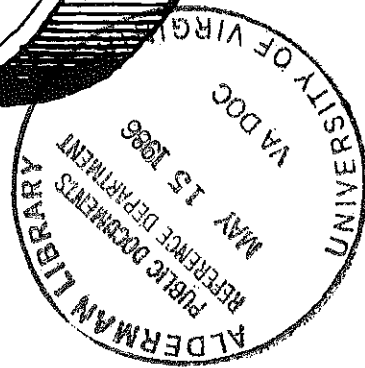
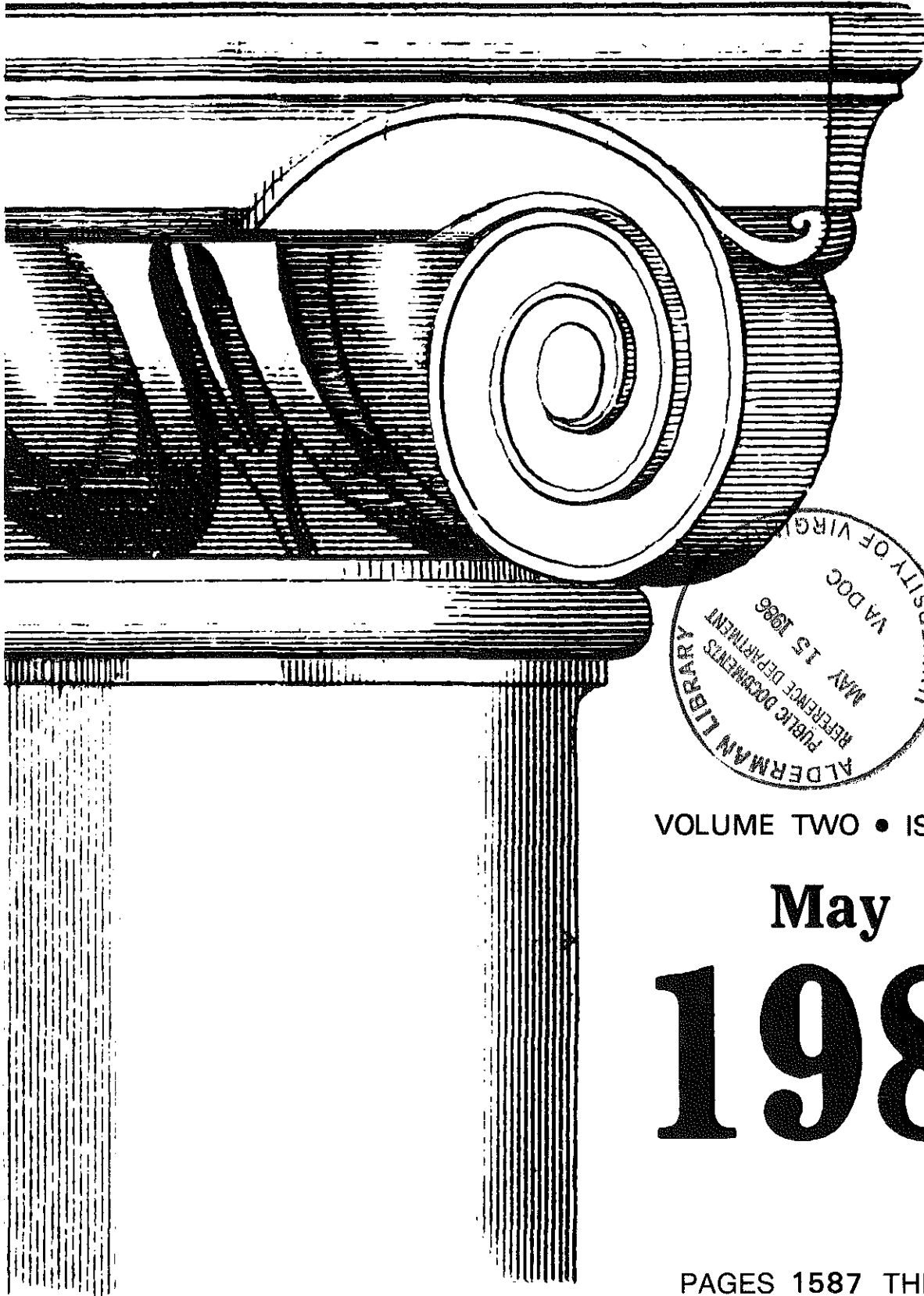


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THE VIRGINIA REGISTER

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INFORMATION ABOUT THE VIRGINIA REGISTER OF REGULATIONS

VIRGINIA REGISTER

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

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

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

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

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

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

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

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

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

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

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

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

require the agency to solicit additional public comment on the substantial changes.

A regulation becomes effective at the conclusion of this thirty-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the twenty-one day extension period; or (ii) the Governor exercises his authority to suspend the regulatory process for solicitation of additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified which date shall be after the expiration of the period for which the Governor has suspended the regulatory process.

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

EMERGENCY REGULATIONS

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

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

STATEMENT

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

CITATION TO THE VIRGINIA REGISTER

The Virginia Register is cited by volume, issue, page number, and date. **1:3 V.A.R. 75-77 November 12, 1984** refers to Volume 1, Issue 3, pages 75 through 77 of the Virginia Register issued on November 12, 1984.

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Aug. 19	July 31
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Sept. 16	Aug. 28
Sept. 30	Sept. 11
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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.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

NOTE: The Virginia Housing Development Authority is exempted from the Administrative Process Act (§ 9-6.14:4 of the Code of Virginia); however, under the provisions of § 9-6.14:22, it is required to publish all proposed and final regulations.

Title of Regulation: VR 400-02-0003. Procedures, Instructions and Guidelines for Single-Family Mortgage Loans to Persons of Low and Moderate Income.

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

Public Hearing Date: N/A

NOTICE

Documents and forms referred to as exhibits have not been adopted by the authority as a part of the Procedures, Instructions and Guidelines for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income but are attached thereto for reference and informational purposes. Accordingly, such documents and forms have not been included in the amendments to Procedures, Instructions and Guidelines for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income. Copies of such documents and forms are available upon request at the office of the authority.

Summary:

The proposed amendments will provide that with respect to loans insured or guaranteed by the Federal Housing Administration or Veteran's Administration, the Virginia Housing Development Authority's minimum income requirements, underwriting criteria, requirements for funds necessary to close, and requirements for approval of condominiums shall not be applicable.

VR 400-02-0003. Procedures, Instructions and Guidelines for Single-Family Mortgage Loans to Persons of Low and Moderate Income.

PART I. GENERAL.

§ 1.1. The following procedures, instructions and guidelines will be applicable to mortgage loans which are made or financed or are proposed to be made or financed by the authority to persons and families of low and moderate income for the acquisition (and, where applicable, rehabilitation), ownership and occupancy of single family

housing units.

In order to be considered eligible for a mortgage loan hereunder, a "person" or "family" (as defined in the authority's rules and regulations) must have an "adjusted family income" (as determined in accordance with the authority's rules and regulations) which does not exceed the applicable income limitation established by the authority. Furthermore, the sales price of any single family unit to be financed hereunder must not exceed the applicable sales price limit established by the authority. Such income and sales price limitations shall be set forth in the Processing and Disbursing Guide described in § 1.2 C hereof.

Notwithstanding anything to the contrary herein, the executive director is authorized with respect to any mortgage loan hereunder to waive or modify any provisions of these procedures, instructions and guidelines where deemed appropriate by him for good cause, to the extent not inconsistent with the authority's act, rules and regulations, and covenants and agreements with the holders of its bonds.

"Executive director" as used herein means the executive director of the authority or any other officer or employee of the authority who is authorized to act on behalf of the authority pursuant to a resolution of the board.

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

The procedures, instructions and guidelines set forth herein are intended to provide a general description of the authority's processing requirements and are not intended to include all actions involved or required in the processing and administration of mortgage loans under the authority's single family housing program. These procedures, instructions and guidelines are subject to change at any time by the authority and may be supplemented by policies, procedures, instructions and guidelines adopted by the authority from time to time.

§ 1.2. Processing/disbursing/servicing agents.

A. The processing of applications for the making or financing of mortgage loans hereunder, the disbursement

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of proceeds of mortgage loans and the servicing of mortgage loans shall be performed through commercial banks, savings and loan associations and private mortgage bankers approved as Processing/Disbursing/Servicing Agents ("PDS agents") of the authority. To be initially approved as PDS agents, the applicant must meet the following qualifications:

1. Be authorized to do business in the Commonwealth of Virginia;
2. Have a satisfactory rating from any state and/or federal agencies responsible for the regulation of the applicant;
3. Have a net worth equal to or in excess of \$100,000 or, in the case of a savings and loan association, have its deposits insured by the Federal Savings and Loan Insurance Corporation;
4. Have aggregate servicing and originating volume during the preceding five years at least equal to 10 times the principal amount of loans expected to be initially serviced and originated for the authority;
5. Have a staff with demonstrated ability and experience in mortgage loan origination and servicing;
6. Each branch office of the applicant that is to originate mortgage loans must have demonstrated experience in the origination of mortgage loans;
7. Have a delinquency rate on its portfolio of serviced mortgage loans not in excess of 5.1%;
8. Have a foreclosure rate on portfolio of serviced mortgage loans not in excess of 1.0% annually;
9. Have reasonable business hours - i.e. be open to the public at least five hours every banking day; and
10. Such other qualifications as the executive director shall deem to be related to the performance of its duties and responsibilities.

If the applicant is to originate (but not service) mortgage loans, the applicant must satisfy the qualification set forth in (4) and (5) above only with respect to the origination of mortgage loans.

All PDS agents approved by the authority shall enter into Processing/Disbursing/Servicing Agreements ("PDS agreements") with the authority containing such terms and conditions as the executive director shall require with respect to the processing, disbursing and servicing of mortgage loans hereunder. The PDS agents shall maintain adequate books and records with respect to such mortgage loans, shall permit the authority to examine such books and records, and shall submit to the authority such reports (including annual financial statements) and information as the authority may require. The fees payable to the PDS

agent for originating and servicing mortgage loans hereunder shall be established from time to time by the executive director and shall be set forth in the PDS agreements.

B. Allocation of funds.

The executive director shall allocate funds for the making or financing of mortgage loans hereunder in such manner, to such persons and entities, in such amounts, for such period, and subject to such terms and conditions as he shall deem appropriate to best accomplish the purposes and goals of the authority. Without limiting the foregoing, the executive director may allocate funds (i) to mortgage loan applicants on a first-come, first-serve or other basis, (ii) to PDS agents and state and local government agencies and instrumentalities for the origination of mortgage loans to qualified applicants and/or (iii) to builders for the permanent financing of residences constructed or rehabilitated or to be constructed or or rehabilitated by them and to be sold to qualified applicants. In determining how to so allocate the funds, the executive director may consider such factors as he deems relevant, including any of the following:

1. The need for the expeditious commitment and disbursement of such funds for mortgage loans;
2. The need and demand for the financing of mortgage loans with such funds in the various geographical areas of the Commonwealth;
3. The cost and difficulty of administration of the allocation of funds;
4. The capability, history and experience of any PDS agents, state and local governmental agencies and instrumentalities, builders, or other persons and entities (other than mortgage loan applicants) who are to receive an allocation; and
5. Housing conditions in the Commonwealth.

In the event that the executive director shall determine to make allocations of funds to builders as described above, the following requirements must be satisfied by each such builder:

1. The builder must have a valid contractor's license in the Commonwealth;
2. The builder must have at least three years' experience of a scope and nature similar to the proposed construction or rehabilitation; and
3. The builder must submit to the authority plans and specifications for the proposed construction or rehabilitation which are acceptable to the authority.

The executive director may from time to time take such action as he may deem necessary or proper in order to

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

C. Processing and Disbursing Guide and Servicing Guide.

The Processing and Disbursing Guide attached hereto as Part II is incorporated into and made a part of these procedures, instructions and guidelines. The executive director is authorized to prepare and from time to time revise a Servicing Guide which shall set forth the accounting and other procedures to be followed by the PDS agents in the servicing of the mortgage loans under the PDS agreements. Copies of the Servicing Guide shall be available upon request. The executive director shall be responsible for the implementation and interpretation of the provisions of the Processing and Disbursing Guide and the Servicing Guide.

D. Making and purchase of new mortgage loans.

The authority may from time to time (i) make mortgage loans directly to mortgagors with the assistance and services of its PDS agents and (ii) agree to purchase individual mortgage loans from its PDS agents upon the consummation of the closing thereof. The review and processing of applications for such mortgage loans, the issuance of mortgage loan commitments therefor, the closing and servicing (and, if applicable, the purchase) of such mortgage loans, and the terms and conditions relating to such mortgage loans shall be governed by and shall comply with the provisions of the PDS agreement, the Processing and Disbursing Guide, the Servicing Guide and the authority's act and rules and regulations.

E. Purchase of existing mortgage loans.

The authority may purchase from time to time existing mortgage loans with funds held or received in connection with bonds issued by the authority prior to January 1, 1981, or with other funds legally available therefor. With respect to any such purchase, the executive director may request and solicit bids or proposals from the authority's PDS agents for the sale and purchase of such mortgage loans, in such manner, within such time period and subject to such terms and conditions as he shall deem appropriate

under the circumstances. The executive director may take such action as he deems necessary or appropriate to solicit offers to sell mortgage loans, including mailing of the request to PDS agents, advertising in newspapers or other publications and any other method of public announcement which he may select as appropriate under the circumstances. After review and evaluation by the executive director of the bids or proposals, he shall select those bids or proposals that offer the highest yield to the authority on the mortgage loans (subject to any limitations imposed by law on the authority) and that best conform to the terms and conditions established by him with respect to the bids or proposals. Upon selection of such bids or proposals, the executive director shall issue commitments to the PDS agents to purchase the mortgage loans, subject to such terms and conditions as he shall deem necessary or appropriate and subject to the approval or ratification by the board. Upon satisfaction of the terms of the commitments, the executive director shall execute such agreements and documents and take such other action as may be necessary or appropriate in order to consummate the purchase and sale of the mortgage loans. The mortgage loans so purchased shall be serviced in accordance with the PDS agreement and the Servicing Guide. Such mortgage loans and the purchase thereof shall in all respects comply with the authority's act and rules and regulations.

F. Delegated underwriting.

The executive director may, in his discretion, delegate to one or more PDS agents the responsibility for issuing commitments for mortgage loans and disbursing the proceeds hereof without prior review and approval by the authority. The issuance of such commitments shall be subject to ratification thereof by the board of the authority. If the executive director determines to make any such delegation, he shall establish criteria under which PDS agents may qualify for such delegation. If such delegation has been made, the PDS agents shall submit all required documentation to the authority after closing of each mortgage loan. If the executive director determines that a mortgage loan does not comply with the Processing and Disbursing Guide, the PDS agreement or the authority's act or rules and regulations, he may require the PDS Agents to purchase such mortgage loan, subject to such terms and conditions as he may prescribe.

PART II. VIRGINIA HOUSING DEVELOPMENT AUTHORITY PROCESSING AND DISBURSING GUIDE.

Article I. Eligibility Requirements.

§ 2.1. Eligible persons and families.

A. Person.

A one-person household is eligible, but the authority will restrict the number of loans that the PDS agent can

originate for such persons and has established sales price limits for such households. An individual who is 62 or more years of age or who is handicapped or disabled shall not be deemed a one-person household for these purposes.

B. Family.

A single family loan can be made to more than one person only if all such persons to whom the loan is made are related by blood, marriage or adoption and are living together in the dwelling as a single nonprofit housekeeping unit.

1. Allocation to one-person households.

The maximum number of one-person households will be limited to 17% of all units financed. Units will be allocated by planning district with each planning district to receive funds based on its relative need. Allocation of one-person households to PDS agents and builders will be made based upon the dollar amount of their allocation and geographical location. The maximum number of one-person households allowed will be specified in the Forward Commitment Agreement and Bulder Commitment Agreement.

§ 2.2. Compliance with certain requirements of the Mortgage Subsidy Bond Tax Act of 1980.

The federal Mortgage Subsidy Bond Tax Act of 1980 imposes certain new requirements and restrictions on the eligibility of mortgagors and residences for financing with the proceeds of tax-exempt bonds. In order to comply with this federal law, VHDA is establishing certain procedures which must be performed by the PDS agent in order to determine such eligibility. The eligibility requirements for the borrower and the dwelling are described below as well as the procedures to be performed. The PDS agent will certify to the performance of these procedures and evaluation of a borrower's eligibility by completing, initialling and signing the "Checklist for certain requirements of the Mortgage Subsidy Bond Tax Act of 1980" (the "checklist") (Section II, Exhibit A) prior to VHDA approval of each loan. No loan will be approved by VHDA unless all of the federal eligibility requirements are met as well as the usual VHDA requirements set forth in other parts of this guide.

§ 2.2.1. Eligible borrowers.

A. General.

An applicant will be considered an eligible borrower for a VHDA mortgage loan, if the applicant meets all of the following federal criteria:

1. Has not had a present ownership interest in his principal residence within the three years preceding the date of execution of the mortgage loan. (See B. Three-year requirement);

2. Agrees to occupy and use the residential property to be purchased as his permanent, principal residence within 60 days (90 days in the case of a rehabilitation loan as defined in § 2.17) after the date of the closing of the mortgage loan. (See C. Principal residence requirement);

3. Will not use the proceeds of the mortgage loan to acquire or replace an existing mortgage or debt, except in the case of certain types of temporary financing. (See D. New mortgage requirement);

4. Has contracted to purchase an eligible dwelling. (See § 2.2.2. Eligible dwelling);

5. Has executed a borrower affidavit at the time of loan application (to be confirmed on the date of loan closing); and

6. Agrees not to sell, lease or otherwise transfer an interest in the residence or permit the assumption of his mortgage loan without the prior written consent of VHDA.

B. Three-year requirement.

An eligible borrower does not include any borrower who, at any time during the three years preceding the date of execution of the mortgage loan, had a "present ownership interest" (as hereinafter defined) in his principal residence. Each borrower must certify on the borrower affidavit that at no time during the three years preceding the execution of the mortgage loan has he has a present ownership interest in his principal residence. This requirement does not apply to residences located in "targeted areas" (see § 2.3. "Targeted areas"); however, even if the residence is located in a "targeted area," the prior tax returns described in 3. below must be obtained for the purpose of determining compliance with other requirements.

1. Definition of present ownership interest. "Present ownership interest" includes:

a. A fee simple interest,

b. A joint tenancy, a tenancy in common, or a tenancy by the entirety,

c. The interest of a tenant shareholder in a cooperative,

d. A life estate,

e. A land contract, under which possession and the benefits and burdens of ownership are transferred although legal title is not transferred until some later time, and

f. An interest held in trust for the eligible borrower (whether or not created by the eligible borrower)

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that would constitute a present ownership interest if held directly by the eligible borrower.

Interests which do not constitute a "Present ownership interest" include:

- a. A remainder interest,
- b. An ordinary lease with or without an option to purchase,
- c. A mere expectancy to inherit an interest in a principal residence,
- d. The interest that a purchaser of a residence acquires on the execution of an accepted offer to purchase real estate, and
- e. An interest in other than a principal residence during the previous three years.

2. Persons covered. This requirement applies to any person who will execute the mortgage or note and will have a present ownership interest (as defined above) in the eligible dwelling.

3. Prior tax returns. To verify that the eligible borrower meets the three-year requirement, the PDS agent must obtain copies of signed federal income tax returns filed by the eligible borrower for the three years preceding execution of the mortgage or certified copies of the returns. If the eligible borrower was not required by law to file a federal income tax return for any of these three years and did not so file, and so states on the borrower affidavit, the requirement to obtain a copy of the federal income tax return for such year is waived.

The PDS agent shall examine the tax returns particularly for any evidence that the eligible borrower may have claimed deductions for property taxes or for interest on indebtedness with respect to real property constituting his principal residence.

4. Review by PDS agent. The PDS agent must, with due diligence, verify the representations in the borrower affidavit regarding the applicant's prior residency by reviewing any information including the credit report and the tax returns furnished by the eligible borrower for consistency, and certify to VHDA that on the basis of its review, it is of the opinion that each borrower has not had present ownership interest in a principal residence at any time during the three-year period prior to the anticipated date of the loan closing.

C. Principal residence requirement.

1. General. An eligible borrower must intend to occupy the eligible dwelling as a principal residence within 60 days (90 days in the case of rehabilitation

loan) after the closing of the mortgage loan. Unless the residence can reasonably be expected to become the principal residence of the eligible borrower within 60 days (90 days in the case of a rehabilitation loan) of the mortgage loan closing date, the residence will not be considered an eligible dwelling and may not be financed with a mortgage loan from VHDA. An eligible borrower must covenant to intend to occupy the eligible dwelling as a principal residence within 60 days (90 days in the case of rehabilitation loan) after the closing of the mortgage loan on the borrower affidavit and as part of the attachment to the deed of trust.

2. Definition of principal residence. A principal residence does not include any residence which can reasonably be expected to be used: (i) primarily in a trade or business, (ii) as an investment property, or (iii) as a recreational or second home. A residence may not be used in a manner which would permit any portion of the costs of the eligible dwelling to be deducted as a trade or business expense for federal income tax purposes or under circumstances where any portion of the total living area is to be used primarily in a trade or business.

3. Land not to be used to produce income. The land financed by the mortgage loan may not provide, other than incidentally, a source of income to the eligible borrower. The eligible borrower must indicate on the borrower affidavit that, among other things:

- a. No portion of the land financed by the mortgage loan provides a source of income (other than incidental income);
- b. He does not intend to farm any portion (other than as a garden for personal use) of the land financed by the mortgage loan; and
- c. He does not intend to subdivide the property.

4. Lot size. Only such land as is reasonably necessary to maintain the basic livability of the residence may be financed by a mortgage loan. The financed land must not exceed the customary or usual lot in the area. Generally, the financed land will not be permitted to exceed two acres even in rural areas.

5. Review by PDS agent. The borrower affidavit must be reviewed by the PDS agent for consistency with the eligible borrower's federal income tax returns and the credit report in order to support an opinion that the eligible borrower is not engaged in any employment activity or trade or business which has been conducted in his principal residence. Also, the PDS agent shall review the appraiser report of a VHDA-approved appraiser and the required photographs to determine based on the location and the structural design and other characteristics of the dwelling that the residence is suitable for use as a

permanent residence and not for use primarily in a trade or business or for recreational purposes. Based on such review, the PDS agent shall certify to its opinions in the checklist at the time the loan application is submitted to VHDA for approval.

6. Post-closing procedures. The PDS agent shall establish procedures to (i) review correspondence, checks and other documents received from the borrower during the 120-day period following the loan closing for the purpose of ascertaining that the address of the residence and the address of the borrower are the same and (ii) notify VHDA if such addresses are not the same. Subject to VHDA's approval, the PDS agent may establish different procedures to verify compliance with this requirement.

D. New mortgage requirement.

Mortgage loans may be made only to persons who did not have a mortgage (whether or not paid off) on the eligible dwelling at any time prior to the execution of the mortgage. Mortgage loan proceeds may not be used to acquire or replace an existing mortgage or debt for which the eligible borrower is liable or which was incurred on behalf of the eligible borrower, except in the case of construction period loans, bridge loans or similar temporary financing which has a term of 24 months or less.

1. Definition of mortgage. For purposes of applying the new mortgage requirement, a mortgage includes deeds of trust, conditional sales contracts (i.e. generally a sales contract pursuant to which regular installments are paid and are applied to the sales price), pledges, agreements to hold title in escrow, a lease with an option to purchase which is treated as an installment sale for federal income tax purposes and any other form of owner-financing. Conditional land sale contracts shall be considered as existing loans or mortgages for purposes of this requirement.

2. Temporary financing. In the case of a mortgage loan made to refinance a loan for the construction of an eligible dwelling, VHDA shall not make such mortgage loan until it has determined that such construction has been satisfactorily completed.

3. Review by PDS agent. Prior to closing the mortgage loan, the PDS agent must examine the borrower affidavit, the seller affidavit, and related submissions, including (i) the eligible borrower's federal income tax returns for the preceding three years, and (ii) credit report, in order to determine whether the eligible borrower will meet the new mortgage requirements. Upon such review, the PDS agent shall certify to VHDA that the agent is of the opinion that the proceeds of the mortgage loan will not be used to repay or refinance an existing mortgage debt of the borrower and that the borrower did not have a mortgage loan on the eligible dwelling prior to the

date hereof, except for permissible temporary financing described above.

E. Multiple loans.

Any eligible borrower may not have more than one outstanding VHDA mortgage loan.

§ 2.2.2. Eligible dwellings.

A. General.

In order to qualify as an eligible dwelling for which a VHDA loan may be made, the residence must:

1. Be located in the Commonwealth;
2. Be a one-family detached residence, a townhouse or one unit of a VHDA approved condominium; and
3. Satisfy the acquisition cost requirements set forth below.

B. Acquisition cost requirements.

1. General. The acquisition cost of an eligible dwelling may not exceed certain limits established by the U.S. Department of the Treasury in effect at the time of the application. Note: In all cases such federal limits equal or exceed the VHDA sales price limits shown in § 2.4. Therefore, the residence is an eligible dwelling if the acquisition cost is not greater than the VHDA sales price limit. In the event that the acquisition cost exceeds the VHDA sales price limit, the PDS agent must contact VHDA to determine if the residence is an eligible dwelling.

2. Definition of acquisition cost. Acquisition cost means the cost of acquiring the eligible dwelling from the seller as a completed residence.

a. Acquisition cost includes:

(1) All amounts paid, either in cash or in kind, by the eligible borrower (or a related party or for the benefit of the eligible borrower) to the seller (or a related party or for the benefit of the seller) as consideration for the eligible dwelling. Such amounts include amounts paid for items constituting fixtures under state law, but not for items of personal property not constituting fixtures under state law. (See Exhibit R for examples of fixtures and items of personal property.)

(2) The reasonable costs of completing or rehabilitating the residence (whether or not the cost of completing construction or rehabilitation is to be financed with the mortgage loan) if the eligible dwelling is incomplete or is to be rehabilitated. As an example of reasonable completion cost, costs of completing the eligible dwelling so as to permit

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occupancy under local law would be included in the acquisition cost. A residence which includes unfinished areas (i.e. an area designed or intended to be completed or refurbished and used as living space, such as the lower level of a tri-level residence or the upstairs of a Cape Cod) shall be deemed incomplete, and the costs of finishing such areas must be included in the acquisition cost. (See Acquisition Cost Worksheet, Section II Exhibit G, Item 4).

(3) Where the eligible dwelling is subject to a ground rent, the capitalized value of any ground rent calculated using a discount rate equal to the yield of the VHDA bonds from which the mortgage loan was made. VHDA will supply bond yield information to PDS agents on request for the purpose of calculating capitalized ground rent.

(4) The cost of land on which the eligible dwelling is located and which has been owned by the eligible borrower for a period no longer than two years prior to the construction of the structure comprising the eligible dwelling.

b. Acquisition cost does not include:

(1) Usual and reasonable settlement or financing costs. Such excluded settlement costs include title and transfer costs, title insurance, survey fees and other similar costs. Such excluded financing costs include credit reference fees, legal fees, appraisal expenses, points which are paid by the eligible borrower, or other costs of financing the residence. Such amounts must not exceed the usual and reasonable costs which otherwise would be paid. Where the buyer pays more than a pro rata share of property taxes, for example, the excess is to be treated as part of the acquisition cost.

(2) The imputed value of services performed by the eligible borrower or members of his family (brothers and sisters, spouse, ancestors and lineal descendants) in constructing or completing the residence.

3. Acquisition cost worksheet. The PDS agent is required to obtain from each eligible borrower a completed acquisition cost worksheet which shall specify in detail the basis for the purchase price of the eligible dwelling, calculated in accordance with this Subsection B. The PDS agent shall assist the eligible borrower in the correct completion of the worksheet. The acquisition cost worksheet of the eligible borrower shall constitute part of the borrower affidavit required to be submitted with the loan submission. The seller affidavit shall also certify as to the acquisition cost of the eligible dwelling on the worksheet.

4. Review by PDS agent. The PDS agent shall

determine that the acquisition cost of the eligible dwelling does not exceed the authority's sales price limit shown in § 2.4. If the acquisition cost exceeds such limit, the PDS agent must contact VHDA to determine if the residence is an eligible dwelling. As part of its review, the PDS agent must review the acquisition cost worksheet submitted by each mortgage loan applicant, and the appraiser report, and must certify to VHDA that it is of the opinion that the acquisition cost of the eligible dwelling has been calculated in accordance with this Subsection B. In addition, the PDS agent must compare the information contained in the acquisition cost worksheet with the information contained in the seller affidavit and other sources and documents such as the contract of sale for consistency of representation as to acquisition cost.

5. Independent appraisal. VHDA reserves the right to obtain an independent appraisal in order to establish fair market value and to determine whether a dwelling is eligible for the mortgage loan requested.

§ 2.3. Targeted areas.

A. General.

In accordance with the Mortgage Subsidy Bond Tax Act of 1980, VHDA will make a portion of the proceeds of an issue of its bonds available for financing eligible dwellings located in targeted areas for at least one year following the issuance of a series of bonds. VHDA will exercise due diligence in making mortgage loans in targeted areas by advising PDS agents and certain localities of the availability of such funds in targeted areas and by advising potential eligible borrowers of the availability of such funds through advertising and/or news releases. The amount, if any, allocated to a PDS agent exclusively for targeted areas will be specified in the Forward Commitment Agreement.

B. Eligibility.

Mortgage loans for eligible dwellings located in targeted areas must comply in all respects with the requirements in § 2.2 and elsewhere in this guide for all mortgage loans, except for the three-year requirement in § 2.2.1 B.

1. Definition of targeted areas.

a. A targeted area is an area which is a qualified census tract, as described in (1) below, or an area of chronic economic distress, as described in (2) below.

(1) A qualified census tract is a census tract in the Commonwealth in which 70% or more of the families have an income of 80% or less of the state-wide median family income based on the most recent "safe harbor" statistics published by the U.S. Treasury. Maps indicating the location of current qualified census tracts will be supplied to the PDS

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agents by VHDA.

(2) An area of chronic economic distress is an area designated as such by the Commonwealth and approved by the Secretaries of Housing and Urban Development and the Treasury under criteria specified in the Mortgage Subsidy Bond Tax Act of 1980. PDS agents will be informed by VHDA as to the location of areas so designated.

§ 2.4. Sales price limits.

The authority's maximum allowable sales prices shall be as follows:

MAXIMUM ALLOWABLE SALES PRICES

Applicable to all bond issues except 1981A (13.7%), 1982A (13.85%) and "blend" of 1982A and 1982B (11.75%)*

	New Construction	Substantial Rehabilitation	Existing
Northern Virginia portion of Washington, DC-MD- VA MSA			
1/	\$104,200**	\$104,200**	\$90,300**
Norfolk-Virginia Beach- Newport News MSA			
2/	\$78,500	\$78,500	\$68,300
North Piedmont/Richmond- Petersburg MSA/Roanoke MSA			
3/	\$71,000	\$71,000	\$67,500
Remainder of State			
4/	\$61,100	\$61,100	\$56,500

1/ Includes: Alexandria City, Fairfax City, Falls Church City, Manassas City, Manassas Park City, Arlington County, Fairfax County, Loudoun County, Prince William County, Stafford County.

2/ Includes: Chesapeake City, Norfolk City, Portsmouth City, Suffolk City, Virginia Beach City, Hampton City, Newport News City, Poquoson City, Williamsburg City, Gloucester County, James City County, York County.

3/ Richmond-Petersburg MSA includes: Charles City County, Chesterfield County, Colonial Heights City, Dinwiddie County, Goochland County, Hanover County, Henrico County, Hopewell City, New Kent County, Petersburg City, Powhatan County, Prince George County, Richmond City.

Roanoke MSA includes: Botetourt County, Roanoke County, Roanoke City, Salem City.

North Piedmont includes: Albemarle County, Caroline County, Charlottesville City, Culpeper County, Fauquier County, Fluvanna County, Fredericksburg City, Greene County, King George County, Louisa County, Madison County, Orange County, Rappahannock County, Spotsylvania County.

4/ Any jurisdiction not a part of the Northern Virginia portion of the Washington, DC-MD-VA MSA, the Norfolk-Virginia Beach-Newport News MSA or the North Piedmont/Richmond Petersburg MSA/ Roanoke MSA.

* NOTE: For information regarding maximum allowable sales prices of residences financed by the 1981A (13.7%), 1982A (13.85%) or "blend" of 1982A and 1982B (11.75%), please contact the VHDA Staff.

The applicable maximum allowable sales price for new construction shall be increased by the amount of any grant to be received by a mortgagor under the authority's Solar Home Grant Program in connection with the acquisition of a residence.

§ 2.5. Net worth.

To be eligible for VHDA financing, an applicant cannot have a net worth exceeding \$20,000 plus an additional \$1,000 of net worth for every \$5,000 of adjusted income over \$20,000.

Any income producing assets needed as a source of income in order to meet the minimum income requirements for an authority loan will not be included in the applicant's net worth for the purpose of determining whether this net worth limitation has been violated.

§ 2.6. Income requirements.

A. Maximum income.

The maximum adjusted incomes for eligible borrowers shall be as follows:

MAXIMUM ALLOWABLE ADJUSTED INCOMES

Applicable to all bond issues except 1981A (13.7%), 1982A (13.85%) and "blend" of 1982A and 1982B (11.75%)*

	New Construction	Substantial Rehabilitation	Existing
Northern Virginia portion of Washington, DC- MD-VA MSA			
1/	\$41,200**	\$41,200**	\$36,500**
Norfolk-Virginia Beach Newport News MSA			
2/	\$34,300	\$34,300	\$29,000

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Northern Piedmont/
Richmond-Petersburg
MSA/Roanoke MSA

3/ \$29,900 \$29,900 \$28,700

Remainder of State

4/ \$29,400 \$29,400 \$27,200

1/ Includes: Alexandria City, Fairfax City, Falls Church City, Manassas City, Manassas Park City, Arlington County, Fairfax County, Loudoun County, Prince William County, Stafford County.

2/ Includes: Chesapeake City, Norfolk City, Portsmouth City, Suffolk City, Virginia Beach City, Hampton City, Newport News City, Poquoson City, Williamsburg City, Gloucester County, James City County, York County.

3/ Richmond-Petersburg MSA includes: Charles City County, Chesterfield County, Colonial Heights City, Dinwiddie County, Goochland County, Hanover County, Henrico County, Hopewell City, New Kent County, Petersburg City, Powhatan County, Prince George County, Richmond City.

Roanoke MSA includes: Botetourt County, Roanoke County, Roanoke City, Salem City.

North Piedment includes: Albemarle County, Caroline County, Charlottesville City, Culpeper County, Fauquier County, Fluvanna County, Fredericksburg City, Greene County, King George County, Louisa County, Madison County, Orange County, Rappahannock County, Spotsylvania County.

4/ Any jurisdiction not a part of the Northern Virginia portion of the Washington, DC-MD-VA-MSA, the Norfolk-Virginia Beach-Newport News MSA or the North Piedmont/Richmond Petersburg MSA/ Roanoke MSA.

* NOTE: For information regarding the maximum allowable adjusted incomes of persons or families acquiring residences financed by 1981 Series A (13.7%), 1982 Series A (13.85%) and "blend" of 1982A and 1982B (11.75%), please contact the VHDA staff.

B. Minimum income.

An applicant is eligible for VHDA financing if the monthly principal and interest, tax, insurance (PITI) and other additional monthly fees such as condominium assessments, townhouse assessments, etc. do not exceed 32% of monthly gross income. Also, the applicant is eligible when monthly PITI plus outstanding monthly installment loans with more than six months duration do not exceed 40% of monthly gross income. (See Section II, Exhibit B)

The provisions of this subsection B shall not be applicable to applicants for loans to be insured or

guaranteed by FHA or VA.

§ 2.7. Calculation of loan amount.

Single family detached residence and townhouse (fee simple ownership) - Maximum of 95% (or, in the case of a loan insured or guaranteed by FHA or VA, such other percentage as may be permitted by FHA or VA) of the lesser of the sales price or appraised value, except as may otherwise be approved by the authority.

Condominiums - 95% (or, in the case of a loan insured or guaranteed by FHA or VA, such other percentage as may be permitted by FHA or VA) of the sales price or appraised value, whichever is less.

For the purpose of the above calculations, the value of personal property to be conveyed with the residence shall be deducted from the sales price. (See Exhibit R for examples of personal property.) Also, the value of personal property included in the appraisal must be deducted from the appraised value. (See Appraiser Report, Section II, Exhibit H.)

§ 2.8. Mortgage insurance requirements.

Unless the loan is insured or guaranteed by FHA or VA, the borrower is required to purchase at time of loan closing full private mortgage insurance (25% to 100% coverage, as the authority shall determine) on all loans which exceed 80% of the lesser of sales price or appraised value. The PDS agent is required to escrow for annual payment of mortgage insurance. If VHDA requires FHA or VA insurance, the loan will either, at the election of the authority, (a) be closed in VHDA's name in accordance with the procedures and requirements herein or (b) be closed in the PDS agent's name and purchased by VHDA once the FHA Certificate of Insurance or VA Guaranty has been obtained. In the event VHDA purchases an FHA or VA insured loan, the PDS agent must enter into a purchase and sale agreement. (See Section II, Exhibit C.)

§ 2.9. Underwriting.

A. Employment and income.

B. 1. Length of employment.

1- a. The applicant must be employed a minimum of six months with present employer. An exception to the six-month requirement can be granted by VHDA if it can be determined that the type of work is similar to previous employment and previous employment was of a stable nature.

C. b. Self-employed applicants.

1- (1) Any self-employed applicant must have a minimum of two years of self-employment with the same company and in the same line of work. The

following information is required at the time of application:

~~a-~~ (a) Federal income tax returns for the two most recent tax years.

~~b-~~ (b) Balance sheets and profit and loss statements prepared by an independent public accountant.

In determining the income for a self-employed applicant, income will be averaged for the two-year period.

~~D-~~ B. Income derived from sources other than primary employment.

~~E-~~ 1. Alimony and child support.

~~1-~~ a. A copy of the legal document and sufficient proof must be submitted to VHDA verifying that alimony and child support are court ordered and are being received.

~~F-~~ 2. Social security and other retirement benefits.

Social Security Form No. SSA 2458 must be submitted to verify that applicant is receiving social security benefits. Retirement benefits must be verified by receipt or retirement schedules. VA disability benefits must be verified by the VA educational benefits and social security benefits for dependents 15 years or older are not accepted as income in qualifying an applicant for a loan.

~~G-~~ 3. Part-time employment.

Part-time employment must be continuous for a minimum of six months. Employment with different employers is acceptable so long as it has been uninterrupted for a minimum of six months. Part-time employment as used in this section means employment in addition to full-time employment.

Part-time employment as the primary employment will also be required to be continuous for six months.

NOTE: Under the Mortgage Subsidy Bond Tax Act of 1980, no part of the residence may be used in a trade or business.

~~H-~~ 4. Overtime, commission and bonus.

Overtime earnings must be guaranteed by the employer or verified for a minimum of two years. Bonus and commissions must be reasonably predictable and stable and the applicant's employer must submit evidence that they have been paid on a regular basis and can be expected to be paid in the future.

~~I-~~ 5. Credit.

VHDA requires that an applicant's previous credit experience be satisfactory. Poor credit references without an acceptable explanation will cause a loan to be rejected. Satisfactory credit references are considered to be one of the most important requirements in order to obtain a VHDA loan.

~~J-~~ D. Bankruptcies.

An applicant will not be considered for a loan if the applicant has been adjudged bankrupt within the past two years. If longer than two years, the applicant must submit a written explanation giving details surrounding the bankruptcy. VHDA has complete discretion to decline a loan when a bankruptcy is involved.

~~K-~~ E. Judgments.

An applicant is required to submit a written explanation for all judgments. Judgments must be paid before an applicant will be considered for a VHDA loan.

~~L-~~ F. FHA or VA loans.

The provisions of this § 2.09 shall not be applicable to applicants for loans to be insured or guaranteed by FHA or VA.

§ 2.10. Funds necessary to close.

A. Cash.

Funds necessary to pay the downpayment and closing costs must be deposited at the time of loan application. VHDA does not permit the applicant to borrow funds for this purpose. If the funds are being held in an escrow account by the real estate broker, builder or closing attorney, the source of the funds must be verified. A verification of deposit from the parties other than financial institutions authorized to handle deposited funds is not acceptable.

B. Gift letters.

A gift letter is required when an applicant proposes to obtain funds from a third party. The gift letter must confirm that there is no obligation on the part of the borrower to repay the funds at any time. The party making the gift must submit proof that the funds are available. This proof should be in the form of a verification of deposit.

C. Housing expenses.

Proposed monthly housing expenses compared to current monthly housing expenses will be reviewed carefully to determine if there is a substantial increase. If there is a substantial increase, the applicant must demonstrate his ability to pay the additional expenses.

~~M-~~ D. FHA or VA loans.

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The provisions of this § 2.10 shall not be applicable to applicants for loans to be insured or guaranteed by FHA or VA.

§ 2.11. Loan assumptions, leasing, terms and owner occupancy.

A. Loan assumptions.

VHDA does not currently permit loan assumptions, except that loan assumptions shall be permitted with respect to mortgage loans financed from the proceeds of the authority's single-family bonds issued on or after December 17, 1981, (loans numbered 40,000 and on) if the requirements set forth in § 2.2.1 B and C and § 2.2.2. B herein are satisfied and if the assumptor satisfies the VHDA underwriting criteria set forth herein or, in the case of a loan insured or guaranteed by FHA or VA, such criteria herein as FHA or VA permits to be applied. Such policy of permitting loan assumptions is subject to change at any time without notice by the authority in its discretion.

B. Leasing.

The owner may not lease the property without VHDA's prior written consent.

C. Loan term.

Loan terms may not exceed 30 years.

D. Owner occupancy.

No loan will be made unless the residence is to be occupied by the owner as the owner's principal residence.

§ 2.12. Preparation of application package.

A. *Except as may be otherwise required by VHDA for loans to be insured or guaranteed by FHA or VA, the application package submitted to VHDA for approval must contain the following:*

1. Reservation card.
2. Application - the application must be made on Virginia Housing's approved application form.
3. Preliminary underwriting form.
4. Credit report issued by local credit bureau and miscellaneous information as applicable - explanation of bankruptcies, etc., (and any additional documentation).
5. Verification of employment (and any additional documentation).
6. Verification of other income.

7. Verification of deposits (and any additional documentation).

8. Gift letters (and verification).

9. Sales contract - contract must be signed by seller and all parties entering into the contract and state which parties are paying points and closing costs.

10. Appraisal (FHLMC No. 70) - form should be FNMA or FHLMC and should be completed by an appraiser who has been approved by FHLMC or a private mortgage insurer acceptable to Virginia Housing or who has a certification from a trade organization approved by Virginia Housing (photos and required supporting documentation).

11. Loan submission cover letter.

12. Appraiser's report.

13. Acquisition cost worksheet.

14. Affidavit of seller.

15. Affidavit of borrower.

16. Federal income tax returns - copy of borrower's federal income tax returns to the extent required by Item 10 in the affidavit of borrower. (NOTE: If a letter from the IRS is to be delivered pursuant to paragraphs § 2.2.1 B3 of the Processing, Disbursing Guide, such letter must be enclosed herewith).

17. Checklist for certain requirements of the Mortgage Subsidy Bond Tax Act of 1980.

18. Signed request for copy of tax returns (No. 4506).

19. HUD information booklet - acknowledgement by applicant of receipt of HUD information booklet and estimate of the charges the borrower is likely to incur as required by the Real Estate Settlement Procedures Act of 1974, the Real Estate Settlement Procedures Act Amendments of 1975 (RESPA), and Regulations Z (Truth-In-Lending) as amended April 1, 1981. Acknowledgement can be made part of the application or can be a separate statement. Applicant must receive HUD information book the day application is made.

20. ECOA notice statement to borrower of provisions of the Equal Credit Opportunity Act, with borrower's acknowledgement of receipt.

21. Truth-in-lending disclosure.

After the application package has been completed, it should be forwarded to:

Single Family Division

Virginia Housing Development Authority
13 South 13th Street
Richmond, VA. 23219

§ 2.13. Commitment.

Upon approval of the applicant, VHDA will send a mortgage loan commitment (see Section II, Exhibit J) to the borrower in care of the agent. Also enclosed in this package will be other documents necessary for closing. The PDS agent shall ask the borrower to indicate his acceptance of the mortgage loan commitment by signing and returning it to the agent. A commitment must be issued in writing by an authorized officer of VHDA and signed by the applicant before a loan may be closed.

§ 2.13.1. Loan rejection.

If the borrower application fails to meet VHDA underwriting criteria or if the property fails to meet VHDA property standards any of the standards, criteria and requirements herein, a loan rejection letter will be issued by VHDA (see Section II, Exhibit L). If the application is resubmitted, the credit documentation cannot be more than 90 days old and the appraisal more than six months old.

§ 2.14. Loan settlement.

A. Loan closing.

Upon the borrower's acceptance of the mortgage loan commitment, the PDS agent will send VHDA's letter of closing instructions (see Section II, Exhibit N) and the closing papers to the closing attorney. The PDS agent should thoroughly familiarize himself with the closing instructions and should fill in all blanks such as per diem interest, appraisal fee, credit report charges to be collected at closing, and any special requirements of the commitment before the closing instructions are forwarded to the closing attorney. VHDA will provide the PDS agent with the documents which the closing attorney is required to complete. After VHDA reviews the closing attorney's preliminary work and approves closing, a loan proceeds check will be sent to the the closing attorney or firm named in the commitment or binder as approved under the issuing company's insured closing service, along with additional closing instructions (see Section II, Exhibit M). Closing attorneys may use loan proceeds checks when in a position to conduct the loan closing and disburse proceeds in accordance with Virginia Housing's letter authorizing the closing and instructions previously issued by the PDS agent. It is the PDS agent's responsibility to see that all documents and checks are received immediately after loan closings and that they are completed in accordance with Virginia Housing's requirements, Regulation Z and ECOA. A certified or cashier's check is to be provided at loan closing for the buy-down points, if any. The check is to be payable to VHDA. Under the applicable federal regulations the original proceeds of the bond issue may not exceed the amount necessary for the "governmental purpose"

thereof by more than 5.0%. Payment of buy-down points out of mortgage loan proceeds would be using bond proceeds to pay interest rather than the proper "governmental purpose" of making mortgage loans. Therefore, it is required that buy-down fees be paid from the seller's own funds. Buy-down points may not be deducted from loan proceeds.

B. Post-closing requirements.

In accordance with § 9 of the PDS agreement, all post-closing documents, including the post-closing cover letter (see Section II, Exhibit P), should be forwarded as follows to:

Single Family Division
Post-Closing Section
Virginia Housing Development Authority
13 South 13th Street
Richmond, VA. 23219

Within five days after the closing of the loan, the PDS agent must forward the fees, interest and any other money due VHDA, a repayment of VHDA's outstanding construction loan, if any, PMI affidavit and all closing documents except the original recorded deed of trust and title insurance policy.

Within 45 days after loan closing, the PDS agent shall forward to VHDA the original recorded deed of trust and title insurance policy.

During the 120-day period following the loan closing the agent shall review correspondence, checks and other documents received from the borrower for the purpose of ascertaining that the address of the property and the address of the borrower are the same, and also to ascertain any change of address during such period and shall notify VHDA if such addresses are not the same or if there is any such change of address. Subject to VHDA's approval, the PDS agent may establish different procedures to verify compliance with the principal residence requirement in § 2.2.1.C. In the event the agent at any time otherwise becomes aware of the fact that any item noted on the checklist for certain requirements of the Mortgage Subsidy Bond Tax Act may not be correct or proper, the agent shall immediately notify the authority.

§ 2.15. Property guidelines - existing housing.

Existing houses to be financed by loans insured or guaranteed by FHA or VA must meet any and all applicable requirements imposed by FHA or VA.

All other existing houses must meet the following minimum requirements; however, each house will be reviewed on a case-by-case basis with regard to marketability and security of the loan:

1. 100 amp electrical service is required.

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2. No space heaters or circulators are allowed; however, a floor furnace or wall furnace is acceptable in a one-story house if such a furnace adequately heats the house.

3. Pier foundations are considered on a case-by-case basis.

4. All property must be located on a state-maintained road with a minimum frontage of 30 feet. No easements or right-of-ways are allowed as access to properties. House should not be located more than 200 feet from the state-maintained road.

5. Joint ownership of well and septic is not allowed and the well must be on the subject property.

6. Any easements which will adversely affect the marketability of the property, such as high-tension power lines, drainage or other utility easements will be considered on a case-by-case basis.

7. The floor plan must be acceptable with bathrooms and bedrooms centrally located and providing maximum privacy. Primary bathroom locations are not acceptable if the traffic patterns require entrance through another living area (e.g. a bathroom which opens directly into the kitchen).

8. The house must have a sufficient number of bedrooms to properly serve the borrower. Only bedrooms will be used as sleeping quarters, with each bedroom to be occupied by no more than two persons.

9. Mobile homes are not acceptable.

§ 2.16. Property guidelines - New construction.

New homes to be financed by loans insured or guaranteed by FHA or VA must meet any and all applicable requirements imposed by FHA or VA.

A. All other new homes must meet the Uniform Statewide Building Code (the "Code") and the Department of Housing and Urban Development Minimum Property Standards (MPS) in addition to the following VHDA underwriting requirements:

1. Minimum of 4/12 pitch roof.
2. Storm windows or double glazed windows are required.
3. Insulated exterior doors or storm doors are required.
4. All property must be located on state-maintained roads.
5. Energy package in conformance with FHMA energy standards.

6. Mobile homes are not acceptable.

B. Also, the following standards are preferred:

1. All ceilings and 75% of the walls be 1/2 inch drywall or plaster.

2. Kitchen cabinets should comply with the following: doors should be a minimum of 5/8 inch and end panels should be a minimum of 1/2 inch thick. Materials should be wood or plywood. All stiles and rails should be of wood. Drawer fronts should be a minimum of 5/8 inch and sides should be a minimum of 3/8 inch wood or plywood, bottoms should be 1/4 inch plywood. Shelves should be a minimum of 5/8 inch wood, plywood or particle board. Plywood and particle board shelves should have edging.

3. Ceiling height of eight feet or greater.

4. Pier foundations are discouraged except where brick or block curtain wall completely covers piers.

5. Insulated sheathing.

6. If vertical siding is used, fir, cedar or redwood is preferred.

7. Fiberglass insulation in ceiling, floor and wall.

8. The use of wood foundations is discouraged unless the type of construction results in substantial savings to be passed on to the buyer.

9. Hardwood floors unless a 30 ounce carpet is used.

§ 2.17. Substantially rehabilitated.

A. For the purpose of qualifying as substantially rehabilitated housing under Virginia Housing's maximum sales price limitations, the housing unit must meet the following definitions:

1. Substantially rehabilitated means improved to a condition which meets VHDA underwriting/property standard requirements from a condition requiring more than routine or minor repairs or improvements to meet such requirements. The term includes repairs or improvements varying in degree from gutting and extensive reconstruction to cosmetic improvements which are coupled with the cure of a substantial accumulation of deferred maintenance, but does not mean cosmetic improvements alone.

2. For these purposes a substantially rehabilitated housing unit means a dwelling unit which has been substantially rehabilitated and which is being offered for sale and occupancy for the first time since such rehabilitation. The value of the rehabilitation must equal at least 25% of the total value of the rehabilitated housing unit.

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3. The appraisal submitted with the loan application, must list the improvements and estimate the value of the improvements. Virginia Housing's staff will inspect each house submitted as substantially rehabilitated to ensure compliance with our underwriting-property standards.

4. VHDA will only approve rehabilitation loans to eligible borrowers who will be the first resident of the residence after the completion of the rehabilitation. As a result of the Mortgage Subsidy Bond Tax Act of 1980, the proceeds of VHDA cannot be used to refinance an existing mortgage, as explained in § 2.2.1.D (New mortgage requirement). VHDA will approve loans to cover the purchase of a residence, including the rehabilitation:

a. Where the eligible borrower is acquiring a residence from a builder or other seller who has performed a substantial rehabilitation of the residence; and

b. Where the eligible borrower is acquiring an unrehabilitated residence from the seller and the eligible borrower contracts with others to perform a substantial rehabilitation or performs the rehabilitation work himself prior to occupancy.

§ 2.18. Condominium requirements.

A. Policy on condominiums.

1. The PDS agent must provide evidence that the condominium is approved by any two of the following: FNMA, FHLMC or VA. The PDS agent must submit evidence at the time the borrower's application is submitted to Virginia Housing for approval.

2. At the time the borrower's loan application is submitted for the financing of a unit in any condominium in which Virginia Housing has not previously financed the purchase of any units, Exhibit U providing basic information about the condominium must be completed by the Unit Owners Association. The most recent financial statement and operating budget of the condominium (or, in the case of a newly constructed or converted condominium, a copy of the projected operating budget and a copy of the most recent financial statement, if any) must also be submitted. Virginia Housing will review the above described form and financial information. If on the basis of such review Virginia Housing finds the condominium to be acceptable, the condominium will be approved and the individual loan application will be processed. Exhibit U requires that the Unit Owners Association agree to submit to Virginia Housing upon its request, the condominium's annual financial statements, operating budget and other information as Virginia Housing may require. The association is also required to agree that Virginia Housing shall have a right to inspect the condominium and its records. The

form states that failure to comply with the foregoing shall be grounds for Virginia Housing's termination of its approval of the condominium.

3. Each year Virginia Housing will send Exhibit V to the Unit Owners Association requesting information concerning the condominium including a statement as to the status of the VA, FNMA and/or FHLMC approvals and a copy of the condominium's financial statement and operating budget. The association will be advised that if the request for information is not received within 90 days from the date of the request, Virginia Housing may terminate its approval of the condominium. Virginia Housing will review the financial statement and operating budget and the questionnaire and if the condominium remains in satisfactory condition, Virginia Housing will continue to make mortgage loans on the units subject to the limitations in paragraph 4 below. In the event Virginia Housing determines a condominium is not in satisfactory condition, the Unit Owners Association will be given 60 days to correct the deficiencies. If the deficiencies are not corrected to the satisfaction of Virginia Housing, the condominium will no longer be approved for financing. The requirements and procedures in this section will also apply to condominiums previously approved by Virginia Housing.

4. If a condominium is approved by FNMA, Virginia Housing will make mortgage loans on no more than 50% of the units in the condominium. If the condominium is not approved by FNMA, Virginia Housing will make mortgage loans on no more than 25% of the units in the condominium. If a condominium is to be phased, the foregoing percentage limits will be applied to each phase until all phases are completed. If the condominium has been previously approved by Virginia Housing and exceeds the foregoing percentage limitations, Virginia Housing will make no further mortgage loans for the purchase of the units in the condominium until such time as its percentage limits are no longer violated.

B. FHA or VA loans.

The provisions of this § 2.18 shall not be applicable to mortgage loans insured or guaranteed by FHA or VA.

DEPARTMENT OF SOCIAL SERVICES

Title of Regulation: VR 615-01-9. Definition of a Home in the Aid to Dependent Children (ADC) Program.

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

Public Hearing Date: None

(Written comments will be received between May 12, 1986, and June 12, 1986)

Proposed Regulations

Summary:

The Code of Virginia, § 63.1-25, delegates authority to the State Board of Social Services to promulgate rules and regulations necessary for operation of public assistance programs in Virginia.

Prior to January 1, 1986, regulations in the Aid to Dependent Children (ADC) Program disregarded from resource evaluation the home in which the applicant/recipient resided as his principal residence. The home consisted of the house and lot, including certain out-buildings and adjoining property used for a vegetable garden.

As mandated by legislation enacted by the 1985 Session of the Virginia General Assembly, the home definition was modified, via emergency regulation effective January 1, 1986, to include the house, lot and property contiguous to the house and lot which does not exceed \$5,000 in value. Additionally, as mutually agreed upon between the Department of Social Services and Department of Medical Assistance Services, the amount of property to be disregarded as the "lot" was limited, in most instances, to one acre.

The proposed regulation set forth herein is intended to allow the Department of Social Services to continue to define the "home" pursuant to the provisions of emergency regulation VR 615-01-9.1.

VR 615-01-9. Definition of a Home in the Aid to Dependent Children (ADC) Program.

PART I. DEFINITIONS.

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

"Allowable reserves" means all nonexempt real and personal property, including cash and other assets owned by an applicant/recipient, the combined value of which does not exceed \$600.

"Contiguous" means land which adjoins the home, not separated by land owned by others. Streams and public rights-of-way which run through the adjoining property and separate it from the home will not affect the property's contiguity.

"Home" means the house and lot owned by an applicant/recipient in which he is currently living including adjoining land used for a vegetable garden and/or outbuildings essential to the dwelling, used as the principal residence and contiguous property as long as the value of the land, exclusive of the lot occupied by the house, does not exceed \$5,000. The lot occupied by the house shall be a measure of land as designated on a plat or survey or whatever the locality sets as a minimum size

for a building lot, whichever is less. In localities where no minimum size for a building lot exists, a lot shall be a measure of land designated on a plat or survey or one acre, whichever is less.

PART II. RESOURCE EVALUATION.

§ 2.1. In determining financial eligibility for assistance in the Aid to Dependent Children (ADC) Program, all resources of an applicant/recipient real and personal property owned by the applicant/recipient, excluding the home in which the applicant/recipient lives, one motor vehicle with equity value less than \$1,500, income producing farm and business equipment, one burial plot per assistance unit member and burial funds or funeral arrangement with equity value less than \$1,500, is an available resource and must be considered in relation to the allowable reserves. The home in which the applicant/recipient lives and property contiguous to the home, the value of which does not exceed \$5,000 is exempt and not considered in relation to the allowable reserves.

* * * * *

Title of Regulations: VR 615-08-1. Virginia Fuel Assistance Program.

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

Public Hearing Date:
(See Calendar of Events section
for additional information)

Summary:

The proposed amendments make several changes to the Virginia Fuel Assistance Program. Under the voluntary quit eligibility criteria, the age is being increased. The five geographic regions that are used for benefit levels are being changed to six climate zones. Under the Energy Crisis Assistance Program component, a new eligibility criteria is being added and one of the mandated types of assistance will change to an optional type of assistance. Finally, the administrative cost reimbursement ceiling is being lowered.

VR 615-08-1. Virginia Fuel Assistance Program.

PART I. DEFINITIONS.

§ 1.1. The following words and terms, when used herein, shall have the following meaning unless the context indicates otherwise:

"Department" means the Department of Social Services.

"Disabled person" means a person receiving Social

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Security disability, Railroad Retirement Disability, Supplemental Security Income as disabled, or an individual who has been certified as permanently and totally disabled for Medicaid purposes.

"Elderly person" means anyone who is 60 years of age or older.

"Good cause" means but is not limited to circumstances beyond the household member's control, such as, but not limited to illness, illness of another household member requiring the presence of the person claiming good cause, a household emergency, or the unavailability of transportation; discrimination by an employer based on age, race, sex, handicap, religious belief, national origin, or political beliefs; work demands or conditions that render continued employment unreasonable; enrollment of the wage earner at least halftime in any recognized school, training program, or institution of higher education that requires the wage earner to leave employment; and resignations that are recognized by the employer as retirement.

"Household" means an individual or group of individuals who occupy a housing unit and function as an economic unit by: purchasing residential energy in common (share heat); or, making undesignated payments for energy in the form of rent (heat is included in the rent).

"Poverty Guidelines" means the Poverty Income Guidelines as established and published annually by the Department of Health and Human Services.

"Primary Heating System" means the system that is currently used to heat the majority of the house.

"Resources" means cash, checking accounts, savings account, saving certificates, stocks, bonds, money market certificates, certificates of deposit, credit unions, Christmas clubs, mutual fund shares, promissory notes, deeds of trust, individual retirement accounts, prepaid funeral expenses in excess of \$900, or any other similar resource which can be liquidated in not more than 60 days.

"Energy-related, weather-related, or supply shortage emergency" means a household has: no heat or an imminent utility cut-off; inoperable or unsafe heating equipment; Umajor air infiltration of housing unit; or a need for air conditioning because of medical reasons.

PART II. FUEL ASSISTANCE.

§ 2.1. The purpose of the Fuel Assistance Program is to provide heating assistance to eligible households to offset the costs of home energy that are excessive in relation to household income.

A. Eligibility criteria.

1. Income limits - Maximum income limits shall be at

or below 150% of the Poverty Guidelines. In order to be eligible for Fuel Assistance, a household's income must be at or below the maximum income limits.

2. Resource limits - The resource limit for a household containing an elderly or disabled person shall be \$3,000. The resource limit for all other households shall be \$1,500. In order to be eligible for Fuel Assistance, a household's resources must be at or below the amount specified.

3. Voluntary quit - Any person 16 18 years of age or older who voluntarily quits his employment the month of application or the month prior to application without good cause shall render the household ineligible for fuel assistance for the fuel season.

B. Resource Transfer - Any applicant of fuel assistance shall be ineligible for that fuel season if he improperly transfers or otherwise improperly disposed of his legal or equitable interest in nonexempt liquid resources without adequate compensation within one year of application for Fuel Assistance.

Compensation that is adequate means goods, services or money that approximates the value of the resources.

This policy does not apply if any of the following occur:

1. The transfer was not done in an effort to become eligible for Fuel Assistance;
2. The resource was less than the allowable resource limit;
3. The disposition or transfer was done without the person's full understanding.

§ 2.2. Benefits.

Benefit levels shall be established based on income in relation to household size, fuel type, and geographic area, with the highest benefit given to households with the least income and the highest energy need.

Geographic areas are determined by dividing the Commonwealth into five areas: Central, Eastern, Northern, Southern and Western. These areas represent climate zones as defined by Dr. Samuel Bowen from the Virginia Center for Coal and Energy Research at the Virginia Polytechnic Institute and State University. the six climate zones for Virginia recognized by the National Oceanic and Atmospheric Administration and the United States Department of Commerce. The six climate zones are: Northern, Tidewater, Central Mountain, Southwestern Mountain, Eastern Piedmont, and Western Piedmont.

Each year, the Division of Energy within the Department of Mines, Minerals, and Energy will supply data on the average costs of various fuels.

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Each year the benefit amounts for each geographic area shall be determined by the following method:

A. A projection will be made of the number of households who will apply for Fuel Assistance. The projection will be based on the number of households who applied the previous year increased by the additional number of people who applied the year before.

B. An average grant per household will be determined based on the estimated amount of funds that will be available for benefits.

$$\frac{\$ \text{ available}}{\text{number of households}} = \text{average grant}$$

C. The benefits for each geographic area will be determined by using the average grant as a base figure and obtaining the highest and lowest benefits by using a ratio for each area based on degree days and the cost of various fuel types.

PART III. ENERGY CRISIS ASSISTANCE PROGRAM.

§ 3.1. The purpose of the Energy Crisis Assistance Program component is to assist households with energy-related, weather-related or supply shortage emergencies. This component is intended to meet energy emergencies that cannot be met by the Fuel Assistance Program or other local resources.

A. Eligibility criteria.

In order to be eligible for Energy Crisis Assistance, a household shall meet the following criteria:

1. All of the Fuel Assistance Program criteria as set forth in Part II, § 2.1;
2. Have an energy-related, weather-related or supply shortage emergency as defined in Part I;
3. *Other resources cannot meet the emergency (including Fuel Assistance);*
4. Did not receive Energy Crisis Assistance during the current federal fiscal year: October 1 - September 30.
5. *For households in need of electricity to operate the primary heating equipment and/or heat-related utility security deposits, the need shall be the result of a change in circumstances within the last 90 days over which the household had no control. Possible changes include loss of a job, end of unemployment benefits and temporary illness.*

B. Benefits.

An eligible household can receive no more than \$200 for Energy Crisis Assistance during any federal fiscal year,

unless the assistance is for the repair or replacement of heating equipment, in which case the maximum amount of assistance shall be \$400.

The following forms of assistance must be provided:

1. Repairs or replacement of inoperable or unsafe heating equipment;
2. ~~Emergency repairs of dwelling to prevent heat loss;~~
3. 2. Paying secondary heating sources. Secondary heating source means the energy source used to operate the primary heating equipment;
4. 3. Paying utility security deposits;

The following forms of assistance can be provided at local option:

1. Providing space heaters;
2. Providing blankets or warm clothing;
3. Providing emergency shelter;
4. Paying for cooling assistance when it is medically needed;
5. *Emergency repairs of dwelling to prevent heat loss;*
- 5- 6. Other (locality must specify).

PART IV. ADMINISTRATIVE COSTS.

§4.1. Local administrative expenditures for the implementation of the Fuel Assistance Program shall not be reimbursed in excess of whichever is the higher of 9% of the agency's allocation of ~~150%~~ 125% of the average administrative cost per case for the previous year.

DEPARTMENT OF TAXATION

Title of Regulation: VR 630-10-24.3. Computer Software (Retail Sales and Use Tax Regulation). (Withdrawn)

NOTICE

The proposed Retail Sales and Use Tax Regulation: VR 630-10-24.3. Computer Software, published in the Virginia Register of Regulations on December 24, 1984, (Vol. 1, Issue 6) has been withdrawn by the Department of Taxation.

FINAL REGULATIONS

For information concerning Final Regulations, see information page.

Symbol Key

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

STATE AIR POLLUTION CONTROL BOARD

Title of Regulation: VR 120-01. Regulations for the Control and Abatement of Air Pollution - Stack Height Regulation.

Statutory Authority: § 10-17.18 (b) of the Code of Virginia

Effective Date: July 1, 1986

REGISTRAR'S NOTICE: Due to its length, the Regulations for the Control and Abatement of Air Pollution (VR 120-01), dealing with stack height regulations and filed by the State Air Pollution Control Board are not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, the summary is being published in lieu of full text. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and the State Air Pollution Control Board.

Prior to adoption by the board on April 7, 1986, EPA notified the board that the proposed state regulations differed from the federal version. EPA pointed out the board had failed to delete the definitions of "elevated terrain" and "plume impaction" as was done in the EPA regulations. This was an oversight and since it was the intent to duplicate the EPA regulations, the definitions of the two terms have been deleted in the final version. Also, EPA noted that the EPA regulations contained a typographical error in each of two dates in § 120-01-02 (Terms Defined). The corrected information was provided by EPA and the final version has been corrected.

Summary:

Section 123 of the Federal Clean Air Act requires the U.S. Environmental Protection Agency (EPA) to promulgate regulations to assure that the degree of emission limitation required for the control of any air pollutant is not affected by that portion of any stack height which exceeds good engineering practice (GEP) or by any other dispersion technique. Although a certain amount of dispersion is considered normal and consistent with good engineering practice, the Act requires that EPA determine when dispersion should be considered excessive. Final EPA regulations to implement § 123 were promulgated and became effective in early 1982. The board adopted equivalent regulations in late 1982 with an effective date of March 1, 1983. The Act requires states to adopt equivalent regulations nine months after the EPA promulgation.

The 1982 EPA regulations were challenged by various

parties and the Circuit court upheld certain portions of EPA's original stack height regulations, reversed two provisions, and remanded several others to be made consistent with the court's holding. Generally, the court required EPA to rewrite the definitions of excessive concentrations, nearby terrain and dispersion techniques, to reevaluate good engineering practice formulas for stack heights and to delete credits for plume impaction. On July 8, 1985, EPA responded to the court mandate by promulgating revisions to the 1982 regulations.

In response to the federal requirement to make equivalent changes to its regulations, the board adopted amendments to the Regulations for the Control and Abatement of Air Pollution (VR 120-01). Specifically, the amendments change the agency's regulations that restrict the degree to which industrial sources of air pollution may rely on dispersion of pollution - using tall smoke stacks and other techniques - as substitutes for constant emission controls. These are found in § 120-01-02 (Terms Defined), § 120-04-02 I (Stack Heights) and § 120-05-02 H (Stack Heights).

The amendments delete the dispersion credit for "plume impaction," which allowed sources to raise their stacks to avoid causing high pollution concentrations on elevated terrain such as hillsides and cliffs downwind of the source. The amendments require that stacks near these terrain features must reduce their emissions through constant controls rather than use dispersion techniques.

PROVISIONS AFFECTED REVISION C

Adoption Date: April 7, 1986
Effective Date: July 1, 1986

PART I. GENERAL DEFINITIONS

§ 120-01-02. Terms Defined

Modified - dispersion technique, excessive concentration, good engineering practice, nearby

[Deleted - elevated terrain, plume impaction]

PART IV. EXISTING AND CERTAIN OTHER SOURCES - SPECIAL PROVISIONS

§ 120-04-02. Compliance

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I. Stack Heights (modified)

PART V. NEW AND MODIFIED SOURCES - SPECIAL PROVISIONS

§ 120-05-02. Compliance

H. Stack Heights (modified)

DEPARTMENT OF SOCIAL SERVICES

Title of Regulation: VR 615-31-02. Regulation for Criminal Record Check: Licensed Child Care Centers and Child Caring Institutions.

Statutory Authority: § 63.1-217 of the Code of Virginia

Effective Date: July 1, 1986

Summary:

The statutory change to §§ 63.1-198 and 63.1-198.1 of the Code of Virginia effective July 1, 1985, requires that all compensated employees and all volunteers as well as applicants/licensees of child care centers and child caring institutions, subject to licensure by the Virginia Department of Social Services, secure a criminal history clearance and be issued a certificate by the Commissioner of Social Services.

The Department of Social Services has collaborated with the State Police in order to develop procedures to implement the statutory change. The statute pertains only to specific crimes related to sexual assault. It is intended to discourage people already convicted of these crimes from applying for employment which would expose children to predatory individuals.

The Department of Social Services has recognized that several terms and conditions within the statute required further definition when used in conjunction with the criminal record checks. This regulation addresses these terms and definitions.

This regulation also addresses the statutory changes which become effective July 1, 1986, as a result of the passage of Senate Bill No. 165 and House Bill No. 384 during the 1986 Session of the General Assembly. These changes allow a 15 day grace period for individuals to secure their criminal record checks, define a volunteer, and exempt parent-volunteers who meet very specific criteria from having to secure criminal record checks. These changes have also been incorporated into the regulation as they were related to responses occurring during the public comment period.

VR 615-31-02. Regulation For Criminal Record Checks:

Licensed Child Care Centers and Child Care Institutions.

PART I. INTRODUCTION.

Article 1. Definitions.

§ 1.1. The following words and terms, when used in conjunction with these regulations, shall have the following meaning:

"Applicants for licensure" means all agents of a child care center or child caring institution, including owners, partners or officers of the board of a corporation or association, who have applied for a license or renewal of a license to operate a child care center or child caring institution.

"Certificate" means the clearance document issued by the Commissioner of the Department of Social Services verifying that (i) a criminal history record search has been conducted for a particular individual through the Department of State Police and, (ii) no convictions have been found of any offense pursuant to those referenced in § 63.1-198.1 of the Code of Virginia. These offenses include those set out in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 or in §§ 18.2-370 or 18.2-370.1 of the Code of Virginia.

"Criminal history record request" means the required Department of Social Services form to be submitted to the Department of State Police for the individual requesting clearance.

"Employee" means all personnel paid by or through a contract with the facility regardless of their role, service, age, function or duration of employment at the facility.

"Facility" means a child care center or child caring institution subject to [~~licensing~~ licensure] by the Department of Social Services as defined in § 63.1-195 of the Code of Virginia.

"Officer of the board" means anyone holding an office on the board of the facility and responsible for its operation in any manner.

"Volunteer" means anyone who either is counted as staff for purposes of maintaining staff/child ratio or who at any time would be alone with, in control of, or supervising one or more children outside the physical presence of a paid facility staff member. This pertains to all activities either occurring at the facility location or sponsored by the licensed facility.

Article 2. Individuals Required to Obtain Certificates.

§ 1.2. Sections 63.1-198 and 63.1-198.1 of the Code of Virginia, require all employees, volunteers and applicants

for licensure of a licensed child care center or child caring institution to obtain a certificate.

[**EXCEPTION:** (As set forth in § 63.1-198.1 of the Code of Virginia.) The provisions of this section shall not apply to a parent-volunteer of a child attending such licensed facility.

A parent-volunteer is someone supervising, without pay, a group of children which includes the parent-volunteer's own child in a program of care which operates no more than four hours per day, provided that the parent-volunteer works under the direct supervision of a person who has received a clearance pursuant to §§ 63.1-198.1 or 63.1-198.2]

Article 3. Routing of Certificates.

§ 1.3. In order to obtain a certificate, each applicant for licensure, employee, volunteer or applicant for employment/volunteer work shall submit a form approved by the Department of Social Services to the state police with the appropriate fee. The state police will run a clearance check and respond directly to the Department of Social Services with the results.

§ 1.4. A certificate, or notification that a certificate cannot be issued due to a conviction, will be sent directly to the individual whose criminal record was checked.

§ 1.5. The facility shall obtain the original certificate from the individual.

PART II. VALIDITY OF CERTIFICATES.

§ 2.1. A facility shall accept only the original certificate on Department of Social Services stationery with blue letterhead.

§ 2.2. Obtaining certificates.

A. The certificate shall be obtained [~~prior to~~ within 15 days after] the first day of work for individuals participating in the operation of a facility.

B. A certificate issued by the department shall not be accepted by the facility if the certificate is dated more than 90 days prior to the date of employment or volunteer service in the facility.

§ 2.3. All certificates shall be verified by the operator of the facility by matching the name and social security number with another form of identification such as a driver's license.

§ 2.4. A certificate remains valid as long as the employee/volunteer remains in continuous service in the same facility.

§ 2.5. When an individual terminates employment or ceases volunteer work at one facility and begins work at a facility owned and operated by a different entity, the certificate secured for the prior facility shall not be valid for the new facility. A new certificate shall be required.

§ 2.6. A new certificate shall not be required when the employee/volunteer transfers with a lapse in service of not more than 30 days to a facility owned by the same entity. The file in the previous location shall contain a statement that the original certificate, including the date of the certificate, has been forwarded to the new location.

§ 2.7. A certificate for an individual who takes a leave of absence will remain valid as long as the period of separation does not exceed four consecutive months. Once a period of four consecutive months has expired, a new certificate is required.

§ 2.8. Duplicate and replacement certificates.

A. When staff or volunteers serve concurrently in more than one facility, a duplicate certificate shall be requested.

1. Individuals who have been in service prior to July 1, 1985, may indicate on the criminal history record request form that duplicates are needed with the names of the facilities for which they will be used. Their service may be verified by the Department of Social Services prior to issuance of duplicate certificates. The request form shall be sent directly to the state police as routinely required.

2. Those individuals who begin service after July 1, 1985, must obtain a separate Department of Social Services form letter from the facility to request duplicate certificates. This form letter shall contain the social security number and signature of the individual for whom the duplicate is being requested.

a. The request shall be sent directly to the Department of Social Services.

b. The request for a duplicate certificate will be valid only if it is received within 90 days of issuance of the original certificate and contains the social security number and signature of the individual for whom the duplicate certificate is being requested.

c. The request must indicate the name and mailing address of the facility for which the duplicate certificate will be used.

d. The duplicate certificate will be sent directly to the facility.

[**NOTE:** All duplicate certificates shall be verified by the facility operator in accordance with § 2.3 of this regulation.]

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B. When a facility requires a replacement for a lost or misplaced certificate, a request from the facility is to be made directly to the Department of Social Services. It shall include both the signature and social security number of the individual for whom the certificate is requested. The replacement certificate shall be sent directly to the facility.

[**NOTE:** All duplicate certificates shall be verified by the facility operator in accordance with § 2-2 of this regulation.]

§ 2.9. When agents or officers of the board are involved in the operations of more than one facility, duplicate certificates shall not be required. It shall be made known to the commissioner's representative that an original certificate is being maintained at a designated facility location.

PART III. MAINTENANCE OF CERTIFICATES.

Article 1. Responsibility of Facilities.

§ 3.1. Prior to the issuance of an initial license, a copy or copies of the certificate(s) for the applicant(s) for licensure shall be made available to the commissioner's representative by the facility.

§ 3.2. Certificates conforming to the requirements for all employed staff or utilized volunteers [~~for the period of time being studied~~] shall be maintained in the files of the facility [during the time the individual is employed or volunteering and] for one year after termination of [~~employment or volunteer~~] work. [and Certificates shall be] made available by the facility to the commissioner's representative.

Exception: A statement that an individual has transferred services to another facility of the same entity is acceptable as long as there is information in the file of the new location of the original certificate and its date, as stated in § 2.6.

§ 3.3. When an individual becomes an officer of the board which serves as the licensee of a facility, a certificate shall be obtained by the facility prior to the board member assuming this position.

NOTE: Officers of advisory boards are not required to obtain certificates.

* * * * *

Title of Regulation: VR 615-48-01. Grant Diversion.

Statutory Authority: § 63.1-25 of the Code of Virginia and the Deficit Reduction Act of 1984 (P.L. 98-369) § 414 of the Social Security Act.

Effective Date: July 1, 1986

Summary:

Grant diversion is a mechanism which permits states to convert public assistance grants into employer incentives. Employers who hire eligible recipients of Aid to Dependent Children (ADC) assistance can receive a cash incentive. The incentive is paid from funds that would normally have been paid to the ADC recipients participating in the program. The job must be a permanent, full-time position.

This is a new regulation and will be operated as a part of the Employment Services Program currently operated in each of the local welfare jurisdictions. Operation of this component of the program will be a local option. Agencies opting to participate will be phased-in depending upon the Department's management capabilities and the availability of resources.

The regulation describes program policies regarding participation requirements, employer contracts, coordination with JTPA, medicaid coverage, food stamp eligibility, earned income disregard and child day care services.

VR 615-48-01. Grant Diversion.

PART I. INTRODUCTION.

§ 1.1. Definitions.

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

"ADC" means Aid to Dependent Children Program established by Title IV-A of the Social Security Act and authorized in Virginia by Chapter 6 (§ 63.1-86 et seq.) of the Code of Virginia.

"Annual plan" means Employment Services Plan. It is prepared annually by each local agency and submitted to the department for approval. It contains a brief description of, among other things, the component activities offered by the local agency.

"Component" means one of several activities in which a person may participate while in the Employment Services Program.

"Department" means the Department of Social Services hereinafter referred to as the department.

"Earned income disregards" means the amount of money an employed ADC recipient earns which is not considered when the amount of the ADC grant is determined.

"Employment Services Program" means a program operated by the Department of Social Services which helps ADC recipients in securing employment or the training or education needed to secure employment as required by Chapter 6.2 (§ 63.1-133.12:1 et seq.) of the Code of Virginia.

"ESP" means the Employment Services Program.

"Grant" means the check paid to an ADC recipient. The amount of the check is based on the standard of assistance.

"Grant diversion" means the mechanism by which the department will convert all or part of the ADC grants of participating recipients into [wage subsidies incentive payments] for employers. Grant diversion and work supplementation are terms that are used interchangeably.

["Incentive payment means money paid to employers for hiring ADC recipients.]

"Job Training Partnership Act" means the federally legislated program which was passed in response to the high structural unemployment among youths and adults, including ADC recipients and displaced workers.

"JTPA" means the Job Training Partnership Act.

"Local agency" means any one of the local social services or welfare agencies which administer the Employment Services Program.

"Participant" means an ADC recipient who is registered with the Employment Services Program and is participating in the grant diversion component.

"Recipient job search" means those structured activities in the Employment Services Program which guide ADC recipients in seeking employment.

"Registrant" means an ADC recipient who has registered with the Employment Services Program either because he was required to do so or because he volunteered.

"Service delivery area" means the 14 areas within the state designated by [the] Governor [Robb] to operate the programs legislated by the Job Training Partnership Act.

"SDA" means service delivery area.

"Wage pool" means (i) the method by which the department combines the diverted ADC grants of every participant in the program in order to pay employers the [subsidy incentive] and (ii) the method by which money paid to employers is tracked.

["Wage subsidy" means money paid to employers as an incentive for hiring ADC recipients.]

§ 1.2. Program description.

Grant diversion is a new component of the existing Employment Services Program operated by the Department of Social Services. Grant diversion expands the job opportunities of persons receiving aid to dependent children assistance (ADC) by utilizing cash [subsidies incentives] to encourage employers to hire these individuals. The source of the [subsidy incentive payment] is all or part of the ADC grant the person receives. The ADC grant is converted into a time-limited employer [subsidy incentive] . This component is an effort to open new, full-time employment opportunities to ADC recipients.

PART II. POLICY.

§ 2.1. Local agency option.

A. Each local agency has the option to operate a grant diversion program as a component of the Employment Services Program. Each local agency interested in implementing grant diversion shall submit a supplement to the [ESP] annual plan [which shall be subject to the approval of the Virginia Department of Social Services] .

B. The format and contents of this supplement to the annual plan will be developed by the department.

§ 2.2. Participation requirements.

A. Participants in the grant diversion component shall meet the following requirements:

1. The participant shall be an ADC recipient.
2. The participant shall be registered with the Employment Services Program.
3. The participant shall have attempted to find unsubsidized employment by completing the recipient job search requirements of the Employment Services Program.
4. The participant shall have volunteered to accept a job through participation in the grant diversion component.

§ 2.3. [Wage subsidy Incentive payment] .

A. The length of time the employer receives the [subsidy incentive payment] is up to nine months. If the job terminates prior to the end of the contract period, the [subsidy incentive payment] ends.

B. The [amount of monthly] employer [subsidy incentive payment] is a fixed amount [statewide] . The department may increase the monthly [subsidy incentive payment] to a higher fixed amount if an individual ADC recipient is hired in a position paying [substantially] more than the [federal] minimum wage.

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C. The [~~subsidy paid monthly incentive amount shall be based on the standard of assistance groupings in effect. It~~] shall not exceed the [~~statewide~~] average ADC grant [~~amount amounts paid within these groupings~~]. The [~~subsidy incentive payment~~] shall be adjusted for new contracts effective October 1 of each year. The adjustment shall be based on the average [~~grant amount grants paid within the standard of assistance groupings in effect~~] as of July 1.

D. The [~~subsidy incentive~~] shall be paid to either public or private employers.

E. The [~~subsidy incentive~~] shall be paid only for full-time jobs.

§ 2.4. Employer contract.

A. In order to receive a [~~wage subsidy incentive payment~~], employers shall be required to sign a contract.

B. The contract shall specify that the employment is full-time.

C. The contract shall specify the position title and duties, the salary, and the employee benefits.

D. The contract shall certify that the employee will not be terminated without notice to the local agency.

E. The contract shall state that normal personnel policies and procedures applicable to all other employees shall be followed. This includes termination policy.

§ 2.5. Coordination with JTPA.

A. Local agencies are encouraged to work jointly with the local service delivery area to pool ADC and JTPA funds in order to provide larger employer incentives.

B. If the local agency operates grant diversion in conjunction with the local service delivery area operating JTPA programs, a contractual agreement is required. State approval of the contract [~~is required~~] prior to [~~being operationalized is required implementation~~].

§ 2.6. Medicaid coverage.

To the extent permitted by federal regulations and approved by the State Department of Medical Assistance, medicaid coverage shall continue for the duration of [~~the subsidy unless the employer pays family medical coverage as an employee benefit participation~~].

§ 2.7. Food stamp eligibility.

For the purpose of food stamp eligibility, wages obtained from participation in grant diversion are treated as other wages when calculating the amount of food stamp benefits the grant diversion participant is eligible to receive.

§ 2.8. Earned income disregard.

The same earned income disregards apply to the income of grant diversion participants as those that apply to all ADC recipients who obtain employment.

§ 2.9. Child day care services.

Participants in grant diversion are eligible to receive child day care services for the duration of their participation.

STATE WATER CONTROL BOARD

NOTICE: Due to its length, the Water Quality Standards filed by the State Water Control Board, is not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, a summary, in lieu of full text, explaining the amendments to the Water Quality Standards, is being published. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and the State Water Control Board.

Title of Regulation: § 1:11 Water Quality Standards and Policy for Chlorine in Surface Waters.

Statutory Authority: § 62.1-44.15 (3) of the Code of Virginia.

Effective Date: June 12, 1986

Background:

Water quality standards consist of narrative statements that describe water quality requirements in general terms and of numeric limits for specific physical, chemical and biological water quality indicators such as chlorine. These statements and limits describe water quality necessary for reasonable, beneficial water uses such as swimming, propagation and growth of aquatic life, and domestic water supply.

Section 62.1-44.15(3) of the Code of Virginia authorizes the State Water Control Board to establish Water Quality Standards and Policies for any state waters consistent with the purpose and general policy of the State Water Control Law, and to modify, amend, or cancel any such standards or policies established. Such standards shall be adopted only after a hearing is held and the board takes into consideration the economic and social costs and benefits which can reasonably be expected to be obtained as a result of the standards as adopted, modified, amended, or cancelled.

Summary:

The standard sets an instream average daily

concentration limit of 11 parts per billion (ug/l) total residual chlorine (TRC) in freshwater and of 7.5 parts per billion (ug/l) chlorine produced oxidant (CPO) concentration in saline waters (annual mean salinity of 5 parts per thousand or greater). The standard also specifies that the one hour average concentration of chlorine shall not exceed 19 parts per billion in freshwater and 13 parts per billion in saline waters. The policy states that these concentrations shall apply to all surface waters of the Commonwealth except where the permittees can demonstrate to the State Water Control Board that exceptions may be allowed without resulting in damage to aquatic life. No exceptions to these concentrations will be allowed to waters which contain endangered, threatened, or rare aquatic species or natural trout populations.

GOVERNOR

COMMONWEALTH OF VIRGINIA
Office of the Governor

EXECUTIVE ORDER NUMBER NINE (86)

CREATING THE GOVERNOR'S COMMISSION ON
FEDERAL FUNDING OF STATE DOMESTIC PROGRAMS

By virtue of the authority vested in me as Governor by § 2.1-393 of the Code of Virginia and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby create the Governor's Commission on Federal Funding of State Domestic Programs.

The Commission shall have the general responsibility to advise the Governor concerning the Commonwealth's participation in federal programs and to make recommendations regarding future financial relationships between state and local governments which may result from federal deficit reduction measures.

The Commission shall be comprised of not more than thirty members appointed by the Governor and serving at his pleasure. The Lieutenant Governor shall serve as Chairman of the Commission. The Commission shall meet at the call of the Chairman.

The Commission shall have the following specific responsibilities related to the examination of the state's involvement in federal programs:

1. To review the likely financial and programmatic impacts on the Commonwealth of the loss of federal funds due to proposed deficit reduction initiatives, changes in federal block grant programs, and related actions currently under consideration by the Congress and the President;
2. To examine the current delivery of community development, environmental, human services, and transportation programs in light of these proposed reductions and to assess the ability of state and local governments to administer these programs in the absence of federal support;
3. To make recommendations to the Governor regarding long-term modifications of state programs that may be necessary to eliminate any duplication and fragmentation of programs and services which might otherwise exist at the federal, state, or local levels of government; and
4. To make recommendations to the Governor regarding the impact of changes in the federal budget on the Commonwealth and its citizens.

Members of the Commission will serve without compensation and will not receive any reimbursement for expenses incurred in the discharge of their official duties.

Such staff and other support as is necessary for the conduct of the Commission's business during the term of its existence shall be furnished by such executive agencies as the Governor may from time to time designate.

This Executive Order supersedes and rescinds Executive Order Number 5 (82), creating the Commission on Block Grants, issued March 16, 1982, by Governor Charles S. Robb.

This Executive Order shall become effective upon its signing and shall remain in full force and effect until June 30, 1990, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 9th day of April, 1986.

/s/ Gerald L. Baliles, Governor

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

NOTICES OF INTENDED REGULATORY ACTION

Floor, Richmond, Va., telephone (804) 225-3140.

DEPARTMENT FOR THE AGING

VIRGINIA ATHLETIC BOARD

Notice of Intended Regulatory Action

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department for the Aging intends to consider the promulgation of regulations entitled: **Regulations Implementing Title V of the Older Americans Act and Section 124 of the Job Training Partnership Act**. The purpose of the proposed regulations is to determine resource allocations to Virginia's 25 Area Agencies on Aging under Title V of the Older Americans Act (as amended) and Section 124 of the Job Training Partnership Act.

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Athletic Board intends to consider promulgating, amending, or repealing regulations entitled: **Virginia Athletic Board Rules and Regulations**. The purpose of this action is to examine existing regulations as to their effectiveness toward safety of contestants. In accordance with the Virginia Athletic Board Public Participation Guidelines, the board will solicit input of all interested parties.

Public hearings will be held. Copies of the proposed regulations to be considered are available after April 14, 1986.

Statutory Authority: §§ 9-46 and 54-1.28 of the Code of Virginia.

Statutory Authority: § 2.1-373 of the Code of Virginia.

Written comments may be submitted until May 30, 1986.

Written comments may be submitted until June 27, 1986.

Contact: William Peterson, Human Resources Developer, Virginia Department for the Aging, 101 N. 14th St., 18th Floor, Richmond, Va. 23219-2797, telephone (804) 225-3140.

Contact: Doug Beavers, Assistant Director, 3600 W. Broad St., Room 505, Richmond, Va. 23230, telephone (804) 257-8507

DEPARTMENT OF COMMERCE

Notice of Intended Regulatory Action

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department for the Aging intends to consider amending regulations entitled: **State Plan for Aging Services funded under Title III of the Older Americans Act, as amended - October 1, 1985, through September 30, 1987**. The purpose of the proposed regulations is to revise the intrastate formula for allocation of Title III Older Americans Act funds to the 25 Area Agencies on Aging throughout Virginia. Public hearings will be held.

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Commerce intends to consider promulgating, amending or repealing regulations entitled: **Polygraph Examiners Regulations**. The purpose of the proposed action is to amend the Standards of Conduct to require polygraph examiners to produce two charts before rendering a conclusion; limit to 12 the number of examinations an examiner may perform in any 24-hour period; limit examiners to three evaluations of examination (deception indicated, no deception indicated and inconclusive); prohibit examiners from making hiring or retention recommendations; prohibit accusatory interrogation as well as knowing coercion and intimidation in employment examinations; prohibit asking questions dealing with the sexual preference or sexual activities of the examinee; limit the number of questions which may be asked on any examination; require a minimum time interval between questions; require each polygraph chart to be marked in a

Statutory Authority: § 2.1-373 of the Code of Virginia.

Written comments may be submitted until June 27, 1986.

Contact: Williams Peterson, Human Resources Developer, Virginia Department for the Aging, 101 N. 14th St., 18th

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specific manner.

Statutory Authority: § 54-917 of the Code of Virginia.

Written comments may be submitted until May 28, 1986.

Contact: David E. Dick, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8515 (toll-free number 1-800-552-3016, Virginia only)

VIRGINIA EMPLOYMENT COMMISSION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Employment Commission intends to consider promulgating, amending or repealing regulations entitled: **Rules and Regulations Affecting Unemployment Compensation**. The scope of the proposed action is not limited to unemployment compensation matters; rather, it shall cover all phases of the agency's operations. The Commission will receive public comment on existing regulations as to their effectiveness, efficiency, necessity, clarity, and cost compliance and will also receive public comment on the need for any new rules or regulations affecting agency operations.

Statutory Authority: § 60.1-34 of the Code of Virginia.

Written comments may be submitted until June 15, 1986.

Contact: Joseph L. Hayes, Special Assistant, Commission Appeals, Virginia Employment Commission, P.O. Box 1358, Richmond, Va. 23211, telephone (804) 786-7554

VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with the agency's public participation guidelines that the Virginia Board of Funeral Directors and Embalmers intends to consider promulgating regulations entitled: **Rules and Regulations of the Virginia Board of Funeral Directors and Embalmers**. The purpose of the proposed action is to begin the promulgative process of board rules and regulations governing funeral practice in the Commonwealth. Substantial amendments and proposals will include: (i) reorganization of regulations in accordance with § 9-6.20 of the Code of Virginia; (ii) deletion of unnecessary, archaic, or duplicative language; (iii) promulgation of public participation guidelines; and (iv)

proposal of a fee increase for professional licenses and permits.

Statutory Authority: § 54-260.69 of the Code of Virginia

Written comments may be submitted until May 30, 1986.

Other pertinent information: The board has completed a comprehensive self-study of these rules and regulations in conjunction with the Governor's Regulatory Review Process.

Contact: Mark L. Forberg, Executive Secretary, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0076

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Council of Higher Education for Virginia intends to consider promulgating regulations entitled: **Regulations for the Senior Citizens Higher Education Program**. The regulations to be promulgated will stipulate the requirements under which senior citizens may take courses at Virginia's state-supported institutions of higher education without paying tuition or fees. The Senior Citizens Higher Education Act, as amended in 1984, provides that courses taken for credit are free if a senior citizen has a taxable income of less than \$7,500. Noncredit courses may be taken without charge regardless of income. Effective July 1, 1986, institutions may count these enrollments in their census of full-time equivalent students (FTES).

Statutory Authority: § 23-9.6:1 (m) of the Code of Virginia.

Written comments may be submitted until May 28, 1986.

Contact: Barry M. Dorsey, Associate Director, Council of Higher Education, James Madison Bldg., 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2632

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT with the VIRGINIA FIRE BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development with the Virginia Fire Board intends to consider promulgating, amending or repealing regulations entitled: **Statewide Fire Prevention Code: The**

purpose of the proposed action is to provide for statewide standards for optional local enforcement to safeguard life and property from the hazards of fire and explosion arising from the improper maintenance of life safety and fire prevention/protection materials, devices, and systems, in buildings and structures; and the unsafe storage, handling, and use of substances, materials and devices wherever located.

Statutory Authority: § 27-97 of the Code of Virginia.

Written comments may be submitted until June 1, 1986 to Neal J. Barber, Director, Department of Housing and Community Development, 205 North Fourth Street, Richmond, Virginia 23219

Contact: Howard H. Summers, Jr., State Fire Marshal, Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4751

VIRGINIA STATE BOARD OF MEDICINE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Board of Medicine intends to consider promulgating regulations entitled: **Rules and Regulations for the Healing Arts - Foreign Medical Schools and Other Foreign Institutions.** The purpose of the regulation is to establish the requirements for approving Foreign Medical Schools and Other Foreign Institutions that teach the Healing Arts. The approval of the institutions will be a prerequisite to licensure of the graduates for those institutions to ensure that they are sufficiently prepared to practice their branch of the Healing Arts competently and safely.

Statutory Authority: § 54.291 of the Code of Virginia.

Written comments may be submitted until May 28, 1986.

Contact: Eugenia K. Dorson, Executive Secretary, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0575

Notice of Intended Regulatory Action

Notice is hereby given that the Virginia State Board of Medicine intends to consider promulgating, amending or repealing regulations entitled: **Rules and Regulations Relating to the Healing Arts for Medicine, Osteopathic Medicine, Podiatry, Chiropractic, Clinical Psychology, Physical Therapy, Physician Assistants, Respiratory Therapy Practitioners, and Correctional Health Assistants.** The purpose of the proposed regulations is to establish the requirements for licensure for Doctors of Medicine, Osteopathic Medicine, Chiropractic, Podiatry,

Clinical Psychology, and Physical Therapy and certification requirements for Physicians Assistants, Respiratory Therapy Practitioners and Correctional Health Assistants to ensure that the course of instruction provided training sufficient to prepare practitioners to practice their branch of the healing arts with competency and safety in the Commonwealth.

Statutory Authority: § 54-291 of the Code of Virginia.

Written comments may be submitted until May 28, 1986.

Contact: Eugenia K. Dorson, Executive Secretary, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0575

VIRGINIA BOARD OF PROFESSIONAL COUNSELORS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Professional Counselors intends to consider promulgating or repealing regulations entitled: **Regulations Governing the Certification of Substance Abuse Counselors.** The purpose of the proposed regulations is to establish the requirements for certification as substance abuse counselors in Virginia, to regulate the certification of substance abuse counselors and to discharge the duties required of the board pursuant to § 54-929 of the Code of Virginia in protecting the health, safety, and welfare of the citizens of the Commonwealth.

Statutory Authority: § 54-929 of the Code of Virginia.

Written comments may be submitted until May 28, 1986.

Contact: John W. Braymer, Executive Director, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-7702

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Professional Counselors intends to consider promulgating or repealing regulations entitled: **Regulations Governing the Practice of Professional Counseling.** The purpose of the proposed regulations is to establish the requirements for licensure as professional counselors in Virginia, to regulate the licensure of professional counselors and to discharge the duties required of the board pursuant to § 54-929 of the Code of Virginia in protecting the health, safety and welfare of the citizens of the Commonwealth.

Written comments may be submitted until May 28, 1986.

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Other pertinent information: The regulations to be proposed follow a comprehensive review of existing regulations in 1984 and 1985.

Contact: John W. Braymer, Executive Director, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-7702

VIRGINIA BOARD OF PSYCHOLOGY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Psychology intends to consider promulgating or repealing regulations entitled: **Regulations Governing the Practice of Psychology**. The purpose of the proposed regulations is to establish the requirements for licensure as a psychologist, school psychologist and clinical psychologist in Virginia, to regulate the licensure of psychologists and school psychologists and to discharge the duties required of the board by § 54.929 of the Code of Virginia in protecting the health, safety and welfare of the citizens of the Commonwealth.

Statutory Authority: § 54-929 of the Code of Virginia.

Written comments may be submitted until May 28, 1986.

Other pertinent information: The regulations to be proposed follow a comprehensive review of existing regulations in 1984 and 1985.

Contact: John W. Braymer, Executive Director, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-3434

VIRGINIA BOARD OF SOCIAL WORK

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Social Work intends to consider promulgating or repealing regulations entitled: **Regulations Governing the Practice of Social Work and Clinical Social Work**. The purpose of the proposed regulations is to establish the requirements for licensure as clinical social workers and social workers in Virginia, to regulate the licensure of clinical social workers and social workers and to discharge the duties required of the board pursuant to § 54-929 of the Code of Virginia in protecting the health, safety and welfare of the citizens of the Commonwealth.

Statutory Authority: § 54-929 of the Code of Virginia.

Written comments may be submitted until than May 28, 1986.

Other pertinent information: The regulations to be proposed follow a comprehensive review of existing regulations in 1984 and 1985.

Contact: John W. Braymer, Executive Director, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-7703

DEPARTMENT OF TAXATION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider promulgating regulations entitled: **VR 630-10-49.2. Innovative High Technology Industries and Research (Virginia Retail Sales and Use Tax Regulation)**. The purpose of the proposed regulation is to formally adopt under the Administrative Process Act an emergency regulation adopted on January 16, 1986, and published in the February 17, 1986, issue of the Virginia Register of Regulations. The regulation will set forth the application of the sales and use tax to high technology businesses, including the broad industrial manufacturing and research and development exemptions generally available to such businesses.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written Comments: **This date has been extended from April 16 until May 28, 1986.**

Contact: Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider promulgating regulations entitled: **VR 630-10-24.5. Computer Software**. This regulation will set forth the application of the sales and use tax to computer software and implement the 1986 legislation exempting certain types of computer software from the sales and use tax.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until May 30, 1986.

Contact: Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-10-112. Welfare Assistance Redeemable in Goods. (Virginia Retail Sales and Use Tax Regulation).** This regulation is being amended and revised to reflect the 1986 legislative change exempting from the tax food stamp and WIC draft purchases, effective October 1, 1986.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until May 30, 1986.

Contact: Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010.

STATE WATER CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider amending regulations entitled: **Water Quality Standards (Basin and Section Description Tables), Section 5, Potomac River Subbasin.** The proposed change would establish Quantico Bight and its tidal tributaries as a separate Section, 5C, Class II water, no special standards, Potomac River Subbasin. Section 5 would be amended to exclude Quantico Bight from this section.

Statutory Authority: § 62.1-44.15(3a) of the Code of Virginia.

Written comments may be submitted until May 12, 1986 to Cindy M. Berndt, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230

Other pertinent information: This amendment would remove the Potomac Embayment Standards from Quantico Bight.

Contact: Stu Wilson, Water Resource Ecologist, State Water Control Board, P.O. Box 11143, Richmond, Va. 23220, telephone (804) 257-0387

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider amending regulations entitled: **Commonwealth of Virginia Water Quality Standards.** The purpose of considering the proposed amendments is to ensure that the standards protect water quality and

beneficial water uses, conform to federal regulations and that obsolete standards are cancelled.

Statutory Authority: § 62.1-44.15(3a) of the Code of Virginia and § 303 of the Federal Clean Water Act.

Other pertinent information: The board's Water Quality Standards are reviewed every three years, as mandated by state and federal law.

Contact: Stu Wilson, Water Resource Ecologist, State Water Control Board, P.O. Box 11143, Richmond, Va. 23220, telephone (804) 257-0387

GENERAL NOTICES

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL VIRGINIA ALCOHOLIC BEVERAGE CONTROL BOARD

Notice to the Public

Pursuant to its Public Participation Guidelines contained in § 5.1 of VR 125-01-1, the board intends to consider the amendment or adoption of regulations as set forth below and will conduct a public meeting on such proposals as indicated below:

1. § 3 of VR 125-01-2. Advertising; exterior; signs; trucks; uniforms.

a. Subject of proposal - Amend regulation to permit more than two directional signs not farther than one mile from the licensed establishment.

b. Entities affected - Manufacturers and wholesalers, including wineries and farm wineries.

c. Purpose of proposal - To allow more than two directional signs away from the premises of such winery and farm winery.

d. Issues involved - Is the current restriction of two directional signs not farther than one-half mile from the licensed establishment sufficient for advertising to the general public or would additional advertising cause an unsightly proliferation of signage?

e. Applicable laws or regulations - Sections 4-7(1), 4-11(a), 4-69 of the Code of Virginia.

This requested by Virginia Wineries Association.

2. § 9 of VR 125-01-2. Coupons.

a. Subject of proposal - To allow wholesalers of wine

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and beer to attach refund coupon pads, sweepstakes and contest pads to cut case cards at the retail premises, if done for all retail licensees equally.

b. Entities affected - Manufacturers and distributors of wine and beer, retailers and the general public.

c. Purpose of proposal - This would provide another source for the public to obtain refund coupons or to participate in sweepstakes and contests. Currently, refund coupons may be obtained from the product, in the print media, or by direct mail to the consumer from the manufacturer.

d. Issues involved - Should wholesalers be permitted to provide this additional service for retailers and the general public?

e. Applicable laws or regulations - Sections 4-7(1), 4-11(a), 4-69, 4-98 and 4-103(b) and (c) of the Code of Virginia.

3. § 9 of VR 125-01-2. Coupons.

a. Subject of proposal - Amend the regulation to limit the value of wine or beer refund coupons to not more than 50% of the normal retail price.

b. Entities affected - Manufacturers and distributors of wine and beer, retailers and the general public.

c. Purpose of proposal - To limit the value of a refund coupon to not more than 50% of the normal retail price.

d. Issues Involved -

(1) Is it in the best interest of the public to place a limit on the value of refund coupons?

(2) Would a refund of more than 50% of the normal retail price constitute an inducement to purchase alcoholic beverages?

e. Applicable laws or regulations - Sections 4-7(1), 4-11(a), 4-69, 4-98 and 4-103(b) and (c) of the Code of Virginia.

This requested in part by the Virginia Wine Wholesalers Association, Inc.

4. § 2 of VR 125-01-3. Rotation and exchange of stocks of retailers by wholesalers; permitted and prohibited acts.

a. Subject of proposal - Amend regulation to allow wholesale licensees to provide shelf-space plans to retailers on an equal basis.

b. Entities affected - Wholesale and retail licensees.

c. Purpose of proposal - To authorize wholesale

licensees to provide a limited service to retail licensees for the purpose of providing schematic drawings outlining proposed shelf and space layout for the retailer.

d. Issues involved - Should this limited service be authorized as a clarification to Circular Letter 84-8?

e. Applicable laws or regulations - Section 4-79 of the Code of Virginia.

5. § 2 of VR 125-01-3. Rotation and exchange of stocks of retailers by wholesalers; permitted and prohibited acts.

a. Subject of proposal - To allow wholesalers to mark or affix retail prices to their products.

b. Entities affected - Wholesale and retail licensees.

c. Purpose of proposal - To permit wholesalers to provide additional services to retailers and further deregulation by the board.

d. Issues involved -

(1) Should wholesalers be permitted to provide further services for retail licensees?

(2) Would this add an additional burden to small wholesalers?

e. Applicable laws or regulations - Section 4-79 of the Code of Virginia.

6. § 6 of VR 125-01-3. Certain transactions to be for cash; "cash" defined; reports by sellers; payments to the board.

a. Subject of proposal - Amend regulation to eliminate the requirement that wholesalers report to the board on or before the fifteenth day of each month any invalid checks received during the preceeding month.

b. Entities affected - Wholesalers.

c. Purpose of proposal - To remove a burden on wholesalers to submit such report when no invalid checks were received from retailers.

d. Issues involved - Should a wholesaler be required to submit an invalid check report to the board when there are no such invalid checks to report to the board?

e. Applicable laws or regulations - Sections 4-7(1), 4-11(a), 4-44, 4-60(h) and (f) of the Code of Virginia.

This requested by Mr. Al Weed, Chairman, Legislative Committee, Virginia Wineries Association.

7. § 2 of VR 125-01-3. Inducement to retailers; tapping equipment; bottle or can openers; banquet licensees; cut

case cards.

a. Subject of proposal - Amend to permit a wine wholesaler to exchange wine on an identical quantity, brand or package basis for quality control purposes.

b. Entities affected - Wine wholesalers and retail licensees.

c. Purpose of proposal - To permit wine wholesalers to exchange wine on an identical quantity, brand or package basis for quality control purposes and to ensure that fresh stock is maintained in retail establishments.

d. Issues involved.

Should wine wholesalers be permitted to exchange wine for quality control purposes, now permitted for beer wholesalers?

e. Applicable laws or regulations - Sections 4-7(1), 4-11(a), 4-22.1, 4-33(d), 4-37(e), 4-79, 4-103(b) and 4-115 of the Code of Virginia.

This requested by the Virginia Wine Wholesalers Association, Inc.

8. § 9 of VR 125-01-3. Inducements to Retailers; Tapping Equipment; Bottle or Can Openers; Banquet Licenses; Cut Case Cards.

a. Subject of proposal - Amend regulation to permit the furnishing of wine table tents, wine bottle openers, wine knobs, wine clip-ons, nitrogen gas or compressed air to retail licensees. Also, to permit manufacturers or wholesalers to provide beer cut case cards to retailers as presently provided for wine cut case cards.

b. Entities affected - Wine and beer manufacturers, wholesalers and retail licensees.

c. Purpose of proposal - To clarify and define the limitations and restrictions in which these materials and equipment may be furnished to retailers by manufacturers and wholesalers of alcoholic beverages.

d. Issues involved - Should wholesalers be restricted to the furnishing of such equipment and materials to retailers as presently provided in § 9 of VR 125-01-3?

e. Applicable laws or regulations - Sections 4-7(1), 4-11(a), 4-69.2, 4-79(f) and (h) and 4-98.14 of the Code of Virginia.

This requested in part by the Virginia Beer Wholesalers Association.

9. § 10 of VR 125-01-3. Routine business entertainment; definition; permitted activities; conditions.

a. Subject of proposal - Amend the regulation to permit routine business entertainment by manufacturers to retail licensees and to define such entertainment.

b. Entities affected - Manufacturers, wholesalers and retailers of alcoholic beverages.

c. Purpose of proposal - To permit manufacturers to entertain retailers in a similar manner as wholesalers are permitted to do by § 4-79 (a2) of the Code of Virginia and § 10 of VR 125.01-3.

d. Issues involved - What limits should be placed on entertainment that a licensed manufacturer of alcoholic beverages may furnish to licensed retailers?

e. Applicable laws or regulations - Section 4-79 of the Code of Virginia.

This requested by the Virginia Beer Wholesalers Association, Inc.

10. § 2 of VR 125-01-4. Wines, qualifying procedures, disqualifying factors; samples; exceptions.

a. Subject of proposal - To amend the regulation to permit artificial coloring in wine coolers containing 14% or less alcohol by volume and in sangria-type wines.

b. Entities affected - Manufacturers, wine importers, wholesalers, retailers of wine and the general public.

c. Purpose of proposal - This is simply a housekeeping measure. The board adopted an emergency regulation effective August 7, 1985, permitting artificial coloring to be added to wine coolers and sangria-type wines.

d. Issues involved - Should manufacturers of wine coolers and sangria-type wines be permitted to add artificial coloring which is now allowed by the federal authorities?

e. Applicable laws or regulations - Sections 4-7(h) and (1), and 4-11(a) of the Code of Virginia.

11. § 2 of VR 125-01-5. Determination of legal age of purchaser.

a. Subject of proposal - To eliminate identification cards issued by a college or university as acceptable identification of proof of age for the purchase of alcoholic beverages.

b. Entities affected - Retail licensees and the general public.

c. Purpose of proposal - To reduce the types of valid identification acceptable by retail licensees as proof of age.

General Notices/Errata

d. Issues involved -

(1) Will the elimination of college and university identification cards reduce the instances of sales of alcoholic beverages to persons less than the legal drinking age?

(2) Will the elimination of such identification cards cause a hardship to those persons not possessing operator's licenses?

(3) Can college and university identification cards be easily altered or forged to procure alcoholic beverages?

e. Applicable laws or regulations - Sections 4-7(1), 4-11(a), 4-62, 4-98.14 and 4-103(b) of the Code of Virginia.

12. § 4 of VR 125-01-6. Indemnifying bond required of wholesale wine distributors.

a. Subject of proposal - Amend regulation to eliminate federal, state and municipal bonds in lieu of surety for wholesale wine distributors. Further, amend the section to provide for waiver of bond and surety by wholesale wine distributors.

b. Entities affected - Wholesale wine licensees.

c. Purpose of proposal - To eliminate federal, state and local bonds in lieu of surety bond and authorize the board to waive the requirement of both the surety and the bond in cases where the wholesaler has previously demonstrated his financial responsibility as provided by a change in § 4-31 of the Code of Virginia at the 1986 General Assembly.

d. Issues involved - Whether the board should waive the requirement of both the surety and the bond in cases where the wholesaler has previously demonstrated his financial responsibility.

e. Applicable laws or regulations - Sections 4-7(a), (b) and (1), 4-11(a) and 4-31(g) of the Code of Virginia.

13. § 6. of VR 125-01-6. Beer importer licenses; conditions for issuance and renewal.

a. Subject of proposal - Amend regulation to require that all persons applying for the issuance or renewal of a wine importer's license shall file with the board a list of the brands of wine they intend to sell and deliver or ship into this state, along with a corresponding list of the names of the owners of such brands and copy of the written permission from the brand owner, or its designated agent. Also, subsequent to the issuance or renewal of a wine importer's license, the licensee shall make a supplemental filing with the board identifying such additional brands, brand owner and providing the required evidence of

authorization by the brand owner.

b. Entities affected - Wine importers and wine wholesalers.

c. Purpose of proposal - To eliminate transshipping of wine products. Transshipping is defined as unauthorized persons shipping wine into the state to wholesalers without the brand owner's approval.

d. Issues involved -

(1) Do wine importers and wholesalers need the same safeguards now afforded to beer importers?

(2) Will the proposal prevent "transshipping" or "boot legging" of wine to wholesalers in Virginia by obtaining a brand of wine and selling it in the state without the permission of the brand owner, which is usually the winery?

Applicable laws or regulations - Sections 4-7(b) and (1), 4-11 and 4-25(gl) of the Code of Virginia.

This requested by the Virginia Wine Wholesalers Association.

14. § 6 of VR 125-01-7. Alcoholic beverages for hospitals, industrial and manufacturing users.

a. Subject of proposal - Amend regulation to eliminate the requirement of a transportation permit, which is currently required to accompany the shipment of alcoholic beverages or other alcoholic beverages to the permittee.

b. Entities affected - Hospitals, nursing homes, industrial and manufacturing users.

c. Purpose of proposal - To remove a regulatory burden from the shipper or carrier of a transportation permit.

d. Issues involved -

(1) Will the elimination of the transportation permit to the shipper or carrier create an enforcement problem relating to the control of alcohol or alcoholic beverages coming into or through Virginia?

(2) Will a bill of lading or a complete and accurate memorandum accompanying the shipment of alcohol or alcoholic beverages to the permittee be sufficient as is currently the practice?

(3) Should a copy of the bill of lading or memorandum be submitted to the board by the permittee after delivery?

e. Applicable laws or regulations - Sections 4-7(a), (b) and (1), 4-11(a), 4-48(a) and 4-72.1 B. of the Code of

Virginia.

15. § 6 of VR 125-01-7. Alcoholic beverages for hospitals, industrial and manufacturing users.

a. Subject of proposal - Amend regulation to eliminate references to "markup" and insert "permit fee" throughout regulation.

b. Entities affected - Hospitals, nursing homes, industrial and manufacturing users.

c. Purpose of proposal - Regulatory clarification as a result of the removal of the board's authority to sell wine.

d. Issues involved - Is the elimination of references to "markup", which applied to wine sales by the board, appropriate since the board no longer has authority to sell wine after June 30, 1986?

e. Applicable laws or regulations - Sections 4-7(a), (b) and (1), 4-11(a), 4-15.02 (effective July 1, 1986) and 4-48(a) of the Code of Virginia.

This is requested by Mr. John R. Metz, Martha Jefferson Hospital, Charlottesville.

16. § 15 of VR 125-01-7. Wholesale alcoholic beverage and beverage sales; discounts, price-fixing; price increases; price discrimination; retailers.

a. Subject of proposal - Amend regulation to allow a winery or brewery to reduce its prices either throughout the Commonwealth or within specific market areas.

b. Entities affected - Wineries, breweries, wholesale and retail licensees, and the general public.

c. Purpose of proposal - To permit wineries and breweries to reduce its prices to wholesalers within specific geographical markets to meet marketing conditions regardless of the existing "competing price" exceptions in the regulations.

d. Issues involved -

(1) Would the reduced prices given to wholesalers in a specific market area be fair to all other wholesalers representing the same winery or brewery?

(2) Are the present exceptions for reduced prices in the current regulations, i.e., a bona fide difference in the cost of sale or delivery, or where a lower price was charged in good faith to meet an equally low price charged by a competing winery or brewery or wholesaler adequate to accommodate the marketplace?

(3) Would the provisions of the Wine and Beer Franchise Acts against discrimination be affected?

e. Applicable laws or regulations - Sections 4-7(1), 4-11(a), 4-103(b), 4-118.12, 4-118.12:1, 4-118.15, 4-118.32, 4-118.33 and 4-118.36 of the Code of Virginia.

This requested in part by Miller Brewing Company.

17. § 17 of VR 125-01-7. Farm Wineries; percentage of Virginia products; other agricultural products; remote outlets.

a. Subject of proposal - Amend regulation to make it clear that a vineyard must be at the site of the winery and to further define a cooperative formed by an association.

b. Entities affected - Farm wineries.

c. Purpose of proposal - To ensure that cooperatives meet the guidelines established for farm winery licensees.

d. Issues involved -

(1) Should cooperatives have to meet the same conditions and restrictions imposed on other farm winery licensees?

(2) Should it be mandatory that a vineyard be located on land owned by or leased by individual members of the cooperative?

e. Applicable laws or regulations - Sections 4-2(10a), 4-11(a) and 4-25.1 of the Code of Virginia.

18. Adopt a new regulation concerning caterer's licenses.

a. Subject of proposal - Adopt a regulation to provide guidelines and clarification concerning requirements for a mixed beverage caterer's license.

b. Entities affected - Mixed beverage caterer licensees.

c. Purpose of proposal - To permit and define mixed beverage caterers licenses and qualifications.

d. Issues involved -

(1) To whom should such a license be issued?

(2) What specific restrictions should be placed against such a licensee?

e. Applicable laws or regulations - Section 4-98.2(c) of the Code of the Virginia. (Amended by Senate Bill 254, 1986 General Assembly)

Regulations are adopted by the board pursuant to authority contained in §§ 4-11, 4-98.14, 4-103 and 4-6.14 et seq. of the

General Notices/Errata

Code of Virginia.

The board requests that all persons interested in the above described subjects please submit comments in writing by May 29, 1986, to the undersigned, P.O. Box 27491, Richmond, Virginia 23261 or attend the public meeting scheduled below.

The board will hold a public meeting and receive the comments or suggestions of the public on the above subjects. The meeting will be in the First Floor Hearing Room at 2901 Hermitage Road, Richmond, Virginia at 10 a.m. on May 29, 1986.

Contact Robert N. Swinson if you have questions, at the above address or by phone at (804) 257-0617.

Virginia Alcoholic Beverage Control Board
/s/ Robert N. Swinson
Assistant Secretary

FORMS:

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

COMMISSION OF GAME AND INLAND FISHERIES

Notice to the Public

The Commission of Game and Inland Fisheries has ordered to be published, pursuant to §§ 29-125, 29-126 and 29-127 of the Code of Virginia, the proposed amendment to VR 325-04-1 applicable Statewide. A public hearing on the advisability of adopting, or amending and adopting, the proposed regulation, or any part thereof, will be held at the Virginia Beach School Board Building, Virginia Beach, Virginia, beginning at 9:30 a.m. on Friday, May 16, 1986, at which time any interested citizens present shall be heard. If the Commission is satisfied that the proposed regulation, or any part thereof, is advisable, in the form in which published or as amended as a result of the public hearing, the Commission may adopt such proposals at that time, in whole or in part.

NOTICE TO STATE AGENCIES

RE: Forms for filing material on dates for publication in The Virginia Register of Regulations.

All agencies are required to use the appropriate forms when furnishing material and dates for publication in The Virginia Register of Regulations. The forms are supplied by the office of the Registrar of Regulations. If you do not have any forms or you need additional forms, please contact: Ann M. Brown, Assistant Registrar of Regulations, Virginia Code Commission, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591.

CALENDAR OF EVENTS

Symbol Key †

† Indicates entries since last publication of the Virginia Register

THE VIRGINIA CODE COMMISSION

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

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

EXECUTIVE

GOVERNOR'S ADVISORY BOARD ON AGING

† July 31, 1986 - 8:30 a.m. - Open Meeting
Sheraton Airport Inn, (Hershberger Road West), 2727 Ferndale Drive, Roanoke, Virginia. (Location accessible to handicapped.)

A meeting to discuss issues and topics of relevance to older Virginians. The board will also welcome new board members and provide an orientation to services and programs for older Virginians to these new members.

Contact: William Peterson, Assistant to the Commissioner, Virginia Department for the Aging, 101 N. 14th St., 18th Floor, Richmond, Va. 23219, telephone (804) 225-2271/3140

BOARD OF AGRICULTURE AND CONSUMER SERVICES

May 22, 1986 - 10 a.m. - Public Hearing
Washington Building, 2nd Floor Board Room, 1100 Bank Street, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Agriculture and Consumer Services intends to amend regulations entitled: **Rules and Regulations Governing the Production, Handling, and Processing of Milk for Manufacturing Purposes and Establishing Minimum**

Standards for Certain Dairy Products to be Used for Human Food. These regulations govern the production, processing, and transportation of raw milk, the labeling of commercial bulk shipping containers for dairy products and the labeling of consumer packaged products.

STATEMENT

Basis: The Somatic Cell Count Standard for individual herd raw milk has been a recognized measure of quality in the "manufacturing" milk industry and a part of Virginia regulations at a level recognized as being current and in conformance with U.S. Regulations and Recommended Standards is essential so as not to jeopardize the marketability of Virginia produced "manufacturing" raw milk in interstate and intrastate commerce.

Purpose: The proposed amendments will lower the maximum acceptable somatic cell count from 1,500,000 cells to 1,000,000 cells per milliliter in individual milk. This will bring Virginia's regulations into conformance with current regulations and recommendations of the United States Department of Agriculture. Also, it will ensure the marketability of a higher quality Virginia produced "manufacturing" milk in interstate commerce and within the Commonwealth of Virginia.

Impact: There are 160 "manufacturing" milk producers and four "manufacturing" milk plants in Virginia. The proposed amendments will enhance their ability to retain or expand their markets involved in interstate commerce. The Department of Agriculture and Consumer Services should not experience any additional cost in the implementation and enforcement of the proposed amendments if adopted by the board.

Statutory Authority: § 3.1-530.1 of the Code of Virginia.

Written comments may be submitted until May 16, 1986, to Raymond D. Vaughan, Secretary, Board of Agriculture and Consumer Services, P.O. Box 1163, Richmond, Virginia 23209

Contact: William R. Crump, Jr., Chief, Bureau of Dairy Services, Virginia Department of Agriculture and Consumer Services, Division of Dairy and Foods, P.O. Box 1163, Richmond, Va. 23209, telephone (804) 786-1452

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Calendar of Events

May 22, 1986 - 10 a.m. - Public Hearing
Washington Building, 2nd Floor Board Room, 1100 Bank Street, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Agriculture and Consumer Services intends to amend the regulations entitled: **Rules and Regulations Governing the Production, Processing and Sale of Grade "A" Pasteurized Market Milk and Grade "A" Pasteurized Market Milk Products and Certain Milk Products.** These regulations govern the production, processing, labeling and distribution of Grade "A" Market Milk, Grade "A" Market Milk Products and certain milk products within the Commonwealth of Virginia.

STATEMENT

Basis: The Somatic Cell Count Standard for individual producer Grade "A" raw milk for pasteurization has been a recognized measure of quality in Grade A milk industry and a part of Virginia's regulations for a number of years. Its continuance in Virginia regulations at a level recognized as being current and in conformance with U.S. recommended standards is essential so as not to jeopardize the marketability of Virginia produced Grade "A" raw milk for pasteurization in interstate and intrastate commerce.

Purpose: The proposed amendment will lower the maximum allowable somatic cell count from 1,500,000 cells to 1,000,000 cells per milliliter on individual producer Grade "A" raw milk for pasteurization. This will bring Virginia regulations into conformance with current recommendations of the United States Public Health Service and the Food and Drug Administration. Also, it will ensure the marketability of a higher quality Virginia produced Grade "A" raw milk for pasteurization in interstate commerce and within the Commonwealth of Virginia.

Impact: There 1554 Grade "A" producers and 3 milk marketing cooperatives operating in Virginia. This amendment will enhance their ability to retain or expand their markets involved in interstate commerce. The Department of Agriculture and Consumer Services should not experience any significant additional cost in the implementation and enforcement of the proposed amendment if adopted by the board.

Statutory Authority: § 3.1-530.1 of the Code of Virginia.

Written comments may be submitted until May 16, 1986, to Raymond D. Vaughan, Secretary, Board of Agriculture and Consumer Services, P.O. Box 1163, Richmond, Virginia 23209

Contact: William R. Crump, Jr., Chief, Bureau of Dairy Services, Virginia Department of Agriculture and Consumer Services, Division of Dairy and Foods, P.O. Box 1163,

Richmond, Va. 23209, telephone (804) 786-1452

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May 22, 1986 - 1 p.m. - Public Hearing
Washington Building, 2nd Floor Board Room, 1100 Bank Street, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Agriculture and Consumer Services intends to amend regulations entitled: **Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds Into Virginia.** The proposed amendments would require that certain female calves entering Virginia for feeding or breeding purposes be vaccinated for brucellosis, an infectious and contagious disease of cattle and other species, including man.

STATEMENT

Statement of Purpose: The proposed regulations would require that certain female calves entering Virginia for feeding or breeding purposes be vaccinated for brucellosis. Brucellosis, an infectious and contagious disease of cattle and man, poses a serious health threat to man and a devastating threat to herds that become affected. There are 39,000 cattle herds within the Commonwealth. The immunization of female cattle, while calves, enhances their value; requiring such immunization before a cow enters the state reduces the risk to all Virginia cattle of contracting brucellosis.

Estimated Impact:

a) Number and types of regulated entities or persons affected—While it would be virtually impossible to enumerate the livestock markets, registered cattle associations, cattle dealers, and livestock sales managers in other states affected (and the impact of the proposed regulations would be on entities outside Virginia), the impact should be minimal, since already 24 states require such vaccination for cattle entering their borders. An estimated 12,000 cattle pass through Virginia each year that would be subject to this proposed regulations, but already approximately 75% have been vaccinated for brucellosis in a manner consistent with the proposed regulation. This regulation would deal with the remaining 25%.

b) Projected cost to regulated entities (and to the public, is applicable for implementation and compliance—see Item "a", above.

c) Projected cost to agency for implementation and enforcement—None.

d) Source of funds - Since there are no known costs to the agency, there is no need for additional funds for the implementation of these proposed regulations.

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Statutory Authority: §§ 3.1-724 and 3.1-726 of the Code of Virginia.

Written comments may be submitted until May 21, 1986, to Raymond D. Vaughan, Secretary, Board of Agriculture and Consumer Services, P.O. Box 1163, Richmond, Virginia 23209

Contact: Dr. A. J. Roth, Chief, Bureau of Veterinary Services, Washington Bldg., Suite 600, 1100 Bank St., Richmond, Va. 23209, telephone (804) 786-2483

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May 22, 1986 - 2 p.m. - Public Hearing
Washington Building, 2nd Floor Board Room, 1100 Bank Street, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Agriculture and Consumer Services intends to adopt the regulations entitled: **Rules and Regulations Governing the Transportation of Companion Animals and Horses**. These regulations establish standards for transportation of impounded companion animals, companion animals moving in commerce, and loads of horses being transported to a commercial slaughter facility.

STATEMENT

Substance:

Part I - Transportation of companion animals.

Transportation of companion animals regulates transportation of impounded companion animals and those companion animals moved in commerce. Standards are set forth for primary enclosures, primary conveyances, terminal facilities, food and water requirements, care in transit and handling.

Part II - Transportation of horses.

Transportation of horses regulates transportation of loads of more than six horses being transported to a commercial slaughter facility. Standards are set forth for vehicles, loading and unloading, cleaning and disinfection, protection during transport, food, water and exercise, grouping of horse, and handling of injured or physically disabled horses.

Issues: Issues to be considered include: 1. The need for such regulations. 2. What standards are necessary to accomplish the purpose of these regulations. 3. The economic impact of these regulations on regulated entities and the public.

Basis: Numerous instances of inhumane treatment of animals during transport and the inability to deal with these using existing enforcement measures requires the

promulgation of these regulations.

Purpose: The purpose of these regulations is to specify those requirements to be met when transporting live companion animals and horses that will preclude the inhumane treatment of these animals and foster handling and care practices that will enhance their well-being during periods of transit within the state.

Statutory Authority: § 29-213.37 of the Code of Virginia.

Written comments may be submitted until May 22, 1986 to Raymond D. Vaughan, Secretary, Board of Agriculture and Consumer Services, P.O. Box 1163, Richmond, Virginia 23209.

Contact: Dr. Tonya K. Higgins, Animal Welfare Veterinarian, Virginia Department of Agriculture and Consumer Services, Division of Animal Health, Washington Bldg., Suite 600, 1100 Bank St., Richmond, Va. 23219, telephone (804) 786-2483

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May 22, 1986 - 11 a.m. - Public Hearing
Washington Building, 2nd Floor Board Room, 1100 Bank Street, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Department of Agriculture and Consumer Services intends to amend regulations entitled: **Rules and Regulations for the Enforcement of the Virginia Seed Law**. The purpose of the amendments is to establish a specific noxious weed seed list for lawn and turf seed and distinguish it from noxious weed seed in agricultural seed.

STATEMENT

Statement of Purpose and Impact: This regulation is to ensure that all lawn and turf seeds are truthfully labeled within testing tolerance of the labeler's guarantee for the presence of noxious weed seeds. It will establish a fair and equitable marketing system whereby both the labeler and consumer can identify quality seed from the information that appears on the label. To ensure the smallest amount of disruption in the same marketing area, the regulation conforms in every respect to those adopted in Pennsylvania and proposed for adoption in Maryland, Delaware and New Jersey.

Impact: This regulation affects all persons who market lawn and turf seed in Virginia to include approximately 120 seed producers, processors or labelers, and 32 registrants of lawn and turf products. Purchasers of lawn and turf seed affected include a major portion of the 1.1 million home owners, 30 sod producers, 240 golf courses, approximately, 800 public schools, 80 colleges, approximately 100 federal, state and municipal parks or

Calendar of Events

recreation areas, other state agencies, airports, apartment complexes, business establishments and all areas maintained in turf for aesthetic value. This regulation was specifically and meticulously designed to disrupt to the smallest extent possible that lawn and turf seed already on the market. All seed presently marketed can continue to be marketed, but the label will reveal by name and rate of occurrence the noxious weed seed which are present in lawn and turf seed.

Statement of Basis: To ensure that seed identified as lawn and turf seed be labeled with the name and number per ounce or per pound of restricted noxious weed seeds under the heading of Noxious Weed Seed or Undesirable Grass Seed, if any are present. Provide the labeler of lawn and turf seed an opportunity to label and market uncontaminated seed in fair competition with all other on the market. Provide information to the purchaser that is not available from any other source.

For the above reasons, it is necessary to establish a noxious weed seed list specifically for lawn and turf seed that is different from agricultural seed. In addition, it is necessary to maintain an inspecting, sampling, and testing program that will monitor lawn and turf seed sold in order that the purchaser will be protected.

Statutory Authority: § 3.1-271 of the Code of Virginia.

Written comments may be submitted until May 20, 1986, to Raymond D. Vaughan, Secretary, Board of Agriculture and Consumer Services, Room 210, 1100 Bank Street, Richmond, Virginia 23219

Contact: D. E. Brown, Supervisor, Seed Section, Virginia Department of Agriculture and Consumer Services, Division of PAIR, Room 505, 1100 Bank St., Richmond, Va. 23219, telephone (804) 786-3797

VIRGINIA ALCOHOLIC BEVERAGE CONTROL BOARD

May 12, 1986 - 9:30 a.m. - Open Meeting
May 20, 1986 - 9:30 a.m. - Open Meeting
June 3, 1986 - 9:30 a.m. - Open Meeting
June 9, 1986 - 9:30 a.m. - Open Meeting
June 17, 1986 - 9:30 a.m. - Open Meeting
Virginia Alcoholic Beverage Control Board, 2901 Hermitage Road, Richmond, Virginia. (Location accessible to handicapped.)

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

Contact: Robert N. Swinson, 2901 Hermitage Rd., Richmond, Va. 23220, telephone (804) 257-0616

STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND CERTIFIED LANDSCAPE ARCHITECTS

May 16, 1986 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, 3rd Floor, Room 395, 3600 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

An informational proceeding will be held to take any comments regarding suggested changes in the board's regulations in accordance with the public participation guidelines. This will be followed by the board's regular meeting to be held in the board room on the 5th floor. The board will meet to (i) approve minutes of the March 14, 1986, meeting; (ii) discuss regulations; and (iii) review investigative cases.

Board of Certified Landscape Architects

June 24, 1986 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, 5th Floor, 3600 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

Board members grading exam.

Contact: Johnsie Williams, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23220, telephone (804) 257-8512

VIRGINIA AUCTIONEERS BOARD

May 13, 1986 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, Conference Room 3, 3600 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

These meetings will be held to discuss certification examinations.

June 24, 1986 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, Conference Room 1, 3600 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

An open board meeting to consider (i) status of certification examination; (ii) development of examination; and (iii) complaints.

Contact: Geralde W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8508

Calendar of Events

STATE BUILDING CODE TECHNICAL REVIEW BOARD

† **May 16, 1986 - 10 a.m.** – Open Meeting
Fourth Street State Office Building, 2nd Floor Conference Room, 205 North 4th Street, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to consider (i) request for interpretation of the Virginia Uniform Statewide Building Code; (ii) to consider appeals from the rulings of local appeals boards regarding application of the Virginia Uniform Statewide Building Code; and (iii) to approve minutes of previous meetings.

Contact: Jack A. Proctor, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-5041

INTERDEPARTMENTAL LICENSURE AND CERTIFICATION OF CHILDREN'S RESIDENTIAL FACILITIES

Advisory Committee

† **May 30, 1986 - 2 p.m.** – Open Meeting
Department of Corrections, Room 105, 4615 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to discuss (i) interdepartmental training plan; (ii) structured interim monitoring strategies for children's residential facilities; and (iii) the annual plan.

June 11, 1986 - 10 a.m. – Open Meeting
Department of Social Services, Blair Building, 2nd Floor, Conference Room A, 8007 Discovery Drive, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A meeting to (i) elect officers; (ii) discuss revision of by-laws; (iii) report on After Action Report for Social Workers Visiting Facilities; and (iv) report on establishment of subcommittee to study needs for children removed from their homes.

† **June 20, 1986 - 8:00 a.m.** – Open Meeting
Department of Social Services, Blair Building, 2nd Floor Conference Room, 8007 Discovery Drive, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A meeting to (i) elect a chairman; (ii) discuss preliminary report of facility programs for high risk children; and (iii) discuss annual report.

Contact: Sandra G. Davis, Blair Bldg., 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025

BOARD OF COMMERCE

† **May 22, 1986 - 10:30 a.m.** – Open Meeting
Department of Commerce, Travelers Building, 5th Floor, Conference Room 1, 3600 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

A regular meeting of the board. The agenda will include a discussion of current studies that are being conducted by the Board of Commerce.

Contact: Cathy M. Walker, Policy Analyst, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8564

DEPARTMENT OF COMMERCE

† **May 28, 1986 - 10 a.m.** – Open Meeting
† **May 29, 1986 - 10 a.m.** – Open Meeting
Fredericksburg Circuit Court, 815 Princess Anne Street, Fredericksburg, Virginia

The department will meet to conduct a formal administrative hearing: Department of Commerce v. Edward E. Cox. This proceeding was continued from March 27-28, 1986.

Contact: Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8524

BOARD ON CONSERVATION AND DEVELOPMENT OF PUBLIC BEACHES

† **May 20, 1986 - 10:30 a.m.** – Open Meeting
Holiday Inn North, George Washington Room, Route 17 (West of I-95, 1st exit North of Rappahannock River), Fredericksburg, Virginia. (Location accessible to handicapped.)

A meeting to consider proposals from various localities requesting matching grant funds from the board.

Contact: C. Scott Hardaway, Public Beach Board, P.O. Box 339, Gloucester Point, Va. 23062, telephone (804) 642-4892

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

Falls of the James Advisory Committee

May 23, 1986 - Noon - Open Meeting
Richmond City Hall, 3rd Floor Conference Room, 900 East Broad Street, Richmond, Virginia. (Location accessible to

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handicapped.)

A regular meeting to discuss general business and issues affecting the portion of the James River that runs through the City of Richmond.

Goose Creek Scenic River Advisory Board

† **May 13, 1986 - 4 p.m.** – Open Meeting,
Middleburg Real Estate Company, Route 50, Middleburg,
Virginia

A biannual business meeting to discuss issues and matters pertaining to the Goose Creek Scenic River.

Contact: Richard G. Gibbons, Virginia Division of Parks and Recreation, 1201 Washington Bldg., Richmond, Va. 23219, telephone (804) 225-3004

Virginia Soil and Water Conservation Board

May 15, 1986 - 9 a.m. – Open Meeting
203 Governor Street, Room 200, Richmond, Virginia.
(Location accessible to handicapped.)

A regular bi-monthly business meeting.

Contact: Donald L. Wells, Suite 206, 203 Governor St., Richmond, Va. 23219-2094, telephone (804) 786-2064

BOARD OF CORRECTIONS

May 14, 1986 - 10 a.m. – Open Meeting
June 18, 1986 - 10 a.m. – Open Meeting
4615 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

A regular monthly meeting to consider such matters as may be presented to the Board of Corrections.

Contact: Vivian Toler, Secretary to the Board, 4615 W. Broad St., P.O. Box 26963, Richmond, Va. 23261, telephone (804) 257-6274

VIRGINIA BOARD OF COSMETOLOGY

† **May 19, 1986 - 9 a.m.** – Open Meeting
Virginia Department of Commerce, Travelers Building, 5th Floor, Conference Room 3, 3600 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to review investigative reports of complaints and determine disposition; and to consider general correspondence pertinent to the operation of

the board.

Contact: Olliver O. Trumbo, II, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8509

VIRGINIA BOARD OF DENTISTRY

† **May 29, 1986 - 9 a.m.** – Open Meeting
Department of Health Regulatory Boards, Board Room, 517 West Grace Street, Richmond, Virginia

A formal hearing on Doctors Grover C. Hill, Jr., Kent M. Stevens and James W. Dale. (Date changed from April 29 to May 29).

† **July 30, 1986 - 2 p.m.** – Open Meeting
† **July 31, 1986 - 9 a.m.** – Open Meeting
Sheraton Hotel, Ball Room, 4700 South Laburnum Avenue, Richmond, Virginia. (Location accessible to handicapped.)

The board will consider proposed changes to the regulations governing the practice of dentistry and dental hygiene heard at its public hearing on April 10, 1986.

Contact: Nancy T. Feldman, Executive Director, 517 W. Grace St., Richmond, Va. 23220, telephone (804) 786-0311

STATE BOARD OF EDUCATION

† **May 22, 1986 - 8:30 a.m.** – Open Meeting
† **May 23, 1986 - 9:00 a.m.** – Open Meeting
University of Virginia, Sponsors Hall, Charlottesville, Virginia. (Location accessible to handicapped.)

A regularly scheduled meeting to conduct business according to items listed on the agenda. The agenda is available upon request. The public is reminded that the Board of Vocational Education may convene, if required.

Contact: Margaret N. Roberts, James Monroe Bldg., 25th Floor, 101 N. 14th St., Richmond, Va., telephone (804) 225-2540

COUNCIL ON THE ENVIRONMENT

† **May 13, 1986 - 7 p.m.** – Open Meeting
Roanoke Valley Science Museum Planetarium, Center in the Square, One Market Square, Roanoke, Virginia
† **May 14, 1986 - 7 p.m.** – Public Hearing
Clarke County Courthouse Complex, Board of Supervisors Room, Berryville, Virginia

The council will hold a series of public hearings

around the state to solicit comments from citizens on the quality of Virginia's environment. All comments and concerns will be considered as the council develops its biennial report to the Governor, the Secretary of Natural Resources and the General Assembly. The record for all hearings will remain open for two weeks after the last hearing date so that written comments may be filed with the council. The closing date for comments is May 29, 1986.

Contact: Hannah Crew, Council on the Environment, 903 Ninth Street Office Bldg., Richmond, Va. 23219, telephone (804) 786-4500

VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

May 14, 1986 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, Main Board Room, 517 West Grace Street, Richmond, Virginia

The Informal Fact-Finding Conference Committee will meet to hear disciplinary matters.

May 19, 1986 - 1 p.m. - Open Meeting
May 20, 1986 - 9 a.m. - Open Meeting
May 21, 1986 - 9 a.m. - Open Meeting
Holiday Inn, 3200 West Broad Street, Richmond, Virginia

Committee meetings, examinations, and board meetings.

Contact: Mark L. Forberg, Executive Secretary, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0076

COMMISSION OF GAME AND INLAND FISHERIES

† **May 15, 1986 - 3 p.m. - Open Meeting**
Cavalier Oceanfront, 42nd and Atlantic Avenue, Virginia Beach, Virginia. (Location accessible to handicapped.)

The Game Committee of the commission will meet to discuss leasing policies related to shooting preserves; a standardized gating policy on commission-owned lands; and other related items.

† **May 15, 1986 - 4 p.m. - Open Meeting**
Cavalier Oceanfront, 42nd and Atlantic Avenue, Virginia Beach, Virginia. (Location accessible to handicapped.)

The License Agents Committee of the commission will meet for consideration of new bonded agent appointments.

May 16, 1986 - 9:30 a.m. - Public Hearing
Virginia Beach School Board Building, Municipal Center,

Virginia Beach, Virginia

The commission will take action on a proposal to amend regulation VR 325-04-1, § 1, pertaining to the adoption of federal regulations and rules concerning boating safety equipment and lights applicable to vessels in Virginia. General administration matters will be considered also.

Contact: Norma G. Adams, Administration, 4010 W. Broad St., Richmond, Va. 23230, telephone (804) 257-1000

VIRGINIA STATEWIDE HEALTH COORDINATING COUNCIL

May 30, 1986 - 1 p.m. - Public Hearing
James Madison Building, Main Floor Conference Room, 109 Governor Street, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Statewide Health Coordinating Council intends to amend regulations entitled: **Virginia State Health Plan 1980-84: Magnetic Resonance Imaging; Virginia State Health Plan 1980-84, Amendment Number 4, Volume 1, pp. 528, 533-540, 545, 547-549 and Volume 2, pp. 183-193.** These standards evaluate Certificate of Public Need applications to establish or expand computed tomography or magnetic resonance imaging services.

STATEMENT

Basis: Section 32.1-120 of the Code of Virginia authorizes the Virginia Statewide Health Coordinating Council to revise as necessary the State Health Plan, which contains both nonregulatory and regulatory material. Related laws include § 32.1-102.1, et seq. of the Code of Virginia and the National Health Planning and Resources Development Act of 1974 (P.L. 93-641), as amended.

Purpose: The purpose of these proposed regulations is to contain the cost of health care in Virginia by promoting an efficient distribution of efficacious computed tomography and magnetic resonance imaging services, consistent with the population's need for reasonable access to such services.

These regulations are expected to reduce the cost of complying with the Medical Care Facilities Certificate of Public Need law by setting forth specific standards and criteria for the evaluation of applications. The regulations are intended to avoid the high cost of preparing and analyzing superfluous and subjective information that would otherwise be submitted to defend a project, and to avoid the preparation and analysis of applications for projects that would not normally be approved.

Summary: Computed tomography (CT) and magnetic

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resonance imaging (MRI) services are highly sophisticated technologies by which cross-sectional images of the human anatomy may be constructed with the assistance of computer analysis. Under state law, a medical care facility may not acquire or place in service a CT or MRI device without having obtained a Certificate of Public Need. A major reference document pertaining to the evaluation of Certificate of Public Need applications is the State Health Plan, as amended, which presently contains standards specific to CT and MRI services. Considerable experience with these technologies has been gained, however, since the promulgation of those standards.

The proposed new standards are the result of a review of recently published information on CT and MRI services as well as information provided by an ad hoc advisory panel of interested parties consistent with the council's Guidelines for Public Participation in the Development of Regulations. This information led to a number of proposed changes that would focus the regulations primarily upon efficient use of resource capacity, logical distribution of resources, and efficacy of operations.

Proposed deletions from the present CT standards are requirements that all applicants must be hospitals that (alone or in combination with other health service providers) offer 24-hour ER services with physician on duty, offer a radiology department that has at least three full time radiologists and performs at least 30,000 examinations annually, and have active nuclear medicine and ultrasound facilities that are effectively utilized.

Two other current CT standards are proposed to be deleted. These require the proposed owner to provide written assurances that CT services will be available for emergency cases at all times, and that no patient referred for an indicated study will be denied timely access to the service. The proposed standards would require supervision of a CT service by one or more qualified physicians rather than by radiologists.

The current CT standards require a projected annual utilization of 2,500 HECTs (Head Equipment Computed Tomograms) as a condition of approval, but do not specify how that projection is to be derived. The proposed standards would set forth a specific formula for projecting HECTs and would raise the required number to 3,000.

Since the present CT standards were developed prior to the introduction of MRI services, they fail to address the impact of one upon the other. The American Hospital Association estimates that at least 34% of current CT service volume will be replaced by MRI. Accordingly, the proposed regulations preclude the addition of a stationary CT scanner to an existing CT service if the facility also offers MRI services (or is approved to do so), but whose MRI services have not been in operation for at least one year.

Three elements of the current MRI standards are proposed to be deleted. First, the site would no longer need to be a

hospital; however, the service would have to be under the operational control of one or more hospitals that meet standards similar to those currently required. Second, there would no longer be a restriction of actions by parties to a previous shared service agreement. Third, there would no longer be a reduced standard for placement for an MRI device at a hospital with an AMA-accredited residency training program in diagnostic radiology that proposes to perform a significant amount of MRI work within a formal investigational program.

Impact: These regulations would apply to any medical care facility desiring to establish or expand CT or MRI services. While general hospitals are the most likely such facilities (they numbered 108 as of January, 1986), a small number of private physicians' offices could also be affected. These regulations will expand opportunities for small businesses interested in providing CT and MRI services compared with such opportunities under the current regulations, primarily through recognition of mobile technology.

Statutory Authority: § 32.1-120 of the Code of Virginia.

Written comments may be submitted until May 30, 1986

Contact: John P. English, Health Planning Consultant, Madison Bldg., Room 1010, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-4891

BOARD ON HEALTH REGULATORY BOARDS

† May 12, 1986 - 10 a.m. - Open Meeting
Department of Health Regulatory Boards, 517 West Grace Street, Richmond, Virginia. (Interpreter for deaf provided if requested.)

The Board on Health Regulatory Boards' Bylaws Committee will meet to discuss revisions in bylaws required to implement new and continuing functions of the board specified in SB 262 enacted by the 1986 Session of the General Assembly. The committee will report its recommendations to the full board on Health Regulatory Boards on July 15, 1986.

Contact: Richard D. Morrison, Policy Analyst, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0822

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

May 28, 1986 - 9:30 a.m. - Open Meeting
Virginia Hospital Association Headquarters, 4200 Innslake Drive, Glen Allen, Virginia. (Location accessible to handicapped.)

A monthly business meeting of the council for the

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purpose of addressing financial, policy or technical matters which may have arisen since the last meeting.

Contact: Ann Y. McGee, Director, 9th Floor, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-6371

STATE HIGHWAY AND TRANSPORTATION BOARD

May 15, 1986 - 10 a.m. - Open Meeting
Virginia Department of Highways and Transportation, Board Room, 1401 East Broad Street, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

These monthly meetings will be held to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval.

Contact: Albert W. Coates, Jr., Director of Administration, Department of Highways and Transportation, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-9950

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† June 4, 1986 - 9 a.m. - Open Meeting
James Monroe Building, 9th Floor Conference Room, 101 North 14th Street, Richmond, Virginia. (Location accessible to handicapped.)

A monthly council meeting. The agenda will be available on request.

Contact: Grace I. Lessner, 9th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2638

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

May 19, 1986 - 10 a.m. - Open Meeting
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A meeting to solicit input (both oral and written) on the development of standards for amusement ride safety, to safeguard life and property from hazards incident to design, construction, maintenance and use.

Contact: Jack A. Proctor, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-5041

† May 19, 1986 - 1 p.m. - Open Meeting
General Assembly Building, House Room C, Capitol Square,

Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

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

Contact: Neal J. Barber, Director, 7th Floor, 205 N. 4th St., Richmond, Va. 23219-1747, telephone (804) 786-1575

May 19, 1986 - 10 a.m. - Public Hearing
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

Following the regulatory hearing at 10 a.m. a meeting will be held to receive public comment on:

1. Proposed challenges to the recommendations of the BOCA Code Change Committees on the proposed 1986 BOCA Code changes. Copies may be obtained from the Office of Uniform Building Code.
2. Proposed changes to the BOCA model codes based on differences between BOCA and the 1984 edition of the Uniform Statewide Building Code. Copies may be obtained from the Office of Uniform Building Code.
3. A recommendation that the current BOCA code change cycle be lengthened from one to two years so as to permit adequate time for study and reaction by all interested persons and groups in Virginia to the very large number of changes that are being offered each year.
4. A recommendation that BOCA be requested to establish a study committee to develop scoping requirements for the BOCA model building code for use with the referenced standard, ANSO A117.1, specifications for making buildings and facilities accessible to and usual by physically handicapped people.

Contact: Jack A. Proctor, Administrator, Office of Uniform Building Code, Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-5041

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May 19, 1986 - 10 a.m. - Public Hearing
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. (Location accessible to handicapped.)

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Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **Virginia Uniform Statewide Building Code, Volume II, Building Maintenance Code, 1984**. Volume II Building Maintenance Code of the 1984 edition of the Virginia Uniform Statewide Building Code (USBC) is a mandatory, statewide, uniform set of regulations that must be complied with in all buildings to protect the occupants from health and safety hazards that might arise from improper maintenance and use.

STATEMENT

Subject and Substance: Proposed amendment by the Board of Housing and Community Development of § 100.5.1 of the 1984 edition of the Virginia Uniform Statewide Building Code, Volume II, Building Maintenance Code.

Issue: 1. Estimated impact with respect to number of persons affected: All citizens of Virginia who own buildings will be affected.

2. Projected costs for implementation and compliance: Because the amendment further limits the amount of retrofit required under the Building Maintenance Code, the cost of compliance will be reduced.

Basis: §§ 36-97 through 36-119 of the Code of Virginia.

Purpose: It is the intent of the amendment to limit changes required by the Building Maintenance Code to existing buildings in good repair, to those that are necessary to maintain compliance with the standards under which they were constructed, and with the Virginia Public Building Safety Regulations.

Reporting Forms: None required.

The public hearing is being held to afford interested persons and groups an opportunity to submit data, views and arguments regarding a proposed amendment to the 1984 edition of the Virginia Uniform Statewide Building Code, Volume II - Building Maintenance Code in response to a legislative objection filed by the House General Laws Committee and published in the February 3 edition of the Virginia Register of Regulations.

Anyone wishing to speak or offer written statements relating to the proposed amendment will be given an opportunity to do so on the day of the hearing. Written statements may be prefiled with the agency if received by May 19, 1986.

Statutory Authority: Article 1 (§ 36-97 et seq.) of Chapter 6 of the Code of Virginia.

Written comments may be submitted until May 19, 1986.

Contact: C. S. Mullen, Deputy Director, Department of Housing and Community Development, 205 N. 4th St.,

Richmond, Va. 23219, telephone (804) 786-4751

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND DEPARTMENT OF FIRE PROGRAMS

May 12, 1986 - 10 a.m. - Open Meeting
Virginia Polytechnic Institute and State University, Donaldson Brown Center for Continuing Education, Conference Rooms D & E, Blacksburg, Virginia. (Location accessible to handicapped.)

May 14, 1986 - 10 a.m. - Open Meeting
South Hill Fire Department, 114 North Brunswick Avenue, South Hill, Virginia. (Location accessible to handicapped.)

May 15, 1986 - 10 a.m. - Open Meeting
James Madison Building, 1st Floor Conference Room, 109 Governor Street, Richmond, Virginia. (Location accessible to handicapped.)

To solicit input (both oral and written) on the development of a Statewide Fire Prevention Code to provide for statewide standards for optional local enforcement to safeguard life and property from the hazards of fire and explosion arising from the improper maintenance of life safety and fire prevention/protection materials, devices, and systems, in buildings and structures, and the unsafe storage, handling, and use of substances, materials and devices wherever located.

Contact: Howard H. Summers, Jr., State Fire Marshal, Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4751

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia the Virginia Housing Development Authority intends to amend regulations entitled: **Procedures, Instructions and Guidelines for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income**. The proposed amendment would delete certain of Virginia Housing Development Authority's underwriting requirements for single family loans insured or guaranteed by FHA or VA.

STATEMENT

Purpose: The purpose of the proposed amendment is to facilitate the processing and qualification of applications to the Virginia Housing Development Authority (the "authority") for single family mortgage loans insured or guaranteed by the Federal Housing Administration ("FHA") or the Veterans Administration ("VA") by eliminating certain underwriting requirements of the authority presently applicable to such mortgage loans.

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Basis: Rule 103 of the Rules and Regulations of the authority adopted pursuant to § 36-55.30:3 of the Code of Virginia.

Subject, Substance and Issues: Under the current provisions of the authority's Procedures, Instructions and Guidelines for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income, the authority applies its underwriting criteria set forth therein in order to determine whether to make or purchase a mortgage loan for the financing of single families' homes by low and moderate income persons and families. In the case of applications for mortgage loans to be insured or guaranteed by FHA or VA, the underwriting criteria of FHA or VA, as the case may be, are also applied to determine whether the mortgage loan is to be so insured or guaranteed. The proposed amendment would expedite the processing of FHA or VA mortgage loans through the elimination of the duplication of underwriting by the authority and by FHA and VA and would facilitate the qualification of low and moderate income persons and families. The underwriting criteria to be eliminated by the proposed amendment include the following: the authority's minimum income requirements; criteria relating to length of employment, sources of income, and credit of the applicant; requirements for funds necessary to close the mortgage loans; and requirements for approval of condominiums.

Impact: The authority expects that an additional 1,000 low and moderate income persons and families will qualify each year for FHA or VA mortgage loans as a result of the deletion of the authority's underwriting criteria described above. Because the mortgage loans will be insured or guaranteed by FHA or VA, no adverse financial impact on the authority is anticipated. The authority does not expect that any significant costs will be incurred for the implementation of and compliance with the proposed amendment.

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

Written comments may be submitted until May 19, 1986.

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

Board of Commissioners

† **May 20, 1986 - 10 a.m. - Open Meeting**
13 South 13th Street, Richmond, Virginia. (Location accessible to handicapped.)

A regular monthly meeting of the board to (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month; (iv) consider and, if appropriate, approve the Amendment to Procedures,

Instructions and Guidelines for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income; (v) consider such other matters and take such other actions as they may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

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

COMMISSION ON LOCAL GOVERNMENT

May 13, 1986 - 9 a.m. - Open Meeting
Commission on Local Government offices, Room 901, Ninth Street Office Building, Richmond, Virginia. (Location accessible to handicapped.)

A regular bi-monthly meeting of the commission to consider such matters as may be presented.

Contact: Barbara W. Bingham, Room 901, Ninth Street Office Bldg., Richmond, Va. 23219, telephone (804) 786-6508

VIRGINIA'S LONG-TERM CARE COUNCIL

† **July 24, 1986 - 9:30 a.m. - Open Meeting**
James Monroe Building, Conference Room E, 101 North 14th Street, Richmond, Virginia. (Location accessible to the handicapped; interpreter for the deaf provided if requested.)

A meeting to discuss issues relevant to the development and provision of long-term care services in the Commonwealth. The council will also hear a report on the development of a statewide uniform intake, assessment, and tracking mechanism for use by all publicly-funded human services agencies.

Contact: Catherine Saunders, Staff, Virginia Department for the Aging, 18th Floor, 101 N. 14th St., Richmond, Va. 23219-2797, telephone (804) 225-2271/2912

LONGWOOD COLLEGE

Board of Visitors

May 15, 1986 - 9 a.m. - Open Meeting
May 16, 1986 - 9 a.m. - Open Meeting
Longwood College, Virginia Room, Farmville, Virginia. (Location accessible to handicapped.)

A quarterly meeting to discuss routine matters

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necessary for action at this particular time in the school year.

Contact: Janet D. Greenwood, Ph.D, President, Longwood College, Farmville, Va. 23901, telephone (804) 329-9211

MARINE RESOURCES COMMISSION

May 27, 1986 - 9:30 a.m. - Open Meeting
2401 West Avenue, Newport News, Virginia

The Marine Resources Commission normally meets on the fourth Tuesday each month, at 9:30 a.m. at the agency office, 24th Street and West Avenue, Newport News, Virginia. It hears and decides cases on fishing licensing; oyster ground leasing, environmental permits in wetlands, bottomlands, coastal sand dunes, and beaches. It hears and decides appeals made on local wetlands board decisions.

Fishery Management and Conservation measures are discussed by the commission. The commission is empowered to exercise general regulatory power within 15 days, and is empowered to take specialized marine life harvesting and conservation measures within 5 days.

Contact: Virginia S. Chappell, Secretary to the Commission, Marine Resources Commission, P.O. Box 756, Newport News, Va. 23607, telephone (804) 247-2208

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Governor's Advisory Committee on Medicare and Medicaid

May 20, 1986 - 2 p.m. - Open Meeting
Jefferson-Sheraton Hotel, Franklin and Adams Streets, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to (i) approve minutes of the February 25 meeting; (ii) discuss State Plan amendments on exception to 21-day limit; Cooperative agreements between Title XIX and Title IV-D; Nursing Home/Hospital Reimbursement Plan changes; and (iii) other business pertinent to the Governor's Advisory Committee.

† **June 10 - 10 a.m. - Open Meeting**
James Madison Building, 13th Floor Conference Room, 109 Governor Street, Richmond, Virginia. (Location accessible to handicapped.)

A board meeting to (i) approve minutes of the March 11 meeting; (ii) discuss State Plan amendments on exception to 21-day limit; Co-operative Agreements

between Title XIX and Title IV-D; Nursing Home/Hospital Reimbursement Plan changes; and (iii) other business pertinent to the board.

Contact: Jacquie M. Fritz, Department of Medical Assistance Services, Suite 800, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-7933

BOARD OF MEDICAL ASSISTANCE SERVICES

May 21, 1986 - 9 a.m. - Public Hearing
James Madison Building, Main Floor Conference Room, 109 Governor Street, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medical Assistance Services intends to amend regulations entitled: **Nursing Home Payment System**. These regulations are contained in the Medicaid State Plan as Supplement to Attachment 4.19D, and define the payment methodology for nursing homes. These regulations also address industry concerns about specific requirements needing clarification and updating.

STATEMENT

Basis and Authority: Section 32.1-325 of the Code of Virginia gives the State Board of Medical Assistance Services the authority to prepare and amend the State Plan for Medical Assistance (Medicaid), subject to the Governor's approval. The Code of Federal Regulations requires annual reviews of reimbursement policies determining providers payment rates. The Federal Code also requires public notice of changes in statewide methods and standards for setting payment rates at 42 CFR 447.205.

Purpose: The purpose of the proposed is to ensure that nursing homes which provide patient care under Title XIX of the Social Security Act are adequately reimbursed for certain costs incurred by providing such care.

Summary and Analysis: The Virginia Reimbursement System for Nursing Homes as presently written contains certain regulations and limits pertinent to allowable reimbursable costs. The Virginia Health Care Association, as representative of the nursing homes, has brought to the attention of the department's director, areas of the system's reimbursement which the providers feel do not provide adequate reimbursement of costs incurred while providing services to Virginia Medicaid recipients. The board has, to the extent possible, incorporated the recommended changes into these proposed regulations. The Virginia Health Care Association has undertaken a survey of its members to support other recommended changes but the received data has not yet been sufficiently evaluated to enable the board to incorporate these changes in the

proposed regulations. These other recommendations include the limitations on interest rates on long and short term borrowings. During the public comment stage of regulatory revision, the board shall consider the results of this survey and make further changes to these regulations.

Impact: Impact of these and other modifications still under development is dependent on the survey information received by the association.

Forms: No new forms will be required by these regulatory changes.

Evaluation: The board will monitor the regulations to assure only allowable costs for patient care are reimbursed.

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

Written comments may be submitted until 5 p.m. on May 21, 1986.

Contact: N. Stanley Fields, Director, Division of Provider Reimbursement, Department of Medical Assistance Services, 9th Floor, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-7931

VIRGINIA STATE BOARD OF MEDICINE

Chiropractic Examination Committee

May 13, 1986 - Noon — Open Meeting
Department of Health Regulatory Boards, Board Room, 517 West Grace Street, Richmond, Virginia

The committee will meet in open and closed session pursuant to § 2.1-344 of the Code of Virginia. Executive or closed meetings; subsection a.(9). Discussion or consideration of tests or examinations or other documents excluded from this chapter pursuant to § 2.1-342 (b) (8).

Informal Conference Committee

May 23, 1986 - 9 a.m. — Open Meeting
Department of Health Regulatory Boards, Board Room, 517 West Grace Street, Richmond, Virginia

The committee composed of three members of the Virginia Board of Medicine will inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344. Executive or closed meetings; subsection A(6) of the Code of Virginia.

Podiatry Examination Committee

May 15, 1986 - 9 a.m. — Open Meeting
Key Bridge Marriott, 1401 Lee Highway, Arlington, Virginia. (Location accessible to handicapped.)

The committee will meet in open and closed session to review, classify, and prepare the board's June Podiatry examination at the Key Bridge Marriott.

Contact: Eugenia K. Dorson, Executive Secretary, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0575

BOARD OF MENTAL HEALTH AND MENTAL RETARDATION

† **May 28, 1986 - 10 a.m.** — Open Meeting
Valley Community Services Board, Waynesboro, Virginia. (Location accessible to handicapped.)

A regular monthly meeting. The agenda will be published on May 21, and may be obtained by calling Jane Helfrich.

Contact: Jane V. Helfrich, State Mental Health and Mental Retardation Board Secretary, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3921

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

† **May 29, 1986 - 9 a.m.** — Open Meeting
Eastern State Hospital, Education Building No. 3, Williamsburg, Virginia. (Location accessible to handicapped.)

A public forum conducted by the Virginia Bar Association and the Department of Mental Health and Mental Retardation on two proposals concerning surrogate treatment decision-making.

Contact: Carol Singer-Metz, Director, Mental Retardation Services, Department of Mental Health and Mental Retardation, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-1746

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION; UNIVERSITY OF VIRGINIA INSTITUTE OF LAW, PSYCHIATRY AND PUBLIC POLICY; DIVISION OF CONTINUING EDUCATION, AND OFFICE OF CONTINUING MEDICAL EDUCATION

May 29-30, 1986 — Open Meeting
Colonial Williamsburg Conference Center, Williamsburg,

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Virginia. (Location accessible to handicapped.)

Ninth Annual Symposium on Mental Health and the Law

An annual symposium addressing issues related to mental health and the law. 8.5 hours in Category 1 and 1.2 CEU credits applied for.

Contact: Lynn Daldone, Administrator, Institute of Law, Psychiatry and Public Policy, Blue Ridge Hospital, Box 100, Charlottesville, Va. 22901, telephone (804) 924-5435

STATE MILK COMMISSION

† May 20, 1986 - 8 p.m. - Open Meeting
Holiday Inn, South Hill, Virginia

A routine monthly meeting.

Contact: C. H. Coleman, Ninth Street Office Bldg., Richmond, Va. 23219, telephone (804) 786-2013

DEPARTMENT OF MOTOR VEHICLES

† May 14, 1986 - 10:30 a.m. - Open Meeting
2300 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

A project committee meeting to review provisions of the Motor Vehicle Dealer Licensing Act for consideration of changes, additions or deletions.

Contact: Joe Chandler, Committee Chairman, Department of Motor Vehicles, 2300 W. Broad St., Richmond, Va. 23220, telephone (804) 257-0463

STATE BOARD OF NURSING

May 19, 1986 - 9 a.m. - Open Meeting
May 20, 1986 - 9 a.m. - Open Meeting
May 21, 1986 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, 517 West Grace Street, Richmond, Virginia

A regular meeting of the State Board of Nursing to consider matters related to nursing education programs, discipline of licensees, licensing by examination and endorsement and other matters under jurisdiction of the board.

Contact: Corinne F. Dorsey, R.N., Executive Director, 517 W. Grace St., Richmond, Va. 23220, telephone (804) 786-0377

STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

June 12, 1986 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, Conference Room 2, 3600 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

An open board meeting to conduct (i) administering the examination; and to consider (ii) complaints; (iii) regulatory review; and (iv) discussion of the state written exam.

Contact: Geralde W. Morgan, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8508

VIRGINIA BOARD OF OPTOMETRY

May 28, 1986 - 9:30 a.m. - Open Meeting
May 29, 1986 - 9:30 a.m. - Open Meeting
Williamsburg Hilton, 1st Floor, Room 4, 50 Kingsmill Road, Williamsburg, Virginia. (Location accessible to handicapped.)

A general business meeting and review of the state board examination.

July 16, 1986 - 8 a.m. - Open Meeting
R. Blackwell Smith Pharmacy Building, 410 North 12th Street, Richmond, Virginia. (Location accessible to handicapped.)

The board will administer the State Practical Examination.

July 17, 1986 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, Board Room, 517 West Grace Street, Richmond, Virginia

A general business meeting.

Contact: Moria C. Lux, Executive Director, Virginia Board of Optometry, P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0131

STATE PERINATAL SERVICES ADVISORY BOARD

June 12, 1986 - 12:30 p.m. - Open Meeting
James Madison Building, Main Floor Conference Room, 109 Governor Street, Richmond, Virginia. (Location accessible to handicapped.)

A regular meeting of the board. The agenda will be provided upon request two weeks prior to the meeting.

Contact: Alice S. Linyear, M.D., Director, Bureau of Maternal and Child Health, 6th Floor, 109 Governor St.,

Richmond, Va. 23219, telephone (804) 786-7367

STATE BOARD OF PHARMACY

† June 24, 1986 - 8 a.m. - Open Meeting
† June 25, 1986 - 8 a.m. - Open Meeting
Richmond Marriott Hotel, 500 East Broad Street,
Richmond, Virginia. (Location accessible to handicapped.)

Board examinations and board meeting.

Contact: J. B. Carson, Executive Director, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0182

BOARD OF COMMISSIONERS TO EXAMINE PILOTS

† June 18, 1986 - 10 a.m. - Open Meeting
Hasler and Company, 121 Tazewell Street, Norfolk, Virginia

The board will meet to conduct routine business.

Contact: David E. Dick, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8515/8463 OR William L. Taylor, Clerk of the Board, 3329 Shore Dr., Virginia Beach, Va. 23451, telephone (804) 496-0995

VIRGINIA BOARD OF PSYCHOLOGY

† May 22, 1986 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, Conference Room, 517 West Grace Street, Richmond, Virginia

A meeting to (i) conduct general board business; (ii) review applications; (iii) respond to correspondence; and (iv) regulatory review.

Contact: John W. Braymer, Executive Director, 517 W. Grace St., Richmond, Va. 23220, telephone (804) 786-3434

VIRGINIA REAL ESTATE BOARD

May 15, 1986 - 10 a.m. - Open Meeting
May 16, 1986 - 10 a.m. - Open Meeting
Department of Commerce, Travelers Building, 5th Floor, Conference Room 1, 3600 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

The board will meet to conduct a formal administrative hearing: Virginia Real Estate Board v. Audrey T. Payne.

May 19, 1986 - 10 a.m. - Open Meeting

Ramada Oceanside Tower, Dolphin Room, 57th Street and Ocean Front, Virginia Beach, Virginia

The board will meet to conduct a formal administrative hearing: Virginia Real Estate Board v. Donald M. Leneki.

May 28, 1986 - 10 a.m. - Open Meeting
Department of Commerce, Travelers Building, 5th Floor, Conference Room 1, 3600 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

The board will meet to conduct a formal administrative hearing: Virginia Real Estate Board v. Lloyd N. Dallas.

May 29, 1986 - 10 a.m. - Open Meeting
Department of Commerce, Travelers Building, 5th Floor, Conference Room 1, 3600 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

The board will meet to conduct a formal administrative hearing: Virginia Real Estate Board v. Walter H. Loving.

† June 9, 1986 - 10 a.m. - Open Meeting
† June 10, 1986 - 10 a.m. - Open Meeting
Holiday Inn-Waterside, Elizabeth Room, 700 Monticello Avenue, Norfolk, Virginia

The board will meet to conduct a formal hearing: Virginia Real Estate Board v. Robert W. Horton, Jr.

† June 12, 1986 - 10 a.m. - Open Meeting
† June 13, 1986 - 10 a.m. - Open Meeting
Massey Building, Board of Supervisors Room, A Level, 4100 Chain Bridge Road, Fairfax, Virginia

The board will meet to conduct a formal hearing: Virginia Real Estate Board v. David R. Kline.

† June 18, 1986 - 10 a.m. - Open Meeting
† June 19, 1986 - 10 a.m. - Open Meeting
† June 20, 1986 - 10 a.m. - Open Meeting
Chesapeake Circuit Court, Courtroom 3, 300 Cedar Road, Chesapeake, Virginia

The board will meet to conduct a formal hearing: Virginia Real Estate Board v. John Henry Martin. This proceeding was continued from April 23-24, 1986.

Contact: Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8524

Calendar of Events

BOARD OF REHABILITATIVE SERVICES

May 23, 1986 - 10 a.m. - Open Meeting
June 27, 1986 - 10 a.m. - Open Meeting

Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. (Location accessible to handicapped.)

The board will hold a regular meeting to conduct the business of the department.

Evaluation Committee

May 16, 1986 - 1 p.m. - Open Meeting
June 20, 1986 - 1 p.m. - Open Meeting
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to discuss policy and procedures.

Finance Committee

May 22, 1986 - 3 p.m. - Open Meeting
June 26, 1986 - 3 p.m. - Open Meeting
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to discuss budgetary matters.

Program Committee

May 22, 1986 - 1 p.m. - Open Meeting
June 26, 1986 - 1 p.m. - Open Meeting
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to review, discuss and, when appropriate, recommend to the board necessary policies governing the vocational rehabilitation and independent living rehabilitation programs and services administered and/or coordinated by the Department of Rehabilitative Services.

Contact: Jim Hunter, 4901 Fitzhugh Ave., Richmond, Va. 23220, telephone (804) 257-6446 (toll-free number 1-800-522-5019)

VIRGINIA RESOURCES AUTHORITY

May 13, 1986 - 10 a.m. - Open Meeting
Mutual Building, Authority Board Room, Suite 305, 909 East Main Street, Richmond, Virginia. (Location accessible to handicapped.)

The board will meet (i) to approve minutes of the March 11, 1986, board meeting; (ii) to review the authority's operations for the prior months; and (iii) to

consider other matters and take other actions as they may deem appropriate. The planned agenda of the meeting will be available at the offices, of the authority one week prior to the date of the meeting.

Contact: Shockley D. Gardner, Jr., Executive Director, P.O. Box 1300, Richmond, Va. 23210, telephone (804) 644-3100

STATE SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

May 28, 1986 - 9 a.m. - Open Meeting
James Monroe Building, Conference Room C, 101 North 14th Street, Richmond, Virginia. (Location accessible to handicapped.)
June 25, 1986 - 9 a.m. - Open Meeting
James Monroe Building, Conference Room E, 101 North 14th Street, Richmond, Virginia. (Location accessible to handicapped.)

To hear and render a decision on all Appeals of Denials of On-Site Sewage Disposals System Permits.

Contact: P.M. Brooks, 502 Madison Bldg., Richmond, Va. 23219, telephone (804) 786-1931

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

May 20, 1986 - 9 a.m. - Public Hearing
Sheraton Inn, Route 29 Expressway, Lynchburg, Virginia

The authority will conduct a public hearing to consider Industrial Development Bond applications received by the authority, and for which public notice has appeared in the appropriate newspapers of general circulation. Prior to the public hearing, which starts at 10 a.m., the authority will conduct its regular business meeting.

† June 17, 1986 - 9 a.m. - Open Meeting
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. (Location accessible to handicapped.)

The authority will conduct a public hearing to consider Industrial Development Bond applications received by the authority and, for which public notice has appeared in the appropriate newspapers of general circulation. Prior to the public hearing, which starts at 10 a.m., the authority will conduct its regular business meeting.

Contact: Nic Walker, Executive Director, Virginia Small Business Financing Authority, 1000 Washington Bldg., Richmond, Va. 23219, telephone (804) 786-3791

BOARD OF SOCIAL SERVICES

† **May 14, 1986 - 3 p.m.** – Open Meeting
 † **May 15, 1986 - 9 a.m.** – Open Meeting
 Holiday Inn, 1600 North Main Street, Marion, Virginia.
 (Location accessible to handicapped.)

A work session and formal business meeting.

Contact: Phyllis Sisk, 8007 Discovery Dr., Richmond, Va.
 23229-8699, telephone (804) 281-9236

DEPARTMENT OF SOCIAL SERVICES

† Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to amend regulations entitled: **VR 615-01-9. Definition of a Home in the Aid to Dependent Children (ADC) Program.** The purpose of the regulation is to expand the disregard of the home as a resource to include property contiguous to the house and lot provided the value of the land does not exceed \$5,000.

STATEMENT

Subject: Proposed amendment to the following regulation: **Definition of a Home in the Aid to Dependent Children (ADC) Program.** This amendment is being proposed for a 60-day public comment period.

Substance: It is the intent of the State Board of Social Services to amend regulations in the Aid to Dependent Children (ADC) Program which specify the amount of real property, owned by the applicant/recipient, to be disregarded from resource evaluation as the home. The regulation set forth herein will bring current regulations into compliance with the provisions of Senate Bill 605 and House Bill 473 which were enacted by the 1985 session of the Virginia General Assembly.

Pursuant to Senate Bill 605 and House Bill 473, the home will be defined as the house and lot used as the principal residence and all contiguous property as long as the value of the land does not exceed \$5,000.

Issues: The 1986 Appropriations Act specifies that the Department of Social Services, in accordance with § 63.1-25 of the Code of Virginia, must modify its restriction on real property which may be disregarded to conform with the provisions of Senate Bill 605 and House Bill 473. This legislation amended § 32.1-325 of the Code of Virginia relative to the amount of real property to be disregarded in the Commonwealth's medical assistance program.

In implementing the revised definition of a home, the Departments of Medical Assistance Services and Social Services adopted slightly different versions of what constitutes a home. As a result, agency heads and

respective counsel mutually agreed to pursue adoption of the proposed regulation as set forth herein.

The General Assembly mandated the legislation (Senate Bill 605 and House Bill 473) which became effective January 1, 1986. To ensure compliance with this requirement, an emergency regulation was adopted by the respective departments. The regulation was signed by then Governor Robb on November 30, 1985, and filed with the Registrar of Regulations on December 3, 1985.

Basis: The 1985 Appropriations Act mandates the Department of Social Services implement the provisions of Senate Bill 605 and House Bill 473 in the determination of eligibility for assistance pursuant to § 63.1-25 of the Code of Virginia.

Purpose: The purpose of the proposed regulation is to modify the restriction on real property to be disregarded as the "home" in the determination of eligibility for assistance in the Aid to Dependent Children (ADC) Program.

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

Written comments may be submitted until July 12, 1986, to I. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699

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

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† **June 2, 1986 - 9 a.m.** – Public Hearing
 Richmond Regional Office, Wythe Building, Conference Rooms A and B, 1604 Santa Rosa Road, Richmond, Virginia

† **June 2, 1986 - 10 a.m.** – Public Hearing
 City Hall Building, Council Chambers, 11th Floor, 810 Union Street, Norfolk, Virginia

† **June 2, 1986 - 1 p.m.** – Public Hearing
 Roanoke Regional Office, Commonwealth Building, Conference Room Suite 100, 210 Church Avenue S.W., Roanoke, Virginia

† **June 4, 1986 - 2 p.m.** – Public Hearing
 Northern Virginia Regional Office, 2nd Floor Training Room, 11166 Main Street, Fairfax, Virginia

† **June 6, 1986 - 10 a.m.** – Public Hearing
 Valley Regional Office (behind the Corner Parts building), Conference Room, Route 612, Verona, Virginia

† **June 6, 1986 - 1 p.m.** – Public Hearing
 Southwest Regional Office, Conference Room, 190 Patton Street, Abingdon, Virginia

† **July 14, 1986 - 9:30 a.m.** – Public Hearing
 Blair Building, Conference Room A, 8007 Discovery Drive, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1

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of the Code of Virginia that the Department of Social Services intends to amend regulations entitled: **VR 615-08-1. Virginia Fuel Assistance Program.** Increase the age limit in the voluntary quit eligibility criteria; change the five geographic regions to six climate zones; add an eligibility criteria in ECAP and change one of the mandated type of assistance to optional one and lower the administrative cost reimbursement ceiling.

STATEMENT

Substance: The Department proposes to amend the program to:

1. Increase the age from 16 to 18 years under the voluntary quit provision so that dependent children under 18 could quit their jobs and it would have no effect on the household's eligibility for fuel assistance or ECAP.

2. Change the five geographic areas used for benefit levels to the six climate zones developed by the National Oceanic and Atmospheric Administration. The recognized climate zones will effect some local departments of social services because they will be placed in different regions than they were in previous years.

3. Make two changes to the Energy Crisis Assistance Program (ECAP):

A. The addition of an eligibility criteria will mean that only those households who have changes in their circumstances beyond their control will be eligible for ECAP for payment of their electric bills or heat-related security deposits.

B. Changing emergency repairs of a dwelling to prevent heat loss from mandatory to optional type of assistance. This will mean that local departments of social services will not be required to provide this type of assistance, but may do so if they wish.

4. Lower the ceiling on administrative cost reimbursement from 150% to 125% of the average administrative cost per case. This will mean that some local department of social services will not be reimbursed for all their expenditures.

Purpose: The purpose of each amendment is as follows:

1. The age of the voluntary quit provision is being raised so that the employment habits of dependent children under 18 will have no effect on the household's eligibility for fuel assistance or ECAP.

2. Changing the geographic areas to coincide with the recognized climate zones will ensure that all counties and cities of the Commonwealth are placed in areas that are more realistically in line with their climates.

3. ESCAP

A. Adding another eligibility criteria to the ECAP component will reduce the ECAP expenditures and ensure that ECAP is only provided to those most in need.

B. Changing emergency repairs to an optional component must be done because of the unavailability of the service in some localities and because it usually cannot be accomplished for \$200 or less.

4. The administrative cost reimbursement ceiling must be lowered because of federal reductions in the grant.

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

Written comments may be submitted until July 11, 1986.

Contact: Charlene Chapman, Supervisor, Energy and Emergency Assistance, Division of Benefits Program, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046 (toll-free number 1-800-552-7091)

VIRGINIA BOARD OF SOCIAL WORK

May 16, 1986 - 9:30 a.m. - Open Meeting
Department of Health Regulatory Boards, 517 West Grace Street, Richmond, Virginia

A meeting to (i) conduct general board business; (ii) review applications; and (iii) respond to correspondence.

Contact: John W. Braymer, Ph.D, Executive Director, 517 W. Grace St., Richmond, Va. 23220, telephone (804) 786-7703

SOLID WASTE COMMISSION

† May 14, 1986 - 10:30 a.m. - Open Meeting
State Capitol, House Room 1, Capitol Square, Richmond, Virginia. (Location accessible to handicapped.)

A general business meeting of the commission to discuss high-level radioactive waste, low-level radioactive and SJR 105.

Contact: Cheryl Cashman, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-4169

DEPARTMENT OF TAXATION

July 8, 1986 - 10 a.m. - Public Hearing
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1

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of the Code of Virginia that the Department of Taxation intends to amend the regulation entitled: **VR 630-2-322. Virginia Taxable Income (Individual Income Tax Regulation)**. This regulation sets forth the method for computing the Virginia taxable income of individuals, including the various additions, subtractions, deductions, and modifications provided by law.

STATEMENT

Basis: This regulation is issued under the authority granted by § 58.1-203 of the Code of Virginia.

Purpose: As revised, this regulation sets forth the procedure for the subtraction of qualified agricultural contributions from the taxable income of individuals, as well as the other steps necessary to compute Virginia taxable income.

Issues: § 58.1-402 of the Code of Virginia provides for the subtraction from taxable income of qualified agricultural contributions made between January 1, 1985, and December 31, 1988. Contributions eligible for subtraction are those of crops that are donated by an individual engaged in the trade or business of raising such crops. Furthermore, the crops must be donated to an organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and the crops must be fit for human consumption, the use of the crops by the donee must be related to the purpose or function constituting the basis for the donee's exemption under § 501(c)(3) of the Internal Revenue Code, the contribution cannot be made in exchange for money, property, or service, and the donor must receive from the donee a written statement stating how the donated crops will be used. The value of a donation for purposes of the subtraction is the lowest wholesale market price of the donated product in the nearest regional market during the month in which the contribution is made, regardless of the grade or quality of the product. Lastly, the total subtraction computed must be reduced by the amount of any charitable contribution deduction claimed for federal and state income tax purposes on contributions qualifying for subtraction.

Substance: Applying the statutory subtraction available from January 1, 1985, to December 31, 1988, this regulation sets forth the procedure for subtracting qualified agricultural contributions from taxable income. Under the regulation, the word "crop" is limited in meaning to products of the soil; thus, the word excludes animal products. Also, the meaning of the term "fit for human consumption" is limited to edible products. For purposes of computing the actual subtractible value of donated crops, this regulation requires the use of the lowest wholesale market price, regardless of grade or quality, published for the donated crop by the U. S. Department of Agriculture in the regional market closest to the donor's place of business.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until July 8, 1986.

Contact: Danny M. Payne, Director, Tax Policy Division, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

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July 8, 1986 - 10 a.m. - Public Hearing
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to amend the regulation entitled: **VR 630-3.402. Virginia Taxable Income (Corporation Income Tax Regulation)**. This regulation sets forth the method for computing the Virginia taxable income of corporations, including the various additions, subtractions, deductions, and modifications provided by law.

STATEMENT

Basis: This regulation is issued under the authority granted by § 58.1-203 of the Code of Virginia.

Purpose: As revised, this regulation sets forth the procedure for the subtraction of qualified agricultural contributions from the taxable income of corporations, as well as the other steps necessary to compute Virginia taxable income.

Issues: § 58.1-402 of the Code of Virginia provides for the subtraction from taxable income of qualified agricultural contributions made between January 1, 1985, and December 31, 1988. Contributions eligible for subtraction are those of crops that are donated by a corporation engaged in the trade or business of raising such crops. Furthermore, the crops must be donated to an organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and the crops must be fit for human consumption, the use of the crops by the donee must be related to the purpose or function constituting the basis for the donee's exemption under § 501(c)(3) of the Internal Revenue Code, the contribution cannot be made in exchange for money, property, or service, and the donor must receive from the donee a written statement stating how the donated crops will be used. The value of a donation for purposes of the subtraction is the lowest wholesale market price of the donated product in the nearest regional market during the month in which the contribution is made, regardless of the grade or quality of the product. Lastly, the total subtraction computed must be reduced by the amount of any charitable contribution deduction claimed for federal and state income tax purposes on contributions qualifying for subtraction.

Substance: Applying the statutory subtraction available from January 1, 1985, to December 31, 1988, this regulation sets forth the procedure for subtracting qualified

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agricultural contributions from taxable income. Under the regulation, the word "crop" is limited in meaning to products of the soil; thus, the word excludes animal products. Also, the meaning of the term "fit for human consumption" is limited to edible products. For purposes of computing the actual subtractible value of donated crops, this regulation requires the use of the lowest wholesale market price, regardless of grade or quality, published for the donated crop by the U. S. Department of Agriculture in the regional market closest to the donor's place of business.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until July 8, 1986.

Contact: Danny M. Payne, Director, Tax Policy Division, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

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July 8, 1986 - 10 a.m. - Public Hearing
General Assembly Building, House Room C, Capitol Square,
Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to adopt the regulation entitled: **VR 630-10-24.4. Common Carriers of Property or Passengers by Railway (Retail Sales and Use Tax Regulation)**. This regulation sets forth the application of the sales and use tax to tangible personal property used or consumed by common carriers of property or passengers by railway.

STATEMENT

Basis: This regulation is issued under authority granted by § 58.1-203 of the Code of Virginia.

Purpose: This regulation sets forth the application of the sales and use tax to the use or consumption of tangible personal property by common carriers of property or passengers by railway.

Issues: § 58.1-608 of the Code of Virginia exempts from the sales and use tax tangible personal property used or consumed directly by a common carrier of property or passengers by railway in the rendition of its public service. The Virginia Supreme Court in Commonwealth v. Community Motor Bus Company, 214 Va. 155, 198 S.E. 2d 619 (1973) held that an item of tangible personal property, to be exempt under the statute, must be indispensable to and used immediately in the actual rendition of a carrier's public service. Under the court's opinion, convenient or facilitative items are not exempt as well as items that are essential to the operation of a business but not an immediate part of the performance of a carrier's public service.

Substance: Utilizing the direct use or consumption concept, the proposed regulation would exempt the track, roadbed, signals, passenger and freight train locomotives and cars, among other items of tangible personal property, of railway common carriers. Among the other exempt items are materials used to construct or erect railway bridges, piers, wharves, and docks (except for the foundations of such structures). Tangible personal property used to repair and maintain exempt property would also be exempt from the tax. Taxable under this regulation would be tangible personal property used in administrative, managerial and record keeping functions, tangible personal property used for the comfort or convenience of employees, and other tangible personal property used indirectly in the rendition of common carrier service. Other taxable items include materials used to construct or erect railway tunnels (except rails and roadbed), station and office building structures, structures designed to carry public or private roads over, under, or across railway tracks, and similar structures used indirectly in the rendition of common carrier service.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until July 8, 1986.

Contact: Danny M. Payne, Director, Tax Policy Division, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

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July 8, 1986 - 10 a.m. - Public Hearing
General Assembly Building, House Room C, Capitol Square,
Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 19-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to amend the regulation entitled: **VR 630-10-3. Advertising (Retail Sales and Use Tax Regulation)**. This regulation sets forth the application of the sales and use tax to charges for the provision of concept, writing, graphic design, mechanical art, photography, and production supervision in the planning, creating, or placing or advertising in the media.

STATEMENT

Basis: This regulation is issued under authority granted by § 58.1-203 of the Code of Virginia.

Purpose: This regulation sets forth the application of the sales and use tax to the planning, creating or placing of advertising in the media.

Issues: The 1985 General Assembly counteracted, effective July 1, 1986, the existing sales and use tax regulations which impose a tax on all charges for advertising where a tangible product is produced. In doing so, the General Assembly substantially broadened the exemption which existed prior to July 1, 1985, to include not only ads

prepared and placed in the media by the preparer, but also any other ads sold to purchasers who then place the ads in the media themselves. This regulation explains this change and provides examples of taxable and exempt transactions.

Substance: This regulation specifies that charges by an advertising business for professional services in the planning, creating or placing of advertising in newspapers, magazines, billboards, direct mail, television, radio and other media, are not subject to the tax, regardless of how such charges are computed, and whether the advertising business itself, or its client actually places the ad in the media.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until July 3, 1986.

Contact: Danny M. Payne, Director, Tax Policy Division, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

VIRGINIA PUBLIC TELECOMMUNICATIONS BOARD

† **June 18, 1986 - 10 a.m. – Open Meeting**
Department of Information Technology, 4th Floor, 110 South 7th Street, Richmond, Virginia. (Location accessible to handicapped.)

A quarterly meeting regarding telecommunications contracts and public television and radio issues.

Contact: Suzanne Pfland, Department of Information Technology, 1st Floor, 110 S. 7th St., Richmond, Va. 23219, telephone (804) 344-5560

THE GOVERNOR'S COMMISSION ON TRANSPORTATION IN THE TWENTY-FIRST CENTURY

May 12, 1986 - 10 a.m. – Open Meeting
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. (Location accessible to handicapped.)

COMMISSION MEETING No. 4
Updated needs inventory
Critical needs criteria

May 27, 1986 - 10 a.m. – Open Meeting
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. (Location accessible to handicapped.)

COMMISSION MEETING No. 5
Reports on highway trust fund split
VDH&T maintenance and budgeting procedure

June 9, 1986 - 10 a.m. – Open Meeting
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. (Location accessible to handicapped.)

COMMISSION MEETING No. 6
Review of alternative financing
Approaches and legal constraints

July 7, 1986 - 10 a.m. – Open Meeting
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. (Location accessible to handicapped.)

COMMISSION MEETING No. 7
Development of recommendations for funding transportation needs

July 21, 1986 - 10 a.m. – Open Meeting
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. (Location accessible to handicapped.)

COMMISSION MEETING No. 8
Review of final report

Contact: Jewel A. Paige, Administrative Assistant, 10th Floor, Ninth Street Office Bldg., Richmond, Va. 23219, telephone (804) 786-2405

DEPARTMENT OF THE TREASURY AND TREASURY BOARD

June 19, 1986 - 10 a.m. – Public Hearing
James Monroe Building, First Floor, Conference Room B, 101 North 14th Street, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of the Treasury and Treasury Board intends to adopt regulations entitled: **Guidelines for Public Participation in Regulation Development and Promulgation.**

STATEMENT

Basis: The Department of Treasury and the Treasury Board have under law, responsibilities related to the deposits of the Commonwealth's monies and the security of those deposits and depositories that receive state funds.

Purpose: To establish procedures and guidelines under which interested citizens, professional associations and industry associations can participate in the development and promulgation of regulations related to the deposit, security and disposition of the Commonwealth's monies.

Impact: Currently, 90 banks representing about 1200

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deposit locations, 65 savings and loan institutions, other members of the financial community as well as entities of state and local government could, individually or collectively, be interested in or affected by regulations promulgated by the Department of the Treasury or the Treasury Board.

Summary: The Department of the Treasury and the Treasury Board may determine that regulations are necessary to meet their responsibilities under law for the receipt, disbursement, management and safekeeping of the Commonwealth's monies. The proposed Public Participation Guidelines will allow citizens, professional associations and industry associations to participate in the process of regulations.

Statutory Authority: §§ 2.1-180, 2.1-364, 55-200.1 and 5-210.27 of the Code of Virginia.

Written comments may be submitted until June 1, 1986.

Contact: Joseph K. Reid, Director of Planning, P.O. Box 6-H, Richmond, Va. 23215, telephone (804) 225-2142

VIRGINIA COMMONWEALTH UNIVERSITY

Board of Visitors

May 22, 1986 - 9 a.m. - Open Meeting
Virginia Commonwealth University, University Meeting Center, 101 North Harrison Street (corner of Harrison and Floyd), Richmond, Virginia. (Location accessible to handicapped.)

Regularly scheduled meetings of the board to discuss issues regarding Virginia Commonwealth University. Agendas for these meetings will be available 5 working days prior to the meeting through Carole Roper's office.

Contact: Carole Roper, University Relations, 826 W. Franklin St., Richmond, Va. 23284, telephone (804) 257-1231, (804) 786-7329

VIRGINIA BOARD OF VETERINARY MEDICINE

† May 13, 1986 - 8 a.m. - Open Meeting
† May 14, 1986 - 8 a.m. - Open Meeting
Medical College of Virginia, Sanger Hall, Room 1-004, 11th and Marshall Streets, Richmond, Virginia. (Location accessible to handicapped.)

Administer national board examination to veterinarian applicants, May 13, 1986.
Administer clinical competency test to veterinarian applicants, May 14, 1986.

June 18, 1986 - 1 p.m. - Open Meeting
Best Western-Market Place Hotel, Chesapeake Room, 7th & Marshall Streets, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to discuss general board business and informal conferences.

June 19, 1986 - 8 a.m. - Open Meeting
Medical College of Virginia, Sanger Hall, Rooms 1-044 and 2-020, 1101 East Marshall Street, Richmond, Virginia. (Location accessible to handicapped.)

Veterinarian examinations (Room 2-020); Animal Technician examinations (Room 1-044).

June 20, 1986 - 9 a.m. - Open Meeting
Medical College of Virginia, Sanger Hall, Room 1050, 1101 East Marshall Street, Richmond, Virginia. (Location accessible to handicapped.)

A general board business meeting.

Contact: Moria C. Lux, Virginia Board of Veterinary Medicine, P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0069

VIRGINIA BOARD FOR THE VISUALLY HANDICAPPED

† July 16, 1986 - 11 a.m. - Open Meeting
Administration Headquarters, 397 Azalea Avenue, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

The board meets quarterly to review policy and procedures of the Virginia Department for the Visually Handicapped. The board reviews and approves the department's budget, executive agreement, and operating plan.

Contact: Diane E. Allen, Acting Confidential Secretary, 397 Azalea Avenue, Richmond, Va. 23227, telephone (804) 264-3145

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Advisory Committee on Services

† June 14, 1986 - 10:30 a.m. - Open Meeting
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

This committee meets quarterly to advise the Virginia Department for the Visually Handicapped on matters related to services for the blind and visually

handicapped citizens of the Commonwealth.

Contact: George A. Koger, Executive Assistant, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 264-3148

STATE WATER CONTROL BOARD

May 20, 1986 - 3 p.m. - Public Hearing
Newport News City Council Chambers, 2400 Washington Avenue, Newport News, Virginia

A public hearing to receive comments on the proposed NPDES permit reissuance for Newport News Shipbuilding and Drydock Company, located in Newport News, Virginia. Newport News Shipbuilding and Drydock Company is shipbuilding and repair industry with existing cooling water and drydock discharges to the James River.

Contact: Doneva A. Dalton, State Water Control Board, Office of Policy Analysis, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6869

LEGISLATIVE

HOUSE APPROPRIATIONS COMMITTEE

May 10, 1986 - 9:30 a.m. - Open Meeting
Varina High School, 7900 Messer Road, Varina, Virginia

A regular monthly meeting to consider budget issues and education.

Contact: Donna C. Johnson, House Appropriations Committee, General Assembly Bldg., 9th Floor, Capitol Square, Richmond, Va. 23219, telephone (804) 786-1837

HOUSE OF DELEGATES

Committee on Education

† May 20, 1986 - 10 a.m. - Open Meeting
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. (Location accessible to handicapped.)

The committee will meet to review carryover legislation.

Contact: Norma Szakal, Staff Attorney, Division of Legislative Services, General Assembly Bldg., 2nd Floor, Capitol Square, Richmond, Va. 23219, telephone 786-3591

SPECIAL SUBCOMMITTEE STUDYING THE VIRGINIA HIGH SCHOOL LEAGUE

† May 19, 1986 - 2:30 p.m. - Open Meeting
General Assembly Building, 6th Floor Conference Room, Capitol Square, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to determine organizational structures and give background materials to the staff.

Contact: Norma Szakal, Staff Attorney, Division of Legislative Services, General Assembly Bldg., 2nd Floor, Capitol Square, Richmond, Va. 23219, telephone (804) 786-3591

CHRONOLOGICAL LIST

OPEN MEETINGS

May 12

Alcoholic Beverage Control Board, Virginia
Health Regulatory Boards, Board of
- Bylaws Committee
Housing and Community Development, Department of
and Fire Programs, Department of
Transportation in the Twenty-First Century, The
Governor's Commission on

May 13

Auctioneers Board, Virginia
Conservation and Historic Resources, Department of
- Goose Creek Scenic River Advisory Board
Environment, Council on
Local Government, Commission on
Medicine, Virginia State Board of
- Chiropractic Examination Committee
Resources Authority, Virginia
Veterinary Medicine, Virginia board of

May 14

Corrections, Board of
Environment, Council on
Funeral Directors and Embalmers, Virginia Board of
Housing and Community Development, Department of
and Fire Programs, Department of
Motor Vehicles, Department of
Social Services, Board of
Solid Waste Commission

May 15

Conservation and Historic Resources, Department of
- Virginia Soil and Water Conservation Board
Game and Inland Fisheries, Commission on
Highway and Transportation Board, State

Calendar of Events

Housing and Community Development, Department of
and Fire Programs, Department of
Longwood College, Board of Visitors
Medicine, Virginia State Board of
- Podiatry Examination Committee
Real Estate Board, Virginia
Social Services, Board of

May 16

Architects, Professional Engineers, Land Surveyors
and Certified Landscape Architects, State Board of
Longwood College, Board of Visitors
Rehabilitative Services, Board of
- Evaluation Committee
Social Work, Virginia Board of
Real Estate Board, Virginia

May 19

Cosmetology, Virginia Board of
Funeral Directors and Embalmers, Virginia Board of
House Appropriations Committee
Housing and Community Development, Board of
Housing and Community Development, Department of
and Fire Programs, Department of
Nursing, State Board of
Real Estate Board, Virginia
Special Subcommittee Studying the
Virginia Highschool League

May 20

Alcoholic Beverage Control Board, Virginia
Conservation and Development of Public Beach,
Board on the
Housing Development Authority, Virginia
- Board of Commissioners
Medical Assistance Services, Department of
- Governor's Advisory Committee
Milk Commission, State
Nursing, State Board of
Water Control Board, State

May 22

Commerce, Board of
Education, State Board of
Psychology, Virginia Board of
Rehabilitative Services, Board of
- Finance Committee
- Programs Committee
Virginia Commonwealth University, Board of Visitors

May 23

Conservation and Historic Resources, Department of
- Falls of the James Advisory Committee
Education, State Board of
Medicine, Virginia State Board of
- Informal Conference Committee
Rehabilitative Services, Board of

May 27

Marine Resources, Commission
Transportation in the Twenty-First Century, The
Governor's Commission on

May 28

Commerce, Department of
Health Service Cost Review Council, Virginia
Mental Health and Mental Retardation Board, State
Optometry, Virginia Board of
Real Estate Board, Virginia
Sewage Handling and Disposal Appeals
Review Board, State

May 29

Commerce, Department of
Dentistry, Virginia Board of
House of Delegates
- Committee on Education
Mental Health and Mental Retardation, Department of
Mental Health and Mental Retardation, Department of;
University of Virginia Institute of Law, Psychiatry and
Public Policy, Division of Continuing Education; and
Office of Continuing Medical Education
Optometry, Virginia Board of
Real Estate Board, Virginia

May 30

Children's Residential Facilities, Interdepartmental
Licensure and Certification of
- Advisory Committee
Mental Health and Mental Retardation, Department of;
University of Virginia Institute of Law, Psychiatry and
Public Policy, Division of Continuing Education; and
Office of Continuing Medical Education

June 3

Alcoholic Beverage Control Board, Virginia

June 4

Higher Education for Virginia, State Council of

June 9

Alcoholic Beverage Control Board, Virginia
Real Estate Board, Virginia
Transportation in the Twenty-First Century, The
Governor's Commission on

June 10

Medical Assistance Services, Department of
Real Estate Board, Virginia

June 11

Children's Residential Facilities, Interdepartmental
Licensure and Certification of
- Advisory Committee

June 12

Nursing Home Administrators, State Board of
Examiners for
Perinatal Services Advisory Board, State
Real Estate Board, Virginia

Calendar of Events

June 13
Real Estate Board, Virginia

June 14
Visually Handicapped, Department of

June 17
Alcoholic Beverage Control Board Virginia
Small Business Financing Authority, Virginia

June 18
Corrections, Board of
Pilots, Commissioners to Examine
Public Telecommunication Board, Virginia
Real Estate Board, Virginia
Veterinary Medicine, Virginia Board of

June 19
Real Estate Board, Virginia
Veterinary Medicine, Virginia Board of

June 20
Children's Residential Facilities, Interdepartmental
Licensure and Certification of
- Advisory Committee
Real Estate Board, Virginia
Rehabilitative Services, Board of
- Evaluation Committee
Veterinary Medicine, Virginia Board of

June 24
Architects, Professional Engineers, Land Surveyors
and Certified Landscape Architects, State Board of
- Board of Certified Landscape Architects
Auctioneers Board, Virginia
Pharmacy, State Board of

June 25
Pharmacy, State Board of
Sewage Handling and Disposal Appeals
Review Board, State

June 26
Rehabilitative Services, Board of
- Finance Committee
Programs Committee

June 27
Rehabilitative Services, Board of

July 7
Transportation in the Twenty-First Century, The
Governor's Commission on

July 16
Optometry, Virginia Board of
Visually Handicapped, Board for the

July 17
Optometry, Virginia Board of

July 21
Transportation in the Twenty-First Century, The
Governor's Commission on
Long-Term Care Council, Virginia's

July 30
Dentistry, Virginia Board of

July 31
Dentistry, Virginia Board of
Governor's Advisory Board on Aging

PUBLIC HEARINGS

May 16
Game and Inland Fisheries, Commission on

May 19
Housing and Community Development, Board of

May 20
Small Business Financing Authority, Virginia

May 21
Medical Assistance Services, Board of

May 22
Agriculture and Consumer Services, Board of

May 30
Health Coordinating Council, Virginia Statewide

June 2
Social Services, Department of

June 4
Social Services, Department of

June 6
Social Services, Department of

June 19
Treasury, Department of the, and Treasury Board

July 8
Taxation, Department of

July 14
Social Services, Department of

Calendar of Events
