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VIRGINIA REGISTER

OF REGULATIONS

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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

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July 21	July 2
Aug. 4	July 16
Aug. 18	July 30
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Sept. 15	Aug. 27
Sept. 29	Sept. 10
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Nov. 10	Oct. 22
Nov. 24	Nov. 5
Dec. 8	Nov. 19
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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.

COMMISSION OF GAME AND INLAND FISHERIES

NOTE: The Commission of Game and Inland Fisheries is exempted from the Administrative Process Act, (§ 9-6.14:4 of the Code of Virginia); however, it is required by § 9-6.14:22 to publish all proposed and final regulations. These regulations are numbered to conform to the new classification system established by the Virginia Code Commission.

PUBLIC HEARING NOTICE: 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 following proposed amended Commission regulations applicable Statewide. A public hearing on the advisability of adopting or amending and adopting, the proposed regulations, or any part thereof, will be held at the Holiday Inn, 1424 N. Main Street, Marion, Virginia, beginning at 9:30 a.m. on Friday, October 24, 1986, at which time any interested citizen present shall be heard. If the Commission is satisfied that the proposed regulations, or any part thereof, are 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, acting upon the proposals separately or in block.

Summary:

Summaries are not provided since, in most instances, the summary would be as long or longer than the full text.

Title of Regulation: VR 325-01-1. In General.

Statutory Authority: §§ 29-125, 29-126 and 29-127 of the Code of Virginia.

Effective Date: January 1, 1987

VR 325-01-1. In General.

Amend § 4 to delete "grayling" and "lake trout" from the definition of "game fish."

§ Definitions --"Game fish."

"Game fish" as mentioned in commission regulations means and includes trout (including all salmonidae), ~~grayling~~, all of the sunfish family (including largemouth bass, smallmouth bass and spotted bass, rock bass, bream, bluegill and crappie), walleye or pike perch, white bass, chain pickerel, or jackfish, muskellunge ; and northern pike and lake trout , wherever such fish are found in the

waters of this Commonwealth and rockfish or striped bass where found above tidewaters or in streams which are blocked from access from tidewaters by dams.

* * * * *

Title of Regulation: VR 325-03-1. Fishing Generally.

Statutory Authority: §§ 29-125, 29-126 and 29-127 of the Code of Virginia.

Effective Date: January 1, 1987

VR 325-03-1. Fishing Generally.

§ 2. Creel limits.

The creel limits for the various species of fish shall be as follows:

1. Largemouth, smallmouth and spotted bass, ~~eight~~ five a day in the aggregate;
2. Landlocked striped bass and landlocked striped bass X hybrids, in the aggregate, four a day; except, that in Smith Mountain Reservoir and its tributaries, including the Roanoke River upstream to Niagara Dam, the limit shall be two a day in the aggregate.
3. White bass, no limit, except that in Gaston Reservoir the limit shall be 25;
4. Walleye or yellow pike perch and chain pickerel or jackfish, eight a day of each, provided that 10 walleye a day may be taken from South Holston Reservoir below full pool elevation o 1730;
5. Northern pike and muskellunge, two a day;
6. Sauger, no limit, provided that only 15 a day may be taken from South Holston Reservoir below full pool elevation of 1730;
7. Bluegill (bream) and other sunfish, including crappie or silver perch and rock bass or redeye, no limit.

§ 3. Size limit.

Except as provided in this regulation and VR 325-03-2, §§ 5, 11, 12 and 13, there shall be no size limit on any species of fish.

1. There shall ~~however~~, be a 26-inch minimum size

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limit on muskellunge, a 20-inch minimum size limit on northern pike and a 20-inch minimum size limit on landlocked striped bass (rockfish) and a 15-inch minimum size limit on landlocked striped bass X white bass hybrids.

2. There shall be a 14-inch minimum size limit on largemouth, smallmouth and spotted bass in Occoquan Reservoir from the reservoir dam upstream to the Lake Jackson Dam on Occoquan Creek and upstream to the Yates Ford Bridge (Route 612) on Bull Run Creek. It shall be unlawful to have any such bass less than 14 inches in length in one's possession on the above described waters of this reservoir.

3. Also, There shall be a 12-inch minimum size limit on largemouth, smallmouth and spotted bass in the North Fork Shenandoah River downstream from Route 42 bridge at Timerville and the Shenandoah River below the Riverton Dam to the West Virginia boundary line and the New River from Claytor Dam to the West Virginia boundary line, and in the North Fork of Pound, Chickahominy, Claytor, Philpott, Flannagan, and Beaverdam (Loudoun County) Reservoirs, and in Lake Moomaw (Gathright Project), and in the waters of Fort A.P. Hill, and in the waters of Quantico Marine Reservation. It shall be unlawful to have any largemouth, smallmouth or spotted bass less than 12 inches in length in one's possession while on any of the waters mentioned in the preceding sentence.

4. There shall be a 14-inch minimum size limit on largemouth, smallmouth and spotted bass on the Roanoke (Staunton) and Dan Rivers and their tributaries and impoundments (Gaston, John Kerr, Leesville and Smith Mountain Reservoirs) downstream from Niagara Dam on the Roanoke River and the Brantly Steam Plant Dam on the Dan River; except, that as many as two of such bass of a lesser size caught in such waters may be retained in the creel, but no more than two such bass may be in possession on such waters that are less than 14 inches in length.

5. It shall be unlawful to have any largemouth, smallmouth or spotted bass from 12 to 15 inches in length, both inclusive, in one's possession on North Anna Reservoir and its tributaries and on Chesdin Reservoir or the Appomattox River from the Brasfield (Chesdin) Dam to Bevel's Bridge on Chesterfield County Route 602.

6. It shall be unlawful to have any walleye or yellow pike perch less than 15 inches in length in one's possession on Gaston Reservoir. It shall be unlawful to have any smallmouth, largemouth or spotted bass from 11 to 13 inches in length, both inclusive, in one's possession on the South Fork Shenandoah River from the Luray Power Dam near Luray downstream to its confluence with the North Fork Shenandoah River at Riverton.

7. It shall be unlawful to have any smallmouth, largemouth or spotted bass from 11 to 14 inches in length, both inclusive, in one's possession on the Shenandoah River, including the North and South Forks downstream from the Route 42 bridge on the North Fork and from the confluence of the North and South Rivers on the South Fork below Port Republic; on the New River from Claytor Dam to the West Virginia boundary line; or on the James River from the confluence of the Jackson and Cowpasture Rivers downstream.

§ 3. Size limit. (ALTERNATE PROPOSAL)

Except as provided in this regulation and VR 325-03-2, §§ 5, 11, 12, and 13, there shall be no size limit on any species of fish.

1. There shall, however, be a 26-inch minimum size limit on muskellunge, a 20-inch minimum size limit on northern pike and a 20-inch minimum size limit on landlocked striped bass (rockfish) and a 15-inch minimum size limit on landlocked striped bass X white bass hybrids.

2. There shall be a 14-inch minimum size limit on largemouth, smallmouth and spotted bass in Occoquan Reservoir from the reservoir dam upstream to the Lake Jackson Dam on Occoquan Creek and upstream to the Yates Ford Bridge (Route 612) on Bull Run Creek. It shall be unlawful to have any such bass less than 14 inches in length in one's possession on the above described waters of this reservoir.

3. Also, There shall be a 12-inch minimum size limit on largemouth, smallmouth and spotted bass in The North Fork Shenandoah River downstream from Route 42 bridge at Timerville and the Shenandoah River below the Riverton Dam to the West Virginia boundary line and the New River from Claytor Dam to the West Virginia boundary line, and in the North Fork of Pound, Chickahominy, Claytor, Philpott, Flannagan, and Beaverdam (Loudoun County) Reservoirs, and in Lake Moomaw (Gathright Project), and in the waters of Fort A.P. Hill, and in the waters of Quantico Marine Reservation. It shall be unlawful to have any largemouth, smallmouth or spotted bass less than 12 inches in length in one's possession while on any of the waters mentioned in the preceding sentence.

4. There shall be a 14-inch minimum size limit on largemouth, smallmouth and spotted bass on the Roanoke (Staunton) and Dan Rivers and their tributaries and impoundments (Gaston, John Kerr, Leesville and Smith Mountain Reservoirs) downstream from Niagara Dam on the Roanoke River and the Brantly Steam Plant Dam on the Dan River; except, that as many as two of such bass of a lesser size caught in such waters may be retained in the creel, but no more than two such bass may be in possession

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on such waters that are less than 14 inches in length.

5. It shall be unlawful to have any largemouth, smallmouth or spotted bass from 12 to 15 inches in length, both inclusive, in one's possession on North Anna Reservoir and its tributaries and on Chesdin Reservoir or the Appomattox River from the Brasfield (Chesdin) Dam to Bevel's Bridge on Chesterfield County Route 602.

6. It shall be unlawful to have any walleye or yellow pike perch less than 15 inches in length in one's possession on Gaston Reservoir. ~~It shall be unlawful to have any smallmouth, largemouth or spotted bass from 11 to 13 inches in length, both inclusive, in one's possession on the South Fork Shenandoah River from the Luray Power Dam near Luray downstream to its confluence with the North Fork Shenandoah River at Riverton.~~

§ 8. Fishing prohibited in certain section of Little Stony Creek.

It shall be unlawful to fish at any time in that section of Little Stony Creek for a distance of 15 chains above the reservoir of the Town of Woodstock in the North Mountain section of the Lee District just west of Columbia Furnace.

§ 15. Wading and boating prohibited in Leesville Dam tailwater area.

It shall be unlawful for any person to wade in, or to use a boat in, the Leesville Dam tailwater area from the Leesville Dam approximately 840 feet downstream to a permanent cable across the river.

* * * * *

Title of Regulation: VR 325-03-2. Trout Fishing.

Statutory Authority: §§ 29-125, 29-126 and 29-127 of the Code of Virginia.

Effective Date: January 1, 1987

VR 325-03-2. Trout Fishing.

§ 1. Season—General open season.

Except as otherwise specifically provided in the sections appearing in this regulation, the open angling season for trout shall be from ~~noon~~ 9 a.m. the first third Saturday in April March through February 15, 1, both dates inclusive. Except for the first day, angling during the season shall be permitted from 5 a.m. until one hour after sunset.

§ 5. Size limit.

Except as otherwise specifically provided by the sections appearing in this regulation, there shall be a 7-inch

minimum size limit on trout generally and a 10-inch minimum size limit on trout in Philpott Reservoir.

§ 6. Methods and equipment used in fishing.

A. All seines, dip nets and the use of more than one rod or one line by any one person are prohibited while fishing in waters stocked with trout; ~~except; however,~~ it shall be lawful to use a hand landing net to land fish legally hooked in all waters. *special regulation streams covered by §§ 11, 12, 13 and 14 of this regulation.*

B. It shall be unlawful to fish with more than one hook attached to a single line in streams stocked with trout and such hook shall be baited with natural or artificial bait. ~~Provided, however, this shall not be construed to prohibit the use of artificial lures with more than one hook.~~

C. *It shall be unlawful to use any artificial lure with other than a single-point hook while fishing in waters stocked with trout.*

§ 13. Special provision applicable to certain portions of Conway River, Green Cove Creek, Little Stony Creek, North Creek, *North Fork Buffalo River, St. Mary's River and Whitetop Laurel.*

It shall be lawful to fish using only artificial lures with single hooks in that portion of the Conway River and its tributaries in Green and Madison Counties within the Rapidan Wildlife Management Area, in that portion of Green Cove Creek in Washington County from Route 859 downstream to its mouth, in that portion of Little Stony Creek in Giles County within the Jefferson National Forest, in that portion of Little Stony Creek in Shenandoah County more than 330 yards above the Woodstock Water Supply Dam within the George Washington National Forest, in that portion of North Creek in Botetourt County and its tributaries upstream from the first bridge above North Creek Campground, *in the North Fork Buffalo River and its tributaries in Amherst County within the George Washington National Forest,* in that portion of St. Mary's River in Augusta County and its tributaries upstream from the gate at the George Washington National Forest property line, and in that portion of Whitetop Laurel in Washington County upstream from the first railroad trestle above Taylor Valley to the mouth of Green Cove Creek at Creek Junction. All trout caught in the Conway River and its tributaries under eight inches in length and all trout caught in the other above named streams under nine inches in length shall be immediately returned to the water unharmed. It shall be unlawful for any person to have in his possession any natural bait, any trout under eight inches in length on the Conway River or its tributaries or any trout under nine inches in length on the other above named streams.

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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.

Effective Date: N/A

NOTE: 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 regulation will increase the maximum allowable sales prices and maximum allowable adjusted incomes for the Northern Virginia portion of the Washington, DC-MD-VA MSA.

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 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;

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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 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.

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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.

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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 Builder 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, initialing 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 had 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) 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

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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.

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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 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

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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 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%)*

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	New Construction	Substantial Rehabilitation	Existing
Northern Virginia portion of Washington, DC-MD- VA MSA			
1/	\$104,200** 120,000	\$104,200** 120,000	\$ 90,300** 110,000
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** \$46,600	\$41,200** \$46,600	\$36,500** \$43,200
Norfolk-Virginia Beach Newport News MSA			
2/	\$34,300	\$34,300	\$29,000
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.

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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 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.

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I. 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.

F. FHA or VA loans.

The provisions of this § 2.9 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.

D. FHA or VA loans.

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

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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.

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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 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.
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

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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.
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:

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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.

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.

BOARD OF AGRICULTURE AND CONSUMER SERVICES

Title of Regulation: VR 115-02-12. Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds into Virginia.

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

Effective Date: November 12, 1986

Summary:

The Virginia Department of Agriculture and Consumer Services has amended its regulations setting forth health requirements for livestock admitted into Virginia to include a section, § 5(B)(4), requiring that, with certain specified exceptions, all female cattle, while calves, be vaccinated for brucellosis before they are brought into Virginia for feeding or breeding purposes.

VR 115-02-12. Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds into Virginia.

§ 1. Definitions.

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

"Dogs" means all domestic and wild members of the dog family (Canidae).

"Hatching eggs" means chicken eggs and turkey eggs which are, or which are intended to be, used for hatching purposes.

"Horses" means all horse-like animals, embracing all members of the equine species including ponies, the asinine species, and burros. It also includes the hybrid offspring of the equine and asinine species by whatever name they may be known, such as mules, hinnies, and donkeys.

"Monkeys" means all monkeys and other primates, such as lemurs, marmosets, chimpanzees, and other apes.

"Poultry" means chickens and turkeys of all varieties and of all ages.

"Psittacine birds" means parrots, cockatoos, parakeets, and budgerigars.

§ 2. Official health certificates.

A. No livestock, other animals, poultry, or other birds, of any species, that are affected with or that have been exposed to any infectious or contagious disease shall be imported into Virginia except by special approval by the State Veterinarian.

B. All livestock, other animals, poultry, or other birds imported into Virginia, except for immediate slaughter, shall be accompanied by an official health certificate, which shall be attached to the waybill or shall be in the possession of the person in charge of such animals or birds, and a copy of such health certificate shall be forwarded promptly to the State Veterinarian of the Commonwealth of Virginia.

C. An official health certificate shall be a written record meeting the requirements of the Commonwealth of Virginia, executed on an approved form of state of origin. It shall contain the names and exact addresses of the consignor and consignee and the exact destination of the animals or birds covered. It shall indicate the health status of the animals or birds, and include the dates and results of all required tests.

1. After physical examination of the animals or birds and completion of all required tests, the official health certificate shall be issued within 30 days before the date of their entry, unless a different time limit is set elsewhere in this regulation. The certificate shall be issued by a licensed, graduate, accredited veterinarian approved by the livestock health official of the state of origin; a veterinarian in the employ of the state of origin; or a veterinarian in the employ of the Veterinary Services Division, Animal and Plant Health Inspection Services, United States Department of Agriculture; or such other veterinarian as may be approved by the State Veterinarian.

2. All copies of the official health certificate, including the original, shall be legible, and shall bear the endorsement of the livestock health official of the state of origin.

D. The requirements for the importation of livestock, other animals, poultry and other birds for exhibition purposes shall be the same as the requirements governing the admission of such animals and birds for breeding purposes, unless specific exceptions are made hereinafter.

§ 3. Entry by permit only.

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A. When the State Veterinarian is informed of any unusual or serious outbreak of disease among livestock or poultry in any other state which, in his opinion, constitutes a threat to livestock or poultry in Virginia, he shall by proclamation prohibit the entrance of any livestock or poultry which originate either directly or indirectly from such state. He may also prohibit the entrance of any "products" as defined in the meat or poultry inspection regulations of the United States Department of Agriculture, or in the Virginia Meat and Poultry Products Inspection Act, the Virginia Milk and Cream Law, or any other applicable or related Virginia statutes and regulations, except by special written permit.

B. All requests for special permits must be directed to the State Veterinarian in writing or by wire, and must give such information as he may require.

C. Under such special permit, all livestock, poultry, or products thereof entering Virginia must be consigned to a definite legal resident of Virginia.

§ 4. Common carriers, trucks.

A. Owners and operators of common carriers, trucks, or other conveyances are forbidden to move any livestock or poultry into Virginia except in compliance with the provisions set forth in this regulation.

B. All railway cars, trucks, and other conveyances used for transportation of livestock or poultry must be kept in a sanitary condition. The State Veterinarian may require the cleaning and disinfecting of any such conveyance at any time to prevent the spread of infectious or contagious diseases.

§ 5. Cattle.

A. Tuberculosis.

1. Cattle for dairy or breeding purposes may enter the Commonwealth of Virginia if they are accompanied by a certificate and signed by the State Veterinarian of the state of origin stating that the cattle originate directly from certified tuberculosis-free areas or from accredited or negative-tested herds.

2. Cattle for dairy or breeding purposes originating from areas or herds other than as specified in A.1 of this section must have been found negative to an individual official test for tuberculosis within 60 days prior to entry.

3. Cattle originating directly or indirectly from herds quarantined or subject to quarantine under State-Federal Uniform Methods and Rules (Code of Federal Regulations, Title 9, Chapter I, Parts 1 to 199) for the eradication of tuberculosis are not eligible for entry, except for immediate slaughter under special permit issued by the State Veterinarian.

B. Brucellosis.

1. Permit.

a. Cattle for dairy or breeding purposes that originate from Class B (herd infection rate less than 1.5%) or Class C (herd infection rate more than 1.5%) states may enter the Commonwealth of Virginia, provided that they are accompanied by a prior permit issued by the State Veterinarian.

b. Permits may be obtained by the Virginia purchaser or consignee by contacting the State Veterinarian's Office.

c. Permits expire 15 days after date of issuance.

d. The following information must be furnished before permits are issued: area or state status, herd status, individual status, vaccination status, name and address of consignor and consignee, and any other information the State Veterinarian may require.

2. Brucellosis testing.

When individual testing is required on female cattle, those of the dairy breeds under 20 months of age and those of the beef breeds under 24 months of age are exempt from such testing, provided that they have been officially calfhood vaccinated in the state of origin against brucellosis and that fact has been certified by the State Veterinarian of the state of origin. Nonvaccinates (male or female) are exempt from testing if under eight months of age.

3. Classification of states.

Cattle for dairy or breeding purposes which originate directly from officially classified states may enter Virginia, provided that they are accompanied by an Official Health Certificate and also meet the following requirements:

a. Class: Free states.

- (1) No herd status
- (2) No individual test
- (3) No permit.

b. Class: A states.

- (1) Negative herd status, or
- (2) Individual tested within 30 days
- (3) No permit.

c. Class: B states.

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- (1) Originate from negative herd or certified herd, and
- (2) Individual tested within 30 days, and
- (3) Permit, and
- (4) Quarantine and retest 45 to 120 days post-movement.

d. Class: C states.

- (1) Originate from certified herd, and
- (2) Individual tested within 30 days, and
- (3) Permit, and
- (4) Quarantine and retest 45 to 120 days post-movement.

4. Brucellosis calfhood vaccination requirements for female bovine animals entering Virginia.

All female bovine animals four months of age or older which enter Virginia for [~~feeding or breeding~~ purposes any purpose other than immediate slaughter] shall have been officially calfhood vaccinated for brucellosis [by a licensed, accredited veterinarian].

a. Recording.

The vaccination status of each animal shall be recorded on the interstate health certificate of the state of origin or on a copy of the vaccination record, to be attached to the health certificate.

b. Exceptions.

These vaccination requirements shall not apply to:

- (1) Female bovine animals originating from a brucellosis certified free herd, or from brucellosis class free states;
- (2) Female bovine animals entering Virginia for purposes of shows, fairs or exhibitions;
- (3) Spayed female bovine animals; or
- (4) Unvaccinated feeder female bovine animals brought to Virginia if negative to a brucellosis test performed not more than 30 days prior to importation into Virginia, not originating from a Class B or Class C state and not originating from a quarantined herd; [or
- (5) Female bovine animals originating from a Class A state and destined for sale through a Virginia livestock auction market. The animals must have originated from a county that has been free of

bovine brucellosis for at least one year and that brucellosis free county must be at least 50 miles from the border of any county that has had brucellosis infection within the past 12 months. The aforementioned must be certified by the state veterinarian of the state in which the affected county is located.]

C. Scabies.

No cattle affected with or exposed to scabies shall be imported into Virginia for any purpose.

D. Feeder cattle.

Cattle intended for feeding purposes shall be qualified for entry into the Commonwealth under exactly the same conditions as cattle for dairy or breeding purposes. Steers and spayed heifers shall be exempt from any previously stated test requirements.

§ 6. Sheep.

A. Scabies.

Sheep intended for feeding or breeding purposes may enter the Commonwealth of Virginia only if they originate directly from a state officially designated scabies-free by the United States Department of Agriculture.

B. Slaughter.

Sheep imported into Virginia for immediate slaughter shall be consigned directly to a recognized stockyard or to a slaughtering establishment that is approved and inspected by the United States Department of Agriculture or by the Virginia Department of Agriculture and Consumer Services.

§ 7. Swine.

A. Brucellosis.

Swine over four months of age intended for breeding purposes shall originate from an officially validated brucellosis-free herd, or from a herd in which all breeding swine over four months of age were negative to an official test for brucellosis conducted in a state or federal laboratory within 12 months prior to date of entry, or which individually have been negative to an official test for brucellosis conducted in a state or federal laboratory within 30 days prior to entry. The official health certificate accompanying these swine shall indicate the official herd status or the negative test.

B. Pseudorabies.

1. No swine of any age intended for breeding or feeding purposes shall be imported into Virginia from herds in which there has been an incidence of pseudorabies within the past 12 months.

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2. No swine for breeding or feeding purposes which has been exposed to pseudorabies within the past 12 months shall be imported into Virginia.

3. Swine of any age intended for breeding purposes shall be negative to a test approved by the State Veterinarian for pseudorabies conducted within 30 days prior to entry into Virginia. The official health certificate shall indicate such negative test. Breeding swine may originate from herds that have been classified as Pseudorabies Qualified Negative herds and identified as being from such origin. Pseudorabies Qualified Negative herds are those herds in which 25% of the herd have exhibited negative test results in successive quarters (80-105 days) until the entire herd is tested. The test shall not be duplicated on previously tested swine.

§ 8. Horses.

A. Horses may enter the Commonwealth of Virginia provided that they are accompanied by an official health certificate giving an accurate description of each animal, with a copy forwarded to and received by the State Veterinarian prior to the arrival of such animals at a destination in the Commonwealth of Virginia.

B. The State Veterinarian may by proclamation prohibit or restrict the entry of any horses into Virginia which, in his opinion, presents a disease threat to Virginia horses or other animals. The proclamation shall be only for the duration of the potential threat, and shall be officially withdrawn when it has served its purpose.

C. An Interstate Health Certificate on all horses that are imported into Virginia shall indicate that they have been officially tested and found negative for equine infectious anemia within the past twelve months. When horses are imported into Virginia, a copy of the Official Interstate Health Certificate shall be promptly mailed to the State Veterinarian. Horses that originate from infected premises in other states are not eligible for entry into Virginia unless a written permit is obtained from the State Veterinarian. Horses may be shipped into Virginia for research purposes or for immediate slaughter to approved slaughter establishments after first obtaining a permit from the State Veterinarian. Such horses shall be satisfactorily identified and the origin and destination clearly stated on the permit.

D. No male horse (stallion) or mare over 731 days of age, which either originates in or has passed through a country where the disease contagious equine metritis is known to exist, may enter the Commonwealth of Virginia except by special permit issued by the State Veterinarian. Those male horses or mares which are issued a special entry permit immediately will be placed under quarantine until the State Veterinarian is satisfied that they pose no danger to the Commonwealth of Virginia's equine population.

§ 9. Poultry.

A. Pullorum-typhoid.

Hatching eggs and poultry shall not be imported into the Commonwealth of Virginia unless such eggs or poultry originate exclusively from flocks participating in the National Poultry Improvement Plan (NPIP) or the National Turkey Improvement Plan (NTIP) (Code of Federal Regulations, Title 9, Chapter I, Parts 1 to 199). These programs shall be under the supervision of the official state agency of NPIP or NTIP, the livestock health official, or other authorized government agency of the state of origin certifying them to be free of Pullorum-Typhoid.

B. Mycoplasma gallisepticum.

Hatching eggs and poultry shall not be imported into the Commonwealth of Virginia unless such eggs or poultry originate from flocks that are designated free of Mycoplasma Gallisepticum by the livestock health official of the state of origin. Each importer of hatching eggs or poultry into Virginia shall secure from the State Veterinarian an approval number, after having provided evidence that the flocks of origin are free of Mycoplasma Gallisepticum. This approval number shall appear on shipping labels or containers of each lot shipped into Virginia.

C. Approval numbers.

1. Each shipper of hatching eggs or poultry shall first secure an approval number from the State Veterinarian. This approval number must appear on each shipping label or on each container of hatching eggs or poultry shipped into Virginia.

2. Applications for approval numbers must be made on forms provided by the State Veterinarian. Each application shall require the following information on each flock from which the hatching eggs or poultry originate:

- a. The name and address of each flockowner;
- b. The species (i.e., chickens or turkeys) and the number of birds in each flock;
- c. The date of the most recent pullorum-typhoid test;
- d. The total number, or the percentage, of positive reactions to the most recent pullorum-typhoid test;
- e. The pullorum-typhoid status attained; and
- f. Such additional information as the State Veterinarian may require.

3. Such applications, when completed, must be forwarded to the official state agency, the state

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livestock health official, or other competent and recognized authority of the state of origin for verification, approval and signature; and then forwarded to the State Veterinarian for final approval. Hatching eggs or poultry shall not be shipped into Virginia until final approval has been granted and the approval number is received.

D. Exceptions.

This regulation shall not apply to hatching eggs or poultry passing directly through the Commonwealth of Virginia in interstate commerce, nor to poultry imported into the Commonwealth of Virginia for immediate slaughter and consigned directly to a poultry processing establishment that is approved and inspected by the United States Department of Agriculture or by the Virginia Department of Agriculture and Consumer Services.

§ 10. Goats.

A. General.

Goats imported into the Commonwealth of Virginia for any purpose shall comply with the applicable provisions of §§ 2, 3, and 4 of these rules and regulations.

B. Tuberculosis.

1. Goats for dairy or breeding purposes may enter the Commonwealth of Virginia if they originate directly from a herd in which all animals were negative to a test for tuberculosis approved by the State Veterinarian within 12 months prior to entry; or

2. Goats for dairy or breeding purposes may enter the Commonwealth of Virginia if they are individually tested and found to be negative to a test for tuberculosis approved by the State Veterinarian within 30 days prior to entry.

C. Brucellosis.

1. Goats for dairy or breeding purposes may enter the Commonwealth of Virginia if they originate directly from a herd in which all animals were negative to a test for brucellosis approved by the State Veterinarian within 12 months prior to entry; or

2. Goats for dairy or breeding purposes may enter the Commonwealth of Virginia if they are individually tested and found to be negative to a test for brucellosis approved by the State Veterinarian within 30 days prior to entry.

D. Caseous lymphadenitis.

Goats for dairy or breeding purposes may enter the Commonwealth of Virginia if they are free of clinical symptoms of caseous lymphadenitis. "Clinical symptoms", with reference to caseous lymphadenitis, is used to define

abscesses of the lymph nodes, whether they are draining or not.

§ 11. Dogs.

A. General.

Dogs to be transported into the Commonwealth shall be accompanied by an official health certificate issued by an accredited veterinarian of the state of origin, certifying that the issuing veterinarian has personally examined the animal or animals within ten days prior to issuance of such certificate and date of shipment; and that this professional physical examination indicated that the animal or animals were in apparent good health at that time.

B. Rabies.

In addition to the requirements of paragraph A of this section the official health certificate covering any dogs to be transported or moved into the Commonwealth of Virginia shall state that they did not originate in an area under quarantine for rabies; that such dogs have not been exposed to rabies; that they have been vaccinated against rabies not more than one year (inactivated virus) and not more than three years (attenuated virus) prior to shipment.

C. Exceptions.

1. The requirement for rabies vaccination specified in paragraph B of this section shall not apply to puppies less than four months of age.

2. None of the provisions, requirements, or restrictions of this section shall apply to:

a. Any dog passing directly through the Commonwealth of Virginia in interstate commerce; or

b. Any dog consigned directly to a laboratory or institution authorized by law to conduct research, teaching, or clinical studies within the Commonwealth of Virginia; or

c. Any dog brought into the Commonwealth of Virginia by a person who intends to reside in Virginia.

§ 12. Monkeys.

A. General.

Monkeys to be transported into the Commonwealth of Virginia shall be accompanied by an Official Health Certificate issued by an accredited veterinarian of the state or origin, certifying that the issuing veterinarian personally has examined the monkey(s) within ten days prior to the issuance of such certificate; and that the professional physical examination indicated that the

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monkey(s) were in apparent good health at the time. In addition to this general statement, a separate statement shall be included attesting to the fact that the veterinarian has carefully examined the oral mucosa of the monkey(s) and has found no evidence of disease lesions or inflammatory processes.

B. Tuberculosis.

1. Monkey(s) transported into the Commonwealth of Virginia shall successfully have passed a tuberculin test performed by an accredited veterinarian within 30 days prior to date of shipment. Certification of this fact, including the kind and amount of tuberculin used, the date and hour of injection, and the date and hour that no response of any kind or degree was observed, shall appear upon the face of the health certificate.

2. Monkeys that have been associated with, or that originate in, a monkey colony where there have been other monkeys showing response to the tuberculin test shall not be eligible for entry into Virginia unless and until all monkeys in the group or colony shall have passed two consecutive negative tuberculin tests not less than 30 days apart.

C. Exceptions.

The provisions, requirements, or restrictions of this section shall not apply to any monkey(s) passing directly through the Commonwealth of Virginia in interstate commerce, nor to any monkey(s) consigned to a laboratory or institution authorized by law to conduct research, teaching, or clinical studies within the Commonwealth of Virginia.

§ 13. Psittacine birds.

A. Isolation.

Psittacine birds transported into Virginia shall be confined immediately by their owner, custodian, or agent, to an enclosure in absolute isolation from other birds, animals, and persons, except for the absolute minimum contact necessary for their care. This confinement shall continue for a minimum of 15 days. During this time, the birds shall experience continuous and uninterrupted feeding with either a mash-type feed, or a feed containing dehulled millet seed, containing 0.5 milligrams of chlortetracycline per gram of feed or seed. An accredited veterinarian, specifically authorized for direct supervision of such quarantine, shall notify the State Veterinarian in writing when the birds have completed their isolation period.

B. Approval numbers.

1. Each shipper of psittacine birds into the Commonwealth of Virginia shall first secure an approval number from the State Veterinarian of

Virginia. This official approval number, along with the words "Virginia Department of Agriculture and Consumer Services Approved", or equivalent, shall appear prominently on each shipping label or on each package or container used for transporting these birds into Virginia.

2. Applications for approval numbers must be made on forms provided by the State Veterinarian. The State Veterinarian shall designate the duration of such approval. Application shall require the following information:

a. The legal name and address of each applicant. If an applicant has more than one address or premise intended as a source of psittacine birds to be shipped into Virginia, a separate application must be filed and a separate approval number secured for each such address or premise;

b. The usual or average number of birds maintained at any given time at each address or premise;

c. A statement, signed by a local or state professional livestock health official or public health authority, attesting to the fact that all psittacine birds leaving the address or premise specified on each application have been subjected to the same or fully equivalent restrictions as to isolation and treatment as are specified in subsection A of § 13; and

d. Any additional information the State Veterinarian may require.

3. Applications for approval numbers must be forwarded to the State Veterinarian for approval. Approval numbers must be received by the shipper before shipment is made into the Commonwealth of Virginia.

C. Exceptions.

1. The requirements for isolation and treatment with chlortetracycline as shown in subsection A of § 13 shall not apply to psittacine birds which have been issued an official approval number. Approval number and legend as specified in subsection B.1. of § 13 must appear on each shipping label or container used for shipments into Virginia. Shipments made without approval, or prior to the issuance of approval, will be subjected to the same restrictions of confinement and treatment as birds from nonapproved sources.

2. The provisions of this section shall not apply to any psittacine birds passing directly through the Commonwealth of Virginia in interstate commerce; nor to psittacine birds brought into the Commonwealth of Virginia by a person who intends to make his residence in Virginia; nor to any psittacine birds consigned directly to a laboratory or institution

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authorized by law to conduct research, teaching, or clinical studies within the Commonwealth of Virginia.

Title of Regulation: VR 115-04-09. Rules and Regulations for the Enforcement of the Virginia Seed Law.

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

Effective Date: November 12, 1986.

Summary:

The amendments to the Virginia Seed Regulations establish a restricted noxious weed seed list specifically for lawn and turf seed which is separate and apart from the list for agricultural and vegetable seed. By establishing a specific list applicable to lawn and turf seed the consumer can now determine the contaminants of lawn and turf seed and to what extent.

VR 115-04-09. Rules and Regulations for the Enforcement of the Virginia Seed Law.

§ 1. Methods of inspecting, sampling, and testing, and the application tolerances.

Method of inspecting, sampling, and testing, and the application of tolerance shall be according to the Rules for Testing Seeds adopted by the "Association of Official Seed Analysts" * except:

1. For those kinds of tree and shrub seed not included in the Rules for Testing Seeds, "Association of Official Seed Analysts", the testing procedure used shall be those recommended by the National Tree Seed Laboratory.

2. That tolerances are not allowed on prohibited noxious weed seeds.

3. Tolerance shall apply to flower and vegetable germination standards only as specified in §§ 9 and 11 of these regulations.

4. For seed peanuts the testing tolerance will be five on the minimum germination standard.

[5. *Certain kinds listed as crop seeds in Association of Official Seed Analysts Handbook 25 "Uniform Classification of Weed and Crop Seed" shall be considered restricted noxious weed seeds as listed in § 2.B.2.]*

* Currently effective, copies of which may be obtained from the commissioner upon request, at cost.

§ 2. Noxious weed seeds.

Noxious weed seeds as defined in the Virginia Seed Law, Article 4 (§ 3.1-262 et seq.) of Chapter 16 of Title 3.1 of the Code of Virginia are divided into two classes:

A. Prohibited noxious weed seeds are :

Balloovine - "Cardiospermum halicacabum"

Canada thistle - "Cirsium arvense"

Field Bindweed - "Convolvulus arvensis"

Johnsongrass, Sorgrass and, Sorghum alnum, and hybrids derived therefrom - "Sorghum" spp. - Perennial

Plumeless thistles, which includes Musk thistle, and Curled thistle - "Carduus" spp.

Quackgrass - "Agropyron repens"

Sicklepod - "Cassia tora"

B. Restricted noxious weed seeds are:

[1. *Agricultural and vegetable seed containing such noxious weed seeds shall be prohibited from sale for seeding purposes (except as indicated below); if the number per ounce or per pound of such noxious weed seed found exceeds the limitation allowed for each. Such weed seeds and limitations shall be as follows:*

1. Restricted noxious weed seeds for agricultural and vegetable seed, except for lawn and turf seed and mixtures thereof, shall be prohibited from sale for seeding purposes if the number per ounce or per pound of such noxious weed seed found exceeds the limitations allowed for each. Such weed seeds and limitations shall be:]

KIND LIMITATION

Wild onion bulbets and wild garlic5 per ounce or

bulbets - Allium spp.80 per pound for
..... orchardgrass;
.....2 per ounce or 32
..... per pound for
..... other kinds

Dodder - Cuscuta spp.4 per ounce or 64
..... per pound

[Common Bermudagrass - Cynodon2 per ounce or 32
daetylon var. daetylon per pound

Giant Bermudagrass - Cynodon
daetylon var. aridus
(limitation: 2 per ounce or 32 per
pound, singly or collectively);
provided, however, that either

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may be sold as such, and when seed of one is present in seed of the other, both types shall be classified as agricultural seed. Provided further, either may be sold in grass seed mixtures if it is claimed in the labeling as an ingredient.]

Wild mustard - Brassica spp. - 5 per ounce or includes all species when 80 per pound incidentally occurring in agricultural seed, provided that species listed in §§ 5 and 9 of the regulations may be sold as such when labeled as required.

Giant foxtail - *Setaria faberi* 4 per ounce or 64 per pound

Radish - *Raphanus* 1 per ounce or spp. 16 per pound

[Annual bluegrass - *Poa annua* 16 per ounce or 256 per pound]

[2. Restricted noxious weed seeds for lawn and turf seed and mixtures thereof. Those kinds listed below shall be restricted noxious weed seeds and shall be declared on the label under the heading "Noxious Weed Seeds" or "Undesirable Grass Seed" according to § 3.1-264 (1) (5) when present in bentgrasses, Kentucky bluegrass, chewings fescue, red fescue, hard fescue, varieties of perennial ryegrass, varieties of named turf type tall fescue, and/or mixtures containing these grasses. Such weed seeds are:

- Annual bluegrass *Poa Annua*
 - **Bentgrasses (creeping, colonial, velvet) *Agrostis spp.*
 - **Bermudagrass, Giant bermudagrass *Cynodon spp.*
 - **Meadow fescue *Festuca pratensis*
 - Orchardgrass *Dactylis glomerata*
 - **Redtop *Agrostis gigantea*
 - **Rough bluegrass *Poa trivialis*
 - **Tall fescue *Festuca arundinacea*
 - Timothy *Phleum pratense*
 - Velvetgrass *Holcus lanatus*
- ** May be included as a labeled component of a mixture when in excess of 5.0% of the whole.

NOTE - EXEMPTIONS: This regulation does not apply to

restricted noxious weed seeds in grasses or mixtures clearly labeled for pasture, forage, hay, or spoilbank reclamation usage.]

§ 3. Net weight requirements.

A. Net weight is required on all containers except on packets containing less than one-half ounce avoirdupois.

B. All net weight labeling shall be consistent with the requirements of the Virginia Weights and Measures Law, Chapter 35 (§ 3.1-919 et seq.) of Title 3.1 of the Code of Virginia, and the Virginia Weights and Measures regulations except that when a seed tag is used the net weight information may appear on the seed tag rather than on the seed bag.

§ 4. Labeling treated seed.

A. Contents of label.

All seed treated as defined by § 3.1-263 (28) of the Code of Virginia, shall be labeled in type no smaller than eight points to indicate that such seed has been treated and to show the name of any substance or a description of any process (other than application of a substance) used to treat such seed, for example:

Treated with ... (Name of substance or process)...

or ... (Name of substance or process) ... treated.

If the substance used in such treatment in the amount remaining with the seed is harmful to humans or other vertebrate animals, the seed shall also bear a label containing statements as specified by subsections C and D below. The label shall contain the required information in any form that is clearly legible and complies with this regulation. The information may be on the analysis tag, on a separate tag, or printed on the container in a conspicuous manner.

B. Name of substance.

The name of any substance as required by subsection A of this section shall be commonly accepted coined, chemical (generic), or abbreviated chemical name. Commonly accepted coined names are not private trademarks and are free for use by the public and are commonly recognized as names of particular substances such as thiram, captan, lindane, and dichlone. Examples of commonly accepted chemical (generic) names are: bluestone, calcium carbonate, cuprous oxide, zinc hydroxide, hexachlorobenzene and ethyl mercury acetate. The terms "mercury" or "mercurial" may be used to represent all types of mercurial compounds. Examples of commonly accepted abbreviated chemical names are: BHC (1,2,3,4,5,6,-Hexachloroclohexane) and DDT (dichloro diphenyl trichloroethane)

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C. Mercurials and similarly toxic substance.

1. Seeds treated with a mercurial or similarly toxic substance, if any amount whatsoever remains with the seed, shall be labeled to show a representation of a skull and crossbones at least twice the size of the type used for information required to be on the label under subsection A and shall also include in red letters on a background of distinctly contrasting color a statement substantially as follows: "Treated with Poison", "Poison Treated", or "Poison". Such treatment shall appear in type no smaller than eight points.

2. Substances similarly toxic to mercurials include the following: Aldrin (technical), Demeton, Dieldrin, Endrin, Heptachlor, O, O-diethyl S-(ethylthiomethyl) phosphorodithiolate and O, O-diethyl S-2 (ethylthio) ethyl phosphorodithiolate. Any amount of such substances remaining with the seed shall be considered harmful to humans and other vertebrate animals.

D. Other harmful substances.

If any substance, other than one which would be classified as a mercurial or similarly toxic substance under subsection C, is used in the treatment of seed; the amount remaining with the seed is considered harmful to humans or other vertebrate animals unless the seed is in containers of four ounces or less. Seed treated with such substances shall be labeled with an appropriate caution statement in type no smaller than eight points worded substantially as follows: "Do not use for food", "Do not use for feed", "Do not use for oil purposes", or "Do not use for food, feed, or oil purposes". This subsection applies to all chemical substances not within subsection C except that the following substances shall not be deemed harmful when present at a rate less than the number of parts per million indicated:

Allethrin - 2 p.p.m.

Malthion - 8 p.p.m.

Methoxychlor - 8 p.p.m.

Piperonyl butoxide - 20 p.p.m. except 8 p.p.m. on Oat and Sorghum.

Pyrethrins - 3 p.p.m. except 1 p.p.m. on Oat and Sorghum.

E. Weight of treatment substance.

When the weight of treatment substances added exceed 1.0 % of the net weight of seed, the rate of treatment must be given on the analysis tag.

§ 5. Agricultural seeds.

A. Agricultural seeds are the seed of the following:

Alfalfa - *Medicago sativa*

Barley - *Hordeum vulgare*

Beet, sugar - *Beta vulgaris*

Bentgrass or:

Bentgrass, colonial - *Agrostis tenuis*

Bentgrass, creeping - *Agrostis stolonifera* var. *palustris*

Bentgrass, velvet - *Agrostis canina*

Bermudagrass - Except as specified in § 2 of these regulations .

Common - *Cynodon dactylon* var. *dactylon*

Giant - *Cynodon dactylon* var. *aridus*

Bluegrass:

Canada - *Poa compressa*

Kentucky - *Poa pratensis*

Rough - *Poa trivialis*

Wood - *Poa nemoralis*

Brome, smooth - *Bromus inermis*

Broomcorn - *Sorghum bicolor*

Buckwheat - *Fagopyrum esculentum*

Canarygrass, reed - *Phalaris arundinacea*

Carpetgrass - *Axonopus affinis*

Clover:

Alsike - *Trifolium hybridum*

Crimson - *Trifolium incarnatum*

Red - *Trifolium pratense*

Sweet - (See Sweet Clover)

White - *Trifolium repens* including the var. *Ladino*

Corn:

Field - *Zea mays*

Pop - *Zea mays* var. *everta*

Cotton - *Gossypium* spp.

Cowpea - *Vigna unguiculata* subsp. *unguiculata*

Crambe - *Crambe abyssinica*

Crownvetch - *Coronilla varia*

Dallisgrass - *Paspalum dilatatum*

Fescue:

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Chewings - *Festuca rubra* var. *commutata*
Hard - *Festuca trachyphylla*
Meadow - *Festuca pratensis*
Red - *Festuca rubra* subsp. *rubra*
Sheep - *Festuca ovina*
Tall - *Festuca arundinacea*

Lespedeza:

Bicolor - *Lespedeza bicolor*
Korean - *Lespedeza stipulacea*
Serica - *Lespedeza cuneata*
Striate - *Lespedeza striata*

Millet, browntop - *Brachiaria ramosa*

Millet, Italian - *Setaria italica*

Millet, Japanese - *Echinochloa crusgalli* var. *frumentacea*

Millet, pearl - *Pennisetum americanum*

Millet, proso - *Panicum miliaceum*

Oat - *Avena* spp.

Oatgrass, tall - *Arrhenatherum elatius*

Orchardgrass - *Dactylis glomerata*

Pea, field - *Pisum sativum*

Peanut - *Arachis hypogaea*

Rape, winter - *Brassica napus* va. *biennis*

Redtop - *Agrostis gigantea*

Rye - *Secale cereale*

Ryegrass, annual or Italian - *Lolium multiflorum*

Ryegrass, intermediate - *Lolium X hybridum*

Ryegrass, perennial - *Lolium perenne*

Sorghum, grain and sweet - *Sorghum bicolor*

Sorghum, Sudangrass hybrid - *Sorghum bicolor X Sorghum sudanense*

Soybeans - *Glycine max*

Sudangrass - *Sorghum sudanense*

Sunflower - *Helianthus annuus*

Sweet Clover:

White - *Melilotus alba*
Yellow - *Melilotus officinalis*

Timothy - *Phleum pratense*

Tobacco - *Nicotiana tabacum*

Trefoil, Birdsfoot - *Lotus corniculatus*

Triticale - *Triticosecale*

Vetch, hairy - *Vicia villosa* subsp. *villosa*

Wheat - *Triticum aestivum*

B. Kinds not listed under subsection A:

Any kind of seed not listed under subsection A above or in § 9. of these regulations when present incidentally in seed samples of the kinds so listed shall be considered to be a weed seed unless such kind is classified solely as a crop seed by the Association of Official Seed Analysts in its handbook "Uniform Classification of Weed and Crop Seeds".

§ 6. Weed seeds.

As provided by § 3.1-265 (a) (6) of the Code of Virginia, agricultural seed of the following kinds may contain weed seeds not to exceed the following limitations:

A. Korean Lespedeza - *Lespedeza stipulacea* 1.50%

B. Orchardgrass - *Dactylis glomerata* (Hulled) 1.50%

C. Oatgrass, tall - *Arrhenatherum elatius* 1.50%

D. Redtop - *Agrostis gigantea* 1.50%

§ 7. Code designation.

As provided by § 3.1-264, subsections B paragraph (12) (b) and I (10) (b) of the Code of Virginia, any Virginia seed dealer may request from the commissioner a code designation to be used in lieu of his name and address for use on seed labeled for intrastate shipment provided; however, such shipments must be labeled to show the name and address of the consignee. Such designation will bear the prefix VDA followed by an appropriate assigned number; however, a bona fide AMS (C&MS) number may be used in lieu of the VDA code designation provided it is recorded with the commissioner by the seed dealer.

§ 8. Controlled conditions.

Controlled conditions are those minimum field standards for certification last established by the State Certified Seed Commission as authorized under Article 2, Chapter 16, Title 3.1, of the Code of Virginia.

§ 9. Vegetable seeds and minimum germination standards.

A. Vegetable seeds are the seeds of the following, and the germination standards are as indicated:

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.....	Germination	
Kind	Standard	
Asparagus - <i>Asparagus officinalis</i>	70	Mustard, spinach - <i>Brassica perviridis</i>
Bean garden - <i>Phaseolus vulgaris</i>	70	Okra - <i>Abelmoschus esculentus</i>
Bean lima - <i>Phaseolus lunatus</i>	70	Onion - <i>Allium cepa</i>
Beet - <i>Beta vulgaris</i>	65	Parsley - <i>Petroselinum crispum</i>
Broccoli - <i>Brassica oleracea</i> var. <i>botrytis</i>	75	Parsnip - <i>Pastinaca sativa</i>
Brussels sprouts - <i>Brassica oleracea</i> var. <i>gemnifera</i>	70	Peas, garden - <i>Pisum sativum</i>
Cabbage - <i>Brassica oleracea</i> var. <i>capitata</i>	75	Pepper - <i>Capsicum</i> spp.
Carrot - <i>Daucus carota</i>	55	Pe-tsai or Chinese cabbage - <i>Brassica pekinensis</i>
Cauliflower - <i>Brassica oleracea</i> var. <i>botrytis</i>	75	Pumpkin - <i>Cucurbita pepo</i>
Celeriac - <i>Apium graveolens</i> var. <i>rapaceum</i>	55	Radish - <i>Raphanus sativus</i>
Celery - <i>Apium graveolens</i> var. <i>dulce</i>	55	Rhubarb - <i>Rheum rhabarbarum</i>
Chicory - <i>Cichorium intybus</i>	65	Rhubaraga - <i>Brassica napus</i> var. <i>napobrassica</i>
Cirton - <i>Citrullus lanatus</i> var. <i>citroides</i>	65	Salsify - <i>Tragapogon porrifolius</i>
Collards - <i>Brassica oleracea</i> var. <i>acephala</i>	80	Spinach (except New Zealand) - <i>Spinacia oleracea</i>
Corn, garden - <i>Zea mays</i>	75	Spinach, New Zealand - <i>Tetragonia tetragonioides</i>
Cornsalad - <i>Valerianella locusta</i>	70	Squash - <i>Cucurbita pepo</i>
Cowpea - <i>Vigna unguiculata</i> subsp. <i>unguiculata</i>	75	Swiss chard - <i>Beta vulgaris</i> var. <i>cicla</i>
Cress, garden - <i>Lepidium sativum</i>	75	Tomato - <i>Lycopersicon</i> [<i>lycopersicum</i>
Cress, upland - <i>Barbarea verna</i>	60	Turnip - <i>Brassica rapa</i>
Cress, water - <i>Nasturtium officinale</i>	40	Watermelon - <i>Citrullus lanatus</i>
Cucumber - <i>Cucumis sativus</i>	80	
Eggplant - <i>Solanum melongena</i>	60	
Endive - <i>Cichorium endivia</i>	70	
Kale - <i>Brassica</i> spp.	75	
Kohlrabi - <i>Brassica oleracea</i> var. <i>gongylodes</i>	75	
Leek - <i>Allium porrum</i>	60	
Lettuce - <i>Lactuca sativa</i>	80	
Muskmelon (Cantaloupe) - <i>Cucumis melo</i>	75	
Mustard - <i>Brassica juncea</i>	75	

B. Testing tolerances shall not be applied unless the percentage of germination is shown on the seed package or label attached to the seed container. If no germination percentage is shown on the label, the seed must meet minimum standards without benefit of tolerance.

§ 10. Origin.

Origin as required by § 3.1-264 (B) (4) of the Code of Virginia shall not apply to seed in lawn or turf grass mixtures in prepacked containers of fifty pounds or less; however, the formulator of such mixtures shall maintain origin records as required by § 3.1-266 of the Code of Virginia .

§ 11. Flower seed and minimum germination standards.

A. The kinds of flower seeds listed below are those for which standard testing procedures have been prescribed and which are, therefore, required to be labeled in accordance with the germination labeling provisions of §

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3.1-263 and § 3.1-264 of the Code of Virginia . The percentage listed opposite each kind is the germination standard for that kind. For the kinds marked with an asterisk, this percentage is the total of percentage germination and percentage hard seed. For other kinds, it is the percentage germination.

Kind	Minimum Germination Standard
African daisy - <i>Dimorphotheca sinuata</i>	55
Ageratum - <i>Ageratum houstonianum</i>	60
Alyssum - <i>Alyssum compactum</i> , <i>A. Lobularia maritima</i> , <i>A. saxatile</i>	60
Anemone - <i>Anemone pulsatilla</i>	55
Angel trumpet - <i>Brugmansia arborea</i>	60
Arabis - <i>Arabis alpina</i>	60
Aster, China - <i>Callistephus chinensis</i> except Pompon, Powderpuff, and Princess types	55
Aster, China - <i>Callistephus chinensis</i> , Pompon, Powderpuff and Princess types	50
Aubrietia - <i>Aubrietia deltoidea</i>	45
Balsam - <i>Impatiens balsamina</i>	70
Calendula - <i>Calendula officinalis</i>	65
California poppy - <i>Eschscholzia californica</i>	60
Calliopsis - <i>Coreopsis tinctoria C. basalis</i>	65
Campanula:	
Canterbury bells - <i>Campanula medium</i>	60
Cup and Saucer bellflower - <i>Campanula medium calycanthema</i>	60
Carpathian bellflower - <i>Campanula carpatica</i>	50
Peach bellflower - <i>Campanula persicifolia</i>	50
Candytuft, annual - <i>Iberis amara</i> , <i>I. umbellata</i>	65
Candytuft, perennial - <i>Iberis gibraltarica</i> , <i>I. sempervirens</i>	55
*Castor bean - <i>Ricinus communis</i>	60
Cathedral bells - <i>Cobaea scandens</i>	65
Celosia - <i>Celosia argentea</i>	65
Centaurea: basked Flower - <i>Centaurea americana</i> , Cornflower - <i>C. cyanus</i> , dusty miller - <i>C. cineraria royal</i> centaurea - <i>C. imperialis</i> , sweet sultan, Amberboa	
<i>moschata</i> , Velvet centaurea - <i>C. gymnocarpa</i>	60
Chinese forget-me-not - <i>Cynoglossum amabile</i>	55
Chrysanthemum, annual - <i>Chrysanthemum carinatum</i> , <i>C. coronarium</i> , <i>C. segetum</i>	40
Clarkia - <i>Clarkia unguiculata</i>	65
Cleome - <i>Cleome hasslerana</i>	65
Columbine - <i>Aquilegia spp.</i>	50
Coral bells - <i>Heuchera sanguinea</i>	55
Coreopsis, perennial - <i>Coreopsis lanceolata</i>	40
Cosmos: Sensation, Mammoth and Crested type - <i>Cosmos bipinnatus</i> ; Klondyke type - <i>C. sulphureus</i>	65
Dahlia - <i>Dahlia spp.</i>	55
Delphinium: cardinal larkspur, perennial delphinium - <i>Delphinium cardinale</i> ; Pacific giant, gold metal and other hybrids, belladonna, bellamosum types <i>Chinensis</i> types <i>D. elatum</i>	55
Dianthus:	
Carnation - <i>Dianthus caryophyllus</i>	60
China pinks - <i>Dianthus Chinensis</i> , <i>Heddewigii</i> , <i>Heddensis</i>	70
Grass pinks - <i>Dianthus plumarius</i>	60
Maiden pinks - <i>Dianthus deltoides</i>	60
Sweet William - <i>Dianthus barbatus</i>	70
Sweet wivelsfield - <i>Dianthus X allwoodii</i>	60
Dracena - <i>Cordyline australis</i>	55
English daisy - <i>Bellis perennis</i>	55
Foxglove - <i>Digitalis spp.</i>	60
Gaillardia, annual - <i>Gaillardia pulchella</i> , var. <i>picta</i> ; perennial - <i>G. aristata</i>	45
Geum - <i>Geum spp.</i>	55
Gilia - <i>Gilia spp.</i>	65
Godetia - <i>Clarkia amoena</i> var. <i>concinne</i>	65
Gourds: <i>Cucurbita spp.</i> ; <i>Lagenaria spp.</i>	70
Gypsophila: annual baby's breath - <i>Gypsophila elegans</i> ; perennial baby's breath - <i>G. paniculata</i> , <i>G. pacifica</i> , <i>G. repens</i>	70
Helichrysum - <i>Helichrysum bracteatum</i>	60
*Hollyhock - <i>Alcea rosea</i>	65

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*Ipomoea: Cypress vine - Ipomea quamoclit; Moonflower - I. alba ; morning glories, cardinal climber, hearts and honey vine - I. spp.	75	Salpiglossis - Salpiglossis sinuata Gloxiniflora,	60
Job's tears - Coix lacryma-jobi	70	Salvia - Scarlet Sage - Salvia splendens; mealycup sage (blue bedder) - S. farinacea	50
Kochia - Kochia scoparia trichophylla	55	Saponaria - Saponaria ocymoides, S. vaccaria Pyramidata	60
Larkspur, annual - Consolida ambigua	60	Scabiosa, annual - Scabiosa atropurpurea	50
Lantana - Lantana camara	35	Scabiosa, perennial - Scabiosa caucasica	40
Linaria - Linaria spp.	65	Schizanthus - Schizanthus spp.	60
Lobelia, annual - Lobelia erinus	65	Shasta Daisy - Chrysanthemum maximum, C. leucanthemum	65
Lunaria, annual - Lunaria annua	65	Snapdragon - Antirrhinum spp.	55
*Lupine - Lupinus spp.	65	Solanum - Solanum spp.	60
Marigold - Tagetes spp.	65	Stocks: Common Matthiola incana; Evening Scented - Matthiola longipetala subsp. bicornis	65
Marvel of Peru - Mirabilis jalapa	60	Sunflower - Helianthus spp.	65
Mignonette - Reseda odorata	55	*Sweet pea, annual and perennial other than dwarf bush - Lathyrus odoratus, L. latifolius	75
Myosotis - Myosotis alpestris, M. oblongata, M. pulastris M. scorpioides	50	*Sweet pea, dwarf bush - Lathyrus odoratus	65
Nasturtium - Tropaeolum spp.	60	Thunbergia - Thunbergia alata	60
Nemesia - Nemesia spp.	65	Torch flower - Tithonia rotundifolia	70
Nemophila - Nemophila menziesii subsp. insignis	70	Tritoma - Kniphofia spp.	65
Nicotiana - Nicotiana glauca, N. X sanderae	65	Verbena, annual - Verbena X hybrida	35
Nierembergia - Nierembergia spp.	55	Vinca - Catharanthus roseus	60
Nigella - Nigella damascena	55	Viola - Viola cornuta	55
Pansy - Viola tricolor	60	Wallflower - Cheiranthus cheiri	65
Penstemon - Penstemon barbatus, P. grandiflorus, P. laevigatus, P. hirsutus	60	Zinnia Zinnia angustifolia, Z. elegans, Z. grandiflora, Z. acerosa, Z. peruviana	50
Petunia - Petunia spp.	45		
Phacelia - Phacelia campanularia, P. minor, P. tanacetifolia	65		
Phlox, annual - Phlox drummondii all types and varieties	55		
Physalis - Physalis spp.	60		
Poppy: shirley poppy - Papaver rhoeas; Iceland poppy - P. nudicaule; oriental poppy - P. orientale; tulip poppy - P. glaucum	60		
Portulaca - Portulaca grandiflora	55		

B. Testing tolerances shall not be applied unless the percentage of germination is shown on the seed package or label attached to the seed container. If no germination percentage is shown on the label, the seed must meet the minimum standards without benefit of tolerance.

§ 12. Labeling of flower seed.

Flower seeds shall be labeled with the name of the kind and variety or a statement of type and performance characteristics as prescribed by § 3.1-264 (F) and (G) of the Code of Virginia .

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A. For seeds of plants grown primarily for their blooms:

1. Seeds of a single name variety shall be labeled to show the kind and variety name. For example - "Marigold, Butterball".

2. Seeds of a single type and color for which there is no special variety name shall be labeled to show either the type of plant or the type and color of bloom. For example - "Scabiosa, Tall, Large Flowered, Double, Pink".

3. Seeds consisting of an assortment or mixture of colors or varieties of a single kind, the kind name, the type of plant, and the type or types of bloom shall be indicated. In addition, it shall be clearly indicated that the seed is mixed or assorted. An example of labeling such a mixture or assortment is - "Marigold, Dwarf Double French, Mixed Colors".

4. Seeds consisting of an assortment or mixture of kinds, shall clearly indicate that the seed is assorted or mixed and the specific use of the assortment or mixture shall be indicated. For example - "Cut Flower Mixture", or "Rock Garden Mixture". Such statements as "Wild Flower Mixture", "General Purpose Mixture", "Wonder Mixture", or any other statement which fails to indicate the specific use of the seed shall not meet the requirements of this provision unless the specific use of the mixture is also stated.

B. Seeds of plants grown for ornamental purposes other than their blooms shall be labeled to show the kind and variety, or the kind together with a descriptive statement concerning the ornamental part of the plant. For example - "Ornamental Gourds, Small Fruited, Mixed".

§ 13. Application of germination standards to mixture of kinds of flower seed.

A mixture of kinds of flower seeds will be considered to be below standard if the germination of any kind or combination of kinds constituting 25% or more of the mixture by number is below standard for the kind or kinds involved.

§ 14. Tree and shrub seeds.

Tree and shrub seeds are seeds of the following:

Abies balsamea (L.) Mill. - Balsam Fir

Abies fraseri (Pursh.) Poir - Fraser Fir

Acer rubrum L. - Red Maple

Acer saccharum Marsh. - Sugar Maple

Aesculus glabra - Ohio Buckeye

Aesculus octandra - Sweet Buckeye

Ailanthus altissima (Mill.) Swingle - Tree of Heaven, Ailanthus

Amelanchier canadensis - Service Berry

Betula lenta L. - Sweet Birch

Betula alleghaniensis Britton - Yellow Birch

Betula nigra L. - River Birch

Carya tomentosa - Mockernut Hickory

Carya glabra - Pignut Hickory

Carya ovata - Shagbark Hickory

Carya laciniosa - Shellbark Hickory

Castanea dentata - American Chestnut

Catalpa bignonioides Walt. - Southern Catalpa

Cedrus deodara (Roxb.) Loud. - Deodar Cedar

Cedrus libani Loud. - Cedar of Lebanon

Celtis occidentalis - Hackberry

Chamaecyparis thyoides - Southern White Cedar or Atlantic White Cedar

Cornus florida - Flowering Dogwood

Diospyros virginiana - Persimmon

Fagus grandifolia - American Beech

Fraxinus americana - White Ash

Fraxinus pennsylvanica Marsh. - Green Ash

Fraxinus pennsylvanica var. *lanceolata* (Borkh.) Sarg. - Green Ash

Gleditsia triacanthos L. - Honey Locust

Ilex opaca - American Holly

Juglans cinerea - Butternut

Juglans nigra - Black Walnut

Juniperus virginiana - Eastern Red Cedar

Larix decidua Mill. - European Larch

Larix kaempferi - Japanese Larch

Liquidambar styraciflua L. - Sweetgum

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<i>Liriodendron tulipifera</i> - Yellow Poplar	<i>Platanus occidentalis</i> - Sycamore
<i>Magnolia acuminata</i> - Cucumber	<i>Populus balsamifera</i> - Eastern Cotton Wood
<i>Malus spp.</i> - Apple	<i>Populus tremuloides</i> - Quaking Aspen
<i>Malus spp.</i> - Crabapple	<i>Prunus avium</i> (L.) - Cherry
<i>Maclura pomifera</i> - Osage Orange	<i>Prunus serotina</i> - Black Cherry
<i>Morus rubra</i> - Red Mulberry	<i>Pseudotsuga menziesii</i> var. <i>glauca</i> (Beissn.) Franco - Blue Douglas Fir
<i>Nyssa aquatica</i> - Tupelo Gum	<i>Pseudotsuga menziesii</i> var. <i>caesia</i> (Beissn.) Franco - Gray Douglas Fir
<i>Nyssa sylvatica</i> var. <i>sylvatica</i> - Black Gum	<i>Pseudotsuga menziesii</i> var. <i>menziesii</i> - Green Douglas Fir
<i>Nyssa sylvatica</i> var. <i>biflora</i> - Swamp Black Gum	<i>Pyrus communis</i> L. - Pear
<i>Picea abies</i> (L.) Karst. - Norway Spruce	<i>Quercus alba</i> - White Oak
<i>Picea glauca</i> (Moench.) Voss - White Spruce	<i>Quercus borealis</i> - Northern Red Oak
<i>Picea pungens</i> Engelm. - Blue Spruce, Colorado Spruce	<i>Quercus coccinea</i> - Scarlet Oak
<i>Picea pungens</i> var. <i>glauca</i> Reg. - Colorado Blue Spruce	<i>Quercus falcata</i> - Southern Red Oak
<i>Picea rubens</i> Sarg. - Red Spruce	<i>Quercus falcata</i> var. <i>pagodaefolia</i> - Cherrybark Oak
<i>Pinus banksiana</i> Lamb. - Jack Pine	<i>Quercus lyrata</i> - Swamp White Oak
<i>Pinus densiflora</i> Sieb. & Zucc. - Japanese Red Pine	<i>Quercus macrocarpa</i> - Bur Oak
<i>Pinus echinata</i> Mill. - Shortleaf Pine	<i>Quercus montana</i> - Chestnut Oak
<i>Pinus elliottii</i> Engelm. - Slash Pine	<i>Quercus nigra</i> - Water Oak
<i>Pinus mugo</i> Turra. - Mountain Pine	<i>Quercus palustris</i> - Pin Oak
<i>Pinus nigra</i> Arnold - Austrian Pine	<i>Quercus phellos</i> - Willow Oak
<i>Pinus nigra</i> var. <i>Poiretiana</i> (Ant.) Aschers & Graebn. - Corsican Pine	<i>Quercus rubra</i> - Red Oak
<i>Pinus palustris</i> Mill. - Longleaf Pine	<i>Quercus veketina</i> - Black Oak
<i>Pinus resinosa</i> Ait. - Red pine, Norway Pine	<i>Quercus virginiana</i> - Live Oak
<i>Pinus rigida</i> Mill. - Pitch Pine	<i>Robinia pseudoacacia</i> L. - Black Locust
<i>Pinus serotina</i> - Pond Pine	<i>Salix nigra</i> - Black Willow
<i>Pinus strobus</i> L. - Eastern White Pine	<i>Sassafras verifolium</i> - Sassafras
<i>Pinus sylvestris</i> L. - Scotch Pine	<i>Syringa vulgaris</i> L. - Common Lilac
<i>Pinus taeda</i> L. - Loblolly Pine	<i>Taxodium distichum</i> - Bald Cypress
<i>Pinus thunbergii</i> Parl. - Japanese Black Pine	<i>Thuja occidentalis</i> L. - Northern White Cedar, Eastern Arborvitae
<i>Pinus virginiana</i> Mill. - Virginia Pine, Scrub Pine	

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Tilia americana - Basswood

Tsuga canadensis (L.) Carr. - Eastern Hemlock, Canada Hemlock

Ulmus americana L. - American Elm

Ulmus parvifolia Jacq. - Chinese Elm

§ 15. Zone for labeling origin from which tree and shrub seeds were collected in Virginia.

The Virginia zone designations for labeling of tree and shrub seeds shall be as follows:

A. Mountain - The Blue Ridge Mountains and Westward.

B. Piedmont - East of the Blue Ridge Mountains and west of U.S. No. 1 from North Carolina line to Richmond and U.S. No. 301 from Richmond to Potomac River Bridge.

C. Coastal Plains - East of U.S. No. 1 from North Carolina line to Richmond and U.S. No. 301 from Richmond to Potomac River Bridge.

D. Eastern Shore - Northampton and Accomack Counties.

§ 16. Maximum percentage of inert matter.

Seed or seed mixtures as defined by § 3.1-263 of the Code of Virginia shall not contain more than 15% by weight of inert matter, excluding coating material which has been added to enhance the planting value.

§ 17. Minimum size of peanut seed.

Shelled peanuts for agricultural seed as defined in § 3.1-263 of the Code of Virginia shall be a size of which 97% by weight of whole seed shall pass over a 16/64 inch screen and none shall pass through a 14/64 inch screen.

§ 18. Minimum germination standard for peanut seed.

Peanuts for agricultural seed as defined in § 3.1-263 of the Code of Virginia shall have a 75% minimum total germination.

VIRGINIA ALCOHOLIC BEVERAGE CONTROL BOARD

Title of Regulation: VR 125-01-2. Advertising.

Statutory Authority: § 4-11 of the Code of Virginia.

Effective Date: November 12, 1986.

Summary:

The amendment to § 3 will remove the limit of two

directional signs to any farm winery or winery with a winery off premises license, which may also include tour information. Wineries will be allowed to have as many directional signs as the state and local rules, regulations and ordinances permit. However, the dimensions of these signs are limited to eight feet in height and width. The amendment also deletes the word "Bar" in subsection B.2.

The amendments to § 9 will allow beer and wine wholesalers to attach refund coupon pads on holders to case cards at the retail premises, if done for all retail licensees equally and after obtaining the consent, which may be a continuing consent, of each retailer or his representative; and will limit the value of spirits, wine or beer refund coupons to not more than 50% of the normal retail price.

VR 125-01-2. Advertising.

§ 3. Advertising; exterior, signs, trucks, uniforms.

Outdoor alcoholic beverage advertising shall be limited to signs and is otherwise discretionary except as follows:

A. Manufacturers and wholesalers, including wineries and farm wineries:

1. No more than one sign upon the licensed premises, no portion of which may be higher than 30 feet above ground level on a wholesaler's premises;

2. No more than two signs, which must be directional in nature, not farther than 1/2 mile from the licensed establishment limited in dimension to eight feet in height or width, with advertising limited to brand names;

3. If the establishment is a winery also holding a winery off-premises license or is a farm winery, ~~no more than two~~ additional directional signs limited in dimensions to eight feet in height or width *with advertising limited to brand names, [and tour information,] may be erected in accordance with state and local rules, regulations and ordinances .*

4. Only on vehicles and uniforms of persons employed exclusively in the business of a manufacturer or wholesaler.

B. Retailers, including mixed beverage licensees, other than carriers and clubs:

1. No more than two signs at the establishment and, in case of establishments at intersections, three signs, the advertising on which, including symbols approved by the United States Department of Transportation relating to alcoholic beverages, shall be limited to 12 inches in height or width and not animated and, in the case of signs remote from the premises, subordinate to the main theme and substantially in

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conformance with the size and content of advertisements of other services offered at the establishment.

2. Limited only to words and terms appearing on the face of the license describing the privileges of the license and, where applicable: "Mixed Drinks," "Mixed Beverages," "Cocktails," "Exotic Drinks," "Polynesian Drinks," "Cocktail Lounge," "Liquor," "Spirits" and not including any reference to or depiction of ["Bar,"] "Bar Room," "Saloon," "Speakeasy," "Happy Hour" or references or depictions of similar import nor to prices of alcoholic beverages, including references to "special" or "reduced" prices or similar terms when used as inducements to purchase or consume alcoholic beverages.

§ 9. Advertising; coupons.

Coupons may be advertised in accordance with the following conditions and restrictions:

A. Manufacturers of spirits, wine and beer may use only refund, not discount coupons. The coupons may not exceed 50% of the normal retail price and may not be honored at a retail outlet but must be mailed directly to the manufacturer or its designated agent. Such agent may not be a wholesaler or retailer of alcoholic beverages. Coupons are permitted in the print media, by direct mail to consumers or as part of, or attached to, the package. Coupons may be part of, or attached to, the package only if the winery or brewery put them on at the point of manufacture; however, [beer and] wine wholesalers may attach coupon pads on holders to case cards at the retail premises, if done for all retail licensees equally and after obtaining the consent, which may be a continuing consent, of each retailer or his representative. Wholesale Licenses in Virginia may not put them on the package at the wholesale premises and coupons may not be shipped in the case to retailers.

B. Manufacturers offering coupons on distilled spirits and wine sold in state government stores must notify the board at least 45 days in advance of issuance of the coupons of its amount, its expiration date and the area of the state Commonwealth in which it will be primarily used, if not used statewide.

C. Wholesale licensees of the board are not permitted to offer coupons.

D. Retail licensees of the board may offer coupons on wine and beer sold for off-premises consumption. Retail licensees may offer coupons in the print media, at the point-of-sale or by direct mail to consumers. Coupons offered by retail licensees must appear in an advertisement with nonalcoholic merchandise and conform in size and content to the advertising of such merchandise.

E. No retailer may be paid a fee by manufacturers or wholesalers of alcoholic beverages for display or use of

coupons; the name of the retail establishment may not appear on any coupons offered by manufacturers and no manufacturer or wholesaler may furnish any coupons or materials regarding coupons to retailers.

F. Retail licensees or employees thereof may not receive refunds on coupons obtained from the packages before sale at retail.

G. No coupons may be honored for any individual below the legal age for purchase.

* * * * *

Title of Regulation: VR 125-01-3. Tied-House.

Statutory Authority: § 4-11 of the Code of Virginia.

Effective Date: November 12, 1986.

Summary:

The amendments to § 2 will allow wholesalers to move the merchandise of other wholesalers; (i) when the products of one wholesaler have been erroneously placed in an area previously assigned by the retailer to another wholesaler, and (ii) when a floor display area previously assigned by the retailer to one wholesaler has been reassigned by the retailer to another retailer. This allows wholesalers flexibility to move other wholesalers' merchandise in order to place their stock in its assigned position in the retail establishment. It allows wholesalers to mark or affix retail prices to their cut case cards; and will make the regulation applicable to wine as well as beer. It will allow wholesalers to exchange their wines, on an identical quantity, brand and package basis, for quality control purposes.

The amendment to § 6 will eliminate the requirement that wholesalers report to the board on or before the 15th day of each month any invalid checks received during the preceding month when no invalid check have been received.

The amendments to § 9 will permit wine wholesalers, bottlers and manufacturers to sell wine tapping equipment to retailers and to distribute wine clip-ons and table tents to retailers. The amendments would also permit the beer industry to use cut case cards as their wine counterparts are already doing. These amendments also set the limits on how the above activities may be conducted. The amendment adds a subsection to B.c., mechanical refrigeration equipment. It also adds a new subsection C. which permits beer tapping equipment to be converted to wine tapping equipment by beer wholesalers provided that such beer wholesaler is also a wine wholesaler licensee at the time such equipment is converted; it must be sold or have previously been sold to the retail licensee at a price not less than the initial purchase price paid

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by such wholesaler.

The amendment to § 10 expands the regulation to encompass manufacturers so that manufacturers, like wholesalers, may provide routine business entertainment to retailers.

VR 125-01-3. Tied-House.

§ 2. Rotation and exchange of stocks of retailers by wholesalers; permitted and prohibited acts.

A. Permitted acts. For the purpose of maintaining the freshness of the stock and the integrity of the products sold by him, a wholesaler may perform, except on Sundays, the following services for a retailer upon consent, which may be a continuing consent, of the retailer:

1. Rotate, repack and rearrange wine or beer in a display (shelves, coolers, cold boxes, and the like, and floor displays in a sales area).
2. Restock beer and wine.
3. Rotate, repack, rearrange and add to his own stocks of wine or beer in a storeroom space assigned to him by the retailer.
4. Transfer beer and wine between storerooms, between displays, and between storerooms and displays.
5. Create or build original displays using wine or malt beverage products only.
6. Exchange beer or wine, for quality control purposes, on an identical quantity, brand and package basis. Any such exchange shall be documented by the word "exchange" on the proper invoice.

B. Prohibited acts. A wholesaler may not:

1. Alter or disturb in any way the merchandise sold by another wholesaler, whether in a display, sales area or storeroom, *except in the following cases:*
 - a. *When the products of one wholesaler have been erroneously placed in the area previously assigned by the retailer to another wholesaler;*
 - b. *When a floor display area previously assigned by a retailer to one wholesaler has been reassigned by the retailer to another wholesaler.*
2. Mark or affix retail prices to products. [*with exception of out case cards*].
3. Sell or offer to sell alcoholic beverages to a retailer with the privilege of return, except for ordinary and usual commercial reasons as set forth below:

a. Products defective at the time of delivery may be replaced;

b. Products erroneously delivered may be replaced or money refunded;

c. Resaleable draft beer or beverages may be returned and money refunded;

d. Products in the possession of a retail licensee whose license is terminated by operation of law, voluntary surrender or order of the board may be returned and money refunded upon permit issued by the board;

e. Products which have been condemned and are not permitted to be sold in this state may be replaced or money refunded upon permit issued by the board;

f. Beer or wine may be exchanged on an identical quantity, brand or package basis for quality control purposes.

§ 6. Certain transactions to be for cash; "cash" defined, reports by sellers; payments to the board.

A. Generally. Sales of wine, beer or beverages between wholesale and retail licensees of the board shall be for cash paid and collected at the time of or prior to delivery, and each invoice covering such a sale or any other sale shall be signed by the purchaser at the time of delivery.

B. "Cash," defined. "Cash," as used in this section, shall include legal tender of the United States, a money order issued by a duly licensed firm authorized to engage in such business in Virginia or a valid check drawn upon a bank account in the name of the licensee or in the trade name of the licensee making the purchase.

C. Checks and money orders. If a check or money order is used, the following provisions apply:

1. If only alcoholic beverage merchandise is being sold, the amount of the check or money order shall be no larger than the purchase price of the alcoholic beverage or beverages.
2. If nonalcoholic merchandise is also sold to the retailer, the check or money order may be in an amount no larger than the total purchase price of the alcoholic beverages and nonalcoholic beverage merchandise. A separate invoice shall be used for the nonalcoholic merchandise and a copy of it shall be attached to the copies of the alcoholic beverage invoices which are retained in the records of the wholesaler and the retailer.

D. Reports by seller. Wholesalers shall report to the board on or before the ~~thirteenth~~ 15th day of each month

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any invalid checks received during the preceding month in payment of wine, beer or beverages. Such reports shall be upon a form provided by the board and in accordance with the instructions set forth in such form and if no invalid checks have been received, ~~the report shall so indicate~~ *no report shall be required*.

E. Payments to the board. Payments to the board for the following items shall be for cash as herein defined:

1. State license fees.
2. Purchases of alcoholic beverages from the board by mixed beverage licensees.
3. Wine taxes collected pursuant to § 4-22.1 of the Code of Virginia.
4. Registration and certification fees collected pursuant to these regulations.
5. Monetary penalties and costs imposed on licensees by the board.
6. Forms provided to licensees at cost by the board.

§ 9. Inducements to retailers; tapping equipment; bottle or can openers; banquet licenses; cut case cards; *clip-ons and table tents*.

A. Beer tapping equipment. Any manufacturer, bottler or wholesaler may sell, rent, lend, buy for or give to any retailer, without regard to the value thereof, the following:

1. Draft beer knobs, containing advertising matter which must include the brand name and may further include only trademarks, housemarks and slogans and shall not include any illuminating devices or be otherwise adorned with mechanical devices which are not essential in the dispensing of draft beer.
2. Tapping equipment, defined as all the parts of the mechanical system required for dispensing draft beer in a normal manner from the carbon dioxide tank through the beer faucet excluding the following:
 - (a) The carbonic acid gas in containers, except that such gas may be sold only at the reasonable open market price in the locality where sold;
 - (b) Gas pressure gauges (may be sold at cost);
 - (c) Draft arms or standards;
 - (d) Draft boxes;
 - (e) Refrigeration equipment or components thereof.

Further, a manufacturer, bottler or wholesaler may sell, rent or lend to any retailer, for use only by a purchaser of draft beer in kegs or barrels from such

retailer, whatever tapping equipment may be necessary for the purchaser to extract such draft beer from its container.

B. Wine tapping equipment. Any manufacturer, bottler or wholesaler may sell to any retailer and install in the retailer's establishment tapping accessories such as standards, faucets, rods, vents, taps, tap standards, hoses, cold plates, washers, couplings, gas gauges, vent tongues, shanks, and check valves, if the tapping accessories are sold at a price not less than the cost of the industry member who initially purchased them, and if the price is collected within 30 days of the date of sale.

Wine tapping equipment shall not include the following:

- (a) Draft wine knobs, which may be given to a retailer;
- (b) Carbonic acid gas, nitrogen gas, or compressed air in containers, except that such gases may be sold in accordance with the reasonable open market prices in the locality where sold and if the price is collected within 30 days of the date of the sales.

[(c) Mechanical refrigeration equipment.]

[C. Any beer tapping equipment may be converted for wine tapping by the beer wholesaler who originally placed the equipment on the premises of the retail licensee provided that such beer wholesaler is also a wine wholesaler licensee. Moreover, at the time such equipment is converted for wine tapping, it must be sold, or have previously been sold, to the retail licensee at a price not less than the initial purchase price paid by such wholesaler.]

B. [~~C. D.~~] Bottle or can openers. Any manufacturer, bottler or wholesaler of wine or beer may sell or give to any retailer beer bottle or can openers upon which advertising matter regarding alcoholic beverages may appear, provided the wholesale value of any such openers given to a retailer by an individual manufacturer, bottler or wholesaler does not exceed ~~\$1~~ \$2. Openers in excess of ~~\$1~~ \$2 in wholesale value may be sold, provided the reasonable open market price is charged therefor.

C. [~~D. E.~~] Banquet licensees. Manufacturers or wholesalers of wine or beer may sell at the reasonable wholesale price to banquet licensees paper or plastic cups upon which advertising matter regarding wine or beer may appear.

D. [~~E. F.~~] Cut case cards. Any manufacturer, bottler or wholesaler of wine or beer may sell, lend, buy for or give to any retailer of wine or beer cut case cards, which are defined as promotional, *nonmechanical*, two-dimensional printed matter no larger than double the largest single dimension of the case product to which they refer ~~and supported entirely by the case~~, for use in displaying and advertising in the interior of his establishment other than

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in show exterior windows, the sale of [beer or] wines having an alcoholic content of 21% or less by volume, provided such manufacturer, bottler or wholesaler in furnishing such cards conforms with the regulations of the appropriate federal agency, relating to inside signs. Such printed matter must be supported by or affixed to, and be an integral part of, the case display. Such printed matter may be supported by a device other than the case itself. With the consent of the retail licensee, which may be a continuing consent, a wholesaler may mark or affix retail prices on such cut case cards.

[F. G.] Wine clip-ons and table tents. Any manufacturer, bottler or wholesaler of wine may sell, lend, buy for or give to any retailer of wine, clip-ons and table tents containing the listing of not more than four wines.

E. [G. H.] A retail licensee who consents to any violation of this section shall also be in violation.

§ 10. Routine business entertainment; definition; permitted activities; conditions.

A. Generally. Nothing in these regulations shall prohibit a wholesaler or manufacturer of alcoholic beverages licensed in Virginia from providing to a retail licensee of the board "routine business entertainment" which is defined as those activities enumerated in subsection B. below.

B. Permitted activities.

1. Meals and beverages;
2. Concerts, theatre and arts entertainment;
3. Sports participation and entertainment;
4. Entertainment at charitable events; and
5. Private parties.

C. Conditions. The following conditions apply:

1. Such routine business entertainment shall be provided without a corresponding obligation on the part of the retail licensee to purchase alcoholic beverages or to provide any other benefit to such wholesaler or manufacturer or to exclude from sale the products of any other wholesaler or manufacturer.
2. Wholesaler or manufacturer personnel shall accompany the personnel of the retail licensee during such business entertainment.
3. Except as is inherent in the definition of routine business entertainment as contained herein, nothing in this regulation shall be construed to authorize the providing of property or any other thing of value to retail licensees.

4. Routine business entertainment that requires overnight stay is prohibited.

5. Manufacturers of alcoholic beverages shall not entertain retail licensees nor assist a wholesaler in providing entertainment to retail licensees.

6. 5. No more than \$200 may be spent per 24-hour period on any employee of any retail licensee, including a self employed sole proprietor, or, if the licensee is a partnership, on any partner or employee thereof, or if the licensee is a corporation, on any corporate officer, director, shareholder of 10% or more of the stock or other employee, such as a buyer. Expenditures attributable to the spouse of any such employee, partner or stockholder, and the like, shall not be included within the foregoing restrictions.

7. 6. No person enumerated in subsection [B.6. C.5] above may be entertained more than six times by a wholesaler and six times by a manufacturer per calendar year.

8. 7. Wholesale licensees and manufacturers shall keep complete and accurate records for a period of three years of all expenses incurred in the entertainment of retail licensees. These records shall indicate the date and amount of each expenditure, the type of entertainment activity and retail licensee entertained.

9. 8. This regulation shall not apply to personal friends of wholesalers as provided for in VR 125-01-7 § 10 (formerly § 43).

* * * * *

Title of Regulation: VR 125-01-4. Requirements for Product Approval.

Statutory Authority: § 4-11 of the Code of Virginia.

Effective Date: November 12, 1986.

Summary:

The amendment will permit artificial coloring in wine coolers containing 14% or less alcohol by volume and sangria-type wines. The final regulation is the same as the proposed regulation.

VR 125-01-4. Requirements for Product Approval.

§ 2. Wines, qualifying procedures; disqualifying factors; samples; exceptions.

A. Qualifying procedures. All wines sold in the state Commonwealth shall be first approved by the board as to content, container and label.

1. A certification acceptable to the board or on a form prescribed by the board describing the

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merchandise may accompany each new brand and type of wine offered for sale in the state *Commonwealth*. A certification fee and a registration fee in such amounts as may be established by the board shall be included with each new certification.

2. In lieu of the aforementioned certification, there shall be submitted a sample and registration and analysis fees in such amounts as may be established by the board; provided, however, that wine already offered for sale by another state with which this state *Commonwealth* has an analysis and certification exchange agreement and wine sold through government stores shall be subject only to a registration fee in such amount as may be established by the board.

3. All wine sold in this state *Commonwealth* shall conform with regulations adopted by the appropriate federal agency, relating to labels, definitions and standards of identity. Applicants shall submit a certified copy of the approval of the label by such federal agency.

4. Subsequent sales under an approved label shall conform to the certification and analysis of the wine originally approved by the board.

5. The board may approve a wine without benefit of a certification or analysis for good cause shown. Good cause includes, but is not limited to, wine which is rare.

B. Disqualifying factors as to contents. While not limited thereto, the board shall withhold approval of any wine:

1. Which is an imitation or substandard wine as defined under regulations of the appropriate federal agency;

2. To which fruit juice, or artificial coloring has been added, except fruit juice *and artificial coloring* may be contained in wine coolers containing 14% or less alcohol by volume and in sangria-type wines;

3. If the alcoholic content exceeds 21% by volume;

4. Which is a wine cocktail containing any ingredient other than wine.

C. Disqualifying factors as to labels. While not limited thereto, the board shall withhold approval of any label:

1. Which contains the name of a cocktail generally understood to contain spirits;

2. Where the name of a state is used as a designation of the type of wine, but the contents do not conform to the wine standards of that state;

3. Which contains the word "cocktail" without being

used in immediate conjunction with the word "wine" in letters of the same dimensions and characteristics, except labels for sherry wine;

4. Which contain the word "fortified" or implies that the contents contain spirits, except that the composition and alcoholic content may be shown if required by regulations of an appropriate federal agency.

5. Which contains any subject matter or illustration of a lewd, obscene or indecent nature.

6. Which contains subject matter designed to induce minors to consume alcoholic beverages, or is suggestive of the intoxicating effect of wine;

7. Which contains any reference to a game of chance;

8. Which contains any design or statement which is likely to mislead the consumer.

D. Samples. A person holding a license as a winery, farm winery or a wholesale wine distributor shall upon request furnish the board without compensation a reasonable quantity of such brand sold by him for chemical analysis; provided, however, that the board may require recertification of the merchandise involved in lieu of such a sample. A fee in such amount as may be established by the board shall be included with each recertification.

E. Exceptions. Any wine whose content, label or container does not comply with all requirements of this section shall be exempt therefrom provided that such wine was sold at retail in this state *Commonwealth* as of December 1, 1960, and remains the same in content, label and container.

* * * * *

Title of Regulation: VR 125-01-5. Retail Operations.

Statutory Authority: § 4-11 of the Code of Virginia.

Effective Date: November 12, 1986.

Summary:

The amendment to § 2 sets forth that identification cards for a college or university may not be used as bona fide proof of age for purchase of alcoholic beverages.

The amendment to § 17 will provide guidelines and clarifications concerning requirements for a mixed beverage caterer's license.

VR 125-01-5. Retail Operations.

§ 2. Determination of legal age of purchaser.

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A. In determining whether a licensee, or his employee or agent, has reason to believe that a purchaser is not of legal age, the board will consider, but is not limited to, the following factors:

1. Whether an ordinary and prudent person would have reason to doubt that the purchaser is of legal age based on the general appearance, facial characteristics, behavior and manner of the purchaser.
2. Whether the seller demanded, was shown and acted in good faith in reliance upon bona fide evidence of legal age, as defined herein, and that evidence contained a photograph and physical description consistent with the appearance of the purchaser.

B. Such bona fide evidence of legal age shall include a valid Virginia operator's or chauffeur's license, a valid operator's or chauffeur's license issued by any other state or the District of Columbia, Armed Forces identification card, United States passport or foreign government visa, valid special identification card issued by the Virginia Division of Motor Vehicles, or any valid identification issued by any other federal or state government agency which identification contains a photograph and signature of the subject, with the subject's height, weight and date of birth. Valid identification cards issued by a college or university which contains a photograph and signature of the subject, with the subject's height, weight, and date of birth, shall also be deemed bona fide evidence of legal age.

C. It shall be incumbent upon the licensee, or his employee or agent, to scrutinize carefully the identification, if presented, and determine it to be authentic and in proper order. Identification which has been altered so as to be apparent to observation or has expired shall be deemed not in proper order.

§ 17. Caterer's license.

A. *Qualifications.* Pursuant to § 4-98.2 (e) of the Code of Virginia the board may grant a caterer's license to any person:

1. Engaged on a regular basis in the business of providing food and beverages to persons for service at private gatherings, or at special events as defined in § 4-2 of the Code of Virginia or as provided in § 4-98.2(c) of the Code of Virginia; and
2. With an established place of business with catering gross sales average of at least \$5,000 per month and who has complied with the requirements of the local governing body concerning sanitation, health, construction or equipment and who has obtained all local permits or licenses which may be required to conduct such a catering business.

B. *Privileges.* The license authorizes the following:

1. The purchase of spirits, vermouth and wine produced by farm wineries from the board.
2. The purchase of wine and cider from licensed wholesalers or farm wineries or the purchase of beer or 3.2 beverages from licensed wholesalers.
3. The retail sale of alcoholic beverages or mixed beverages to persons who sponsor the private gatherings or special events described in subsection A. above or directly to persons in attendance at such events. No banquet or mixed beverage special events license is required in either case.
4. The storage of alcoholic beverages purchased by the caterer at the established and approved place of business.

C. *Restrictions and conditions.* In addition to other applicable statutes and regulations of the board, the following restrictions and conditions apply to persons licensed as caterers:

1. Alcoholic beverages may be sold only for on-premises consumption to persons in attendance at the gathering or event.
2. The records required to be kept by § 9 of VR 125-01-7 shall be maintained by caterers. If the caterer also holds other alcoholic beverages licenses he shall maintain the records relating to his caterer's business separately from the records relating to any other license additionally, the records shall include the date, time and place of the event and the name and address of the sponsoring person or group of each event catered.
3. The annual gross receipts from the sale of food cooked and prepared for service at gatherings and events referred to in this regulation and nonalcoholic beverages served there shall amount to at least 45% of the gross receipts from the sale of alcoholic beverages, mixed beverages, beverages as defined in § 4-99 of the Code of Virginia, and food.
4. The caterer shall notify the board in writing at least two calendar days in advance of any events to be catered under his license for the following month. The notice shall include the date, time, location and address of the event and the name of the sponsoring person, group, corporation or association.
5. Persons in attendance at a private event at which alcoholic beverages are served but not sold under the caterer's license may keep and consume their own lawfully acquired alcoholic beverages.
6. The private gathering referred to in subsection A. above shall be a social function which is attended only by persons who are specifically and individually invited by the sponsoring person or organization, not

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the caterer.

7. The licensee shall insure that all functions at which alcoholic beverages are sold are ones which qualify for a banquet license, for a special event license, or a mixed beverage special events license. Licensees are entitled to all services and equipment now available under a banquet license from wholesalers.

8. A photocopy of the caterer's license must be present at all events at which the privileges of the license are exercised.

9. The caterer's license shall be considered a retail license for purposes of § 4-79 of the Code of Virginia.

Title of Regulation: VR 125-01-6. Manufacturers and Wholesalers Operators.

Statutory Authority: § 4-11 of the Code of Virginia.

Effective Date: November 12, 1986.

Summary:

The amendments to § 4 will eliminate federal, state and municipal bonds in lieu of surety for wholesale wine distributors, and provide for a waiver of bond and surety by wholesale wine distributors, if requested in writing and granted by the board.

The amendment to § 6 is to require that all persons, who apply for the 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 the Commonwealth along with a corresponding list of the names of the owners of such brands and a 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. The final regulations are the same as the proposed regulations.

VR 125-01-6. Manufacturers and Wholesalers Operators.

§ 4. Indemnifying bond required of wholesale wine distributors.

No wholesale wine distributor's license shall be issued unless there shall be on file with the board an indemnifying bond running to the Commonwealth of Virginia in the penalty of \$1,000, with the licensee as principal and some good and responsible surety company authorized to transact business in the Commonwealth of Virginia as surety, conditioned upon the faithful compliance with requirements of the Alcoholic Beverage Control Act and

the regulations of the board.

A wholesale wine distributor may request in writing a waiver of the surety and the bond by the board. If the waiver is granted, the board may withdraw such waiver of surety and bond at any time for due cause.

In lieu of surety on the aforesaid bond, a licensee may deposit with the board as security for the performance of the conditions of the bond, United States government bonds, Commonwealth of Virginia bonds, or the bonds of any municipality or county in the State.

§ 6. Wine or beer importer licenses; conditions for issuance and renewal.

In addition to complying with the requirements of § 4-25(g) of the Code of Virginia relating to wine importers' licenses, and of § 4-25(e) of the Code of Virginia, relating to beer importers' licenses, and to other requirements of law applying to board licensees generally, all persons applying to the board for the issuance or renewal of a wine or beer importer's license shall file with the board a list of the brands of wine or beer they intend to sell and deliver or ship into this state Commonwealth, along with a corresponding list of the names of the owners of such brands and a copy of the written permission of the brand owner, or its duly designated agent, authorizing such applicant to sell or deliver or ship the indicated brands of wine or beer into this state Commonwealth. In the event that, subsequent to the issuance or renewal of a wine or beer importer's license, the licensee makes arrangements to sell and deliver or ship additional brands of wine or beer into this state Commonwealth, the licensee shall make a supplemental filing with the board identifying such additional brands and brand owners providing the required evidence of authorization by the brand owner, or its duly designated agent, for the licensee to sell and deliver or ship such additional brands of wine or beer into this state Commonwealth.

Title of Regulation: VR 125-01-7. Other Provisions.

Statutory Authority: § 4-11 of the Code of Virginia.

Effective Date: November 12, 1986.

Summary:

The amendment will eliminate the requirement of a transportation permit, which is currently required to accompany the shipment of alcoholic beverages to the permittee. With this amendment only one yearly permit for transportation will be required. In lieu of this requirement, the permittees shall submit a valid copy of the invoice covering the transaction to the board. This amendment will also eliminate references to "markup" and replace "markup" with "permit fee". The final regulation is the same as the proposed

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regulation.

VR 125-01-7. Other Provisions.

§ 6. Alcoholic beverages for hospitals, industrial and manufacturing users.

A. Permits. The board may issue a yearly permit authorizing the shipment and transportation direct to the permittee of orders placed by the board for alcohol or other alcoholic beverages for any of the following purposes:

1. For industrial purposes.
2. For scientific research or analysis.
3. For manufacturing articles allowed to be manufactured under the provisions of § 4-48 of the Code of Virginia.
4. For use in a hospital or home for the aged (alcohol only).

Upon receipt of alcohol or other alcoholic beverages, one copy of the bill of lading or shipping invoice, accurately reflecting the date received and complete and accurate records of the transaction, shall be forwarded to the board by the permittee.

The application for such permits shall be on forms provided by the board.

B. Permit fees and markup. Applications for alcohol shall be accompanied by a fee of \$10, where the order is in excess of 110 gallons during a calendar year, or a fee of \$5.00 for lesser amounts. Applications for other alcoholic beverages shall be accompanied by a markup fee of 5.0% of the delivered cost to the place designated by the permittee. No fee or markup shall be charged agencies of the United States or of the Commonwealth of Virginia or eleemosynary institutions.

C. Storage. A person obtaining a permit under this section shall:

1. Store such alcohol or alcoholic beverages in a secure place upon the premises designated in the application separate and apart from any other articles kept on such premises.
2. Maintain accurate records of receipts and withdrawals of alcohol and alcoholic beverages.
3. Furnish to the board within 10 days after the end of calendar year for which he was designated a permittee a statement setting forth the amount of alcohol or alcoholic beverages on hand at the beginning of the previous calendar year, the amount purchased during the year, the amount withdrawn during the year, and the amount on hand at the end

of the year.

D. Refusal of permit. The board may refuse to designate a person as a permittee if it shall have reasonable cause to believe either that the alcohol or alcoholic beverages would be used for an unlawful purpose, or that any cause exists under § 4-31 of the Code of Virginia for which the board might refuse to grant the applicant any license.

E. Suspension or revocation of permit. The board may suspend or revoke the designation as a permittee if it shall have reasonable cause to believe that the permittee has used or allowed to be used any alcohol or alcoholic beverages obtained under the provisions of this section for any purpose other than those permitted under the Code of Virginia, or has done any other act for which the board might suspend or revoke a license under § 4-37 of the Code of Virginia.

F. Access to storage and records. The board and its agents shall have free access during business hours to all places of storage and records required to be kept pursuant to this section for the purpose of inspection and examining such place and such records.

DEPARTMENT OF COMMERCE

Title of Regulation: VR 190-01-1. Rules and Regulations Governing Employment Agencies.

Statutory Authority: § 54-872.23:1 of the Code of Virginia.

Effective Date: November 13, 1986.

Summary:

The final amendments to § 1.4 were necessary to comply with § 54-1.28:1 of the Code of Virginia, increasing the annual renewal fee from \$55.00 to \$170.00.

The regulation applies directly to approximately 114 licensed employment agencies. The anticipated impact of the fee increase to licenses is \$13,110 annually.

VR 190-01-1. Rules and Regulations Governing Employment Agencies.

PART I. GENERAL.

§ 1.1. Definitions.

The following definitions shall apply in these regulations unless the context clearly requires a different meaning.

~~1.1.1~~ "Agency" means an employment agency.

~~1.1.2~~ "Appointment" means an arrangement for a

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meeting between an applicant and an employer made by an employment agency.

1.1.3 "Board" means the Board of Commerce.

1.1.4 "Department" means the Department of Commerce.

"Employment Agency" means any person who advertises through any means for the purpose of assigning or directing a person to some other employer to work and charges any fee or commission for such service. These regulations do not apply to (i) persons engaged exclusively in the business of providing part-time or temporary personnel or business services to or for others and under their direction so long as the individuals provided to perform such services remain for all purposes the employee of such persons; (ii) migratory farm labor where otherwise provided for by law; (iii) fee-paid agencies where the employee placement fee is paid by the employer and there is no liability on the part of the applicant; and (iv) services that involve an injured employee, as defined by § 65.1-4 of the Code of Virginia, which services are essentially rehabilitative in nature and where fees are paid by a third party and there is no liability on the part of the employee.

1.1.5 "Job applicant" means any person who seeks employment.

1.1.6 "Job order" means a bona fide employer request for applicant referrals for a position.

§ 1.2. Out-of-state license.

Any out-of-state person, firm, corporation, partnership, or association who charges a fee to an applicant must shall obtain an employment agency license and bond if the agents, managers, or counselors are in Virginia or come into Virginia for the purpose of doing business as an employment agency through recruitment, search, counseling, or placement activities, whether such operation is conducted within the Commonwealth from a permanent or temporary place of business.

§ 1.3. Initial license.

Each application for initial license must be accompanied by a fee of \$300, paid by check to the Treasurer of Virginia.

§ 1.4. Renewal of license.

Licenses issued under these regulations shall expire on January 1 of each year. Each licensee shall renew the license by submitting a fee of ~~\$55~~ \$170, made payable to the Treasurer of Virginia, to the Director of the Department of Commerce. The renewal fee is to be paid by January 2 of each year. At least 45 days prior to the expiration date, a renewal notice shall be mailed to each licensee as a reminder of the amount due and the method for renewal. Failure to receive written notice does not

relieve the licensee from the requirement to renew.

§ 1.5. Failure to renew.

If the licensee fails to renew the license within one month following the expiration date of the last valid license, he will shall be required to pay a renewal fee that shall be an amount equal to twice the regular renewal fee.

Any licensee failing to renew the license within 6 months after it expires must reapply for the license, as no renewals will be accepted. The applicant will be required to present reasons why the license should be renewed and the Department, in its discretion, may grant a renewal license or require requalification or reexamination, or both.

The date a fee is received by the Department of Commerce, or its agent, will be used to determine whether a penalty fee or the requirement for reinstatement of a license is applicable for each fee received.

PART II. ENTRY REQUIREMENTS.

§ 2.1. Denial, suspension and revocation.

No license shall be granted to any applicant or controlling person who is not at least eighteen years of age.

§ 2.2. Denial due to felony conviction.

When considering the denial, suspension or revocation of an employment agency license on the grounds that the licensee has been convicted of a felony involving fraud or theft, the department, in evaluating the rehabilitation and present eligibility of such person, shall consider the following criteria:

2.2.1 1. Nature and severity of the offense(s).

2.2.2 2. Total criminal record.

2.2.3 3. Time that has elapsed since commission of the offense(s).

2.2.4 4. Extent to which the person has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against him.

2.2.5 5. Evidence, if any, of rehabilitation submitted by the person.

PART III. STANDARDS OF PRACTICE.

§ 3.1. Contracts, signature.

The contract shall state in bold face letters above the

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signature line: "I HAVE READ AND UNDERSTAND THE ABOVE CONTRACT AND HAVE RECEIVED A DUPLICATE OF THE CONTRACT."

§ 3.2. Contracts, information.

The name, address and telephone number of the agency must shall appear on the contract or agreement.

~~3.2.1~~ The contract shall state in a prominent place, in bold face letters, "Licensed by the Department of Commerce, State Commonwealth of Virginia, telephone number 1-800-552-3016."

~~3.2.2~~ Obligation - The applicant is not obligated to accept any position of employment as a result of a referral by an employment agency.

~~3.2.3~~ Acceptance - The term shall mean the commencement of work or an agreement between the applicant and the employer for the applicant to commence work on a fixed date at an agreed remuneration evidenced in writing and dated by the applicant.

§ 3.3. Bonding required.

Each location (branch) of an employment agency shall be bonded in the sum of five thousand dollars for \$ 5,000

§ 3.4. Advertising, general.

All advertising must shall include the name and address under which the agency does business.

§ 3.5. "False and misleading" advertising.

Advertising deemed false and misleading shall include, but not be limited to, advertising failing to conform to the following requirements:

~~3.5.1~~ 1. Advertisements must shall be worded so as not to mislead the applicant regarding the position advertised or the necessary qualifications.

~~3.5.2~~ 2. No salary shall appear in an advertisement except the one appearing in the actual job order. When the top of the salary range is quoted, it must shall be preceded by the word "to."

~~3.5.3~~ 3. The word "open" or the symbols "\$\$\$" or words and symbols of similar import~~ance~~ import may not be used as a substitute for the salary of any position or positions in an advertisement.

~~3.5.4~~ 4. In group advertisements containing both employer pays fee and applicant pays fee listings, if source of fee is indicated for one job it must shall be indicated for all.

~~3.5.5~~ 5. In accepting a job order from an employer,

the agency should determine whether the employer is quoting a "guaranteed" salary or one based on anticipated commissions ~~and/~~ or bonuses, or both. If a salary advertised is based entirely or partially on a bonus ~~and/~~ or commission, or both, the advertisement must shall so state this.

§ 3.6. Advertising as "free" or "no fee."

No employment agency shall advertise its services as free or no fee if the applicant is to assume any liability or contingent liability for any fees.

§ 3.7. Continuous job orders.

When an employer has indicated to any agency that the business has a continuing need in a job category for applicants, the agency may maintain a bona fide "open" job order. The agency is not exempt from the responsibility to make an appointment for the applicant with the employer in filing this type of job order.

§ 3.8. Bona fide applicant referral.

Any applicant referral by an employment agency to an employer for a position is bona fide:

~~3.8.1~~ 1. When the applicant is informed of the job specifications, salary range, name and location of employer, and who will be liable for the employment agency fee; and

~~3.8.2~~ 2. When the employment agency has properly identified itself to the employer as an agent for the applicant; and

~~3.8.3~~ 3. When the employer is informed of the applicant's name and qualifications.

~~3.8.4~~ 4. When the appointment has been made.

§ 3.9. Prohibited referrals.

No employment agency or person employed by or acting as an agent for an employment agency shall misrepresent any position to an applicant.

§ 3.10. Refunds.

All refunds to applicants are due on the thirty-first day after the employment agency has verified termination of employment.

§ 3.11. Permanent positions.

Any position provided by an employment agency to any applicant from whom a fee is to be received shall be considered permanent except under circumstances covered by Virginia Code § 54-872.20 G of the Code of Virginia.

§ 3.12. "No fault of the applicant."

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If an applicant's employment is terminated by the employer, "no fault of the applicant" includes, but is not limited to:

~~3.12.1~~ 1. Closing of the business.

~~3.12.2~~ 2. Receiving from the employer a payroll check which is not honored by the bank upon which it is drawn.

§ 3.13. "Fault of the applicant."

If employment is terminated by the employer, "fault of the applicant" includes, but is not limited to, the following:

~~3.13.1~~ 1. Violating company policies or rules; or

~~3.13.2~~ 2. Failure to perform duties appropriate to employment; or

~~3.13.3~~ 3. Misrepresenting or withholding any requested information that would cause the employer to refuse employment; or

~~3.13.4~~ 4. Failing to fulfill, either temporarily or permanently, the terms of employment because of a felony or misdemeanor conviction after being employed.

§ 3.14. Job not as represented.

"The job is not as represented to the applicant" includes, but is not limited to, the following:

~~3.14.1~~ 1. Working hours, working days or working shift significantly different than agreed upon.

~~3.14.2~~ 2. Location of job significantly different than agreed upon.

~~3.14.3~~ 3. Wage rate or salary less than agreed upon.

~~3.14.4~~ 4. Type of work assignment substantially different than agreed upon.

Exception: An applicant hired as a trainee agrees that the choice of actual assignment remains with the employer.

§ 3.15. Complaints, response.

The employment agency named in a complaint shall have ten working days to respond to the department's notice.

§ 3.16. Criminal proceedings.

In addition to its other powers, the department may bring actions to enjoin violations of these regulations and Article 1 (§ 54-872.16 et seq.) of Chapter 24.2 of Title 54 of the Code of Virginia, subject to the provisions of §§

54-872.25 or 54-872.26 of the Code of Virginia.

§ 3.17. Use of names.

Any person acting in the capacity of an employment counselor shall use his or her real name in compliance with § 59.1-69 of the Code of Virginia dealing with assumed/fictitious names.

§ 3.18. Penalties.

The department may fine, revoke, suspend or fail to renew the license of any employment agency for failing to comply with the provisions of Chapter 24.2 of Title 54 of the Code of Virginia or these regulations.



COMMONWEALTH of VIRGINIA

Department of Commerce
 3600 WEST BROAD STREET, RICHMOND, VIRGINIA 23204 - 6177
 TELEPHONE: (804) 257-4600
 TOLL FREE: 1 (800) 568-3016

APPLICATION FOR EMPLOYMENT AGENCY LICENSE

Initial License Fee: \$300.00

INDIVIDUAL PARTNER CORPORATION
 Check or money order for fee should be made payable to the Treasurer of Virginia
 NOTE: PLEASE PRINT OR USE TYPEWRITER IN COMPLETING THE FOLLOWING: Date _____, 19____

1. Agency Name _____ (as desired on license)

2. Business Address _____ (Office location)

3. Business Post Office Box _____

4. Other Names Operating Under _____ (Trading-as-name)

5. Agency Controlling Person(s)
 (full name) _____ (street address) _____
 (Social Security Number) _____ /Date of Birth/ _____ City, State) _____
 (full name) _____ (street address) _____
 (Social Security Number) _____ /Date of Birth/ _____ City, State) _____
 (full name) _____ (street address) _____
 (Social Security Number) _____ /Date of Birth/ _____ City, State) _____

FOR OFFICE USE ONLY

Board/Occup. Check No.	Amount	ID/Cert. No.	Suffix	Class	Date

EXECUTIVE OFFICER, OWNER, OR PARTNERSHIP INFORMATION (If partnership, each partner must complete separate form)

6. Name _____

7. Residence Address _____ Zip _____ Phone _____

8. Present Age _____ Date of Birth _____

Place of Birth _____

Blacken in the space provided for the questions below if your answer to each question is "yes":

- 9. Have you ever been licensed in any other state as an owner or manager of a Employment Agency?
If answers is "yes," attach an explanation providing full details.
- 10. Has your application for a license as an owner or manager of a business ever been revoked, rejected or suspended for fraud or misrepresentation in this State, or any other State? If yes, attach a full explanation.
- 11. Have you ever been convicted in any court of a felony, fraud or misrepresentation? If yes, attach a full explanation.
- 12. Have you read, and are you fully familiar with the provisions of the Virginia Employment Agency Act?

13. List the names and addresses of three (3) persons (not related to you) who can attest to your reputation for honesty, good moral character, and unreservedly recommend you to the Department of Commerce.

NAME	ADDRESS	YEARS KNOWN	PHONE

AFFIDAVIT

State of _____ ss. _____

County or City of _____

The undersigned being duly sworn deposes and says that he/she is the person who executed this application, that the statements herein contained are true, that he/she has not suppressed any information that might affect this application, and that he/she has read and understands this affidavit.

Subscribed and sworn to before me this _____ day of _____, 19____.

My commission expires: _____

(Signature)
Notary Public

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BOND NO. _____

WHEREAS, _____, located at _____, ("Principal"), and _____, ("Surety") a corporation of the State of _____, lawfully doing business in the Commonwealth of Virginia ("the Commonwealth"), are held and firmly bound unto the Commonwealth in the full sum of Five Thousand Dollars (\$5,000.00), for the payment of which sum, said Principal and Surety bind themselves jointly and severally according to the conditions set forth below.

WHEREAS, the above Principal(s) has requested a license from the Commonwealth for the purpose of engaging in the business of an employment agency.

NOW, THEREFORE, if the Principal shall, during the period that this license is in effect, faithfully observe and honestly comply with the provisions of Virginia Code Sections 54-872.16 through 54-872.26, and shall pay all damages occasioned to any person by reason of any misstatement, misrepresentation, fraud or deceit of that Principal, its agents or employees, then this obligation shall become void. Otherwise this obligation shall remain in full force and effect, subject to the following conditions:

1. The Surety shall have the right to cancel this bond at any time by a written notice, which shall state when the cancellation is to take effect, and shall be hand delivered to, or received by registered mail by, the Oblige at its offices at the Department of Commerce, 3600 West Broad Street, Richmond, Virginia 23230. Such notice shall also be delivered, by the same means, to the Principal, at the address given above, at least sixty (60) days prior to the date that the cancellation becomes effective. It is expressly agreed and understood that the Surety shall remain fully liable for any default hereunder occurring at any time between receipt of the notice by the Oblige and the date that the cancellation becomes effective.
2. This bond shall remain in full force and effect until cancelled as provided above.
3. Any person aggrieved by any act of the Principal which constitutes a violation of the provisions of Virginia Code Sections 54-872.16 through 54-872.26, may proceed against the Principal or Surety on this bond, or both, to recover damages not in excess of the penalty of this bond.

PROVIDED, FURTHER, that in no event shall the Surety be liable for more than the face sum of this bond.

SIGNED, this _____ day of _____, 19____

(Principal)

Witness:
BY _____ (SEAL)

(Principal)

BY _____ (SEAL)

(Principal)

BY _____ (SEAL)

(Principal)

ACKNOWLEDGMENT OF PRINCIPAL

State of Virginia:

I, _____ of _____, to wit: _____, a Notary Public in and for the _____, aforesaid, in the State of Virginia, do certify that _____, whose name(s) is/are _____, signed to the above, personally appeared before me in my _____, aforesaid, and acknowledged the same.

Given under my hand this _____ day of _____, 19____

My commission expires _____

(Notary Public)

Final Regulations

Revised 7/1/84

MODEL CONTRACT

(AGENCY LOGO)
(ADDRESS)
(PHONE)

THIS AGENCY IS LICENSED BY THE DEPARTMENT OF COMMERCE, 3600 WEST BROAD STREET, RICHMOND, VIRGINIA 23230. TELEPHONE NUMBER 1-800-552-3016. IF YOU HAVE QUESTIONS, PLEASE CONTACT THEM.

CONTRACT AND AGREEMENT --- READ CAREFULLY

Obligation - I am not obligated to accept any position of employment as a result of an interview by _____ (AGENCY NAME)

Acceptance of Position - The term shall mean the actual commencement of work or an agreement between the applicant and the employer, for the applicant to begin work on a fixed date at an agreed remuneration evidenced in writing and dated by the applicant.

Completion of Service - The service of the _____ (AGENCY NAME) is to be considered complete when the position is accepted by the applicant.

I hereby request the services of _____ (AGENCY NAME) to assist me in securing permanent employment.

If I accept a position offered me by an employer as a result of an appointment made by _____ (AGENCY NAME), I will pay the full service charge. Even if I fail to report to work as agreed, or voluntarily leave the position, or I lose the position through my own fault, I am still obligated to pay the full service charge.

For permanent employment accepted by me, as a result of an interview made by _____ (AGENCY NAME), I hereby promise to pay a placement fee as follows:

Projected Gross Annual Earnings	Projected Gross Annual Service Charge	Projected		Projected		Projected Gross Annual Service Charge	Projected Gross Annual Earnings	Projected Gross Annual Service Charge	Projected Gross Annual Earnings
		Gross Annual Earnings	Gross Annual Service Charge	Gross Annual Earnings	Gross Annual Service Charge				
\$1300-1999	\$113.22	\$3640-3999	\$332.47	\$5980-6239	\$623.89	\$8320-8579	\$872.48	\$11,000-11,999	\$1,319.89
1600-1819	139.25	3900-4159	358.59	6240-6499	635.15	8560-8839	899.81	12,000-12,999	1,559.88
1820-2079	143.26	4160-4419	381.80	6500-6769	683.67	8840-9099	927.19	13,000-13,999	1,819.87
2080-2339	167.30	4420-4679	418.61	6770-7019	709.62	9100-9359	954.52	14,000-14,999	2,099.86
2340-2599	186.83	4680-4939	443.71	7020-7279	736.64	9360-9616	990.76	15,000-15,999	2,399.85
2600-2859	206.07	4940-5199	468.51	7280-7539	763.70	9620-9879	1027.42	16,000-16,999	2,719.84
2860-3119	227.47	5200-5459	523.17	7540-7799	790.82	9880-10,139	1064.40	17,000-17,999	3,059.83
3120-3379	288.30	5460-5719	553.64	7800-8059	817.99	10,140-10,399	1102.29	18,000-18,999	3,419.82
3380-3639	311.79	5720-5979	579.38	8060-8319	845.21	10,400-10,699	1176.89	19,000-19,999	3,799.81
								20,000 & over	4,000.00

(IMPORTANT NOTE TO AGENCIES - The dollar service charge shown above is only an example; it is not meant to suggest or imply what fees you should charge. It is only a suggested format that shows how to meet the "gross amount" requirement of the law.)

Fee/Service Charge - No fee or service charge may be collected from an applicant who has accepted a job from a company with which the agency did not make an appointment for the applicant.

Employer Paid Fee - If an employer agrees to pay the placement fee, but through no fault of the applicant does not _____ (AGENCY NAME) shall have a right of action against the employer, but not the applicant.

Refunds-Temporary Employment - Employment shall be considered to be temporary when within twelve weeks after employment commences that employment is terminated by the employer through no fault of the applicant or voluntarily by the applicant if the job is not as represented to the applicant. In such event _____ (AGENCY NAME) shall refund to the applicant the portion of the placement fee that exceeds one-twelfth of that fee for each week or portion thereof that the employment continued.

(Agency Section - This section is for any additional statements the agency may wish to take in reference to payment arrangements, credit, confidential information release, interview results, etc.)

(Signature Section) - "I HAVE READ AND UNDERSTAND THE ABOVE CONTRACT AND HAVE RECEIVED A DUPLICATE OF THE CONTRACT."

(APPLICANT SIGN HERE)

(DATE)



COMMONWEALTH of VIRGINIA

Department of Commerce

DAVID R. HATHCOCK
Director

3600 WEST BROAD STREET, RICHMOND, VIRGINIA 23230 - 4917

TELEPHONE: (804) 257-8500
TOLL FREE: 1 (800) 552-3016

CRIMINAL RECORD REQUEST

MAIL TO: Virginia State Police
Division of Records and Statistics
7700 Middlethian Turnpike
P. O. Box 27472
Richmond, VA 23261

The Employment Agency Advisory Board has received an application for licensure for the following individual. Please furnish the Board with any conviction data you may have.

LAST NAME FIRST MIDDLE

RACE SEX BIRTH DATE/MONTH DATE YEAR

PLACE OF BIRTH/COUNTY OR CITY PLACE OF BIRTH/STATE OR COUNTRY

SOCIAL SECURITY NUMBER

REPLY FROM STATE POLICE:

Your cooperation is appreciated.

Roberta L. Banning
Assistant Director
Employment Agencies



COMMONWEALTH of VIRGINIA

Department of Commerce

DAVID R. HATHCOCK
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SOCIAL SECURITY NUMBER

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Your cooperation is appreciated.

Roberta L. Banning
Assistant Director
Employment Agencies

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STATE EDUCATION ASSISTANCE AUTHORITY

Title of Regulation: VR 275-01-1. Regulations Governing the Virginia Guaranteed Student Loan Program and PLUS Loan Program.

Statutory Authority: § 23-38.64 of the Code of Virginia.

Effective Date: December 1, 1986.

Summary:

The State Education Assistance Authority (SEAA) administers the federal Guaranteed Student Loan (GSL) Program and PLUS Program in Virginia, and insures these loans against the death, permanent and total disability, bankruptcy or default of the borrower in exchange for a guarantee fee.

These regulations establish policies governing the administration of the Virginia student loan programs on the part of participating lenders and institutions of higher education.

The Guaranteed Student Loan Program is governed by regulations 34CFR668 and 34CFR682 of the U.S. Department of Education. The PLUS Program is governed by regulations 34CFR668 and 34CFR683 of the U.S. Department of Education. Lenders and schools participating in the Virginia SEAA programs must comply with the requirements set forth in those federal regulations, as well as with SEAA regulations.

This regulation incorporates changes simplifying SEAA requirements of participating out-of-state lenders; permitting lenders to disburse loan proceeds by funds transfer methods other than checks subject to the approval of the U.S. Department of Education; and extending from 120 to 180 days the period of time during which the lender must attempt to collect a delinquent loan before filing a default claim with the SEAA. The latter change is a result of the Consolidated Omnibus Reconciliation Act of 1985. Changes have also been made to simplify and clarify the text as a result of responses which were received during the public comment period.

VR 275-01-1. Regulations Governing the Virginia Guaranteed Student Loan Program and PLUS Loan Program.

PART I. DEFINITIONS.

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

"Bankruptcy" means the judicial action to declare a person insolvent and take his assets, if any, under court administration.

"Capitalization of interest" means the addition of accrued interest to the principal balance of a loan to form a new principal balance.

"Consolidation" means the aggregation of multiple loans into a single loan.

"Default" means a condition of delinquency that persists for 180 days.

"Deferment" means postponement of conversion to repayment status or postponement of installment payments for reasons authorized by statute.

"Delinquency" means the failure to make an installment payment when due, failure to comply with other terms of the [borrower's] note, or failure to make an interest payment when due, when the borrower and the lender have previously agreed to a set interest repayment schedule.

"Disbursement" means the issuance of [a loan check, representing the] proceeds of a GSL or PLUS loan.

"Due diligence" means reasonable care and diligence in processing, making, servicing, and collecting [guaranteed] loans.

["Eligible lender" means any lender approved by the SEAA for participation in the GSL and PLUS programs.]

["Eligible school" means any school approved by the U.S. Department of Education for participation in the GSL and PLUS programs.]

"Endorser" means a person who agrees to share the maker's liability on a note by signing the note or repayment agreement. An endorser is liable only when the maker fails in his responsibility.

"Forbearance" means a delay of repayment of principal [or interest or both,] for a short period of time on terms agreed upon in writing by the lender and the borrower.

"Grace period" means a single continuous period between the date that the borrower ceases at least half-time studies at an eligible school and the time when repayment of his loan must begin.

"Guarantee" means the SEAA's legal obligation to repay the [lender holder] the outstanding principal balance plus accrued interest in case of a duly filed claim for default, bankruptcy, total and permanent disability, or death of the borrower.

"Guarantee fee" means the fee paid to the SEAA in consideration of its guarantee. [Guarantee fees make up the trust fund out of which the SEAA pays its obligations to lenders.]

"Guaranteed Student Loan [(GSL)] Program [(GSL)]"

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means the program established in 1965 under Title IV, Part B, of the Higher Education Act to make low-interest loans available to students to pay for their costs of attending eligible post-secondary schools by providing loan insurance.

"Interest" means the charge made to the borrower for the use of a lender's money.

"Interest benefits" means the payment of interest on behalf of the student GSL borrower by the U.S. Department of Education while the borrower is in school, in grace, or in a period of authorized deferment.

["Lender" means any lender meeting the eligibility requirements of the U.S. Department of Education and having a participation agreement with the SEAA.]

"Participation agreement" means the contract setting forth the rights and responsibilities of the lender and the SEAA.

"Permanent and total disability" means the inability to engage in any substantial gainful activity because of a medically determinable impairment that is expected to continue for a long and indefinite period of time or to result in death.

"PLUS" means the program established in Virginia in July of 1982, that makes long-term low interest loans available to [~~parents of dependent undergraduate students,~~] independent undergraduate students, graduate students [, and parents of dependent undergraduate students,] to help them meet the cost of education.

"Repayment period" means the period of time from the day following the end of the grace period to the time a loan is paid in full or is cancelled due to the borrower's death, total and permanent disability, or discharge in bankruptcy. For PLUS loans, the repayment period normally begins within 60 days after the loan is made.

["School" means any school approved by the U.S. Department of Education for participation in the GSL and PLUS Programs.]

"State Education Assistance Authority (SEAA)" means the designated guarantor for the GSL and PLUS Programs in the Commonwealth of Virginia.

PART II. PARTICIPATION.

§ 2.1. Borrower eligibility.

A. Requirements.

In order to be eligible for a Virginia [~~Guaranteed Student Loan~~ GSL] or PLUS loan, the student/parent borrower shall meet all of the federal eligibility requirements as well as the following criteria:

1. For a repeat borrower, [unless he has borrowed less than the annual maximum,] eight months shall have elapsed between the first day of the previous loan period and the first day of the [~~current~~] loan period, [for any subsequent application] or the student for whom the proceeds are being borrowed shall have advanced to a higher grade level [~~for each additional loan, unless he has borrowed less than the maximum limit for that grade level~~].

2. Neither student nor parent borrower may be in default on any previous GSL or PLUS loans; however, a borrower who has [~~been in default~~ defaulted] and has since made full restitution to the SEAA or [~~another other~~] guarantor including any costs incurred by the SEAA or [~~another other~~] guarantor in its collection effort is considered eligible.

3. For purposes of borrower eligibility determination, GSL and PLUS are treated as one program. The status of a student applying for a GSL or PLUS loan will be reviewed for the eight-month time lapse since the first day of the previous loan period, or grade level progression, on the basis of all previous SEAA-guaranteed loans made for or by that student.

B. Rights.

Discrimination on the basis of race, creed, color, sex, age, national origin, marital status, or physically handicapped condition is prohibited in the Virginia GSL Program and PLUS Program.

§ 2.2. Lender participation.

A. Requirements.

A lender may participate in the [~~Guaranteed Student Loan~~ GSL] Program and PLUS Program by executing a participation agreement with the SEAA. Lenders participating in the GSL Program are not required to participate in the PLUS Program, nor vice versa.

B. Out-of-state lenders.

In addition to executing a participation agreement, in order to be eligible to participate in the Virginia [~~Guaranteed Student Loan~~ GSL] Program and PLUS Program, an out-of-state lender shall meet the following criteria:

1. Submit a [~~copy of each other active participation agreement between the lender and any other guarantee agency, including its home state guarantee agency, list of all other guarantee agencies with which the lender has a participation agreement, and the most recently available default rate of the lender with each of those guarantee agencies.~~]

[2. Submit a satisfactory letter of reference from the home state guarantee agency and from any other for

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which and agreement was submitted.]

[3. Submit a copy of the most recent program review of the lender conducted by the U.S. Department of Education, and the lender's response.]

[4. 2.] Provide the name of the agency (federal reserve, state bank examiner, etc.) that is responsible for conducting examinations of the lender [and the dates of the last three such examinations].

[5. Provide an affidavit of the officer whose signature appears on the participation agreement setting out the lender's most recently available default rate.]

[3. The SEAA reserves the right to request a satisfactory letter of reference from any other guarantee agency with which the lender has a participation agreement.]

Limitation/suspension/termination.

The SEAA reserves the right to limit, suspend, or terminate the participation of a lender in the Virginia GSL and PLUS programs under terms consistent with the regulations of the SEAA and state and federal law.

§ 2.3. School participation.

A. Requirements.

Any school approved by the U.S. Department of Education for participation in the [Guaranteed Student Loan Program GSL] and PLUS [Program Programs] is eligible for the Virginia GSL and PLUS Programs. Summer school courses are eligible, provided that the student is enrolled at least half-time in the session immediately preceding the summer school session or has been accepted for enrollment in a regular session immediately following summer school. Correspondence courses and home study courses are not eligible.

B. Foreign schools.

Applications and correspondence regarding Virginia GSL and PLUS borrowers attending foreign schools shall be completed in English and all sums shall be stated in U.S. dollars.

C. Limitation/suspension/termination.

The SEAA reserves the right to limit, suspend, or terminate the participation of a school in the Virginia GSL and PLUS Programs under terms consistent with the regulations of the SEAA and state and federal law.

PART III. LOAN PROCESS.

§ 3.1. Lender/responsibilities.

A. Due diligence.

[Lenders shall use the same credit standards for GSL and PLUS loans as those used for consumer loans. In making and collecting GSL and PLUS loans, the lender shall treat the loan in the same way as if there were no guarantee.] The lender shall attempt to collect [defaulted delinquent] loans [as if there were no guarantee,] using every effort short of litigation that it would use on a conventional loan in the ordinary course of business. If the lender so desires, it may take legal action, but this is not required.

B. Disbursement.

1. GSL loan proceeds shall be disbursed in a check, or checks made copayable to the borrower and the school [and marked: "GSLP Payee Endorsement Required." The check(s) ,] shall include the borrower's social security number, and shall be mailed to the financial aid office of the school named on the application.

2. PLUS loan proceeds for a student borrower shall be disbursed in a check or checks made copayable to the borrower and the school, shall include the borrower's social security number, and shall be mailed to the financial aid office of the school named on the application. PLUS loan proceeds for a parent borrower shall be disbursed in a check payable to the parent and mailed to the permanent address on the application.

[3. GSL and PLUS loan proceeds may be disbursed by other funds transfer method approved by the SEAA and the U.S. Department of Education.]

§ 3.2. School responsibilities.

A. General.

The school shall reply promptly to inquiries made by the SEAA or the lender concerning student borrowers. The school shall return the Student Status Verification Report to the SEAA within 30 days of its receipt [If the school fails to do so, without an extension granted by the SEAA, it may be subject to limitation, suspension or termination from the SEAA programs.]

B. Certification.

1. The school shall certify the GSL or PLUS application no later than the last day of the loan period indicated on the application.

2. The certification of the financial aid [officer on his officer's] own loan application, the application of [his a] spouse or dependent [of a financial aid officer] or an application where conflict of interest exists, is not sufficient. In any of these cases, the application shall be accompanied by certification of the

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immediate supervisor of the financial aid officer.

C. Disbursement.

If the school receives a loan check for a student after the period of the loan has expired, the school may [accept retain] only the amount, if any, owed to the school by that student. The remaining amount may be disbursed to the student only if the school is satisfied that the funds will be used for education expenses incurred during the loan period. [If the school deems it necessary, it should require the student to produce documentation of these expenses. The school shall maintain documentation to support any case in which funds were released to the student in excess of the amount owed to the school.]

PART IV. ACTIVE LOAN.

§ 4.1. Guarantee fee.

A. The SEAA guarantee fee on GSLs is one-half of one percent, and is calculated on the principal amount from the date of disbursement to one year after studies are expected to be completed as shown on the loan application. The SEAA does not charge any additional fee for the repayment period or for periods of authorized deferment or extension.

B. The SEAA guarantee fee on PLUS loans is 1.0% calculated on the declining principal balance for the life of the loan.

C. A loan cannot be sold or transferred until the guarantee fee has been paid in full.

D. Although the SEAA is not obliged to return any fee, it may refund a guarantee fee at the request of the lender when a loan is cancelled before disbursement, or when the borrower does not use the proceeds of the loan and repays the loan to the lender shortly after disbursement.

§ 4.2. Interest.

A. Capitalization.

Before resorting to capitalization, the lender shall first make every effort to get the borrower (or endorser, where applicable) to make full payment of principal and interest due, or if that is not possible, payment of interest as it accrues. The [borrower must agree in writing to any capitalization of interest, and the] following guidelines shall be followed:

1. Capitalization shall be a last resort, utilized only after exhausting other options (deferment, forbearance, full payment of accrued interest).

2. The preferred candidate for capitalization is a cooperative borrower with an extreme hardship, who takes the initiative to request assistance.

3. Capitalization should be intended not to delay a default, but to avoid it.

4. During periods for which interest is to be capitalized, the lender shall contact the borrower at least quarterly to remind him of the obligation to repay the loan.

B. Guarantee on interest.

The SEAA will guarantee capitalized interest, and the interest accruing therefrom, under the following conditions, and where the lender has exercised due diligence:

1. The SEAA will pay interest on those loans not eligible for interest benefits where interest has accrued and has been capitalized during the in-school and grace periods, or during any periods of deferment.

2. The SEAA will pay interest that has accrued during the period from the date the first repayment installment was required until it was made (as in the case of the borrower's unanticipated early departure from school).

3. The SEAA will pay interest that has not been paid during a period of forbearance, or where [the lender has discussed the matter with the SEAA and] the SEAA has agreed to allow the lender to accrue and capitalize the interest.

§ 4.3. Repayment.

A. Minimum loan payment.

Any exception to federally established minimum loan payments must receive SEAA approval.

B. Repayment forms.

The SEAA must approve the use of repayment instruments other than the SEAA repayment agreement furnished to lenders.

C. Consolidation.

The note(s) for any loans consolidated shall be marked "paid by renewal" and retained in the borrower's file.

§ 4.4. Forbearance.

A. Eligibility.

Forbearance may be [granted considered] for [circumstances such as] family illness, financial hardship [enrollment in an eligible school less than full-time after the expiration of the grace period, or transfer to an ineligible school, making or a period of school enrollment during which] the borrower [no longer eligible for interest benefits is ineligible for deferment] . The SEAA

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reserves the right to disallow any forbearance.

B. Duration.

A lender may grant a borrower a single continuous forbearance period of up to three months simply by notifying the SEAA to extend the anticipated date to begin repayment of the promissory note or the anticipated paid-in-full date of the repayment agreement.

A forbearance of longer than three months is subject to approval by the SEAA, except that, in the [*eases of less than full-time case of a period of school*] enrollment [*in an eligible school after expiration of the grace period, or transfer to an ineligible school,*] the lender may grant a forbearance until the time the borrower has completed his studies at the school.

§ 4.5. Delinquent loans.

A. Lender responsibilities.

In dealing with GSL and PLUS delinquencies, the lender shall use all means short of litigation that would be used in collecting an uninsured loan of a comparable amount. The lender shall also make every effort to determine if the borrower is entitled to a deferment or eligible for forbearance.

B. Due diligence.

The lender shall notify the SEAA when a loan is 60 days past due. At 90 days past due, the lender shall send a demand letter to the borrower and to the endorsers, where applicable. The lender [*may shall*] submit a claim for the default at [*120 180*] days. [*If the claim is not submitted to the SEAA at 120 days, the*] lender shall notify the SEAA [*and prove that it continues if it wishes to continue*] to work the claim past [*120 180*] days of delinquency. [*The In the event of such notification, the*] lender may continue its collection efforts [*but shall notify and*] the SEAA [*so the*] guarantee will remain in force, up to [*210 270*] days.

PART V. CLAIMS.

§ 5.1. Death claims.

[A. Lender responsibilities.]

To receive payment in the event of the death of the borrower, the lender shall complete and send to the SEAA the appropriate SEAA form(s), a certified copy of the death certificate, the promissory note(s) [*or and any*] repayment agreement(s) marked "Without Recourse Pay to the Order of the State Education Assistance Authority" and endorsed by a proper official of the lender, a schedule of payments made, when applicable, and any support documents the lender may be able to furnish.

[B. Interest.

The SEAA will pay interest for no more than 15 days from the date that the lender was officially notified of the death to the date the claim is received by the SEAA. The SEAA pays interest on the claim for the number of days required for review by the SEAA claims staff plus 10 days for check processing. No interest is paid for the period of time during which an incomplete claim has been returned to the lender.]

§ 5.2. Total and permanent disability.

[A. Lender responsibilities.]

To file a claim arising from the total and permanent disability of the borrower, the lender shall complete and send to the SEAA the appropriate SEAA form(s), the appropriate, completed federal form(s), signed by a qualified physician (either an M.D. or D.O.), the promissory note(s) [*or and any*] repayment agreement(s) marked "Without Recourse Pay to the Order of the State Education Assistance Authority" and endorsed by a proper official of the lender, a schedule of payments made, when applicable, and any support documents the lender may be able to furnish.

[B. Interest.

The SEAA will pay interest for no more than 15 days from the date the lender is officially notified of the disability to the date the claim is received by the SEAA. The SEAA pays interest on the claim for the number of days required for review by the SEAA claims staff plus 10 days for check processing. No interest is paid for the period of time during which an incomplete claim has been returned to the lender.]

§ 5.3. Default claims.

[A. Lender responsibilities.]

The SEAA guarantee is contingent on the lender's due diligence. Due diligence for default claims requires the following actions:

1. Sending written notice to the borrower when the loan is 5 - 10 days delinquent.
2. Sending a second written notice when the loan becomes 25-30 days delinquent. Making phone calls to the borrower, endorser/co-maker, parents, references, employers. All information available to the lender shall be pursued.
3. Requesting preclaims assistance from the SEAA when the loan becomes 60 days delinquent.
4. Continuing all written correspondence and phone calls to appropriate persons when the loan is 60-90 days delinquent.

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5. Sending final demand letter to borrower and endorser/co-maker when the loan is 90 days delinquent.

6. Preparing and submitting a claim [when loan to SEAA to SEAA when loan] is 180 days delinquent.

[B. Interest.

The SEAA will pay interest for no more than 15 days between the 180th day of delinquency and the date the claim is received by the SEAA. The SEAA pays interest on the claim for the number of days required for review by the SEAA claims staff plus 10 days for check processing. No interest is paid for the period of time during which an incomplete claim has been returned to the lender.]

§ 5.4. Bankruptcy claims.

A. Lender responsibilities.

When a lender receives notice of the filing of a petition in bankruptcy, the lender shall notify the SEAA claims staff by telephone of the impending bankruptcy, contact the endorser by letter, where there is an endorser, and attempt collection on the loan from the endorser. The lender shall also send a bankruptcy claim to the SEAA within 15 days after the lender receives the Notice of First Meeting of Creditors. Except in the case of Chapter 13 Bankruptcy, the lender shall send the SEAA a copy of the letter in which it attempted to collect the loan.

B. Documentation.

The bankruptcy claim shall include the appropriate completed SEAA form, the notice of bankruptcy, the promissory note(s) [or and any] repayment agreement(s) marked "Without Recourse Pay to the Order of the State Education Assistance Authority" and endorsed by a proper official of the lender, a schedule of payments made, when applicable, and any support documents the lender may be able to furnish, as well as any other information that may help the SEAA form the basis for an objection or an exception to the bankruptcy discharge.

[C. Interest § 5.5. Interest.]

The SEAA will pay interest for no more than 15 days from the date that the lender is officially notified of the [bankruptcy grounds of the claim, or no more than 15 days from the 180th day of delinquency in the event of default,] to the date the claim is received by the SEAA. The SEAA pays interest on the claim for the number of days required for review by the SEAA claims staff plus 10 days for check processing. No interest is paid for the period of time during which an incomplete claim has been returned to the lender.

MARINE RESOURCES COMMISSION

NOTICE: The Marine Resources Commission is exempted from the Administrative Process Act (§ 9-6.14:4 of the Code of Virginia); however, it is required by § 9-6.14:22 B to publish all final regulations.

Title of Regulation: VR 450-01-8506. Patent Tong Restrictions.

Statutory Authority: §§ 28.1-82 and 28.1-85 of the Code of Virginia.

Effective Date: September 24, 1986

Preamble:

The following Order of the Virginia Marine Resources Commission establishes November 1, ~~1985~~ of each year as the opening date for the ~~1985-86~~ Patent Tong Season and a daily time limit of 2 p.m. for taking of oysters by patent tong from the public oyster grounds; where patent tonging is permitted.

§ 1. Authority and effective date:

A. This Order is promulgated pursuant to authority contained in §§ 28.1-82 and 28.1-85 of the Code of Virginia.

B. The effective date of this Order is August 27, ~~1985~~ September 24, 1986.

§ 2. Purpose.

The purpose of this Order is to protect and conserve the oyster resource on public oyster grounds where the taking of oysters by patent tong is permitted.

§ 3. Season opening date.

The season for the taking of oysters from the public oyster grounds by patent tong shall begin on November 1, ~~1985~~ of each year, except as provided below. In any year in which November 1 falls on a Saturday or Sunday, then the Patent Tong Season opening date shall be the Monday immediately following November 1.

§ 4. Time of day restriction.

The harvesting of oysters from the public oyster grounds by patent tong shall be limited to the daily period of sunrise to 2 p.m. All patent tonging and culling of oysters shall be completed by 2 p.m. each day.

§ 5. Other applicable laws, regulations.

All laws, regulations and orders, otherwise in effect shall remain in full force and effect, except as may be specifically modified by this Order or any subsequent Regulation and/or Order.

Final Regulations

§ 6. Designated area.

This Order applies to all public oyster grounds where harvesting of oysters by patent tong is permitted.

§ 7. Penalty.

As set forth in § 28.1-23 of the Code of Virginia, any person, firm, or corporation violating any provisions of this Order shall be guilty of a Class I misdemeanor.

/s/ William A. Pruitt, Commissioner
September 24, 1986

DEPARTMENT OF WASTE MANAGEMENT

Title of Regulation: VR 421-30-1. Regulations Governing the Transportation of Hazardous Materials.

Statutory Authority: §§ 10-266 and 10-305 of the Code of Virginia.

Effective Date: November 12, 1986.

REGISTRAR'S NOTICE: This regulation is being adopted in response to a federal regulatory mandate. The Department of Waste Management, at the direction of the State Board of Waste Management, is requesting exclusion from the requirements of Article 2 (§ 9-6.14:7.1 et seq.) of the Administrative Process Act.

EDITORS NOTE ON INCORPORATION BY REFERENCE: Pursuant to § 9-6.18 of the Code of Virginia, 49 Code of Federal Regulations, Part 170-177, is declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Virginia Register of Regulations. Copies of this document are available for inspection at the Department of Waste Management, 11th Floor, James Monroe Building, 101 N. 14th Street, Richmond, Virginia and in the office of the Registrar of Regulations, Room 215, General Assembly Building, Capitol Square, Richmond, Virginia.

Summary:

These regulations govern the manner and method by which hazardous materials may be loaded, unloaded, packed, identified, marked, placarded, stored and transported.

VR 421-30-1. Regulations Governing the Transportation of Hazardous Waste Materials.

PART I. DEFINITIONS.

§ 1.1. Definitions.

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

"Explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion, i.e., with substantially instantaneous release of gas and heat, unless such compound, mixture, or device is otherwise specifically classified in 49 Code of Federal Regulations Parts 170-177.

"Hazardous material" means a substance or material in a form or quantity which may pose an unreasonable risk to health, safety or property when transported, and which the Secretary of Transportation of the United States has so determined by regulation or order.

"Transport or Transportation" means any movement of property by any mode, and any packing, loading, unloading, identification, marking, placarding, or storage incidental thereto.

PART II. GENERAL INFORMATION AND LEGISLATIVE AUTHORITY.

§ 2.1 Authority for regulation.

A. These regulations are issued under the authority of the Code of Virginia, Title 10, Chapter 24, Article 6, §§ 10-305 through 10-309, Transportation of Hazardous Materials.

B. The Code of Virginia, § 10-305, assigns the Virginia Waste Management Board the responsibility for promulgating regulations governing the transportation of hazardous materials.

C. The board is authorized to promulgate rules and regulations designating the manner and method by which hazardous materials shall be loaded, unloaded, packed, identified, marked, placarded, stored and transported, such rules to be no more restrictive than applicable federal regulations.

§ 2.2. Purpose of regulations.

The purpose of these regulations is to regulate the transportation of hazardous materials in Virginia.

§ 2.3. Administration of regulations.

A. The Executive Director of the Department of Waste Management is designated by the Virginia Waste Management Board with the responsibility to carry out these regulations.

B. The Department of Waste Management is responsible for the planning, development and implementation of programs to meet the requirements of Article 6 (§ 10-305 et seq.), Chapter 24 of Title 10 of the Code of Virginia.

Final Regulations

§ 2.4. Application of regulations.

A. Notwithstanding the limitations contained in 49 CFR § 171.1(3), and subject to the exceptions set forth in § 2.5. below, these regulations apply to any person who transports hazardous materials, or offers such materials for shipment.

§ 2.5. Exceptions.

A. Nothing contained in these regulations shall apply to regular military or naval forces of the United States, nor to the duly authorized militia of any state or territory thereof, nor to the police or fire departments of this Commonwealth, providing the same are acting within their official capacity and in the performance of their duties; nor to the transportation of hazardous radioactive materials in accordance with § 44-146.30 of the Code of Virginia.

§ 2.6. Regulations not to preclude exercise of certain regulatory powers.

A. Per § 10-307 of the Code of Virginia, the provisions of these regulations shall not be construed so as to preclude the exercise of the statutory and regulatory powers of any agency, department or political subdivision of the Commonwealth having statutory authority to regulate hazardous materials on specified highways or portions thereof.

§ 2.7. Transportation under United States Regulations.

A. Per § 10-309 of the Code of Virginia, any person transporting or offering for shipment hazardous materials in accordance with regulations promulgated under the laws of the United States, shall be deemed to have complied with the provisions of these regulations, except when such transportation is excluded from regulation under the laws or regulations of the United States.

§ 2.8. Enforcement.

A. Law-Enforcement Officers. The Department of State Police, together with all law-enforcement and peace officers of the Commonwealth shall enforce the provisions of these regulations. Per § 10-310 of the Code of Virginia, violation of these regulations is a Class 1 misdemeanor.

B. Civil judicial enforcement of these regulations shall be governed by § 10-310 of the Code of Virginia.

§ 2.9. Application of Administrative Process Act.

A. The provisions of the Virginia Administrative Process Act, codified as § 9-6.14:1 of the Code of Virginia, govern the adoption, amendment, modification, and revision of these regulations, and the conduct of all proceedings hereunder.

§ 2.10. Severability.

A. If any provision of these regulations, or the application of any provision of these regulations to any person or circumstances, is held invalid, the application of such provision to other persons or circumstances, and the remainder of these regulations, shall not be affected thereby.

PART III. COMPLIANCE WITH FEDERAL REGULATIONS.

§ 3.1. Compliance.

Every person who transports or offers for transportation hazardous materials within or through the Commonwealth of Virginia shall comply with the federal regulations governing the transportation of hazardous materials promulgated by the United States Secretary of Transportation with amendments promulgated through December 31, 1984, pursuant to the Hazardous Materials Transportation Act, and located at Title 49 of the Code of Federal Regulations as set forth below and which are incorporated in these regulations by reference:

1. Exemptions. Hazardous Materials Program Procedures in 49 CFR, part 107, Subpart B.
2. Hazardous Materials Regulations in 49 CFR, parts 171 through 177.
3. Shipping Container Specifications in 49 CFR, Part 178.
4. Specifications for Tank Cars in 49 CFR Part 179.
5. Driving and Parking Rules in 49 CFR Part 397.
6. Motor Carrier Safety Regulations in 49 CFR Parts 390 through 396.

PART IV. HAULING EXPLOSIVES IN PASSENGER-TYPE VEHICLES.


§ 4.1. Hauling explosives in passenger-type vehicles.

Explosives shall not be transported in or on any motor vehicle licensed as a passenger vehicle or a vehicle which is customarily and ordinarily used in the transportation of passengers except upon written permission of the State Police and under their direct supervision and only in the amount and between points authorized. If the movement is intracity, the permission of the properly designated authority of such city shall be secured. Dangerous articles, including small arms ammunition, but not including other types of explosives, may be transported in passenger type vehicles provided the maximum quantity transported does not exceed 100 pounds in weight. Such transportation shall not be subject to these rules.

PART V. OUT OF SERVICE.

§ 5.1 Out of service.

The Department of State Police shall be the agents authorized to perform inspections of motor vehicles in operation and to declare and mark vehicles "out of service" as set forth in 49 CFR Part 396.9.


COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION
General Assembly Building
910 Capitol Street
Richmond, Virginia

POST OFFICE BOX 3-405
RICHMOND, VIRGINIA 23208
(804) 786-3591

September 25, 1986

JOAN W. SMITH
REGISTRAR OF REGULATIONS

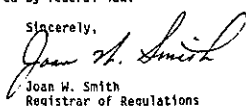
Cynthia V. Bailey, Executive Director
Department of Waste Management
11th Floor, Monroe Building
Richmond, Virginia 23219

Re: VR 421-30-1 - Regulations Governing the Transportation
of Hazardous Materials

Dear Ms. Bailey:

This ~~will~~ acknowledge receipt of the Regulations from the Department of Waste Management.

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

Sincerely,

Joan W. Smith
Registrar of Regulations

JWS:s11

STATE CORPORATION COMMISSION

STATE CORPORATION COMMISSION

AT RICHMOND, SEPTEMBER 19, 1986

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. PUC860017

Ex Parte: In the matter of
adopting Rules to Implement the
Small Investor-Owned Telephone
Utility Act

FINAL ORDER

The 1986 Session of the General Assembly passed the "Small Investor-Owned Telephone Utility Act" ("Act") in order to streamline and simplify regulatory procedures governing tariff changes for small investor-owned telephone companies. This Act is applicable to any investor-owned public utility (other than a Cooperative) having a gross annual operating revenue which does not exceed \$10 million and which owns, manages or controls any plant or equipment within the Commonwealth for the conveyance of telephone messages either directly or indirectly to or for the public. Section 56-532(E) of the Act authorized the Commission to promulgate rules to implement § 56-532, the section of the Act specifying how tariff changes by small investor-owned telephone companies should be made.

In accordance with Virginia Code § 56-532, the Commission initiated a rulemaking to consider rules to implement the Act by its Order of June 5, 1986. In this Order, the Commission invited the public as well as the subject telephone companies to comment. The Commission directed these comments be filed by July 23, 1986. The same Order invited the staff to file a report by August 11, 1986, addressing the rules, analyzing the comments and proposing revisions to the rules where appropriate.

On July 18, 1986, Amelia Telephone Corporation, Burke's Garden Telephone Company, Mountain Grove-Williamsville Telephone Company, New Hope Telephone Company, Peoples Mutual Telephone Company, Roanoke & Botetourt Telephone Company, Shenandoah Telephone Company, and Virginia Hot Springs Telephone Company ("Companies") collectively filed comments in this proceeding. No other comments were received.

In their comments, the companies stated that they believed the proposed rules were, on balance, an appropriate means to implement the Act. However, the companies suggested that §§ 3 and 4 of the rules should be amended to more closely track § 56-532B. They proposed that § 3 should be amended to read:

Whenever the lesser of 5.0% or 150 customers subject to a small investor-owned telephone utility's tariffs file

a protest or objection to any change in any schedule of that utility's tariffs, or if the Commission acts on its own motion to investigate the utility's tariffs, the Commission may suspend the enforcement of any or all of the proposed tariffs for a period not exceeding 150 days from the date of the filing of the revised tariff

With regard to § 4, the companies proposed that the rule be changed as follows:

Whenever the lesser of 5.0% or 150 customers subject to a small investor-owned telephone utility's tariffs file a protest or objection to any change in any schedule of that utility's tariffs, or if the Commission, acting on its own motion, determines to investigate the utility's change in the tariff, an Order will be issued by the Commission setting a date by which the telephone utility shall file an application which shall contain the information set forth in §§ 5 or 6 below, as applicable.

The companies also proposed that § 3 of the rules should be amended to permit a small telephone company applicant, following an initial 30-day suspension of rates, to place proposed rate changes into effect, subject to refund, so long as: (a) the return on equity used to calculate revenue was no higher than that allowed in company's last general rate case; (b) the test year accounting adjustments in the filing include only previously accepted ratemaking adjustments; and (c) the application employed rate design similar to that adopted in company's last general rate case. The companies requested this amendment so that these procedures would be on equal footing with the rate case procedures used for larger investor-owned public service companies with more than \$1 million in revenues.

Finally, the companies recommended the inclusion of an additional section to the rules. This proposal would excuse small telephone companies from making the annual informational filing now required by the Rules Governing Utility Rate Increase Applications and Annual Informational Filings, adopted by the Commission on August 21, 1985 in Case No. PUE850022. In this regard the companies suggested the following:

§ 7. Small investor-owned telephone companies subject to the Small Investor-Owned Telephone Utility Act, § 56-531, et seq., Code of Virginia, shall be exempt for all purposes, from the Rules Governing Utility Rate Increase Applications and Annual Informational Filings adopted in Case No. PUE850022 and as they may be modified from time to time.

The companies requested a hearing on their comments, but acknowledged that such a hearing might become unnecessary based upon the rule modifications staff proposed in its report.

On August 11, 1986, the staff filed its report. The staff accepted the companies' suggested changes concerning

State Corporation Commission

protests filed "on behalf of" certain customers, and the additional rule to exempt the companies from annual information filings. The staff observed that exemption from the rules adopted in Case No. PUE850022 would not exempt the companies from responding to staff information requests on an as-needed basis and that companies would respond to any requests.

However, the staff did not find reasonable the companies' proposal to permit rates to become effective within 30 days. Staff stated that the Commission already had the discretion under the Act to permit rates to become effective by not exercising its right to suspend rates. The staff feared that placing a condition in the rules to guarantee that rates would be effective in 30 days would hamstring the Commission's flexibility regarding the suspension option.

The staff also suggested some revisions to the rules. Staff observed that the title of the proposed rules was "Rules Governing Small Investor-Owned Telephone Utilities' Application for Increases in Rates", but that many of the rules addressed changes in rates, tolls, charges, fees, rules, or regulations. A literal interpretation could mean the rules would be followed even if the company were only making minor, nonrevenue affecting text changes in its tariffs. The staff stated that this did not appear to be the General Assembly's intent, and therefore proposed a clarifying change to the rules.

The staff noted that the rules were unclear in their definition of what constituted an "increase" in rates. The staff stated that the present statutes require Commission approval of any rate increase. The staff expressed the belief that the rules should be followed whenever there was an increase for any customer in order to be consistent with the present treatment of other utilities under existing statutes.

To clarify these points, the staff proposed that the introduction to the rules should be modified as follows:

* * * *

... These rules apply when any small telephone company subject to the act changes any rate, toll, charge, fee, rule, or regulation applicable to any customer (or customers) and this change results in increased rates paid by that customer (or customers). Changes not increasing customer rates may be done in the traditional manner without application of these rules.

As a final point the staff observed that it was not necessary to provide notice to all customers when a tariff change affected only a few customers. The staff concluded that the Commission should be apprised of all changes in tariffs.

On August 22, 1986, the companies filed a letter advising that they have no objection to the staff's analysis and rule

revisions and withdrew their request for a hearing.

NOW UPON CONSIDERATION of the record in this case, we are of the opinion that the revisions suggested by the staff in their August 11, 1986 Report represent a reasonable and intelligent means to implement the "Small Investor-Owned Telephone Utility Act". Accordingly, we find that the report and accompanying rule revisions should be adopted. We observe that although the companies are no longer subject to the Rules Governing Utility Rate Increases and Annual Informational Filings adopted in Case No. PUE850022, we expect full cooperation and response to any staff data request.

WHEREFORE, IT IS ORDERED that the rules set out as Attachment A hereto are hereby adopted, effective forthwith.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: all local exchange telephone companies subject to the Act; Richard D. Gary, Esquire, Hunton & Williams, P. O. Box 1535, Richmond, Virginia 23212; the Division of Consumer Counsel, Office of the Attorney General, 101 North 8th Street, Richmond, Virginia 23219; and the Commission's Divisions of Communications, Economic Research and Development, and Accounting and Finance.

* * *

ATTACHMENT A

RULES GOVERNING SMALL INVESTOR-OWNED TELEPHONE UTILITIES' APPLICATIONS FOR INCREASE IN RATES

The following rules apply to any investor-owned public utility (other than a cooperative) having a gross annual operating revenue not in excess of \$10 million and owning, managing or controlling plant or equipment or any part thereof within the Commonwealth for the conveyance of telephone messages, either directly or indirectly to or for the public. Hereafter these companies shall be referred to as "small telephone companies" or "applicant". Small telephone companies should perform their own tariff justification analysis in-house prior to changing their rates, tolls, charges, fees, rules, or regulations (hereinafter collectively referred to as "tariffs"). As a part of its in-house tariff justification, small telephone companies should consider whether the tariff change is necessary and whether such change is dictated by the cost of providing the tariffed service. All tariff changes of small telephone companies must be "just and reasonable" as that standard is defined in Virginia Code § 56-235.2.

These rules apply when any small telephone company subject to the act changes any rate, toll, charge, fee, rule, or regulation applicable to any customer (or customers) and this change results in increased rates paid by that customer (or customers). Changes not increasing customer rates may be done in the traditional manner without

State Corporation Commission

application of these rules.

RULES

§ 1. Small telephone companies shall file all changes in their tariffs with the Division of Communications of the State Corporation Commission at least 15 days in advance of the notice to the public required in § 2 below.

§ 2. Small telephone companies shall complete notice to its customers 30 days prior to the effective date of changes in its tariffs. This notice shall at a minimum use the following format to the extent applicable:

NOTICE OF (INCREASE IN, CHANGES IN) RATES,
TOLLS, CHARGES, RULES AND REGULATIONS
OF SERVICE OF (INSERT NAME OF SMALL
TELEPHONE COMPANY)

(Insert name of telephone company) plans to change its (tariffs) on file with the State Corporation Commission, effective for service rendered on and after (effective date). As a result of this change, (insert name of telephone company) expects its (tariffs) to produce an additional \$..... in gross annual operating revenues, representing an increase of% in local operating revenues.

(If applicable) The telephone company also proposes to change the following portions of its rules and regulations of service: (Summarize changes).

Any interested party may review (insert name of small investor-owned telephone utility's) proposed changes during regular business hours at the telephone company office where consumer bills may be paid and at the Commission's Division of Communications located on the 8th Floor of the Jefferson Building, Bank and Governor Streets, Richmond, Virginia.

Any interested party may file written comments in support of or objecting to the proposed changes, or requested for hearing, with the Division of Communications, State Corporation Commission, P. O. Box 1197, Richmond, Virginia 23209. Requests for hearing must state the reason for the request. Such comments or requests must be filed with the Division of Communications on or before (name date 10 days before the effective date of tariff).

(NAME OF SMALL TELEPHONE COMPANY)

Small telephone companies shall mail the foregoing notice to any customer subject to the tariff change, including other common carriers utilizing the utilities' facilities when the proposed changes directly affect other common carriers.

§ 3. Whenever the lesser of 5.0% or 150 customers subject to a small investor-owned telephone utility's tariffs file a protest or objection to any change in any schedule of that

utility's tariffs, or if the Commission acts on its own motion to investigate the utility's tariffs, the Commission may suspend the enforcement of any or all of the proposed tariffs for a period not exceeding 150 days from the date of the filing of the revised tariff. Notice of the suspension shall be given by the Commission to the small telephone company prior to the expiration of the 30 days' notice to the public.

§ 4. Whenever the lesser of 5.0% or 150 customers subject to a small investor-owned telephone utility's tariffs file a protest or objection to any change in any schedule of that utility's tariffs, or if the Commission, acting on its own motion, determines to investigate the utility's change in a tariff, an Order will be issued by the Commission setting a date by which the telephone utility shall file an application which shall contain the information set forth in §§ 5 or 6 below, which as applicable. This Order shall also specify a filing schedule for applicant, protestants, and staff and shall establish a hearing date.

§ 5. An application for a rate increase filed pursuant to § 4 hereof by a small telephone company, having more than \$3 million in gross annual operating revenue, or which is a subsidiary of a telecommunications company, (a telecommunications company is a corporation which owns, manages, or controls any plant or equipment for the conveyance of voice or data messages, either directly or indirectly to or for the public) shall include:

A. The name and post office address of the applicant and the name and post office address of its counsel (if any);

B. A clear description of the proposed tariff changes, and a narrative explaining why an increase in rates is needed, as well as the overall percentage increase in rates proposed;

C. All direct testimony by which the applicant expects to support the rate increase. In lieu of prefiling direct testimony, the applicant may submit an affidavit which certifies that the information in the application is correct and that the application adopts the information contained in the schedules as its evidence in support of the application.

D. Exhibits consisting of Schedules 1 through 16 shown in the Appendix to these rules shall be submitted with the applicant's direct testimony or affidavit adopting the information contained in the schedules.

E. Exhibits consisting of additional schedules may be submitted with the applicant's direct testimony. Such schedules shall be identified as Schedule 17 et seq.

F. All applications shall be filed in an original and 15 copies with the exception of Schedule 12. Two copies of Schedule 12 shall be filed directly with the Commission's Division of Accounting and Finance. Additional copies of Schedule 12 shall be made available to parties upon

State Corporation Commission

request. An application shall not be deemed filed with the Commission for the purposes of Virginia Code §§ 56-238 and 56-240 unless all information required by the rules and accompanying schedules are filed in conformity with these rules and schedule instructions.

G. The selection of a test period is up to the applicant. However, the use of overlapping test periods shall not be permitted.

H. The applicant shall serve a copy of the information required in § 5, paragraphs A and B, upon the Commonwealth's Attorney and Chairman of the Board of Supervisors of each county (or equivalent officials in counties having alternate forms of government) in this state affected by the proposed rate increase and upon the mayor or manager and the attorney of every city and town (or on equivalent officials in towns and cities having alternate forms of government) in this state affected by the proposed rate increase. The applicant shall also serve each such official with a statement that a copy of the complete application may be obtained at no cost by making a request therefor orally or in writing to a specified officer of applicant. In addition, applicant shall serve a copy of its complete application upon the Division of Consumer Counsel, Office of the Attorney General of Virginia. All service specified by this rule shall be made either by (a) personal delivery, or (b) by first class mail, postage prepaid, to the customary place of business or the residence of the person served.

§ 6. An application for a rate increase filed pursuant to § 4 hereof by a small telephone company, having less than \$3 million in gross annual operating revenues and which is not a subsidiary of a telecommunications company as that term is defined in § 5 above, need only file exhibits consisting of Schedules 1 - 4, and 7 - 16, shown in the appendix to these rules, but shall otherwise comply with the requirements of § 5. A company having less than \$3 million in gross annual operating revenue and which is not a subsidiary of a telecommunications company may use its SCC Annual Operating Report filed with the Commission as the data base for its Capital Structure and Cost of Capital Statement (Schedule 1). Schedules 9 and 10 for these companies should reflect total company, per books amounts. Jurisdictional separations included in columns 2 and 3 of Schedules 9 and 10 are not required for these companies.

§ 7. Small investor-owned telephone companies subject to the Small Investor-Owned Telephone Utility Act, § 56-531, et seq., Code of Virginia, shall be exempt, for all purposes, from the Rules Governing Utility Rate Increase Applications and Annual Informational Filings, adopted in Case No. PUE850022 and as they may be modified from time to time.

APPENDIX

Schedule 1 Capital Structure and Cost of Capital Statement

Instructions: This schedule shall state the amount of each capital component per balance sheet, the amount for ratemaking purposes, the percentage weight in the capital structure, the component cost, and the weighted capital cost, using the format of the attached schedule. This information shall be provided for the test period. In Part A, the test period information should be compatible with the SCC Annual Operating Report. The methodology used in constructing the capital structure should be consistent with that approved in the applicant's last rate case. If the applicant wishes to use a different methodology (including a change in cost of equity) in constructing its capital structure in a rate application, it may prepare an additional schedule labelled as Schedule 1(a) explaining the methodology used and justifying any departure from applicant's last rate case.

The amounts and costs for short-term debt, revolving credit agreements, and similar arrangements shall be based on a 13-month average over the test year, or, preferably, a daily average during the test year, if available. All other test period amounts are end-of-year. The component weighted cost rates equal the product of each component's capital structure weight for ratemaking purposes times its cost rate. The weighted cost of capital is equal to the sum of the component weighted cost rates.

Schedule 1

Capital Structure and Cost of Capital Statement

Test
Period

A. Capital Structure Per Balance Sheet (\$)

Short Term Debt
Customer Deposits
Other Current Liabilities
Long Term Debt
Common Equity
Investment Tax Credits
Other Tax Deferrals
Other Liabilities
Total Capitalization

B. Capital Structure Approved for Ratemaking Purposes (\$)

Short Term Debt
Long Term Debt
Job Development Credits
Cost Free Capital
Common Equity
Total Capitalization

C. Capital Structure Weights for Ratemaking Purposes (%)

State Corporation Commission

Short Term Debt
 Long Term Debt
 Job Development Credits
 Cost Free Capital
 Common Equity
 Total Capitalization (100%)

D. Component Capital Cost Rates (%)

Short Term Debt
 Long Term Debt
 Job Development Credits
 Cost Free Capital
 Common Equity (Authorized)

E. Component Weighted Cost Rates (%)

Short Term Debt
 Long Term Debt
 Job Development Credits
 Cost Free Capital
 Common Equity (Authorized)
 Weighted Cost of Capital

Schedule 2

Schedule of Bonds, Mortgages, Other Long Term Debt, and Cost Free Capital

Instructions: Provide a description of each issue, amount outstanding, percentage of total capitalization, and annualized cost based on the embedded cost rate. These data shall support the debt cost contained in Schedule 1. Provide a detailed breakdown of all cost free capital items contained in Schedule 1.

Schedule 3

Schedule of All Short Term Debt, Revolving Credit Agreements and Similar Arrangements

Instructions: Provide data and explain the methodology used to calculate the cost and balance contained in Schedule 1 for short term debt, revolving credit agreements and similar arrangements.

Schedule 4

Stockholders Annual Report

Instructions: Provide a copy of the most recent stockholders' annual report and SEC Form 10K (if SEC Form 10K is available).

Schedule 5

Company Profitability and Capital Markets Data

Instructions: This schedule shall be prepared by companies having more than \$3 million in gross annual operating revenue which are not a subsidiary of a telecommunications company, using the definitions provided below and the format of the attached

schedule. These companies shall provide data for the two most recent calendar years plus the test period. This information shall be compatible with the latest Stockholders' Annual Reports (including any restatements).

Definitions

Return on Year

$$\text{End Equity*} = \frac{\text{Earnings Available for Common Stockholders}}{\text{Year End Common Equity}}$$

Return on

$$\text{Average Equity*} = \frac{\text{Earnings Available for Common Stockholders}}{\text{The Average of Year End Equity for the Current \& Previous Year}}$$

Earnings Per

$$\text{Share (EPS)} = \frac{\text{Earning Available for Common Shareholders}}{\text{Average No. Common Shares Outstanding}}$$

Dividends Per

$$\text{Share (DPS)} = \frac{\text{Common Dividends Paid Per Share During the Year}}{\text{Year}}$$

$$\text{Payout Ratio} = \text{DPS/EPS}$$

$$\text{Average Market Price**} = \frac{\text{Yearly High} + \text{Yearly Low Price}}{2} \text{ (if known)}$$

*Job Development Credits shall not be included as part of equity capital nor shall a deduction be made from earnings for a capital charge on these Job Development Credits.

**An average based on monthly highs and lows is also acceptable. If this alternative is chosen, provide monthly prices and sufficient data to show how the calculation was made.

Schedule 5

Company Profitability and Capital Market Data

Test
 19... 19... Period

A. Ratios

Return on Year End Equity
 Return on Average Equity

Earnings Per Share
 Dividends Per Share
 Payout Ratio

Market Price of
 Common Stock:
 Year's High
 Year's Low
 Average Price

B. External Funds Raised

External Funds Raised -
 All Sources (Itemized)
 Dollar Amount Raised

State Corporation Commission

Coupon Rate (if applicable)
Rating Service (if applicable)
Average Offering Price
(for Stock)

4. Other Interest
5. Total Interest
6. Earnings Before Interest and Taxes
7. Estimated Rental Interest Factor (SEC)

Schedule 6

Coverage Ratios and Cash Flow Profile Data

Instructions: This schedule shall be prepared using the definitions and instructions given below and using the format of the attached schedule for the past two calendar years plus the test period.

- Interest (lines 3, 4, 5) shall include amortization of discount expense and premium on debt without deducting an allowance for borrowed funds used during construction.

- Income taxes (line 2) include Federal and State income taxes (in Virginia gross receipts tax should be considered State income tax).

- Earnings before interest and taxes (line 6) equals net income plus income taxes plus total interest = (line 1) + (line 2) + (line 5).

- IDC (line 8), where applicable, is total IDC - allowance for borrowed and other funds.

- Cash flow generated (line 14) = (line 1) + (line 9) + (line 10) + (line 11) + (line 12) - (line 8) - (line 13).

- Construction expenditures (line 15) is net of IDC.

Coverage Definitions for Schedule 6

Pre-Tax = $\frac{\text{Earnings before Interest \& Taxes}}{\text{Interest}}$ = $\frac{\text{line 6}}{\text{line 5}}$

Common Dividend Coverage = $\frac{\text{Cash Flow Generated}}{\text{Common Dividends}}$ = $\frac{\text{line 14}}{\text{line 16}}$

Cash Coverage of Construction = $\frac{\text{Cash Flow Generated}}{\text{Construction Expenditures}}$ = $\frac{\text{line 14}}{\text{line 1}}$

Schedule 6

Coverage Ratios and Test
Cash Flow Data 19... 19... Period

Interest Coverage Ratios

- a. Pre-Tax Method

Cash Flow Coverage Ratios

- a. Common Dividend Coverage
- b. Cash Flow Coverage of Construction Expenditures

Data for Interest Coverage

1. Net Income
2. Income Taxes
3. Interests on Mortgages

Data for Cash Flow Coverage

1. Net Income
8. Interest During Construction (IDC)
9. Amortization
10. Depreciation
11. Change in Deferred Taxes
12. Change in Investment Tax Credits
13. Preferred Dividends Paid
14. Cash Flow Generated
15. Construction Expenditures
16. Common Dividends Paid

Schedule 7

Comparative Balance Sheets

Instructions: Provide a comparative balance sheet for the test period and the corresponding twelve month period immediately preceding the test period.

Schedule 8

Comparative Income Statement

Instructions: Provide a comparative income statement for the test period and the twelve month period immediately preceding the test period.

Schedule 9

Rate of Return Statement

Instructions: Use the format of the attached schedule. Column 1 should state the applicant's total company per books results for the test period. Non-jurisdictional amounts will be shown in Column 2, and Column 3 will reflect Virginia jurisdictional amounts. Adjustments to test period per books results shall be shown in Column 4. These adjustments shall be explained in Schedule II. If a calendar year test period is used, Column I can be prepared from information filed by applicant in its annual report to the Commission. If a calendar year test period is used, operating revenue line items can be found in Schedule 34 at page 58 of the Annual Report. "Depreciation and Amortization" is set forth on Line 23 of Schedule 35 at page 60 of the Annual Report. "Operating and Maintenance Expense" can be derived by subtracting the amount of depreciation and amortization expense from total operating expenses (Schedule 35, line 68). Interest on customer deposits must be calculated from applicant's books. Column 6 should show the increase requested by Applicant.

State Corporation Commission

Schedule 9

Test Period Rate of Return Statement

Total Company Per Books Col. (1)	Non-Juridic. Amounts Col. (2)	Virginia Juridic. Amounts Col. (3)	Adjustments Col. (4)	Amounts After Adjustments Col. (5)	Effect of Proposed Increase Col. (6)	After Proposed Increase Col. (7)
----------------------------------	-------------------------------	------------------------------------	----------------------	------------------------------------	--------------------------------------	----------------------------------

Operating Revenues

Local Service

Toll Service

Access Charges

Miscellaneous

Less: Uncollectible

Total Revenues

Operating Expenses

Operating and

Maintenance Expense

Depreciation and

Amortization

Income Taxes

Taxes Other than

Income Taxes

Gain/Loss on Property

Disposition

Total Expenses

Operating Income

Less: Charitable Donations

Interest Expense on

Customer Deposits

Net Operating Income-Adjusted

Plus: Other Income (Expense)

Less: Interest Expense

Preferred Dividend Expense

JDC Capital Expense

Income Available for

Common Equity

Allowance for working capital

Net Utility Plant

Total Rate Base

Total Capital for

Ratemaking

Common Equity Capital

Rate of Return Earned on Rate Base

Rate of Return Earned on

Common Equity

Schedule 10

Statement of Net Original Cost of Utility Plant and Allowance for Working Capital for the Test Year

Instructions: This schedule should be constructed using the ratemaking policies, procedures, and guidelines last

prescribed for Applicant by the Commission. The schedule should indicate all property held for future use by account number and the date of the planned use should be shown. In a footnote, Applicant should identify the amount of plant and working capital devoted to non-regulated business activities, if any. Such plant shall not in Schedule 11. Columns (2) and (3) only apply to companies with over \$3,000,000 in gross annual operating revenues which are subsidiaries of telecommunications companies.

Schedule 10

Net Original Cost of Utility Plant and Allowances

Total Company Per Books Col. (1)	Non-Juridic. Amounts Col. (2)	Juridic. Amounts Col. (3)	Adjustments Col. (4)	Amounts After Adjustments Col. (5)
----------------------------------	-------------------------------	---------------------------	----------------------	------------------------------------

Telephone Plant in Service

Telephone Plant under construction

Property held for future use

Gross Plant

Less: Reserve for Depreciation

Net Telephone Plant

Allowance for Working Capital

Materials and supplies

(13 month average)

Cash (20 days of O&M expenses)

Total Allowance for Working Capital

Other Rate Base Deductions:

Customer Deposits

Deferred Federal Income Taxes

Customer Advances for Construction

Option 1 Investment Tax Credits

Total Other Rate Base Deductions

Rate Base

Schedule 11

Explanation of Adjustments to Book Amounts

Instructions: All ratemaking adjustments to test period operations (test period and proforma) are to be fully explained in a supporting schedule to the Applicant's Schedules 9 and 10. Such adjustments shall be numbered sequentially beginning with operating revenues. Supporting data for each adjustment, including the details of its calculation, should be provided. Examples of adjustments include:

1. Adjustments to annualize changes occurring during the test period.

2. Adjustments to reflect known and certain changes in wage agreements and payroll taxes occurring in the

State Corporation Commission

test period and proforma period (the 12-month period following the test period).

3. Adjustments to reflect depreciation and property taxes based on end-of-period plant balances.

4. Adjustments relating to other known changes occurring during the test period or proforma period.

5. Amounts relating to known and certain changes in company operations that take place in the proforma period can be adjusted through the end of the rate year. The rate year shall be defined as the twelve months following the effective date of new rates. The proforma period shall be defined as the 12 months immediately following the test year.

Statement of Compliance

Instructions: Include the following statement signed by the person(s) sponsoring the application:

I, (Name of Sponsoring Party), (Title), affirm that this application complies with the Commission's Rules for small investor-owned telephone utilities' applications for increase in rates, and I further affirm that the schedule filed to support the application comply with the instructions for the schedules set forth in the Appendix to those rules.

(Signature of Sponsoring Party)

(Date)

Schedule 12

Working Papers

Instructions: Provide detailed work papers and supporting schedules of all proposed adjustments. Two copies of this exhibit shall be filed with the Commission's Division of Accounting and Finance. Copies shall be provided to other parties on request. Each schedule shall identify sources of all data. Data shall be clearly identified as actual or estimated.

Schedule 13

Revenue and Expense Schedule

Instructions: The Applicant shall provide information about revenues by primary account (consumer classification) and operating and maintenance expenses by primary account during the test period.

The Applicant shall also provide a detailed explanation of all revenue and expense item increases and decreases of more than 10% during the test period as compared to the 12-month period immediately preceding the test period. Worksheets used to compute the percentage change should be available for review upon request.

Schedule 14

Explanation of Proposed Revenue Requirement Calculation

Instructions: Provide a schedule describing the methodology used to determine the revenue requirement shown on Schedule 9, Column 6.

Schedule 15

Additional Revenues

Instructions: Show the calculations of the additional gross revenues and percentage increases by customer classes that would be produced by the new rates during the test period.

Schedule 16

GOVERNOR

EXECUTIVE ORDER NUMBER TWENTY-FIVE (86)

CONTINUING CERTAIN EXECUTIVE ORDERS NECESSARY FOR THE EFFICIENT ADMINISTRATION OF STATE GOVERNMENT

By virtue of the authority vested in me as Governor by Sections 2.1-39.1, 2.1-51.8:1, 2.1-51.14, 2.1-51.17, 2.1-51.20, 2.1-51.26, and 2.1-51.33 of the Code of Virginia and subject always to my continuing, ultimate authority and responsibility to act in such matters and to reserve powers, I hereby continue the following executive orders which are necessary for the efficient administration of state government:

1. Executive Order Number 47 (84) (Revised), Authority and Responsibility of the Governor's Secretaries issued by Charles S. Robb on October 26, 1984; and
2. Executive Order Number 48 (84) (Revised), Delegation of Authority for Certain Actions Affecting Management of the Commonwealth, issued by Charles S. Robb on October 26, 1984.

This Executive Order will become effective on September 16, 1986, and will remain in full force and effect until November 14, 1986, unless amended or rescinded by further executive order.

This Executive Order supercedes and replaces Executive Order Number Four (86), issued January 16, 1986.

Given under my hand and under the seal of the Commonwealth of Virginia this 15th day of September, 1986.

/s/ Gerald L. Baliles
Governor

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.14:9.1 of the Code of Virginia)

VIRGINIA ALCOHOLIC BEVERAGE CONTROL BOARD

Title of Regulation: VR 125-01-2. Advertising.

Title of Regulation: VR 125-01-3. Tied-House.

Title of Regulation: VR 125-01-4. Requirements for Product Approval.

Title of Regulation: VR 125-01-5. Retail Operations.

Title of Regulation: VR 125-01-6. Manufacturers and Wholesalers Operators.

Title of Regulation: VR 125-01-7. Other Provisions.

Governor's Comment:

No objection to the proposed regulations as presented. I urge the Board to give careful consideration to the comments and suggestions of all interested parties.

/s/ Gerald L. Baliles
Date: September 19, 1986

DEPARTMENT OF CORRECTIONS

Title of Regulation: VR 230-40-003. Standards for Post-Dispositional Confinement for Secure Detention and Court Service Units.

Governor's Comment:

No objection to the proposed regulation as presented. I urge the Board and Department to give careful consideration to the comments of affected courts, institutions and individuals.

/s/ Gerald L. Baliles
Date: September 19, 1986

BOARD OF EDUCATION

Title of Regulation: VR 270-01-0006. Regulations Governing Pupil Transportation Including Minimum Standards for School Buses in Virginia.

Governor's Comment:

No objections to the proposed regulation as presented.

Gerald L. Baliles
Date: September 19, 1986

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

Title of Regulation: VR 380-01-01. Regulations for the Senior Citizen Higher Education Program.

Governor's Comment:

No objection to the proposed regulation as presented. I would strongly recommend that the State Council, in cooperation with the Department for the Aging, other state agencies, and higher education institutions, bring this

salutary program to the attention of larger numbers of older Virginians and encourage their participation in the educational opportunities it presents.

/s/ Gerald L. Baliles
Date: September 19, 1986

DEPARTMENT OF SOCIAL SERVICES

Title of Regulation: VR 615-50-1. Standards and Regulations for Agency Approved Providers.

Office of the Governor
September 22, 1986

Mr. William L. Lukhard
Commissioner
Department of Social Services
8007 Discovery Drive
Richmond, Virginia 23288

Dear Mr. Lukhard:

I have reviewed the Standards and Regulations for Agency Approved Providers (VR 615-50-1) under the procedures of Executive Order Number Five (86).

The regulations appear carefully drawn to give local social services agencies increased flexibility in purchasing homemaker services for their clients. Because of the positive impact and policy considerations addressed by these regulations, I have no objections to these proposals as presented.

/s/ Gerald L. Baliles

Title of Regulation: VR 615-70-7. Posting of Security Bond or Guarantee.

Office of the Governor
September 22, 1986

Mr. William L. Lukhard
Commissioner
Department of Social Services
8007 Discovery Drive
Richmond, Virginia 23288

I have reviewed the regulations for Posting of Security, Bond or Guarantee under the procedures of Executive Order Number Five (86).

I understand that promulgation of these regulations is necessary to bring Virginia into compliance with federal regulations regarding child support enforcement; however,

I would recommend that additional safeguards be incorporated into these standards to protect both the responsible party and the Department of Social Services. These regulations require further clarification of the procedures for notifying the responsible party of the Department's initial determination and for informing the party of procedures available to contest that determination. This will provide the responsible party with notice of the basis for the Department's determination and will give that party sufficient information to permit him or her to contest the Department's decision.

I would also suggest that the proposed regulations include guidelines or factors to be considered in determining the amount of the guarantee to be required. This change, coupled with the clarification of procedures mentioned above, should minimize the possibility of inconsistent determinations and ensure that the responsible party knows that the Department has not acted arbitrarily.

/s/ Gerald L. Baliles

DEPARTMENT OF TAXATION

Title of Regulation: VR 630-2-322. Virginia Taxable Income (Individual Income Tax).

Title of Regulation: VR 630-3-402. Virginia Taxable Income (Corporation Income Tax).

Governor's Comment:

No objection to the proposed regulations as presented. I urge the Department to consider carefully the modifications suggested by the Department of Planning and Budget, as well as any comments and suggestions received from interested parties.

/s/ Gerald L. Baliles
Date: September 22, 1986

Title of Regulation: VR 630-2-325. Taxable Income of Nonresidents (Individual Income Tax).

Title of Regulation: VR 630-2-332. Credit for Income Taxes Paid to Another State (Individual Income Tax).

Governor's Comment:

No objection to the proposed regulations as presented.

/s/ Gerald L. Baliles
Date: September 22, 1986

Governor

Title of Regulation: VR 630-3-466.1. Foreign Sales Corporations (Corporation Income Tax).

/s/ Gerald L. Baliles
Date: September 22, 1986

Governor's Comment:

No objection to the proposed regulation as presented. I urge the Department to assess changes, if any, in federal tax law that might affect these regulations and to recommend appropriate amendments if necessary.

Title of Regulation: VR 630-28-796.13 through VR 630-28-796.27. Virginia Cattle Assessment.

Governor's Comment:

No substantive objection to the proposed regulation as presented. I urge the Department to consider carefully the technical suggestions made by the Department of Planning and Budget and to monitor and report to me regarding the administrative efficiency of requiring quarterly reporting and collections.

/s/ Gerald L. Baliles
Date: September 22, 1986

Title of Regulation: VR 630-10-3. Advertising (Retail Sales and Use Tax).

/s/ Gerald L. Baliles
Date: September 22, 1986

Governor's Comment:

No objections to the proposed regulation as presented. I urge the Department to incorporate the suggestions of the Department of Planning and Budget, and to consider carefully comments and suggestions received from interested parties.

STATE WATER CONTROL BOARD

Title of Regulation: VR 680-16-02. Roanoke River Basin Water Quality Management Plan.

/s/ Gerald L. Baliles
Date: September 22, 1986

Office of the Governor

September 18, 1986

Title of Regulation: VR 630-10-18.1. Catalogs and Other Printed Materials (Retail Sales and Use Tax).

Mr. Richard N. Burton
Executive Director
State Water Control Board
2111 Hamilton Street
Post Office Box 11143
Richmond, Virginia 23230-1143

Title of Regulation: VR 630-10-86. Printing (Retail Sales and Use Tax).

Governor's Comment:

I have reviewed the proposed amendments to the Roanoke River Basin Water Quality Management Plan under the procedures of Executive Order Number Five (86).

No objection to the proposed regulations as presented. I encourage the Department to consider carefully the comments and suggestions of all interested parties.

/s/ Gerald L. Baliles
Date: September 22, 1986

The proposed amendments reflect changes in the projections of growth trends along the Upper Smith River and the Lower Smith River and the need to alter the plan to respond to the greater demands for waste treatment capacity in the Lower Smith River. Because of the positive impact and policy considerations addressed by these changes, I have no objections to these proposals as presented.

Title of Regulation: VR 630-10-24.4. Common Carriers of Property or Passengers by Railway (Retail Sales and Use Tax).

Governor's Comment:

/s/ Gerald L. Baliles

No objection to the proposed regulation as presented. I encourage the Department to consider carefully the modifications suggested by the Department of Planning and Budget and the Office of the Attorney General, as well as any further comments and suggestions from all interested parties.

GENERAL NOTICES/ERRATA

Symbol Key †
† Indicates entries since last publication of the Virginia Register

NOTICES OF INTENDED REGULATORY ACTION

STATE BOARD OF EDUCATION

BOARD OF BARBER EXAMINERS

† 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 Board of Barber Examiners intends to consider amending regulations entitled: **Virginia Board of Barber Examiner Regulations**. The purpose of the proposed changes is to amend the fees charged for license renewal in accordance with § 54-1.28:1, of the Code of Virginia.

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Education intends to amend regulations entitled: **Special Education Regulations for Handicapped Children in Virginia's Public Schools**. The purpose of the proposed amendment is to comply with the request of the United States Department of Education, in order to ensure conformity with guidelines for the Complaint Procedure which will be issued by that department.

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

Statutory Authority: §§ 22.1-16 and 22.1-214 of the Code of Virginia; 20 USC § 1221e-3(a)(1).

Written comments may be submitted until October 31, 1986.

Written comments may be submitted until October 17, 1986.

Contact: Evelyn W. Brennan, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8509 (toll-free number in Virginia only 1-800-552-3016).

Contact: Dr. N. Grant Tubbs, Administrative Director, Department of Education, P.O. Box 6Q, 101 N. 14th St., Richmond, Va. 23216-2060, telephone (804) 225-2402.

CRIMINAL JUSTICE SERVICES 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 Criminal Justice Services Board intends to consider amending regulations entitled: **Rules Relating to Compulsory Minimum Training Standards for Noncustodial Employees of the Department of Corrections**. The purpose of the proposed changes is to amend and update existing regulations governing the training of Department of Corrections employees who are appointed to a noncustodial position.

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Education intends to consider amending regulations entitled: **Special Education Regulations for Handicapped Children in Virginia Public Schools**. The purpose of the proposed amendments is to ensure uniformity and consistency in the appointment procedure for local hearing officers and state administrative hearing officers for special education due process hearings, and to have the local hearing officers appointed in the same manner as the state administrative hearing officers. As of July 1, 1986, state administrative hearing officers are appointed through the Office of the Executive Secretary for the Supreme Court in accordance with § 9-6.14:14.1 of the Code of Virginia. This is contrary to the provisions in the current special education regulations. Section 9-6.14:14.1 of the Code of Virginia does not apply, however, to local hearing officer appointment procedures; therefore, for uniformity and consistency, revision in local hearing officer appointment procedures is sought.

Statutory Authority: § 9-170 of the Code of Virginia.

Statutory Authority: §§ 22.1-16 and 22.1-214 of the Code of Virginia; 20 USC §§ 1412 and 1413.

Written comments may be submitted until November 14, 1986 to Mr. L.T. Eckenrode, Division Director, 805 East Broad Street, Richmond, Virginia 23219.

Contact: Mr. Jay Malcan, Executive Assistant, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000.

General Notices/Errata

Written comments may be submitted until October 17, 1986.

Contact: Dr. N. Grant Tubbs, Administrative Director, Department of Education, P.O. Box 6Q, 101 N. 14th St., Richmond, Va. 23216-2060, telephone (804) 225-2402.

STATE HIGHWAY AND TRANSPORTATION BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Highway and Transportation Board intends to consider amending regulations entitled: **VR 385-01-4. Rules and Regulations for the Administration of Waysides and Rest Areas.** The purpose of the proposed amendments is to allow for sale of refreshments in rest areas with the approval of the State Highway and Transportation Board.

Statutory Authority: § 33.1-218 of the Code of Virginia.

Written comments may be submitted until November 17, 1986.

Contact: John M. Wray, Jr., Chief Engineer, Virginia Department of Highways and Transportation, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-2707

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Labor and Industry intends to consider amending and repealing regulations entitled: **Virginia Occupational Safety and Health Standards for General Industry and Construction.** These proposed deletions and amendments are to be made concurrent with the proposed adoption of a uniform confined space standard in order to assure internal consistency of that proposed standard with Virginia Occupational Safety and Health Standards for General Industry and Construction.

The Virginia Department of Labor and Industry intends to delete or amend the following section of the Virginia Occupational Safety and Health Standards for the Construction Industry:

1926.21(b)(6) (all of (b)(6))
1926.250(B)(2)
1926.350(b)(4)
1926.353(g)
1926.353(b) (all of (b)), (c)(1)-(2)

1926.651(v)

1926.956(a)(3) (all of (a)(3)), (b) (all of (b))

The Virginia Department of Labor and Industry intends to delete or amend the following sections of the Virginia Occupational Safety and Health Standards for General Industry:

1910.94(d)(11)(ii)-(iv), (d)(11)(vi)

1910.252(d)(2)(vi)(c), (d)(4)(ii), (e)(4)(i)-(iv), (e)(4)(vi), (f)(2)(1), (f)(4), (f)(5), (f)(6)(i), (f)(7)(i), (f)(7)(iii), (f)(8), (f)(9), (f)(10)

1910.261(b)(5), (e)(12)(iii), (f)(6)(i)-(ii), (g)(2)(iii), (g)(4)(all of (g)(4)), (g)(6), (g)(8), (g)(15)(i)-(iv), (j)(5)(ii)-(iii), (j)(6)(i)

1910.262(p)(1), (q)(2)

1910.263(l)(3)(iii)(b)

1910.268(o), (o)(1)(ii), (o)(2)(all of (o)(2)), (o)(3), (o)(5)(all of (o)(5))

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

Written comments may be submitted until October 21, 1986, to Carol A. Amato, Commissioner, Virginia Department of Labor and Industry, 205 North 4th Street, P.O. Box 12064, Richmond, Virginia 23241

Contact: Jay Withrow, Interim Technical Services Director, Virginia Department of Labor and Industry, P.O. Box 12064, Richmond, Va. 23241, telephone (804) 786-8011, OR Tom Rother, Director of Health Voluntary Compliance, Virginia Department of Labor and Industry, P. O. Box 12064, Richmond, Va. 23241, telephone 786-0551

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 promulgate, amend and repeal regulations entitled: **VR 465-07-1. Regulations Governing the Certification of Nurse Practitioners.** The purpose of the proposed regulation is to clarify, simplify and otherwise ensure that the regulation of nurse practitioners is accomplished in the least restrictive manner consistent with the protection of the health, safety and welfare of the citizens of the Commonwealth of Virginia. Planned changes will be the result of the extensive review of regulations conducted in 1984-85. All comments previously received during that review will be considered again. Interested persons may submit additional or different written comments on the existing 1980 regulations.

General Notices/Errata

Statutory Authority § 54-274 of the Code of Virginia.

Written comments may be submitted until October 31, 1986.

Contact: Corrine F. Dorsey, R.N., Executive Director, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0377 (toll-free number 1-800-533-1560)

VIRGINIA STATE BOARD OF NURSING

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Board of Nursing intends to consider promulgating, amending and repealing regulations entitled: **VR 495-01-1. Board of Nursing Regulations.** The purpose of the proposed regulation is to clarify, simplify and otherwise ensure that the regulation of nurses and nursing education programs is accomplished in the least restrictive manner consistent with the protection of the health, safety and welfare of the citizens of the Commonwealth of Virginia. Planned changes will be the result of the extensive review of regulations conducted in 1984-85. All comments previously received during that review will be considered again. Interested persons may submit additional or different written comments on the existing 1982 regulations.

Statutory Authority: § 54-367.11 of the Code of Virginia.

Written comments may be submitted until October 31, 1986.

Contact: Corinne F. Dorsey, R.N., Executive Director, 517 W. Grace St., Richmond, Va. 23261, telephone (804) 786-0377 (toll-free number 1-800-533-1560)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Board of Nursing intends to promulgate, amend and repeal regulations entitled: **VR 495-02-1. Regulations Governing the Certification of Nurse Practitioners.** The purpose of the proposed regulation is to clarify, simplify and otherwise ensure that the regulation of nurse practitioners is accomplished in the least restrictive manner consistent with the protection of the health, safety and welfare of the citizens of the Commonwealth of Virginia. Planned changes will be the result of the extensive review of regulations conducted in 1984-85. All comments previously received during that review will be considered again. Interested persons may submit additional or different written comments on the existing 1980 regulations.

Statutory Authority: § 54-274 of the Code of Virginia.

Written comments may be submitted until October 31, 1986.

Contact: Corrine F. Dorsey, R.N., Executive Director, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0377, (toll-free number 1-800-533-1560)

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.** The proposed amendments will establish water quality standards for the protection of the Chesapeake Bay, its tributaries and other state waters from nutrient enrichment.

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

Written comments may be submitted until November 7, 1986.

Contact: Jean Gregory, Ecology Supervisor, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-0387

GENERAL NOTICES

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Request for Public Comment

The Commissioner of Virginia's Department of Labor and Industry requests comments on issues related to Virginia's proposed Confined Space Standard.

Comments are invited on the following two issues:

1. Should the Confined Space Standard require that employers "lock out and tag" electrical equipment (excluding lighting) capable of causing injury which is present in confined spaces where employees are working; or should the requirement be "lock out or tag?"

Note: The current National Electric Code exemption extended to electrical utility companies against the "lock out" requirement would remain intact as it is applied under existing occupational safety and health regulations.

General Notices/Errata

2. The proposed Confined Space Standard would require a written permit which shall describe the confined work space, the type of work to be done therein and the minimum environmental conditions acceptable for entry by employees. How long should employers be required to retain such permits:

- a. Discard when work is completed?
- b. Retain for one day after work is completed?
- c. Retain for one week after work is completed?
- d. Retain for thirty days after work is completed?
- e. Other (specify).

Written comments should be sent to Carol A. Amato, Commissioner, Virginia Department of Labor and Industry, 205 North 4th Street, P.O. Box 12064, Richmond, Virginia 23241

The Commissioner will not be able to consider any comments received after October 21, 1986.

For additional information contact: Thomas Rother, Occupational Health Voluntary Compliance and Training Director, (804) 786-0551 OR Jay Withrow, Interim VOSH Technical Services Director, (804) 786-8011

NOTICES 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

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

ERRATA

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Title of Regulation: VR 115-05-01. 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.

Issue: VA.R., 2:25, pp. 2479-2480, September 15, 1986

Correction to the Final regulation is as follows:

Page 2479, Column 2, under the listing of "Antibiotics", the word "lutia" should read:

"lutea"

DEPARTMENT OF MOTOR VEHICLES

Title of Regulation: VR 485-30-8601. Regulations Governing Grants to be Made Pursuant to the Virginia Alcohol Fuel Production Incentive Program Fund.

Issue VA.R., 2:25, pp. 2469-2477, September 15, 1986

Corrections to the Proposed regulations are underscored and shown as follows:

Page 2471, Column 1, under Part V, § 5.1, the first paragraph of Example 1 should read:

Example 1: As of April 30, 44 million gallons worth of grants have been awarded for all Class I plants for the fiscal year. Therefore, the remaining gallonage available for all Class I plant grants would be one million gallons. If the applications for all Class I plants for the month of May equals 2 million gallons, then each Class I plant would be allocated 50 percent of its grant request (subject to each plant's 3.5 million gallon limitation) :

Page 2471, Column 2, under Part V, § 5.1, the first paragraph of Example 2 should read:

Example 2: As of May 31, 63 million gallons worth of grants have been awarded for all plants for the fiscal year. Therefore, the remaining gallonage available for all plants would be two million gallons. If the total applications for all plant grants for the month of June equals five million gallons, one million for Class I plants and four million for Class II and III plants, then grants for all Class I plants would be paid in full (assuming that the 45 million gallon limit for Class I plants would not be exceeded and subject to each Class I plant's million gallon limitation) and grants for one million gallons would be available for all Class II and Class III plants. In this example, each Class II and III plant would be allocated 25

General Notices/Errata

percent of its grant request (subject to each Class III plant's 3.5 million gallon limitation) .

Page 2471, Column 2, under Part V, § 5.1, the first paragraph of Example 3 should read:

***Example 3:** As of May 31, 64 million gallons worth of grants have been awarded to all plants for the fiscal year. Therefore, the remaining gallonage available for all plants would be for one million gallons. If the total applications from all plant grants for the month of June equals three million gallons, two million from Class I plants and one million from Class II and III plants, then each Class I plant would be allocated 50 percent of its grant request (assuming that the 45 million gallon limit for Class I plants would not be exceeded and subject to each Class I plant's 3.5 million gallon limitation) while Class II and III plants would not receive any grants for that month:*

CALENDAR OF EVENTS

Symbols Key

- † Indicates entries since last publication of the Virginia Register
☒ Location accessible to handicapped
☎ Telecommunications Device for Deaf (TDD)/Voice Designation

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

STATE BOARD OF ACCOUNTANCY

- † **October 20, 1986 - 10 a.m.** - Open Meeting
† **October 21, 1986 - 10 a.m.** - Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to review (i) applications for licensure and certification; (ii) disciplinary cases; (iii) correspondence items; and (iv) to discuss new business.

Contact Roberta L. Banning, Department of Commerce, 5th Floor, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8505

DEPARTMENT FOR THE AGING

Long-Term Care Ombudsman Program Advisory Council

December 4, 1986 - 9:30 a.m. - Open Meeting
James Monroe Building, Conference Room E, 101 North 14th Street, Richmond, Virginia. ☒

The council will discuss the work of Virginia's Long-Term Care Ombudsman Program and hear interim reports from various subcommittees.

Contact: Catherine P. Saunders, Department for the Aging, James Monroe Bldg., 18th Floor, 101 N. 14th St., Richmond, Va. 23219-2797, telephone (804) 225-2912

VIRGINIA AGRICULTURAL COUNCIL

November 10, 1986 - 10 a.m. - Open Meeting
November 11, 1986 - 9 a.m. - Open Meeting
Holiday Inn - Airport, 5203 Williamsburg Road, Sandston, Virginia

A two-day meeting of the council called by the chairman to hear project proposals which have been received and properly supported by the board of directors of a commodity group.

Contact: Henry H. Budd, Assistant Secretary, Washington Bldg., Room 203, 1100 Bank St., Richmond, Va. 23219, telephone (804) 786-2373

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

November 5, 1986 - 9 a.m. - Open Meeting
Washington Building, Room 204, 1100 Bank Street, Richmond, Virginia. ☒

The Virginia Board of Agriculture and Consumer Services (Board) has been petitioned by the Environmental Defense Fund and the Virginia Seafood Council to ban or restrict the use of Tributyltin (TBT) in anti-fouling paints under the board's authority to regulate the sale and use of pesticides in Virginia. TBT is a pesticidal ingredient in some anti-fouling paint used on boats and ships to reduce the attachment of barnacles.

The board is sponsoring an Evidential Hearing pursuant to § 9-6.14:8 of the Administrative Process Act to be conducted by an appointed hearing officer to seek data from scientific research and opinions of experts on the toxicity and harmful effects of the use of TBT in anti-fouling paints as well as the economic impact of prohibiting or restricting the use of such paints in Virginia. Specifically, the board is seeking data in the following areas:

a. Scientific data on TBT in anti-fouling paint as to:

1. Toxicity to aquatic life

Calendar of Events

2. Persistence in aquatic systems
 3. Current concentration in Virginia waters
 4. Concentration in aquatic organisms, if any
 5. Observed effects on marine life in any Virginia waters where TBT levels have been determined
 6. Rates of release of TBT from "Free Association" as compared to copolymer TBT anti-fouling paints.
- b. To solicit facts and figures on the economic impact to boat owners and operators as well as shipyard facilities by banning or prohibiting the use of TBT in anti-fouling paints.
- c. To solicit facts and figures on the economic impact to the Virginia Seafood Industry from the use or continued use of TBT in anti-fouling paints.
- d. To solicit facts on the kinds and amounts of anti-fouling paint containing TBT used in Virginia.
- e. To solicit facts and figures on the use of "Free Association" vs. copolymer TBT in anti-fouling paints in Virginia.
- f. Wetted hull areas on commercial, recreational, and federal vessels that are using TBT anti-fouling paints in Virginia.
- g. Any scientific facts or other relevant data not addressed in a - f above.

Anyone having scientific data or other relevant facts is invited to appear and make presentations to the board. Written copies of presentations are requested and should be provided at the hearing for incorporation into the official record. Presentation should be limited to one-half hour. However, written text may be of any necessary length to transmit pertinent scientific data and relevant facts. Anyone planning to make a presentation should contact Billy W. Southall, Director, Division of Product and Industry Regulation, 1100 Bank Street, P.O. Box 1163, Room 403, Richmond, Virginia 23209, telephone (804) 786-3534 to obtain an assigned hour for presentation in order to best utilize the time and effort of participants. The hearing may extend beyond November 5 into November 6 and November 7, if necessary, to accommodate the number of people who wish to make presentations. Data submitted will be used by the board to reach a decision on whether or not to promulgate regulations to ban or restrict the use of TBT in anti-fouling paints in Virginia.

Contact: Raymond D. Vaughan, 1100 Bank St., Room 210, Richmond, Va. 23219, telephone (804) 786-3501

Virginia Farmers' Market Board

† **October 15, 1986 - 9 a.m.** - Open Meeting
1100 Bank Street, 2nd Floor Board Room, Washington Building, Richmond, Virginia.

A meeting to: (i) elect chairman and vice chairman; (ii) adopt operating budget; (iii) adopt policy and procedures; and (iv) adopt short and long term objectives.

Contact: R. Duke Burruss, 1100 Bank St., Washington Bldg., Room 701, Richmond, Va. 23219, telephone (804) 786-3549

VIRGINIA ALCOHOLIC BEVERAGE CONTROL BOARD

October 21, 1986 - 9:30 a.m. - Open Meeting
November 18, 1986 - 9:30 a.m. - Open Meeting
December 2, 1986 - 9:30 a.m. - Open Meeting
December 16, 1986 - 9:30 a.m. - Open Meeting
December 30, 1986 - 9:30 a.m. - Open Meeting
2901 Hermitage Road, Richmond, Virginia. ☐

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

Contact: Robert N. Swinson, Virginia Alcoholic Beverage Control Board, 2901 Hermitage Rd., Richmond, Va. 23220, telephone (804) 257-0617

VIRGINIA APPRENTICESHIP COUNCIL

October 23, 1986 - 10 a.m. - Open Meeting
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☐

A regular quarterly meeting.

Contact: R. S. Baumgardner, Director of Apprenticeship, Department of Labor and Industry, P.O. Box 12064, Richmond, Va. 23241, telephone (804) 786-2381

AUCTIONEERS BOARD

† **October 28, 1986 - 9 a.m.** - Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, Richmond, Virginia. ☐

An open board meeting to conduct (i) review of complaints; (ii) signing of certificates; (iii) discussion of revenue and expenditures; and (iv) review of certification examination.

Contact: Mr. Geralde W. Morgan, Assistant Director,

Calendar of Events

Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8508

Contact: Reggie Reynolds, Secretary, P.O. Box 176 Daleville, Va. 24083-0176, telephone (703) 992-1992

BOARD OF BARBER EXAMINERS

† **November 3, 1986 - 9 a.m.** – Open Meeting
Department of Commerce, Travelers Building, 5th Floor, Conference Room 3, 3600 West Broad Street, Richmond, Virginia. ☒

A called meeting to (i) review comments from the "Notice of Intended Regulatory Action", and proposed regulations; (ii) review investigative reports of complaints and determine disposition; and (iii) consider general correspondence pertinent to the operation of the board.

† **November 17, 1986 - 9 a.m.** – Open Meeting
Department of Commerce, Travelers Building, 5th Floor, 3600 West Broad Street, Richmond, Virginia. ☒

A regular business meeting to (i) hear budget report; (ii) review complaints; (iii) review applications; and (iv) review examination reports

Contact: Evelyn W. Brennan, Department of Commerce, 3600 W. Broad St., 5th Floor, Richmond, Va. 23230, telephone (804) 257-850

STATE BUILDING CODE TECHNICAL REVIEW BOARD

† **October 24, 1986 - 10 a.m.** – Open Meeting
Fourth Street State Office Building, 2nd Floor Conference Room, 205 North 4th Street, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

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

Contact: Jack A. Proctor, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4751

VIRGINIA CATTLE INDUSTRY BOARD

† **November 18, 1986 - 10 a.m.** – Open Meeting
Holiday Inn South, Charlottesville, Virginia. ☒

The board meeting will include review of collections, implementations of National's \$1.00 checkoff, review of funded projects and proposals for new projects.

VIRGINIA STATE CRIME COMMISSION

† **October 21, 1986 - 10 a.m.** – Open Meeting
General Assembly Building, 6th Floor Conference Room, Capitol Square, Richmond, Virginia. ☒

The Commission will continue its examination of corrections in the Commonwealth.

Contact: Robert E. Colvin, Executive Director, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 225-4534

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

Division of Historic Landmarks State Review Board

October 14, 1986 - 10 a.m. – Open Meeting
221 Governor Street, Richmond, Virginia

A meeting to consider the addition of the following properties to the Virginia Landmarks Register and their nomination to the National Register of Historic Places:

Broad Street Commercial Historic District, Richmond;
Emmanuel Church, King George County;
Fairfax City Historic District, Fairfax (city);
Lower Basin Historic District, Lynchburg;
Mount Ida, Buckingham County;
Saint John's A.M.E. Church, Norfolk;
Sonner Hall, Randolph Macon Academy, Front Royal, Warren County.

Virginia Historic Landmarks Board

October 14, 1986 - 2 p.m. – Open Meeting
221 Governor Street, Richmond, Virginia

A general business meeting.

Contact: Margaret T. Peters, 221 Governor St., Richmond, Va. 23219, telephone (804) 786-3143

Falls of the James Advisory Committee

† **October 17, 1986 - 12 Noon** – Open Meeting
Richmond City Hall, Broad and 9th Street, 3rd Floor Conference Room, Richmond, Virginia. ☒

A regular meeting to discuss issues related to the

Calendar of Events

Falls of the James River.

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

BOARD OF COMMERCE

† **November 6, 1986 - 10:30 a.m.** — Open Meeting
Department of Commerce, Travelers Building, 5th Floor, 3600 West Broad Street, Richmond, Virginia. ☒

A regular monthly meeting of the board. The agenda will include consideration of SJR 51 study report on the regulation of the towing and recovery industry.

Contact: Catherine M. Walker, Policy Analyst, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8519

BOARD OF CORRECTIONS

October 15, 1986 - 10 a.m. — Open Meeting
Department of Corrections, 4615 West Broad Street, Richmond, Virginia. ☒

A regular monthly meeting to consider such matters as may be presented to the board.

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

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November 12, 1986 - 10 a.m. — Public Hearing
Board of Corrections, Board Room, 4615 West Broad Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Corrections intends to amend regulations entitled: **VR 230-40-003. Post Dispositional Confinement for Secure Detention and Court Service Units.** This proposed amendment establishes standards for confinement and treatment of juveniles in post dispositional care.

Statutory Authority: § 16.1-284.1 of the Code of Virginia.

Written comments may be submitted until September 30, 1986.

Contact: Glenn D. Radcliffe, Chief of Operations/Support Services, Division of Youth Services, 4615 W. Broad St., P.O. Box 26963, Richmond, Va. 23261, telephone (804) 257-0385

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November 18, 1986 - 7 p.m. — Public Hearing
Ramada Inn East, 351 York Street, Williamsburg, Virginia
November 20, 1986 - 7 p.m. — Public Hearing
Holiday Inn, Fair Oaks Mall, 11787 Lee Jackson Highway, Fairfax, Virginia
November 25, 1986 - 7 p.m. — Public Hearing
Holiday Inn, Junction of US 11, I-81 and I-77, Wytheville, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Corrections intends to adopt regulations entitled: **Minimum Standards for Jails and Lockups.** These regulations establish minimum standards for the administration and operation of jails and lockups.

Statutory Authority: §§ 53.1-5, 53.1-68 and 53.1-131 of the Code of Virginia.

Written comments may be submitted until November 15, 1986.

Contact: John T. Britton, Manager, Certification Unit, 5001 W. Broad St., Suite 300, Richmond, Va. 23230, telephone (804) 281-9240

VIRGINIA BOARD OF COSMETOLOGY

† **October 20, 1986 - 9 a.m.** — Open Meeting
Department of Commerce, Travelers Building, 5th Floor, 3600 West Broad Street, Richmond, Virginia. ☒

A regular business meeting to (i) hear budget report; (ii) review applications; (iii) review complaints; and (iv) review examination reports.

Contact: Evelyn W. Brennan, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8509

BOARD FOR RIGHTS OF THE DISABLED

† **October 22, 1986 - 10 a.m.** — Open Meeting
James Monroe Building, Conference Room D, 101 North 14th Street, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A quarterly meeting to review committee activities and participation in plan of cooperation.

Contact: James A. Rothrock, 17th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2042

Calendar of Events

STATE BOARD OF EDUCATION

October 28, 1986 - 9 a.m. - Open Meeting
October 29, 1986 - 9 a.m. - Open Meeting
General Assembly Building, House Room C, 1st Floor,
Capitol Square, Richmond, Virginia. ☐

A regularly scheduled meeting. 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 Building, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2540

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October 28, 1986 - 1:30 p.m. - Public Hearing
General Assembly Building, House Room C, Capitol Square,
Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Education intends to amend regulations entitled: **Regulations Governing Pupil Transportation Including Minimum Standards for School Buses in Virginia**. The purpose of the proposed amendment is to prescribe the scope of physical examinations for school bus drivers.

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

Written comments may be submitted until October 29, 1986.

Contact: R. A. Bynum, Associate Director, Department of Education, P.O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2037

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November 12, 1986 - 1:30 p.m. - Public Hearing
James Monroe Building, Large Conference Room, 18th Floor, 101 North 14th Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Education intends to amend regulations entitled: **VR 270-01-010. Regulations Governing Pupil Accounting Records**. The regulations direct local school division personnel in maintaining school attendance of pupils in the public school system.

Statutory Authority: §§ 22.1-16 and 22.1-20 and Chapter 14 of Title 22.1 of the Code of Virginia.

Written comments may be submitted until November 12, 1986.

Contact: Howell L. Gruver, Administrative Director, MIS, Virginia Department of Education, P.O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2099

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December 11, 1986 - 9 a.m. - Open Meeting
December 12, 1986 - 9 a.m. - Open Meeting
James Monroe Building, 1st Floor Conference Rooms C and D, 101 North 14th Street, Richmond, Virginia. ☐

A regularly scheduled meeting. 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 Building, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2540

GOVERNOR'S COMMISSION ON EFFICIENCY IN GOVERNMENT

October 15, 1986 - 10 a.m. - Open Meeting
November 18, 1986 - 10 a.m. - Open Meeting
December 17, 1986 - 10 a.m. - Public Hearing
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. ☐

The Governor's Commission on Efficiency in Government has established its 1986 meeting schedule as follows:

10/15/86: Implementation of commission procedures and September meeting decisions.

11/18/86: Review results of work conducted in September and October; prepare recommendations.

12/17/86: Public hearing on recommendations to Governor and 1987 General Assembly; finalize recommendations.

Contact: Alan Albert OR Leonard Hopkins, Office of the Governor, State Capitol, Richmond, Va. 23219, telephone (804) 786-2211

STATE BOARD OF ELECTIONS

November 24, 1986 - 10 a.m. - Open Meeting
General Assembly Building, Senate Room A, Capitol Square, Richmond, Virginia. ☐

Canvass of November 4, 1986, General and Special Elections.

Contact: M. Debra Mitterer, Ninth Street Office Bldg., Room 101, Richmond, Va. 23219, telephone (804) 786-6551

VIRGINIA COUNCIL ON THE ENVIRONMENT

† **October 21, 1986 - 10 a.m. - Open Meeting**
State Capitol, House Room 4, Capitol Square, Richmond,

Calendar of Events

Virginia. ☒

This is a quarterly meeting of the council, and is open to the public. There will be an update of council activities concerning the Coastal Resources Management Program and a continuation of state River Policy discussion. Citizens will be given an opportunity to address council during the Citizen Forum portion of the meeting.

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

DEPARTMENT OF FIRE PROGRAMS (BOARD OF)

December 19, 1986 - 9:30 a.m. - Public Hearing
James Monroe Building, 101 North 14th Street, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Fire Services Board intends to adopt regulations entitled **VR 310-01-2. Regulations Establishing Certification Standards for Fire Inspectors.** These regulations establish standards for qualifying fire inspectors to be permitted to issue summonses and serving arrest warrants as provided § 27-34.2 of the Code of Virginia.

Statutory Authority: § 9-155 of the Code of Virginia.

Written comments may be submitted until December 31, 1986. Proposed effective date is April 1, 1987.

Contact: Carl N. Cimino, Executive Director, James Monroe Bldg., 17th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2681

VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

October 16, 1986 - 9 a.m. - Open Meeting
October 17, 1986 - 9 a.m. - Open Meeting
Personnel Development Services, Mezzanine Level, James Monroe Building, 101 North 14th Street, Richmond, Virginia. ☒

A meeting, including general board agenda, discussion and proposal of regulations and promulgation process, disciplinary matters (tentative) and reports from board committees. (Parking adjacent to the Main Street Station - Fee)

November 7, 1986 - 7:30 p.m. - Open Meeting
November 8, 1986 - 9 a.m. - Open Meeting
Omni Hotel, 235 West Main Street, Charlottesville, Virginia

Executive committee meetings certifying candidates for funeral service licensure November 18 and 19, 1986.

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

October 23, 1986 - 3 p.m. - Open Meeting
Holiday Inn Marion, 1424 North Main Street, Marion, Virginia

Joint meeting of the Commission's Game, Fish and Land Committees to consider and develop a policy for camping on wildlife management areas and Commission-owned lakes and streams.

Fish Committee to further consider the striped bass poaching problem in Smith Mountain Lake.

October 24, 1986 - 9:30 a.m. - Public Hearing
Holiday Inn Marion, 1424 North Main Street, Marion, Virginia

The commission will act on proposals to amend fishing regulations VR 325-03-2. §§ 1, 5, 6, 13 and VR 325-03-1. § 8 pertaining to trout fishing. Also, VR 325-03-1. §§ 2, 3, and VR 325-01-1. § 4 pertaining to creel and size limits on warmwater fish; and act on a proposed new regulation which would prohibit wading and boats in certain portion of the Leesville Dam.

General administrative matters and reports of various committees will be considered.

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

INTERAGENCY COORDINATING COUNCIL ON DELIVERY OF RELATED SERVICES TO HANDICAPPED CHILDREN

† **October 28, 1986 - 1:30 p.m. - Open Meeting**
Commission for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia. ☒

A regular monthly meeting of the ten agency representatives that comprise the council which is designed to facilitate the timely delivery of appropriate services to handicapped children and youth in Virginia.

Contact: Dr. Michael M. Fehl, Department of Mental Health and Mental Retardation, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3710

Calendar of Events

DEPARTMENT OF HEALTH (BOARD OF)

October 15, 1986 - 10 a.m. - Public Hearing
James Madison Building, Main Floor Conference Room,
109 Governor Street, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to amend regulations entitled: **Commonwealth of Virginia Sanitary Regulations For Marinas and Boat Moorings**. The regulations require all marinas and boat moorings to provide sanitary facilities.

Statutory Authority: § 32.1-246 of the Code of Virginia

Written comments may be submitted until October 15, 1986, 19 Dr. C. M. Sawyer, Virginia Department of Health, Division of Water Programs, Madison Building, Room 903, 109 Governor Street, Richmond, Virginia 23219

Contact: Albert F. Golding, Marina Supervisor, Virginia Department of Health, Division of Water Programs, James Madison Bldg., Room 903A, Governor St., Richmond, Va. 23219, telephone (804) 786-1761

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October 20, 1986 - 2 p.m. - Public Hearing
James Madison Building, 1st Floor Conference Room, 109 Governor Street, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health, Division of Water Programs, intends to amend regulations entitled: **VR 355-39-01. Regulations Governing Eligibility Standards and Charges for Medical Care Services**. The purpose of the amendments is to establish medical indigency; prescribe income scales and charges for services to patients who are not declared medically indigent.

Statutory Authority: § 32.1-11 of the Code of Virginia.

Written comments may be submitted no later than 5 p.m., October 20, 1986.

Contact: Barbara W. Jernigan, Administrative Supervisor, 109 Governor St., Room 512, James Madison Bldg., Richmond, Va. 23219, telephone (804) 786-3554.

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December 2, 1986 - 10 a.m. - Public Hearing
James Madison Building, Main Floor Conference Room,
109 Governor Street, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to adopt regulations entitled: **VR 355-12-01. Virginia Hearing Impairment Identification and Monitoring System**. The regulations establish

procedures for implementation of a system to identify newborns at risk for hearing impairment and to monitor them until a determination of the status of their hearing is made.

Statutory Authority: § 32.1-64 of the Code of Virginia.

Written comments may be submitted until December 1, 1986.

Contact: Pat T. Dewey, Speech and Hearing Services Administrator, Department of Health, James Madison Bldg., 6th Floor, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-6281

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December 2, 1986 - 11 a.m. - Public Hearing
James Madison Building, Main Floor Auditorium, 109 Governor Street, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to amend regulations entitled: **State Plan for the Provision of Crippled Children's Services**. These regulations describe the eligibility criteria, application process, financial process, treatment process, variance and appeal process, scope, and content of the crippled children's services.

Statutory Authority: §§ 32.1-12 and 32.1-77 of the Code of Virginia.

Written comments may be submitted until December 2, 1986.

Contact: Willard R. Ferguson, M.D., Director, Division of Handicapped Children, Department of Health, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-3691

COUNCIL ON HEALTH REGULATORY BOARDS (DEPARTMENT OF)

October 21, 1986 - 1:30 p.m. - Open Meeting
(Location to be announced) Richmond, Virginia

The annual meeting of the council will be preceded by the following meetings of standing committees:

Public and Professional Information and Education Committee - 9 a.m.
Scope and Standards of Practice Committee - 10:30 a.m.
Executive Committee - 12 Noon

Reports of these committees and of the Administration and Budget Committee, Compliance and Discipline Committee, and Regulatory Evaluation and Research

Calendar of Events

Committee will be considered by the full council on Health Regulatory Boards.

Regulatory Evaluation and Research Committee

October 7, 1986 - 10 a.m. - RESCHEDULED TO
† **October 20, 1986 - 7:30 p.m. - Open Meeting**
Jefferson-Sheraton Hotel, Richmond, Virginia. ☒

The purpose of the meeting is to review and approve the draft of the annual report of the committee to be presented to the full Council on Health Regulatory Boards the following day, Tuesday, October 21, 1986 at 1:30 p.m.

Contact: Richard D. Morrison, Policy Analyst, Department of Health Regulatory Boards, P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0822

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

October 22, 1986 - 9:30 a.m. - Open Meeting
Virginia Center for Health Affairs, 4200 Innslake Drive, Glen Allen, Virginia. ☒

A monthly business meeting of the council for the purpose of addressing financial policy or technical matters with may have arisen since the last meeting.

December 17, 1986 - 11:30 a.m. - Public Hearing
Virginia Center for Health Affairs, 4200 Innslake Drive, Glen Allen, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Health Services Cost Review Council intends to amend regulations entitled: **VR 370-01-001. The Rules and Regulations of the Virginia Health Services Cost Review Council.** The changes in the rules and regulations are designed to permit the collection of fees in a more timely and appropriate manner.

Statutory Authority: § 9-164, paragraph 2 of the Code of Virginia.

Written comments may be submitted until December 17, 1986.

Contact: Dr. Ann Y. McGee, Director, Virginia Health Service Cost Review Council, 9th Floor, 805 E. Broad St., Richmond, Va. 23219, (804) 786-6371

DEPARTMENT OF HIGHWAYS AND TRANSPORTATION (STATE BOARD OF)

October 16, 1986 - 10 a.m. - Open Meeting
Hotel Roanoke, Roanoke, Virginia. ☒ (Interpreter for deaf provided if requested)

Monthly meetings of the board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval.

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

November 17, 1986 - 10 a.m. - Public Hearing
State Capitol, House Room 4, Capitol Square, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of the Virginia that the Department of Highways and Transportation intends to amend regulations entitled: **Rules and Regulations for the Administration of Waysides and Rest Areas.** The proposed regulations will allow sale of items, including refreshments, in rest areas with permission of the Highway and Transportation Board.

Statutory Authority: § 33.1-218 of the Code of Virginia.

Written comments may be submitted until November 17, 1986.

Contact: John M. Wray, Jr., Chief Engineer, Department of Highways and Transportation, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-2707

† **November 20, 1986 - 10 a.m. - Open Meeting**
Department of Highways and Transportation Building, Board Room, 1401 East Broad Street, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A monthly meeting of the board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval.

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

Calendar of Events

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

October 20, 1986 - 10 a.m. - Public Hearing
State Capitol, House Room 4, Capitol Square, Richmond, Virginia. ☒

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 I - New Construction Code/1984 edition, Article 2.**

The purpose of this amendment is to change the definition of the word "Ambulatory" as it appears in Volume I - New Construction Code of the Uniform Statewide Building Code compatible with the state statute's definition of "Ambulatory" as amended in § 63.1-174.1 of the Code of Virginia by the 1986 Session of the General Assembly.

Statutory Authority: Article 1 (§ 36.97 et seq.) of Chapter 6 of Title 36 of the Code of Virginia.

Written comments may be submitted until October 20, 1986.

Contact: Jack A. Proctor, CPCA, Deputy Director, Building Regulatory Services, Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4751

* * * * *

October 20, 1986 - Open Meeting (following the public hearing at 10 a.m. on "Ambulatory")
State Capitol, House Room 4, Capitol Square, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

To afford interested persons and groups an opportunity to submit data, views and arguments regarding the impact the Virginia Public Building Safety Law has on existing public buildings. Anyone wishing to speak or offer written statements relating to the impact of this law 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 October 20, 1986.

Contact: Jack A. Proctor, CPCA, Deputy Director, Building Regulatory Services, Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4751

* * * * *

October 20, 1986 - 1 p.m. - Open Meeting
State Capitol, House Room 4, Capitol Square, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The board's regular formal business meeting to (i)

review and approve 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 above address of the board meeting one week prior to the date of the meeting.

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

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† **October 13, 1986 -** Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Housing Development Authority intends to amend regulations entitled: **VR 400-02-0003. Procedures, Instructions and Guidelines for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income.** The amendment modifies the provisions in the Procedures, Instructions and Guidelines relating to the maximum allowable sales prices and maximum allowable adjusted incomes under the authority's single family programs.

STATEMENT

Purpose: To increase the maximum allowable sales prices and maximum allowable adjusted incomes for the Northern Virginia portion of the Washington, DC-MD-VA MSA.

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, maximum allowable sales prices and maximum allowable adjusted incomes are established for the Northern Virginia portion of the Washington, DC-MD-VA MSA as well as other designated areas of the state. In order to reflect the increased housing costs and incomes of low and moderate income persons and families in this Northern Virginia portion of the Washington, DC-MD-VA MSA of the state, the proposed amendments will make certain increases in the maximum allowable sales prices and maximum allowable adjusted incomes for this area.

Impact: The authority expects that the proposed amendments will enable the authority to provide mortgage

Calendar of Events

loan financing to an additional 500 persons and families of low and moderate income in the Northern Virginia portion of the Washington, DC-MA-VA MSA who would otherwise have not been able to qualify for such financing. The authority does not expect that any significant costs will be incurred for the implementation of and compliance with the proposed amendments.

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

Written comments may be submitted until October 13, 1986.

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

* * * * *

† **October 21, 1986 - 9 a.m. - Open Meeting**
13 South 13th Street, Richmond, Virginia. ☐

This will be the regular monthly meeting of the Board of Commissioners of the Virginia Housing Development Authority to (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month; and (iv) consider 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. The board will 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, Jr., General Counsel, 13 S. 13th St., Richmond, Va. 23219, telephone (804) 782-1986

VIRGINIA STATE LIBRARY BOARD

October 20, 1986 - 11 a.m. - Open Meeting
Virginia State Library, 11th Street at Capitol Square, Richmond, Virginia. ☐

A regular meeting to discuss administrative matters.

Executive Committee

† **October 20, 1986 - 9:30 a.m. - Open Meeting**
Virginia State Library, 11th Street at Capitol Square, Richmond, Virginia. ☐

A meeting to discuss administrative affairs.

Contact: Jean K. Reynolds, Virginia State Library, 11th St. at Capitol Square, Richmond, Va. 23219, telephone (804) 786-2332

COMMISSION ON LOCAL GOVERNMENT

October 20, 1986 - 9 a.m. - Open Meeting
October 21, 1986 - 9 a.m. - Open Meeting
October 22, 1986 - 9 a.m. - Open Meeting
Montgomery County Juvenile and Domestic Relations Courtroom, Main and Franklin Street, Christiansburg, Virginia ☐

Public presentations by the Town of Christiansburg, Montgomery County and other interested parties regarding the Town of Christiansburg - Montgomery County annexation issue.

† **October 21, 1986 - 7:30 p.m. - Public Hearing**
National Guard Armory, College and Depot Streets, Christiansburg, Virginia

A public hearing regarding the Town of Christiansburg - Montgomery County annexation issue.

† **November 10, 1986 - 2 p.m. - Open Meeting**
Bath County General District Courtroom, Warm Springs, Virginia.

A regular bimonthly meeting to consider such matters as may be presented.

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

LONGWOOD COLLEGE

Board of Visitors

October 30, 1986 - 10 a.m. - Open Meeting
October 31, 1986 - 3 p.m. - Open Meeting
Virginia Room, Longwood College, Farmville, Virginia. ☐

A meeting to conduct business as the governing body of the institution.

Contact: Dr. Janet D. Greenwood, Longwood College, Farmville, Va. 23901, telephone (804) 392-9211

BOARD OF MEDICAL ASSISTANCE SERVICES

October 31, 1986 - 9 a.m. - Public Hearing
General Assembly Building, Senate Room B, Capitol Square, Richmond, Virginia. ☐

Calendar of Events

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 adopt regulations entitled: **Rehabilitation Services**. These regulations define the amount, duration and scope of rehabilitation services covered by the department.

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

Written comments may be submitted until October 27, 1986.

Contact: Martha B. Pulley, Health Programs Consultant, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-7933

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October 31, 1986 - 9 a.m. – Public Hearing
General Assembly Building, Senate Room B, Capitol Square, Richmond, Virginia. ☐

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 adopt regulations entitled: **VR 460-03-2.6152. Definition of Home Ownership**. The purpose of the regulation is to establish the definition of home ownership to be used in determining eligibility for Medicaid.

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

Written comments may be submitted until October 27, 1986.

Contact: Ann E. Cook, Medical Social Services Director, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 225-4220

VIRGINIA STATE BOARD OF MEDICINE

October 24, 1986 - 8 a.m. – Open Meeting
October 25, 1986 - 8 a.m. – Open Meeting
Richmond Marriott, 500 East Broad Street, Richmond, Virginia. ☐

A meeting to conduct personal interviews in open and closed session for position of executive medical director for the Board of Medicine.

Informal Conference Committee

October 16, 1986 - 11 a.m. – Open and Closed Meetings
General Assembly Building, Conference Room, 4th Floor West, Capitol Square, Richmond, Virginia. ☐
October 22, 1986 - 12:30 p.m. – Open and Closed Meetings

Roanoke Memorial Hospital, Rehabilitation Center, Conference/Board Room, Belleview and Jefferson, Roanoke, Virginia. ☐

† **October 31, 1986 - 9 a.m. – Open and Closed Meetings**
6401 Brandon Avenue, Room 207, Springfield, Virginia.

A meeting to 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 session pursuant to § 2.1-344 (a)(6) of the Code of Virginia.

Legislative Committee

October 24, 1986 - 1:30 p.m. – Open and Closed Meetings
Richmond Marriott, 500 East Board Street, Richmond, Virginia. ☐

A meeting to consider the definition of clinical psychology, hypnosis, chiropractic assistants, and other general business relating to possible amendments to the Healing Arts and Rules and Regulations. Open and closed sessions.

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

STATE MENTAL HEALTH AND MENTAL RETARDATION BOARD

October 22, 1986 - 10 a.m. – Open Meeting
Rockbridge Community Services Board, Lexington, Virginia. ☐

A regular monthly meeting. The agenda will be published on October 15 and may be obtained by calling Jane Helfrich.

Contact: Jane V. Helfrich, Board Secretary, Department of Mental Health and Mental Retardation, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3921

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

Office of Cross-Cultural Services

October 24, 1986 - 9 a.m. – Open Meeting
Virginia Polytechnic Institute and State University, Northern Virginia Campus, 2990 Telestar Center, Falls Church, Virginia. ☐

A planned group meeting to discuss the refugee mental health grant and information training and

Calendar of Events

other activities.

Contact: Pham Quang Thuy, 217 Governor St., Richmond, Va. 23214, telephone (804) 786-1196

State Human Rights Committee

† **November 14, 1986 - 10 a.m.** - Open Meeting
James Madison Building, 13th Floor Conference Room, 109 Governor Street, Richmond, Virginia. ☐

A regular meeting to discuss business relating to human rights issues. Agenda items are listed prior to meeting.

Contact: Elsie D. Little, A.C.S.W., P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3988

VIRGINIA DEPARTMENT OF MOTOR VEHICLES

November 18, 1986 - 10 a.m. - Public Hearing
Division of Motor Vehicles Branch Office, Tanglewood Mall, - Conference Room, 4206 Electric Road, Roanoke, Virginia

November 19, 1986 - 10 a.m. - Public Hearing.
Department of Motor Vehicles, Agecroft Room, No. 131, 2300 West Broad Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Motor Vehicles intends to adopt regulations entitled: **Regulations Governing Grants to be Made Pursuant to the Virginia Alcohol Fuel Production Incentive Program Fund.** These regulations provide for interpretations, registration, enforcement, and payment of grants under the Virginia Alcohol Fuel Production Incentive Program.

Statutory Authority: § 58.1-2127.7 of the Code of Virginia.

Written comments may be submitted until November 15, 1986. All persons who intend to comment at the public hearings are requested to give notice of this intent to the contact person by November 12, 1986.

Contact: B. H. Conner, Manager, Fuels Tax Division, Virginia Department of Motor Vehicles, P. O. Box 27422, Richmond, Va. 23261-7422, telephone (804) 257-8116

VIRGINIA MUSEUM OF FINE ARTS

Executive Committee

October 16, 1986 - 11:30 a.m. - Open Meeting
Virginia Museum of Fine Arts, Auditorium, Boulevard and

Grove, Richmond, Virginia. ☐

A meeting to consider committee and staff reports and budget review.

Finance Committee

October 16, 1986 - 10:30 a.m. - Open Meeting
Virginia Museum of Fine Arts, Members' Suite, Payne Room, Boulevard and Grove Avenue, Richmond, Virginia. ☐

Budget review.

Exhibitions Committee

† **November 19, 1986 - 2 p.m.** - Open Meeting
Virginia Museum of Fine Arts, Conference Room, Boulevard and Grove Avenue, Richmond, Virginia. ☐

Review of 1986-1987 Exhibitions.

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, Boulevard and Grove Ave., Richmond, Va. 23221, telephone (804) 257-0553/SCATS 327-0553

STATE BOARD OF NURSING

Informal Conference Committee

October 14, 1986 - 8:30 a.m. - Open Meeting
Department of Health Regulatory Boards, Board Room, 517 West Grace Street, Richmond, Virginia. ☐

The committee will inquire into allegations that certain licensees may have violated laws and regulations governing the practice of nursing in Virginia.

Contact: Corinne F. Dorsey, R.N., Executive Director, 517 W. Grace St., Richmond, Va. 23220, telephone (804) 786-0377

OLD DOMINION UNIVERSITY

Board of Visitors

October 16, 1986 - (Time to be announced) - Open Meeting

December 11, 1986 - (Time to be announced) - Open Meeting

Old Dominion University, Webb University Center, Old

Calendar of Events

Dominion University Campus, Norfolk, Virginia. ☒

A regular meeting to handle affairs of the University. (Specific times included in agenda distributed two weeks prior to meeting.)

Contact: Gordon A. McDougall, Office of the Board of Visitors, Old Dominion University, Norfolk, Va. 23508, telephone (804) 440-3072

VIRGINIA STATE BOARD OF OPTICIANS

† **November 7, 1986 - 9:30 p.m.** – Open Meeting
Department of Commerce, Travelers Building, 5th Floor,
3600 West Broad Street, Richmond, Virginia. ☒

A regular business meeting to (i) hear budget report; (ii) review complaints; (iii) review applications; and (iv) review examinations

Contact: Evelyn W. Brennan, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8509

VIRGINIA BOARD OF OPTOMETRY

† **October 15, 1986 - 9 a.m.** – Open Meeting
Supreme Court Building, 3th Floor Judicial Conference Room, 100 North 9th Street, Richmond, Virginia. ☒

Consultation of the Board of Optometry with counsel on legal matters.

November 24, 1986 - 8:30 a.m. – Open Meeting
Koger Center, Surry Building, 1601 Rolling Hill Drive, Richmond, Virginia. ☒

A general business meeting and preparation of state board examination.

Contact: Moria C. Lux, Executive Director, 517 W. Grace St., Richmond, Va. 23261, telephone (804) 786-0131

VIRGINIA OUTDOORS FOUNDATION

† **October 21, 1986 - 10:30 a.m.** – Open Meeting
General Assembly Building, 7th Floor-West, Capitol Square, Richmond, Virginia. ☒

A general business meeting.

Contact: Tyson B. Van Auken, 221 Governor St., Richmond, Va. 23219, telephone (804) 786-5539

PERINATAL SERVICES ADVISORY BOARD

October 30, 1986 - 12:30 p.m. – Open Meeting
James Madison Building, 10th Floor Conference Room, 109 Governor Street, Richmond, Virginia. ☒

A regular meeting of the Perinatal Services Advisory Board. (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

VIRGINIA REAL ESTATE BOARD

Education Coordinating Committee

† **November 19, 1986 - 8:30 a.m.** – Open Meeting
Department of Commerce, Travelers Building, 5th Floor Conference Room 1, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to consider (i) educational requirements for applicants for licensing; and (ii) updating of list of approved textbooks for approved courses for salespersons and brokers, etc.

Contact: Elinor Powell, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8526

BOARD OF REHABILITATIVE SERVICES

† **October 24, 1986 - 9:30 a.m.** – Open Meeting
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☒

A regularly scheduled meeting to conduct the business of the Department of Rehabilitative Services.

Evaluation and Analysis Committee

† **October 23, 1986 - 1 p.m.** – Open Meeting
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☒

A meeting do discuss and evaluate proposed policies and procedures and to consider appropriate recommendations to the Board of Rehabilitative Services.

Calendar of Events

Program Committee

† **October 23, 1986 - 1 p.m.** — Open Meeting
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☒

A meeting to review, discuss and recommend to the board necessary policies governing vocational rehabilitation and independent living rehabilitation programs and services.

Finance Committee

† **October 23, 1986 - 3 p.m.** — Open Meeting
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☒

A meeting to discuss budgetary matters and to review grants and contracts entered into by the Department of Rehabilitative Services.

Contact: Jim Hunter, Department of Rehabilitative Services, 4901 Fitzhugh Ave., Richmond, Va. 23230, telephone (804) 257-6446 (toll-free number 1-800-552-5019)

VIRGINIA RESOURCES AUTHORITY

October 14, 1986 - 9 a.m. — Open Meeting
The Mutual Building, Authority Board Room, Suite 305, 909 East Main Street, Richmond, Virginia. ☒

The board will meet to (i) approve minutes of the August 12 and September 9, 1986, board meetings; (ii) review the authority's operations for the prior months; and (iii) 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

VIRGINIA SAFETY AND HEALTH CODES BOARD

† **October 28, 1986 - 10 a.m.** — Open Meeting
State Capitol, House Room 2, Capitol Square, Richmond, Virginia. ☒

The meeting is being held to (i) consider an amendment to the Virginia Occupational Safety and Health Codes Administrative Regulations Manual; (ii) discuss the proposed Field Sanitation Standard; (iii) discuss the proposed Confined Space Standard; (iv) consider a proposed amendment to Accident Prevention Tags Standard, 1910.145 (f); and (v) consider a proposed amendment to Commercial

Driving Standard, 1910.430.

Contact: Margaret T. Gravett, Administrative Staff Specialist, Department of Labor and Industry, P.O. Box 12064, Richmond, Va. 23241, telephone (804) 786-9877

STATE SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

October 15, 1986 - 9 a.m. — Open Meeting
November 19, 1986 - 9 a.m. — Open Meeting
General Assembly Building, Senate Room A, Capitol Square, Richmond, Virginia. ☒

A meeting to hear and render a decision on all Appeals of Denials of On-Site Sewage Disposal System Permits.

Contact: P. M. Brooks, 502 Madison Bldg., Richmond, Va. 23219, telephone (804) 786-1750

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

† **October 21, 1986 - 9 a.m.** — Public Hearing
† **November 18, 1986 - 9 a.m.** — Public Hearing
General Assembly Building, House Room C, Capitol Square, Richmond, 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.

Contact: Rose Neal, Virginia Small Business Financing Authority, 1000 Washington Bldg., Richmond, Va. 23219, telephone (804) 786-3791

BOARD OF SOCIAL SERVICES

October 15, 1986 - 11 a.m. — Open Meeting
Sheraton Inn Coliseum, 1215 West Mercury Boulevard, Hampton, Virginia. ☒

A work session and general business meeting.

Contact: Phyllis Sisk, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9236

Calendar of Events

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

October 31, 1986 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Social Services intends to amend regulations entitled: **VR 615-50-1. Standards and Regulations for Agency Approved Providers.** The proposed amendments will expand standards used by local social service agencies to approve certain types of providers.

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

Written comments may be submitted until October 31, 1986.

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October 31, 1986 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-16.14:7.1 of the Code of Virginia that the Board of Social Services intends to adopt regulations entitled: **VR 615-52-1. Policy Regarding Purchased Services.** This regulation will set forth the broad parameters to permit local social service agencies to purchase applicable services for a client.

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

Written comments may be submitted until October 31, 1986.

Contact: Linda N. Booth, Administrative Planning Supervisor, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, (toll-free number 1-800-552-7091)

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November 14, 1986 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to adopt regulations entitled: **VR 616-70-7. Posting of Security, Bond or Guarantee.** The proposed regulations set forth procedures for posting security, bond or guarantee to secure payment of overdue support.

Statutory Authority: § 63.1-250.4 of the Code of Virginia.

Written comments may be submitted until November 14 1986, to Jean M. White, Director of Child Support Enforcement, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia. 23288

Contact: Jane L. Clements, Chief, Bureau of Program Operations, Division of Child Support Enforcement,

Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23288, telephone (804) 281-9074

VIRGINIA BOARD OF VETERINARY MEDICINE

October 29, 1986 - 1 p.m. - Open Meeting

October 30, 1986 - 9 a.m. - Open Meeting

House Appropriations Committee Room, General Assembly Building, 9th Floor, Capitol Square, Richmond, Virginia. ☒

A general board meeting.

Contact: Moria C. Lux, Virginia Board of Veterinary Medicine, P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0069

VIRGINIA-ISRAEL COMMISSION

Executive Committee

October 16, 1986 - 12 Noon - Open Meeting

General Assembly Building, House Appropriations Room, 9th Floor, Capitol Square, Richmond, Virginia. ☒

A general planning meeting.

Contact: Richard A. Arenstein, Special Assistant, Office of the Governor, State Capitol, Richmond, Va. 23219, telephone (804) 786-2211

VIRGINIA DEPARTMENT FOR THE VISUALLY HANDICAPPED

October 15, 1986 - 3 p.m. - Open Meeting

October 15, 1986 - 7 p.m. - Open Meeting

Medical Foundation of Roanoke, 3000 Keagy Road, Salem, Virginia. ☒ (Interpreter for deaf provided if requested) ☞

Commissioner John A. McCann invites the comments of all interested parties regarding the services, priorities, and mission of the Virginia Department for the Visually Handicapped. Comments are especially sought from blind individuals, their families, and advocacy groups of or for the blind.

Contact: Donald L. Cox, Virginia Department for the Visually Handicapped, Commonwealth of Virginia Bldg., 210 Church Ave., SW, Room B50, Roanoke, Va., 24011, telephone (703) 982-7122

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Calendar of Events

October 16, 1986 - 3 p.m. - Open Meeting
October 16, 1986 - 7 p.m. - Open Meeting
Southwest Region Office, Department of Social Services,
190 Patton Street, Abingdon, Virginia. ☒ (Interpreter for
deaf provided if requested) ☛

Commissioner John A. McCann invites the comments of all interested parties regarding the services, priorities, and mission of the Virginia Department for the Visually Handicapped. Comments are especially sought from blind individuals, their families, and advocacy groups of or for the blind.

Contact: Richard Fanis, Virginia Department for the Visually Handicapped, 111 Commonwealth Ave., Bristol, Va. 24201, telephone (804) 669-0114

DEPARTMENT OF WASTE MANAGEMENT

October 24, 1986 - 10 a.m. - Open Meeting
James Monroe Building, Conference Room D, 101 North
14th Street, Richmond, Virginia. ☒

A general business meeting.

Contact: Cheryl Cashman, James Monroe Bldg., 11th Floor,
101 N. 14th St., Richmond, Va. 23219, telephone (804)
225-2667

STATE WATER CONTROL BOARD

November 6, 1986 - 2 p.m. - Public Hearing
Virginia War Memorial, Auditorium, 621 South Belvidere
Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **Water Quality Standards: Water Quality Criteria for Surface Water**. The proposed amendment would revise the water quality criteria values for ammonia, arsenic, cadmium, chromium III, chromium VI, copper, cyanide, and lead.

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

Written comments may be submitted until November 17, 1986, to Ms. Doneva Dalton, Office of Policy Analysis, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Stu Wilson, Water Resources Ecologist, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-0387

THE COLLEGE OF WILLIAM AND MARY

Board of Visitors

† **October 23, 1986 - 5 p.m. - Open Meeting**
† **October 24, 1986 - 8 a.m. - Open Meeting**
† **October 25, 1986 - 8 a.m. - Open Meeting**
† **December 4, 1986 - 5 p.m. - Open Meeting**
† **December 5, 1986 - 8 a.m. - Open Meeting**
† **December 6, 1986 - 8 a.m. - Open Meeting**
The College of William and Mary, Campus Center,
Jamestown Road, Williamsburg, Virginia. ☒

A regularly scheduled meeting to receive reports from several committees of the board and to act on those resolutions that are presented by the administrations of William and Mary and Richard Bland College.

An informational release will be available four days prior to the board meeting for those individuals or organizations who request it.

Contact: Office of University Relations, James Blair Hall - Room 308, College of William and Mary, Williamsburg, Va. 23185, telephone (804) 253-4226

LEGISLATIVE

HOUSE APPROPRIATIONS COMMITTEE

October 24, 1986 - 8:30 a.m. - Open Meeting
Clinch Valley College, Route 646, Coeburn Road, Wise,
Virginia

A regular monthly meeting with agenda topics including Economic Development, Education and the Coal Industry.

Contact: Donna C. Johnson, House Appropriations Committee, General Assembly Bldg., 9th Floor, Capitol Square, Richmond, Va. 23219, telephone (804) 786-1837

HOUSE COMMITTEE ON CONSERVATION AND NATURAL RESOURCES

† **October 20, 1986 - 9:30 a.m. - Open Meeting**
† **October 21, 1986 - 9:30 a.m. - Open Meeting**
Environmental Education Center, Seashore State Park,
Virginia Beach, Virginia.

Review of Conservation and Natural Resources policies of agencies under the Secretary of Natural Resources.

Contact: Martin G. Farber, Research Associate OR Michael Ward, Staff Attorney, Division of Legislative Services, General Assembly Building, P.O. Box 3-AG, Richmond, Va.

Calendar of Events

23208, telephone (804) 786-3591

SPECIAL GENERAL LAWS SUBCOMMITTEE STUDYING HOUSING IN URBANIZED AREAS

† **October 21, 1986 - 2 p.m.** – Public Hearing
Roanoke City Council Chambers, 4th Floor, 215 Church Avenue, S.W., Roanoke, Virginia
† **October 30, 1986 - 7 p.m.** – Public Hearing
Fairfax City Council Chambers, 3rd Floor, 10455 Armstrong Street, Fairfax, Virginia.

Public hearings scheduled for this subcommittee following earlier hearings in Norfolk and Richmond. (HR 4)

Persons wishing to speak should contact: Anne R. Howard, House of Delegates Clerks Office, P.O. Box 406, Richmond, Va. 23203, telephone (804) 786-7681.

Additional information may be obtained from: Angela Bowser, Staff Attorney OR Joanne Fisher, Research Associate, Division of Legislative Services, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591.

COMMISSION ON LOCAL GOVERNMENT STRUCTURES AND RELATIONSHIPS

† **October 17, 1986 - 10 a.m.** – Public Hearing
James Madison University, Shenandoah Room, Harrisonburg, Virginia.

This will be the first of four public hearings around the Commonwealth to receive comment on relationships among counties, cities and towns. (HJR 163)

Persons wishing to speak should contact: Anne R. Howard, House Clerk's Office, P.O. Box 406, Richmond, Va. 23203, telephone (804) 786-7681.

Additional information may be obtained from: C. M. Conner, Jr., Staff Attorney OR Dr. R. J. Austin, Research Associate, Division of Legislative Services, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591.

STUDY COMMISSION ON HUMAN RIGHTS

† **October 14, 1986 - 10 a.m.** – Working Session
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☒

A working session of the Human Rights Study Commission (HJR 33).

Contact: Mary Spain, Staff Attorney OR Dr. R. J. Austin, Research Associate, Division of Legislative Services, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591.

JOINT SUBCOMMITTEE STUDYING THE MODEL JOINT CUSTODY ACT

† **October 15, 1986 - 10 a.m.** – Open Meeting
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☒

Subcommittee work session to discuss proposed legislation. (HJR 31)

Contact: Oscar Brinson, Staff Attorney, Division of Legislative Services, 2nd Floor, General Assembly Bldg., Capitol Square, Richmond, Va. 23219, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING THE STATE'S SUPPORT FOR TOURISM

October 20, 1986 - 2 p.m. – Open Meeting
General Assembly Building, 9th Floor Conference Room, Capitol Square, Richmond, Virginia. ☒

A working session to develop findings and recommendations. (HJR 13)

Contact: Donna C. Johnson, House Appropriations Committee, General Assembly Bldg., 9th Floor, Capitol Square, Richmond, Va. 23219, telephone (804) 786-1837

JOINT SUBCOMMITTEE STUDYING VIRGINIA'S TRAUMA CARE SYSTEM

† **October 20, 1986 - 10 a.m.** – Open Meeting
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. ☒

Subcommittee work session to discuss proposed legislation. (HJR 65)

Contact: Norma Szakal, Staff Attorney, Division of Legislative Services, 2nd Floor, General Assembly Bldg., Richmond, Va. 23219, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING WATER SUPPLY AND WASTEWATER TREATMENT FACILITIES

† **October 24, 1986 - 10:30 a.m.** – Open Meeting
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☒

Calendar of Events

A working session for subcommittee to receive draft report. (HJR 7)

Additional information may be obtained from: Martin Farber, Research Associate OR Michael Ward, Staff Attorney, Division of Legislative Services, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

CHRONOLOGICAL LIST

OPEN MEETINGS

October 14

Conservation and Historic Resources, Department of
- Division of Historic Landmarks State Review Board
- Virginia Historic Landmarks Board
† Human Rights, Study Commission on
Nursing, State Board of
- Informal Conference Committee
Resources Authority, Virginia

October 15

† Agriculture and Consumer Services, Department of
- Virginia Farmers' Market Board
Corrections, Board of
Efficiency in Government, Governor's Commission on
† Model Joint Custody Act, Joint Subcommittee
Studying
† Optometry, Virginia Board of
Sewage Handling and Disposal Appeals
Review Board, State
Social Services, State Board of
Visually Handicapped, Virginia Department for the

October 16

Funeral Directors and Embalmers, Virginia Board of
Highways and Transportation, Department of
(State Board of)
Medicine, Virginia State Board of
- Informal Conference Committee
Museum of Fine Arts, Virginia
- Executive Committee
- Finance Committee
Old Dominion University, Board of Visitors
Virginia-Israel Commission
- Executive Committee
Visually Handicapped, Virginia Department for the

October 17

† Conservation and Historic Resources, Department of
- Falls of the James Advisory Committee
Funeral Directors and Embalmers, Virginia Board of

October 20

† Accountancy, State Board of

† Conservation and Natural Resources, House
Committee on
† Cosmetology, Virginia Board of
† Health Regulatory Boards, Council on
- Regulatory Evaluation and Research Committee
Housing and Community Development, Board of
† Library Board, Virginia State
Local Government, Commission on
Tourism Marketing, Joint Subcommittee Studying
the State's Support for
† Trauma Care System, Virginia, Joint Subcommittee
Studying

October 21

† Accountancy, State Board of
Alcoholic Beverage Control Board, Virginia
† Conservation and Natural Resources, House
Committee on
† Crime Commission, Virginia State
† Environment, Virginia Council on the
Health Regulatory Board, Council on
† Housing Development Authority, Virginia
Local Government, Commission on
† Outdoors Foundation, Virginia

October 22

† Disabled, Board for Rights of the
Health Services Cost Review Council, Virginia
Local Government, Commission on
Medicine, Virginia State Board of
- Informal Conference Committee
Mental Health and Mental Retardation Board, State

October 23

Apprenticeship Council, Virginia
Game and Inland Fisheries, Commission of
† Rehabilitative Services, Board of
- Evaluation and Analysis Committee
- Program Committee
- Finance Committee
† William and Mary, the College of, Board of Visitors

October 24

Appropriations Committee, House
† Building Code Technical Review Board, State
Game and Inland Fisheries, Commission
Medicine, Virginia State Board of
- Legislative Committee
Mental Health and Mental Retardation, Department of
- Office of Cross-Cultural Services
† Rehabilitative Services, Board of
Waste Management, Department of
† Water Supply and Wastewater Treatment Facilities,
Joint Subcommittee Studying
† William and Mary, The College of, Board of Visitors

October 25

Medicine, Virginia State Board of
† William and Mary, The College of, Board of Visitors

Calendar of Events

October 28

† Auctioneers Board
Education, State Board of
† Handicapped Children, Interagency Coordinating
Council on Delivery of Related Services to
† Safety and Health Codes Board, Virginia

October 29

Education, State Board of
Veterinary Medicine, Virginia Board of

October 30

Longwood College, Board of Visitors
Perinatal Services Advisory Board
Veterinary Medicine, Virginia Board of

October 31

Longwood College, Board of Visitors
† Medicine, Virginia State Board of
- Informal Conference Committee

November 3

† Barber Examiners, Board of

November 5

Agriculture and Consumer Services, State Board of

November 6

† Commerce, Board of

November 7

Funeral Directors and Embalmers, Virginia Board of
† Opticians, Virginia State Board of

November 8

Funeral Directors and Embalmers, Virginia Board of

November 10

Agricultural Council, Virginia
† Local Government, Commission on

November 11

Agricultural Council, Virginia

November 14

† Mental Health and Mental Retardation, Department
of
- State Human Rights Committee

November 17

† Barber Examiners, Board of

November 18

Alcoholic Beverage Control Board, Virginia
† Cattle Industry Board, Virginia
Efficiency in Government, Governor's Commission on

November 19

† Museum of Fine Arts, Virginia
- Exhibitions Committee
Sewage Handling and Disposal Appeals
† Real Estate Board, Virginia

- Education Coordinating Committee
Review Board, State

November 20

† Highways and Transportation, Department of

November 24

Elections, State Board of
Optometry, Virginia Board of

December 2

Alcoholic Beverage Control Board, Virginia

December 4

Aging, Department for the
- Long-Term Care Ombudsman Program Advisory
Council
† William and Mary, The College of, Board of Visitors

December 5

† William and Mary, The College of, Board of Visitors

December 6

† William and Mary, The College of, Board of Visitors

December 11

Education, State Board of
Old Dominion University, Board of Visitors

December 12

Education, State Board of

December 16

Alcoholic Beverage Control Board

December 30

Alcoholic Beverage Control Board, Virginia

PUBLIC HEARINGS

October 15

Health, Department of

October 17

† Local Government Structures and Relationships,
Commission on

October 20

Health, Board of
Housing and Community Development, Board of

October 21

† Local Government, Commission on
† Housing in Urbanized Areas, Special General Laws
Subcommittee Studying
† Small Business Financing Authority, Virginia

October 24

Game and Inland Fisheries, Commission of

Calendar of Events

October 28

Education, Department of (Board of)

October 30

† Housing in Urbanized Areas, Special General Laws
Subcommittee Studying

October 31

Medical Assistance Services, Board of

November 6

Water Control Board, State

November 12

Corrections, Board of
Education, Department of (Board of)

November 17

Highways and Transportation, Department of

November 18

Corrections, Department of (Board of)
Motor Vehicles, Virginia Department of
† Small Business Financing Authority, Virginia

November 19

Motor Vehicles, Virginia Department of

November 20

Corrections, Department of (Board of)

November 25

Corrections, Department of (Board of)

December 2

Health, Department of Health (Board of)

December 17

Efficiency in Government, Governor's Commission on
Health Services Cost Review Council, Virginia

December 19

Fire Programs, Department of (Board of)

Calendar of Events
