114, or e-mail [elaine.yeatts@dhp.state.va.us](mailto:elaine.yeatts@dhp.state.va.us).

## DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD


**April 17, 2003 - 11 a.m.** -- Open Meeting

**May 15, 2003 - 11 a.m.** -- Open Meeting

**June 19, 2003 - 11 a.m.** -- Open Meeting


Department of General Services, 8th Street Office Building, 3rd Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to review requests submitted by localities to use D-B or Construction Management type contracts. Please contact Division of Engineering and Buildings to confirm meeting. Board Rules and Regulations can be obtained online at [www.dgs.state.va.us](http://www.dgs.state.va.us) under the DGS Forms, Form # DGS-30-904.

**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](mailto:fadcock@dgs.state.va.us).

## BOARD OF EDUCATION

**April 21, 2003 - 9 a.m.** -- Open Meeting

Hilton Garden Inn, Richmond Innsbrook, 4050 Cox Road, Glen Allen, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting of the Advisory Board on Teacher Education and Licensure. Persons requesting the services of an interpreter for the deaf should do so at least 72 hours in advance. This will be a work session and public comment will not be received.

**Contact:** Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department 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](mailto:mroberts@mail.vak12ed.edu).

**April 29, 2003 - 9 a.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.

The Committee to Implement NCLB will hold work sessions and public comment will not be received at this time. The public is urged to confirm arrangements prior to each meeting by viewing the Department of Education's public meeting calendar at <http://www.pen.k12.va.us/VDOE/meetings.html>. This site will contain the latest information on the meeting arrangements and will note any last-minute changes in time or location. Please note that persons requesting the

services of an interpreter for the deaf are asked to do so at least 72 hours in advance so that the appropriate arrangements may be made.

**Contact:** Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department 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](mailto:mroberts@mail.vak12ed.edu).

**April 29, 2003 - 9 a.m.** -- Open Meeting


**April 30, 2003 - 9 a.m.** -- Open Meeting

**May 1, 2003 - 9 a.m.** -- Open Meeting

**May 28, 2003 - 9 a.m.** -- Open Meeting

† **June 25, 2003 - 9 a.m.** -- Open Meeting

NOTE: CHANGE IN MEETING LOCATION


General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting of the board. Persons who wish to speak or who require the services of an interpreter for the deaf should contact the agency 72 hours in advance. Public comment will be received.


**Contact:** Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department of Education, P.O. Box 2120, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail [mroberts@mail.vak12ed.edu](mailto:mroberts@mail.vak12ed.edu).

## DEPARTMENT OF ENVIRONMENTAL QUALITY


**April 10, 2003 - 7 p.m.** -- Open Meeting

Loudoun County Government Center, 1 Harrison Street, SE, Lovettsville Room, Leesburg, Virginia. 


The first public meeting on the development of benthic TMDLs for segments of Goose Creek and Little River in the Goose Creek Watershed in Loudoun County. The public comment period closes on May 9, 2003.

**Contact:** Katherine Bennett, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3896, FAX (703) 583-3841, (804) 698-4021/TTY , e-mail [kebennett@deq.state.va.us](mailto:kebennett@deq.state.va.us).

† **April 15, 2003 - 5 p.m.** -- Open Meeting

Portsmouth Public Library, 601 Court Street, Portsmouth, Virginia. 

A meeting to acquaint the public with the permit modifications and how the requirements of the Code of Federal Regulations will be met with regard to the Norfolk Naval Shipyard's intended request for modifications to the Hazardous Waste Part B Permit regarding inspection frequency and addition of personal protection equipment. The public comment period closes on May 10, 2003.


**Contact:** Garwin W. Eng, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4131, FAX (804) 698-4383, (804) 698-4021/TTY , e-mail [gweng@deq.state.va.us](mailto:gweng@deq.state.va.us).



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# Calendar of Events

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† **April 23, 2003 - 7 p.m.** -- Public Hearing  
York County Library, 8500 George Washington Memorial Highway, Yorktown, Virginia. 


A public hearing to receive comments on the technical merits of the permit amendment establishing Modules X and XI and the groundwater monitoring plan.

**Contact:** Rachel Cole, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (757) 518-2145, e-mail [rbcole@deq.state.va.us](mailto:rbcole@deq.state.va.us).

† **April 29, 2003 - 7 p.m.** -- Public Hearing  
Christiansburg Library, 125 Shelton Street, Christiansburg, Virginia. 

A public hearing to receive comments on the technical merits of the permit amendment incorporating a groundwater monitoring plan. The public comment period closes on May 14, 2003.


**Contact:** Larry Syverson, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4271, e-mail [lwsyverson@deq.state.va.us](mailto:lwsyverson@deq.state.va.us).

† **May 15, 2003 - 7 p.m.** -- Public Hearing  
Radford Public Library, 30 West Main Street, Radford, Virginia. 


A public hearing to receive comments on the technical merits of the permit amendment establishing a groundwater monitoring plan. The public comment period closes on May 30, 2003.

**Contact:** Rachel Cole, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (757) 518-2145, e-mail [rbcole@deq.state.va.us](mailto:rbcole@deq.state.va.us).


## Litter Control and Recycling Fund Advisory Board

**April 22, 2003 - 1 p.m.** -- Open Meeting  
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. 

A regular meeting.

**Contact:** G. Steven Coe, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4029, FAX (804) 698-4224, (804) 698-4021/TTY , e-mail [gscoe@deq.state.va.us](mailto:gscoe@deq.state.va.us).


## Recycling Markets Development Council

**May 13, 2003 - 10 a.m.** -- Open Meeting  
Henrico Training Center, 7701 East Parham Road, Richmond, Virginia. 

A regular meeting.

**Contact:** G. Steven Coe, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4029, FAX (804) 698-4224, e-mail [gscoe@deq.state.va.us](mailto:gscoe@deq.state.va.us).


## VIRGINIA FIRE SERVICES BOARD

**April 7, 2003 - 10 a.m.** -- Open Meeting  
The Department of Housing and Community Development, 501 North 2nd Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Code changes will be discussed/adopted at the meeting. VFSB members will be present.

**Contact:** Christy L. King, Policy, Planning and Legislative Affairs Manager, 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](mailto:cking@vdfp.state.va.us).


## BOARD OF FORESTRY

† **April 29, 2003 - 1 p.m.** -- Open Meeting  
Virginia Military Institute, Moody Hall, Lexington, Virginia.  (Interpreter for the deaf provided upon request)


A business meeting.

**Contact:** Donna S. Hoy, Administrative Staff Specialist, Board of Forestry, 900 Natural Resources Dr., Suite 800, Charlottesville, VA, telephone (434) 977-6555, FAX (434) 977-7749, e-mail [hoyd@dof.state.va.us](mailto:hoyd@dof.state.va.us).

## BOARD OF FUNERAL DIRECTORS AND EMBALMERS

**April 22, 2003 - 1 p.m.** -- Open Meeting  
† **May 1, 2003 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

The board will convene in an informal conference to hear possible violations of the laws and regulations governing the practice of funeral service.

**Contact:** Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail [elizabeth.young@dhp.state.va.us](mailto:elizabeth.young@dhp.state.va.us).

## BOARD OF GAME AND INLAND FISHERIES


† **May 1, 2003 - 9 a.m.** -- Open Meeting  
Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to consider for final adoption amendments to regulations governing game wildlife, hunting and trapping. This is the regular biennial review for these regulations, with the resulting amended regulations intended to be in effect July 2003 through June 2005. Under board procedures, regulatory actions occur over two sequential board meetings. A public comment period on proposed regulation amendments opened March 6 and will close May 1, 2003; to ensure the board has adequate opportunity to review written comments, however, they should be received by the Department of Game and Inland Fisheries no later than


April 24, 2003. At the May 1, 2003, meeting, the board will determine whether the regulations and amendments that were proposed at its March 6, 2003, 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 1, at which time any interested citizen present shall be heard. The board reserves the right to adopt final amendments which may be more liberal than, or more stringent than, the regulations currently in effect or the regulation amendments proposed at the March 6, 2003, meeting, as necessary for the proper management of wildlife resources and boating. The board may also discuss general and administrative issues, hold a closed session at some time during the meeting, and elect to hold a dinner Wednesday evening, April 30, 2003, 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 23230, telephone (804) 367-1000, FAX (804) 367-0488, e-mail RegComments@dgif.state.va.us.


## BOARD FOR GEOLOGY

**April 24, 2003 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting to conduct board business.

**Contact:** David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-6128, (804) 367-9753/TTY , e-mail geology@dpor.state.va.us.


## GEORGE MASON UNIVERSITY

**May 8, 2003 - 9 a.m.** -- Open Meeting  
George Mason University, Mason Hall, Lower Level, Fairfax, Virginia. 

A meeting of the Board of Visitors. Please call for agenda information.

**Contact:** Mary Roper, Secretary pro tem, George Mason University, MSN 3A1, 4400 University Dr., Fairfax, VA 22030, telephone (703) 993-8703, FAX (703) 993-8707, e-mail mroper@gmu.edu.

## GUNSTON HALL PLANTATION


**April 8, 2003 - 2:45 p.m.** -- Open Meeting  
Gunston Hall Plantation, 10709 Gunston Road, Mason Neck, Virginia.  (Interpreter for the deaf provided upon request)

A semiannual meeting of the Board of Regents to review progress over the last six months and to review the budget for the coming fiscal year.

**Contact:** Karen Olsen, Executive Secretary, Gunston Hall Plantation, 10709 Gunston Rd., Mason Neck, VA 22079,

telephone (703) 550-9220, FAX (703) 550-9480, e-mail KarenO@gunstonhall.org.

## STATE BOARD OF HEALTH

**April 25, 2003 - 9 a.m.** -- Open Meeting  
Department of Health, Main Street Station, 1500 East Main Street, 3rd Floor Conference Room, Richmond, Virginia. 

A general business and working meeting.

**Contact:** Rene Cabral-Daniels, Director, Office of Health Policy, Department of Health, 1500 E. Main St., Richmond, VA 23219, telephone (804) 786-3561.

## DEPARTMENT OF HEALTH

### State Emergency Medical Services Advisory Board

**May 8, 2003 - 3 p.m.** -- Open Meeting  
Office of EMS, 1538 East Parham Road, Richmond, Virginia.

A meeting of the Regulation and Policy Committee.


**Contact:** David E. Cullen, Jr., Manager, Division of Enforcement and Compliance, Advisory Board of State Emergency Medical Services, 1538 E. Parham Rd., Richmond, VA 23228, telephone (804) 371-3500, FAX (804) 371-3543, toll-free (800) 523-6019, e-mail dcullen@vdh.state.va.us.

**May 9, 2003 - 1 p.m.** -- Open Meeting  
The Place at Innsbrook, 4036-C Cox Road, Glen Allen, Virginia.

A quarterly meeting.


**Contact:** Gary R. Brown, Director, Department of Health, 1538 E. Parham Rd., Richmond, VA 23228, telephone (804) 371-3500, FAX (804) 371-3543, toll-free (800) 523-6019, e-mail gbrown@vdh.state.va.us.

## DEPARTMENT OF HEALTH PROFESSIONS

**April 18, 2003 - 9 a.m.** -- Open Meeting  
**June 20, 2003 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 

A bimonthly meeting of the Intervention Program Committee for the Health Practitioners' Intervention Program.

**Contact:** Donna P. Whitney, Intervention Program Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9424, FAX (804) 662-7358, e-mail donna.whitney@dhp.state.va.us.

† **April 23, 2003 - 9 a.m.** -- Public Hearing  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. 

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Health Professions intends to consider adopting regulations entitled: **18 VAC 76-20. Regulations Governing the Prescription**

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## Calendar of Events

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**Monitoring Program.** The purpose of the proposed action is to set forth requirements for establishment of a prescription monitoring program.

Statutory Authority: §§ 54.1-2505 and 54.1-2520 of the Code of Virginia.

Public comments may be submitted until June 6, 2003, to Robert A. Nebiker, Director, Department of Health Professions, 6603 West Broad Street, Richmond, VA 23230-1712.

**Contact:** Elaine J. Yeatts, Senior Policy Analyst, Department of Health Professions, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9918, FAX (804) 662-9114, (804) 662-7197/TTY ☎, e-mail elaine.yeatts@dhp.state.va.us.

### BOARD FOR HEARING AID SPECIALISTS

† **April 28, 2003 - 9 a.m.** -- Open Meeting

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

A meeting to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Person desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** William H. Ferguson, II, Executive Director, Board for Hearing Aid Specialists, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY ☎, e-mail hearingaidspec@dpor.state.va.us.

### BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

† **April 7, 2003 - 9 a.m.** -- Open Meeting

Department of Housing and Community Development, 501 North 2nd Street, Richmond, Virginia. ♿

A meeting of the Codes and Standards Committee to continue to review public comments received on the Uniform Statewide Building Code and to finalize recommendations to be made to the full board.

**Contact:** Stephen W. Calhoun, Regulatory Coordinator, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7000, FAX (804) 371-7090, (804) 371-7089/TTY ☎, e-mail scalhoun@dhcd.state.va.us.

**April 7, 2003 - 10 a.m.** -- Open Meeting

Department of Housing and Community Development, 501 North 2nd Street, Richmond, Virginia. ♿

A regular business meeting to review and evaluate public comment and requested amendments to proposed regulations and adopt final regulations for the following regulations: Virginia Certification Standards (13 VAC 5-21),

Virginia Amusement Device Regulations (13 VAC 5-31), Virginia Uniform Statewide Building Code (13 VAC 5-61), Standards Governing Operations of Individual and Regional Code Academies/1990 (13 VAC 5-80), and the Statewide Fire Prevention Code (13 VAC 5-51).

**Contact:** Stephen W. Calhoun, Regulatory Coordinator, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7000, FAX (804) 371-7090, (804) 371-7089/TTY ☎, e-mail scalhoun@dhcd.state.va.us.

### JAMESTOWN-YORKTOWN FOUNDATION

**May 7, 2003 - 2 p.m.** -- Open Meeting

Location to be determined. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Jamestown 2007 Steering Committee's Executive Committee. Public comment will not be heard.

**Contact:** Stacey Ruckman, Jamestown 2007 Executive Assistant, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (757) 253-4659, FAX (757) 253-5299, toll-free (888) 593-4682, (757) 253-7236/TTY ☎, e-mail sruckman@jyf.state.va.us.

**May 15, 2003 - 10 a.m.** -- Open Meeting

**May 16, 2003 - 8 a.m.** -- Open Meeting

Williamsburg Hospitality House, 415 Richmond Road, Williamsburg, Virginia. ♿ (Interpreter for the deaf provided upon request)

Semi-annual board and committee meetings. Specific schedule not yet confirmed. Public comment will not be heard.

**Contact:** Laura W. Bailey, Executive Assistant to the Boards, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (757) 253-4840, FAX (757) 253-5299, toll-free (888) 593-4682, (757) 253-7236/TTY ☎, e-mail lwbailey@jyf.state.va.us.

**June 11, 2003 - Noon** -- Open Meeting

The Library of Virginia, 800 East Broad Street, Rooms A and B, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Jamestown 2007 Steering Committee. Public comment will not be heard.

**Contact:** Stacey Ruckman, Jamestown 2007 Executive Assistant, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (757) 253-4659, FAX (757) 253-5299, toll-free (888) 593-4682, (757) 253-7236/TTY ☎, e-mail sruckman@jyf.state.va.us.

### DEPARTMENT OF LABOR AND INDUSTRY

#### Virginia Migrant and Seasonal Farmworkers Board

**April 30, 2003 - 10 a.m.** -- Open Meeting

State Capitol, House Room 1, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular quarterly meeting.

**Contact:** Betty B. Jenkins, Board Administrator, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 371-6524, (804) 786-2376/TTY ☎, e-mail [bbj@doli.state.va.us](mailto:bbj@doli.state.va.us).

## STATE LIBRARY BOARD

**June 16, 2003 - 8:15 a.m.** -- Open Meeting  
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. ♿

A meeting to discuss matters pertaining to The Library of Virginia and the board. Committees of the board will meet as follows:

8:15 a.m. - Public Library Development Committee, Orientation Room;  
Publications and Educational Services Committee, Conference Room B;  
Records Management Committee, Conference Room C.

9:30 a.m. - Archival and Information Services Committee, Orientation Room;  
Collection Management Services Committee, Conference Room B;  
Legislative and Finance Committee, Conference Room C.

10:30 a.m. - Library Board, Conference Room 2M.

**Contact:** Jean H. Taylor, Executive Secretary to the Librarian, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-2000, telephone (804) 692-3535, FAX (804) 692-3594, (804) 692-3976/TTY ☎, e-mail [jtaylor@lva.lib.va.us](mailto:jtaylor@lva.lib.va.us).

## VIRGINIA MANUFACTURED HOUSING BOARD

**April 10, 2003 - 10 a.m.** -- Open Meeting  
The Jackson Center Board Room, 501 North Second Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting to handle complaints and claims against licensees, review claims to the Recovery Fund and carry out administrative functions of the Manufactured Housing Licensing and Transaction Recovery Fund Regulations.

**Contact:** Curtis L. McIver, State Building Code Administrator, Virginia Manufactured Housing Board, 501 N. 2nd Street, Richmond, VA 23219, telephone (804) 371-7160, FAX (804) 371-7092, (804) 371-7089/TTY ☎, e-mail [cmciver@dhcd.state.va.us](mailto:cmciver@dhcd.state.va.us).

## MARINE RESOURCES COMMISSION

† **April 22, 2003 - 9:30 a.m.** -- Open Meeting  
† **May 27, 2003 - 9:30 a.m.** -- Open Meeting  
† **June 24, 2003 - 9:30 a.m.** -- Open Meeting  
Marine Resources Commission, 2600 Washington Avenue, 4th Floor, Newport News, Virginia. ♿ (Interpreter for the deaf provided upon request)

A monthly commission meeting.

**Contact:** Kathy Leonard, Executive Secretary, Marine Resources Commission, 2600 Washington Ave., 3rd Floor, Newport News, VA 23607, telephone (757) 247-2120, FAX (757) 247-8101, toll-free (800) 541-4646, (757) 247-2292/TTY ☎, e-mail [kleonard@mrc.state.va.us](mailto:kleonard@mrc.state.va.us).

## BOARD OF MEDICAL ASSISTANCE SERVICES

**April 11, 2003** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **12 VAC 30-70. Methods and Standards for Establishing Payment Rates; Inpatient Hospital Care.** The purpose of the proposed action is to conform the state plan to the mandate of the 2002 Session of the General Assembly in Chapter 899 of the 2002 Acts of Assembly, Item 325 KK.

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

Public comments may be submitted until April 11, 2003, to Peterson Epps, Reimbursement Analyst, Division of Reimbursement, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959, FAX (804) 786-1680, or e-mail [vsimmons@dmas.state.va.us](mailto:vsimmons@dmas.state.va.us).

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**April 11, 2003** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to adopt regulations entitled: **12 VAC 30-141. Family Access to Medical Insurance Security Plan.** The purpose of the proposed action is to promulgate service coverages, eligibility requirements, fair hearings, utilization review requirements and payment standards.

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

Public comments may be submitted until April 11, 2003, to Linda Nablo, Director, Child Health Program, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959, FAX (804) 786-1680, or e-mail [vsimmons@dmas.state.va.us](mailto:vsimmons@dmas.state.va.us).

† **April 14, 2003 - 10 a.m.** -- Open Meeting  
† **May 13, 2003 - 10 a.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia. ♿

A regular business meeting.

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# Calendar of Events

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**Contact:** Nancy Malczewski, Board Liaison, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-8096, FAX (804) 371-4981, (800) 343-0634/TTY ☎, e-mail nmalczew@dmas.state.va.us.

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**May 23, 2003** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Medical Assistance Services intends to adopt regulations entitled: **12 VAC 12-30-135. Demonstration Waiver Services.** The purpose of the proposed action is to establish family planning waiver program by extending Medicaid coverage for family planning services, annual gynecological exams, and testing for sexually transmitted diseases up to 24 months postpartum to women who received a Medicaid-reimbursed pregnancy-related service on or after October 1, 2002.

The agency does not intend to hold a public hearing on the proposed action.

Statutory Authority: § 32.1-325 of the Code of Virginia and Item 325 M of Chapter 899 of the 2002 Acts of Assembly.

Public comments may be submitted until May 23, 2003, to Deborah Sprang, Policy Analyst, Policy Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959, FAX (804) 786-1680, or e-mail vsimmons@dmas.state.va.us.

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**June 7, 2003** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled:

**12 VAC 30-70. Methods and Standards for Establishing Payment Rates; Inpatient Hospital Care (adding 12 VAC 30-70-425 and 12 VAC 30-70-426).**

**12 VAC 30-80. Methods and Standards for Establishing Payment Rates; Other Types of Care (amending 12 VAC 30-80-20 and 12 VAC 30-80-30).**

**12 VAC 30-90. Methods and Standards for Establishing Payment Rates for Long-Term Care (adding 12 VAC 30-90-17 and 12 VAC 30-90-18).**

The purpose of the proposed action is to promulgate permanent regulations to provide the authority to make supplemental payments to certain various provider types.

The agency does not intend to hold a public hearing on the proposed action.

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia; Items 325 CC, 325 DD and 325 RR of Chapter 899 of the 2002 Acts of Assembly.

Public comments may be submitted until April 11, 2003, to William Lessard, Reimbursement Analyst, Division of Reimbursement, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959, FAX (804) 786-1680, or e-mail vsimmons@dmas.state.va.us.

## BOARD OF MEDICINE

† **April 16, 2003 - 8 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, Board Room 4, Richmond, Virginia.

A special called meeting to vote on the final profiling regulations.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7423, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.state.va.us.

**May 6, 2003 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, Board Room 4, Richmond, Virginia.

A meeting of the Advisory Board on Athletic Training to discuss regulatory issues and other items that may be presented on the agenda. Public comment will be received at the beginning of the meeting.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.state.va.us.

**May 7, 2003 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, Board Room 4, Richmond, Virginia.

The following boards will meet to consider regulatory, legislative, and disciplinary matters:

9 a.m. - Advisory Board on Acupuncture  
1 p.m. - Advisory Board on Radiologic Technology

Public comment will be received at the beginning of the meeting.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.state.va.us.

**May 8, 2003 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, Board Room 4, Richmond, Virginia.

The following boards will meet to consider regulatory, legislative, and disciplinary matters:

9 a.m. - Advisory Board on Occupational Therapy  
1 p.m. - Advisory Board on Respiratory Care

Public comment will be received at the beginning of the meeting.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail [william.harp@dhp.state.va.us](mailto:william.harp@dhp.state.va.us).

**May 9, 2003 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, Board Room 4, Richmond, Virginia.

A meeting of the Advisory Board on Physician Assistants to consider regulatory, legislative and disciplinary matters. Public comment will be received at the beginning of the meeting.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail [william.harp@dhp.state.va.us](mailto:william.harp@dhp.state.va.us).

**May 16, 2003 - 8:30 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, Board Room 2, Richmond, Virginia.

A meeting of the Legislative Committee to consider regulatory or legislative issues that may be presented on the agenda. Public comment will be received at the beginning of the meeting.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail [william.harp@dhp.state.va.us](mailto:william.harp@dhp.state.va.us).

**June 5, 2003 - 8 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, Board Room 2, Richmond, Virginia.

The board will conduct a general business meeting including consideration of regulatory, legislative and disciplinary matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

**Contact:** William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail [william.harp@dhp.state.va.us](mailto:william.harp@dhp.state.va.us).

## Informal Conference Committee

**April 9, 2003 - 8:45 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

**April 23, 2003 - 9:30 a.m.** -- Open Meeting  
Williamsburg Marriott Hotel, 50 Kingsmill Road, Williamsburg, Virginia.

**April 24, 2003 - 9 a.m.** -- Open Meeting  
Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia.

**† May 28, 2003 - 9:15 a.m.** -- Open Meeting  
Clarion Hotel, 3315 Orday Drive, Roanoke, Virginia.

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to the Code of Virginia. Public comment will not be received.

**Contact:** Peggy Sadler or Renee Dixon, Staff, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY ☎, e-mail [Peggy.Sadler@dhp.state.va.us](mailto:Peggy.Sadler@dhp.state.va.us).

## STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

**† April 10, 2003 - 10 a.m.** -- Open Meeting  
Holiday Inn Central, 3207 North Boulevard, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting. A public comment period will be scheduled.

**Contact:** Marlene Butler, Executive Secretary to the State Board, State Mental Health, Mental Retardation and Substance Abuse Services Board, Jefferson Bldg., 1220 Bank St., 13th Floor, Richmond, VA 23219, telephone (804) 786-7945, FAX (804) 371-2308, e-mail [mbutler@dmhmrsas.state.va.us](mailto:mbutler@dmhmrsas.state.va.us).

## DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

**May 23, 2003** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to amend regulations entitled: **12 VAC 35-105. Rules and Regulations for the Licensing of Facilities and Providers of Mental Health, Mental Retardation and Substance Abuse Services.** The purpose of the proposed action is to amend the regulations to incorporate provisions to license providers of services funded by the Individual and Family Development Disabilities Support (IFDDS) Waiver.

The agency does not intend to hold a public hearing on the proposed action.

Statutory Authority: §§ 37.1-10, 37.1-179.1 and 37.1-182 of the Code of Virginia.


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# Calendar of Events

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**Contact:** Leslie Anderson, Director, Office of Licensing, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 371-6885, FAX (804) 692-0066 or e-mail [landerson@dmhmrsas.state.va.us](mailto:landerson@dmhmrsas.state.va.us).

## STATE MILK COMMISSION

**May 21, 2003 - 10:45 a.m.** -- Open Meeting  
Department of Agriculture and Consumer Services, 1100 Bank Street, Room 204, Second Floor Board Room, Richmond, Virginia. 

A regular meeting to consider industry issues, distributor licensing, base transfers, baseholder license amendments, fiscal matters, and to review reports from agency staff. In addition, the agency will consider public comment and evidence in regard to a review of its regulations to ascertain if they should be retained, amended, repealed or if further study and analysis may be required. The commission offers anyone an opportunity to speak at the conclusion of the meeting. Those persons requiring special accommodations to participate in the meeting should contact Edward C. Wilson, Jr. at least five working days prior to the meeting date so that suitable arrangements can be made.

**Contact:** Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, Ninth St. Office Bldg., 202 N. Ninth St., Room 915, Richmond, VA 23219, telephone (804) 786-2013, FAX (804) 786-3779, e-mail [ewilson@smc.state.va.us](mailto:ewilson@smc.state.va.us).


**May 21, 2003 - 10:45 a.m.** -- Public Hearing  
Department of Agriculture and Consumer Services, 1100 Bank Street, Room 204, 2nd Floor Board Room, Richmond, Virginia 

A public hearing pursuant to Executive Order Number Twenty-One (2002), § 2.2-4017 of the Code of Virginia and agency regulation 2 VAC 15-11-100. The Virginia State Milk Commission intends to commence a review of regulations 2 VAC 15-11-10 through 2 VAC 15-11-120 and 2 VAC 15-20-10 through 2 VAC 15-20-130. This review is to determine if these regulations should be terminated, amended or retained in their current form. The review shall be guided by the principles specified in Executive Order Number Twenty-One. The commission seeks public comment on the regulation's interference in public enterprise and life, essential need for the regulation, less burdensome and intrusive alternatives to the regulation, specific and measurable goals that the regulation is intended to achieve, and whether the regulation is clearly written and easily understandable. It is also requested that public comment address the regulation's effectiveness, efficiency, and cost of compliance. The commenter should provide name, mailing address, telephone number, and, if applicable, the organization represented, number and title of the specific regulation addressed, the commenter's interest in the regulation, a description on the need and justification for development, repeal, or amendment of the regulation, suggested language for a developed or amended regulation, a statement of impact on the commenter and/or other affected parties. This hearing will be conducted under the provisions of 2 VAC 15-20-125.


**Contact:** Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, Ninth St. Office Bldg., 202 N. Ninth St., Room 915, Richmond, VA 23219, telephone (804) 786-2013, FAX (804) 786-3779, e-mail [ewilson@smc.state.va.us](mailto:ewilson@smc.state.va.us).

## DEPARTMENT OF MINES, MINERALS AND ENERGY

### Abandoned Mine Land Advisory Committee


† **April 16, 2003 - 1 p.m.** -- Open Meeting  
Buchanan-Smith Building, 3405 Mountain Empire Road, Big Stone Gap, Virginia.  (Interpreter for the deaf provided upon request)

A semi-annual meeting. There will be a review of current and outstanding issues of the Abandoned Mine Land Program (AML) and Rural Abandoned Mine Program (RAMP).


**Contact:** Roger A. Williams, AML Services Manager, Department of Mines, Minerals and Energy, PO Drawer 900, Big Stone Gap, VA 24219, telephone (276) 523-8208, FAX (276) 523-8247, (800) 828-1120/TTY , e-mail [rlw@mme.state.va.us](mailto:rlw@mme.state.va.us).

## DEPARTMENT OF MOTOR VEHICLES


### Medical Advisory Board

† **May 14, 2003 - 8 a.m.** -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street, Richmond Virginia.  (Interpreter for the deaf provided upon request)


A regular business meeting.


**Contact:** J. C. Branche, R. N., Assistant Division Manager, Department of Motor Vehicles, 2300 W. Broad St., Richmond VA 23220, telephone (804) 367-0531, FAX (804) 367-1604, toll-free (800) 435-5137, (800) 272-9268/TTY , e-mail [dmvj3b@dmv.state.va.us](mailto:dmvj3b@dmv.state.va.us).

## VIRGINIA MUSEUM OF FINE ARTS

**May 6, 2003 - 8 a.m.** -- Open Meeting  
Virginia Museum of Fine Arts, 2800 Grove Avenue, Main Lobby Conference Room, Richmond, Virginia. 

A monthly meeting of the Executive Committee for staff to update trustees. Public comment will not be heard.

**Contact:** Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Avenue, Richmond, Virginia 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail [sbroyles@vmfa.state.va.us](mailto:sbroyles@vmfa.state.va.us).

**June 19, 2003 - Noon** -- Open Meeting  
Virginia Museum of Fine Arts, 2800 Grove Avenue, Auditorium, Richmond, Virginia. 

An annual meeting of the Executive/Finance Committee to approve the museum's budget. Public comment will not be received.

**Contact:** Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, Virginia 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY ☎, e-mail sbroyles@vmfa.state.va.us.

## BOARD OF NURSING

**May 12, 2003 - 9 a.m.** -- Open Meeting  
**May 13, 2003 - 9 a.m.** -- Open Meeting  
**May 15, 2003 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. 📍

A panel of the board will conduct formal hearings with licensees or certificate holders. Public comment will not be received.

**Contact:** Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail nursebd@dhp.state.va.us.

## Special Conference Committee

**April 7, 2003 - 9 a.m.** -- Open Meeting  
**April 8, 2003 - 9 a.m.** -- Open Meeting  
**April 14, 2003 - 9 a.m.** -- Canceled  
**April 22, 2003 - 9 a.m.** -- Open Meeting  
**April 24, 2003 - 9 a.m.** -- Open Meeting  
**April 29, 2003 - 9 a.m.** -- Open Meeting  
**June 3, 2003 - 9 a.m.** -- Open Meeting  
**June 9, 2003 - 9 a.m.** -- Open Meeting  
**June 10, 2003 - 9 a.m.** -- Open Meeting  
**June 24, 2003 - 9 a.m.** -- Open Meeting  
**† June 25, 2003 - 9 a.m.** -- Open Meeting  
**† June 26, 2003 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 📍

A Special Conference Committee, comprised of two or three members of the Virginia Board of Nursing, will conduct informal conferences with licensees and/or certificate holders. Public comment will not be received.

**Contact:** Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 6603 West Broad Street, 5th 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 9, 2003 - 10 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 📍

A general business meeting including consideration of regulatory, legislative and disciplinary issues may be presented on the agenda. Public comment will be received at the beginning of the meeting.

**Contact:** Sandra Reen, Executive Director, Board of Nursing Home Administrators, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7457, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail sandra\_reen@dhp.state.va.us.

## OLD DOMINION UNIVERSITY

**April 11, 2003 - 1:30 p.m.** -- Open Meeting  
**June 17, 2003 - 1:30 p.m.** -- Open Meeting  
Old Dominion University, Webb University Center, Norfolk, Virginia. 📍

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. Public comment will not be received. Standing committees will meet on the two days prior to the full board meeting.

**Contact:** Donna Meeks, Executive Secretary to the Board of Visitors, Old Dominion University, 204 Koch Hall, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, e-mail dmeeks@odu.edu.

**May 12, 2003 - 3 p.m.** -- Open Meeting  
Old Dominion University, Webb University Center, Norfolk, Virginia. 📍

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. Public comment will not be received by the board.

**Contact:** Donna Meeks, Executive Secretary to the Board of Visitors, Old Dominion University, 204 Koch Hall, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, e-mail dmeeks@odu.edu.

## BOARD FOR OPTICIANS

**† May 2, 2003 - 9:30 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 📍

A meeting to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to this meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** William H. Ferguson, II, Executive Director, Board for Opticians, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY ☎, e-mail opticians@dpor.state.va.us.




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# Calendar of Events

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## BOARD OF OPTOMETRY


† **April 25, 2003 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Conference Room 3, Richmond, Virginia. 

A general business meeting including committee reports, discussion of the board's response in implementing HB1441, and discussion of the need for mercantile regulations. Other items related to regulatory, disciplinary and administrative matters may be considered. Public comment will be received at the beginning of the meeting.


**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9910, FAX (804) 662-7098, (804) 662-7197/TTY , e-mail elizabeth.carter@dhp.state.va.us.

† **April 25, 2003 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Richmond, Virginia. 

Informal conference hearings. This is a public meeting; however, public comment will not be received.

**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9910, FAX (804) 662-7098, (804) 662-7197/TTY , e-mail elizabeth.carter@dhp.state.va.us.

## BOARD OF PHARMACY

**April 10, 2003 - 9 a.m.** -- Open Meeting  
† **April 25, 2003 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Conference Room 4, Richmond, Virginia. 

A meeting of the Special Conference Committee to discuss disciplinary matters. Public comments will not be received.

**Contact:** Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6603 W. Broad St., 5th Floor, Richmond, Virginia 23230, telephone (804) 662-9911, FAX (804) 662-9313.

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**April 11, 2003** - Public comments may be submitted until this date.


Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Pharmacy intends to amend regulations entitled: **18 VAC 110-20. Regulations Governing the Practice of Pharmacy.** The purpose of the proposed action is to implement the changes in requirements for pharmacy practice pursuant to Chapter 632 of the 2002 Acts of Assembly to allow chart orders for hospice or home infusion, to permit different methods of keeping dispensing records and to allow for delivery of prescription drugs to alternative sites. Statutory revisions in Chapters 411, 666 and 707 of the 2002 Acts of Assembly require amendments to allow a nursing home to donate unused drugs or a physician to dispense donated drugs

provided basic requirements for security, storage, labeling and recordkeeping have been observed to protect the safety, integrity and efficacy of the drugs.

Statutory Authority: §§ 54.1-2400 and 54.1-3307 of the Code of Virginia.


Public comments may be submitted until April 11, 2003, to Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6603 West Broad Street, Richmond, VA 23230.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.


† **April 21, 2003 - 10 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Conference Room 1, Richmond, Virginia. 

A panel will discuss disciplinary matters. Public comments will not be received.


**Contact:** Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9313.

† **April 29, 2003 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Conference Room 2, Richmond, Virginia. 

A general business meeting, including adoption of proposed regulations resulting from biennial review process and consideration of disciplinary matters as may be presented on the agenda. The public may present comment after the adoption of the agenda and the acceptance of the minutes.

**Contact:** Elizabeth Scott Russell, RPh, Executive Director, Board of Pharmacy, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9911, FAX (804) 662-9313, (804) 662-7197/TTY , e-mail scottirussell@dhp.state.va.us.


## POLYGRAPH EXAMINERS ADVISORY BOARD

**June 18, 2003 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. 

A meeting to conduct board business.

**Contact:** Eric Olson, 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 olson@dpor.state.va.us.


## VIRGINIA PUBLIC BROADCASTING BOARD

† **April 16, 2003 - 10 a.m.** -- Open Meeting  
**May 14, 2003 - 10 a.m.** -- Open Meeting  
State Capitol, House Room 1, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)


A regular meeting.

**Contact:** James Roberts, Deputy Secretary of Administration, 202 N. 9th St., Richmond, VA 23219, telephone (804) 786-1201, FAX (804) 371-0038, e-mail jroberts@gov.state.va.us.


## VIRGINIA PUBLIC GUARDIAN AND CONSERVATOR ADVISORY BOARD

† **June 19, 2003 - 10 a.m.** -- Open Meeting  
1600 Forest Avenue, Suite 102, Richmond, Virginia. 

A regular quarterly meeting.

**Contact:** Terry Raney, Guardianship Coordinator, Virginia Public Guardian and Conservator Advisory Board, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-7049, FAX (804) 662-9354, toll-free (800) 552-3402, (804) 662-9333/TTY , e-mail traney@vdh.stat.va.us.


## VIRGINIA RACING COMMISSION

† **April 16, 2003 - 9:30 a.m.** -- Open Meeting  
Tyler Building, 1300 East Main Street, Richmond, Virginia. 


A monthly meeting to discuss regulations pertaining to advanced-deposit account wagering, and a contract between Colonial Downs and the Virginia Harness Horse Association. Public comment will be received.

**Contact:** William H. Anderson, Director of Policy and Planning, Virginia Racing Commission, 10700 Horsemen's Rd., New Kent, VA 23124, telephone (804) 966-7404, FAX (804) 966-7418, e-mail Anderson@vrc.state.va.us.


## REAL ESTATE APPRAISER BOARD

**May 13, 2003 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting to conduct board business.


**Contact:** Christine Martine, Executive Director, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail reappraisers@dpor.state.va.us.


## REAL ESTATE BOARD

**April 9, 2003 - 9 a.m.** -- Canceled  
**April 10, 2003 - 9 a.m.** -- Canceled  
**May 7, 2003 - 10 a.m.** -- Open Meeting  
**May 21, 2003 - 9 a.m.** -- Open Meeting  
**May 22, 2003 - 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 informal fact-finding conferences. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The


department fully complies with the Americans with Disabilities Act.

**Contact:** Debbie Amaker, Legal Assistant, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8582, FAX (804) 367-0194, (804) 367-9753/TTY , e-mail amaker@dpor.state.va.us.


**May 7, 2003 - 4 p.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 


A meeting of the Education Committee to review education applications.

**Contact:** Christine Martine, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail reboard@dpor.state.va.us.


**May 8, 2003 - 8:30 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting to review fair housing cases.

**Contact:** Christine Martine, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail reboard@dpor.state.va.us.

**May 8, 2003 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 


A general business meeting.

**Contact:** Christine Martine, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail reboard@dpor.state.va.us.

## BOARD OF REHABILITATIVE SERVICES

**April 24, 2003 - 10 a.m.** -- Open Meeting  
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. 

A meeting to conduct quarterly business. Public comments will be received at approximately 10:15 a.m. Interpreter for the deaf provided with two weeks' advance notice.

**Contact:** Barbara Tyson, Administrative Staff Specialist, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23288-0300, telephone (804) 662-7010, FAX (804) 662-7696, toll-free (800) 552-5019, (804) 662-9040/TTY , e-mail tysonbg@drs.state.va.us.

## DEPARTMENT OF REHABILITATIVE SERVICES

**April 11, 2003** - Public comments may be submitted until this date.

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# Calendar of Events

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Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Rehabilitative Services intends to amend regulations entitled: **22 VAC 30-20. Provision of Vocational Rehabilitation Services.** The purpose of the proposed action is to allow the department to enter into an order of selection to provide services to eligible individuals in an efficient and economical matter in the event that the full range of vocational rehabilitation services cannot be provided to all persons determined to be eligible because of unavailable resources.

Statutory Authority: § 51.5-14 of the Code of Virginia.

**Contact:** Elizabeth Smith, Policy and Planning Director, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23288-0300, telephone (804) 662-7071, FAX (804) 662-7696, toll-free (800) 552-5019, (800) 464-9950/TTY ☎, e-mail smithee@drs.state.va.us.

## VIRGINIA RESOURCES AUTHORITY

**April 8, 2003 - 9 a.m.** -- Open Meeting  
Virginia Resources Authority, 707 East Main Street, 13th Floor, Suite 1350, Richmond, Virginia. ☎

A regular meeting of the Board of Directors to (i) review and, if appropriate, approve the minutes from the most recent monthly meeting; (ii) review the authority's operations for the prior month; (iii) review applications for loans submitted to the authority for approval; (iv) consider loan commitments for approval and ratification under its various programs; (v) approve the issuance of bonds; (vi) review the results of bond sales; and (vii) consider such other matters and take such other actions as it may deem appropriate. Various committees of the Board of Directors may also meet immediately before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting and any committee meetings will be available at the offices of the authority one week prior to the date of the meeting. Any person who needs any accommodation in order to participate in the meeting should contact the authority at least 10 days before the meeting so that suitable arrangements can be made.

**Contact:** Bonnie R. C. McRae, Executive Assistant, Virginia Resources Authority, 707 E. Main St., Richmond, VA 23219, telephone (804) 644-3100, FAX (804) 644-3109, e-mail bmcræe@vra.state.va.us.

## SEWAGE HANDLING AND DISPOSAL APPEAL REVIEW BOARD

**April 9, 2003 - 10 a.m.** -- Open Meeting  
**May 21, 2003 - 10 a.m.** -- Open Meeting  
Henrico County Government Center, 8600 Dixon Powers Drive, Human Resource Board Room, Richmond, Virginia.

A meeting to hear appeals of health department denials of septic tank permits and indemnification fund claims.

**Contact:** Susan C. Sherertz, Business Manager A, Sewage Handling and Disposal Appeal Review Board, 1500 E. Main

St., Room 117, Richmond, VA 23219, telephone (804) 371-4236, FAX (804) 225-4003, e-mail ssherertz@vdh.state.va.us.

## VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

† **April 22, 2003 - 11 a.m.** -- Open Meeting  
Department of Business Assistance, 707 East Main Street, 3rd Floor, Richmond, Virginia. ☎

A meeting 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:** Scott E. Parsons, Executive Director, Department of Business Assistance, P.O. Box 446, Richmond, VA 23218-0446, telephone (804) 371-8256, FAX (804) 225-3384, e-mail sparsons@dba.state.va.us.

## STATE BOARD OF SOCIAL SERVICES

**April 11, 2003** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to amend regulations entitled: **22 VAC 40-11. Public Participation Guidelines.** The purpose of the proposed action is to make editorial changes throughout the regulation to improve clarity. Code of Virginia citations will be corrected to reflect the recodification of Title 2.2 and Title 63.2 of the Code of Virginia. 22 VAC 40-11-40 will be amended to reflect the provisions of Chapter 241 of the 2002 Acts of Assembly. 22 VAC 40-11-50 will be amended to provide electronic transmission of information to include e-mail notifications, receiving public comment by e-mail and use of the Internet for dissemination and collection of comment on regulatory actions. This section will also be revised to reflect the statutory changes of Chapter 717 of the 1995 Acts of Assembly, which make publication of proposed regulations in a newspaper of general circulation discretionary rather than mandatory.

Statutory Authority: §§ 2.2-4007 and 63.2-217 of the Code of Virginia.

**Contact:** Richard Martin, Regulatory Coordinator, Department of Social Services, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1825, FAX (804) 692-1814, or e-mail lrm2@dss.state.va.us.

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**April 11, 2003** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to adopt regulations entitled: **22 VAC 40-685. Virginia Energy Assistance Program -- Home Energy Assistance Program.** The purpose of the proposed action is to promulgate regulations to implement the Home Energy Assistance Program. The Home Energy Assistance

Program was established pursuant to Chapter 676 of the 2001 Acts of Assembly (House Bill 2473). These regulations replace emergency regulations.

Statutory Authority: §§ 63.2-217 and 63.2-805 of the Code of Virginia.

**Contact:** Margaret Friedenbergh, Director, Special Programs, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1728, FAX (804) 692-1469, or e-mail [mjf900@dcse.dss.state.va.us](mailto:mjf900@dcse.dss.state.va.us).

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**April 11, 2003** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to adopt regulations entitled: **22 VAC 40-910. General Provisions for Maintaining and Disclosing Confidential Information of Public Assistance, Child Support Enforcement, and Social Services Records.** The purpose of the proposed action is to replace an emergency regulation that expires on August 31, 2003. The proposed regulation establishes separate sections for the confidentiality of public assistance, child support enforcement, and social services programs administered by the Department of Social Services and local departments of social services. Except as provided by federal and state laws and regulations, no records or information concerning applicants for and recipients of public assistance or child support are accessible except for purposes directly connected with the administration of the public assistance and child support enforcement programs. Social services records and information are confidential except they are accessible to persons having a legitimate interest in accordance with federal and state laws and regulations.


Statutory Authority: §§ 63.2-102, 63.2-103, 63.2-104, 63.2-105, 63.2-217 of the Code of Virginia.

**Contact:** Lynette Isbell, Policy and Planning Manager, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1821, FAX (804) 692-2425, or e-mail [lwi2@email1.dss.state.va.us](mailto:lwi2@email1.dss.state.va.us).

**April 16, 2003 - 9 a.m.** -- Open Meeting

**April 17, 2003 - 9 a.m.** -- Open Meeting  
Albemarle County Office Building, 401 McIntire Road, Charlottesville, Virginia. 

A regular meeting of the Board of Social Services.

**Contact:** Pat Rengnerth, Board Liaison, State Board of Social Services, Division of Legislative Affairs, 730 E. Broad St., Room 812, Richmond, VA 23219-1849, telephone (804) 692-1826, FAX (804) 692-1960, (800) 828-1120/TTY , e-mail [pvr2@email1.dss.state.va.us](mailto:pvr2@email1.dss.state.va.us).

## DEPARTMENT OF SOCIAL SERVICES

**April 12, 2003 - 10 a.m.** -- Open Meeting  
NOTE: CHANGE IN MEETING LOCATION  
Richmond, Virginia.

A quarterly meeting of the Virginia Commission on National and Community Service. The commission will discuss issues regarding the commission's federal mandate from the Governor, the Corporation for National and Community Service, and the Commission Chair. Minutes of the February 21 meeting may be obtained from the Department of Social Services, 8th Floor.

**Contact:** Felicia Jones, Administrative Assistant, Department of Social Services, 730 E. Broad St., 8th Floor, Richmond, VA 23219, telephone (804) 692-1998, FAX (804) 692-1999, toll-free (800) 638-3839.

## BOARD OF SOCIAL WORK

**April 11, 2003** - Public comments may be submitted until this date.


Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Social Work intends to amend regulations entitled: **18 VAC 140-20. Regulations Governing the Practice of Social Work.** The purpose of the proposed action is to amend regulations regarding dual relationships and specify a time of two years post termination of the therapeutic relationship with the burden of proof on the clinician and to revise the name of one organization recognized as an approved provider of continuing education.

Statutory Authority: §§ 54.1-2400 and Chapter 37 (§ 54.1-3700 et seq.) of Title 54.1 of the Code of Virginia.


Public comments may be submitted until April 11, 2003, to Evelyn B. Brown, Executive Director, Board of Social Work, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712.

**Contact:** Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail [elaine.yeatts@dhp.state.va.us](mailto:elaine.yeatts@dhp.state.va.us).

**May 9, 2003 - 10 a.m.** -- Open Meeting


Department of Health Professions, 6603 West Broad Street, Richmond, Virginia. 

A business meeting to discuss board and regulatory matters as well as give committee reports. Public comment will be heard at the beginning of the meeting.

**Contact:** Arnice Covington, Administrative Assistant, Board of Social Work, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9914, FAX (804) 662-7250, (804) 662-7197/TTY , e-mail [arnice.covington@dhp.state.va.us](mailto:arnice.covington@dhp.state.va.us).

## BOARD FOR PROFESSIONAL SOIL SCIENTISTS AND WETLAND PROFESSIONALS

**† April 15, 2003 - 10 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

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# Calendar of Events

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A meeting to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Mark N. Courtney, Executive Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY 📞, e-mail courtney@dpor.state.va.us.

## DEPARTMENT OF TECHNOLOGY PLANNING

### Virginia Geographic Information Network Advisory Board

**May 1, 2003 - 1:30 p.m.** -- Open Meeting  
Richmond Plaza Building, 110 South 7th Street, 3rd Floor Training Room, Richmond, Virginia. 🗿

A regular meeting.

**Contact:** Bill Shinar, VGIN Coordinator, Department of Technology Planning, 110 S. 7th St., Suite 135, Richmond, VA 23219, telephone (804) 786-8175, FAX (804) 371-2795, e-mail bshinar@vgin.state.va.us.

### Wireless E-911 Services Board

**May 14, 2003 - 9 a.m.** -- Open Meeting  
Richmond Plaza Building, 110 South 7th Street, 3rd Floor Conference Room, Richmond, Virginia. 🗿 (Interpreter for the deaf provided upon request)

A request will be made to hold a meeting of the CMRS subcommittee at 9 a.m. in closed session. A regular monthly meeting of the full board will begin at 10 a.m.

**Contact:** Steven Marzolf, Public Safety Communications Coordinator, Department of Technology Planning, 110 South 7th Street, Richmond, VA 23219, telephone (804) 371-0015, e-mail smarzolf@ntp.state.va.us.

## COUNCIL ON TECHNOLOGY SERVICES

**April 9, 2003 - 9:30 a.m.** -- Open Meeting  
**May 14, 2003 - 9:30 a.m.** -- Open Meeting  
**June 11, 2003 - 9:30 a.m.** -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street, 7th Floor, Executive Conference Room, Richmond, Virginia. 🗿

A regular monthly meeting of the Change Management Workgroup. Agenda and details available at [www.cots.state.va.us](http://www.cots.state.va.us).

**Contact:** Jenny Hunter, COTS Executive Director, Council on Technology Services, 110 S. 7th St., Suite 135, Richmond, VA 23219, telephone (804) 786-9579, FAX (804) 786-9584, e-mail jhunter@gov.state.va.us.

**April 17, 2003 - 3 p.m.** -- Open Meeting  
**May 15, 2003 - 3 p.m.** -- Open Meeting  
**June 19, 2003 - 3 p.m.** -- Open Meeting  
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Lee Building, Rooms 101, 103, and 105, Richmond, Virginia. 🗿 (Interpreter for the deaf provided upon request)

A regular monthly meeting of the Security Workgroup. Agenda and more details can be found at [www.cots.state.va.us](http://www.cots.state.va.us).

**Contact:** Jenny Hunter, Executive Director, Council on Technology Services, 110 S. 7th St., Suite 135, Richmond, VA 23219, telephone (804) 786-9579, FAX (804) 786-9584, e-mail jhunter@gov.state.va.us.

**May 1, 2003 - 2 p.m.** -- Open Meeting  
**June 5, 2003 - 2 p.m.** -- Open Meeting  
Department of Information Technology, 110 South 7th Street, 3rd Floor, Executive Conference Room, Richmond, Virginia.

A regular monthly meeting of the Executive Committee. Agenda and meeting information available at [www.cots.state.va.us](http://www.cots.state.va.us).

**Contact:** Jenny Hunter, Executive Director, Council on Technology Services, Department of Technology Planning, 110 S. 7th St., Richmond, VA 23219, telephone (804) 786-9579, FAX (804) 786-9584, e-mail jhunter@gov.state.va.us.

## COMMONWEALTH TRANSPORTATION BOARD

**April 17, 2003 - 9 a.m.** -- Open Meeting  
Northern Virginia District Headquarters, 14685 Avion Parkway, Chantilly, Virginia.

**May 14, 2003 - 2 p.m.** -- Open Meeting  
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:** Sandra M. Mills, Assistant Legislative Coordinator, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 225-4701, FAX (804) 225-4700, e-mail Sandee.Mills@VirginiaDOT.org.

NOTE: CHANGE IN MEETING TIME  
**April 17, 2003 - 11 a.m.** -- Open Meeting  
Northern Virginia District Headquarters, 14685 Avion Parkway, Chantilly, Virginia.

**May 15, 2003 - 9 a.m.** -- Open Meeting  
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:** Sandra M. Mills, Agency Regulatory Coordinator, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 225-4701, FAX (804) 225-4700, e-mail Sandee.Mills@VirginiaDOT.org.

## TREASURY BOARD

**April 16, 2003 - 9 a.m.** -- Open Meeting

**May 21, 2003 - 9 a.m.** -- Open Meeting

James Monroe Building, 101 North 14th Street, 3rd Floor, Treasury Board Room, Richmond, Virginia. 

A regular meeting.

**Contact:** Melissa Mayes, Treasury Board Secretary, Department of the Treasury, 101 N. 14th St., 3rd Floor, Treasury Board Room, Richmond, VA 23219, telephone (804) 371-6011, FAX (804) 225-3187, e-mail melissa.mayes@trs.state.va.us.

## STATE WATER CONTROL BOARD


**April 11, 2003** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **9 VAC 25-193. General Virginia Pollutant Discharge Elimination System Permit for Ready-Mixed Concrete Plants.** The purpose of the proposed action is to reissue the existing general permit that expires on September 30, 2003. The general permit will establish limitations and monitoring requirements for point source discharges of storm water and process wastewater from ready-mixed concrete plants.

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

**Contact:** Lily Choi, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4054, FAX (804) 698-4032, e-mail ychoi@deq.state.va.us.


**† April 24, 2003 - 7 p.m.** -- Public Hearing

Corporate Landing Middle School, 1597 Corporate Landing Parkway, Auditorium, Virginia Beach, Virginia. 

A public hearing to receive comments on a proposed modification of the U.S. Army Corps of Engineers Rudee Inlet Federal Navigation VWP Permit. The public comment period closes on May 9, 2003.

**Contact:** Debra J. Trent, Department of Environmental Quality, 5636 Southern Blvd., Virginia Beach, VA 23462, telephone (757) 518-2128, e-mail djtrent@deq.state.va.us.

**April 24, 2003 - 7 p.m.** -- Open Meeting

Loudoun County Sanitation Authority, 880 Harrison Street, SE, Leesburg, Virginia. 

A public meeting to receive comments on the board's Notice of Intent to amend the Dulles Area Watershed Policy.

**Contact:** Thomas A. Faha, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3846, FAX (703) 583-3801, e-mail tafaha@deq.state.va.us.

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**April 25, 2003** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to adopt regulations entitled: **9 VAC 25-740. Regulation for Wastewater Reclamation and Reuse.** 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.

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

Public comments may be submitted until April 25, 2003.

**Contact:** Lily Choi, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4054 or e-mail ychoi@deq.state.va.us.

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**† May 20, 2003 - 2 p.m.** -- Public Hearing

Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.

**June 6, 2003** - Public comments may be submitted until 5 p.m. on this date.


Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to adopt regulations entitled: **9 VAC 25-760. James River (Richmond Regional West) Surface Water Management Area.** The purpose of the proposed action is to designate the James River near Richmond as a surface water management area. The area would encompass the James River upstream from the southeastern toe of the I-95 Bridge in the City of Richmond to the southwestern toe of the U.S. Route 522 Bridge in Goochland and Powhatan Counties. After designation, the requirements of the Surface Water Management Area Regulation (9 VAC 25-220) would apply.

Statutory Authority: § 62.1-246 of the Code of Virginia.

**Contact:** Terry Wagner, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4043, FAX (804) 698-4032, or e-mail: tdwagner@deq.state.va.us.

## BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

**† May 6, 2003 - 10 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 informal fact-finding conferences. Persons desiring to participate in the meeting and requiring


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# Calendar of Events

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special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Ilona LaPaglia, Legal Assistant, Board for Waterworks and Wastewater Works Operators, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2394, FAX (804) 367-0194, e-mail LaPaglia@dpor.state.va.us.

**June 19, 2003 - 8:30 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 


A meeting to conduct board business.

**Contact:** David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-6128, (804) 367-9753/TTY , e-mail waterwasteoper@dpor.state.va.us.

## THE COLLEGE OF WILLIAM AND MARY

**April 24, 2003 - Noon** -- Open Meeting

**April 25, 2003 - 8 a.m.** -- Open Meeting

Blow Memorial Hall Board Room, 262 Richmond Road, Williamsburg, Virginia.  (Interpreter for the deaf provided upon request)

The board will receive reports from its committees and the administrations of Richard Bland College and the College of William and Mary and will act on those resolutions presented by the administrations. The meetings are open to the public, but there will be no opportunity for public comment.

**Contact:** William T. Walker, Jr., Associate Vice President for Public Affairs, The College of William and Mary, 312 Jamestown Rd., Williamsburg, VA 23185, telephone (757) 221-2624, FAX (757) 221-1021, e-mail wtwal2@wm.edu.

## INDEPENDENT

### STATE LOTTERY BOARD

† **April 23, 2003 - 9:30 a.m.** -- Open Meeting


State Lottery Department, Pocahontas Building, 900 East Main Street, Richmond, Virginia. 

A regular meeting.


**Contact:** Barbara L. Robertson, Legislative and Regulatory Coordinator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7903, FAX (804) 692-7905, e-mail brobertson@valottery.state.va.us.

## VIRGINIA BOARD FOR PROTECTION AND ADVOCACY


**April 15, 2003 - 6:30 p.m.** -- Open Meeting

Crowne Plaza Hotel, 555 East Canal Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A dinner meeting. Issues of the board may be discussed informally. No votes will be taken.

**Contact:** Claunita Jackson, Administrative Assistant, Virginia Office for Protection and Advocacy, 202 N. 9th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-3220, FAX (804) 225-3221, toll-free (800) 552-3962, (804) 225-2042/TTY , e-mail jacksoca@vopa.state.va.us.

**April 16, 2003 - 9 a.m.** -- Open Meeting

Ninth Street Office Building, 202 North Ninth Street, 9th Floor Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A work session. Public comments will not be received at this time.

**Contact:** Claunita Jackson, Administrative Assistant, Virginia Office for Protection and Advocacy, 202 N. 9th St., 9th Floor, 9th Street Office Building, Richmond, VA 23219, telephone (804) 225-3220, FAX (804) 225-3221, toll-free (800) 552-3962, (804) 225-2042/TTY , e-mail jacksoca@vopa.state.va.us.

## VIRGINIA RETIREMENT SYSTEM


**April 17, 2003 - Noon** -- Open Meeting

NOTE: CHANGE IN MEETING DATE AND TIME

**May 13, 2003 - Noon** -- Open Meeting


Virginia Retirement System Headquarters Building, 1200 East Main Street, Richmond, Virginia. 

A regular meeting of the Optional Retirement Plan Advisory Committee. No public comment will be received at the meeting.


**Contact:** Darla Glazier, Office Manager, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 344-3119, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , e-mail dglazier@vrs.state.va.us.

**April 21, 2003 - 9 a.m.** -- Open Meeting


**May 14, 2003 - 11 a.m.** -- Open Meeting

Bank of America Building, 1111 East Main Street, 4th Floor Conference Room, Richmond, Virginia. 

A regular meeting of the Investment Advisory Committee. No public comment will be received at the meeting.

**Contact:** Phyllis Henderson, Virginia Retirement System, 1111 E. Main St., Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , e-mail phenderson@vrs.state.va.us.

**May 14, 2003 - 3 p.m.** -- Open Meeting

VRS Headquarters, 1200 East Main Street, Richmond, Virginia. 

The following committees will meet:

- 3 p.m. - Benefits and Actuarial Committee
- 4 p.m. - Audit and Compliance 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 15, 2003 - 9 a.m.** -- Open Meeting

**June 16, 2003 - 9 a.m.** -- Open Meeting

VRS Headquarters, 1200 East Main Street, Richmond, Virginia. ♿

A regular meeting of the Board of Trustees. No public comment will be received.

**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.

## LEGISLATIVE

### VIRGINIA CODE COMMISSION

† **May 21, 2003 - 10 a.m.** -- Open Meeting

General Assembly, 9th and Broad Streets, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to (i) review status of 2003 Code Commission legislation; (ii) review title revision outlines for Titles 3.1 (Agriculture, Horticulture and Food) and 37.1 (Institutions for the Mentally Ill; Mental Health Generally) of the Code of Virginia; (iii) review background and issues relating to Title 1 (General Provisions); (iv) appoint task forces for title revisions, if needed; (v) set meeting schedule for remainder of the year; and (vi) conduct any other business to come before the commission. A brief public comment period will be provided at the end of the meeting.

**Contact:** Jane Chaffin, Registrar of Regulations, Virginia Code Commission, General Assembly Bldg., 2nd Floor, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625, e-mail jchaffin@leg.state.va.us.

### VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

† **April 8, 2003 - 2 p.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting.

**Contact:** Lisa Wallmeyer, Assistant Director, Virginia Freedom of Information Advisory Council, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219,

telephone (804) 225-3056, FAX (804) 371-0169, toll-free (866) 448-4100, e-mail foiaocouncil@leg.state.va.us.

## CHRONOLOGICAL LIST

### OPEN MEETINGS

#### April 7

- † Air Pollution Control Board, State
- Fire Services Board, Virginia
- Housing and Community Development, Board of
  - Codes and Standards Committee
- Nursing, Board of
  - Special Conference Committee

#### April 8

- Blind and Vision Impaired, Board for the
- † Cemetery Board
- Contractors, Board for
- † Freedom of Information Advisory Council, Virginia
- Gunston Hall Plantation
  - Board of Regents
- Nursing, Board of
  - Special Conference Committee
- Resources Authority, Virginia
  - Board of Directors

#### April 9

- Medicine, Board of
  - Informal Conference Committee
- † Nursing Home Administrators, Board of
- Sewage Handling and Disposal Appeal Review Board
- Technology Services, Council on
  - Change Management Workgroup

#### April 10

- † Auctioneers Board
- † Conservation and Recreation, Department of
  - Falls of the James Scenic River Advisory Board
  - Virginia Recreational Trails Grant Advisory Committee
- Environmental Quality, Department of
- Manufactured Housing Board, Virginia
- † Mental Health, Mental Retardation and Substance Abuse Services Board, State
- † Pharmacy, Board of

#### April 11

- Old Dominion University

#### April 12

- Social Services, Department of
  - Virginia Commission on National and Community Service

#### April 14

- Alcoholic Beverage Control Board
- † Medical Assistance Services, Board of

#### April 15

- † Agriculture and Consumer Services, Department of
  - Virginia Winegrowers Advisory Board
- † Deaf and Hard-of-Hearing, Department for the
  - Virginia Relay Advisory Council
- † Environmental Quality, Department of
- Protection and Advocacy, Virginia Board for
- † Soil Scientists and Wetland Professionals, Board for Professional



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# Calendar of Events

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## April 16

- † Agriculture and Consumer Services, Department of
  - Virginia State Apple Board
- Contractors, Board for
- † Medicine, Board of
  - Executive Committee
- † Mines, Minerals and Energy, Department of
  - Abandoned Mine Land Advisory Committee
- Protection and Advocacy, Virginia Board for
- † Public Broadcasting Board, Virginia
- † Racing Commission, Virginia
- Social Services, State Board of
- Treasury Board

## April 17

- † Aging, Commonwealth Council on
  - Health Care System Subcommittee
- † Agriculture and Consumer Services, Department of
  - Pesticide Control Board
- Design-Build/Construction Management Review Board
- Retirement System, Virginia
  - Optional Retirement Plan Advisory Committee
- Social Services, State Board of
- Technology Services, Council on
  - Security Workgroup
- Transportation Board, Commonwealth

## April 18

- † Correctional Education, Board of
- Health Professions, Department of
  - Intervention Program Committee

## April 21

- † Conservation and Recreation, Department of
  - Grayson Highlands State Park and Master Plan Advisory Committee
- Education, Board of
  - Advisory Board on Teacher Education and Licensure
- † Pharmacy, Board of
- Retirement System, Virginia
  - Investment Advisory Committee

## April 22

- Aviation Board, Virginia
- † Conservation and Recreation, Department of
  - New River Trail State Park Master Plan Advisory Committee
- Contractors, Board for
- Environmental Quality, Department of
  - Litter Control and Recycling Fund Advisory Board
- Funeral Directors and Embalmers, Board of
- † Marine Resources Commission
- Nursing, Board of
  - Special Conference Committee
- † Small Business Financing Authority, Virginia

## April 23

- † Aviation Board, Virginia
- † Compensation Board
- † Conservation and Recreation, Department of
  - Fairy Stone State Park Master Plan Advisory Committee
- † Lottery Board, State
- Medicine, Board of
  - Informal Conference Committee

## April 24

- Geology, Board for

- Medicine, Board of
  - Informal Conference Committee
- Nursing, Board of
  - Special Conference Committee
- Rehabilitative Services, Board of
- Water Control Board, State
- William and Mary, The College of
  - Board of Visitors

## April 25

- Health, State Board of
- † Optometry, Board of
- † Pharmacy, Board of
- William and Mary, The College of
  - Board of Visitors

## April 28

- Alcoholic Beverage Control Board
- † Conservation and Recreation, Department of
  - Leesylvania State Park Master Plan Advisory Committee
- † Hearing Aid Specialists, Board for

## April 29

- † Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for
  - Professional Engineers Section
- † Community Colleges, State Board for
- † Competition Council, Commonwealth
- Contractors, Board for
- Education, Board of
- † Forestry, Board of
- Nursing, Board of
  - Special Conference Committee
- † Pharmacy, Board of

## April 30

- † Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for
  - Architects Section
- 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

## May 1

- † Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for
  - Landscape Architects Section
- Education, Board of
- † Funeral Directors and Embalmers, Board of
- † Game and Inland Fisheries, Board of
- Technology Planning, Department of
  - VGIN Advisory Board
- Technology Services, Council on
  - Executive Committee

## May 2

- Art and Architectural Review Board
- † Opticians, Board for

## May 5

- Alzheimer's Disease and Related Disorders Commission
- † Branch Pilots, Board for

## May 6

- † Accountancy, Board of

† Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for

- Land Surveyors Section

Contractors, Board for

Medicine, Board of

- Advisory Board on Athletic Training

Museum of Fine Arts, Virginia

- Executive Committee

† Waterworks and Wastewater Works Operators, Board for

## May 7

Contractors, Board for

- Tradesman and Education Committee

† Deaf and Hard-of-Hearing, Department for the

Jamestown-Yorktown Foundation

- Executive Committee

Medicine, Board of

- Advisory Board on Acupuncture

- Advisory Board on Radiologic Technology

Real Estate Board

- Education Committee

## May 8

† Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for

- Certified Interior Designers Section

George Mason University

- Board of Visitors

Health, Department of

- State Emergency Medical Services Advisory Board

Medicine, Board of

- Advisory Board on Occupational Therapy

- Advisory Board on Respiratory Care

Real Estate Board

## May 9

Child Fatality Review Team, State

Health, Department

- State Emergency Medical Services Advisory Board

Medicine, Board of

- Advisory Board on Physician Assistants

Social Work, Board of

## May 12

Alcoholic Beverage Control Board

Nursing, Board of

Old Dominion University

- Executive Committee

## May 13

Contractors, Board for

Environmental Quality, Department of

- Recycling Markets Development Council

Medical Assistance Services, Board of

Nursing, Board of

Real Estate Appraiser Board

Retirement System, Virginia

- Optional Retirement Plan Advisory Board

## May 14

† Motor Vehicles, Department of

- Medical Advisory Board

Public Broadcasting Board, Virginia

Retirement System, Virginia

- Audit and Compliance Committee

- Benefits and Actuarial Committee

- Investment Advisory Committee

Technology Planning, Department of

- Wireless E-911 Services Board

Technology Services, Council on

- Change Management Workgroup

Transportation Board, Commonwealth

## May 15

Design-Build/Construction Management Review Board

Jamestown-Yorktown Foundation

- Board of Trustees

Nursing, Board of

Retirement System, Virginia

- Board of Trustees

Technology Services, Council on

- Security Workgroup

Transportation Board, Commonwealth

## May 16

Jamestown-Yorktown Foundation

- Board of Trustees

Medicine, Board of

- Legislative Committee

## May 20

Corrections, Board of

- Correctional Services Committee

- Liaison Committee

## May 21

Cemetery Board

† Code Commission, Virginia

Corrections, Board of

- Administration Committee

Milk Commission, State

Real Estate Board

Sewage Handling and Disposal Appeal Review Board

Treasury Board

## May 22

Real Estate Board

## May 27

† Marine Resources Commission

## May 28

Alcoholic Beverage Control Board

At-Risk Youth and Families, Comprehensive Services for

- State Executive Council

Contractors, Board for

Education, Board of

† Medicine, Board of

- Informal Conference Committee

## May 31

† Conservation and Recreation, Department of

- Virginia Cave Board

## June 3

Contractors, Board for

Nursing, Board of

- Special Conference Committee

## June 5

† Architects, Professional Engineers, Land Surveyors,

Certified Interior Designers and Landscape Architects,

Board for

Medicine, Board of

Technology Services, Council on

- Executive Committee

## June 6

Art and Architectural Review Board

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# Calendar of Events

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**June 9**

Alcoholic Beverage Control Board  
Nursing, Board of  
- Special Conference Committee

**June 10**

Contractors, Board for  
Nursing, Board of  
- Special Conference Committee

**June 11**

Jamestown-Yorktown Foundation  
- Steering Committee  
Technology Services, Council on  
- Change Management Workgroup

**June 16**

Library of Virginia, The  
Retirement System, Virginia  
- Board of Trustees

**June 17**

Contractors, Board for  
Old Dominion University  
- Board of Visitors

**June 18**

Polygraph Examiners Advisory Board

**June 19**

Design-Build/Construction Management Review Board  
Museum of Fine Arts, Virginia  
- Executive/Finance Committee  
† Public Guardian and Conservator Advisory Board, Virginia  
Technology Services, Council on  
- Security Workgroup  
Waterworks and Wastewater Works Operators, Board for

**June 20**

Health Professions, Department of  
- Intervention Program Committee

**June 23**

Alcoholic Beverage Control Board

**June 24**

Contractors, Board for  
† Marine Resources Commission  
Nursing, Board of  
- Special Conference Committee

**June 25**

† At-Risk Youth and Families, Comprehensive Services for  
† Education, Board of  
† Nursing, Board of  
- Special Conference Committee

**June 26**

† Nursing, Board of  
- Special Conference Committee

**July 1**

† Contractors, Board for

**April 24**

† Water Control Board, State

**April 29**

† Environmental Quality, Department of

**May 13**

Agriculture and Consumer Services, Department of

**May 15**

† Environmental Quality, Department of

**May 20**

† Water Control Board, State

**May 21**

Milk Commission, State

**June 12**

Criminal Justice Services Board

## PUBLIC HEARINGS

**April 9**

Air Pollution Control Board, State

**April 14**

† Compensation Board

**April 23**

† Environmental Quality, Department of  
† Health Professions, Department of